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SENATE—Wednesday, February 25, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, our God, by Your will we came into being, and at Your command, when the right hour is come, we shall one day leave this world. Let Your spirit lead our Senators today. May they increase in self-forgetfulness, in simplicity, in courage, and in trust, so that each day they will approach nearer to Your likeness. Lord, help them to offer themselves afresh to be used in Your service. Show them Your way and may they obey Your presence. Give wisdom to the perplexed, fresh vigor to the discouraged, and a clearer vision to all who seek Your will.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume consideration of S. 160, the District of Columbia House Voting Rights Act. Rollcall votes are expected to occur today and tomorrow in an effort to advance this bill to passage this week so we can turn to the consideration of the omnibus appropriations bill next week.

Mr. President, you will note that we have had no morning business. The reason for that is we are very in tune to finish this legislation. I want everyone to have ample opportunity to offer any amendment that they want on this bill. There should be no excuse. We have got all morning, all afternoon, all evening, all day tomorrow, but we are going to finish the bill one way or the other.

I hope we can do it the right way, the easy way, so we do not have to file cloture on it. This is a bill that should advance. Senator LIEBERMAN is so knowledgeable about Senate procedures that he will protect everyone's rights. But we cannot imagine what the amendments are going to be; they have to be offered. We have heard a lot of talk about amendments being offered, some germane, some not germane. But let's get it done and move on.

I do not want to have to file cloture on this bill. There is no reason to file cloture. If people have amendments, they want to improve the legislation, let them offer the amendments. But if we do not have a lot of activity on this legislation, I will file cloture today for a Friday cloture vote. If we are unable to complete action on the bill tomorrow, Senators should be prepared to vote on Friday, even though it was previously announced that there would be no votes on that day. So everyone should be alerted that we may have votes on Friday.

There is no reason in the world that this simple piece of legislation cannot

be completed. I am surprised we have to go into this tomorrow, quite frankly. We should finish it today—that would also be good—and we could do our work that we have scheduled for the weekend, and we could move this bill so we can start on that on Friday, because, as I said yesterday, we have to complete action on the omnibus spending bill by next Friday, the reason being that the continuing resolution runs out at that time.

Senator COCHRAN and Senator INOUE have worked hard to get the bill to this point. It has been available for everyone for days now. It is on our Web site. Everyone can read every word of it. All of the so-called earmarks, the congressionally directed spending are there. We can look at them, know who asked for them.

The earmarks are down by 50 percent from what they were. The amount of dollars in earmarks, congressionally directed spending, is way down from 4 percent to 1 percent. So let's move forward on the legislation we are dealing with here today and get this done as quickly as possible.

Because this is a 6-week work period, we have a lot of work to do. Some of us were out late last night at President Obama's speech.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 160, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 160) to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Chair. I thank the majority leader for his statement on this bill, S. 160, the DC House Voting Rights Act. I think he got right to the point. This measure has been before Congress for quite a long time. The bill before us is the result of a bipartisan compromise that was worked out in the House of Representatives last year between Delegate NORTON and then-Congressman Tom Davis.

There are questions about the bill. Obviously, there are different points of view. I am very grateful that yesterday 62 Members of this body, including 8 Republicans, voted to stop a filibuster to invoke cloture to get to this bill. I think people are ready to debate it on its merits.

I feel very strongly that this bill rights a historic injustice. It is hard to believe, when you stop to think about it; maybe we become accustomed to things and forget how unacceptable they are and how unaccustomed we should be, but 600,000 Americans are deprived of having voting representation in the Congress of the United States because they happen to live, of all places, in the capital of this greatest democracy in the world.

There are a lot of historic reasons for this originally, but then they became political reasons, frankly partisan. But none of them holds any real sway against the ideal that animates our country. This is a representative democracy. And finally the residents of the District got a delegate in the House, but the delegate cannot vote.

Think of it. If any one of us, the 100 of us who are privileged to be Senators were told for some reason that we could be Senators, we could represent our States, we could participate in debates, but then when the roll was called, we could not vote—it is unbelievable. This is what we have done to the 600,000 residents of the District of Columbia and to their Delegate in the House.

This bill would right that wrong. I would say that few, if any, of our colleagues would argue that somehow the status quo is acceptable; that is, that 600,000 people do not have a voting representative in Congress.

We are the only democracy—and, of course, we believe we are the greatest democracy in the world. Historically, we began the moment of democracy throughout the world. We are the only democracy in the world where the residents of our capital do not have any voting representation in Congress.

So I think, generally speaking, Members of the Senate understand and accept the injustice of the status quo. The objections are primarily constitutional as I have heard them. I believe the arguments on behalf of the constitutionality of this proposal are strong and convincing, certainly to me.

My cosponsor of this legislation, the distinguished Senator from Utah,

ORRIN HATCH, who has, generally speaking, been acknowledged as a wonderful lawyer, a great constitutional scholar, in fact, has written an essay for the Harvard Law Journal, making the case for the constitutionality of this proposal. I commend that to all of our colleagues, particularly those who have doubts about the constitutionality of this measure.

But I honestly think that most people have accepted the injustice question. The constitutionality, okay, let's have some amendments. As Senator REID said, we have got today, tomorrow. We are here. Let's have some amendments and put it in issue, give the Senate the choice that deals with the constitutionality. Some think there ought to be a constitutional amendment to achieve voting representation in the Congress. I do not think that is necessary.

Some think the District of Columbia, the residents should, for purposes of representation in Congress, become part of Maryland or Virginia. There is some historical precedent for that argument, way back. Let's debate it. But let's get it done. This measure has strong support and it has the urgency of justice delayed about it.

So the question before the Senate, as it so often is, are we going to face the differences here and debate them and then have a vote so we can conclude this debate and go back to our States Thursday evening and have a good weekend with our constituents at home or are we going to delay this and use this as a vehicle for unrelated matters that will achieve nothing? That, as usual, is the challenge before us.

I am here, and I look forward to colleagues coming as soon as possible to speak, and hopefully to offer amendments, with the goal that Senator REID has set—we can finish this goal by tomorrow, Thursday. Senator REID has made it clear that if he gets the sense during the day today that there is going to be delay, and there are amendments that are not relevant to the bill, he is going to file cloture. That will mean we will have to stay here on Friday to vote on cloture, and we will not be able to finish this bill presumably until the first part of next week. I hope that does not happen. Please come to the floor and let's talk about it.

I do want to, while I have a moment—I am sure Members are rushing from their offices right now to come to the floor to offer amendments—I do want to talk for the record about the interesting compromise that Delegate NORTON and Congressman Davis achieved last year, and this answers the question of: Why Utah?

This bill would increase the size of the House of Representatives to 437, adding two new Members to the House. This is quite historic both in terms of righting the injustice suffered for now more than two centuries by the resi-

dents of our Nation's capital, but also that we are adding Members to the House of Representatives. That does not happen too often in our history.

One of those seats would go to the District of Columbia, the other as part of the compromise would, for the next 2 years, until the reapportionment of the House that will follow the 2010 census, go to Utah. I would say to clarify, that after the 2010 census, the District would retain its seat because of the injustice that we are correcting. But the second seat would go to whichever State deserves it; that is, according to the population found in the 2010 census.

So let me explain why Utah now. Utah has had an objection to the outcome of the 2000 census and the Congressional apportionment that followed it. According to the 2000 census, the State of Utah missed out on getting a fourth seat in the House of Representatives by 857 people.

This was a very thin margin of error, particularly when one considers the methodology of the count and the way it uniquely affected Utah. Remember, 857 people short of getting a fourth seat as compared to another State. According to officials of the State of Utah, somewhere between 11,000 and 14,000 members of the Church of Latter-day Saints, Mormons, missionaries living abroad but citizens of the United States, residents of Utah, were not counted. It is true, however, that members of the military who are abroad are counted.

In two separate court cases, the State of Utah argued that the methodology of the count of the census was flawed because government officials, including military personnel, were counted in the census, while other Americans, including the LDS missionaries, were not. Our colleagues in the House had an insight. It was one of those moments of compromise. Perhaps it seems we are combining apples and pears, but—and I will stop the metaphor and not go on to a sweet fruit salad—the fact is, this made a lot of sense. Our colleagues in the House recognized that in these two sets of complaints—the historic one for the District and the one for Utah, more current—there was a potential solution to the longstanding impasse on DC voting rights.

Let's state what is implicit. Over time, I fear people concluded, notwithstanding the justice of the argument made by residents of the District that they deserve voting representation, it is clear, and we must acknowledge what is clear, the registration of voters in the District is overwhelmingly Democratic. So in terms of partisan balance in the House, the feeling, obviously, was that when the District of Columbia gets a voting representative in the House of Representatives, that representative will almost always be Democratic. Utah tends to be Republican, though not totally; there is one

Member of the House from Utah today who is a Democrat.

There was another judgment involved, an interesting one which we tend not to think of. If we just added one seat for the District of Columbia, a voting representative, we would end up with 436 Members of the House, an even number, and no constitutional mechanism for breaking a tie. Obviously, presumably a motion that resulted in a tie would fail, but it seems an unsatisfactory resolution to the problem. Without an odd number of Members of the House, gridlock would ensue in too many cases. How would the House, for instance, organize itself if the split between the political parties was even? Clearly, the Vice President does not serve as a tie-breaking vote for the House, as is the case in the Senate. It could be impossible to elect a Speaker or appoint committee chairs. So the solution devised by our colleagues in the House in the last session of Congress increased the size of the House by two Members to 437, which pairs a new seat for the District of Columbia with a new seat for Utah. That simultaneously gives the District the representation it deserves, keeps the House as an uneven number of seats, and balances a likely Democratic seat from the District with a likely Republican seat from Utah.

This is the balance that resulted in the legislation that is before us. It is a compromise but, as in so many cases—and it is a pragmatic compromise—it results in a good solution, frankly, to two problems, one longstanding for the District, the other more current and brief for Utah.

In submitting this legislation from the committee, we are not judging the manner in which the 2000 census was conducted or the outcome of legal disputes that followed. That is a matter of record. However, it is a statistical fact that Utah was the next State in line to receive an additional seat in the House of Representatives. Given that fact, it is a reasonable bipartisan compromise to create the two voting seats proposed in S. 160. I stress, again, that Utah only receives this seat under this bill for 2 years. The bill has no impact on the conduct of the next census in 2010 and subsequent reapportionment. Once reapportionment is conducted for the 2012 election, the Utah seat will be awarded based on population increases to the State that thereby has earned it. It could be Utah. It could be another State. If Utah's 2010 population does not entitle the State to a fourth congressional seat, it will not retain the seat it will receive under this bill.

The bill offers an opportunity to right the wrong Utah believes it suffered in 2000, the closeness of its numbers and also the fact that Mormon missionaries, way beyond the 857 gap between Utah and the State that got the additional seat, way beyond that number, 11,000 to 14,000. I think this is

a very fair compromise that ensures, bottom line, every citizen of the country is given the most precious right democracy can provide, the right to vote for someone who can represent him or her with a vote in Congress. When one doesn't have that, as is the case with the District of Columbia, apart from the frustration I described earlier that Delegate NORTON must experience every time the roll is opened in the House, we have the inequity of residents of the District volunteering and being sent to war. Yet the Delegate of the District in the House has no vote on questions of war or peace. We have soldiers returning as veterans, and yet the representative from the District has no vote on the benefits we will confer or not confer on veterans. The residents of the District are not only taxed without representation, which is, as our Founders asserted, a form of tyranny, but they are taxed very heavily. They pay the second highest rate of Federal taxation per capita. Yet they have no voting representation in Congress on the rate of taxation, the manner of taxation or, of course, where the revenue goes.

They are the only governmental entity, outside of a Federal agency, that has to have its budget approved by the Congress. When we are tied up in gridlock and the budget doesn't pass, it means the District of Columbia is in a terrible predicament because it can't get the money it needs to operate. Yet the District has no voting representation on matters of appropriations in Congress. This is the moment to end this antiquity, a profoundly unjust and, frankly, un-America antiquity.

I urge colleagues to come to the Chamber. Let's have some amendments and debate, and let's get this done by tomorrow afternoon.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, in consultation with the managers, the Senator from Connecticut and the Senator from Arizona, I make a constitutional point of order against this bill on the grounds that it violates article I, section 2, of the Constitution, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Under the precedent and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedent of the Senate, submits the question to the Senate: Is the point of order well taken?

Mr. McCAIN. Mr. President, I understand that now the motion is debatable.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCAIN. Mr. President, I have a statement on this issue, and I look forward to debating it and a vote at the wishes of the majority and Republican leader on this constitutional point of order.

Mr. LIEBERMAN. Mr. President, I appreciate very much that Senator McCAIN came to the floor to raise this point of order. As I said earlier, this is a matter that concerns people. I feel strongly that the measure is constitutional. But this is exactly what we should be debating. I look forward to his arguments and to responding to them.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank the chairman of the Homeland Security Committee, through whose committee this legislation is proceeding.

I appreciate the frustration felt by the residents of the District of Columbia at the absence of a vote in Congress. I fully understand and appreciate that. I also believe it is important that we look back at both the Constitution itself and the intention of our Founding Fathers, which was to create the District of Columbia as a base of Government.

According to many experts, the District of Columbia is not a State, so therefore is not entitled to that representation. Also, one has to raise the obvious question: If the District of Columbia is entitled to a Representative in the U.S. House of Representatives, then why isn't it also entitled to two Senators? If the District of Columbia is entitled to a Member of Congress, why isn't Puerto Rico, which would probably entail 9 or 10 Members of Congress? Why are other territories of the United States not entitled to full-fledged Members of the U.S. House of Representatives and, indeed, the U.S. Senate?

After great deliberation and debate, our Founding Fathers enshrined in the Constitution, 222 years ago, a unique form of government that proposes a distribution of power and checks and balances on each branch. So, too, the Founding Fathers considered and provided for a unique Federal city to serve as our Nation's seat of government. No single Member would represent the interest of the District but all Members of Congress would share responsibility for the city's well-being. I believe that when you look at distribution of tax revenues and when you look at other measurements, the District of Columbia has been well represented by all Members of Congress.

The Framers specifically limited voting representation in the House of Representatives to States. Article I, section 2, of the Constitution provides unequivocally:

The House of Representatives shall be composed of Members chosen every second year by the People of the several States.

If they had wanted the District of Columbia to have the representation, they would have designated so in the Constitution. Asked to opine on the meaning of the word "States" in the context of House representation, Federal courts have consistently accorded that word its plain meaning, concluding that the word "States" does not include territories or possessions or even the District of Columbia.

Again, I express my sympathy for the residents of the District of Columbia. But to now act in direct contravention to the intent and words of our Founding Fathers, I believe, is a violation of the Constitution of the United States. And to somehow work a deal that includes the State of Utah having an additional seat in return for that is an incredible violation. I will talk more about that.

First, I wish to say that it is very clear the Congress simply cannot amend the Constitution by legislation—no matter how noble the cause. Congress has once before pursued an appropriate constitutional resolution to this issue. In 1978, Congress passed a joint resolution proposing to amend the Constitution to provide for the representation for the District of Columbia in Congress. Seven years later, that resolution failed to obtain the required approval of the 38 States necessary for ratification under article V of the Constitution. There is no reason proponents of voting rights for the District can't pursue this process again. There is a process for amending the Constitution of the United States. There is no reason why those residents of the District of Columbia, and other supporters, should not pursue the legitimate process of amending the Constitution of the United States. It should not be done and, in my view, cannot be done. The courts will decide, if we don't decide here, that it is unconstitutional to do so. I welcome such a process, rather than the consideration of this bill, which is clearly unconstitutional—not only in my judgment but in the overwhelming body of legal opinion.

In addition to being unconstitutional, as I said, I am concerned that this bill is more a product of politics than of principle. Look at what this legislation before us does. It doesn't simply grant the District of Columbia a voting seat in the House; it adds another congressional seat for the State of Utah. The obvious question is, Why Utah? Why not Arizona or Nevada or New Jersey? As a representative of the people of the State of Arizona, who, I

believe, legitimately and continuously, as one of the fastest growing States, have been deprived of additional seats because of the way the census was conducted—and now we are going to give a seat to the State of Utah on the grounds that the census was not accurate. I don't know of any fast-growing State in America that doesn't believe we were undercounted—and legitimately—in the census.

Now, as I understand it—and maybe the proponents of an additional seat for Utah can more eloquently and convincingly describe it than I can—they are saying it is because they came closest in the census to being eligible for another seat in the Congress. The State of Nevada is the fastest growing State in America. Arizona has been among those that are fast growing. But why Utah? What in the world does an additional seat for Utah have to do with representation for the District of Columbia? It can only be interpreted in one way, and that is an attempt to buy votes. We are talking about the Constitution of the United States here, about representation in the Congress of the United States of America, not some political deal.

I have sympathy for the State of Utah if they think they were undercounted in the census. I have sympathy for all States that were undercounted in the census. What some supporters of the bill argue is that Utah is the next State in line to receive a House seat after the last census in 2000 and reapportionment. Nevada was the fastest growing State from 1986 to 2004, until Arizona overtook Nevada as the fastest growing State in 2006, according to the U.S. Census Bureau. Nevada, once again, regained this title for its high growth between 2006 and 2007. For the first time in over 25 years, Utah was listed this year as the fastest growing State, as its population climbed 2.5 percent, with Arizona being second, with a population growth of 2.3 percent. Despite this percentage growth, Texas, California, North Carolina, and Georgia added more people than Utah, Nevada, or Arizona between 2007 and 2008. Mr. President, we are getting on a slippery slope here. Do you judge it by percentage of growth, numbers of votes?

It brings us back to a final question: What in the world would awarding an additional seat to another State have to do with voting rights for the District of Columbia?

I have provided those statistics to illustrate there are other States that have experienced far more phenomenal growth than Utah. I love Utah. It is a wonderful State. But the wheels were greased for Utah to receive an additional seat well before it was listed as the fastest growing State this year. And if the State of Utah or any other State was undercounted, that should be taken into consideration; we should fix the census in the year 2010 and make

sure any injustice is corrected. But to somehow say we are going to award a State an additional seat not in keeping with the process of how reapportionment is conducted every 10 years is remarkable and certainly unconstitutional.

In 2004, lawmakers began floating an idea of a compromise bill to balance a House seat for the District of Columbia, which obviously we assume would be won by a Democrat, with a seat for a congressional district in Utah, which most assume would be won by a Republican. The May 3, 2005, editorial in the Washington Post called this a "win-win situation." While this may be a win-win situation for Washington, DC, and Utah, it is hardly a win for the millions of Americans who are living in high-growth States.

In fact, according to a report by the Congressional Research Service, if the District was considered to be a State during the last apportionment, North Carolina would not have gained a seat. According to a study by the Republican policy committee, if this bill is enacted and the House of Representatives is expanded to 437 seats, then New Jersey would keep a congressional seat it would otherwise lose. Again, this illustrates there are winners and losers in an apportionment, but these districts should be chosen based on concrete data from the census, not by political parties attempting to craft legislation that flies in the face of our Founding Fathers' intentions.

In a February 6, 2009, editorial, the Los Angeles Times states:

This is obviously partisan horse-trading.

The Los Angeles Times is right. Yes, partisan horse trading happens all the time, but this time partisan horse trading would do grave violence to our Constitution.

A commentator wrote in the February 13, 2009, edition of the Washington Times:

... the enactment of blatantly unconstitutional legislation to bypass the constitutional amendment process and give the District of Columbia a seat in the House of Representatives in a crass triumph of raw political power over the rule of law.

I couldn't agree more.

Again, I regret I am unable to support this legislation to provide the residents of the District voting representation in the House of Representatives. However, I took a solemn oath to defend our Constitution as a U.S. Senator. In testifying before the Homeland Security and Governmental Affairs Committee in 2007, Professor Jonathan Turley described this horse trading as "the most premeditated unconstitutional act by Congress in decades."

We, as Senators, cannot avoid the constitutional issue. While the Supreme Court may be the final arbiter of constitutionality, Congress, as the first

branch of Government, has an independent duty to consider the constitutionality of the bills we pass, especially where, as here, our own independent Congressional Research Service advises that "although not beyond question, it would appear likely that the Congress does not have authority to grant voting representation in the House of Representatives to the District of Columbia" as contemplated by this bill.

We really have two aspects of this legislation. First of all, does Congress have the constitutional authority to grant voting rights or an additional seat in the House of Representatives by legislation rather than amending the Constitution of the United States?

As I pointed out earlier in my statement, the fact is, it was tried in 1978 in the proper fashion and did not receive the approval of the 38 States necessary to amend the Constitution. So now we are trying to basically amend the Constitution of the United States by legislation. That is not in keeping with the authority and responsibility of the Congress of the United States of America.

The second is, of course, what in the world does granting voting rights to the District of Columbia have to do with granting another seat to another State? One can only interpret that, as one of the editorials did, as political horse trading. There is no constitutional basis for granting a seat to any State in the United States of America without it being backed up, as laid out by our Founding Fathers, by the results of a census.

I will agree, as I have said before, coming from a State that has been consistently undercounted in our population, the census needs to be fixed to more accurately reflect the true population of every State in America, and that has not happened with the fastest growing States. But to grant a seat to a State because they were "fastest growing" and maybe closest to the requirement for an additional seat turns everything on its head.

What kind of a precedent would we be setting by legislation allowing a State to have another seat in the U.S. House of Representatives, with thousands of votes that would be taken?

I also would like to mention, again, if the District of Columbia deserves a voting representative in the U.S. House of Representatives, doesn't the District of Columbia also deserve two U.S. Senators? How intellectually do you make the argument they deserve a vote in the other body, a coequal body—although we certainly do not recognize that very often. But the fact is, it is a coequal body. They are going to have a vote over there, but they are not going to have representation over here.

Finally, I would like to point out that we have territories in which citizens of the United States reside. Those

who were born in those territories, according to a U.S. Supreme Court decision, are citizens of the United States. In fact, they are even eligible to run for President of the United States if they are born in a U.S. territory.

What about Puerto Rico? What about the Virgin Islands? What about the Marianas? What about other territories that are part of the United States of America and in which our citizens also reside who then vote for Representatives in the other body, but those Representatives obviously do not have voting power?

I conclude by saying this is a serious issue. It is a serious issue. It has been clouded by the understandable concern that Members of Congress have for the people who reside in the District of Columbia. We see their license plates every day: "Taxation without Representation." But the way to give them those voting rights is through amending the Constitution of the United States, not a legislative act that clearly is not within the constitutional authority granted by our Founding Fathers to the Congress of the United States.

I look forward to a spirited debate on this issue. I think it is an important one. If this DC voting rights bill does pass and this constitutional point of order is rejected by a majority of the Senate, I have very little doubt that the courts of the United States of America will reject this proposal.

Again, I appreciate and admire and respect the manager of this bill, the distinguished chairman of the Homeland Security Committee, and the senior ranking member, the Senator from Maine. But I think there is a huge credibility problem when you add on a provision for adding a seat to a State for which there is not any factual or, frankly, rational argument for except that perhaps this measure will gain more support.

I urge my colleagues to take a very close look at what we are doing. The most sacred obligation we have is to respect and preserve the Constitution of the United States of America in everything we do. I have very little doubt this legislation before us violates the Constitution of the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona for his kind words and also for the serious constitutional questions he raised.

As I said earlier, this is exactly what we ought to be debating on this bill. I take it as a given that neither he nor anyone else I heard speak in this Chamber would say that it is fair or just or consistent with the first principles of our representative democracy, this great Republic of ours, that 600,000 Americans be denied the fundamental

right to be represented in Congress by somebody who can actually vote. Pretty much everybody will agree that is wrong, all the more unacceptable because these 600,000 people happen to live in the Capital of this great democracy of ours.

The question is, in one sense, the constitutionality of S. 160, the House District Voting Rights Act that is before us, and in a second sense, which the Senator from Arizona has raised, the wisdom, if you will, of combining the voting rights for residents of the District with an extra seat, in the short run, for the State of Utah. I wish to take some time to respond to these serious arguments.

As I understand it—and I think I do—what the Senator from Arizona and other opponents of the constitutionality of this bill say is that the question of the District of Columbia's voting rights in the House should be settled by section 2 of article I of our Constitution, which says the House shall be made up of Members chosen "by the People of the several States." And they argue that because the District of Columbia is not a State, its residents cannot have representation in the House, presumably at least not without a constitutional amendment.

Those of us who feel strongly that this measure before the Senate is constitutional base our claim on the District clause of the Constitution which states that the Congress has the power "To exercise exclusive Legislation in all Cases whatsoever, over such District," referring, of course, to the Federal District that was created at the time of the Constitution as the National Capital.

Our courts have described in the centuries since this authority in the District clause as a "unique and sovereign power" and "sweeping and inclusive in its character." Unlike many congressional powers, it is not balanced against the countervailing rights of the States.

As former, I believe he was Associate Attorney General, maybe Deputy Attorney General during the previous administration, the Bush administration, Viet Dinh, stated in his testimony before the House of Representatives on this matter:

[W]hen Congress acts pursuant to the District Clause, it acts as a legislature of national character, exercising "complete legislative control as contrasted with the limited power of a state legislature, on the one hand, and as contrasted with the limited sovereignty which Congress exercises within the boundaries of the states, on the other."

That is a very interesting argument about the unique powers of Congress pursuant to this District clause.

Then Mr. Viet Dinh concludes in support of this legislation and the constitutionality of this legislation:

In few, if any, other areas does the Constitution grant any broader authority for Congress to legislate.

That is what we are doing here.

Those who question the constitutionality of the legislation, as I mentioned, rely on section 2 of article I. They rely uniquely and almost totally on the word "States," that the Members of the House shall be chosen by "the People of the several States." So they say the District of Columbia is not a State; therefore, without amending the Constitution, we, in Congress, even under the powerful District clause, do not have the power to grant voting rights in Congress to the Representative of the District of Columbia.

But there is a very clear and powerful line of Supreme Court cases in which the High Court and other courts have upheld Congress's right to treat the District of Columbia as a State and to treat it as a State for matters that are extremely consequential: for Federal taxation; in other words, the right to tax residents of the States might free the residents of the District from this obligation.

Yet the courts have said the District itself can be treated as a State for purposes of Federal taxation, for purposes of Federal court jurisdiction. This was the question of diversity of jurisdiction. I don't have to go into the details. The courts have said it would be an anomaly to say because you happen to be an American living in the District, you cannot gain access to the Federal courts because the Constitution says the various States with regard to diversity and jurisdiction. The same with the right to a jury trial and, very powerfully, the same with regard to interstate commerce. There it is interstate commerce. We have the interstate commerce clause of the Constitution which has given birth to probably thousands of pieces of legislation, a very active role of oversight for the Government. And even though it is the interstate commerce clause, the courts have said very clearly that the District should be considered a State, notwithstanding the literal words in the Constitution. Because effectively, if you don't, you will create an enclave where people can't be taxed, people can't gain access to the Federal courts, people don't have a right to a jury trial, and people can't be protected by generations of legislation and regulation passed pursuant to the interstate commerce clause.

For instance, as long ago as 1805, in the case of *Hepburn v. Ellzey*, Justice Marshall—the great Justice Marshall—ruled that the District of Columbia could not be considered a State for purposes of diversity jurisdiction under the Constitution, which allows Federal courts to hear disputes between residents of different States. His opinion, nonetheless, remarked on the incongruity of such a result, and Justice Marshall invited Congress to find a solution. Many years later—unfortunately, many years later—Congress did

so, and in 1949 the Supreme Court, in the *Tidewater* case, upheld a congressional statute that said the District should be treated as a State for purposes of diversity jurisdiction.

Citing such cases, former Federal Circuit Court Judge Patricia Wald has testified—and again she testified on behalf of this legislation and its constitutionality:

The rationale of the courts in all these cases has been that Congress, under the District Clause, has the power to impose on District residents similar obligations and to grant similar rights as the States claim power to do under the Constitution itself.

So Congress is saying because the States get certain powers from the Constitution, if we don't treat the District as a State, its residents will be deprived of protections, or the Federal Government will be deprived of the right to tax them, for instance. And Judge Wald continued:

Given that the District is in reality what I might call a City-State of 600,000 people—

Where the population, as I indicated in my opening statement yesterday morning, is just about equal to or greater than four States—

engaged in a multitude of private businesses and occupations, there is realistically no other way that a federalist union can do business under the Constitution.

It is also true that Congress has already extended the right of Federal representation, voting representation in Congress, to those who are not citizens of any State. I know this is an unusual statement and an exception, but there is the Uniformed and Overseas Citizens Voting Act. And in that, Congress authorized American citizens overseas to continue to vote for Members of Congress in their last domestic State of residence, regardless of whether they had been citizens of that State and no matter how long they stay overseas. Indeed, as I mentioned yesterday, these people would lose this unusual right to voting representation here in Congress, in States they no longer reside in—and they may not have been there in quite a while—by absentee ballot from elsewhere in the world, only if they renounced their American citizenship or they returned to the United States and came to live in the District of Columbia. Now, that is an anomalous and unacceptable result. Citizens of Federal enclaves within a State are also free to vote in Federal elections held by the State—a right upheld by the Supreme Court.

Notably, Congress has already used this vast authority that I have referred to under the District clause to extend voting rights to residents of the District of Columbia. Between 1789 and 1800, Congress, acting under the District clause, granted residents of the new District—the Nation's capital—the right to vote in their former States of Maryland and Virginia, even though they were actually no longer residents

of those States—the land having been formally ceded to the Federal Government to form the new capital district.

Let me now address a few of the other arguments that have been raised by Members, constitutional arguments that have been raised by those who oppose the bill on constitutional grounds.

It has been argued that because the constitutional amendment XXIII was required to grant the District Presidential electors in the electoral college, likewise a constitutional amendment should be required to provide the District with voting representation in the House. But these two issues are distinct. The XXIII amendment worked a fundamental change to the electoral college under Article II of the Constitution. As such, Congress could not legislate with the same latitude it has within Article I, where the District clause is found along with the clause governing composition of the U.S. House.

Some opponents of our proposal also cite the 1990 case of *Adams v. Clinton* to argue that it would be unconstitutional to grant DC citizens voting rights in the House. That is not the case, in my opinion. In *Adams*, the DC Government and residents brought a case alleging it was a denial of their constitutional rights to exclude them from representation in Congress. The majority opinion of the three-judge court stated, "We are not blind to the inequity of the situation plaintiffs seek to change," but concluded that the court itself could not grant the District residents voting rights in Congress as a matter of constitutional right. But the court did not address whether Congress was empowered to provide voting rights through exercise of the District clause.

As former Solicitor General and Federal Circuit Court Judge Kenneth Starr testified before the House in 2004 on legislation similar to the one before us now, S. 160:

While the Constitution may not affirmatively grant the District's residents the right to vote in congressional elections, the Constitution does affirmatively grant Congress plenary power to govern the District's affairs.

In fact, the majority opinion in *Adams* arguably invited such an approach by stating that for plaintiffs to obtain Federal representation, "they must plead their cause in other venues." And presumably that meant the Congress.

Another concern raised by opponents of the bill is that it is a slippery slope, as the Senator from Arizona said. If Congress has the authority to grant the District a voting representative in the House, what is to stop it from adding two Senators or extending full voting rights to the U.S. territories? I respectfully suggest that these concerns are unfounded. The legislation before us only addresses DC voting rights in

the House, and the legal case for this action and its validity is unique.

First, with respect to the Senate, this bill could not be clearer. In Section 2(a)(2) it states:

The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

But our colleagues have argued: Could some future Congress, using the arguments used on behalf of this bill, pass similar legislation to give DC full voting rights in the Senate? To me, that is a very debatable argument at best. Even some of the legal experts who support this bill believe a different and much more difficult analysis would apply to a bill regarding Senate representation because of the distinct language and history of the constitutional provisions governing composition of the Senate and the greater emphasis on the States as such.

The territories are also a distinct and different case. Different constitutional provisions provide for the creation of the District and the Federal territories. The District enjoys a unique legal and historical status, and one that largely mirrors the rights and responsibilities of the States. Its residents pay full taxes and face military conscription. The same is not true of the residents of the territories. Amendment XXIII extended the right to vote in Presidential elections to residents of the District but not to residents of the American territories.

As legal expert Richard Bress concluded in testimony on our legislation last session:

Taken together, these differences between the territories and the District render highly unlikely the suggestion that granting voting rights to District residents would lead, as a legal or policy matter, to granting similar privileges to residents of the U.S. territories.

Finally, in his comments, Senator MCCAIN questioned: How do we put together voting rights for the District of Columbia with an extra seat for Utah; isn't this just a pragmatic political agreement? Well, in some sense it is. But in another sense, like so many pragmatic agreements around here—and this is one of the best of them because it is bipartisan—it achieves a just result: Finally, after all these years in which this outrageous anomaly has been allowed to exist, District residents will get voting representation in the House, and it also corrects what I think was an injustice done to the State of Utah in the last census—and which is one that I referred to earlier—when it came just 857 votes short of another seat, but the census did not count what was estimated—or proven in the court case—between 11,000 and 14,000 Mormon missionaries who were clearly residents of Utah but were elsewhere in the world on their years of missionary service.

The truth is that for too long now partisan concerns have stopped Mem-

bers of Congress from doing what they knew was right, which is to give residents of the District voting rights. And the partisan concerns are understandable, even if they should not have blocked the result. It is a matter of fact that the residents of the District are overwhelmingly registered as members of the Democratic party. So in the normal course, it would be extremely likely that any Member of the House from the District would be voting and organizing with the Democrats. And I suppose if the shoe were on the other foot and this was a largely Republican voting population, to be fair about it, Democrats would probably have a similar feeling.

Last session, acknowledging the inequity of the District's case and the understandable if ultimately unacceptable partisan concerns, two of our colleagues in the House—Delegate ELEANOR HOLMES NORTON of the District and Tom Davis former Republican Congressman from Virginia—tried to work this out. Acknowledging the inequity that I referred to which Utah felt it suffered, and actually went to court on in the last census, a decision was made to put these two together.

There was also an institutional necessity, if I can add to this. It wasn't a kind of apples and oranges—two problems, let's bring them together and have a bipartisan result, because the new Member of the House from Utah is likely to be a member of the Republican Party. If we only added the one seat for the District, the House would have an even number of Members. One can imagine the gridlock that you would not want to see in the House. You could have an equal number of Members of both parties and a failure to organize, failure to be able to select a Speaker, or a failure to be able to organize committees. On a tie vote, there is no one in the House to exercise tie-breaking authority, similar to the Vice President here in the Senate. So legislation could fail as a result of a tie vote, and that is not a good result either. There was that institutional benefit that if you are going to add one, you really should add two to bring the total back to an uneven number and avoid the problems we have talked about.

I do want to make clear that this kind of equitable grant of an additional seat to Utah, based on what happened after the last census, is only for 2 years. Obviously, if we give the District voting rights, it will go on forever, but it is only for 2 years because another census is coming in 2010 and there will be a reapportionment following that census. If Utah is next in line for that extra seat based on population, of course Utah will hold that extra seat. But if there is another State that, based on population, has a greater claim for that extra seat, then they will get it as well.

I am happy to acknowledge that the bill before us is the result of a political compromise, a bipartisan compromise in the House, but I am not embarrassed by it. I do not think it taints the result because the result is so profoundly just in the case of the District, and I believe also just in the case of Utah, and it only lasts for this one time.

I have tried to argue here, No. 1, on the constitutionality of this measure under the District clause; No. 2, that, yes, this is a bipartisan political agreement, but it is done for good reasons, and that does not taint it at all; and No. 3, I would say that in the bill before us there is provision for an expedited appeal to the courts on the constitutionality. We know there are constitutional differences that have been argued by the Senator from Arizona and myself this morning. We assume they will be tested in court. In the interests of efficient functioning of our Government, we provide in this measure for an expedited appeal.

This is not the first time this would happen. The most significant case I remember, and I am sure it is one of many, is the landmark campaign finance reform legislation that bears the name of my friend from Arizona and our friend from Wisconsin, the McCain-Feingold legislation. Some argued vociferously on the floor that it was unconstitutional. So within the legislation, in a way quite similar to what we have done here on this, it was provided that there be an expedited appeal. That was a way of saying, even if you believe this legislation may be unconstitutional, we are a legislative body, we do not know, really. I believe this legislation is constitutional, but ultimately—I feel that very strongly, I said that it is, but the ultimate arbiter of that, of course, is the courts.

So I urge my colleagues who have constitutional questions about this legislation but really want to stop the inequity imposed on the residents of the District, that they do not have voting representation here, to vote for this measure because it contains with it an expedited appeal which will occur on the constitutionality of the legislation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the comments of the Senator from Connecticut—in particular, his comments at the conclusion of his remarks about the appropriateness of an expedited appeal. We are both very certain of our constitutional judgment on this. We are both lawyers. We each come to a totally different conclusion about what is constitutional or not. Fortunately, we have the courts to resolve the issues. As with previous legislation, we had the good sense to include an expedited appeal to the courts so that the issue can be resolved one way or the other. I would note there is one thing

that is needed to effectuate this—to be sure that, as it was in the McCain-Feingold legislation, an appeal can be facilitated by ensuring pro bono counsel can represent plaintiff in the case.

Let me also reference a fact that my colleague from Arizona is usually quick to point out. He likes to say he is unburdened by a law degree. That certainly can be a burden for those of us who have the degree, but what he has argued illustrates not only the sensibility of our Constitution but also his extensive knowledge of it. I always appreciate his point of view on these issues because of his wide-reaching experience which helps us understand the reasons for the constitutional provision. I support the constitutional point of order he has raised because I do deeply believe the action the Senate is being asked to take here is unconstitutional.

The creation of a House seat for the District by legislation rather than constitutional amendment is what is before us here, and we believe that only by constitutional amendment can the additional representation be appropriately granted.

I would like to respond briefly to the comments of my colleague from Connecticut. They are all well stated. They are the arguments in opposition to the proposition. I referred to a couple of them yesterday, but let me refresh those and then discuss one other matter.

The primary argument of the proponents of the bill is to rely on the so-called District clause, which is article I, section 8, clause 17. The District of Columbia Circuit Court actually interpreted this clause in a case called *Neild v. District of Columbia* in 1940. What the court noted in that case was that the District clause does indeed allow Congress to legislate within the District for “every proper purpose of government” and gives Congress “full and unlimited jurisdiction to provide for the general welfare of citizens within the District of Columbia by any and every act of legislation which it may deem conducive to that end,” subject, of course, to the negative prohibitions of the Constitution.

But proponents argue that because the District clause allows Congress to do things in the District of Columbia that States themselves cannot do, then it must also follow that Congress, with regard—that it must also allow Congress to do things with regard to the District that only States can do. For example, article I, section 10, of the Constitution bars States from doing things such as coining money, entering into treaties, and keeping troops. But none of these restrictions apply to Congress in the exercise of its power to govern the District.

Proponents of this bill argue that it follows from this sweeping power that Congress may also grant District resi-

dents the rights of citizenship in a State, including the right to congressional representation. But this argument does not follow. Congress has some powers in the District that are broader than the powers of a State, but this does not mean that every power of a State must also extend to the District. States and the District of Columbia are different under the Constitution, and each has some rights and powers that the other lacks.

I note in this regard that the Senator from Connecticut quoted from an opinion of Justice Marshall in a very early case in which Justice Marshall saw a problem with the commerce clause and, because of his view that the District of Columbia was not equivalent to a State, invited Congress to solve the problem, which, many years later, as the Senator noted, Congress did do. But, of course, what this case stands for is the proposition that Justice Marshall, who was there at the time and well understood the intent of the Framers, appreciated that he could not do it from the bench. He could not say that the District was the same as a State and therefore he had the ability to fix the problem. That had to be done in another way.

There is a big difference between those kinds of problems dealing with adversity jurisdiction or the commerce clause, and so on, and the fundamental status as a political entity, which would change the representation of the House of Representatives. Moreover, it would make no sense, in the same document where the Framers specifically composed the House of Members of the several States and then specifically designated the District of Columbia as something other than a State, that the Framers then forgot to give the District representation in the House. The Framers had the opportunity to provide the District with a Representative in the House but, of course, declined to do so.

The text of the Constitution on this matter is clear. It says Congress shall be composed of Representatives from States and States alone. Here is the exact wording:

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years . . . and who shall not . . . be an inhabitant of that state in which he shall be chosen.

And finally:

[E]ach state shall have at least one Representative. When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

So any act by Congress purporting to grant a seat in the House of Representatives would contradict this plain text and would be unconstitutional.

My colleague from Connecticut also noted that we have, for Americans residing abroad, enabled them to vote. But, of course, it is tied to their last domestic residence to a State. It is the State to which these votes go. So, even in those situations where there has been a need to accommodate the fact that Americans are not all residing at that moment in a State, we have tied their vote to the State from which they have come.

I mentioned one case, but I would also like to briefly discuss some other cases because judicial precedent has accumulated over the years and strongly supports the point my colleague from Arizona makes with regard to the constitutionality of this legislation.

In *Bolling v. Sharpe*, the companion case to *Brown v. Board of Education*, the U.S. Supreme Court expressly recognized that when it came to the application of the fundamental constitutional principles, the District could not be considered to be the same thing as a State. The *Bolling* petitioners had challenged the constitutionality of racial segregation in the DC public schools. The Court held that such segregation was unconstitutional in the District, but the *Bolling* Court was very careful to make clear that the District was not equivalent to the States and not subject to the same legal strictures.

Brown v. Board of Education was based on the 14th amendment, which by its own terms applied only to the States. Because the District is not a State, the *Bolling* Court reasoned differently rules had to apply to this case.

Here is how the Court explained it:

We have this day held that the Equal Protection Clause of the Fourteenth Amendment prohibits the states from maintaining racially segregated public schools. The legal problem in the District of Columbia is somewhat different, however. The Fifth Amendment, which is applicable to the District of Columbia, does not contain an equal protection clause, as does the Fourteenth Amendment, which applies only to the states.

So the Court obviously had a dilemma. It went on to reach the same result as in *Brown v. Board of Education* and strike down racial segregation, but on different grounds. It was careful to emphasize that the law that applies to the District is different because the District is not a State.

Other courts have also emphasized that the District is not a State.

My colleague mentioned *Adams v. Clinton*. DC residents there argued that they had a constitutional right to elect a Representative to Congress but the three-judge district court, examining the text and the history, determined that the District is not a State under article I, section 1, and therefore the plaintiffs did not have a judicially cognizable right to congressional representation.

In another case from the DC Circuit Court, *Michel v. Anderson*, the court

affirmed the constitutional principle that Congress cannot grant voting rights to citizens of the District. The court considered congressional rule changes that will allow Delegates from the District and U.S. territories the right to vote in committees and even the committee of the whole in the House. Some Members of Congress sued, claiming these rules went too far. Although the District of Columbia Circuit Court upheld the new rules, it noted that the rules passed constitutional muster only because they did not give the essential qualities of representation to the Delegates; namely, according to the court, it was acceptable to allow the Delegates to participate in deliberations and secondary votes—for example, in committees and the committee of the whole—as long as their votes would not be decisive in the final vote on final passage of the bill. There was a reason for that. The bottom line: The District has a voting Representative in the House to the full extent that it can be granted by the Congress short of a constitutional amendment. At that point, for full representation there would need to be a constitutional amendment.

In a similar vein, in *United States v. Cohen*, then-Judge Scalia explained, again in a DC Circuit Court decision, that the District clause “enables Congress to do many things in the District of Columbia which it has no authority to do in the 50 States.” But Judge Scalia went on to emphasize “[t]hat there has never been any rule law that Congress must treat people in the District of Columbia exactly as people are treated in the various States.”

Finally, in *Banner v. United States*, the DC Circuit, in a panel that included now-Chief Justice Roberts, rejected a constitutional challenge to congressional legislation that prevents the DC government from imposing a “commuter tax” on people who work in the District but reside in Virginia or Maryland. The Court stated that Congress had broad authority to legislate under the District clause but also noted:

None of this is to say that Congress can legislate for the District without regard to other constitutional constraints.

And of particular relevance to the present debate, the DC Circuit panel stated:

[T]he Constitution denies District residents voting representation in Congress.

These cases are all clear, and they all reach either the same result or are all based upon the same reasoning. The final constitutional argument was also addressed by the Senator from Connecticut. This has to do with the 23rd amendment. Let me discuss that.

When Congress in the past has addressed the District's special status, it has acknowledged that status is dictated by the Constitution, and it recognized that a constitutional amendment was necessary to change the status, as

we have just seen. So when Congress sought to give the District a vote in Presidential elections, it passed the 23rd amendment to the Constitution. When Congress dealt with this issue before, it dealt with it correctly. Congress does have the power to grant the District representation in the House if it deems that it is necessary and desirable. But the proper way to do this is through the mechanism that the Framers provided in the Constitution: the amendment process in article V.

Prior to the ratification of the 23rd amendment in 1961, District residents could not choose electors for purposes of choosing the President and Vice President; but because of this amendment, District residents are now able to select electors “equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State.”

Congress thus recognized in the 1960s that it did have the authority under the District clause and without amending the Constitution to allow District residents to choose Presidential electors.

The 23rd amendment to the Constitution itself recognizes that the District is not a State and cannot be treated as one. First, it ensures that the District, even if otherwise entitled by population, may not appoint a number of electors greater than that of the least populous State. As a consequence, even if the District grew enough in population that as a State it would be entitled to three Representatives and two Senators, let's say if a smaller State than was not entitled to three Representatives existed, the District's electors would be limited to a number equal to those of the smaller State.

Even under the 23rd amendment, for the purpose of selecting Presidential electors, the Constitution recognizes that the District is not the same as a State and is not entitled to be represented in the National Government in the same way.

So where does that leave us? What is next were we to pass this constitutional amendment? There has been an argument made, I think, that the proponents of this legislation would perhaps try, for example, to extend this to representation in the Senate as well. My colleague from Connecticut has said: No, there are totally different historical reasons that would not be so. I accept that there are, in fact, historical reasons that would preclude us from doing that. But I would also suggest the very reasons which caused Congress, the political reasons which caused some in Congress to change from the previous position—which has also been a constitutional amendment is required—to a legislative proposal here, would be very likely to occur in the future on this particular issue as

well. I think the same thing could occur with respect to representation in territories, such as the Territory of Puerto Rico, for example.

So if, in fact, today we say, no, that could not possibly be because of tradition and the historical understanding, that is not necessarily the case given the fact that we have now at least some in this body who have thrown over the historical tradition and case law and understanding that only by constitutional amendment could the Constitution—could there be an amendment to allow the District representation.

So I am going to urge my colleagues to vote against the resolution. I am going to urge them to vote to sustain the point of order that my colleague from Arizona has made. There is a constitutional issue, and we need to be on record as to what we believe to be the correct decision. If we believe it is constitutional, then there will be an opportunity to express that in this amendment. If we believe it is unconstitutional, we will have the opportunity to express that. Many of us want to express that proposition.

At the end of the day, however, as my friend from Connecticut has pointed out, the ultimate resolution is not going to be what we believe but, rather, what the courts say with respect to the issue. Again, for that reason, it is important to have a workable, expedited procedure for resolution of this issue in the courts. And I am hopeful we can achieve that in the legislation, even should the legislation pass over the objections of those of us who disagree with it.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Vermont is recognized.

Mr. WHITEHOUSE. Would the Senator yield for a unanimous consent request?

Mr. LEAHY. Mr. President, I so yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Chairman I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the Senate now considers a bill to provide voting rights to citizens of the Nation's Capital city. I am proud to cosponsor the District of Columbia House Voting Rights Act of 2009. This important legislation would end over 200 years of unfair treatment to nearly 600,000 Americans living in the District of Columbia, a population roughly equal to the size of Vermont, and give them a vote in the House of Representatives. Earlier this week, the Senate finally broke through the Republican filibuster of this legislation that stalled its consideration in the last Congress. That filibuster prevented its passage, despite

the bipartisan support of 57 Senators, a majority of the Senate. The vote earlier this week to overcome that filibuster is an encouraging step toward guaranteeing all citizens representation in our Government.

Last Congress, President Bush threatened to veto this bill. This time, when the Congress passes this bill, I am confident President Obama, who cosponsored and voted for the bill when serving in this body as a Senator from Illinois, will sign it into law.

I commend Congresswoman ELEANOR HOLMES NORTON and Senator HATCH for having worked out a voting rights bill for the District of Columbia that can and should pass with bipartisan support. The bill we consider today would give the District of Columbia delegate a vote in the House of Representatives. To remove partisan political opposition, it accords Utah an additional vote in the House, as well.

As a young lawyer, Congresswoman NORTON worked for civil rights and voting rights around the country. It is a cruel irony that as the District of Columbia's longtime representative in Congress, she still does not yet have the right to vote. She is a strong voice in Congress, but the citizens living in the Nation's Capital deserve her vote on their behalf to count.

I believe this legislation is within congressional power as provided in the Constitution. This is not a partisan conclusion. Lawyers from across the political spectrum, from Judge Patricia Wald to Kenneth Starr and former Assistant Attorney General Viet Dinh, agree that this action is constitutional. After careful study, we have all concluded that Congress has the constitutional authority to grant voting rights in the House of Representatives to the representative of the citizens of the District of Columbia.

Last Congress, the Judiciary Committee held a hearing on this issue, and heard compelling testimony from constitutional experts that such a bill is constitutional. They highlighted the fact that Congress's greater power to confer statehood on the District certainly encompasses the lesser action to grant District residents voting rights in the House of Representatives.

Moreover, Congress has often treated the District of Columbia as a "State" for a variety of purposes. Congresswoman ELEANOR HOLMES NORTON reminded us that "Congress has not had the slightest difficulty in treating the District as a State, with its laws, its treaties, and for constitutional purposes."

Examples of these actions include a revision of the Judiciary Act of 1789 that broadened Article III diversity jurisdiction to include citizens of the District, even though the Constitution expressly provides that Federal courts may hear cases "between citizens of different States." Congress has also

treated the District as a "State" for purposes of congressional power to regulate commerce "among the several States."

The sixteenth amendment, the Federal income tax amendment, grants Congress the power directly to tax incomes "without apportionment among the several States" and that taxing power has been interpreted to apply to residents of the District. The District of Columbia car license plates or tags remind us every day that District residents suffer from "Taxation Without Representation," a battle cry during the founding days of this Republic.

Hundreds of thousands of Americans residing in the District of Columbia are required to pay Federal taxes. In fact, the District of Columbia residents pay the second highest Federal taxes per capita in the Nation, yet residents have no say in how those dollars are spent. We must also remember that many who serve bravely in our armed services come from the District of Columbia. The brave men and women who defend our values and freedoms abroad must also enjoy those same rights here at home.

Opponents of this bill claim that the citizens of the District of Columbia do indeed have representation, that they fall under the jurisdiction of all 100 Senators and 435 Representatives and are sufficiently provided for by Congress. To that argument I say that there is no substitute for direct representation in Congress. How many of us in either party would be willing to go back to our State and say "You do not need your representatives because other States are going to represent you?" I do not believe that would go over well in the Commonwealth of Pennsylvania. Chairman LIEBERMAN knows that would not go over well in his State of Connecticut. I guarantee you that would not go over well in the State of Vermont. Similarly, the citizens of the District of Columbia also deserve the chance to elect a representative who has not only a voice in Congress, but a vote as well.

Over 50 years ago, after overcoming filibusters and obstruction, the Senate rightfully passed the Civil Rights Act in 1957 and the Voting Rights Act in 1965. Let us build on that tradition and extend the reach and resolve of America's representative democracy. I am pleased that we took the first step in overcoming the filibuster of this legislation, and I urge all Senators to support the final passage of this bill without further delay.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that a vote on the McCain constitutional point of order occur at 2 p.m. today; that the 10 minutes immediately prior to the vote be equally divided and controlled between Senators MCCAIN and myself or

our designees; and that no amendments or motions be in order to the constitutional point of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 574

Mr. KYL. Mr. President, I ask unanimous consent that it be in order to consider an amendment at the desk and that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 574.

The amendment is as follows:

(Purpose: To provide for expedited judicial review for Members of Congress)

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

Mr. KYL. Mr. President, I understand this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. LIEBERMAN. Mr. President, I will not object. I just wish to say this amendment is supported not only by myself but the majority leader. It adds language to the bill. It is similar language that was in the so-called McCain-Feingold bill. So we support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 574) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 575

(Purpose: To restore Second Amendment rights in the District of Columbia)

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up my amendment, which I have sent to the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, the clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. CRAPO, proposes an amendment numbered 575.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ENSIGN. Mr. President, while we are here debating the constitutional implications of this bill, I want to take this time to discuss a 30-year constitutional injustice happening right here in Washington, DC.

On June 26 of last year, the Supreme Court issued a landmark ruling affirming the second amendment right to bear arms as an individual and constitutionally protected right. In *District of Columbia v. Heller*, the Court affirmed that the District of Columbia's ban on ownership of handguns was an unconstitutional restriction on that right. Prior to this decision, Washington, DC, had enforced the most prohibitive gun control laws of any city in the nation. Not only did the District prohibit ownership of handguns, it also required that allowed firearms, such as rifles and shotguns, be "unloaded and

disassembled" or "bound by a trigger lock."

Millions of Americans were supportive of Mr. Heller, who was simply wishing to excise his constitutional right to protect himself. Recognizing the District's restrictions were not only unreasonable but also unconstitutional, the majority of the Supreme Court held that "the District's ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense."

Despite the Court's ruling in June, the District of Columbia City Council has continued to exact onerous and unconstitutional firearm regulations on law-abiding residents.

In response to the District's obstruction of the text and spirit of the Court's decision, the House of Representatives passed H.R. 6842, the National Capital Security and Safety Act. Last year, almost half this body joined me in a letter to the majority leader urging prompt consideration of this bill, which was denied and the bill died. That bill would have unequivocally restored the Second Amendment rights of the District residents, and that is why I offer this updated bill as an amendment to S. 160 and encourage my Senate colleagues to join me to address this real injustice.

Mr. President, the residents of the District have waited long enough, and it is time for us to ensure that they realize their constitutional right to bear arms. We must pass this amendment so the Second Amendment rights of the citizens of DC are protected.

This amendment is substantively identical to the bipartisan compromise that passed the House last year, with the exception that it repeals the 2008 DC anti-gun law that was enacted in the interim, and the inclusion of a severability clause. As I said, these are merely technical changes to this widely supported bill that 47 of my colleagues supported in a letter to the Democratic leader in the 110th Congress and two of our new Senate colleagues voted for while they were in the House, when it passed by a vote of 266 to 152 including 85 Democrats.

These changes were necessary to guarantee the second amendment rights to DC residents are adequately protected. Instead of abdicating our constitutional duties as a co-equal branch of Government, we should enact legislation such as my amendment, to defend and protect the constitutional rights of American citizens. It is high time we address this real constitutional injustice and adopt my amendment.

Mr. President, it is high time that we address this real constitutional injustice and pass my amendment. According to the Census Bureau, Washington, DC, is the 27th largest city, with close

to 600,000 residents. Similarly large cities, however, have not enacted comparably restrictive gun laws. For example, both Las Vegas proper and the District of Columbia are cities with populations between 500,000 and 600,000 residents. According to the Census Bureau, in 2007, Las Vegas without incorporated areas, was the 28th largest city, just behind DC. These cities, however, have very different gun-control laws.

According to FBI Criminal Justice Information Service Division, in 2007, the murder and non-negligent manslaughter rates were higher in DC than Las Vegas, including all the incorporated areas. When you include the incorporated areas, this more than doubles the population count in Las Vegas. In fact, if you total all the population of Nevada, DC still would reigns in this category. Can you honestly tell me gun control in DC has been effective?

According to the FBI, murder rates in the United States peaked at around 10.2 per 100,000 persons in 1980. Despite the strictest gun ban in the country, however, murder rates in the District continued to climb well into the 1980s and 1990s, peaking in 1996 at about 80.6 per 100,000—nearly 8 times the average of what the rest of the United States had experienced.

Since then, the murder rate in DC has declined somewhat and is now fairly level, following a national trend of decreasing violence. As this chart shows, however, the murder rate in DC still remains over 250 percent higher relative to the 48 largest cities in America.

Law-abiding, Nevada residents only need to register handguns if they live in Clark County, the home of Las Vegas. And then, to do so, they simply bring an unloaded handgun to any police substation—unlike the District of Columbia's single location—where they receive a cursory background check and are given a gun registration card. There are no fees or other onerous hurdles to infringe on the Second Amendment rights of law-abiding citizens.

The DC gun registration laws for lawfully permitted firearms are even more restrictive than Nevada laws for concealed-carry permits. Yet, I repeat, even with a gun ban, DC crime rates are significantly higher. Disarming the law-abiding residents of DC has made them easy prey for criminals to target. Furthermore, most criminals who use guns get them through unregulated channels. According to the Bureau of Justice statistics, most criminals get guns via theft or the black market. According to the ATF, almost 90 percent are acquired through unregulated channels, and the median time between a gun's acquisition and its use in a crime is over 6 years.

Mr. President, it is high time we address this real constitutional injustice

and let DC citizens lawfully defend themselves. I urge my colleagues to support my amendment to protect the Second Amendment rights of DC residents.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, first, I wish to thank my colleague from Nevada for bringing up this very important issue. Those of us who are strong supporters of second amendment rights clearly are looking at this issue and appreciate his leadership.

Earlier this morning, the Senator from Arizona raised a constitutional point of order as it relates to the bill before us, S. 160. I have to admit, I kind of took a step back and said: Well, a constitutional point of order—I am not sure I am familiar with that. So we went to Riddick's, which is our encyclopedia of Senate precedents, and looked up "constitutional point of order" and some of the history there.

I was surprised to find that a constitutional point of order was raised during the consideration of the Alaska statehood bill.

I have had an opportunity on the floor, throughout this past year, to remind all my colleagues that this year is the 50th anniversary of Alaska's statehood and some of the debate that took place on the floor of the Senate and the process that we as a State took to gain statehood.

I pulled up the CONGRESSIONAL RECORD from this debate on the constitutional point of order. It is quite interesting, quite fascinating, from Alaska's perspective, because the point of order that was being discussed was whether section 10 of the Alaska Statehood Act violated the requirement that States come into the Union on equal footing.

The argument that was made at the time was that half of Alaska's territory would be withdrawn by the federal government, depriving the proposed State of Alaska at the time the power to have a uniform system of taxation. Alaska's experience seeking voting representation in Congress explains why I have taken such great interest in the debate over representation for the District of Columbia.

In Alaska, it was a huge fight—a huge fight—as to whether we should become a State. My grandparents on both sides were involved in the debate at the time. It was a fight to gain control of our resources. It was a fight to determine who had control of our fish. As Alaska observes the 50th anniversary of its admission to statehood I reflect back on our fight for voting representation in Congress. This is why I believe it is so important for the people of Alaska to have voting representation in the House of Representatives.

I appreciate the pleas of the people of the District of Columbia, the residents

of this very small area, for voting representation within the Congress because it was not too long ago those same cries were being heard back in Alaska. You have to give the District of Columbia government credit for a pretty effective lobbying campaign. I do not know of any other place that has used their license plates to tell the rest of the country what it is they are asking for: no taxation without representation.

There are significant differences between Alaska's fight for statehood and the cause of representation in the House for Washington, DC. Alaska, 50 years ago, was a territory. The District of Columbia is a different entity, a federal enclave created by our Constitution. Our Constitution makes it clear that they are not a State. However, I supported cloture on the motion to proceed to S. 160 yesterday because I believed it was important that we have this debate on the floor of the Senate and that we hear the perspectives being presented, whether it is from the Senator from Connecticut or the Senators from Arizona, and to allow this issue, which is so important to some 600,000 people, to be debated. I represent a State of just a little over 600,000.

It was back in 1960, June 17, that the Congress approved and sent to the States for ratification the 23rd amendment. It was the 23rd amendment that extended to the people of the District of Columbia representation in the electoral college. It was 285 days later that the 23rd amendment was ratified by the States. That ratification settled the question of whether the people of the District of Columbia should have the right to vote for President, and it settled that question absolutely conclusively, by way of amendment to our U.S. Constitution.

I believe the people of the District of Columbia have been without representation in the Congress for too long. I have strongly supported the view that the people of the District should have voting representation in the House of Representatives, but what we have before us today, S. 160, does not conclusively resolve the question of whether they will.

We know the question of whether Congress may, by legislation, grant the District of Columbia a vote in the House of Representatives has been a matter of spirited debate not only here on this floor but with constitutional scholars on all sides of the issue. It was our assistant majority leader yesterday who observed that S. 160 has attracted—I think the words were some strange bedfellows amongst the community of constitutional scholars. We have very distinguished individuals such as Ken Starr and Viet Dinh who suggest that, in fact, S. 160 is constitutional. On the other side, we have an extremely well-respected gentleman, Jonathan Turley, who has testified

that despite the best of motivations, S. 160 is fundamentally flawed on a constitutional level and would only serve to delay true reform for District residents. His conclusion is that this legislation is facially unconstitutional.

We also have a review by our non-partisan Congressional Research Service, their assessment and their analysis, and they, too, cast doubt on the constitutionality of S. 160. Their report, dated February 17, 2009, states:

Although not beyond question, it would appear likely that Congress does not have the authority to grant voting representation in the House of Representatives to the District of Columbia.

So the key point here is this: I believe the District of Columbia deserves representation in the House of Representatives, but S. 160 does not conclusively resolve the question of whether they will get it.

I think we have heard on this floor that this is going to lead to litigation. The issue, of course, is how do we interpret article I, section 2, of the Constitution, which says:

The House of Representatives shall be composed of members chosen . . . by the people of the several States.

I don't think there is any dispute amongst the constitutional scholars who are out there that the District of Columbia is not a State for the purposes of article I, section 2. If the courts shall conclude that article I, section 2, of the Constitution means what it says—that only the people of the several States can send voting Representatives to the House—then basically we start all over. We start all over. We start anew with a constitutional amendment on DC representation.

So I would suggest to the body that what we are engaging in today is almost a cruel hoax because what we are doing is we are delaying the end of taxation without representation for several more years. What we are doing is getting this into the courts. Is that what the people of the District are really seeking?

I think 49 years ago the Congress understood what we needed to do in order to provide clarity and to conclusively resolve the issue of the District of Columbia with the 23rd amendment. We knew the way to handle it was to give the people of the District of Columbia a voice in the selection of the President and Vice President, and the route they chose to take was the route of a constitutional amendment. They knew then that was the proper route to take, and I would suggest that today it is the proper route to take to provide for this. This Senator believes that is what we owe to the people of the District of Columbia, to get it right the first time. Let's resolve this. A constitutional amendment passed by the Congress, ratified by the States, settles the matter of DC representation conclusively, and S. 160 doesn't.

Now, we know the history on this. This was tried once before. A constitutional amendment was adopted by two-thirds of both bodies and sent to the States for ratification. Unfortunately, only 16 States chose to ratify within that 7-year period. So we basically come back to start over. I would suggest that is the method and manner we need to approach as we try to provide representation for the 600,000 people who are residents of the District of Columbia.

I am prepared to support a constitutional amendment and to work for its ratification, and I intend to introduce that constitutional amendment today. It will not be part of S. 160. A constitutional amendment is a different process, one that is done through joint resolution as opposed to a Senate measure or a House measure. I believe amending our Constitution will provide justice for the people of the District of Columbia, and I look forward to working toward that end.

With that, I yield the floor.

AMENDMENT NO. 576 TO AMENDMENT NO. 575

(Purpose: To restore Second Amendment rights in the District of Columbia)

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. Amendment 575 offered by the Senator from Nevada.

Mr. COBURN. Mr. President, I ask unanimous consent to offer a perfecting second-degree amendment to Senator ENSIGN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 576 to amendment No. 575.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. Mr. President, this is simply a perfecting amendment to change the date of the actual enactment of this bill.

I ask unanimous consent to speak for a few moments on the underlying bill.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. I will do that for a very short period of time.

We have heard a lot about the constitutionality of this, but I think there is an important point that has not been raised, and I would take exception to the fact that this is not a partisan debate. This is about whether we really follow this wonderful little document each of us in this Chamber has sworn an allegiance to and what it says.

I wish to quote a legal scholar because I think it leads to a lot of common sense. Here is the quote:

It would be ridiculous to suggest that the delegates to the Constitutional Convention or ratification conventions would have worked out such specific and exacting rules for the composition of Congress, only to give the majority of Congress the right to create a new form of voting members from federal enclaves like the District. It would have constituted the realization of the worst fears for many delegates, particularly the Anti-Federalists, to have an open-ended ability of the majority to manipulate the rolls of Congress and to use areas under the exclusive control of the Federal Government as the source for new voting Members.

I have no doubt that if this present bill is passed, it will be found unconstitutional. As my colleague from Alaska stated earlier, if what we want to do is change the Constitution, the way to do that is through a constitutional amendment and a joint resolution.

So there is no question that people who are taxed have the right to representation, but there is another way to solve that. The best way to solve it is to eliminate the tax on the citizens of the District of Columbia. I will be offering an amendment this afternoon that will do just that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is a distressing situation where, for some reason, we have abandoned the knowledge we gained in 1977 that it takes a constitutional amendment to get representation in the Congress for the District of Columbia. There is so much in the Constitution that refers to this, but article I—the very first article—section 2, says the House of Representatives—that is what we are talking about: giving a Member of the House a vote for the District of Columbia—shall be composed of Members "chosen every second year by the people of the several States." It goes on to say that the requirements of a Representative are that they should be—they must be, when elected, "an inhabitant of that state in which he shall be chosen." The Senate—discussed in section 3—of the United States "shall be composed of two Senators from each State."

So I know there is politics here, and I hope when the Supreme Court reads this debate they look right through it because I don't think it is a sound position we are dealing with. I believe Senator MCCAIN has rightly raised a point of order as to the constitutionality of this bill.

I wish to make some general remarks.

I think the legislation is an affront to the Constitution. Professor Jonathan Turley, one of the liberal outstanding scholars of the law, who has testified before our committee a number of times, testified before the House Judiciary Committee recently—this is the language he used, and I am sure he would consider himself a Democrat. He said he considers this bill to be "one of the most premeditated unconstitutional acts by Congress in decades."

Congress cannot, consistent with the Constitution, pass a bill that gives congressional voting rights to a non-state without violating the plain text of the Constitution. The Framers of our Constitution envisioned a Federal city that would not be beholden to any State government. The text of the Constitution does not provide anywhere that a non-state may have a congressional voting Member. Also, the District of Columbia is not a forgotten city. In fact, it receives more Federal dollars, per capita, than any State in the United States.

History is clear that the Framers excluded the District of Columbia from having direct congressional representation. Our Founders could have placed the seat of the Federal Government within a State—and that was discussed—thus ensuring direct congressional representation from that city, but they chose not to do so. As James Madison stated in Federalist No. 43, there was fear that the State that encompassed the Nation's Capital would have too much influence over Congress. It has a lot now. The Framers feared that, symbolically, the honor given to one State would create "an imputation of awe and influence" as compared to other States. That is, that the State would have an advantage in some fashion.

Thus, when the Framers of our Constitution considered carefully how to treat the Nation's Capital, they provided in the District clause—article I, section 8, clause 17, of the Constitution—that Congress had the power to "exercise exclusive Legislation in all cases whatsoever, over such District."

So it gave Congress the legislative power over the District, clearly. Congress was, of course, made up of Representatives from States. This meant that residents of the District would not have direct representation in Congress—they understood that, clearly, from the beginning and, indeed, they have never had it—but instead, they would have indirect representation and that such direct representation was reserved only for the residents of States.

Second, this bill violates the plain text of the Constitution, as I noted. Article 1, section 2 says "each State shall have at least one representative." Further, one of the qualifications to be a Congressman is to "be an Inhabitant of that State in which he shall be chosen." As George Smith, the former senior counsel at the Department of Justice's Office of Legal Counsel recently wrote and was published: "All told, no fewer than 11 constitutional provisions make it clear that congressional representation is linked inextricably to statehood."

Congress has recognized this fact in years past. In 1977, Congress passed a constitutional amendment, which was never ratified by the States, but we passed it. It was a constitutional

amendment that would have given the D.C. residents congressional representation. I suppose that was then and this is now. Now we are just going to pass a law that doesn't have to have a supermajority in Congress or be ratified by the States. That is a lot easier to do. I remind my colleagues that while political winds may change, the plain text of the Constitution doesn't. The Constitution says only States may have congressional representation, and no bill, no mere congressional legislation, no law we pass can change that fact. The Constitution is the supreme law of the land. Our legislation can't alter the constitutional requirements. We can alter the Constitution through the amendment process, as has been previously done, to fix this very problem.

Alexander Hamilton, many years ago, wrote:

The qualifications of the persons who may . . . be chosen, are defined and fixed in the Constitution, and are unalterable by the legislature.

Finally, the District is not, as I said, forgotten. Its residents have indirect representation. All 435 Members of the Congress travel in the traffic here, go in and out of the city, and 100 Senators likewise do the same. They have done pretty well by way of getting money out of the Federal Government.

One of the Framers' concerns, which Madison articulated, was a fear that the "host" State would benefit too much from "the gradual accumulation of public improvements at the stationary residence of the Government." According to the most recent data available, as of 2005, the District of Columbia taxpayers received more in Federal funding per dollar of Federal taxes paid than any of the 50 States. According to the Tax Foundation, for every \$1 of Federal tax paid in 2005 by the District of Columbia citizens, they received approximately \$5.55 in Federal spending. This ranks the District the highest nationally by a wide margin. For example, New Mexico, which is perceived to be the most benefitted State, received \$2.03 in Federal spending per \$1 of tax payments their citizens made. But even that amount is \$3.52 less than what the citizens of D.C. receive. Perhaps, some would say Madison's fear has become a reality, with all the jobs that are here and paying good wages—how many of us would love to carve out some of these agencies and have them be settled in Birmingham or Baltimore or New York? Then that tax revenue would be spent in our States. But it is being spent here.

I am just saying I don't believe the District of Columbia is being abused. In fact, they are doing pretty well with taxpayers' money all in all. I know the argument that you don't collect property tax on Government property and everything, but they are doing pretty well under any fair analysis.

The Framers envisioned a Federal district serving as the National Government's home. That district was not to be a State, and the District of Columbia was never to be treated as a State. Granting a non-state congressional representation and voting rights in the Congress of the United States violates the Framers' intent, pretty clearly, and the plain language of the Constitution. Congress, as Professor Turley notes, "cannot legislatively amend the Constitution by re-defining a voting member of [the House of Representatives]."

We have all sworn to uphold the Constitution and to defend it. As written, this bill violates the Constitution and it will, I predict, be struck down by the Court. I think it is going to come back from the Court like a rubber ball off that wall. If it doesn't, we are going to learn something about the Supreme Court of the United States—something we don't want to know. I submit that we cannot in good faith vote for this bill without conflicting with our oath to the Constitution. So that is why I cannot support it.

I would just point out a recent case decided November 4, 2005, in the U.S. Court of Appeals for the District of Columbia. The panel consisted of now-Chief Justice John Roberts; Judge Harry Edwards, appointed by President Carter; and Judith Rogers, appointed by President Clinton, for whatever that is worth. I hate to even say that because we expect our judges to put away partisan activities when they put their robes on. So that is just background.

Basically, the court dealt with an argument over taxes. As part of their holding—it is a *per curiam* opinion; no one judge was considered to be the author. They all agreed to this language. They said:

Congress, when it legislates for the District, stands in the same relation to District residents as a state legislature does to the residents of its own State.

So we stand in the same position to the people of D.C., as set up by our Founders, as the State legislatures do to the people of the States. The court also noted:

Not only may statutes of Congress or otherwise national application be applied to the District of Columbia—

That is the tax laws—

but Congress may also exercise all the police and regulatory powers which a state legislature or municipal government would have in legislating for state or local purposes.

Then the court said:

This is true notwithstanding that the Constitution denies District residents voting representation in Congress.

So this panel, in 2005, concluded—all three judges—that the Constitution denies District residents voting representation in Congress.

I am not personally of the view that people who voluntarily live within the

borders of the District of Columbia have to have direct congressional representation. I guess it is a matter that we can discuss and debate. Arguments on both sides can be made. I simply say the matter is conclusively decided by the plain language of the Constitution.

As Mr. Smith says, 11 different places in the Constitution say that representation in Congress must come from States. It does not come from districts. It does not come from territories. It does not come from tribal areas. It comes from States.

If we would like to change it, maybe we can, but we are bound by the laws and our Constitution, and a mere statutory act of this Congress is not able to reverse the Constitution. Therefore, I will object to the passage of this legislation. I think it is incorrect. I will support Mr. MCCAIN's constitutional point of order because I see no other rational conclusion.

As shown by a recent opinion from the District Court of the District of Columbia in 2005, the Constitution does not give congressional voting rights to residents of the District of Columbia.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I rise in support of the DC Voting Rights Act. I rise from a new seat, a new chair in the Senate. My desk is now moved to the center aisle. I rise from this desk for the very first time to speak about a new opportunity to expand democracy. That is what the DC Voting Rights Act is—it is about democracy, about fairness, and about empowerment.

The DC Voting Rights Act simply gives the District Representative full voting rights in the U.S. House of Representatives. I also want to point out to my colleagues that this is not only about the District of Columbia, but this is also about Utah. What this legislation does, in a sense of fairness and parity, is grant a seat to the District of Columbia and an additional seat to Utah. What we are doing is trying to adjust, without amending the Constitution, wrongs that need to be righted. The DC Voting Rights Act gives the District Representative full voting rights in the House of Representatives.

Right now, the District of Columbia is represented—and I might add very ably—by Congresswoman ELEANOR HOLMES NORTON, a distinguished public servant. She is called a Delegate to Congress. We call her Congresswoman. When she moves around her great area, she is also called that. What is she allowed to do? One, she is able to have a voice. That is important. So the people of DC do have a voice. But in Congress, a voice also usually means a vote. That is where it doesn't work the way we think it should. She is able to vote in her committee, but she is not able to vote on the House floor. We think that

is wrong. We think she should have a voice and we think she should have a vote.

The residents of the District of Columbia are the only residents in a democratic country in the capital city who do not have a vote in determining the fate and direction of the Nation.

What we have essentially done is disempower the over 600,000 residents of the District of Columbia. Yet we do not disempower them when we call them to serve for war. The District of Columbia, through its National Guard, has served ably and willingly. Yet even though they go to fight for the entire United States of America and they are sent to war by the Congress of the United States, they have no voice, no vote in the direction of their own country. This is not right.

DC residents go by the same rules and laws as the United States of America. They pay taxes. They pay, by the way, Federal taxes because they see themselves as part of the Federal Government. But the Federal Government does not see that they have full representation. I wish sometime we could have those DC residents who fought in wars in the balconies. They fought through the National Guard, and they fought through the regular military. They have fought and they have died, most recently in Iraq and Afghanistan. But when they come home, they are treated like second-class citizens. I don't think that is right.

I also happen to believe if you pay taxes—there was a famous patriot who said: If you pay taxes, you should have representation. If it was good enough for Patrick Henry and Patrick Kennedy, it should be good for us. If you pay taxes to the Federal Government, your representative should have a vote in the Congress of the United States. That is what we want to do today.

When we think about all the major issues that are debated in Congress—the economy, health care, education, the direction of our national security—these issues affect the residents of the District of Columbia the same way they affect Maryland or Virginia or Texas or Alabama or North Carolina. Yet the DC residents do not have a vote on these issues.

How would you feel, Madam President, if you did not have anyone representing you on those issues or if your Congresspeople could have a voice but not a vote? I think the District of Columbia deserves this, and they have been waiting a very long time. The District of Columbia has been waiting for this for 200 years.

Last year when we tried, we fell three votes short. But we are in a new day in Washington, and I hope this new day will be new democracy, the expansion of democracy. We love to expand democracy around the world. Let's expand democracy to the District of Columbia.

The District of Columbia has been made the target of congressional pet projects. We often shove ideas at them. We undo what they often want to pass for themselves. We think they should be able to have a vote to exercise the direction both for themselves and for the Nation.

Currently, DC residents are represented by a delegate. This would give full voting power in the House of Representatives. It would give Utah one additional representative. This solution is fair, it is nonpartisan, and it will enfranchise 600,000 District of Columbia residents and also enfranchise the State of Utah to have one additional representative that they barely missed in a census that was flawed in many ways.

I stand today as a friend and neighbor to the people of the District of Columbia. We in Maryland live next door to the District. Many of the constituents I represent, the sons and daughters live in Maryland, the moms and dads continue to live in the District of Columbia. I know their fierce devotion to this country, the fact that they are proud to be residents of the Capital of the United States of America. They love doing their duty by participating in their community, by paying their taxes, and going to war, if necessary. But they believe participation and taxation should have representation. I believe like they do; we should give it to them and give it to them this week in this Senate. The time is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, when we are sworn in to the Senate, we raise our right hand, put our left hand on the Bible, and swear to uphold the Constitution and laws of the United States. That is why I am very troubled and concerned that those of us who have taken that sacred oath to uphold the Constitution would, in fact, purport to violate the Constitution by passage of S. 160, the DC voting rights bill.

This bill, at various times, has been called the DC voting rights bill; at other times it has been called the DC statehood bill. Of course, DC is not a State, but DC would have to be a State under the Constitution to get the voting Member of the Congress for which the proponents of this legislation are calling.

By the way, if DC is a State for the purpose of creating a district for a Member of Congress, why would not DC be a State for the purpose of having two U.S. Senators? Of course, even the proponents of this legislation know that would be a bridge too far, but this is the first incremental step to considering the District of Columbia as a State entitled, they say, to a Member of Congress, as well as two Members of the Senate.

I believe this legislation is unconstitutional. There is a constitutional way

to do it, but the proponents of this result have found that to be a tough row to hoe, to pass a constitutional amendment. So now they have come back trying to do it the so-called easy way but in a way that violates the Constitution and, I would say, cannot be reconciled with the oath that each of us takes.

I know it is common to say the courts will fix it. We ourselves have a duty to pass only legislation that we believe is truly constitutional. For us to say we have the votes now, as some of my colleagues have indicated, we have the votes to do it, but let's not pay attention to the constitutionality of it I think is a very serious mistake.

We all sympathize with the desire of the residents of the District of Columbia to be represented in Congress. But as I said, there are constitutional ways to do this, and this legislation is not a constitutional way to accomplish that goal.

I don't know how the constitutional limitation or, indeed, the prohibition to passing this legislation and expecting it to be enforced could be more plain. Of course, the Constitution in article I, section 2, limits House seats to States alone. The District of Columbia is not a State and, therefore, the District of Columbia may not have a House district and be represented by a voting Member of the House of Representatives.

I am not asking anybody to take my word for it. Let's just look at the text of the Constitution.

The text of the Constitution repeatedly and clearly limits representation in the House of Representatives to the States. The apportionment of Representatives is governed by section 2 of the 14th amendment, which provides: "Representatives shall be apportioned among the several States."

As I mentioned a moment ago, article I, section 2, of the Constitution establishes the House of Representatives and governs its membership. Each of that section's first four clauses specifies States—not cities, not the District of Columbia—as those entities that are entitled to representation in the House.

The first clause provides that Representatives are chosen "by the People of the several States."

The second clause provides that a Representative must be "an inhabitant of the State in which he [or she] shall be chosen."

The third clause says that "each State shall have at least one Representative."

The fourth clause specifies that "when vacancies happen in the Representation from any State," the Governor of that State shall call an election.

Article I, section 4, of the U.S. Constitution provides that rules for the elections of House Members "shall be

prescribed in each State by the Legislature thereof. . . ."

Just as the text of the U.S. Constitution makes plain that only States are to be represented in the House of Representatives, it is equally clear the District of Columbia is not a State for purposes of such representation.

Article I, section 8, of the Constitution specifies that the Federal Government "District," the District of Columbia, was to be formed "by Cession of particular States." This provision distinguishes between States and the Federal District in which we are presently located formed by cession of the States.

If that is not enough—the plain text of the Constitution—then I think all we need to do is look back at the 23rd amendment of the Constitution, where the proponents of this result actually tried to do it the right way. The 23rd amendment to the Constitution, which granted the District of Columbia Presidential electors, gives the District of Columbia the number of electors it would be entitled to if it were a State. This constitutional text presupposes that the District is not a State, as that term is used in the Constitution, for purposes of apportioning Representatives, Senators, and electors.

In short, the text of the Constitution could not be clearer, that Members of Congress are to be elected only from States and that the District of Columbia is not a State.

One may be asking why would we be having this debate 230-something years since this country was founded. It has been understood and, indeed, has been the uninterrupted practice and precedent of our Republic that people have regarded the District of Columbia not as a State and not entitled to a Member of the House. Otherwise, why would this just be coming up now? From the founding until recently, the evidence shows it was understood that a constitutional amendment would be required to give the District a voting seat in Congress. Of course, since the founding, the District has never been granted a voting seat in Congress. Representation has been apportioned in accordance with the constitutional provisions I have cited every 10 years since 1790. In other words, every 10 years we have a census, and every 10 years Congress apportions seats in accordance with these constitutional provisions, every 10 years since 1790. Never in the history of this country has a Congress or a President acted on the belief or on the theory that they had the power somehow to apportion a Representative to the District of Columbia.

Indeed, the Framers of the 23rd amendment clearly thought that granting the District Presidential electors, as I mentioned a moment ago, required a constitutional amendment. Similarly, in 1977, Congress passed a constitutional amendment that would

actually have given the District residents what they seek by this act of legislation. At least at that time, the consensus of Congress was a constitutional amendment was required.

If the Framers of the 23rd amendment or the authors of the DC voting rights amendment believed they could have achieved their ends by mere legislation alone without submitting themselves to the admittedly difficult process of constitutional amendment, don't you think they would have done so? Clearly, they would have done so.

Furthermore, the Federal courts have long interpreted the word "State" in section 1 of the 14th amendment to exclude the District of Columbia. Thus, due process, equal protection, and other constitutional challenges to District laws, such as in the recent Heller case—that was the DC gun rights case—are brought under the Bill of Rights rather than the fourteenth amendment that would incorporate the Bill of Rights and apply them to the States.

If the District of Columbia is not a State for purposes of section 1 of the 14th amendment, it seems odd to argue it is a State for purposes of section 2 of the 14th amendment in the very next sentence of the U.S. Constitution.

The history of our first two centuries under our Constitution demonstrates an uninterrupted consensus by all three branches of Government that the District could not be represented in Congress without a constitutional amendment. Why Congress would even consider passing a piece of legislation that is going to be challenged in the courts and ultimately be decided by the U.S. Supreme Court—and I am predicting here today they will say this is an unconstitutional act by the very same Federal officials who have taken an oath to uphold and defend the laws and Constitution of the United States—why we would do this is baffling to me.

So why could anyone think a bill such as this might actually be upheld? Well, there was a clever lawyer, as there frequently is behind novel legal theories. It was not until 1991, shortly after the Constitution's bicentennial, that a clever law student first advanced the argument that Congress could create a Representative for the District of Columbia through simple legislation. Legislation purporting to do that was first introduced in 2004. This novel legal theory lacks merit, as I have argued, and cannot overcome the weight of textual and historical evidence that would all but declare that this bill is unconstitutional.

Supporters of this theory cite the District clause of the Constitution that gives Congress power to "exercise exclusive legislation in all cases whatsoever" over the District. Because the District is not a State, it doesn't have a State legislature, and so Congress is

given that authority under the Constitution. This plenary power, it is argued, gives Congress unfettered power to determine the District's representation in Congress.

But this power cannot be used in any kind of logical way to vitiate the carefully crafted apportionment of representation elsewhere in the four corners of the Constitution. By the logic of the act's supporters, Congress would exercise unlimited plenary power to repeal freedom of speech in the District or give the District 436 representatives in the House and 101 Senators.

The absurdity of this argument is highlighted by the fact this District clause goes on to give Congress the same plenary power—"Like Authority"—over Federal institutions such as, "Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings," in the quaint language of the Constitution. But surely this does not mean that on the basis of the District clause Congress can grant a vote in Congress to a federal dockyard or an arsenal. It doesn't make any sense.

Congress should not adopt an overly aggressive or overly expansive role of its powers under one section of the Constitution that allows it to violate—somehow magically—the clear language and intent of other provisions of the same Constitution. Like all of Congress's powers, the District clause is limited by the context and the rest of the same Constitution.

As the Supreme Court of the United States first noted back in the early 19th century in *Marbury v. Madison*, and has continually affirmed throughout our history, if Congress could alter the Constitution's meaning through mere legislation, then the Constitution would cease to be "superior, paramount law, unchangeable by ordinary means."

On another note, having argued from a historical perspective, and from the text of the Constitution the historical practice, the political impact of what the Senate is being asked to do—aside from these constitutional concerns—we need to look at the impact of this legislation on the size of congressional delegations in all other States after the 2010 census and beyond.

As I noted earlier, every 10 years we recalculate how many seats will be available to the U.S. House of Representatives from each State, since there is a fixed number. Of course now it is 435. Because of that, every 10 years some States are winners and some States are losers. High population growth States, such as my State—Texas—are likely to get as many as three new congressional seats after the next census. This bill would change the list of winners and losers after the 2010 census and for every census thereafter.

Think about this, colleagues: Some States clearly are going to lose a seat or two in Congress after the 2010 census. Just as my State will gain up to

three seats, there will be other States that will lose a seat because of population shifts in our country. There are other States that are not clear winners or clear losers but are on the bubble. I ask my colleagues to consider what they are doing to the interests of their State before they vote on this bill. It could be that by voting for this legislation some Senators will be putting their States on the bubble now and for decades to come.

Now, what does that mean? Well, let me ask this question: Do you want to explain to your constituents that your State must lose a seat after the census so the District of Columbia can gain a seat by this legislation? Are Senators going to vote for a bill that might mean their State would receive one less congressional district after the next census, because they want the District to have one? Do you want to explain to your constituents that you would have had another seat after the census, but instead you are going to have the same number and the District of Columbia is going to grow by an additional seat as a result of your vote on this legislation?

The increase in House membership from 435 to 437 disguises this issue, but only if you are not paying very close attention. Think about this: If the membership of the House had been 437 after the 2000 census, which States would hold those two seats today? The answer would be Utah and New York. So New York is a big loser in this bill because we are expanding membership in the House without giving New York the seat its people deserve based on the current law.

We don't know which State will be the biggest loser after 2010. If the current census projection holds, it is likely to be New Jersey or Oregon. The fact is we don't know which State would be entitled to that 437th seat if it weren't awarded to the District of Columbia by this legislation. But we do know this: There will be winners and there will be losers. And there will be a new loser every 10 years after this bill passes if it is not struck down, as I predict it will be, by the U.S. Supreme Court.

The ultimate impact of this bill on our representation in the House of Representatives is unclear, but I believe the bill's lack of constitutional foundation is clear. For that reason, I believe Senator McCain's constitutional point of order should be sustained.

I will close where I started: Each of us, as U.S. Senators, has taken a sacred oath to uphold the laws and Constitution of the United States. So how, under any interpretation, would we vote to pass a law that is so clearly unconstitutional? Why is it that Congress would totally abdicate its responsibility in considering legislation to determine whether it is constitutional or not and to kick that responsibility over to the Federal courts?

I believe all of us—Members of the House, Members of the Senate, Federal judges, the President of the United States—have a responsibility to uphold the laws and the Constitution of the United States. And if this Senate passes this clearly unconstitutional legislation, it will have violated its sacred oath to uphold the Constitution, in my humble view.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, my friend from Arizona, Senator McCain, this morning raised what he called a constitutional point of order about S. 160. I would like to just respond to a few of his arguments.

He is my friend, and I appreciate his leadership in this body. I appreciate the fact that he went through this great campaign and asserted such influence but also such dedication to this country. I have appreciated his dedication to our country ever since I met him. But I do have some comments to make about his constitutional point of order.

The Senator from Arizona said that this bill is obviously, plainly, and blatantly unconstitutional because the District is not a State.

For him, the constitutional debate apparently begins and ends with a single word.

As I said on Tuesday, however, noting that the District is not a State is a factual observation; it is not itself a constitutional argument.

It is a premise, not a conclusion.

There are many other factors to consider in order properly to answer the constitutional question.

The Senator from Arizona is entitled to answer that question however he choose, but I believe it is necessary to at least consider the factors relevant to the answer.

I, for one, have not avoided the constitutional issue.

I have confronted the issue directly.

I have testified about it before the Senate Homeland Security Committee.

I have spoken about it on this floor.

I have written and published an extensive article about the issue.

I have sent that article to my colleagues, including to the Senator from Arizona.

I do not demand, or even expect, that my colleagues necessarily agree with me on this issue, but I would like to hear at least an attempt to respond to those arguments.

America's founders, those who wrote the Constitution we are talking about,

passed legislation allowing Americans living on the land ceded for the District to vote in congressional elections. They did that.

That land was no more a State in 1790 than the District is today.

Those Americans did not live in a State.

I do not understand why treating District residents today as if they lived in a congressional district is constitutionally different than treating them in 1790 as if they lived in Virginia or Maryland.

No one argued in 1790 that doing so was unconstitutional.

It seems to me that the Constitution would have been, if anything, even more clear and plain to its own drafters in 1790 than it is to us Senators here today.

Congress has provided, by legislation, that Americans living abroad can vote in congressional elections.

They do not live in a State.

They do not even live in America.

I would like to hear from the Senator from Arizona why Congress can provide voting rights for Americans living in other countries but cannot provide voting rights for Americans living in this country.

If it were so obviously, plainly, and unequivocally obvious that the word "States" in the Constitution can never include the District, then the Supreme Court would not have ruled that the authority of Congress to regulate interstate commerce applies to the District.

The Supreme Court would not have ruled that the sixth amendment right to a speedy and public trial in the State where a crime was committed applies to the District.

The Supreme Court would not have ruled that Congress can extend to the District Federal Court jurisdiction over lawsuits between citizens of different States.

The Supreme Court would not have held that the apportionment of taxes among the States applies to the District.

The Supreme Court would not have upheld Congress's authority to implement in the District the fourteenth amendment's commands regarding the States.

The Supreme Court has indeed held all these things.

If Congress could not provide for the District the House representation the Constitution gives to the States, the Supreme Court would not have affirmed a decision saying that such a goal could indeed be pursued in the political process.

I assume the Senator from Arizona is aware of these and many other similar decisions over the past two centuries.

He is certainly entitled to believe that all of these decisions were wrongly decided.

But, with respect, rather than simply repeating the word States, he should at

least attempt to explain why those decisions are all wrong or, in some way, are different than the issue before us now.

And, again with respect for my colleague whom I admire, these Court decisions establish that the Senator from Arizona is simply incorrect when he says that courts have consistently ruled that the word States excludes the District.

The Senator from Arizona also asked why territories would not be entitled to the same congressional representation as the District.

As the Senator himself acknowledged, however, the District is an entirely unique entity in America.

America's founders intended that the District permanently to be a jurisdiction separate from State control.

It should remain that way.

Territories, in contrast, are jurisdictions which can, and in some cases are intended to, become States.

I am unclear why the Senator from Arizona included this argument in a constitutional point of order because it is not a constitutional argument.

It is instead a political argument, and it has been raised and addressed before.

My friend from Arizona also questioned whether Utah is included in this bill.

As the Senator from Connecticut explained, both before and after the remarks of the Senator from Arizona, the House of Representatives must have an odd number of Members.

One will go to the District, and the other to the State which would have next qualified for one under the 2000 census.

As such, this decision was, as the Senator from Arizona said it should be, based on census data.

It is not, as he alleged, simply an arbitrary, irrational, backroom partisan political deal.

This debate about what the Constitution allows Congress to do is important and worthwhile.

I believe the constitutional foundation of this bill is more than sufficiently solid to justify voting for this bill and I hope my colleagues will.

I hope my colleagues will vote down this constitutional point of order which I think is not justified under either the Constitution or under our rules.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 6 minutes.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 474 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. It is fortuitous that I happened to be on the Senate floor managing the DC Voting Rights Act. But I take this opportunity to thank my friend from Iowa for this introduction of this legislation.

It is consistent with not only the actions that I have been privileged to be involved with him on but what our committee has stood for. We will give it a thorough review and, hopefully, we will be able to bring it forward. Senator AKAKA is a very active and senior member of our committee. I am sure his advocacy will help a lot in moving the legislation forward. I thank my friend from Iowa for introducing this legislation.

The PRESIDING OFFICER (Mr. CARDIN). Under the previous order, the first 10 minutes prior to the 2 p.m. vote are equally divided and controlled by the Senator from Connecticut, Mr. LIEBERMAN, and the Senator from Arizona, Mr. MCCAIN.

Mr. LIEBERMAN. Mr. President, I believe the distinguished Senator from West Virginia, Mr. BYRD, is going to speak in support of the point of order Senator MCCAIN has raised.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I oppose S. 160, the District of Columbia House Voting Rights Act. I must—in other words, I have to—review and renew my objections to legislation of this kind. I have to speak and speak loudly—can you hear me—to its flaws, as I have done when similar erroneous attempts have been made to amend the Constitution with legislation.

As I have said previously, my quarrel is not with the intent of the legislation but with the vehicle with which the Congress is seeking to effect this change.

What does the Constitution say? Article I, section 2, of the Constitution says—now listen:

The House of Representatives shall be composed of Members chosen every second Year by the people of the several States . . .

The Constitution does not include the residents of the District of Columbia in this context as a State.

We know—or we ought to know—from our history books that our Founding Fathers sought out a Federal city that would not have to rely upon the protections of any one State. Their vision, the vision of the Founding Fathers, a center of government apart from the States, is seen in the distinction made in article I, section 8, between the "States" and a "District." Therefore, under the Constitution, the District is not a State. Consequently, a

constitutional amendment is required to give the District's citizens voting representation in Congress. This is the step that ought to be taken. It is the step I have consistently supported. As far back as 1978, as the majority leader of the Senate, this body, I—let me identify myself: ROBERT C. BYRD—spoke in support of and voted for H.J. Res. 554, a joint resolution that proposed amending the Constitution to provide for representation of the District of Columbia in Congress. Where is that? Here.

Every Member of this Senate ascribes to the underlying tenet of our system of government; namely, that the Government of the United States of America serves only by the consent of its citizens, as expressed through their elected representatives. That is us, their elected representatives. Every Senator seeks the goal of upholding and perfecting our representative form of government, but the difference lies in how we seek to effect those rights.

I contend that this is no way to go about doing it. While the goal in this case is laudable, it is a dangerous course on which we embark. Simply passing a law that grants voting rights to an entity that is not a State is plainly circumventing the Constitution. As John Adams noted: "Facts are stubborn things." Let me say that again. This is John Adams talking now, not ROBERT C. BYRD. "Facts are stubborn things." That is right, I may say to the Senator.

Facts are stubborn things; and whatever may be our wishes, our inclination, or the dictates of our passions, they cannot alter the state of facts and evidence.

So I say this imperfect method of legislation employed to amend the Constitution has already been met with swift opposition and solid opposition. The text of the legislation anticipates that very outcome by providing for the Court's expedited review. And legal challenges will surely come quickly—don't doubt it—calling into question the validity of this legislation, and the fate of the District's long-sought voting rights will be further bogged down in a swamp—a swamp—of litigation.

Providing voting rights for the District through a constitutional amendment would provide the clarity and the constitutionality needed and would also avoid the path of litigation. Anything short of a constitutional amendment will be insufficient and will certainly set a dangerous precedent.

While it is indeed an arduous task to amend the Constitution, and rightly so, thank heavens, something so critical as representation in the House for the people of the District of Columbia compels it. Shortcuts have no place here. In this instance because of litigation, any shortcut, so-called, may turn out to be the long cut, the long way home for the very deserving, long-suffering people of the Capital City of this country, Washington, DC.

I will support the point of order raised by Senator McCAIN against the underlying bill, as it addresses this most crucial issue.

I thank the distinguished, very able Senator. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, during the remarks we have just been privileged to hear, the Senator from West Virginia said: "I—let me identify myself: ROBERT C. BYRD." May I say, there was no need for that identification. There is only one ROBERT C. BYRD. And may I add, it has been an honor to serve with you now for 20-plus years, to learn from you, to respect your love of the Senate, of the Constitution, and to hear you deliver the remarks that you have just delivered.

Mr. BYRD. It has been my honor, my dear friend.

Mr. LIEBERMAN. Thank you, sir.

In the spirit of your history of great debate, I nonetheless, and with total respect, rise to oppose the point of order brought forth by the Senator from Arizona.

We have here a contest between two provisions of our great Constitution. The Senator from Arizona and the Senator from West Virginia rely on the provisions of article I, section 2, clause 1 that says the House Members be chosen by the people of the several States. Those of us who support the measure before us, S. 160, rely instead on article I, section 8, clause 17, the so-called District clause.

It is true the Constitution does require that House Members be elected by the people of the several States. But it is also true Congress has repeatedly not applied that language literally. To fully protect the interests of people living in the Capital City, the Framers gave Congress extremely broad authority over all matters related to the Federal District under the so-called District clause I have referred to.

Here is where the courts have spoken exactly to where we are now. The courts have said this clause, the District clause, gives Congress extraordinary and plenary power over the District of Columbia and, more to the point, have upheld congressional treatment of the District as a State for very important purposes of diversity jurisdiction and interstate commerce.

Article III, for instance, of the Constitution provides that courts may hear cases "between Citizens of different States." The Supreme Court actually initially ruled under this language that residents of our Nation's Capital could not sue residents of other States in Federal courts. But in 1940, Congress said that was wrong and asked that residents of the District be treated as a State for that purpose, a law that was upheld in the case of *DC v. Tidewater Transfer Company* of 1949.

The Constitution also allows Congress to regulate commerce among the several States. That is the language of the Constitution, which literally would exclude the District of Columbia and make it impossible for its residents to enjoy all the protections adopted under the Commerce clause. But Congress's authority to treat the District as a State for Commerce clause purposes was upheld in the case of *Stoughten-burg v. Hennick*.

So what we are asking for has constitutional precedent. More to the point, ultimately, or as much to the point, is the underlying reality that the Senator from West Virginia and the Senator from Arizona speak to eloquently, which I presume all of us share, which is, it is an outrageous injustice that 600,000 residents of America who happen to live in our Capital City do not have any voting representation in Congress.

Final point. The legislation before us presumes that there will be a legal challenge to its constitutionality, and that will be decided under the expedited procedures provided for in this legislation, in wording almost exactly similar to that provided in the so-called McCain-Feingold landmark campaign finance reform legislation. The Supreme Court will decide.

So if you feel the status quo is unjust, I still urge you to vote for this legislation, even if you wonder about the constitutional basis of it because ultimately that is the judgment of one of the other two branches of our Government that the Supreme Court will decide. Therefore, I respectfully ask my colleagues to vote no on the point of order.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I am aware that the hour has expired. I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I cannot add to the persuasive argument presented by the most respected Member of the Senate on constitutional matters and other matters. I thank Senator BYRD for his opinion. I thank him for his many years of service. I know all of us, however we vote on this issue, respect and admire his views. Thank you, sir.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the constitutional point of order raised by the Senator from Arizona, whether it is well taken. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—36

Alexander	Cornyn	Kyl
Barrasso	Crapo	Martinez
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Murkowski
Bunning	Graham	Risch
Burr	Grassley	Roberts
Byrd	Gregg	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Wicker

NAYS—62

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Gillibrand	Murray	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the constitutional point of order is not well taken.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

AMENDMENT NO. 579

Mr. THUNE. Mr. President, I call up my amendment that is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT,

Mr. INHOFE, Mr. BENNETT, Mr. ENZI, and Mr. RISCCH, proposes an amendment numbered 579.

The amendment is as follows:

(Purpose: To amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia.)

At the appropriate place, insert the following:

SEC. ____ . RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.

(a) **SHORT TITLE.**—This section may be cited as the “Respecting States Rights and Concealed Carry Reciprocity Act of 2009”.

(b) **RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§ 926D. Reciprocity for the carrying of certain concealed firearms

“Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.”.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(c) **SEVERABILITY.**—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

Mr. THUNE. Mr. President, my amendment is a very simple amendment. It allows individuals the right to carry a lawfully concealed firearm across State lines while at the same

time respecting the laws of the host State. It is very similar to legislation I introduced earlier, a stand-alone bill, S. 371, which currently has 19 Senate cosponsors.

As I believe and the Supreme Court found last June, the second amendment of the Constitution provides law-abiding citizens have the right to possess firearms in order to defend themselves and their families. As such, I believe a State's border should not be a limit on this right. Today, there are 48 States that have laws permitting some form of concealed carry. While some States with concealed carry laws grant reciprocity to permit holders from other select States, what my amendment would do is eliminate the need for these laws by allowing an individual to carry a concealed firearm across State lines if they either have a valid permit or if under their State of residence they are legally entitled to do so.

After entering another State, the individual must respect the laws of the host State as they apply to conceal-and-carry permits, including the specific types of locations in which firearms may not be carried. Reliable empirical research shows that States with concealed carry laws enjoy significantly lower violent crime rates than those States that do not. For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

My amendment is relevant to this debate because it underscores the selective support that the District of Columbia has when it comes to individual rights such as the second amendment, and together with Senator ENSIGN's amendment will increase these rights. Specifically, anytime the word “State” is mentioned throughout my amendment, DC is also explicitly mentioned as well.

My amendment is a common-sense measure that will strengthen public safety throughout the Nation. And I would hope if the Senate is willing to pass the unconstitutional legislation that is before us—the underlying bill creating an additional Member of Congress within the District of Columbia—then the Senate should also be able and willing to pass amendments which are constitutional and protect each citizen's second amendment rights.

Mr. President, I urge my colleagues to support this amendment, and I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 585

(Purpose: To provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes)

Mr. KYL. Mr. President, in a few moments I am going to propose an amendment. I thought to conserve time that I would simply describe the amendment now, and then as soon as it is copied, I will distribute it and ask unanimous consent that the pending business be laid aside so that I can offer that amendment.

This is the retrocession amendment. It is an amendment that has been frequently offered in the House of Representatives over the years, and it is the alternative to the constitutional mechanism for providing the District of Columbia with representation in the House and Senate.

Rather than going the constitutional amendment route, there is one thing we know we can constitutionally do legislatively. Congress has the ability to retrocede to the State of Maryland all of the non-Federal areas within the District of Columbia that adjoin Maryland. The effect of that, obviously, is to give the residents of the District of Columbia today the same rights as other citizens of Maryland, if this procedure were to be followed.

Under this amendment, it would require an affirmative action of the Legislature of the State of Maryland, so that if the Legislature of Maryland did not wish to proceed with this, then it would not occur. It also would require the repeal of the 23rd amendment to the Constitution, as I will describe in just a moment. But the effect of it is, as I said, to allow the residents of the District to enjoy representation in both the House of Representatives and the Senate. It would do so without violating the Constitution's requirements that only States be represented in Congress and it would do so without creating a city state that would have disproportionate leverage in Congress and over the Federal budget.

The amendment provides quite simply that after certain conditions are satisfied:

The territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

Retrocession, as I said, includes a minor exception for the so-called national areas—the White House, the Capitol building, the Supreme Court building, and the other Federal buildings and monuments around the National Mall. The length of the amendment is simply due to the fact that there is a full description in section 3 of the amendment of the area that would remain under the exclusive jurisdiction and control of the Congress.

There is an important transition provision that would allow lawsuits begun in the District of Columbia to be continued in Maryland courts. The amendment also provides that until the next

reapportionment, the DC Delegate will serve as a full Member of the House of Representatives from Maryland. As I said, there are two conditions that would have to be satisfied before it takes effect. First, the State of Maryland would have to enact accepting the retrocession of the District to Maryland; and second, amendment XXIII, which currently gives the District three electoral votes in Presidential elections, would need to be repealed.

The reason for this is that in the absence of such a repeal, amendment XXIII might be construed not to be mooted and might be construed to give the very few residents living around the National Mall three electoral votes. The intent here is not to capture anyone who actually has an abode in that area, but there are some people who might be living there nonetheless.

We believe the amendment is the most reasonable means of providing representation in Congress to the residents of the District. It is a solution that is based on precedent. Obviously, as we all know, in 1846 the part of the District south of the Potomac River was retroceded to the Commonwealth of Virginia and became Arlington County and old Alexandria. We have done this before. We know how it works.

If we adopt the amendment, the residents of Maryland could have a vote in the House and in the Senate within a year or two. If we continue down our current unconstitutional path, the legislation will be tied up in litigation for several years and, at least in the view of many of us, then struck down and we will be back at the drawing board. Unlike proposals to grant statehood to the District of Columbia, retrocession provides representation to the District residents in the national legislature but without creating a city state that would further skew representation in the Senate.

In that regard, I would note that the number of people represented in most of the congressional districts of the United States exceeds the number of people who are residents of the District of Columbia. As State population continues to grow, there is every reason to believe that ratio would continue to exist.

I urge my colleagues to support this sensible constitutional means of providing representation in Congress to the residents of the District of Columbia.

At this point I ask unanimous consent that pending business be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona (Mr. KYL) proposes an amendment numbered 585.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KYL. Mr. President, I note for the benefit of colleagues that we now have, I think, two pending amendments.

I urge my Republican colleagues, if they wish to speak to either of these two amendments or to lay down further amendments—we have good cooperation here on both sides of the aisle to move forward with this legislation, and if Members who have an interest can be here and express their views or offer their amendments, we can move through the bill more quickly.

I will suggest the absence of a quorum here, but in the event Members on the Republican side wish to speak, certainly this would be a good time for them to come down and speak to the bill and offer amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, there are several amendments pending. This is a bill which is trying to make history. I thank Senator LIEBERMAN, Senator HATCH, and others for bringing this bill to the floor. We have 600,000 residents who live right here in the District of Columbia who do not have a vote. They do not have a vote in the House of Representatives nor in the Senate. They never have. They were created as a kind of Capitol District without a voting Congressman, Congresswoman, or Senator. Of course, the people in the District of Columbia pay Federal taxes. Their sons and daughters take an oath to protect America and march off to war. At least seven have recently died in Iraq and Afghanistan. They are bound by virtually all the Federal laws that people in Illinois or Oregon or Connecticut would be bound by, but they do not have a voice.

There is no representation of 600,000 people. I think that is a gross miscarriage of justice. I salute those who bring this bill to the floor today to give the District of Columbia, specifically the 600,000 people who live here, that voice in Congress. It is long overdue.

But there is an interesting relationship between Congress and the District of Columbia. Even though they do not have a voice in the Congress, Congress has always had a voice in the District. Congress has assumed a role somewhere between Governor and mayor when it comes to the District of Columbia. I have seen it when I served in the House and the Senate. A lot of Mem-

bers from all over the United States of America who secretly long to be mayors get their chance. They come to Washington, they come to Congress, and they sit down and they play mayor for the District of Columbia.

They make all kinds of decisions, decisions that do not relate to war and peace or Federal Government; decisions that in most places are going to be confined to mayors and city councils or Governors or legislatures. People in Congress cannot suppress the urge to be mayors, so they make all kinds of rules for the District of Columbia. Some of them are nothing short of outrageous.

They delve into issues which the people in this city ought to decide for themselves—zoning issues, issues of public health, issues that, frankly, we do not have any business working on. But we can't stop ourselves. These Senators who want to be mayors get their chance. You can be a Senator from another State, but you can play part-time mayor in the District of Columbia.

That is one of the good reasons for this underlying bill, so finally at least some person can stand up in the House of Representatives and say: I am representing these people and these people do not care for what you are doing to them.

Along come a couple of amendments here. They are in this big constitutional debate, history making, about the future of Washington, DC, and several of my colleagues cannot suppress the urge to be mayor. They want to be mayor of the District of Columbia.

One of them has come in with a proposal relative to firearms in the District of Columbia. This is offered by Senator ENSIGN of the State of Nevada and about a half dozen or a dozen other Republican Senators. Here is what they are trying to do.

They want us to write the ordinances for firearms in the District of Columbia. Are we going to do it in a committee hearing? Bring in the police? Bring in the experts? Sit down and do this thoughtfully? No. We are not going to have any committee hearings. We are going to allow the National Rifle Association to write the gun ordinance for the District of Columbia.

Do you want to guess what is going to be in that ordinance? Not much, when it comes to dealing with firearms.

I guess you could be sarcastic and say why would you worry about controlling firearms in Washington, DC? I am not going to be sarcastic because I can recall a time not that long ago when a deranged individual brought a gun into this Capitol building and fatally injured two Capitol Hill policemen before he was finally suppressed.

I can recall when a President of the United States at the Washington Hilton hotel on Connecticut Avenue, a

man by the name of Ronald Reagan, was shot down in the District of Columbia.

I can recall time and again the efforts made, by men and women who are Capitol police officers, to protect us and our visitors, wondering at any moment whether someone was going to open fire on them.

I can recall not that long ago an inauguration with 2 million people on the Mall and the overwhelming concern we all had for the safety of everyone involved and particularly for our new President or First Lady, the First Family. I saw the length we went through to protect them because of the obvious—we live in a dangerous place. We live in a dangerous time. A person with a gun, if they are willing to lose their own lives, can take out the lives of almost anyone. That is a fact. So, is there reason for us to be careful when it comes to guns? In my hometown of Springfield there is. In the great city of Chicago that I represent, you bet there will be. Kids are getting gunned down every day—certainly in Washington, DC, our capital city.

Guns need to be taken seriously—I won't say more seriously. Every life is precious. But when we are entertaining visitors from around the world who come to our Washington, DC, U.S. Capitol, we want to offer them protection and safety as they travel. Maybe it is a special circumstance here. But this town needs to be as safe as possible, for the people arriving here, for the visitors, for all of us.

So the National Rifle Association has decided they want to establish the standard for firearms in the District of Columbia. Let me tell you what they would do, to give you an idea if they could write the ordinance for guns in the District of Columbia, with the Ensign amendment. There are a few things they would like to do. The amendment would provide:

The District of Columbia government shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.

If that is your starting point, listen to what follows. It blocks the District of Columbia from passing any background check or registration regulations, even sensible regulations that are needed to help law enforcement know who is buying guns. So the first thing the NRA wants to do is say we cannot ask you for a background check to find out if you should be able to own a firearm in the District of Columbia. What a great starting point.

It also prevents the District of Columbia passing laws that require gun proficiency training. It even prohibits them from educating parents about child gun safety.

You read the stories—we all do—about children killed when they find a firearm at home, play with it, shoot themselves or a playmate, a little

brother or a little sister. This bill would prohibit the District of Columbia from establishing gun safety training.

The amendment would also prohibit the DC City Council from taking steps to unduly burden—that is the language of the bill—the acquisition or use of firearms by persons not already prohibited under Federal law. That means that DC could not pass a law, for example, restricting access to guns by those convicted of misdemeanor sex offenses involving a child.

That is a fact—because the Federal law does not prohibit that, DC could not. A person convicted of a misdemeanor sex offense with a child could not be prohibited, under this NRA amendment, from owning a firearm in the District of Columbia. Make you feel safer? Would it make anyone feel safer? Obviously, some people at the NRA would.

Let me tell you what else. It repeals the age limits for legal gun possession. Now, this is a good one. Let's basically say you cannot tell someone you are too young to own a gun or maybe too old and feeble. It repeals DC's prohibition on gun possession by anyone who was voluntarily committed to a mental institution in the last 5 years. How many times have we heard the stories on college campuses, in my State, in the State of Virginia, of someone who had a serious mental illness, turned to violence and killed innocent people?

It happened in Illinois. It happened in Virginia. It happened in other places. So governments try to keep guns out of the hands of people who are mentally unstable. The Ensign amendment would stop the government of the District of Columbia from imposing that standard when it came to possession of a firearm.

It also repeals, while we are at it, not just those voluntarily committed to mental institutions, but it would repeal the DC government's prohibition on gun possession for those who have been judged by a court to be chronic alcoholics; you cannot stop them. Under this Ensign amendment, they can own a gun. It is their second amendment right.

Well, I will tell you what. That is not what the Supreme Court said. The Supreme Court said reasonable regulation of firearms was still the standard in America. But I am afraid the Ensign amendment goes way beyond reasonable regulation.

Well, here is another one. What if you had a requirement that before someone could buy a gun in the District of Columbia, they had to be able to see, a vision test. Not unreasonable. You want to have a gun or drive a car, you ought to be able to do it safely. This bill would prohibit the District of Columbia from imposing an onerous burden that a person has to pass a vision test in order to own a firearm.

I find this incredible. It is also unimaginable to me that this law expressly allows the residents of the District of Columbia to cross borders into our States, buy firearms and come back. There is no restriction, no limitation.

Now, I admit it has not worked very well. There has been a lot of gun violence in this town, even with that law. But why do we want to raise this white flag and say we are not even going to try to restrict or limit them? So when the supporters of the Ensign amendment say DC does not need any gun laws because Federal gun laws are strong enough, pay attention, they are, in fact, trying to weaken Federal gun laws at the very same time they are passing this amendment.

We do not debate guns around here much anymore. We used to. Basically, we reached a point where there are not many people who will stick their political necks out to vote for sensible gun control—too big a hassle. The NRA is going to target you back home, and you are going to have to spend a lot of money to try to explain to people, as I have, if you want to own a gun, if you want to use it safely, responsibly, for self-defense or sporting purposes, your right should be protected.

But you also ought to accept the responsibility, the responsibility to make certain that people check on your background so you do not have a criminal record, a history of mental illness, chronic alcoholism. You ought to be able to limit the kind of guns people buy. I mean, there are some people in my State and all over who say you should not limit people. They should be able to buy whatever they want.

I do not buy that. I have always said, if you need an AK-47 to go deer hunting, you ought to stick to fishing. Obviously, you do not know how to use a gun, you just want to spray bullets until something stops moving. There are also limitations in most places as to where you can take your gun and how you can use it. I do not think that is unreasonable.

Coming from a family, people who are hunters and sportsmen, they are pretty conscientious. They lock up the guns in the gun cabinet. They know when the rabbit season starts and when the squirrel season starts and they are out there. They do not want to take their gun into the mall. It would not make, in my opinion, sense to them. That gun has a purpose.

But there are other people who disagree, people who think this is an absolute right. I am afraid that is what has inspired the Ensign amendment. I do not know if Senator ENSIGN or the people, the dozen or so folks who have cosponsored this amendment, have all gone back to their home States and said: We hope you will do exactly this. My guess is they have not. My guess is Senator ENSIGN has not gone to the

mayor of Las Vegas and said: Let's take all the gun laws out; that ought to help us bring in some tourists. I do not think he has done that. Maybe he has, in all fairness. I will give him his chance to respond to that on the floor.

But it strikes me as peculiar and fundamentally unjust that Senators who will not impose these standards in their own hometowns want to impose them in the District of Columbia. They do not have the courage to stand in their own hometowns and say: We ought to let people with a history of mental illness have guns. Why? Because reasonable people would say to them: Are you out of your mind? They would not say someone judged by the court as a chronic alcoholic ought to be able to buy an assault weapon. Not unless you happen to live in the Nation's Capital, where Senators get to be mayor, where Senators try to write gun laws, where Senators pass ordinances here. It is a shame.

It has been going on for a long time. I am not picking on the sponsors of this amendment. It has been going on as long as I have been here. But it does not make any sense. If there was ever a town, and if there was ever a time where we should take the extra measure to be safe, it is this town at this moment.

We have to make sure the men and women who serve in elected office, the wonderful staff people whom we have, the millions of visitors who come into this building come in with peace of mind, knowing they and their families are going to be safe, not to worry that some law passed in the Senate is going to create a shooting gallery right outside the Capitol grounds.

This amendment does not make good sense. It certainly does not make common sense. It is not required by the Supreme Court. It is an amendment that basically is an attempt for the National Rifle Association to do a little temperature check, find out where they are in this new Congress, to push to the limits the gun issue and to see who is going to follow it.

I know a lot of Members who said: Well, that is their decision, I respect them for it. But I respectfully disagree. Let us keep DC safe. Let's make sure all the people who value this city and the great tradition and heritage of this city take an extra measure to make it a safe place for visitors, for those who live here, for kids going to school, for folks going to church on Sunday. I do not think they deserve anything less.

If one of those Senators, any one of these Senators want to stand up and say: I have proposed this gun ordinance in my hometown and my home State, I think it should apply to Washington, they would have more credibility. But without that, they just want to experiment, experiment on a city that for over 200 years has not had a voice in this Congress, experiment on a city

that is a helpless victim, many times to these political experiments that people like to try, through Congress, on Washington, DC.

I urge my colleagues: Read this. Take the time to read this amendment. Pause and reflect and ask yourself one question: Would I want this in my hometown? Is this a standard? I know some will say yes, but most will say no. This is extreme. This goes too far.

The District of Columbia is trying its best after the Supreme Court challenged and voided one of its ordinances. It rewrote its gun law. It allows for the registration of pistols, revolvers, and long guns for self-defense at home. So people in the District can have a gun in their home for self-defense.

It bans assault weapons and junk guns used for crime. It prevents persons with a history of violence within 5 years from registering a gun. It prevents a person convicted of domestic violence or who is the subject of a protective order, within 5 years, from registering a gun.

It prevents a person with multiple alcohol-related offenses within 5 years from registering a gun. It requires that an applicant for a gun complete a firearm safety training course. It limits an applicant to registering one gun every 30 days. It bans magazines on guns over 10 rounds. It tightens gun dealer licensing requirements. It requires all new semiautomatic pistols to be stamped so they can be traced in a crime.

It protects children by requiring registrants to safely store their firearms, and it abolishes concealed carry licenses, except in very narrow circumstances. That is the law if you want to own a gun in the District of Columbia. If you have a legal right to do so, you have to follow some basic rules, commonsense rules, rules that will be thrown right out the window with the Ensign amendment.

That is not good for the District, it is not good for America. I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 573

Mr. DEMINT. Mr. President, I appreciate the comments of the Senator from Illinois, and I think it helps to set up some of my comments as well. We are talking about a bill on DC voting rights that has a lot to do with our Constitution. I have an amendment to that that also has a lot to do with our Constitution; that is, the right of free speech and the right of freedom of the press, what we will call the Broadcasters Freedom Act.

The interesting point about the talk of my previous colleague is, he was talking about the urge to be mayor here in the Senate. It is interesting, after we just passed this massive stimulus bill, where we were telling not only mayors but every Governor in the

country what they had to do and how they need to spend their money, to control everything from education to health care.

We cannot resist the urge to be Governors and mayors and, in fact, we cannot resist the urge to substitute our opinions of what should happen to our whole constitutional form of Government. It is interesting to hear about the guns amendment and the opinions there. I respect the Senator's opinion about the gun laws, what they should be.

But the fact is, that what we do here is not about our opinion, it is about our oath of office, of protecting and defending the Constitution. The Constitution does not give me a right to decide who is going to bear arms. I mean it is a basic constitutional right.

It does not give us the right to use our own opinions and good intentions on every piece of legislation. One of the reasons as a country we are so much in debt—and this is attributed to both parties—is we have moved away from any constitutional mooring of limited Government to the point now where it is whoever's opinion can prevail is what passes.

An appeal to the Constitution is almost irrelevant. There is no way you can interpret the Constitution to say the Federal District of Columbia is going to have Congressmen and Senators. Now, I respect an opinion of anyone who says it should not be that way, that people who pay taxes should have Congressmen and Senators. But the fact is, our oath of office is to defend the Constitution, not to employ our own opinions, to do what we think is right, to get money for our States.

That is a pretty simple judgment to make in this case, if we can count, if we can look at the language of the Constitution and see something so obvious. Now, sure, we do not like it, we do not like the way it has turned out. There are 600,000 people living here and a lot of people with very good intentions say they should have the same rights as States. But that is our opinion, it is not the Constitution.

What worries me about a lot of our rights that are given in the Constitution, particularly our Bill of Rights, not only the right to bear arms, which people's opinion is being substituted for the Constitution, but the same thing has happened with the right of free speech, the freedom of the press in our country, which has been so instrumental to maintaining freedom and the ability of the American people to be vigilant over their Government, finding out what is going on here.

Back in 1949, the Federal Government implemented what was called the fairness doctrine over concerns that with the relatively few number of radio stations across the country, a diversity of opinion would not be heard.

Substituting our own good opinion for that of the Constitution, there are

some in Washington who decided we needed to referee what was said on radio.

If one political opinion was expressed, the fairness doctrine required that they have an opposite opinion also expressed. The whole idea was to create a diversity of points of view. The fact is, as with many things we do here, it had exactly the opposite effect of what was intended. It put a chilling effect on political speech because what radio station would want to deal with the liability of expressing an opinion if someone else was going to come in and say they had to have somebody else express a different opinion? It violates the right of free speech and, in the process, actually puts a chilling effect on the development of political points of view in radio.

In 1987, it had become obvious what this was doing. Thousands of radio stations were developing all over the country. The Reagan administration overturned this so-called fairness doctrine, which was really a radio censorship act. With that act gone, we have seen the development of radio talk shows all over the country. One can tune in anywhere and get all kinds of diversity of opinion.

Frankly, it has become very annoying to a lot of Congressmen and Senators. There is nothing worse than going home and trying to tell people one thing, and they actually find out that is not the truth. Increasingly, that has been happening with bills we are passing, when folks back home find out through talk radio those guys didn't even read that bill. The front cover of that bill says it is not amnesty, but the bill says it is. The President says there are no earmarks, but open it up and there are thousands of earmarks in the bill. The President says he is expanding our energy supplies, but then look and see that they actually have a drilling moratorium that we didn't know about.

Talk radio has become very annoying to politicians who don't want Americans to know the truth. So increasingly a number of people in Congress are looking back to that fairness doctrine and thinking we need to bring it back. We need to censor radio talk shows. We need to create that liability, that risk. Every time someone freely expresses an opinion, that station needs to know that they are liable to make sure another opinion is expressed.

Who is going to decide what should be expressed? The Governors and the Mayor in Washington? In fact, what we are finding out is so many people on the other side can't resist the urge to be Founding Fathers. They want to change the Constitution and change what it means and ignore it. But freedom of speech is so important. The fact is, people in this Senate who swore an oath to the Constitution are actually

advocating bringing back radio censorship and certainly will eventually apply it to the blogosphere and the Web. They will not stop with radio talk shows. We need to act to make sure this oppression, this tyranny is not re-imposed on the American people.

It is not just important to protect what radio talk show hosts can say. What we are really trying to protect is what millions of Americans are free to listen to: different opinions, facts, information about where to find more complete information about what is going on. The primary reason more and more Americans are standing up and are outraged about what is going on here is because they are finally finding out the truth about what we are doing, how much money we are spending, how much we are borrowing, the porkbarrel earmarks we are sending all over the country, basically changing the mission of the Federal Government from one that stands for the national interest and constitutional government to one that is essentially trying to run local governments and State governments and to rearrange the Constitution.

The Federal Communications Commission could actually reimplement this radio censorship idea without Congress. That is why my amendment I will offer tomorrow, the Broadcasters Freedom Act, will prohibit the Federal Communications Commission from bringing back any part of the radio censorship they called at one time the fairness doctrine.

Some here will say it is not germane to this debate on DC voting rights. But DC voting rights are about the Constitution and whether we will follow it. If we don't respect the Constitution on one issue, why should we respect it on another? The fact that people at the FCC and here in Congress are talking about bringing it back means it is germane to this discussion. It is germane to everything we do here, the right to freedom of speech. The freedom of the press is so foundational to our form of government, our way of life, it is germane to everything we do here.

This amendment is so important to what we do because if we can't get the American people informed and engaged and activated and get them to stand and express their outrage, this Government, this Congress, is going to continue to violate the Constitution at every turn; to substitute their opinion, whether it be the first amendment or second amendment, any time their opinion is different from the Constitution. Their belief and the prevailing belief here in Congress is, if you can pass something, then it is legal. It doesn't matter if it violates the Constitution. What will matter is if the American people know what we are doing. They are going to stand up. They will e-mail. They will call. They will express their outrage to these people who are taking

our constitutional rights every day. They are going to hear from the people back home, and they will back down or they will be brought home at the next election.

That is why radio freedom, freedom of the press, talk radio, bloggers, cable TV, all these alternative media that are going around, the New York Times and the other liberal press, and taking the truth and the facts to the American people is something we have to protect with our lives in Congress. The broadcasters freedom amendment that will be offered tomorrow is critically important to what we do.

I urge all of my colleagues, don't buy these lame arguments that it is not germane to this constitutional debate. Don't buy the argument that it is not relevant because no one is bringing it up. We have seen what people can sneak into bills that we don't get a chance to read. We need to make it a law that the FCC or this Congress cannot implement any aspect of the fairness doctrine. That is what this amendment is about.

I urge colleagues to take the Constitution seriously, take this amendment seriously. Vote for it and show the American people that we will stand for their constitutional rights.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I rise to support the District of Columbia House Voting Rights Act. For too long politics has trumped basic fairness. This is not a bill for statehood but one that ensures the simple and long overdue right of American citizens to have a voice in their Government. It is the duty of any democracy to have every citizen represented. America is a model for democracy around the world. Right here at home in our own Capital City almost 600,000 Americans live without a full vote in their Government. Passage of this bill is a matter of fundamental rights. Citizens of Washington, DC, pay taxes like everyone else, but they have no voice in how their taxes are spent. The phrase "no taxation without representation" used by the original Thirteen Colonies is every bit as relevant today.

The residents of our Capital City pay one of the highest tax rates in the Nation, but they do not have a single voting representative in either House of Congress. Unlike every other city in America, Washington, DC, is forced to remain dependent upon Congress for even the most basic functions. Congress has control over DC's local budget. Congress can review and overturn laws that DC residents pass. Even more important to consider is the brave service and sacrifice Washington's men and women in uniform make in serving our Nation in the Armed Forces. These great patriots deserve full participation in Congress.

The foundation of our system of government is that all citizens are represented in the Federal Government. Today we must make good on the promise and grant full and fair representation to the people of Washington, DC.

This issue has been around a long time. Finally, in this bill, we have a balanced and sensible approach, one seat for the District of Columbia and one additional seat for the State of Utah.

I urge passage of this bill to give full, equal voice to the residents of this District and allow those 600,000 citizens to finally become full members of our Republic.

I yield the floor.

AMENDMENT NO. 575

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by the Senator from Nevada, Mr. ENSIGN, with regard to gun control. I do so for five reasons.

First, this amendment is completely unrelated to the DC House Voting Rights Act before us today. If it bears any relationship to this bill, it is in an inadvertent, unintended way to make the point of how badly we in Congress treat the District, as if we have the right not only to deprive it of voting representation in the House of Representatives—600,000 residents without voting representation, no government with consent of the governed—but we exercise, by this amendment, if it passes, the right to intervene in the District when its own legislative body, the council, has legislated and impose our desires on them.

Let me come back to my first point. The amendment is unrelated to the DC House Voting Rights Act. We should not be adding controversial, non-germane issues to what I believe is a historic civil rights bill that finally nullifies what has gone on for most of American history, which is a voting rights injustice. Residents of the District have fought for decades to win the voting rights the rest of us take for granted. It has taken tremendous work over more than this year to get this bill to where it is today, to enable us to actually be on the Senate floor debating a voting rights bill.

We had a good debate earlier on a constitutional point of order raised by the Senator from Arizona, Mr. MCCAIN, that went to the heart of the bill. That is what we ought to be debating. That point of order was rejected, but it was relevant to what we are all about in S. 160. Congress has on many occasions, of course, debated legislation related to gun ownership, which is the subject of the Ensign amendment, unrelated to the DC House Voting Rights Act. No doubt we will have the opportunity to debate the issue of gun ownership and

gun rights in the future. Opponents have raised relevant concerns about the constitutionality and appropriateness of the legislation we are considering. That is what we should be debating, not gun legislation.

I fear, of course, in doing so, what we are doing on the Ensign amendment is we are going to cloud the prospects for this bill with controversial, unrelated amendments that take us from the focus here, which is that 600,000 Americans do not have voting representation in Congress.

Second, I believe Congress should not limit the District's ability to enact its own measures with regard to gun violence. Some Senators, Members of this body, may believe as a policy matter that the District's gun laws are not adequate, not correct, but the District's gun laws have no effect whatsoever on the varying gun ownership laws of the States. The fact is that none of our constituents—not one of our constituents—will be affected or is affected by the gun laws of the District of Columbia. We do not represent anybody who is a resident and voter in the District of Columbia.

The gun rights of residents of other States are guided and controlled and enabled pursuant to the laws and regulations enacted by the elected officials and executive officials in those States. Likewise, the elected officials of the District of Columbia have enacted laws regarding gun ownership that I believe this body should respect, just as I would want this body to respect the laws of my State with regard to guns or anything else. As I will explain in a moment, in fact, the District of Columbia has enacted new gun laws in response to the court case of *DC v. Heller*. Congress should not be singling out particular States and localities to repeal their laws on guns or anything else.

This is not a uniform nationwide standard that will be adopted if the Ensign amendment passes. This is a law with regard to guns for the District of Columbia. It is as if a law of my State of Connecticut was challenged in the Supreme Court, and it was invalidated, and actually my legislature then responded to the constitutional invalidation by adopting a law which they believed was consistent with the Supreme Court decision, but then we in Congress came along and said: No, Connecticut, that is not enough. We are going to tell you exactly what your law should be—not for the entire United States of America but for the State of Connecticut. I would be outraged. Any Member of this Chamber would be outraged if we did to one of our States what this amendment proposes to do to the District. It is just not fair, and it is not consistent with our basic principles of limited Federal Government and the rights of States and localities to legislate for themselves.

That is my second point. Congress should not limit the District's ability to enact laws of its own regarding guns or anything else.

The third point is this: This amendment is actually outdated. The Ensign amendment is the same as legislation that passed the House last September to remove restrictions on gun ownership in the District. But there is an important point that has been left out here.

Last month, January, the District's government enacted new gun laws that are their response to the holding of the Supreme Court in the *DC v. Heller* decision. The *Heller* decision struck down several provisions of the District's previous municipal code regarding guns. The decision particularly invalidated the District's handgun ban and trigger lock-storage requirement. But consistent with the newly enacted District of Columbia law adopted by the council, those provisions are no longer in the law. So the Ensign amendment, in fact, is outdated. In fact, if you look carefully at this amendment, it repeals and modifies provisions that used to be in the DC law but no longer are because the recent enactment of the DC City Council removed those provisions of the law.

So my third point is the Ensign amendment is outdated and does not relate to the reality that has been created by the District's City Council itself.

Fourth, let me talk about the District's new gun measures and their relationship to the *Heller* decision. The Supreme Court made clear in its decision in *Heller* that the second amendment meant something. It is something this Senator has always felt. There is a constitutional right to bear arms. But that right, I have always felt, is no more unlimited than any other right in the Constitution, including the fundamental—I would almost say sacred—rights in the first amendment. Those are not unlimited either, as we know. So the Supreme Court decision said that the total bans in the DC law on gun ownership, possession of guns in the home, were unconstitutional and violative of the second amendment. But the decision also made clear that reasonable regulation of gun ownership was permissible.

This amendment essentially invalidates a whole series of what I believe the Supreme Court would find to be reasonable regulations of gun ownership and again does not acknowledge what the DC City Council has done.

The gun laws the District passed last month restore the right of gun ownership for self-defense in homes here in the District and amend the District's safe-storage requirements so that a firearm no longer needs to be kept bound by a trigger lock within the

home. The District's new gun law permanently repealed DC's ban on semi-automatic firearms and permits residents to own semiautomatic pistols. If you look at the Ensign amendment, you would not believe that was true. In fact, in the Inoperable Pistol Amendment Act of 2008, the city of the District of Columbia provided a self-defense exception to allow residents with registered firearms to carry these weapons lawfully in their homes or places of business. Additionally, the Firearms Control Amendment Act of 2008 exempted from the registration requirement "[a]ny person who temporarily possesses a firearm registered to another person while in the home of the registrant" if that person believes they are in imminent danger. So these are the very real rights of gun owners that are now enshrined, adopted in the DC law that has been passed.

My fifth point is this, and I referred to it a moment ago: The Ensign amendment goes much further than the Supreme Court did in limiting the right of localities, States, and municipalities to regulate gun ownership while recognizing the second amendment constitutional right to bear arms. In fact, Justice Scalia wrote the majority opinion in the Heller case, and he specifically noted that a wide range of gun laws would be lawful and not violative of the second amendment—everything from laws "forbidding the carrying of firearms in sensitive places" to "conditions and qualifications on the commercial sale of arms."

The amendment offered by my colleague from Nevada would overturn provisions that the Heller decision did not address and did not strike down.

This amendment provides that the government of the District of Columbia "shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms." Potentially, this could prevent the District from passing legislation regarding background checks, which have been widely accepted by courts, or registration regulations that are needed to help law enforcement keep tabs of who is buying and owning guns in the District.

The Ensign amendment repeals DC's ban on sniper rifles that can pierce armor plating up to a mile away and its ban on military-style semiautomatic weapons and high-capacity ammunition magazines.

The amendment repeals DC's requirements—modeled on a California law which has been strongly supported by law enforcement agencies—that semiautomatic pistols manufactured after January 1, 2011, be microstamp-ready. Microstamping is a law enforcement tool that helps solve gun crimes by imprinting shell casings with a unique identifier so they can quickly be matched to the handguns that fire them.

The Ensign amendment also repeals the District's age limits for legal gun possession. Imagine how we would feel in my State of Connecticut or in the Presiding Officer's State of Illinois if Congress came along and told us how to write laws for our States.

This amendment repeals the District of Columbia's prohibition on gun possession by anyone who was voluntarily committed to a mental institution in the last 5 years. It repeals the District's prohibition on gun possession for those who have been adjudicated as chronic alcoholics and those who have failed a vision test. This would be—I do not even want to say it. It is shocking.

The amendment also weakens Federal law. Federal law prohibits gun dealers from selling handguns directly to out-of-State consumer buyers because of the high risk this creates for interstate gun trafficking. But this amendment would allow DC residents to cross State lines to buy handguns in neighboring States, undermining those Federal antitrafficking laws.

It is no surprise that the chief of police of the District of Columbia, Cathy Lanier, has testified that the legislation on which the Ensign amendment is based would undermine safety and security in the Nation's Capital.

So those are five reasons why I believe this amendment should not be adopted. But as the chairman of the committee that has reported out the underlying bill and as somebody who personally has worked for a lot of years to try to right this wrong on the residents of the District of Columbia, our Nation's Capital—the capital of the greatest democracy in the world—not having a voting representative in Congress, I just think this amendment, leaving aside its merits or demerits, adds something to this historic piece of legislation that just does not belong and may, along the way, complicate its path to passage.

So regardless of your position on gun control—and I state again, I have always believed the second amendment has meaning, that it makes constitutional the right to bear arms, but that it is not unlimited—this amendment comes close to a judgment that the second amendment really is unlimited. So that is why I, on its merits, think it goes too far.

But whatever you think of the merits, if you really believe in helping eliminate one of the last vestiges of voting rights blocks in our country—when you think about it, when the Constitution was adopted, people of color could not vote. Good God, people of color were only counted as three-fifths of people who were White. Woman could not vote. A lot of men could not vote if they were not property owners. And over the years, on this journey of ours, from the ideals in our Declaration of Independence, we have gone forward to eliminate one

after another block to the reality that the Government was premised on that you would not have governing without the consent of the governed. Yet this bizarre anomaly remains in our Nation's Capital where people are deprived of the right to have a voting representative here.

So I appeal to my colleagues, whatever your position on gun ownership and gun violence, whatever your position on the amendment offered by the Senator from Nevada, please don't stand in the doorway, as Bob Dylan once sang, and block this underlying bill or cause it to become more controversial than it should be.

I thank my colleagues, I thank the Chair, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent to speak for 10 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask the Chair to notify me when I have consumed 8 minutes.

THE PRESIDING OFFICER. The Chair will do so.

Mr. BENNETT. Mr. President, I have two items I wish to discuss, one that has already been raised on the floor by my friend, Senator DEMINT, with respect to his proposed amendment No. 573 to the underlying bill. As I understand it, Senator DEMINT will be offering an amendment dealing with the fairness rule. I was a cosponsor of this legislation in the last Congress and I am happy to support it in this Congress; that is, the position that says we should not allow the FCC to reinforce what has been called the fairness rule that was dropped some years ago. Who can be against fairness? Well, I am in favor of fairness, but I am opposed to censorship, under the mislabeling that we have here, the fairness doctrine is nothing more than censorship. The Federal Government would say to a radio or television broadcaster we have determined that the broadcasting that you have been doing is not fair and so you are going to be ordered by the Government to present a different point of view on your show and we will determine whether it is fair or it is not. The fairness doctrine was imposed on the grounds that radio was such a pervasive medium that anything that was said on radio regarding politics should be balanced by someone who holds a different point of view. Right away, this raises the question of how many points of view?

We have seen Presidential elections where we had President Clinton, where we had Pat Buchanan, where we had Ralph Nader, and some minor candidates, and who determines which one is important enough to qualify for a fairness opportunity on radio? According to the so called Fairness Doctrine,

the government determines. Who determines, therefore, what is one position that deserves putting down so that other positions can be raised in the name of fairness? The Federal Government. What do we get into when the Federal Government has the authority to make these kinds of decisions? Again, there is a word for it and it is called censorship.

One way to deal with an argument, to use the Latin phrase "reductio ad absurdum," which means "reduce it to an absurdity." Take it to its ultimate end. If we are going to take the Fairness Doctrine to its ultimate end, then we are going to say to the late night comedians, when you make a joke about a Democrat, since you are on the airwaves, you must make a joke of equivalent nastiness about a Republican. When you put down the President, you must find an equivalent Republican figure to put down in the name of fairness. The consequence of all of that, of course, if it were enforced, would be that the late night comedians get shut down all together.

We have already had an opportunity for fairness, if you will, with respect to talk radio. When a group of people got together and financed a liberal talk show host—one who aspires to enter this body at some time—the public spoke. The station went out of business. Let the public decide what they are going to listen to and let the public decide how they are going to pick. There are so many outlets for different points of view that we do not need to go back to the Fairness Doctrine and impose Government censorship on the way people think and respond.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 581

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 581 be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 581.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law,

be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

Mr. COBURN. Mr. President, I know my colleague from New York wishes to speak and I will be very brief. I should not take more than 10 minutes.

We are in a debate about the District of Columbia and the fact that they are taxed and not represented with a vote in the Congress. It is a legitimate debate. I tend to look at the Constitution and, as a matter of fact, as I read the Constitution—and I am not a constitutional lawyer, but I will tell my colleagues that anybody who reads the Constitution can say this is an unconstitutional bill we have in front of us.

I also reject the idea that the District of Columbia does not have representation. All one has to do is look at the facts: \$66,000 per resident of the District of Columbia, that is how much money the Federal Government spends per capita in the District of Columbia. That is \$5.5 for every dollar they pay in taxes. So the 535 votes in the Congress have well represented them greater than any other group of citizens in the country. But there is a claim—a legitimate claim—that they don't have their own representative and that they are taxed.

This is a simple amendment. What it says is while we work this out, the way to be fair is to eliminate Federal income tax on citizens of the District of Columbia. They don't have a vote. Their tags even say taxation without representation is unfair; no taxation without representation. This solves that. They will have to change all of the auto tags. I don't know what that will cost. But the fact is we will take away Federal income taxes on money earned in the District of Columbia from every citizen of the District of Columbia.

Now, two things happen with that, especially since they have 535 representatives already. Think about what will happen to the District of Columbia in terms of income. Think about what will happen to the District of Columbia in terms of economic progress. Think about what will happen in terms of the value of the ownership of any asset in the District of Columbia. Think of the growth. Think of the modernization that will happen as we make this the center of progress based on the idea that because there is no representation, there should be no Federal taxation. It is a very simple, straightforward amendment. It solves the immediate problem. When we finally do a constitutional amendment with a joint resolution, which we are ultimately going to have to do, what we will have done is given the people of the District of Columbia the benefit of having a tax advantage because they don't have, under their thinking, representation in the Congress.

I am not trying to have a cute vote. If I had my way, I would try to elimi-

nate almost every Federal income tax. As the Senator from New York knows, I try to do that quite often, and try to eliminate a lot of spending. The whole point being, there is a legitimate point to be made by the citizens of the District of Columbia in that they are treated differently than everybody else in this country. My argument is they actually have 535 representatives plus their Delegate, and it has shown to be very effective for them, because no place else in the country gets as much Federal money per capita as the District of Columbia. So if we want to treat the citizens of the District of Columbia fairly—by the way, this excludes all Members of Congress, so if my colleagues are thinking about voting for it for a selfish reason, please don't. If you are thinking about voting for this amendment on the basis of fairness, please consider it.

AMENDMENT NO. 575

I wish to take a few more minutes to comment on the Ensign amendment, if I might, and then I will finish. The Ensign amendment isn't about concealed carrying, it is about the right that is guaranteed under the second amendment to be applied to people in the District of Columbia.

James Madison wrote in *Federalist* No. 46:

Besides the advantage of being armed, which the Americans possess over the people of almost every other nation . . . forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of.

If you look at the murder rate in the District of Columbia, what happened when the gun ban in 1975 was first instituted, we didn't see it rise that much because we allowed people to keep their guns. When the complete ban took place, we saw a fivefold rise that is still going up—except for the last 2 years—in the murder rate compared to the rest of the cities in this country. There is something to be said for the thinking that a perpetrator of a felony thinks he or she may possibly be harmed significantly. That tends to drive down violent crime—we know that—in the States that have concealed carry, and that, I believe, is 26 or 28 States. It may be even more than that now.

The fact is, this isn't about concealed carry; this is about guaranteeing the rights of individual citizens in the District of Columbia to represent themselves with a right that every other citizen in this country has. Because Congress didn't act on that right, it took the Heller decision to give them that right. All this does is bring into line the District of Columbia with the rest of the States in the country. I will have taken the amount of time that I should in favor of Senator SCHUMER. I thank him very much for the consideration of allowing me to go first. I thank the chairman of the committee as well.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in opposition to a dangerous amendment that would go far beyond authorizing gun possession for self-defense in the home and create serious threats to public safety, and that is the Ensign amendment.

First, I support the Lieberman bill to bring representation to the District of Columbia, which seems to be in total keeping with what America is all about. I just say to my good friend from Oklahoma that representation, of course, involves dealing with taxation, but it involves many other things. To simply say the people of the District of Columbia don't have to pay any taxes but would be deprived of other rights in these Chambers, to me, is not what this bill is all about. It is a fine bill and a long overdue bill. It is a compromise, obviously. But it is one that moves us up the steps to gaining representation for the hundreds of thousands of the hard-working, taxpaying citizens of the District of Columbia.

Now, of course, we are getting into the sort of season of irrelevant or controversial amendments. The Ensign amendment is certainly the second of those. Let me say this: The Heller case basically said there is an individual right to bear arms. I have some degree of sympathy with those who are in the pro-gun movement who say: Hey, so many Americans look to expand the first amendment, the fourth amendment, and the fifth and sixth amendments broadly, and then see the second amendment through a narrow pinhole, saying that it is only involving militias.

If you believe in a broad and expansive Constitution, how is it that just one of them is perceived as narrow as possible? The Heller decision says it is not just militias that have a right to bear arms, or members of them, but individuals. But every Justice in that case, including Justice Scalia, made the opposite point. Just as those in the pro-gun movement have some justification in saying it is unfair to regard every amendment expansively except the second, those of us who believe more in gun control have the right to say that every amendment has a limitation.

I am a strong believer in the first amendment, but I don't vote against libel laws or pornography laws. I certainly agree with, I believe Oliver Wendell Holmes, who said: You cannot falsely scream fire in a crowded theater. So those are limitations on the first amendment. I say to my friends in the pro-gun movement, if every other amendment has limitations, such as the first, fourth, fifth, sixth—and many on that side of the aisle are for more strict limitations on those amendments than we might be—how is it that the second amendment should not have any limitation?

This proposal by Senator ENSIGN, my friend from Nevada, just shows the absurdity of that argument because there are things in this amendment that people would say defy common sense. It defies common sense to say someone who was voluntarily committed to a mental institution should be allowed to get a gun. It defies common sense to say someone who can't pass a sight test should have a right to a gun. It defies common sense to say a 10-year-old has a right to carry a shotgun. Yet in the defense of an overly expansive view of the second amendment, even conceding that it does apply to these individuals, my colleague from Nevada wishes to say those things. Again, how many people in America think if you fail a sight test, you should have a right to a gun? You might say some sight tests are faulty. Well, change the test. How many people would say someone who has been in a mental institution—voluntarily committed—should have the right to have a gun?

This is about Washington, DC, but didn't we learn on the campus of Virginia Tech about the destructive link when mentally ill people are allowed to acquire guns? Wasn't the country in an uproar about that? Yet here, just a few short years later, as parents of those slain students are still mourning, we are about to say in the District of Columbia, a neighboring jurisdiction, if you not just have a mental illness, but it has to be pretty significant if you have been in a mental institution, you should have a right to have a gun.

So all we are trying to do in opposing the Ensign amendment is invoke common sense. We are not getting into the discussion of whether the second amendment applies to individuals or just to those in militias. The Supreme Court has ruled on that. We are saying to our friends, just as they get up on the floor and advocate limitations on every other amendment, it is contradictory to say the second amendment should not have the most reasonable of limitations. There can't be a more reasonable restriction than the requirement that someone be required to see before they are allowed on the streets with a gun. It just doesn't make sense.

One other point: My colleagues on the other side of the aisle tend to advocate for States rights in the broad balance of things. The States should have the ability to make these decisions. It is clear the District of Columbia, with its high crime rate, is not Nevada, Wyoming, or Nebraska. It is clear that firearms cause far more damage in the District of Columbia than they do in many other States. Why shouldn't the citizens of the District of Columbia have the right to determine, within constitutional confines, how those firearms may be used and who may have them? If you are for a State being able to decide so many other policies, and

you don't like the encroaching Federal Government, why is it different for guns? I guess that is at the nub of the Ensign amendment, Mr. President.

Somehow the sponsor of this amendment seems to believe that guns are different from everything else. The supporters of this amendment seem to believe that guns are different from everything else—limitations on every other amendment but not the second amendment. States rights is a good thing, but not when it comes to the States' or localities' view to regulate guns. Why is it different?

If you want to cite the Heller case in defense of the individual right to bear arms, the Heller case also says—Justice Scalia—that restrictions on firearms that are reasonable, like bans on mentally ill people having access to guns, are constitutional and could be, and should be, decided by the citizens of Washington, DC.

So this amendment, make no mistake about it, if passed, will lead to needless maiming and deaths. It is a serious amendment; it is not frivolous. It goes way beyond a political statement on an important bill. I hope my colleagues will rise to the occasion and reject it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent to offer that has been cleared on both sides. It is as follows:

I ask unanimous consent that at 5:45 p.m. today, the Senate proceed to vote in relation to the Coburn amendment No. 581, with the time until then equally divided and controlled between Senators COBURN and LIEBERMAN or their designees, and that no amendment be in order to the Coburn amendment prior to the vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to speak for a few minutes or

until Senator COBURN arrives, which-ever event occurs earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 581

Mr. LIEBERMAN. I thank the Chair.

I rise to speak against Coburn amendment No. 581. I suppose that in part I should say that this amendment, sponsored as it is by an opponent of the underlying bill, accepts one of the major contentions we are making about the inequity of the current situation, which is that the 600,000 residents of the District of Columbia, uniquely among all Americans, do not have voting representation in Congress. Nonetheless, they are taxed. I mean, this goes back to one of the early American Revolutionary slogans or principles, which is "taxation without representation is tyranny." Our proposal, S. 160, the House Voting Rights Act, responds to that inequity by providing for voting representation in the House of Representatives for the District of Columbia. The Coburn amendment takes the opposite view and says that since the District does not have representation, well, by God, they should not be subject to taxation. So it would eliminate the Federal tax. This amendment would eliminate Federal taxes for DC residents. But that is not what DC residents are asking or we are offering on their behalf. I mean, the point of this is that residents of the District of Columbia do pay taxes. They pay higher per capita taxes to the Federal Government than any other entity but one. They are second highest, approximately \$20 billion a year.

Second, they not only have been conscripted into our military services, but since the Volunteer Army, they have volunteered. Residents of this District have not only served, but they have sacrificed their lives in the cause of American security and freedom.

So the point is that there is something very, I hope, inspiring about this. The residents of the District of Columbia are not asking for any free ride. They want to be contributors to America in every way, including Federal taxation, but they also expect to be represented in the House of Representatives with a voting Representative. So on behalf of what I would describe as the patriotic citizens of the District of Columbia, I would say this amendment makes a point, but it is not a sound or fair one.

I polled the members of my staff who live in the District of Columbia to ask how they would advise me to vote. I am pleased to say that they put principle ahead of personal interests and have urged me to vote against this amendment.

I also say that if the amendment passed, we would have yet another enormous gap, and this gap we now have between Federal expenditures and revenues would grow even larger.

So perhaps Senator COBURN is making a point, but it is not one that I believe we ought to adopt in an amendment; therefore, I would urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would like to ask my colleague from Connecticut a question or two about this. First of all, I think it is correct that all of us would like to see a way, a proper way—and we disagree about what that way is—for the residents of the District of Columbia to have a full franchise in terms of congressional representation. Failing that, I think Senator COBURN was simply saying they should not have to pay taxes.

I was wondering myself about potentially a second-degree amendment that might give that option to other States or congressional districts on the theory that maybe this would be a two-fer for their constituents: they could vote to get rid of their Congressman and the income tax. I wonder if my colleague would have an idea about such an amendment.

Mr. LIEBERMAN. To my friend from Arizona, I do have some ideas about such an amendment, but I guess it would be best to not verbalize them on the floor.

Actually, we are at a time in our history, difficult as it is economically, where I think people are turning to the Federal Government and asking for not such a free ride but asking for help. There is a wonderful word; I do not know if it is in the dictionary; the word is "deviltry." It is another way to say mischievous or mischief.

I think our friend from Oklahoma may be up to a little deviltry with this amendment.

Mr. KYL. I think the Senator from Connecticut is probably right about that. His point is to draw an important distinction, and that is that there are two elements to this, one being the taxation and the other the representation. The Senator from Connecticut rightly points to a very important episode in our history where the Founding Fathers tied those two together. There are other factors as well.

I urge support for the amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 581 offered by the Senator from Oklahoma.

Mr. LIEBERMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 7, nays 91, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—7

Bunning	DeMint	Wicker
Burr	Graham	
Coburn	Kyl	

NAYS—91

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Gillibrand	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Hutchison	Risch
Bond	Inhofe	Roberts
Boxer	Inouye	Rockefeller
Brown	Isakson	Sanders
Brownback	Johanns	Schumer
Burr	Johnson	Sessions
Byrd	Kaufman	Shaheen
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCain	Webb
Dorgan	McCaskey	Whitehouse
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NOT VOTING—1

Kennedy

The amendment (No. 581) was rejected.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, as chairman of the District of Columbia subcommittee, I rise today in support of S. 160, the District of Columbia Voting Rights Act of 2009. I vote to enfranchise thousands of District residents and to affirm my commitment to the fundamental right of all Americans to participate in our great democracy.

Despite our Nation's founding principle of "no taxation without representation," District of Columbia residents lack full representation in Congress. They have sent sons and daughters to war in defense of our country, and they have paid Federal taxes in support of our Government. Despite this, the distinguished Delegate from the District of Columbia lacks a vote on the floor of the House of Representatives.

Fair voting representation is fundamental to our democracy. I understand

the challenges facing the District's residents, and I sympathize with its trouble to attain voting representation in Congress. I also understand that this will be an ongoing discussion. I am sensitive to the concerns raised by my colleagues on the constitutionality of our actions.

Legal scholars have testified before the Homeland Security and Governmental Affairs Committee and the Senate Judiciary Committee that Congress does have the constitutional authority to extend a vote to a District Representative in the House. I believe this legislation is constitutional, but ultimately it is the role of the courts to decide.

Our representative democracy is based on the principle that citizens of this country should have a say in the laws that govern this country. If citizens disagree with the laws, they have the power to vote for different representatives. By extending this core principle to the District of Columbia, I believe this bill would be a decisive step forward for the rights of DC residents.

AMENDMENT NO. 575

Now I wish to address the pending Ensign amendment.

Today, we are addressing voting rights. Now is not an appropriate time to cloud the debate with amendments on gun control. Last year, when this gun issue was brought up on the Senate floor before being considered by the committee, I joined 10 of my colleagues in a letter to the majority leader asking that the bill follow Senate procedures and be referred to committee before consideration on the floor.

As the chairman of the subcommittee charged with the oversight of the District of Columbia, I am familiar with the debate on DC's gun policies. Last year, the U.S. Supreme Court in the Heller decision struck down the District of Columbia's gun ban. Since then, the DC City Council has taken necessary steps to comply with the Supreme Court's decision, including the passage of legislation to address issues raised by the ruling. I do not believe any congressional action is needed to help DC comply with the Heller decision, but, more importantly, this is not the appropriate time to consider and vote on this issue.

I am not against gun ownership. I am for self-determination. I strongly encourage my colleagues to give the District of Columbia and its citizens the opportunity to vote on and establish their own rules regarding gun control. It would be ironic if we were to with one hand finally give the people of the District voting representation but on the other hand take away their right to self-determination by forcing them to adopt a gun control policy on which they were unable to vote. I, therefore, urge my colleagues to vote no on the Ensign amendment and all related amendments.

I am proud to lend my support for the underlying bill. I urge my colleagues to vote in support of voting rights for the residents of the District of Columbia and to reject any amendment that would abridge those rights or is not germane to the issue at hand.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent agreement to propound which has been cleared on both sides.

I ask unanimous consent that when the Senate resumes consideration of S. 160 on Thursday, February 26, the time until 10:30 a.m. be for debate with respect to the Kyl amendment No. 585, with the time equally divided and controlled between Senators KYL and LIEBERMAN or their designees, with no amendment in order to the amendment prior to the vote, and that at 10:30 a.m. the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 160, the District of Columbia House Voting Rights Act of 2009.

Harry Reid, Richard Durbin, Sheldon Whitehouse, Jeanne Shaheen, Patty Murray, Bernard Sanders, Roland W. Burris, Charles E. Schumer, Debbie Stabenow, Barbara A. Mikulski, Bill Nelson, John F. Kerry, Christopher J. Dodd, Frank R. Lautenberg, Jeff Bingaman, Amy Klobuchar, Robert Menendez, Barbara Boxer.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to announce to everyone where we are in regard to this bill. We have been working through the amendments. Senator LIEBERMAN has done a terrific job. I understand there will be a few more that may be offered. We expect to have votes throughout Thursday on pending amendments, and those that are offered on Thursday we are going to try to dispose of those tomorrow.

I filed cloture today, but I hope it isn't necessary to have this cloture vote. However, if necessary, we will look forward to seeing if we can get a consent agreement to have the vote tomorrow; otherwise, we are going to wind up coming in Friday morning. I hope that is not necessary. This is a piece of legislation that has been talked about for a long time. We have had it on the Senate floor before. I think everyone has had the ability to offer whatever they believe is appropriate.

I really express my appreciation for the cooperation of all Members, both Democrats and Republicans, but especially Senator KYL, who did some very good work with Senator LIEBERMAN this afternoon.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMISSION OF INQUIRY

Mr. LEAHY. When historians look back at the last 8 years, they are going to evaluate one of the most secretive administrations in the history of the United States. Now, the citizens of this country have said we should have change, and we should. But we also know that the past can be prologue unless we set things right.

In the last administration, there was a justification for torture. It presided over the abuse at Abu Ghraib, destroyed tapes of harsh interrogations, and conducted extraordinary renditions that sent people to countries that permit torture during interrogation.

They used the Justice Department, our premiere law enforcement agency, to subvert the intent of congressional statutes, even to subvert nonpartisan prosecutions, and instead to use them in partisan ways to try to affect the outcome of elections. They wrote secret law to give themselves legal cover for these misguided policies, policies that could not withstand scrutiny if brought to light.

Nothing has done more to damage America's standing and moral authority than the revelation that during the

last 8 years we abandoned our historic commitment to human rights by repeatedly stretching the law and the bounds of Executive power to authorize torture and cruel treatment.

As President Obama said to Congress and the American people last night, "if we're honest with ourselves, we'll admit that for too long we have not always met" our responsibilities.

Now, the President said that about the economy, but the same holds true here. It is only by understanding how we arrived at this moment that we can move forward. How can we restore our moral leadership and ensure transparent government if we ignore what has happened?

There has been discussion, and in some cases disagreement, on how best to do this. There are some who resist any effort to investigate the misdeeds of the recent past. Indeed, some have tried to extract a devil's bargain from Attorney General Holder, a commitment that he would not prosecute for anything that happened on President Bush's watch. That is a pledge no prosecutor should give, and, to his credit, Eric Holder did not.

There are others who say that regardless of the cost in time, resources, and unity, we have to prosecute these administration officials to lay down a marker. The courts are already considering congressional subpoenas that have been issued and claims of privilege and legal immunities, and they will for some time.

Over my objections, Congress has already passed laws granting immunity to those who facilitated warrantless wiretapping and conducted cruel interrogations. The Department of Justice issued legal opinions justifying these executive branch excesses which, while legally faulty, would undermine attempts to prosecute. A failed attempt to prosecute for this conduct might be the worst result of all if it is seen as justifying abhorrent actions. Given the steps Congress and the executive have already taken to shield this conduct from accountability, that is a possible outcome.

The alternative to these approaches is a middle ground, a middle ground I spoke of at Georgetown University a little over 2 weeks ago. That middle ground would involve the formation of a commission of inquiry dedicated to finding out what happened. Such a commission's objective would be to find the truth. People would be invited to come forward and share their knowledge and experiences, not for the purpose of constructing criminal indictments, but to assemble the facts, to know what happened and to make sure mistakes are not repeated.

I have seen what happened before in prosecutions. We don't find the full truth. We prosecute those at the bottom of the chair of command, but we don't find out what those above did.

While many are focused on whether crimes were committed, it is just as important to learn if significant mistakes were made, regardless of whether they can be proven beyond a reasonable doubt to a unanimous jury to be criminal conduct. We compound the serious mistakes already made if we limit our inquiry to criminal investigations and trials. Moreover, it is easier for prosecutors to net those far down the ladder than those at the top who set the tone and the policies. We do not yet know the full extent of our government's actions in these areas, and we must be sure that an independent review goes beyond the question of whether crimes were committed, to the equally important assessment of whether mistakes were made so we may endeavor not to repeat them. As I have said, we must read the page before we turn it.

Vice President Dick Cheney continues to assert unilaterally that the Bush administration's tactics, including torture, were appropriate and effective. But interested parties' characterizations and self-serving conclusions are not facts and are not the unadulterated truth. We cannot let those be the only voices heard, nor allow their declarations to serve as historical conclusions on such important questions. An independent commission can undertake this broader and fundamental task.

I am talking about this process with others in Congress, with outside groups and experts, and I have begun to discuss this with the White House as well. I am not interested in a commission of inquiry comprised of partisans, intent on advancing partisan conclusions. Rather, we need an independent inquiry that is beyond reproach and outside of partisan politics to pursue and find the truth. Such a commission would focus primarily on the subjects of national security and executive power in the government's counterterrorism effort. We have had successful oversight in some areas, but on these issues, including harsh interrogation tactics, extraordinary rendition and executive override of the laws, the last administration successfully kept many of us in the dark about what happened and why.

President Obama issued significant executive orders in his first days in office, looking to close Guantanamo and secret prisons, banning the use of harsh interrogation techniques and forming task forces to review our detainee and interrogation policies. I support his decisions, and I am greatly encouraged by his determination to do the hard work to determine how we can reform policies in these areas to be lawful, effective and consistent with American values. My proposal for a commission of inquiry would address the rest of the picture, which is to understand how these types of policies were formed and

exercised in the last administration, to ensure that mistakes are not repeated. I am open to good ideas from all sides as to the best way to set up such a commission and to define its scope and goals.

A recent Gallup poll showed that 62 percent of Americans favor an investigation of these very issues. Respected groups including Human Rights First, the Constitution Project and thoughtful Senators, including Senator WHITEHOUSE and Senator FEINGOLD, have also embraced this idea. The determination to look beyond the veil that has so carefully concealed the decision making in these areas is growing. Next Wednesday, the Judiciary Committee will hold a hearing to explore these ideas and to continue the conversation about what we can do moving forward.

Two years ago I described the scandals at the Bush-Cheney-Gonzales Justice Department as the worst since Watergate. They were. We are still digging out from the debris they left behind while those in the last administration continue to defend their policies, knowing full well that we do not even know the full extent of what those policies were or how they were made. We cannot be afraid to understand what we have done if we are to remain a nation equally vigilant in defending both our national security and our Constitution. I hope all Members of Congress will give serious consideration to these difficult questions.

I argue it will be the quintessential American thing to do.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, during my brief tenure so far in the Senate, the Judiciary Committee has confronted many difficult issues, battles over judicial nominees, complex legislative matters, a historic investigation into misdeeds of the Bush administration's Department of Justice. In that process, the committee saw U.S. attorneys fired for political reasons, the Civil Rights Division run amok, declassified legal theories asserting that the President can secretly ignore his own executive orders. We saw unprecedented politicization of a noble department, and we saw those Office of Legal Counsel memos approving interrogation techniques long understood, long known to be torture. Fortunately, throughout that time, Chairman LEAHY sought answers. His efforts were evenhanded but unyielding. We know so much of what we know now because PATRICK LEAHY was satisfied with nothing less than the whole truth.

Today his work continues, and I wish to speak in support of his efforts. The backdrop is, of course, a grim one. Over and over, as I travel around my State of Rhode Island, I hear from people facing challenges that seem almost insurmountable, challenges President Obama spoke about in his address to

Congress last evening. Every day it gets harder and harder to find a job, to pay the bills, to make ends meet. Every day it seems more difficult to see a way out. The Bush administration left our country deeply in debt, bleeding jobs overseas, our financial institutions rotten and weakened and an economy in free-fall. This is the wreckage we see everywhere, in shuttered plants, as my colleague from Pennsylvania sees at home so cruelly, in long lines, and in worried faces. But there is also the damage we cannot see so well, the damage below the water line of our democracy, damage caused by a systematic effort to twist policy to suit political ends; to substitute ideology for science, fact, and law; and to misuse instruments of power.

If an administration rigged the intelligence process and, on faulty intelligence, sent our country to war, if an administration descended to interrogation techniques of the Inquisition, of Pol Pot and the Khmer Rouge, descended to techniques that we have prosecuted as crimes in military tribunals and in Federal courts, if institutions as noble as the Department of Justice and as vital as the Environmental Protection Agency were subverted by their own leaders, if the integrity of our markets and the fiscal security of our budget were open wide to the frenzied greed of corporations and speculators and contractors, if taxpayers were cheated and the forces of Government rode to the rescue of the cheaters and punished the whistleblowers, if our Government turned the guns of official secrecy against our own people to mislead, confuse, and propagandize them, if the integrity of public officials, the warnings of science, the honesty of Government procedures and the careful historic balance of our separated powers all were seen as obstacles to be overcome and not attributes to be celebrated, if the purpose of Government became no longer to solve problems but simply to work them for political advantage, and a bodyguard of lies and jargon and propaganda was emitted to fool and beguile the American people, something very serious would have gone wrong in our country.

Such damage must be repaired. I submit that as we begin the task of rebuilding this Nation, we have a duty to our country to determine how great that damage is. Democracy is not a static institution. It is a living education, an ongoing education in freedom of a people.

As Harry Truman said, addressing a joint session of Congress back in 1947:

One of the chief virtues of a democracy is that its defects are always visible, and under democratic processes can be pointed out and corrected.

We have to learn the lessons from this past carnival of folly, greed, lies, and wrongdoing so the damage can, under democratic processes, be pointed

out and corrected. If we bind ourselves to this history, we deny ourselves its lessons, lessons that came at too painful a cost to ignore.

Those lessons merit disclosure and discussion. Indeed, disclosure and discussion makes the difference between this history being a valuable lesson for the bright and upward forces of our democracy or a blueprint for those darker forces to return and someday do it all over again. As we work toward a brighter future ahead, to days when jobs return to our cities, capital to our businesses, and security to our lives, we cannot set aside our responsibility to take an accounting of where we are, what was done, and what must now be repaired. We also have to brace ourselves for the realistic possibility that as some of this conduct is exposed, we and the world will find it shameful, revolting. We may have to face the prospect of looking with horror at our own country's deeds.

We are optimists, we Americans. We are proud of our country. Contrition comes hard to us. But the path back from the dark side may lead us down some unfamiliar valleys of remorse and repugnance before we can return to the light. We may have to face our fellow Americans saying to us: No, please, tell us we did not do that, tell us Americans did not do that. And we will have to explain somehow.

This is no small feat and not easy. This will not be comfortable or proud, but somehow it must be done.

Chairman LEAHY has embarked on the process of considering a new commission, one appropriate to the task of investigating the damage the Bush administration did to America, to her finest traditions and institutions, to her reputation and integrity. The hearing he has called in coming days will more thoroughly examine this question to help us determine how best to move forward. I stand with him. Before we can repair the harm of the last 8 years, we must learn the truth.

REMEMBERING LARRY H. MILLER

Mr. BENNETT. Mr. President, I wish to speak of one of Utah's most outstanding citizens, Larry H. Miller, who passed away recently.

Larry Miller is a true American success story. He graduated from high school. He wasn't able to cut it in college and ended up working in a parts department in an auto dealership. Not a very auspicious beginning for someone who became a billionaire, but Larry Miller had two things that many people do not have. No. 1, he had in effect a photographic memory. I understand that if you went to Larry Miller while he was running this parts department and asked for an axle or for a head lamp or for any other auto part, he knew exactly where it was. Somehow he had that in his head and he

made a tremendous success out of that. He ultimately began his career by buying an auto dealership and then built a string of 40 auto dealerships.

The other thing he had was an incredible work ethic. Larry Miller worked hard every day and demanded that kind of performance from those who worked with him.

He is best known in Utah for the fact that he was the minority owner of the Utah Jazz, the NBA's least successful team financially. The Jazz reached the point where they had to be sold because they couldn't survive anymore. They were losing money at every turn. The majority partner made a deal whereby the franchise would be sold to someone outside of the State. As minority partner, Larry Miller was required to sign the deal. He picked up the pen to sign the deal and then he couldn't bring himself to sign it, and he turned to the majority partner and said, Sam, I can't do it. So he bought the majority partner out, kept the Jazz in Utah, and then he presided over the revival of the Jazz. They won more games. They have been in the playoffs more than most people. They have been to the national finals twice and the only reason they haven't won an NBA national championship is because the Chicago Bulls had Michael Jordan at the time. Against any other team or any other star, the Jazz would have won the NBA championship. I remember the last failed game very well, and the shot Jordan put up that won the game that was fantastic, but that was Jordan's legacy.

Larry Miller is known for all of these things, but that is not how I wish to remember him before the Senate here today, because this man, who was a philanthropist and gave his money to community colleges to help people who were more like him in terms of their academic needs, became in his later years a history buff. He fell in love with the Founding Fathers. I remember talking to Larry Miller about John Adams, about Thomas Jefferson, and recommending a book to him. He had just read McCullough's book on John Adams and I said, Have you read Joseph Ellis's book, "Founding Brothers"? He said, no. I said, I will send it to you. I got caught up in all of my difficulties and all of my distractions and realized I had failed to keep my word. So finally, with some embarrassment, I got hold of Larry and said, I apologize I have not sent you a copy of "Founding Brothers." He said, that is all right, Senator. I went out and bought one on my own. He followed through where I didn't.

He fell in love with this country, not as an entrepreneur, although he did that way; not as someone who had been very successful and blessed by this country, although he did that way; but toward the end of his life he fell in love with this country as one who studied

its history and understood its underpinnings. He was generous. He was inventive. He was tenacious. The people of Utah have been more than blessed by the fact that he chose Utah as his home. We miss him terribly and extend our deepest sympathies to his family.

SPECIAL COMMITTEE ON AGING RULES OF PROCEDURE

Mr. KOHL. Mr. President, I ask unanimous consent to have the rules of procedure for the Special Committee on Aging printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING—JURISDICTION AND AUTHORITY

S. Res. 4, §104, 95th Congress, 1st Session (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or affect the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For the purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)–(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)–(d), and 2(a) and (d) of rule XXVII of the Standing Rules of the Senate; and the purposes of section 202(I) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less than once a year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence books, papers, and documents, (G) to

take depositions and other testimony, (H) to procure the serve of individual consultants or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

RULES OF PROCEDURE

I. CONVENING OF MEETINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

2. Notice and Agenda:

(a) Written Notice. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(b) Shortened Notice. A meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the meeting on shortened notice. An agenda will be furnished prior to such a meeting.

3. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting, the Ranking Majority Member present shall preside.

II. CONVENING OF HEARINGS

1. Notice. The Committee shall make public announcement of the date, place and subject matter of any hearing at least one week before its commencement. A hearing may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing on shortened notice.

2. Presiding Officer. The Chairman shall preside over the conduct of a hearing when present; or, whether present or not, may delegate authority to preside to any Member of the Committee.

3. Witnesses. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

4. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any Member, may request and administer the oath.

5. Testimony. At least 72 hours in advance of a hearing, each witness who is to appear before the Committee shall submit his or her testimony by way of electronic mail, in a format determined by the Committee and sent to an electronic mail address specified by the Committee, unless the Chairman and

Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his or her prepared statement. Officials of the federal government shall file 100 copies of such statement with the clerk of the Committee 72 hours in advance of their appearance, unless the Chairman and the Ranking Minority Member determine there is good cause for noncompliance.

6. Counsel. A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his or her rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

7. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in closed sessions and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his or her transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact. The Chairman or a staff officer designated by him shall rule on such request.

8. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his or her character or adversely affect his or her reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; and

(b) request the opportunity to appear personally before the Committee to testify in his or her own behalf.

9. Minority Witnesses. Whenever any hearing is conducted by the Committee, the Ranking Member, to call at least one witness to testify or produce documents with respect to the measure or matter under consideration at the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the hearing.

10. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his or her counsel, or any spectator conducts him or herself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

III. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern Committee

investigations or matters enumerated in Senate Rule XXVI(5)(b). Immediately after such discussion, the meeting or hearing or portion thereof may be closed by a vote in open session of a majority of the Members of the Committee present.

2. **Witness Request.** Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his or her examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. **Confidential Matter.** No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

IV. BROADCASTING

1. **Control.** Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

2. **Request.** A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his or her testimony cameras, media microphones, and lights shall not be directed at him or her.

V. QUORUMS AND VOTING

1. **Reporting.** A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. **Committee Business.** A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present.

3. **Hearings.** One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

4. Polling:

(a) **Subjects.** The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) **Procedure.** The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls. If the Chairman determines that the polled matter is one of the areas enumerated in Rule III(1), the record of the poll shall be confidential. Any Member may request a Committee meeting following a poll for a vote on the polled decision.

VI. INVESTIGATIONS

1. **Authorization for Investigations.** All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. **Subpoenas.** Subpoenas for the attendance of witnesses or the production of memo-

randa, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. **Investigative Reports.** All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

VII. DEPOSITIONS AND COMMISSIONS

1. **Notice.** Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. **Counsel.** Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule II(6).

3. **Procedure.** Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he or she may refer the matter to the Committee or the Member may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he or she has been ordered and directed to answer by a Member of the Committee.

4. **Filing.** The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule II(7). If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

5. **Commissions.** The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities,

or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VIII. SUBCOMMITTEES

1. **Establishment.** The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. **Jurisdiction.** Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. **Rules.** A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

IX. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of a majority of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

X. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rules XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 24, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia adopted subcommittee Rules of Procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

(1) Subcommittee Rules.—The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

(2) Quorums.

(A) Transaction of Routine Business.—One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

(B) Taking Testimony.—One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

(C) Proxies Prohibited in Establishment of Quorum.—Proxies shall not be considered for the establishment of a quorum.

(3) Subcommittee Subpoenas.—The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

CJS PROJECT DISCLOSURE

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, I rise

today to clarify for the U.S. Senate the sponsorship of six congressionally designated projects included in the Joint Explanatory Statement to accompany H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. Specifically:

Senators MARK WARNER and WEBB should be listed as having requested funding for the Virginia Institute of Marine Science, Gloucester, VA, for the Virginia Trawl Survey funded through the National Oceanic and Atmospheric Administration;

Senator MURRAY should be listed as having requested funding for the city of Vancouver, WA, for a new records management system funded through the Department of Justice;

Senator CANTWELL should not be listed as having requested funding for the city of Vancouver, WA, for a new records management system funded through the Department of Justice;

Senators REID, ENSIGN, REED, SCHUMER, SESSIONS, SMITH, VOINOVICH, WHITEHOUSE, WYDEN, BENNETT, BIDEN, HATCH, KENNEDY, KERRY, LANDRIEU, LAUTENBERG and LEAHY should be listed as having requested funding for the National Council of Juvenile and Family Court Judges, Reno, Nevada, for the Child Abuse Training Programs for Judicial Personnel: Victims Act Model Courts Project, funded through the Department of Justice;

Senators KOHL, LEAHY, REED, CRAPO and WHITEHOUSE should be the only Senators listed as having requested funding for the National Crime Prevention Council, Arlington, Virginia, funded through the Department of Justice; and

Senator MURRAY should be listed as having requested funding for the Safe Streets Campaign, Tacoma, WA, for the Pierce County Regional Gang Prevention Initiative funded through the Department of Justice.

NATIONAL PEACE CORPS WEEK

Mrs. SHAHEEN. Mr. President, I rise today in celebration of National Peace Corps Week and in honor of the thousands of Americans who serve throughout the world as Peace Corps volunteers.

Since the Peace Corps' founding in 1961 by President John F. Kennedy, over 195,000 U.S. citizens have chosen to serve their country as Peace Corps volunteers. Today, nearly 8,000 Peace Corps volunteers serve abroad in 76 different countries.

In my own home State of New Hampshire, 54 volunteers have heard the call and are currently devoting their time, energy, and lives to fulfilling the vision of President Kennedy and serving their country abroad in the cause of peace. They are placed throughout the developing world—from Morocco, where one New Hampshire volunteer is educating community leaders on improving access to safe drinking water,

to Macedonia, where another is teaching English to grade school children in a small rural village.

I would like to take a second and recognize each of these citizen ambassadors and the nearly 1,500 Peace Corps volunteers from New Hampshire that have served since 1961. In honor of their efforts, I will ask consent that the attached list of current New Hampshire volunteers be printed in the CONGRESSIONAL RECORD. New Hampshire is proud of your service, and we will continue to stand solidly behind you.

The Peace Corps was founded on the ideal that each of us has the responsibility to serve our country and leave our world in a better place than we found it. This dual commitment to U.S. interests and the global good is a testament to the fact that in today's interconnected world, American security and prosperity are inextricably linked to the security and prosperity of people residing in the far corners of our globe. Peace Corps volunteers understand better than anyone that we are truly all in this together.

Peace Corps volunteers work on the front lines in our battle for hearts and minds throughout the world. They serve as teachers, business professionals, health educators, management specialists, information technology advisors, mentors and friends to citizens across the globe. These unofficial ambassadors help develop trust and establish relationships that are critical to American influence and global stability. Upon the completion of their service abroad, these volunteers then return home to promote a better understanding here in America of the culture, language and viewpoint of those they have served.

These volunteers have all done their part to make the world a better place and, in turn, have contributed a great deal to U.S. national interests and global security. In our 21st century world, where the threats and challenges that confront America and the global community cannot be overcome by the might of our military alone, Peace Corps volunteers are laying the foundation for a more secure and prosperous world.

In honor of National Peace Corps Week and in celebration of the Peace Corps' 48th Anniversary on March 1, 2009, I would like to recognize those volunteers from New Hampshire, as well as all past and current Peace Corps volunteers, for their commitment to securing a better world for us and our children.

As a member of the Senate Foreign Relations Committee and the chair of the Foreign Relations Subcommittee on European Affairs, I will work with our allies and friends throughout the world in the development of an American foreign policy that matches the passion and commitment to service of our Peace Corps volunteers abroad.

Mr. President, I ask unanimous consent to have the list of current New

Hampshire volunteers to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SWORN-IN VOLUNTEERS IN THE STATE OF NEW HAMPSHIRE

Volunteer name	Country of service	Start of service date	Projected COS date
Alden, Elizabeth E	Mali	21-Sep-2007	21-Sep-2009
Ballentine, Danny P	Turkmenistan	05-Dec-2008	05-Dec-2010
Ballentine, Heidi C	Turkmenistan	05-Dec-2008	05-Dec-2010
Bardo, Johanna E	Suriname	01-Aug-2008	17-Aug-2010
Bardo, Nicholas W	Guatemala	12-May-2006	25-Jul-2009
Barnaby, Emily R	Benin	21-Sep-2007	20-Sep-2009
Baron, Lindsey M	Cambodia	04-Apr-2007	06-Mar-2009
Bootland, Diane C	Belize	29-Oct-2008	22-Oct-2010
Brooks, Evan D	Ukraine	19-Dec-2007	17-Dec-2009
Cahill, Michael P	Mali	12-Sep-2008	11-Sep-2010
Campbell, Adam S	Morocco	19-May-2008	28-May-2010
Chauvin, Nia G	Mozambique	07-Dec-2007	05-Dec-2009
Coes, Casey P	Morocco	19-May-2008	28-May-2010
Cooper, Elliot A	Ecuador	20-Apr-2007	20-Apr-2009
Crosby, Andrea J	Ecuador	20-Apr-2007	20-Apr-2009
Dallmann, Seth D	Vanuatu	21-Jun-2007	19-Jun-2009
Drapcho, Amanda C	Gambia	18-Apr-2008	17-Apr-2010
Estabrook, Kate P	Suriname	01-Aug-2008	17-Aug-2010
Evans, Nicole A	Lesotho	08-Jan-2009	23-Jan-2011
Geller, Amanda L	Guatemala	18-Jul-2008	17-Jul-2010
Guthro, Kaitlyn A	Kyrgyzstan	18-Sep-2008	17-Sep-2010
Handel, Ian D	Ecuador	29-Aug-2008	27-Aug-2010
Hannon, Mark F	Mali	12-Sep-2008	11-Sep-2010
Hannon, Samantha B	Mali	12-Sep-2008	11-Sep-2010
Haslam, Meghan J	Nicaragua	17-Nov-2006	16-Apr-2009
Heaney, Jason	Macedonia	14-Dec-2007	13-Dec-2009
Hendel, Sarah J	Turkmenistan	05-Dec-2008	05-Dec-2010
Hureau, Jonathan R	Mozambique	07-Dec-2007	05-Dec-2009
Joyce, Judith A	Eastern Caribbean	17-Oct-2008	15-Oct-2010
Keniston, Charlotte S	Guatemala	31-Oct-2008	30-Oct-2010
Langlois, Breanne K	Ethiopia	13-Dec-2007	13-Dec-2009
Lefrancois, Peter G	Mali	29-Sep-2006	30-Jun-2009
Luz, Robert A	Ghana	21-Aug-2007	20-Aug-2009
Mackie, Laura K	Ukraine	18-Jun-2008	17-Jun-2010
McGlone, Michael R	Fiji	24-Jul-2008	30-Jul-2010
McLaughlin, Matt	Senegal	17-Nov-2006	14-Dec-2009
Melvin, Adam T	Jordan	04-Sep-2008	09-Sep-2010
Mitchell, Cara M	Nicaragua	20-Jul-2007	17-Jul-2009
Moulton, James D	Mongolia	18-Aug-2007	19-Aug-2009
Moulton, Julie B	Mongolia	18-Aug-2007	19-Aug-2009
Murray, Sarah M	Cambodia	04-Apr-2007	27-Mar-2009
O'Hara, Emily B	Romania	05-May-2008	18-May-2010
Oscadal, Maureen E	Zambia	30-Mar-2006	30-Apr-2009
Pridgen, Victoria P	Niger	25-Sep-2007	25-Sep-2009
Raymond, Anne G	Cameroon	24-Aug-2007	26-Jun-2009
Sandri, John B	Moldova	22-Nov-2007	20-Nov-2009
Sawicki, Erin M	Botswana	21-Jun-2007	20-Jun-2009
Sehovich, Jessica N	Ukraine	18-Jun-2008	17-Jun-2010
Simonson, Duncan A	Panama	22-Oct-2008	21-Oct-2010
Stout, Judith	South Africa	03-Apr-2008	27-Mar-2010
Sullivan, Steven W	Senegal	07-Nov-2008	09-Nov-2010
Vinson, Laura M	Ecuador	29-Aug-2008	27-Aug-2010
Whitmore, Martha E	Peru	29-Nov-2007	29-Nov-2009
Whittaker, Brendan J	Senegal	12-May-2007	11-May-2009

HUMAN RIGHTS IN KENYA

Mr. LEAHY. Mr. President, during the past year, I and other Senators have urged the Government of Kenya to effectively address reports of egregious misconduct by its police and military forces, including torture and summary executions. The Mount Elgon killings, culminating in the slaughter of some 200 people by the police and army soldiers in 2008, were particularly appalling, yet the government has yet to conduct a credible, transparent, thorough investigation.

We now have the report of the United Nations Special Rapporteur, which confirms, again, the conclusions of multiple human rights organizations. I would hope that the Government of Kenya recognizes that it is in its interest, and that it has a responsibility, to promptly implement the Special Rapporteur's recommendations.

Kenya is an ally and friend of the United States. In fact, we are training some of Kenya's security forces. It is imperative that these violations be addressed urgently and decisively, and

that the individuals involved in these atrocities, including those who gave the orders, are brought to justice.

I ask unanimous consent that a press release on the Special Rapporteur's report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From the Press Center—U.N. Headquarters

NAIROBI, February 25, 2009.—Today, the UN Special Rapporteur on extrajudicial executions, Mr. Philip Alston, concluded his 16-25 February 2009 fact-finding mission to Kenya.

The UN independent expert stated that, "Killings by police in Kenya are systematic, widespread and carefully planned. They are committed at will and with utter impunity." He also found that death squads were set up upon the orders of senior police officials to exterminate the Mungiki.

He called on the President of Kenya to acknowledge the widespread problem of extrajudicial executions in Kenya and to commit to systemic reform. "Effective leadership on this issue can only come from the very top, and sweeping reforms to the policing sector should begin with the immediate dismissal of the Police Commissioner," concluded the independent expert. "Further,

given his role in encouraging the impunity that exists in Kenya, the Attorney-General should resign so that the integrity of the office can be restored."

In addition, the Special Rapporteur found compelling evidence that in Mt Elgon, the police and military committed organised torture and extrajudicial executions against civilians during their 2008 operation to flush out the Sabaot Land Defence Force militia. "For two years, the SLDF militia terrorized the population and the Government did far too little. And when the Government did finally act, they responded with their own form of terror and brutality, killing over 200 people." He said that since the security forces had not investigated the allegations in any convincing manner "the Government should immediately act to set up an independent commission for Mount Elgon, modeled on the Waki Commission".

With respect to the accountability for the post-election violence, the Special Rapporteur stated that the setting up of the Special Tribunal for Kenya was "absolutely indispensable to ensure that Kenya does not again descend into chaos during the 2012 elections." He called on civil society and the international community to take a firm line on its establishment. "At the same time, this is an ideal case for the ICC to urgently take up", he added, stressing that the two

approaches were not mutually exclusive and a two-track approach should be adopted.

The Special Rapporteur also recommended that an independent civilian police oversight body be established, that records of police killings be centralized, that an independent Department of Public Prosecutions be created, across-the-board vetting of the police be undertaken, the setting up of an independent witness protection program, that the Government issue substantive responses to KNCHR reports, and compensation for the victims of those unlawfully killed.

In the course of his ten-day visit, the Special Rapporteur visited Nairobi, Central, Rift Valley, Western and Nyanza Provinces. He conducted in-depth private interviews with more than one hundred victims and witnesses. Mr. Alston met with senior Government officials, including the Prime Minister, the Minister of Justice, the Assistant Minister of Defence, the Chief of Police and the Chief of Staff of the Armed Forces, as well as officials at the provincial and district levels. He also met with the Kenya National Commission on Human Rights, the independent national human rights institution, as well as with civil society organizations.

The full text of the Special Rapporteur's statement is available at www.extrajudicialexecutions.org.

TRIBUTE TO LEON FLEISHER

Mr. AHY. Mr. President, this week, one of the indomitable artists of our age will take the stage of the Kennedy Center Concert Hall, as the great pianist Leon Fleisher teams up with the London Philharmonic Orchestra. His range, commanding technique and total sense of the music's natural shape and scope will surely captivate the audience. This is a fitting occasion to take note of a great artist, teacher and humanitarian who, through his playing, has touched the souls of so many.

In the early years of his career, Leon Fleisher astounded audiences with a golden sound. His career then seemed tragically cut short when he began suffering from a rare neurological condition that rendered his right hand unable to play. Instead of withdrawing from the musical world, Leon Fleisher remained in close contact with music through conducting, teaching and playing scores specially written for pianists who lost use of their right hands. He persisted in the effort to play the full concert repertoire, and some novel medical treatments eventually helped him regain full use of both hands.

It is a classic American journey, tracing a path out of despair to triumph. In Leon Fleisher's sense of determination, dedication, vision and skill, there is much for all of us to both admire and emulate. My wife Marcelle and I were delighted to sit next to him at a reception that honored his lifetime of achievement. We thoroughly enjoyed getting to know this stately and cordial artist, a man of great intelligence, modesty and warmth.

Leon Fleisher has been playing across the country with full use of his

hands for several years now. We are fortunate to be able to hear again how he plumbs the depths of every musical score, revealing something about ourselves through his music making. I know the Senate joins me in congratulating and recognizing Leon Fleisher's incredible contributions to the vibrant cultural fabric of our country.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I are semi retired but the figure of \$200 way off the mark even for us. We do work part of the year but are not doing so at this time. We live rural and have to travel for groceries, building supplies. When we work all of this involves a minimum of 40 miles each way, not including the around town mileage. We have 20 acres, with a small tractor to keep weeds under control which the county urges all of us to do. We also have a large lawn to mow. Our fuel bill for the month of May was \$400. The tractor has a tank of 10 gallons, and that alone costs \$40 per tank. We are trying to save a bit by purchasing dyed fuel but, by the time you travel to that, you have eaten up your savings. The point is we have very little choice on our fuel issues. We do not go to town on a whim and really never have as long as we have been here (since 1973). The price of food is skyrocketing also in the rural areas. We have a small grocery store in a small town by us, but they have fuel issues, too. We would like to see nuclear power sources and wind generators multiply. Our daughter does websites and she has a customer that has a wind power source for sale for each single home. However, at this point, it is somewhat expensive, approximately \$5,500. Although in the past, nuclear power has had a few hiccups so even we were not in favor of it. I subscribe to Popular Science Magazine and it is my understanding they are very close or have reached the ability to neutralize the waste. However, I have not heard any news about it from the media or official science reports.

Fixed income as well as families and singles cannot get pay raises that equals the cost of living in reality. We dealt with this our last years at work. Companies have their stockholders that have to be kept and for the last eight years of our jobs we steadily lost money from cost of living that the government adjusted to be 3% or less when in the blue collar world did not equate to that. Fuel alone doubled and what cost us \$30 per week for work fuel jumped within 3 months to \$60 per week and kept traveling upward since. Property taxes, auto and home insurance also have risen but employers went with the government figures. I would get 25 cent per hour raise. It brought home approximately \$4 and change per week. It did not cover any of our rising expenses. Anything under \$1.00 does not even show anything much on a take home check. So there needs to be some way for an employer with all their overheads to realize this and perhaps hire CEOs, CFOs and other company officials that make a decent wage without the super perks they have received for the last 25 years. Corporate waste is rampant and should be addressed somehow in the near future so the frontline employees can afford today's fuel prices and not be stressed daily by how to make ends meet. Sorry I got off the edge here but it is all one big picture which is why the energy costs are a frontline problem with this. We still have many elderly people who do not have enough to live as is. With this energy impact, I do not know how they can make it. So please keep up your vigil. We need to open up the fields in Alaska and not be selling it to other countries at this point. [When] my husband and I work, which involves truck driving, we see what is happening along the routes we travel. The distress in the citizens and the oil wells being developed and the ones that are not running.

DARLENE, *Spirit Lake.*

Thank you for the opportunity to communicate in this fashion my family's challenges with the high cost of energy and our thoughts. I travel a great deal all over America and, as part of my job, I work closely with many convenience store operators around our great country. We own a Dodge Durango 4-wheel drive SUV. It is great because it provides the safety my family needs during the winter and the space we need for all the stuff we need to transport when you have two young children. As you no doubt remember with your own family, a nine-month-old baby [needs] a lot of baggage when he travels—car seats, strollers, etc. The daughter wants her bike when visiting the grandparents, her books, and spare clothes, etc. The bad thing is it only gets 13 miles to the gallon on average and, like most families, we did not buy it with cash but financed it which means we owe more on it than we can sell it for. In fact, in this market, many car dealers will not even take an SUV in on trade. So we have no choice but to bear the burden of high gas prices for the foreseeable future. We cannot just throw the car away and run out and buy a new fuel-efficient SUV which is selling at a premium that, frankly, even in today's market, does not even pencil out as a good investment by my calculations. Of course, this is not the only part of the story of how high energy costs have impacted our family but the part those like Thomas Freidman never take into consideration when promoting even higher costs through taxation, cap and trade, and government manipulation of the market.

What should Congress do?

Do not do as Congresswoman Maxine Waters suggested in Committee and take

over the oil companies. The markets are working just fine, but what they reflect is all the inaction and obstacles that have burdened the supply and demand elasticity of the commodities markets be it oil or corn, etc.

Again, taxing is not a solution. We should be working to lower taxes for everyone. Not redistributing it. Not to manipulate markets. Fuel taxes should be what they need to be to maintain our infrastructure. We should be encouraging efficiencies in the market place with our tax code and policies.

The fact is we need to make it easier to drill now. We need to make it easier to refine more fuel now. We need to add capacity to distribute that fuel to the marketplace now. We need to expand our reserves so we have a cushion when natural disasters occur. We need to do something about all the boutique fuels that cause unnatural shortages every spring and fall (winter blend, summer blend, smog blend, this blend, that blend impact refinery efficiency). We need to do something about credit card interchange fees. We need to do everything we can to encourage efficiency.

And, of course, we need to encourage conservation, public transportation where possible, more not less airports and routes, and alternative even renewable sources of energy.

Well, that is my 415 cents. Thank you.

ROBERT, *Twin Falls.*

I find it odd as the greatest country in the world we are lagging in becoming energy self-sufficient. France, for instance, runs and has, for many years, ran its country off nuclear power. How is it that we cannot do this? If our country was powered off of nuclear power, consider the substantial reduction in oil consumption for the east coast. They are paying to heat their houses with heating oil, more expensive than our natural gas. Drilling for more oil will help but we need a bigger and better solution. Corn is not the answer, either. As the government pushes alternative fuels (ethanol), the price of food rises. Also we do not get the power out of ethanol that we get out of traditional fuel so MPG on our cars drop. So we need more ethanol. It is a very ridiculous cycle. Nuclear, wind, hydrogen, oil—all these options need to be brought to the table now. Waiting until after the election will not work. We all know as soon as that election is over the focus will be on mid-term elections and pandering to voters. Let us get it done now. Does our government really care about our future, our children? Let us act on this now before these same promises are being made to our children's children.

UNSIGNED.

It is time that we get off our cans and get aggressive in drilling for oil on our own soil. I am tired of our country being held hostage to foreign interests and values when it comes to our own energy needs. High fuel costs have had a significant negative effect on my business and my ability to grow my business. Please do all you can to get us out of this crisis.

CRAIG, *Eagle.*

It is time to reign in the market speculation in oil and it is products. There is no shortage of gasoline or oil. There are no lines at gas stations! It is gouging, plain and simple. Stop protecting the oil companies! Windfall profits tax on all oil-related products of at least 50%. Apply the windfall tax funds to alternative energy research that have no

connection to the oil industry. Make it a modern day Apollo project. Repeal oil industry tax breaks. Apply a 100% tax rate on any salary over 10 million per year.

The economy is collapsing while [the Administration does nothing]. We own a small business; we want support for the middle class. The rich need no help; let them earn a living for a change.

MIKE, *Moscow.*

I am glad to see someone taking a stand that actually has a chance to be heard. I am glad that we are going to try and get some relief to the gas prices, but I think we should also be looking into the contributing factors that are causing such a demand for fuel.

I live in Meridian and must commute to Boise every day for my job. I confronted my employer (a local utility company) regarding other options to having to commute to Boise every day when the air quality was getting so bad like 4-day work week, telecommuting, etc. and was told it was not an option. My son is 5 years old and has asthma. Every time the air quality gets bad, so does his health. Recently, with the gigantic increase in fuel prices and the demand of fuel, I confronted my employer again about other options that could not only help with the air quality, but help contribute to decreasing the demand of fuel; again, I was again turned down. To me it seems that not only should we be going after congress to help relieve the outrageous cost of fuel, but we also need someone to tell employers to do what they can to start helping with the problem instead of contributing to it. Thank you for what you are doing and I hope a resolution is on the horizon.

NICHOLE, *Meridian.*

I received your email asking us to share our stories about high energy costs so here goes. We live 5 miles from the nearest grocery store and town. This means that every time we get in the car, the round trip is a minimum of 10 miles. If my husband and I both go into town a couple of times a day, and only go to the nearest town, we drive a minimum of 40 miles a day and that is without running errands, going to another town or anything like that. When all is said and done, it is much more like 60 miles a day. We also live in snow country and must have 4-wheel drives so get about 15 mpg which means at \$4 per gallon, we spend about \$16 just to get to town and back which is almost \$500 per month. It is insane.

What is more insane is the idea that we can explore and produce our way out of this mess. The US consumes about 26% of the world's oil but only has about 2% of the world's oil reserves. We would have to increase our reserves and production 12 fold to cover today's demand and that is never going to happen. The price of oil shot up when it became clear we were going to invade Iraq—financial markets hate uncertainty and invading another country is a big uncertainty. As the war has dragged on and as our President has talked about taking action against Iran, oil prices have soared higher. The best thing our nation could do to lower the price of oil would be to get out of a country we had no business invading in the first place and start spending more, much much more, on the plentiful wind, solar and geothermal we have been blessed with.

Americans want this, the people of Idaho want this, I only hope Senator Crapo is listening. I ask him to do the only sane thing and think outside the oil box.

LESLIE.

I live with a husband who makes his money his. When I had a job, I had an income and contributed to the groceries. It has already been hard for me because I had been on medical leave for over a year from a job I had for over six years that paid a little over \$11 an hour. During this time on medical leave, I could not draw any income because of some "catch 22" about if my doctor released me to go back to work with limitations, and my job did not allow me to come back to work, I did not apply for short-term disability or assistance is what I was told. After my leave was exhausted and my employer said they did not have a job for my physical limitations, I was let go, and had to pay more money for COBRA. Last fall I had enrolled in BSU with student loans that barely cover school fees, books, and travel expenses as it is, from Mountain Home to Boise and the Air Base. I was doing very well for the first semester, but money was very tight then. I ended up using my savings, my tax refund, and my retirement from the company that let me go, just to pay the bills. I found out that I have a rheumatoid arthritis, osteo arthritis, spondylitis, depression, I take lots of medications and I have had back surgery, neck surgery and I am in pain most of the time. I am still waiting for my disability hearing because it takes so long to get it scheduled and I am down to maxed out credit cards and \$150 dollars in the bank. My husband wants me to leave him because my medical bills are too expensive. I have two classes this second twelve weeks at the Air Base in Mountain Home that will end on June 30th. I do not know if I will continue with my BSU degree because I cannot afford to drive to Boise anymore. And if I do not get an income I may end up on the street. I cannot pay back my credit cards that I used to pay for living expenses and medical bills and prescriptions. They are maxed out. I am going to have to sell my things to get by.

To the Congressmen and Senators of this great country: Why are we so hesitant to get on the ball and do something about this crisis that filters down to more than gas? We cannot afford to live on what we have got and now we have to pay more?

While I am frustrated with my present circumstances, I know God will take care of me. What I am really worried about is this country and our leaders taking us down the path of destruction. Our country needs leaders who will demonstrate true authority, not bickering about what party did what or who is better for our country. We need to put parties aside, put aside differences, fall on our knees and ask God Almighty to forgive this county its many sins and his forgiveness and guidance.

[Please do your best to] to solve this crisis. I think we should drill for oil, build refineries, make alternatives available to the poor working public, use cooking oil instead of gasoline, use sugar cane like they do in South America, use wind power in windy places like Mountain Home, use geothermal resources, solar power, anything that is greener and healthier. [But please do it now and do not leave the rest of us for fend for ourselves in this terrible economy!] We are tired of the blame game. Someone do something and stop filibustering and stalling progress. [Such efforts stop our country from solving the problems we face.]

I know I went off on this a little long, but again, I am totally frustrated with inactivity and red tape. Thank you for all you do, but please remember the people who you work for whether they voted you in or not.

CRYSTAL, *Mountain Home.*

Something needs to be done. Prices keep going up everywhere. Not only is it affecting how much I spend in gas, but my grocery bill is outrageous now; Also, Idaho Power has just raised their rates. I have three children, which includes a baby in diapers. It is getting to the point where we can barely afford anything. It is really scary for us. We never have had much money, and one of the things I use to do with the kids was to go on "drives" just to get out of the house. We would go to Chevron and get drinks, then drive to different areas in Boise that we had not seen before and listen to music. Now, we cannot even do that. Prices will keep going up because they can, and people like us are going to really "pay" for it in the long run. It makes me sick. It is not like we are not trying to make it in life. I am a student at Boise State and I will be a Respiratory Therapist. We are not people looking for hand-outs. We are a family not only trying to get by, but we want to live, too. We want to enjoy life also. It upsets me when even the little things that we were able to do are now a luxury. Something has got to be done. The reality is that there is really people who cannot afford the rise in prices (for gas and everything else). There has got to be some sort of stopping point. The saying, "The rich will get richer and the poor will get poorer" sounds more like the truth to me every day. Hopefully, you can represent the families and the people who are being affected by this.

S.

ADDITIONAL STATEMENTS

CENTRAL MISSOURI EAGLES YOUTH HOCKEY ASSOCIATION

• Mr. BOND. Mr. President, today I recognize the Central Missouri Eagles Youth Hockey Association for their outstanding public service to the community. Also, the Eagles have been presented with the "Honoring the Game Award," presented annually by the Positive Coaching Alliance at Stanford University in 2006.

The "Honoring the Game Award" recognizes three youth sports programs that "strive to win, but also strive to help their players develop skills that will serve them throughout their lifetimes." The Eagles were the only Midwestern sports program and the only youth hockey program in the Nation to be honored.

The Eagles received the "Honoring the Game Award" in recognition for their service to the community. Each year Eagles teams commit to a local service project. These projects make a meaningful difference in mid-Missouri, and they teach the Eagles players valuable citizenship lessons about volunteering.

The Hockey's program's credo "Building Good Athletes and Great Citizens" rings true and is the foundation for this program's athletes who not only show good sportsmanship but are active every year in community service. The best way for our young people to ensure a stronger America is to be active in their communities.

The Central Missouri Eagles Youth Hockey Associations' achievements

represent a great deal of dedication. I trust that they will continue the high standards of principle and perseverance that brought them this honor. I hope the Eagles continue to comprise success both on and off the rink. Again, I extend my congratulations to this exceptional association and the young people within it.●

REMEMBERING GREG HERNANDEZ

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of a dedicated public servant, SGT Greg Hernandez of the Tulare County Sheriff's Department. Sergeant Hernandez's life was tragically cut short on February 6, 2009, as a result of injuries from a vehicle accident that occurred while he was on duty.

Sergeant Hernandez dutifully served the citizens and communities for 24 years as a valued member of the Tulare County Sheriff's Department. Sergeant Hernandez demonstrated a passion for law enforcement and commitment to helping others, qualities that earned him the respect of his colleagues at the Tulare County Sheriff's Department. Sergeant Hernandez shall always be remembered for his devotion to serving the public and his friendly nature.

Sergeant Hernandez is survived by his mother Rosa Hernandez of Farmersville and his daughter Kristina Marie Hernandez of Porterville. When he was not spending time with his family and friends, Sergeant Hernandez was a devoted sportsman who enjoyed fishing, softball, and golf.

Sergeant Hernandez served the county of Tulare with honor and distinction, and fulfilled his oath as an officer of the law. His selfless contributions and dedication to law enforcement are greatly appreciated and will serve as an example of his legacy.

We shall always be grateful for Sergeant Hernandez's service and the sacrifices he made while serving and protecting the people of Tulare County.●

TRIBUTE TO SUSAN AXELROD

• Mr. KOHL. Mr. President, I wish to acknowledge and honor the work of Citizens United for Research in Epilepsy, CURE, and its founder, Susan Axelrod. I have known Susan personally for many years and can attest to her tireless work on behalf of her daughter, Lauren, and of other children and families affected by epilepsy. Epilepsy often begins in childhood and even in its mildest forms can modify brain development, with lifelong effects on cognition ranging from learning disabilities to severe developmental disabilities. In 1998, a small group of families whose children were suffering from epilepsy joined in recognizing the need for an increased commitment to research. Together, they formed the nonprofit, volunteer-based

CURE. Led by Susan, they have become tireless advocates for epilepsy awareness and have grown into one of the foremost organizations in funding cutting-edge epilepsy research. To date, CURE has raised over \$9 million in its crusade toward eliminating seizures, reducing the side effects of currently available treatments, and ultimately toward finding a cure for epilepsy. I commend CURE for its unrelenting commitment to this worthy cause but underscore the fact that they cannot work alone. Epilepsy affects over 3 million patients nationwide, and the need for adequate funding for research on a Federal level is imperative if a cure is to be found. At a time when the Nation is confronted with serious health challenges like epilepsy, we must not diminish our commitment to medical research.

Please join me in honoring Susan Axelrod and CURE for their years of vision, leadership, and commitment.

I would ask to have the following Parade Magazine article highlighting the work of Citizens United for Research in Epilepsy printed in the RECORD. The material follows:

[From Parade Magazine, Feb. 15, 2009]

I MUST SAVE MY CHILD (By Melissa Fay Greene)

When Susan Axelrod tells the story of her daughter, she begins like most parents of children with epilepsy: The baby was adorable, healthy, perfect. Lauren arrived in June 1981, a treasured first-born. Susan Landau had married David Axelrod in 1979, and they lived in Chicago, where Susan pursued an MBA at the University of Chicago and David worked as a political reporter for the Chicago Tribune. (He later would become chief strategist for Barack Obama's Presidential campaign and now is a senior White House adviser.) They were busy and happy. Susan attended classes while her mother babysat. Then, when Lauren was 7 months old, their lives changed overnight.

"She had a cold," Susan tells me as we huddle in the warmth of a coffee shop in Washington, D.C., on a day of sleet and rain. Susan is 55, fine-boned, lovely, and fit. She has light-blue eyes, a runner's tan, and a casual fall of silver and ash-blond hair. When her voice trembles or tears threaten, she lifts her chin and pushes on. "The baby was so congested, it was impossible for her to sleep. Our pediatrician said to give her one-quarter of an adult dose of a cold medication, and it knocked her out immediately. I didn't hear from Lauren the rest of the night. In the morning, I found her gray and limp in her crib. I thought she was dead."

"In shock, I picked her up, and she went into a seizure—arms extended, eyes rolling back in her head. I realized she'd most likely been having seizures all night long. I phoned my mother and cried, 'This is normal, right? Babies do this?' She said, 'No, they don't.'"

The Axelrods raced Lauren to the hospital. They stayed for a month, entering a parallel universe of sleeplessness and despair under fluorescent lights. No medicine relieved the baby. She interacted with her parents one moment, bright-eyed and friendly, only to be grabbed away from them the next, shaken by inner storms, starting and stiffening, hands clenched and eyes rolling. Unable to stop Lauren's seizures, doctors sent the family home.

The Axelrods didn't know anything about epilepsy. They didn't know that seizures were the body's manifestation of abnormal electrical activity in the brain or that the excessive neuronal activity could cause brain damage. They didn't know that two-thirds of those diagnosed with epilepsy had seizures defined as "idiopathic," of unexplained origin, as would be the case with Lauren. They didn't know that a person could, on rare occasions, die from a seizure. They didn't know that, for about half of sufferers, no drugs could halt the seizures or that, if they did, the side effects were often brutal. This mysterious disorder attacked 50 million people worldwide yet attracted little public attention or research funding. No one spoke to the Axelrods of the remotest chance of a cure.

At home, life shakily returned to a new normal, interrupted by Lauren's convulsions and hospitalizations. Exhausted, Susan fought on toward her MBA; David became a political consultant. Money was tight and medical bills stacked up, but the Axelrods had hope. Wouldn't the doctors find the right drugs or procedures? "We thought maybe it was a passing thing," David says. "We didn't realize that this would define her whole life, that she would have thousands of these afterward, that they would eat away at her brain."

"I had a class one night, I was late, there was an important test," Susan recalls. "I'd been sitting by Lauren at the hospital. When she fell asleep, I left to run to class. I got as far as the double doors into the parking lot when it hit me: 'What are you doing?'" She returned to her baby's bedside. From then on, though she would continue to build her family (the Axelrods also have two sons) and support her husband's career, Susan's chief role in life would be to keep Lauren alive and functioning.

The little girl was at risk of falling, of drowning in the bathtub, of dying of a seizure. Despite dozens of drug trials, special diets, and experimental therapies, Lauren suffered as many as 25 seizures a day. In between each, she would cry, "Mommy, make it stop!"

While some of Lauren's cognitive skills were nearly on target, she lagged in abstract thinking and interpersonal skills. Her childhood was nearly friendless. The drugs Lauren took made her by turns hyperactive, listless, irritable, dazed, even physically aggressive. "We hardly knew who she was," Susan says. When she acted out in public, the family felt the judgment of onlookers. "Sometimes," Susan says, "I wished I could put a sign on her back that said: 'Epilepsy. Heavily Medicated.'"

At 17, Lauren underwent what her mother describes as "a horrific surgical procedure." Holes were drilled in her skull, electrodes implanted, and seizures provoked in an attempt to isolate their location in the brain. It was a failure. "We brought home a 17-year-old girl who had been shaved and scalped, drilled, put on steroids, and given two black eyes," Susan says quietly. "We put her through hell without result. I wept for 24 hours."

The failure of surgery proved another turning point for Susan. "Finally, I thought, 'Well, I can cry forever, or I can try to make a change.'"

Susan began to meet other parents living through similar hells. They agreed that no federal agency or private foundation was acting with the sense of urgency they felt, leaving 3 million American families to suffer in near-silence. In 1998, Susan and a few other

mothers founded a nonprofit organization to increase public awareness of the realities of epilepsy and to raise money for research. They named it after the one thing no one offered them: CURE—Citizens United for Research in Epilepsy.

"Epilepsy is not benign and far too often is not treatable," Susan says. "We wanted the public to be aware of the death and destruction. We wanted the brightest minds to engage with the search for a cure."

Then-First Lady Hillary Clinton signed on to help; so did other politicians and celebrities. Later, veterans back from Iraq with seizures caused by traumatic brain injuries demanded answers, too. In its first decade, CURE raised \$9 million, funded about 75 research projects, and inspired a change in the scientific dialogue about epilepsy.

"CURE evolved from a small group of concerned parents into a major force in our research and clinical communities," says Dr. Frances E. Jensen, a professor of neurology at Harvard Medical School. "It becomes more and more evident that it won't be just the doctors, researchers, and scientists pushing the field forward. There's an active role for parents and patients. They tell us when the drugs aren't working."

The future holds promise for unlocking the mysteries of what some experts now call Epilepsy Spectrum Disorder. "Basic neuroscience, electrophysiological studies, gene studies, and new brain-imaging technologies are generating a huge body of knowledge," Dr. Jensen says.

Lauren Axelrod, now 27, is cute and petite, with short black hair and her mother's pale eyes. She speaks slowly, with evident impairment but a strong Chicago accent. "Things would be better for me if I wouldn't have seizures," she says. "They make me have problems with reading and math. They make me hard with everything."

By 2000, the savagery and relentlessness of Lauren's seizures seemed unstoppable. "I thought we were about to lose her," Susan says. "Her doctor said, 'I don't know what else we can do.'" Then, through CURE, Susan learned of a new anti-convulsant drug called Keppra and obtained a sample. "The first day we started Lauren on the medication," Susan says, "her seizures subsided. It's been almost nine years, and she hasn't had a seizure since. This drug won't work for everyone, but it has been a magic bullet for Lauren. She is blooming."

Susan and David see their daughter regaining some lost ground: social intuition, emotional responses, humor. "It's like little areas of her brain are waking up," Susan says. "She never has a harsh word for anyone, though she did think the Presidential campaign went on a little too long. The Thanksgiving before last, she asked David, 'When is this running-for-President thing going to be finished?'"

CURE is run by parents. Susan has worked for more than a decade without pay, pushing back at the monster robbing Lauren of a normal life. "Nothing can match the anguish of the mom of a chronically ill child," David says, "but Susan turned that anguish into action. She's devoted her life to saving other kids and families from the pain Lauren and our family have known. What she's done is amazing."

"Complete freedom from seizures—without side effects—is what we want," Susan says. "It's too late for us, so we committed ourselves to the hope that we can protect future generations from having their lives defined and devastated by this disorder." ●

HONORING GROVER GUNDRILLING INC.

● Ms. SNOWE. Mr. President, this week marks the Consortium of Entrepreneurship Education's 3rd Annual National Entrepreneurship Week, a time to celebrate the history of American entrepreneurship and to highlight new and upcoming entrepreneurs and small business owners. As ranking member of the Senate Committee on Small Business and Entrepreneurship, I am all the more aware of the countless contributions entrepreneurs have made to the success of this Nation. In that vein, I rise today to recognize Grover Gundrilling Inc., a small business in my home State of Maine that brings a very unique and critical skill to the Northeast.

A second generation family-owned small business, Grover Gundrilling, or GGI, specializes in precision deephole drilling. With nearly 60 skilled employees, GGI has developed the capability to drill smooth, finished holes ranging from .045 of an inch to 2 inches in diameter, from 1 ounce to 6,000 pounds, at a depth of 1 inch to 10 feet in every material from Teflon to mold steels to exotic high-temperature alloys. Founded in 1983 by Rupert and Suzanne Grover, Grover Gundrilling now has three facilities in Oxford County, including a 40,000-square-foot manufacturing facility in the town of Norway. And as former teachers, the Grovers like to hire employees with no background as machinists, but with strong math and science skills, to train them in their own particular fashion.

Given its remarkable growth, considerable capacity, and small company size, GGI prides itself on being "small enough to listen and large enough to handle production." Grover Gundrilling has become a critical supplier for industries as diverse as aerospace engineering and nuclear power, and its components are used in products as varied as medical devices and semiconductors.

To care for its staff, Grover Gundrilling generously provides its employees with full family medical coverage, flexible scheduling, and the company encourages its workers to pursue higher learning by offering educational reimbursement. And the company offers a multitude of incentives to stellar employees, including family snowmobiling trips and tickets to a variety of area events.

GGI is also dedicated to supporting its community in a variety of ways. The Grovers donate significant time and energy to the Oxford County Fair, a fun-filled annual tradition for the families of Oxford County and western Maine. They also created the Boxberry School, a nonprofit independent elementary school for K through sixth graders that combines multiage classes, individual attention, and an integrated art curriculum with the Maine

Learning Results standards. The Grovers also volunteer in various capacities with the 4-H Club, Androscoggin Home Health, the Oxford Food Pantry, and Aspire Higher, and Suzanne Grover serves on the board of directors of the Growth Council.

Carving out a niche in the machine tool world, Grover Gundrilling has excelled as a leader in precision deephole drilling. It is entrepreneurs like Suzanne and Rupert Grover who are going to revitalize our economy, and I am proud to call them constituents. I wish Rupert and Suzanne Grover, as well as Garth, their son, and GGI's president, their daughter Jessica, and everyone at Grover Gundrilling Inc. a successful year.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

A message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 80. An act to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

H.R. 637. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes.

The message also announced that the House has passed the bill (S. 234) to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building", without amendment.

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 637. An act to authorize the Secretary, in cooperation with the City of San Juan Capistrano, California, to participate in the design, planning, and construction of an advanced water treatment plant facility and recycled water system, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-802. A communication from the Director of Program Development and Regulatory Analysis, Rural Development Utilities Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amending the Water and Waste Program Regulations" (RIN0572-AC11) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-803. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods" ((Docket No. AMS-FV-06-0184) (FV03-925-1 IFR)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-804. A communication from the Director, Financial Management and Assurance, Government Accountability Office, transmitting, pursuant to law, a report relative to certificated expenditures; to the Committee on Appropriations.

EC-805. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program for military personnel; to the Committee on Armed Services.

EC-806. A communication from the Assistant Secretary of Defense (Homeland Defense and Americas' Security Affairs), transmitting, pursuant to law, a report relative to assistance provided by the Department to civilian sporting events during calendar year 2008; to the Committee on Armed Services.

EC-807. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to per-

sons undermining democratic processes or institutions in Zimbabwe that was declared in Executive Order 13288 of March 6, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-808. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-809. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Unfair or Deceptive Acts or Practices" (RIN3133-AD47) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-810. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Solid Waste Rail Transfer Facilities" (STB Ex Parte No. 684) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-811. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure" (RIN0648-XM85) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-812. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XM81) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-813. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XM87) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-814. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XM88) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-815. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Participating in the Amendment 80 Limited Access

Fishery in Bering Sea and Aleutian Islands Management Area" (RIN0648-XM83) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-816. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; American Samoa Pelagic Longline Limited Entry Program" (RIN0648-XM69) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-817. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Santa Ana, California" (MB Docket No. 08-250) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-818. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, and 402B Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0118)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-819. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Airbus Model A340-200, -300, -500, and -600 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0122)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-820. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Altus AFB, OK" ((Docket No. FAA-2009-0001)(Airspace Docket No. 09-ASW-2)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-821. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 55, 55B, and 55C Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0054)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-822. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turbohaft Engines" ((RIN2120-AA64)(Docket No. FAA-2006-25730)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-823. A communication from the Program Analyst, Federal Aviation Administra-

tion, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation AE 3007A1E and AE 1107C Turbofan/Turboshaft Engines" ((RIN2120-AA64)(Docket No. FAA-2008-0230)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-824. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney PW4090 and PW4090-3 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-29110)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-825. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Wytownia Sprzetu Komunikacyjnego "PZL-Rzeszow" S.A. PZL-10W Turbohaft Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1068)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-826. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Update of August 2001 Overflight Fees" (14 CFR Part 187) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-827. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Rockport, TX" ((Docket No. FAA-2008-0988)(Airspace Docket No. 08-ASW-20)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-828. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Galena, AK" ((Docket No. FAA-2008-0957)(Airspace Docket No. 08-AAL-27)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-829. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Branson, MO" ((Docket No. FAA-2008-1102)(Airspace Docket No. 08-AGL-8)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-830. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Colored Federal Airways; Alaska" ((Docket No. FAA-2008-0661)(Airspace Docket No. 08-AAL-19)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-831. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tulsa, OK" ((Docket No. FAA-2008-1231)(Airspace Docket No. 08-ASW-25)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-832. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Corpus Christi, TX" ((Docket No. FAA-2008-0987)(Airspace Docket No. 08-ASW-19)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-833. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Atlantic, IA" ((Docket No. FAA-2008-1105)(Airspace Docket No. 08-AGL-10)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Navy nomination of Capt. Brian P. Monahan, to be Rear Admiral.

Navy nomination of Rear Adm. (1h) Michael A. Brown, to be Rear Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Brian D. Akins and ending with Jeffrey J. Wiegand, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2009.

Navy nominations beginning with Christopher M. Andrews and ending with Ezekiel J. Wetzel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 9, 2009.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. SPECTER, Mr. LEVIN, and Mr. INOUE):

S. 468. A bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER (for himself, Mr. SHELBY, and Mrs. HUTCHISON):

S. 472. A bill to provide for congressional approval of national monuments and restrictions on the use of national monuments; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mrs. McCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself and Mrs. FEINSTEIN):

S. 475. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mr. BOND):

S. 476. A bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care; to the Committee on Armed Services.

By Mr. NELSON of Florida:

S. 477. A bill to amend the Act entitled "An Act authorizing associations of producers of aquatic products" to include persons engaged in the fishery industry as charter boats or recreational fishermen, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. BURR, Mr. CORNYN, Mr. ENZI, Mr. INHOFE, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. COBURN, Mr. CORKER, Mr. MCCONNELL, Mr. BUNNING, Mr. THUNE, Mr. MCCAIN, Mr. BARRASSO, Mr. BROWNBACK, Mr. KYL, and Mr. SHELBY):

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; read the first time.

By Mr. CARDIN (for himself, Mr. WEBB, Mr. WARNER, Ms. MIKULSKI, Mr. CARPER, Mr. KAUFMAN, and Mr. CASEY):

S. 479. A bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 480. A bill to establish the Office of Regional Economic Adjustment in the Department of Commerce, to assist regions affected by sudden and severe economic dislocation by coordinating Federal, State, and local resources for economic adjustment and by providing technical assistance, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. McCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS:

S. Res. 54. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI):

S. Res. 55. A resolution designating each of February 4, 2009, and February 3, 2010, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

By Mr. LUGAR:

S. Res. 56. A resolution urging the Government of Moldova to ensure a fair and democratic election process for the parliamentary elections on April 5, 2009; to the Committee on Foreign Relations.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN):

S. Con. Res. 8. A concurrent resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 146

At the request of Mr. KOHL, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 182

At the request of Mr. INOUE, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 277

At the request of Mr. NELSON of Florida, his name was added as a cosponsor

of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 322

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes.

S. 356

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 356, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 371

At the request of Mr. THUNE, the names of the Senator from Idaho (Mr. RISCHE) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 414

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the pre-

vention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 53

At the request of Mrs. LINCOLN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. BURRIS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 53, a resolution authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. VOINOVICH (for himself and Mr. KOHL):

S. 469. A bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I am pleased to be joined by Senator KOHL in introducing legislation to assist many of our Nation's public servants who choose to work part-time for a portion of their Federal career. The legislation is timely given the increasing number of Federal employees eligible to retire and the need for agencies to retain an experienced workforce to carry out critical government functions.

Our legislation would change the computation of Civil Service Retirement System, CSRS, annuities involving part-time service by correcting an anomaly that is a disincentive for employees nearing the end of their careers

who would like to phase into retirement by working part-time. Under current law, if an employee under the CSRS system with substantial full-time service before 1986 switches to a part-time schedule at the end of his or her career, the high-three average salary that is applied to service before 1986 is the pro-rated salary or, if higher, the full-time salary from the years before the employee began working part-time. This often results in a disproportionate reduction in the employee's benefit.

The legislation would clarify that CSRS annuities based in whole or in part on part-time service should be pro-rated for the period of service that was performed on a part-time basis. The correction will help agencies, as part of their succession planning efforts, in retaining the expertise of staff that elect to work on a part-time basis at the end of their Federal careers. It is my hope agencies will include this tool in their human capital plans to help facilitate the transfer of knowledge to the next generation of government leaders.

I urge my colleagues to support this legislation.

By Mr. DURBIN (for himself and Ms. KLOBUCHAR):

S. 470. A bill to combat organized crime involving the illegal acquisition of retail goods for the purpose of selling those illegally obtained goods through physical and online retail marketplaces; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise to speak about legislation that I am introducing today, the Combating Organized Retail Crime Act of 2009. This legislation takes important steps to confront the growing problem of organized criminal activity involving stolen and resold retail goods. This organized retail crime costs retailers billions of dollars per year and creates significant health and safety risks for consumers. My legislation will toughen criminal laws and put in place effective regulatory and information-sharing measures to help retailers, secondary marketplaces, and law enforcement agencies work together to stop this crime. I am pleased that my colleague Senator KLOBUCHAR is joining me in introducing this important legislation, and I look forward to working with her and all my colleagues to see it passed into law.

I recently became Chairman of the Senate Crime and Drugs Subcommittee and I hope to hold a hearing in the Subcommittee on the problem of organized retail crime and the Combating Organized Retail Crime Act. I also want to acknowledge that Congressman BOBBY SCOTT, the Chairman of the House Crime Subcommittee, and Congressman BRAD ELLSWORTH are each introducing bills to crack down on organized retail crime. I look forward to

working with them and all of my colleagues to enact legislation that will address this growing problem in a comprehensive and effective manner.

Organized retail crime rings currently operate across the Nation and internationally. Their criminal activity begins with the coordinated theft of large amounts of items from retail stores with the intent to resell those items. The foot soldiers in these organized retail crime rings are professional shoplifters, called “boosters,” who steal from retail stores such items as over-the-counter drugs, baby formula, medical diagnostic tests, health and beauty aids, clothing, razor blades, and electronic devices. These boosters often use sophisticated means for evading retailer anti-theft safeguards, and occasionally dishonest retail employees are complicit in the theft. Each booster routinely steals thousands of dollars worth of items from multiple stores, and delivers the items to a “fence,” or a person who buys stolen products from boosters for a fee that is frequently paid in cash or drugs.

Today, organized retail crime rings often enlist numerous fences to deliver stolen retail goods to processing and storage warehouses operated by the rings. At these warehouse locations, teams of workers sort the stolen items, disable anti-theft tracking devices, and remove labels that identify the items with a particular retailer. In some instances, they alter items' expiration dates, replace labels with those of more expensive products, or dilute products and repackage the modified contents in seemingly-authentic packaging. Often, the conditions in which these stolen goods are transported, handled and stored are substandard, leading to the deterioration or contamination of the goods.

Organized retail crime rings typically resell their stolen merchandise in physical marketplaces, such as flea markets and swap-meets, or on Internet auction sites. Internet sites are particularly tempting avenues for these sales, since the Internet reaches a worldwide market and allows sellers to operate anonymously and maximize return.

Organized retail crime has a variety of harmful effects. Retailers and the FBI estimate that this crime costs retailers approximately \$30 billion per year and deprives states of hundreds of millions of dollars in lost sales tax revenues. The proceeds of organized retail crime can be used to finance other forms of criminal behavior, including gang activity, drug trafficking and international terrorism. Further, organized retail crime often involves the resale of consumable goods like baby formula or medical diagnostic tests like diabetic strips, which can cause significant harm to consumers when stored improperly or sold past their expiration date.

Although the problem of organized retail crime predates the economic crisis facing our nation, the current recession has lent more urgency to the need to curb organized retail crime. In recent months theft and shoplifting from retailers has increased and retailers' revenues have decreased, thus enlarging the bite that organized retail crime has taken out of retailers' balance sheets. A December 2008 survey by the Retail Industry Leaders Association found that 80 percent of the retailers surveyed reported experiencing an increase in organized retail crime since the start of the current economic downturn. In a 2008 survey of loss prevention executives performed by the National Retail Federation, 85 percent of the 114 retailers surveyed indicated that their company had been a victim of organized retail crime in the past 12 months. Many law enforcement officials predict that organized retail crime will continue to increase during these troubled economic times.

After I introduced legislation on this subject last Congress, I listened to the views of stakeholders from law enforcement, the retail community, and the Internet marketplace community, and have made several revisions to my legislation in response to their suggestions. The legislation I am introducing today, the Combating Organized Retail Crime Act of 2009, would do the following:

First, it would toughen the criminal code's treatment of organized retail crime. It would refine certain offenses, such as the crimes of interstate transport and sale of stolen goods, to capture conduct that is being committed by individuals engaged in organized retail crime. It would also require the U.S. Sentencing Commission to consider relevant sentencing guideline enhancements.

Second, the bill would establish a reporting system through which evidence of organized retail crime can be effectively shared between the victimized retailers, the marketplaces where items are being resold, and the Justice Department. The bill would create a form that retailers could use to describe suspected illegal sales activity involving goods that were stolen from that retailer. The retailer would sign and submit this form to both the Justice Department and to the operator of a physical or online marketplace where the stolen goods are suspected of being offered for resale. Upon receiving the form, the marketplace operator would be required to conduct an account review of the suspected sellers and provide the results of that account review to the Justice Department. This reporting system would ensure that the Justice Department receives information from both retailers and marketplaces in order to piece together organized retail crime investigations and prosecutions.

Third, the bill would require that when a marketplace operator is presented with clear and convincing evidence that a seller on that marketplace is selling stolen goods, the operator must terminate that seller's activities unless the seller can produce exculpatory evidence. The bill would also require that when a marketplace operator is presented with evidence of criminal activity involving a seller who offers consumable goods or medical diagnostic tests on that marketplace, the operator must immediately suspend the ability of that seller to sell such goods because of the potentially imminent danger to public safety.

Additionally, the bill would require high-volume sellers on Internet marketplace sites to provide a physical address to the marketplace operator. This address would be shared with the Justice Department and with retailers who attest and provide evidence that the high-volume seller is suspected of reselling goods stolen from that retailer. This address-sharing regime will permit appropriate inquiries to determine whether high-volume Internet sellers are legitimate operations, and is similar to address-sharing regimes that permit inquiries into possible copyright violations by online sellers.

In sum, the Combating Organized Retail Crime Act of 2009 is targeted legislation that aims to deter organized retail crime and facilitate the identification and prosecution of those who participate in it. The bill heightens the penalties for organized retail crime, shuts down criminals who are selling stolen goods, and places valuable information about illegal activity into the hands of law enforcement. This legislation has broad support in the retail industry in my home state of Illinois and nationwide. It is supported by the Illinois Retail Merchants Association, the National Retail Federation, the Retail Industry Leaders Association, the Food Marketing Institute, the National Association of Chain Drug Stores, and the Coalition to Stop Organized Retail Crime, whose members include such retail chains as Walgreens, Home Depot, Target, Wal-Mart, Safeway, and Macy's.

Organized retail crime is a growing problem nationwide. There is a pressing need to address it, particularly in light of the weakening economy and the risks such crime creates for unknowing consumers. I urge my colleagues to support this legislation so we can effectively combat this crime.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Combating Organized Retail Crime Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Organized retail crime involves the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce, for the purpose of selling or distributing such illegally obtained items in the stream of commerce. Organized retail crime is a growing problem nationwide that costs American companies and consumers billions of dollars annually and that has a substantial and direct effect upon interstate commerce.

(2) The illegal acquisition and black-market sale of merchandise by persons engaged in organized retail crime result in an estimated annual loss of hundreds of millions of dollars in sales and income tax revenues to State and local governments.

(3) The illegal acquisition, unsafe tampering and storage, and unregulated redistribution of consumer products such as baby formula, over-the-counter drugs, medical diagnostic tests, and other items by persons engaged in organized retail crime pose a health and safety hazard to consumers nationwide.

(4) Investigations into organized retail crime have revealed that the illegal income resulting from such crime often benefits persons and organizations engaged in other forms of criminal activity, such as drug trafficking and gang activity.

(5) Items obtained through organized retail crime are resold in a variety of different marketplaces, including flea markets, swap meets, open-air markets, and Internet auction websites. Increasingly, persons engaged in organized retail crime use Internet auction websites to resell illegally obtained items. The Internet offers such sellers a worldwide market and a degree of anonymity that physical marketplace settings do not offer.

SEC. 3. OFFENSES RELATED TO ORGANIZED RETAIL CRIME.

(a) **TRANSPORTATION OF STOLEN GOODS.**—The first undesignated paragraph of section 2314 of title 18, United States Code, is amended by inserting after “more,” the following: “or, during any 12-month period, of an aggregate value of \$5,000 or more during that period.”

(b) **SALE OR RECEIPT OF STOLEN GOODS.**—The first undesignated paragraph of section 2315 of title 18, United States Code, is amended by inserting after “\$5,000 or more,” the following: “or, during any 12-month period, of an aggregate value of \$5,000 or more during that period.”

(c) **FRAUD IN CONNECTION WITH ACCESS DEVICES.**—Section 1029(e)(1) of title 18, United States Code, is amended by inserting “Universal Product Code label or similar product code label, gift card, stock keeping unit number, radio-frequency identification tag, electronic article surveillance tag,” after “code.”

(d) **REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR OFFENSES RELATED TO ORGANIZED RETAIL CRIME.**—

(1) **REVIEW AND AMENDMENT.**—

(A) **IN GENERAL.**—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to

persons convicted of offenses involving organized retail crime, which is the coordinated acquisition of large volumes of retail merchandise by theft, embezzlement, fraud, false pretenses, or other illegal means from commercial entities engaged in interstate commerce for the purpose of selling or distributing the illegally obtained items in the stream of commerce.

(B) **OFFENSES.**—Offenses referred to in subparagraph (A) may include offenses contained in—

(i) sections 1029, 2314, and 2315 of title 18, United States Code; and

(ii) any other relevant provision of the United States Code.

(2) **REQUIREMENTS.**—In carrying out the requirements of this subsection, the United States Sentencing Commission shall—

(A) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(i) the serious nature and magnitude of organized retail crime; and

(ii) the need to deter, prevent, and punish offenses involving organized retail crime;

(B) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address offenses involving organized retail crime to sufficiently deter and punish such offenses;

(C) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(D) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges; and

(E) consider whether to provide a sentencing enhancement for those convicted of conduct involving organized retail crime, where the conduct involves—

(i) a threat to public health and safety, including alteration of an expiration date or of product ingredients;

(ii) theft, conversion, alteration, or removal of a product label;

(iii) a second or subsequent offense; or

(iv) the use of advanced technology to acquire retail merchandise by means of theft, embezzlement, fraud, false pretenses, or other illegal means.

SEC. 4. SALES OF ILLEGALLY OBTAINED ITEMS IN PHYSICAL OR ONLINE RETAIL MARKETPLACES.

(a) **IN GENERAL.**—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

“§ 2324. Physical and online retail marketplaces

“(a) **DEFINITIONS.**—As used in this section, the following definitions shall apply:

“(1) **HIGH VOLUME SELLER.**—The term ‘high volume seller’ means a user of an online retail marketplace who, in any continuous 12-month period during the previous 24 months, has entered into—

“(A) multiple discrete sales or transactions resulting in the accumulation of an aggregate total of \$12,000 or more in gross revenues; or

“(B) 200 or more discrete sales or transactions resulting in the accumulation of an aggregate total of \$5,000 or more in gross revenues.

“(2) **INTERNET SITE.**—The term ‘Internet site’ means a location on the Internet that is accessible at a specific Internet domain name or address under the Internet Protocol (or any successor protocol), or that is identified by a uniform resource locator.

“(3) **ONLINE RETAIL MARKETPLACE.**—The term ‘online retail marketplace’ means an Internet site where users other than the op-

erator of the Internet site can enter into transactions with each other for the sale or distribution of goods or services, and in which—

“(A) the goods or services are promoted through inclusion in search results displayed within the Internet site;

“(B) the operator of the Internet site—

“(i) has the contractual right to supervise the activities of users with respect to the goods or services; or

“(ii) has a financial interest in the sale of the goods or services; and

“(C) in any continuous 12-month period during the previous 24 months, users other than the operator of the Internet site collectively have entered into not fewer than 1,000 discrete transactions for the sale of goods or services.

“(4) **OPERATOR OF AN ONLINE RETAIL MARKETPLACE.**—The term ‘operator of an online retail marketplace’ means a person or entity that—

“(A) operates or controls an online retail marketplace; and

“(B) makes the online retail marketplace available for users to enter into transactions with each other on that marketplace for the sale or distribution of goods or services.

“(5) **OPERATOR OF A PHYSICAL RETAIL MARKETPLACE.**—The term ‘operator of a physical retail marketplace’ means a person or entity that rents or otherwise makes available a physical retail marketplace to transient vendors to conduct business for the sale of goods, or services related to the goods.

“(6) **PHYSICAL RETAIL MARKETPLACE.**—The term ‘physical retail marketplace’—

“(A) may include a flea market, indoor or outdoor swap meet, open air market, or other similar environment;

“(B) means a venue or event—

“(i) in which physical space is made available not more than 4 days per week by an operator of a physical retail marketplace as a temporary place of business for transient vendors to conduct business for the sale of goods, or services related to the goods; and

“(ii) in which in any continuous 12-month period during the preceding 24 months, there have been 10 or more days on which 5 or more transient vendors have conducted business at the venue or event; and

“(C) does not mean and shall not apply to an event which is organized and conducted for the exclusive benefit of any community chest, fund, foundation, association, or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers, and no part of the gross receipts or net earnings from the sale or exchange of goods or services, whether in the form of a percentage of the receipts or earnings, salary, or otherwise, inures to the benefit of any private shareholder or person participating in the organization or conduct of the event.

“(7) **STRUCTURING.**—The term ‘structuring’ means to knowingly conduct, or attempt to conduct, alone, or in conjunction with or on behalf of 1 or more other persons, 1 or more transactions in currency, in any amount, in any manner, with the purpose of evading categorization as a physical retail marketplace, an online retail marketplace, or a high volume seller.

“(8) **TEMPORARY PLACE OF BUSINESS.**—The term ‘temporary place of business’ means any physical space made open to the public, including but not limited to a building, part of a building, tent or vacant lot, which is temporarily occupied by 1 or more persons or

entities for the purpose of making sales of goods, or services related to those goods, to the public. A place of business is not temporary with respect to a person or entity if that person or entity conducts business at the place and stores unsold goods there when it is not open for business.

“(9) TRANSIENT VENDOR.—The term ‘transient vendor’ means any person or entity that, in the usual course of business, transports inventory, stocks of goods, or similar tangible personal property to a temporary place of business for the purpose of entering into transactions for the sale of the property.

“(10) USER.—The term ‘user’ means a person or entity that accesses an online retail marketplace for the purpose of entering into transactions for the sale or distribution of goods or services.

“(11) VALID PHYSICAL POSTAL ADDRESS.—The term ‘valid physical postal address’ means—

“(A) a current street address, including the city, State, and zip code;

“(B) a Post Office box that has been registered with the United States Postal Service; or

“(C) a private mailbox that has been registered with a commercial mail receiving agency that is established pursuant to United States Postal Service regulations.

“(b) SAFEGUARDS AGAINST SALES OF ILLEGALLY OBTAINED ITEMS.—

“(1) SUSPECTED ILLEGAL SALES ACTIVITY FORMS.—

“(A) REGULATIONS.—The Attorney General shall promulgate regulations—

“(i) establishing a form, called a ‘suspected illegal sales activity form’, through which an authorized person may present evidence showing that a transient vendor of a physical retail marketplace, a user of an online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using a physical retail marketplace or an online retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means from the authorized person, or has engaged in or is engaging in structuring;

“(ii) requiring that an authorized person who submits a suspected illegal sales activity form shall, in a manner to be specified by the Attorney General—

“(I) refer in the form to 1 or more specific items, individuals, entities or transactions allegedly involved in theft, embezzlement, fraud, false pretenses, structuring, or other illegal activity;

“(II) refer in the form to 1 or more alleged violations of Federal law;

“(III) provide along with the form documentary evidence supporting the allegations of illegal activity, which may include—

“(aa) video recordings;

“(bb) audio recordings;

“(cc) sworn affidavits;

“(dd) financial, accounting, business, or sales records;

“(ee) records or transcripts of phone conversations;

“(ff) documents that have been filed in a Federal or State court proceeding; and

“(gg) signed reports to or from a law enforcement agency; and

“(IV) sign the form;

“(iii) providing that an authorized person who completes a suspected illegal sales activity form may submit the form and accompanying documentary evidence to the operator of a physical retail marketplace or the operator of an online retail marketplace, and

that if the authorized person submits the form to the operator, the authorized person shall submit the form and documentary evidence to the Attorney General; and

“(iv) ensuring that a suspected illegal sales activity form and accompanying documentary evidence are able to be submitted by an authorized person to the operator of a physical retail marketplace or online retail marketplace and to the Attorney General by mail and by electronic means.

“(B) AUTHORIZED PERSONS.—

“(i) IN GENERAL.—For purposes of this section, an authorized person is a person who—

“(I) offers goods or services for sale to the public as part of a business operation;

“(II) has submitted to the Attorney General in writing, on a form that shall be promulgated by the Attorney General and made available on the Internet, a request to serve as an authorized person; and

“(III) has been approved by the Attorney General to serve as an authorized person.

“(ii) APPROVAL.—The Attorney General shall approve a request by a person to serve as an authorized person if the person offers goods or services for sale to the public as part of a business operation. An approval under this clause shall remain in effect unless the authorized person requests that the Attorney General terminate the approval.

“(iii) FEES.—The Attorney General may charge a processing fee to a person solely to cover the cost of processing the approval of the person as an authorized person.

“(iv) AGENTS.—An individual who serves as an officer, employee, or agent for a person who offers goods or services for sale to the public as part of a business operation may serve as an authorized person on behalf of that person.

“(v) LIST.—The Attorney General shall maintain a list of authorized persons, which shall be made available to the public upon request.

“(C) AVAILABILITY OF FORMS.—The Attorney General shall make suspected illegal sales activity forms available on the Internet to authorized persons.

“(2) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO CONDUCT ACCOUNT REVIEWS AND FILE SUSPICIOUS ACTIVITY REPORTS; CONSUMABLE GOODS.—If an operator of a physical or online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person showing that a transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses or other illegal means, or has engaged in or is engaging in structuring, the operator shall—

“(A)(i) not later than 30 days after receiving the form—

“(I) conduct a review of the account of the transient vendor or user for evidence of illegal activity; and

“(II) file a suspicious activity report with the Attorney General of the United States; and

“(ii) not later than 24 hours after filing the report described in clause (i)(II), notify the authorized person who submitted the suspected illegal sales activity form that the operator filed the report; and

“(B) with regard to any items referred to in the suspected illegal sales activity form that are consumable or that are medical di-

agnostic tests, immediately suspend the ability of any transient vendor or user who is referred to in the form as selling or distributing the items to conduct transactions involving the items, and notify the Attorney General of such action in the suspicious activity report.

“(3) DUTIES OF OPERATORS OF PHYSICAL RETAIL MARKETPLACES AND ONLINE RETAIL MARKETPLACES TO TERMINATE SALES ACTIVITY.—

“(A) IN GENERAL.—If an operator of a physical retail marketplace or an online retail marketplace is presented with a suspected illegal sales activity form and accompanying documentary evidence from an authorized person, the operator shall determine, based on the form, the documentary evidence, and the account review conducted by the operator, whether there is clear and convincing evidence that the transient vendor of the physical retail marketplace, a user of the online retail marketplace, or a director, officer, employee, or agent of the transient vendor or user, has used or is using the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has engaged in or is engaging in structuring. The operator shall describe the determination of the operator under this subparagraph in the suspicious activity report.

“(B) ACTIONS.—If the operator of a physical retail marketplace or an online retail marketplace determines that there is clear and convincing evidence of an activity described in subparagraph (A), the operator shall, not later than 5 days after submitting the suspicious activity report to the Attorney General pursuant to paragraph (2), either—

“(i) terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

“(ii)(I) request that the transient vendor or user present documentary evidence that the operator reasonably determines to be clear and convincing showing that the transient vendor or user has not used the retail marketplace to sell or distribute items that were stolen, embezzled, or obtained by fraud, false pretenses, or other illegal means, or has not engaged in or is not engaging in structuring; and

“(II)(aa) if the transient vendor or user fails to present the information within 30 days of the request, terminate the ability of the transient vendor to conduct business at the physical retail marketplace or terminate the ability of the user to conduct transactions on the online retail marketplace, and notify the Attorney General of such action; or

“(bb) if the transient vendor or user presents the information within 30 days, then the operator shall report the information to the Attorney General and notify the transient vendor or user that the operator will not terminate the activities of the transient vendor or user.

“(C) ATTORNEY GENERAL AUTHORIZATION.—The Attorney General or a designee may, with respect to the timing of the operator's actions pursuant to this paragraph, direct the operator in writing and for good cause to delay such action.

“(4) RETENTION OF RECORDS.—

“(A) RETAIL MARKETPLACES.—Each operator of a physical retail marketplace and each operator of an online retail marketplace shall maintain—

“(i) a record of all suspected illegal sales activity forms and accompanying documentary evidence presented to it pursuant to

this subsection for 3 years from the date the operator received the form and evidence;

“(ii) a record of the results of all account reviews conducted pursuant to this subsection, and any supporting documentation, for 3 years from the date of the review; and

“(iii) a copy of any suspicious activity report filed with the Attorney General pursuant to this subsection, and the original supporting documentation concerning any report that it files, for 3 years from the date of the filing.

“(B) **ONLINE RETAIL MARKETPLACE.**—Each operator of an online retail marketplace shall maintain, for 3 years after the date a user becomes a high volume seller, the name, telephone number, e-mail address, valid physical postal address, and any other identification information that the operator receives about the high volume seller.

“(5) **CONFIDENTIALITY OF REPORTS.**—No operator of a physical retail marketplace or online retail marketplace, and no director, officer, employee or agent of the operator, may notify any individual or entity that is the subject of a suspicious activity report or of an account review under paragraph (2) of the fact that the operator filed the report or performed the account review, or of any information contained in the report or account review.

“(6) **HIGH VOLUME SELLERS.**—

“(A) **VALID POSTAL ADDRESS.**—An operator of an online retail marketplace shall require each high volume seller to provide the operator with a valid physical postal address.

“(B) **FAILURE TO PROVIDE.**—

“(i) **IN GENERAL.**—If a high volume seller has failed to provide a valid physical postal address as required in this paragraph, the operator of the online retail marketplace shall, not later than 5 days after the failure to provide the address, notify the user of its duty to provide a valid physical postal address.

“(ii) **CONTINUED FAILURE.**—If a high volume seller has failed to provide a valid physical postal address 15 days after the date on which the operator of an online retail marketplace provides notice under clause (i), the operator shall—

“(I) terminate the ability of the user to conduct transactions on marketplace; and

“(II) not later than 15 days after that date, file a suspicious activity report with the Attorney General of the United States.

“(C) **POSTAL ADDRESS.**—If an authorized person submits to the operator of a physical retail marketplace or online retail marketplace a suspected illegal sales activity form that alleges illegal activity on the part of a specific transient vendor or user that is a high volume seller, the operator shall, not later than 15 days after receiving the form, provide the valid physical postal address of the high volume seller to the authorized person.

“(7) **CONTENTS OF SUSPICIOUS ACTIVITY REPORTS.**—The Attorney General shall promulgate regulations establishing a suspicious activity report form. Such regulations shall require that a suspicious activity report submitted by an operator to the Attorney General pursuant to paragraph (2) or (6) shall contain, in a form to be determined by the Attorney General, the following information:

“(A) The name, address, telephone number, and e-mail address of the individual or entity that is the subject of the report, to the extent known.

“(B) Any other information that is in the possession of the operator filing the report regarding the identification of the individual or entity that is the subject of the report.

“(C) A copy of the suspected illegal sales activity form and documentary evidence

that led to the filing of a report pursuant to paragraph (2).

“(D) A detailed description of the results of an account review conducted pursuant to paragraph (2).

“(E) A statement of the determination the operator made pursuant to paragraph (3)(A).

“(F) If the suspicious activity report is filed pursuant to paragraph (6), a summary of the events that led the operator to terminate the ability of the user to conduct transactions on marketplace.

“(G) The signature of the operator.

“(H) Such other information as the Attorney General may by regulation prescribe.

“(c) **VOLUNTARY REPORTS.**—Nothing in this section prevents an operator of a physical retail marketplace or online retail marketplace from voluntarily reporting to a Federal, State, or local government agency any suspicious activity that the operator believes is relevant to the possible violation of any law or regulation, provided that the operator also complies with the requirements of this section.

“(d) **STRUCTURING.**—No individual or entity shall engage in structuring as defined in this section.

“(e) **ENFORCEMENT BY ATTORNEY GENERAL.**—

“(1) **IN GENERAL.**—Any individual or entity who knowingly commits a violation of, or knowingly fails to comply with, the requirements specified in paragraph (2), (3), (4), (5), or (6) of subsection (b) or subsection (d) shall be liable to the United States Government for a civil penalty of not more than \$10,000 per violation.

“(2) **FALSE STATEMENTS.**—

“(A) **SUSPECTED ILLEGAL SALES ACTIVITY FORMS.**—Any person who knowingly and willfully makes any material false or fictitious statement or representation on a suspected illegal sales activity form or accompanying documentary evidence may, upon conviction thereof, be subject to liability under section 1001.

“(B) **SUSPICIOUS ACTIVITY REPORT.**—Any person who knowingly and willfully makes any material false or fictitious statement or representation in any suspicious activity report required under subsection (b) may, upon conviction thereof, be subject to liability under section 1001.

“(f) **ENFORCEMENT BY STATES.**—

“(1) **CIVIL ACTION.**—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person or entity who has committed or is committing a violation of this section, the attorney general, official, or agency of the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

“(A) to enjoin further violation of this section by the defendant;

“(B) to obtain damages on behalf of the residents of the State in an amount equal to the actual monetary loss suffered by such residents; or

“(C) to impose civil penalties in the amounts specified in subsection (e).

“(2) **WRITTEN NOTICE.**—

“(A) **IN GENERAL.**—The State shall serve prior written notice of any civil action under paragraph (1) upon the Attorney General of the United States, including a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action.

“(B) **ATTORNEY GENERAL ACTION.**—Upon receiving a notice respecting a civil action

under subparagraph (A), the Attorney General of the United States shall have the right—

“(i) to intervene in such action;

“(ii) upon so intervening, to be heard on all matters arising therein; and

“(iii) to file petitions for appeal.

“(3) **STATE POWERS PRESERVED.**—For purposes of bringing any civil action under this subsection, nothing in this chapter shall prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(4) **PENDING FEDERAL ACTION.**—Whenever a civil action has been instituted by the Attorney General of the United States for violation of any rule prescribed under subsection (e), no State may, during the pendency of such action instituted by the Attorney General of the United States, institute a civil action under this subsection against any defendant named in the complaint in such action for any violation alleged in the complaint.

“(5) **JURISDICTION.**—

“(A) **IN GENERAL.**—Any civil action brought under this subsection in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28.

“(B) **PROCESS.**—Process in an action under this subsection may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

“(g) **NO PRIVATE RIGHT OF ACTION.**—Nothing in this section shall be interpreted to authorize a private right of action for a violation of any provision of this section, or a private right of action under any other provision of Federal or State law to enforce a violation of this section.”

(b) **CHAPTER ANALYSIS.**—The chapter analysis for chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2323 the following:

“Sec. 2324. Physical and online retail marketplaces.”

SEC. 5. NO PREEMPTION OF STATE LAW.

No provision of this Act, including any amendment made by this Act, shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision or amendment operates, including criminal penalties, to the exclusion of any State law on the same subject matter that would otherwise be within the authority of the State, unless there is a positive conflict between that provision or amendment and that State law so that the 2 cannot consistently stand together.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act take effect 120 days after the date of enactment of this Act.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. KENNEDY, Ms. MIKULSKI, Mr. DURBIN, and Mr. BINGAMAN):

S. 471. A bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise to introduce the High School Sports Information Collection Act. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 37-year-old landmark civil rights law is all about—equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the playing field. For girls who engage in sports, half are less likely to suffer depression and breast cancer, 80 percent are less likely to have a drug problem, and 92 percent are less likely to have an unwanted pregnancy. Athletic competition helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it's not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up!

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls—fewer than 300,000—played sports. Today, the number is more than 2.9 million, that's an increase of over 900 percent! Moreover, our country is celebrating the achievements of our women athletes now more than ever. Just a few weeks ago, tennis player Serena Williams became the all-time prize-money leader in women's sports by reaching both the doubles and singles finals in the Australian Open—not to mention that she won both titles! I am particularly pleased that Ms. Williams expressed appreciation for Title IX, proving how impactful this policy has been in giving her, and many other women, the opportunity to play sports.

So while we celebrate this remarkable progress, we cannot allow ourselves a "time-out" or rest on past success. That is why I am pleased to work with Senator PATTY MURRAY—who has been a tireless advocate for women's sports—to reintroduce the High School Sports Data Collection Act of 2007. Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment

and uniforms. These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's website and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies. With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field.

By Mr. DURBIN (for himself, Mr. WICKER, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. CARDIN, Mr. COCHRAN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. LINCOLN, Mrs. MURRAY, Mr. REED, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. LEVIN, Mr. REID, and Ms. STABENOW):

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I rise today to reintroduce the Senator Paul Simon Study Abroad Foundation Act.

This year marks the 200th anniversary of Abraham Lincoln's birth. We will spend this bicentennial year reflecting on Lincoln's legacy, a legacy that extends far beyond the Civil War. President Lincoln strove to democratize higher education. He enacted the Morrill Act, establishing public land grant universities and opening the doors to a college education to more Americans.

As we recognize Lincoln's legacy this year, we can again transform higher education. Today with Senator WICKER I am introducing the Senator Paul Simon Study Abroad Foundation Act, which has the potential to equip a new generation of Americans with the skills to live in a globalized world.

The bill is named after the late Senator Paul Simon, a man whose passion for the public good remains an inspiration to all who knew him. Shortly before his death in late 2003, Senator Simon came back to Washington to talk to his former colleagues about the need to strengthen American security. He wondered how the United States could lead the world to stability, peace, and harmony when so many Americans are ignorant of the world. He envi-

sioned a United States populated by a generation of Americans with greater international understanding—an understanding arrived at not by just studying the world, but by living in it. He believed this study abroad initiative would be as transformative as Lincoln's work to expand access to college.

Paul's tireless efforts led to Congress' establishment of the Abraham Lincoln Study Abroad Commission. I was honored to serve on this bipartisan Lincoln Commission, and it was a privilege for me to introduce legislation in the past two Congresses to bring Paul Simon's dream closer to reality. The bill is based on the Commission's recommendations for a study abroad program for undergraduate students that will help build global awareness and international understanding. In the last Congress, this bill was supported by 50 bipartisan cosponsors.

The Senator Paul Simon Study Abroad Foundation Act has big goals. It declares our intention to send one million students abroad per year within the next decade. More of those students will study in the developing world and the students we send will be more diverse in terms of race, socioeconomic background, and field of study. To accomplish these goals, a small public-private entity, the Senator Paul Simon Foundation, will award grants to students and institutions of higher education. The goal of the program is to make study abroad in high-quality programs in diverse locations around the world more common for all college students. Grants to colleges and universities will be used to encourage tearing down institutional barriers to study abroad. By leveraging change at the institution level, the Foundation will create opportunities for countless students—far more than possible through direct student grants alone.

Expanding study abroad should be a national priority. The future of the country depends on globally literate citizens who are at ease in the world. In his troubled time, Lincoln said, "The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew, and act anew." Today, our Nation also faces an occasion piled high with difficulty. By passing the Senator Paul Simon Study Abroad Foundation Act, we will send the next generation of Americans out into the world with open minds and they will come back able to think anew and act anew. I ask my colleagues to join Senator WICKER and me in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Senator Paul Simon Study Abroad Foundation Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to former President George W. Bush, “America’s leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.”

(2) According to former President William J. Clinton, “Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation’s diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.”

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199). Pursuant to its mandate, the Lincoln Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) According to the Lincoln Commission, “[s]tudy abroad is one of the major means of producing foreign language speakers and enhancing foreign language learning” and, for that reason, “is simply essential to the [N]ation’s security”.

(5) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(6) Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age.

(7) In today’s world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with significant knowledge and awareness of the world.

(8) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(9) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(10) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(11) Far more study abroad must take place in developing countries. Ninety-five percent of the world’s population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004-2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(12) The Final Report of the National Commission on Terrorist Attacks Upon the

United States (The 9/11 Commission Report) recommended that the United States increase support for “scholarship, exchange, and library programs”. The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was “unfulfilled,” and stated that “[t]he U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.” In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of “D” for its implementation of this recommendation.

(13) Investing in a national study abroad program would help turn a grade of “D” into an “A” by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

(14) An enhanced national study abroad program could help further the goals of other United States Government initiatives to promote educational, social, and political reform and the status of women in developing and reforming societies around the world, such as the Middle East Partnership Initiative.

(15) To complement such worthwhile Federal programs and initiatives as the Benjamin A. Gilman International Scholarship Program, the National Security Education Program, and the National Security Language Initiative, a broad-based undergraduate study abroad program is needed that will make many more study abroad opportunities accessible to all undergraduate students, regardless of their field of study, ethnicity, socio-economic status, or gender.

(16) To restore America’s standing in the world, President Barack Obama has said that he will call on our nation’s greatest resource, our people, to reach out to and engage with other nations.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more United States students have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and non-governmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People’s Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to United States students in countries that have not traditionally hosted large numbers of United States students.

SEC. 4. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) **BOARD.**—The term “Board” means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) **CHIEF EXECUTIVE OFFICER.**—The term “Chief Executive Officer” means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) **FOUNDATION.**—The term “Foundation” means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) **NATIONAL OF THE UNITED STATES.**—The term “national of the United States” means a national of the United States or an alien lawfully admitted for permanent residence (as those terms are defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(7) **NONTRADITIONAL STUDY ABROAD DESTINATION.**—The term “nontraditional study abroad destination” means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(8) **STUDY ABROAD.**—The term “study abroad” means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student’s degree requirements.

(9) **UNITED STATES.**—The term “United States” means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(10) **UNITED STATES STUDENT.**—The term “United States student” means a national of the United States who is enrolled at an institution of higher education located within the United States.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established in the executive branch a corporation to be known as the “Senator Paul Simon Study Abroad Foundation” that shall be responsible for carrying out this Act. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) **BOARD OF DIRECTORS.**—The Foundation shall be governed by a Board of Directors in accordance with subsection (d).

(3) **INTENT OF CONGRESS.**—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) **MANDATE OF FOUNDATION.**—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access to study abroad opportunities by United States students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access to study abroad opportunities by diverse United States students, including minority students, students of limited financial means, and nontraditional students;

(4) solicit funds from the private sector to supplement funds made available under this Act; and

(5) minimize administrative costs and maximize the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) AMENDMENT.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the

minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for one additional 3 year term.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i) for more than 90 days in any calendar year.

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) United States students for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities for United States students, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than 1,000,000 undergraduate United States students will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population, including students enrolled in community colleges, minority-serving institutions, and institutions serving large numbers of low-income and first-generation students; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199)).

(d) STRUCTURE OF GRANTS.—

(1) PROMOTING REFORM.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(2) GRANTS TO INDIVIDUALS AND INSTITUTIONS.—It is the sense of Congress that—

(A) the Foundation should award not more than 25 percent of the funds awarded as grants to individuals described in subparagraph (A) of subsection (a)(2) and not less than 75 percent of such funds to institutions described in subparagraphs (B) and (C) of such subsection; and

(B) the Foundation should ensure that not less than 85 percent of the amount awarded to such institutions is used to award scholarships to students.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

(f) QUALITY AND SAFETY IN STUDY ABROAD.—In administering the program established under subsection (a), the Foundation shall require that institutions receiving grants demonstrate that—

(1) the study abroad programs for which students receive grant funds are for academic credit; and

(2) the programs have established health and safety guidelines and procedures.

SEC. 7. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than December 15, 2010, and each December 15 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this Act during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 8(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the bases upon which grant proposals were solicited and awarded to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C);

(3) a list of grants made to institutions of higher education, nongovernmental institutions, and consortiums pursuant to section 6(a)(2)(B) and 6(a)(2)(C) that includes the identity of the institutional recipient, the dollar amount, the estimated number of study abroad opportunities provided to United States students by each grant, the amount of the grant used by each institution for administrative expenses, and information on cost-sharing by each institution receiving a grant;

(4) a description of the bases upon which the Foundation made grants directly to United States students pursuant to section 6(a)(2)(A);

(5) the number and total dollar amount of grants made directly to United States students by the Foundation pursuant to section 6(a)(2)(A); and

(6) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

“(S) the Senator Paul Simon Study Abroad Foundation.”.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 11(a) for a fiscal year, up to \$2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 20 persons may be appointed, compensated, or

removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term “agency” means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 10. GAO REVIEW.

(a) REVIEW REQUIRED.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall commence a review of the operations of the Foundation.

(b) CONTENT.—In conducting the review required under subsection (a), the Comptroller General shall analyze—

(1) whether the Foundation is organized and operating in a manner that will permit it to fulfill the purposes of this section, as set forth in section 3;

(2) the degree to which the Foundation is operating efficiently and in a manner consistent with the requirements of paragraphs (4) and (5) of section 5(b);

(3) whether grantmaking by the Foundation is being undertaken in a manner consistent with subsections (d), (e), and (f) of section 6;

(4) the extent to which the Foundation is using best practices in the implementation of this Act and the administration of the program described in section 6; and

(5) other relevant matters, as determined by the Comptroller General, after consultation with the appropriate congressional committees.

(c) REPORT REQUIRED.—The Comptroller General shall submit a report on the results of the review conducted under subsection (a) to the Secretary of State (in the capacity of the Secretary as Chairperson of the Board of the Foundation) and to the appropriate congressional committees.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act \$80,000,000 for fiscal year 2010 and each subsequent fiscal year.

(2) AMOUNTS IN ADDITION TO OTHER AVAILABLE AMOUNTS.—Amounts authorized to be appropriated by paragraph (1) are in addition to amounts authorized to be appropriated or otherwise made available for educational exchange programs, including the J. William Fulbright Educational Exchange Program and the Benjamin A. Gilman International Scholarship Program, administered by the Bureau of Educational and Cultural Affairs of the Department of State.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority

governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

By Mr. GRASSLEY (for himself and Mrs. McCASKILL):

S. 474. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, I come to introduce another bill as part of my Accountability in Government Week. Yesterday I introduced the False Claims Act Clarification Act to help restore the original intent of the most successful law the Government utilizes to protect taxpayers' dollars from fraud, waste, and abuse.

One key component I added to the False Claims Act when it was amended in 1986 was allowing whistleblowers to file cases on behalf of the Government when they are aware of fraud or abuse of taxpayers' funds. Whistleblowers are the key to unlocking the secrets of wrongdoing because they have access to information about how the frauds were perpetrated and can help lead authorities in the right direction to uncover the fraud. However, for their brave efforts whistleblowers are often the victims of retaliation and are removed from their jobs by supervisors who do not want the wrongdoing uncovered.

I have often said whistleblowers were as welcome as skunks at a picnic, despite the fact that all they do is bring forward the truth. This is wrong. That is why I have supported strong whistleblower protection laws during my time in the Congress.

The landmark whistleblower law is the Whistleblower Protection Act of 1989—I believe is the year it was passed—providing rights and remedies to executive branch whistleblowers who are the victims of retaliation. I proudly cosponsored that bill. But like many laws that are 20 years old, it needs to be updated. So I have cosponsored legislation introduced by Democratic Senator AKAKA to do just that. However, that law also needs to be extended to employees of the legislative and judicial branches of Government. So I come today to start the discussion and to introduce legislation that will provide the same whistleblower protection rights currently extended to executive branch employees to the legislative branch.

I am pleased to be joined by Senator McCASKILL in introducing the Congressional Whistleblower Protection Act of 2009. This important legislation simply

adds whistleblower protections to the legislative branch by incorporating the Whistleblower Protection Act into the Congressional Accountability Act of 1995, a law that I authored to bring Congress in line with many labor and workplace practices that affected businesses around the country because I have long believed Congress should practice what it preaches. This legislation will do just that.

You might remember the Congressional Accountability Act was passed because, going back to the 1930s, Congress had exempted itself from a lot of employment laws because we individual Senators are employers, the Congress is an employer, but we exempted ourselves from, I think, 18, 19 different laws at that particular time.

So in 1995 I wanted to end the proposition of why we had two sets of laws in this country—one for Capitol Hill and one for the rest of the country. Now, since 1995, we have one set of laws, but we do not have the whistleblower protections that ought to be in it.

A theme that has dominated this new Congress, as well as dominated the campaign of last fall, is accountability and responsibility in Washington. In most instances, the only reason we discovered waste or fraud is because employees were brave enough to stand up to the wrongdoers and to expose the offenses. Without these whistleblowers, the American taxpayer would continue to foot a bill that might be a violation of law, might be fraudulent use of taxpayers' money, might just be a waste of taxpayer money. Either way, taxpayers are hurt.

This bill is long overdue. I have previously introduced similar legislation, but, unfortunately, those bills were never brought out of committee. I hope the Homeland Security and Governmental Affairs Committee, of which the chairman is on the Senate floor—I did not know the Senator would be so available for me to preach to him. I hope the Homeland Security and Governmental Affairs Committee will examine this legislation and will closely and expeditiously report it to the full Senate so we can ensure employees of the legislative branch that they are protected from any reprisals relating to protected whistleblowing the same way as executive branch employees.

Now, it has been a number of years since the Congressional Accountability Act was signed into law. So I would like to remind my colleagues why we passed that law. It was a time very similar to today. The American people were demanding more from their elected officials in Washington and wanted accountability and transparency in all branches of Government. I believed then, as I do now, that Congress needs to put its money where its mouth is and apply the various labor and employment laws that were enforced on other branches of Government and businesses all across the country.

That is what the Congressional Accountability Act did. It applied a number of important laws to Congress, including the Fair Labor Standards Act, title VII, the Civil Rights Act, the Americans With Disabilities Act, the Age Discrimination in Employment Act, Family Medical Leave Act, the Occupational Safety and Health Act, Employee Polygraph Protection Act, Worker Adjustment and Retraining Notification Act, the Rehabilitation Act, as well as some provisions of title V relating to Federal service labor-management relations. It also created the Office of Compliance of the legislative branch that oversees the application of these important laws to this branch of Government and ensures that employees' rights under these laws are protected.

While the Congressional Accountability Act was a good start, the Office of Compliance has recommended additional laws be applied to the legislative branch, including the purpose of my bill, the Whistleblower Protection Act.

We have already taken the steps to protect whistleblowers in the executive branch, so it does not make sense not to extend those same protections to whistleblowers working right here in our own backyard on Capitol Hill. My bill will, very simply, give congressional employees the same protections that workers of other branches of Government have. It does this by simply adding the Whistleblower Protection Act to the preexisting list of statutes that are applied to the legislative branch by the Congressional Accountability Act.

This is a straightforward and simple solution to ensuring that employees of the legislative branch are not without vital whistleblower protections. So I ask, in closing, that my colleagues join me and Senator McCASKILL in supporting this bill to ensure that those who help us in the fight to hold Government accountable are not punished for those efforts.

By Ms. SNOWE (for herself and Mr. WHITEHOUSE):

S. 481. A bill to authorize additional Federal Bureau of Investigation field agents to investigate financial crimes; to the Committee on the Judiciary.

Ms. SNOWE. Mr. President, I rise to introduce a bill with Senator WHITEHOUSE to extend the reach of the Federal Bureau of Investigation into financial crimes that may have helped precipitate last year's economic meltdown.

We must investigate and scrutinize this financial crisis as we would a terrorist attack in order to determine its causes and how to preempt another economic collapse in the United States.

Following the September 11 attacks, the FBI redirected approximately 1,000 agents to counterterrorism and counterintelligence activities. Without a

doubt, there is no argument that our country has benefitted from the dedicated efforts of the men and women of the FBI who are performing this valuable work.

Over a 10-year period, from fiscal year 1999 to fiscal year 2008, Congress has increased direct appropriations for the FBI from \$2.993 billion and 26,693 positions to \$6.658 billion—122 percent increase—and 30,211 positions—13 percent increase. Most of these new resources were provided in the wake of the September 11 terrorist attacks, as the FBI redirected its resources toward combating domestic and international terrorism by improving its intelligence gathering and processing capabilities. As a consequence, for fiscal year 2008, about 60 percent of FBI funding and staffing is allocated to national security programs, including counterterrorism and counterintelligence.

In view of the breadth and severity of the economic crisis brought on by events in U.S. financial markets, however, I am very concerned that criminal wrongdoing may have played a significant role in crippling some of America's largest companies. Criminal activity, such as fraud, misrepresentation, self-dealing, and insider trading may have instigated or exacerbated the financial industry upheaval of 2008–2009.

In order to augment FBI investigations of financial crimes, the FBI Priorities Act of 2009 authorizes \$150 million for each of the fiscal years 2010 through 2014 to fund approximately 1,000 Federal Bureau of Investigation field agents in addition to the number of field agents serving on the date of enactment. It is my hope that this extra manpower will enable the FBI to develop leads on unlawful actions, dig deeply into those leads, and bring responsible parties to justice. The American public deserves no less.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. ALEXANDER, Mr. REID, Mr. LUGAR, Mr. LIEBERMAN, Mr. ISAKSON, Mr. DODD, Mr. GRASSLEY, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. AKAKA, Mr. HARKIN, Mr. NELSON of Nebraska, Mr. REED, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BROWN, and Mr. CARDIN):

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

Mr. FEINGOLD. Mr. President, today I will once again introduce with the senior Senator from Mississippi, Mr. COCHRAN, the Senate Campaign Disclosure Parity Act, a bill to require that Senate candidates file their campaign finance disclosure reports electronically and that those reports be promptly

made available to the public. This step is long overdue; indeed I first introduced this bill in 2003. I hope that the Senate will act quickly on this legislation this year.

A series of reports by the Campaign Finance Institute has highlighted the anomaly in the election laws that makes it nearly impossible for the public to get access to Senate campaign finance reports while most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission, FEC. The Campaign Finance Institute asks a rhetorical question: "What makes the Senate so special that it exempts itself from a key requirement of campaign finance disclosure that applies to everyone else, including candidates for the House of Representatives and Political Action Committees?"

The answer, of course, is nothing. The U.S. Senate is special in many ways. I am proud to serve here. But there is no excuse for keeping our campaign finance information inaccessible to the public when the information filed by House candidates or others is readily available.

My bill amends the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours. The FEC is required to make available on the Internet within 24 hours any filing it receives electronically. So if this bill is enacted, electronic versions of Senate reports should be available to the public within 48 hours of their filing. That will be a vast improvement over the current situation, which, according to the Campaign Finance Institute, requires journalists and interested members of the public to review computer images of paper-filed copies of reports, and involves a completely wasteful expenditure of hundreds of thousands of dollars to re-enter information into databases that almost every campaign has available in electronic format.

The current filing system also means that the detailed coding that the FEC does, which allows for more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. This means that the final disclosure reports covering the first two weeks of October are often not susceptible to detailed scrutiny before the election. According to the Campaign Finance Institute, in the 2006 election, "[v]oters in six of the hottest Senate races were out of luck the week before the November 7 election if they did Web searches for information on general election contributions since June 30. . . . In all ten of the most closely followed Senate races voters were unable to search through any candidate reports for information on pre-general election (October 1–18) donations." And a September 18, 2006,

column by Jeffery H. Birnbaum in the Washington Post noted that "When the polls opened in November 2004, voters were in the dark about \$53 million in individual Senate contributions of \$200 or more dating all the way back to July. . . ."

Because the Senate failed to pass this bill last Congress, even though we had 48 bipartisan cosponsors and no known opposition, and even though the Senate Rules Committee reported the bill by voice vote, the same problem existed for Senate elections in the 2008 cycle. In addition, because of the expense, when the FEC puts information from the paper filings in its electronic database, it only enters contributions, not expenditures. So anyone interested in how a Senate campaign is spending its money has to consult the paper forms.

As Roll Call said in its recent editorial in favor of the bill, "[i]t's time for this nonsense to come to an end." It is time for the Senate to at long last relinquish its backward attitude toward campaign finance disclosure. I urge the enactment of this simple bill that will make our reports subject to the same prompt, public scrutiny as those filed by PACs, House and Presidential candidates, and even 527 organizations. I close with another question from the Campaign Finance Institute: "Isn't it time that the Senate join the 21st century and allow itself to vote on a simple legislative fix that could significantly improve our democracy?" This Congress, let us finally answer that question in the affirmative.

Mr. President, I ask unanimous consent that an editorial be printed in the RECORD.

There being no objection, the material was ordered as follows:

[From Roll Call, Feb. 11, 2009]

OUTRAGEOUS

In this year when "transparency" is all the rage, it would be appropriate for the Senate—at long last—to join the House and every federal political committee in filing campaign finance reports electronically.

Fundraising and spending reports for the end of 2008 were due on Jan. 31. Reports for House Members and candidates and the Republican and Democratic parties and their campaign committees all were instantly available to the media, watchdog groups and the public on the Federal Election Commission's Web site.

But Senate reports take weeks from the filing deadline to make it into the public realm. And when they are made available, it's at the conclusion of a circuitous process that costs taxpayers an estimated \$250,000 a year that could be far better spent elsewhere—almost anywhere else—or simply used to narrow the federal deficit.

Moreover, because of the expense, the FEC does not electronically post Senate campaign expenditures, only contributions—a gap that Steve Weissman of the Campaign Finance Institute correctly calls "outrageous."

Senators use FEC-approved software to compile their reports, but then they snail-mail paper copies to the office of the Secretary of the Senate, which then scans some

27,000 pages and sends them electronically to the FEC.

They can be then combed through page by page on the FEC Web site, but not digitally manipulated or matched. The FEC hires a contractor to key the data into digital form. Only then, a month or more after the filing deadline, can the data be searched and connections made, if any, between money collected and votes or positions Senators or their opponents have taken.

But it still takes page-by-page searching to review candidates' spending—to determine, for instance, if candidates' relatives are on the campaign payroll.

All this ridiculous complexity is necessary because in 2000 the Senate exempted itself from an electronic filing requirement written into the FEC's appropriation. Legislation to correct the situation has been regularly introduced by Sen. Russ Feingold (D-Wis.), and it's regularly had dozens of cosponsors.

But it's never passed. Change was resisted at first by Sen. Robert Byrd (D-W.Va.), who wanted to maintain a fusty Senate "prerogative," and then by various Republican Senators who wanted to attach amendments that amounted to "poison pills."

Last year, the Senate Rules and Administration Committee approved the bill for floor action, but it was blocked by Sen. John Ensign (R-Nev.) who sought to add a provision requiring disclosure of the donors to any organization filing ethics complaints against a Senator. The bill never was voted on.

It's time for this nonsense to come to an end. Feingold is planning to re-introduce the measure soon. It ought to be processed promptly by the Rules Committee, now chaired by Sen. Charles Schumer (D-N.Y.), and pushed to the floor for passage as early in the year as possible so if it's subject to more shenanigans, they can be exposed and resolved.

By Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. BOXER, Mr. SCHUMER, Mrs. MCCASKILL, and Mr. BOND):

S. 483. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, today I am introducing the Mark Twain Commemorative Coin Act. I am pleased to be joined by Senators LIEBERMAN, BOXER, SCHUMER, MCCASKILL, and BOND in cosponsoring this legislation, which authorizes the Secretary of the Treasury to mint 100,000 five-dollar gold coins and 500,000 silver dollar coins in a design emblematic of the life and legacy of Mark Twain.

Samuel L. Clemens, better known by his pen name "Mark Twain," was born in 1835 in Florida, Missouri, and died in 1910 while residing in my home State of Connecticut. As many of us know from having read his works, Twain is an iconic author who has left an indelible mark on our Nation's history. Two of his most renowned works, "The Adventures of Tom Sawyer" and "Adventures of Huckleberry Finn," have become a central part of the American literary canon and are still widely read in schools and universities across the

country. Another enduring work, entitled "The Gilded Age: A Tale of Today," satirized the excesses of the age during which it was written, and solidified Twain's reputation as a fierce but subtle social critic. His writings evoke discussions of race, politics, and economic inequality, all issues with which our nation continues to struggle as we become a "more perfect union."

This bill will allow the Treasury to mint and issue coins in commemoration of Mark Twain's lasting contributions to America's literary tradition and cultural heritage. A portion of proceeds from surcharges of \$35 and \$10 applied to each gold and silver coin sold to the public will be distributed by the Treasury to support four institutions critical to the mission of promoting Mark Twain's legacy: The Mark Twain House & Museum in Hartford, CT; the Mark Twain Project at the Bancroft Library of the University of California, in Berkeley, CA; the Center for Mark Twain Studies at Elmira College, in New York; and the Mark Twain Boyhood Home & Museum in Hannibal, MO.

The Mark Twain House and Museum in Hartford, CT, is a national historic landmark. Each year, over 60,000 visitors flock there, many of them from outside my home State. This site offers a unique experience to all who visit, and serves as a center for educating young and old alike about Mark Twain's life and legacy. However, as recent news articles have reported, the Mark Twain House and Museum has—not unlike many other nonprofit entities across the country in the midst of the economic downturn—struggled to cover operating costs solely on private donations, and the financial challenges it currently faces are substantial. Passing this legislation will help to support the continued operation and restoration of the Mark Twain House, and promote its goals by honoring Mark Twain with a commemorative coin desirable to coin collectors as well as enthusiasts of American history and literature.

Congressman JOHN LARSON of Connecticut is introducing companion legislation today in the House of Representatives. As a procedural matter, the House Financial Services Committee requires no less than 290 cosponsors for any commemorative coin bill to come under committee consideration, and similar cosponsorship rules are in place for the Senate Committee on Banking, Housing, and Urban Affairs. Moreover, the House adheres to a tradition of interpreting commemorative coin bills as "revenue-raisers" subject to the origination clause of the U.S. Constitution. Passing the Mark Twain Commemorative Coin Act through both Houses will require no small amount of effort, but today marks an important first step as we

put this legislative proposal forward and begin to generate broad public support for the effort. Once Congressman LARSON's companion bill meets the necessary requirements and is adopted by the full House, I intend to press it forward here in the Senate.

The legislation I am introducing will require broad bipartisan support to meet the high threshold for commemorative coin legislation established by the rules of the Committee on Banking, Housing, and Urban Affairs, so I urge my colleagues to cosponsor this legislation and join me in supporting the life and legacy of Mark Twain, as well as the important places in our Nation that promote further study and education on his significant contributions to American history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mark Twain Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) Samuel Clemens—better known to the world as Mark Twain—was a unique American voice whose literary work has had a lasting effect on our Nation's history and culture;

(2) Mark Twain remains one of the best known Americans in the world, with over 6,500 editions of his books translated into 75 languages;

(3) Mark Twain's literary and educational legacy remains strong even today, with nearly every book he wrote still in print, including "The Adventures of Tom Sawyer" and "Adventures of Huckleberry Finn"—both of which have never gone out of print since they were first published over a century ago;

(4) in the past 2 decades alone, there have been more than 100 books published and over 250 doctoral dissertations written on Mark Twain's life and work;

(5) even today, Americans seek to know more about the life and work of Mark Twain, as people from around the world and across all 50 States annually flock to National Historic Landmarks like the Mark Twain House & Museum in Hartford, Connecticut and the Mark Twain Boyhood Home & Museum in Hannibal, Missouri; and

(6) Mark Twain's work is remembered today for addressing the complex social issues facing America at the turn of the century, including the legacy of the Civil War, race relations, and the economic inequalities of the "Gilded Age".

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

- (A) weigh 26.73 grams;
- (B) have a diameter of 1.500 inches; and
- (C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the life and legacy of Mark Twain.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year “2013”; and
- (C) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts and the Board of the Mark Twain House & Museum; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of—

- (1) \$35 per coin for the \$5 coin; and
- (2) \$10 per coin for the \$1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f)(1) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) $\frac{1}{2}$ of the surcharges, to the Mark Twain House & Museum in Hartford, Connecticut, to support the continued restoration of the

Mark Twain house and grounds, and to ensure continuing growth and innovation in museum programming to research, promote, and educate on the legacy of Mark Twain.

(2) $\frac{1}{4}$ of the surcharges, to the Mark Twain Project at the Bancroft Library of the University of California, Berkeley, California, to support programs to study and promote Mark Twain's legacy.

(3) $\frac{1}{4}$ of the surcharges, to the Center for Mark Twain Studies at Elmira College, New York, to support programs to study and promote Mark Twain's legacy.

(4) $\frac{1}{4}$ of the surcharges, to the Mark Twain Boyhood Home & Museum in Hannibal, Missouri, to preserve historical sites related to Mark Twain and to help support programs to study and promote Mark Twain's legacy.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of each of the organizations referred to in paragraphs (1), (2), (3), and (4) of subsection (b) as may be related to the expenditures of amounts paid under such subsection.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Mr. BROWN, Mr. CARDIN, Mrs. BOXER, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. NELSON of Florida, and Mr. MENENDEZ):

S. 484. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation that will help protect the retirement benefits earned by our Nation's public service workers.

I am pleased to be joined by my colleague from Maine, Senator COLLINS, as well as Senators DURBIN, KERRY, BROWN, CARDIN, BOXER, LINCOLN, WHITEHOUSE, NELSON of Florida, and MENENDEZ.

This bill will repeal two provisions of the Social Security Act—the Government pension offset and the windfall elimination provision—that unfairly reduce retirement benefits for teachers, police officers, and firefighters.

These two provisions were originally designed—the Government pension offset in 1977 and the windfall elimination provision in 1983—to prevent public employees from being unduly enriched.

But, the practical effect is that those providing critical public services are unjustly penalized.

Approximately 1½ million Federal, State, and municipal workers, as well as teachers and other school district employees, are held to a different standard when it comes to retirement benefits.

In California, the problem affects about 200,000 workers.

The Government pension offset reduces a public employee's Social Security spousal or survivor benefits by an amount equal to two-thirds of the individual's public pension.

In most cases, the Government pension offset eliminates the spousal ben-

efit for which an individual qualifies. Three quarters of employees affected by the Government pension offset lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years.

According to the Congressional Research Service, the Government pension offset provision alone reduces the retirement benefits earned by nearly 500,000 Americans each year by an average of \$500 per month.

The windfall elimination provision reduces Social Security benefits by up to 50 percent for retirees who have paid into Social Security and also receive a public pension, such as from a State teacher retirement fund.

Private-sector retirees receive monthly Social Security checks equal to 90 percent of their first \$744 in average monthly career earnings, plus 32 percent of monthly earnings up to \$4,483 and 15 percent of earnings above \$4,483.

Under the windfall elimination provision, retired public employees, however, are only allowed to receive 40 percent of the first \$744 in career monthly earnings, a penalty of over \$350 per month.

Our legislation will allow government pensioners the chance to earn the same 90 percent to which nongovernment pension recipients are entitled.

For those living on fixed incomes, in some cases this represents the difference between a comfortable retirement and poverty.

Americans are hurting as our economy continues to contract.

More than \$4 trillion in retirement savings were lost last year as markets destabilized and investments soured.

Retirees on fixed incomes have been especially impacted by this recession. Every dollar matters to a retiree struggling to pay bills and meet mortgage obligations.

In California, more than 837,000 foreclosures were filed last year. The roughly \$500 lost by beneficiaries to the Government pension offset each month may mean the difference between foreclosure and keeping one's home.

This is also critical for seniors residing in assisted living facilities or retirement communities concerned about paying the increasingly high cost of care.

Our Nation's unemployment rate stands at 7.6 percent. And, in my State, over 1.7 million people are out of work. For those close to retirement who have lost their jobs, reductions in Social Security benefits compound an already challenging situation.

We must also eliminate the barriers which discourage many Americans from pursuing careers in public service.

This is more difficult now than ever, as states face mounting deficits and painful budget cuts. Communities must be able to retain their most qualified teachers, police officers, and firefighters.

Unfortunately, the Government pension offset and windfall elimination provision only contribute to this problem at a time when we should be doing everything we possibly can to bring the best and brightest to these careers.

It is estimated that schools will need to hire between 1.7 million and 2.7 million new teachers nationwide by the end of this year because of record enrollments in public schools.

The projected retirements of thousands of veteran teachers and critical efforts to reduce class sizes also necessitate hiring additional teachers.

California currently has roughly 310,000 teachers but will need to double this number over the next decade, to 600,000 teachers, in order to keep up with student enrollment levels.

It is counterintuitive that on the one-hand, policymakers seek to encourage people to change careers and enter the teaching profession, while on the other hand, those wishing to do so are told that their retirement benefits will be significantly reduced.

I certainly recognize that our Federal budget deficit and national debt make repealing the Government pension offset and windfall elimination provision difficult.

And, I remain open to considering any alternatives that will allow hard working employees to keep the Social Security benefits to which they are entitled.

But the bottom line is that we should respect, not penalize, our public service employees.

In the 110th Congress, 38 Senators joined me in cosponsoring this legislation. In the House of Representatives, 351 Members of Congress supported Representative HOWARD BERMAN's companion bill. Our bill enjoys the support of more than three quarters of the entire House of Representatives.

The reason for this support is because public servants across the country are calling on Congress to act.

It is long overdue that we resolve this inequity, and it is time that this body protects retirement benefits for public employees and formulates a more cohesive approach to promoting public sector employment.

So I hope that my colleagues will join me in protecting the retirement benefits of our Nation's hard working public servants. We value their contributions and must ensure that all Americans receive the retirement benefits they have earned and deserve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 484

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Fairness Act of 2009".

SEC. 2. REPEAL OF GOVERNMENT PENSION OFFSET PROVISION.

(a) IN GENERAL.—Section 202(k) of the Social Security Act (42 U.S.C. 402(k)) is amended by striking paragraph (5).

(b) CONFORMING AMENDMENTS.—

(1) Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) is amended by striking "subsections (k)(5) and (q)" and inserting "subsection (q)".

(2) Section 202(c)(2) of such Act (42 U.S.C. 402(c)(2)) is amended by striking "subsections (k)(5) and (q)" and inserting "subsection (q)".

(3) Section 202(e)(2)(A) of such Act (42 U.S.C. 402(e)(2)(A)) is amended by striking "subsection (k)(5), subsection (q)," and inserting "subsection (q)".

(4) Section 202(f)(2)(A) of such Act (42 U.S.C. 402(f)(2)(A)) is amended by striking "subsection (k)(5), subsection (q)" and inserting "subsection (q)".

SEC. 3. REPEAL OF WINDFALL ELIMINATION PROVISIONS.

(a) IN GENERAL.—Section 215 of the Social Security Act (42 U.S.C. 415) is amended—

(1) in subsection (a), by striking paragraph (7);

(2) in subsection (d), by striking paragraph (3); and

(3) in subsection (f), by striking paragraph (9).

(b) CONFORMING AMENDMENTS.—Subsections (e)(2) and (f)(2) of section 202 of such Act (42 U.S.C. 402) are each amended by striking "section 215(f)(5), 215(f)(6), or 215(f)(9)(B)" in subparagraphs (C) and (D)(i) and inserting "paragraph (5) or (6) of section 215(f)".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to monthly insurance benefits payable under title II of the Social Security Act for months after December 2009. Notwithstanding section 215(f) of the Social Security Act, the Commissioner of Social Security shall adjust primary insurance amounts to the extent necessary to take into account the amendments made by section 3.

Ms. COLLINS. Mr. President, I am pleased to be joining my colleague from California, Senator FEINSTEIN, in introducing the Social Security Fairness Act, which repeals both the windfall elimination provision, WEP, and the Government pension offset, GPO. We believe that these two provisions in the Social Security Act unfairly penalize individuals for holding jobs in public service when the time comes for them to retire.

These two provisions have enormous financial implications for many of our teachers, police officers, firefighters, postal workers and other public employees. Given their important responsibilities, it is simply unfair to penalize them when it comes to their Social Security benefits. These public servants—or their spouses—have all paid taxes into the Social Security system. So have their employers. They have worked long enough to earn their Social Security benefits. Yet because of the GPO and WEP, they are unable to receive all of the Social Security benefits to which they otherwise would be entitled.

The impact of these two provisions is most acute in 15 States, including

Maine, which have State retirement plans that lack a Social Security component. However, it is important to point out that the GPO and WEP affect public employees and retirees in every State, and in particular our emergency responders, our postal workers and our other Federal employees. Nationwide, more than one-third of teachers and education employees, and more than one-fifth of other public employees, are affected by the GPO and/or the WEP.

Almost 1 million retired public employees across the country have already been harmed by these provisions. Many more stand to be harmed in the future. Moreover, at a time when we should be doing all that we can to attract qualified people to public service, this reduction in retirement benefits makes it even more difficult for our Federal, State and local governments to recruit and retain the public servants who are so critical to the safety and well-being of our families.

What is most troubling is that this offset is most harsh for those who can least afford the loss: lower income women. In fact, of those affected by the GPO, over 70 percent are women. According to the Congressional Budget Office, the GPO reduces benefits for more than 200,000 individuals by more than \$3,600 a year—an amount that can make the difference between a comfortable retirement and poverty.

Many Maine teachers, in particular, have talked with me about the impact of these provisions on their retirement security. They love their jobs and the children they teach, but they worry about the future and about their financial security.

In September of 2003, I chaired an oversight hearing to examine the effect that the GPO and the WEP have had on public employees and retirees. We heard compelling testimony from Julia Worcester of Columbia, ME, who was then 73. Mrs. Worcester told the committee about her work in both Social Security-covered employment and as a Maine teacher, and about the effect that the GPO and WEP have had on her income in retirement.

Mrs. Worcester had worked for more than 20 years as a waitress and in factory jobs before deciding, at the age of 49, to go back to school to pursue her life-long dream of becoming a teacher. She began teaching at the age of 52 and taught full-time for 15 years before retiring at the age of 68. Since she was only in the Maine State retirement system for 15 years, Mrs. Worcester does not receive a full State pension. Yet she is still subject to the full penalties under the GPO and WEP. As a consequence, even though she worked hard and paid into the Social Security system for more than 20 years, she receives less than \$800 a month in total pension income.

After a lifetime of hard work, Mrs. Worcester, who turns 78 next month, is

still substitute teaching just to make ends meet. She cannot afford to stop working. This simply is not right.

It is time for us to take action, and I urge all of my colleagues to join us in cosponsoring the Social Security Fairness Act to eliminate these two unfair provisions.

By Ms. MURKOWSKI (for herself and Mr. BYRD):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia; to the Committee on the Judiciary.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that S.J. Res. 11, proposing an amendment to the Constitution of the United States relative to a seat in the House of Representatives for the District of Columbia, be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 11

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

“ARTICLE—

“SECTION 1. The people of the District constituting the seat of Government of the United States shall elect one representative to the House of Representatives who is a resident of that District. The representative so elected shall have the same rights, privileges, and obligations as a Representative from a State.

“SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 54—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 54

Resolved, That, in carrying out in powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28,

2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2a. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed \$5,210,765, of which amount (1) not to exceed \$17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed \$9,161,539, of which amount (1) not to exceed \$30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed \$3,901,707 of which amount (1) not to exceed \$12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946.)

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009 through September 30, 2010; and October 1, 2010

through February 28, 2011, to be paid from the Appropriations account for Expenses of Inquiries and Investigations.

SENATE RESOLUTION 55—DESIGNATING EACH OF FEBRUARY 4, 2009, AND FEBRUARY 3, 2010, AS “NATIONAL WOMEN AND GIRLS IN SPORTS DAY”

Ms. SNOWE (for herself, Mrs. MURRAY, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 55

Whereas women's athletics are one of the most effective avenues available for the women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of the athletic achievements of women;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972 (Public Law 92-318; 86 Stat. 373);

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete to her home, workplace, and society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and who exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor-skill training and enjoyable experiences of physical activity strongly influence life-long habits of physical fitness;

Whereas the performances of female athletes in the Olympic Games are a source of inspiration and pride to the people of the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by these projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved, That the Senate—

(1) designates each of February 4, 2009, and February 3, 2010, as “National Women and Girls in Sports Day”; and

(2) encourages State and local jurisdictions, appropriate Federal agencies, and the

people of the United States to observe "National Women and Girls in Sports Day" with appropriate ceremonies and activities.

SENATE RESOLUTION 56—URGING THE GOVERNMENT OF MOLDOVA TO ENSURE A FAIR AND DEMOCRATIC ELECTION PROCESS FOR THE PARLIAMENTARY ELECTIONS ON APRIL 5, 2009

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 56

Whereas Senate Resolution 60, 110th Congress, agreed to February 17, 2005, expressed the support of the Senate for democratic reform in Moldova and urged the Government of Moldova to ensure a democratic and fair election process for the parliamentary elections on March 6, 2005, by ensuring "unimpeded access by all parties and candidates to print, radio, television, and Internet media on a nondiscriminatory basis" and "the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation";

Whereas the Election Observation Mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) found that, while the parliamentary elections in 2005 generally complied with most of the OSCE commitments and other international standards, "they fell short of some that are central to a genuinely competitive election process", in particular "campaign conditions and access to media", confirming the "negative trends already noted in the 2003 local elections";

Whereas the Election Observation Mission found that the local elections held in June 2007 in Moldova were generally well administered but "fell short of a number of OSCE commitments central to a competitive electoral process," in particular by not fully respecting "the right of citizens to seek public office and equitable media access";

Whereas Freedom House, a non-profit, non-partisan organization working to advance the expansion of freedom, again in 2008 designated the political environment of Moldova as only "partly free";

Whereas political liberties and civil rights are key indicators of eligibility for support from the Millennium Challenge Corporation, an entity of the United States Government, which is now considering a sizeable grant for the economic and political development of Moldova; and

Whereas recent actions by entities of the Government of Moldova raise serious questions about the readiness of the Government of Moldova to break free from the unfortunate patterns established in the elections in 2003, 2005, and 2007 and to create the campaign conditions and access to media required for truly free and fair elections: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong, mutually beneficial relationship that exists between the United States Government and the Government of Moldova;

(2) recognizes that the development of a genuinely democratic political system in Moldova is a precondition for the full integration of Moldova into the Western community of nations and the provision of assistance necessary to attain such integration;

(3) urges the Government of Moldova to meet its commitments to the Organization for Security and Co-operation in Europe, especially in respect to the conduct of elections, by guaranteeing—

(A) unimpeded access by all parties and candidates to public print, radio, television, and Internet media on a nondiscriminatory basis;

(B) the ability of independent media to cover campaigns on an unrestricted basis;

(C) the right of opposition candidates and workers to engage in campaigning free of harassment, discrimination, and intimidation; and

(D) adequate means for citizens of Moldova residing abroad to cast their ballots; and

(4) in light of the steps taken by the Government of Moldova, pledges the continued support of the United States Government for the establishment in Moldova of a fully free and democratic system, the creation of a prosperous market economy, and the assumption by Moldova of its rightful place as a full and equal member of the Western community of democracies.

Mr. LUGAR. Mr. President, today I submit a resolution urging the Government of Moldova to ensure a fair and democratic election process for the upcoming parliamentary elections on April 5, 2009.

Since independence in 1991, Moldova has made notable progress in establishing a democratic political system and a free market economy. However, the Organization for Security and Co-operation in Europe, OSCE, has reported that recent rounds of parliamentary elections have fallen short on a number of international election standards.

In 2005, the Senate passed a Resolution expressing our support for democratic reform in Moldova and urging the Government of Moldova to ensure unimpeded access by all parties and candidates to all media outlets in the run-up to the 2005 parliamentary elections. While the OSCE found that the 2005 elections generally complied with international standards, it found that "campaign conditions and access to media" fell short of these standards. The OSCE reported similar circumstances following the 2007 parliamentary elections, including a lack of "equitable media access" among the candidates.

This Resolution re-affirms the United States Senate's support for political reform and fair democratic processes with our partners in Moldova. It urges the Government of Moldova to recognize the importance of guaranteeing all election candidates equitable access to media outlets in Moldova for the April 2009 elections. This will be an important consideration for receiving a Compact from the Millennium Challenge Corporation and for Moldova's full integration as a member of the Western community of democracies.

I ask my colleagues to support this resolution.

SENATE CONCURRENT RESOLUTION 8—EXPRESSING SUPPORT FOR CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. CARDIN (for himself, Ms. COLLINS, Mr. ROCKEFELLER, Ms. MIKULSKI, and Mr. BINGAMAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

AMENDMENTS SUBMITTED AND PROPOSED

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, *supra*.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, *supra*.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr.

BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) to the bill S. 160, supra.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, supra.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, supra.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, supra; which was ordered to lie on the table.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, supra.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 573. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill add the following:

SEC. 9. FAIRNESS DOCTRINE PROHIBITED.

(a) **LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

“Notwithstanding section 303 or any other provision of this Act or any other Act au-

thorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

“(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the ‘Fairness Doctrine’, as repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

“(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.”.

(b) **SEVERABILITY.**—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

SA 574. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

On page 27, strike line 21 through the end of the bill and insert the following:

SEC. 8. JUDICIAL REVIEW.

(a) **SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.**—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) **INTERVENTION BY MEMBERS OF CONGRESS.**—

(1) **IN GENERAL.**—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) **COURT EFFICIENCY.**—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make

such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) **CHALLENGE BY MEMBERS OF CONGRESS.**—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SA 575. Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, and Mr. ROBERTS) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

TITLE —SECOND AMENDMENT ENFORCEMENT ACT

SEC. .01. SHORT TITLE.

This title may be cited as the “Second Amendment Enforcement Act”.

SEC. .02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners’ Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia’s law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1-303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person."

SEC. 04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person."

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4501(c), D.C. Official Code) is amended to read as follows:

"(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975."

SEC. 05. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01(a), D.C. Official Code) is amended by striking "any firearm, unless" and all that follows through paragraph (3) and inserting the following: "any firearm described in subsection (c)."

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

"(c) A firearm described in this subsection is any of the following:

"(1) A sawed-off shotgun.

"(2) A machine gun.

"(3) A short-barreled rifle."

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by striking "Registration requirements" and inserting "Firearm Possession".

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms

Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7-2502.02 through 7-2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7-2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7-2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking "the District;" and all that follows and inserting the following: "the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act."; and

(B) in subsection (b), by striking "which are unregistrable under section 202" and inserting "which are prohibited under section 201".

(4) Section 402 (sec. 7-2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking "Any person eligible to register a firearm" and all that follows through "such business," and inserting the following: "Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,"; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

"(1) The applicant's name;"

(5) Section 403(b) (sec. 7-2504.03(b), D.C. Official Code) is amended by striking "registration certificate" and inserting "dealer's license".

(6) Section 404(a)(3) (sec. 7-2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking "registration certificate number (if any) of the firearm,";

(B) in subparagraph (B)(iv), by striking "holding the registration certificate" and inserting "from whom it was received for repair";

(C) in subparagraph (C)(i), by striking "and registration certificate number (if any) of the firearm";

(D) in subparagraph (C)(ii), by striking "registration certificate number or"; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7-2504.06(c), D.C. Official Code) is amended to read as follows:

"(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

"(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

"(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory."

(8) Section 407(b) (sec. 7-2504.07(b), D.C. Official Code) is amended by striking "would not be eligible" and all that follows and inserting "is prohibited from possessing or receiving a firearm under Federal or District law."

(9) Section 502 (sec. 7-2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

"(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer."

(B) by amending subsection (c) to read as follows:

"(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or or-

ganization not otherwise prohibited from possessing or receiving such firearm under Federal or District law."

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7-2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking "any registration certificate or" and inserting "a"; and

(B) in subsection (b), by striking "registration certificate,".

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7-2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking "or ignoring proof of the purchaser's residence in the District of Columbia"; and

(2) in subparagraph (B), by striking "registration and".

SEC. 06. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7-2506.01(3), D.C. Official Code) is amended by striking "is the holder of the valid registration certificate for" and inserting "owns".

SEC. 07. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

SEC. 08. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.06, D.C. Official Code) is amended—

(1) by striking "that:" and all that follows through "(1) A" and inserting "that a"; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 09. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking "a pistol," and inserting the following: "except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,"; and

(2) by striking "except that:" and all that follows through "(2) If the violation" and inserting "except that if the violation".

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22-4505, D.C. Official Code) is amended—

(1) by striking "pistol" each place it appears and inserting "firearm"; and

(2) by striking "pistols" each place it appears and inserting "firearms".

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after "other than a State in which the licensee's place of business is located" the following: ", or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,".

SEC. 11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as

passed by the District of Columbia, are repealed.

SEC. 12. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

SA 576. Mr. COBURN (for himself and Mr. INHOFE) proposed an amendment to amendment SA 575 proposed by Mr. ENSIGN (for himself, Mr. VITTER, Mr. COBURN, Mr. DEMINT, Mr. BURR, Mr. WICKER, Mr. THUNE, Mr. GRASSLEY, Mr. RISCH, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. CHAMBLISS, Mr. ISAKSON, Mr. CRAPO, Mr. CORNYN, Mr. BROWNBACK, Mr. CORKER, Mr. MARTINEZ, Ms. MURKOWSKI, Mr. GRAHAM, Mr. ROBERTS) to the bill s. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the first word and insert the following:

SECOND AMENDMENT ENFORCEMENT ACT

SEC. 01. SHORT TITLE.

This title may be cited as the "Second Amendment Enforcement Act".

SEC. 02. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under

the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 03. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1-303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person."

SEC. 04. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person."

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4501(c), D.C. Official Code) is amended to read as follows:

"(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975."

SEC. 05. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01(a), D.C. Official Code) is amended by striking "any firearm, unless" and all that follows through paragraph (3) and inserting the following: "any firearm described in subsection (c)."

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

"(c) A firearm described in this subsection is any of the following:

"(1) A sawed-off shotgun.

"(2) A machine gun.

"(3) A short-barreled rifle."

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by striking "Reg-

istration requirements" and inserting "Firearm Possession".

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7-2502.02 through 7-2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7-2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7-2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking "the District;" and all that follows and inserting the following: "the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act."; and

(B) in subsection (b), by striking "which are unregistrable under section 202" and inserting "which are prohibited under section 201".

(4) Section 402 (sec. 7-2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking "Any person eligible to register a firearm" and all that follows through "such business," and inserting the following: "Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,"; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

"(1) The applicant's name;"

(5) Section 403(b) (sec. 7-2504.03(b), D.C. Official Code) is amended by striking "registration certificate" and inserting "dealer's license".

(6) Section 404(a)(3) (sec. 7-2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking "registration certificate number (if any) of the firearm,";

(B) in subparagraph (B)(iv), by striking "holding the registration certificate" and inserting "from whom it was received for repair";

(C) in subparagraph (C)(i), by striking "and registration certificate number (if any) of the firearm";

(D) in subparagraph (C)(ii), by striking "registration certificate number or"; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7-2504.06(c), D.C. Official Code) is amended to read as follows:

"(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

"(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

"(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory."

(8) Section 407(b) (sec. 7-2504.07(b), D.C. Official Code) is amended by striking "would not be eligible" and all that follows and inserting "is prohibited from possessing or receiving a firearm under Federal or District law."

(9) Section 502 (sec. 7-2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

"(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.";

(B) by amending subsection (c) to read as follows:

“(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.”;

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7-2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking “any registration certificate or” and inserting “a”;

and

(B) in subsection (b), by striking “registration certificate.”;

(c) **OTHER CONFORMING AMENDMENTS.**—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7-2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking “or ignoring proof of the purchaser’s residence in the District of Columbia”; and

(2) in subparagraph (B), by striking “registration and”.

SEC. 06. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7-2506.01(3), D.C. Official Code) is amended by striking “is the holder of the valid registration certificate for” and inserting “owns”.

SEC. 07. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

SEC. 08. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) **IN GENERAL.**—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.06, D.C. Official Code) is amended—

(1) by striking “that:” and all that follows through “(1) A” and inserting “that a”; and

(2) by striking paragraph (2).

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 09. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE’S DWELLING OR OTHER PREMISES.

(a) **IN GENERAL.**—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking “a pistol,” and inserting the following: “except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm.”; and

(2) by striking “except that:” and all that follows through “(2) If the violation” and inserting “except that if the violation”.

(b) **CONFORMING AMENDMENT.**—Section 5 of such Act (47 Stat. 651; sec. 22-4505, D.C. Official Code) is amended—

(1) by striking “pistol” each place it appears and inserting “firearm”; and

(2) by striking “pistols” each place it appears and inserting “firearms”.

SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after “other than a State in which the licensee’s place of business is located” the following: “, or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia.”.

SEC. 11. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

SEC. 12. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect 1 day after the date of enactment of this Act.

SA 577. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

SA 578. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) **IN GENERAL.**—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.

“(a) **GENERAL RULE.**—In the case of an individual who is a bona fide resident of the District of Columbia during the entire taxable year, gross income shall not include—

“(1) income derived from sources within the District of Columbia; and

“(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

“(b) **DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.**—An individual shall not be allowed—

“(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

“(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

“(c) **BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.**—For purposes of this section,

rules similar to the rules of section 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 938. Income from sources within the District of Columbia.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 579. Mr. THUNE (for himself, Mr. VITTER, Mr. GRASSLEY, Mr. WICKER, Mr. COBURN, Mr. DEMINT, Mr. INHOFE, Mr. BENNETT, Mr. ENZI, Mr. RISCH, Mr. CRAPO, and Mr. WEBB) proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the appropriate place, insert the following:

SEC. ____ . RESPECTING STATES RIGHTS AND CONCEALED CARRY RECIPROCITY ACT OF 2009.

(a) **SHORT TITLE.**—This section may be cited as the “Respecting States Rights and Concealed Carry Reciprocity Act of 2009”.

(b) **RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.**—

(1) **IN GENERAL.**—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§926D. Reciprocity for the carrying of certain concealed firearms

“Notwithstanding any provision of the law of any State or the District of Columbia or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State or the District of Columbia and which permits the person to carry a concealed firearm, may carry in any State or the District of Columbia a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried; and

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State or the District of Columbia in which the person resides, may carry in any State or the District of Columbia a concealed firearm in accordance with the laws of the State or the District of Columbia in which the person resides, subject to the laws of the State or the District of Columbia in which the firearm is carried concerning specific types of locations in which firearms may not be carried.”.

(2) **CLERICAL AMENDMENT.**—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“§926D. Reciprocity for the carrying of certain concealed firearms.”.

(c) **SEVERABILITY.**—If any other provision of this Act, another amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional,

this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

SA 580. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NO FEDERAL INCOME TAXES FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) **IN GENERAL.**—Subpart D of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 938. INCOME FROM SOURCES WITHIN THE DISTRICT OF COLUMBIA.

“(a) **GENERAL RULE.**—In the case of an individual who is a bona fide resident of the District of Columbia (other than a Member of Congress) during the entire taxable year, gross income shall not include—

“(1) income derived from sources within the District of Columbia; and

“(2) income effectively connected with the conduct of a trade or business by such individual within the District of Columbia.

“(b) **DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.**—An individual shall not be allowed—

“(1) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions); or

“(2) any credit, properly allocable or chargeable against amounts excluded from gross income under this section.

“(c) **BONA FIDE RESIDENT AND OTHER APPLICABLE RULES.**—For purposes of this section, rules similar to the rules of sections 876, 937, 957(c), 3401(a)(8)(D), and 7654 shall apply.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for subpart D of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 938. Income from sources within the District of Columbia.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 581. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ELIMINATION OF FEDERAL INCOME TAX FOR RESIDENTS OF THE DISTRICT OF COLUMBIA.

Due to the unique status of the District of Columbia, created by the Constitution of the United States, bona fide residents of the District (other than Members of Congress) shall, notwithstanding any other provision of law, be exempt from the individual Federal income tax for taxable years beginning after the date of the enactment of this Act.

SA 582. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE GUN CONTROL ACT OF 1968.

(a) **IN GENERAL.**—Section 921(a)(4)(B) of title 18, United States Code, is amended—

(1) by striking “any type of weapon” and inserting the following: “any—

“(i) type of weapon”; and

(2) by striking “and” at the end and inserting the following: “or

“(ii) .50 BMG caliber sniper rifle; and”.

(b) **DEFINITION OF .50 BMG CALIBER SNIPER RIFLE.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘.50 BMG caliber sniper rifle’ means—

“(A) a rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

“(B) a copy or duplicate of any rifle described in subparagraph (A), or any other rifle developed and manufactured after the date of enactment of this paragraph, regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.”.

(c) **COVERAGE OF .50 BMG CALIBER SNIPER RIFLES UNDER THE NATIONAL FIREARMS ACT.**—

(1) **IN GENERAL.**—Section 5845(f) of the National Firearms Act (26 U.S.C. 5845(f)) is amended—

(A) by striking “and (3)” and inserting “(3) any .50 BMG caliber sniper rifle (as that term is defined in section 921 of title 18, United States Code); and (4)”; and

(B) by striking “(1) and (2)” and inserting “(1), (2), or (3)”.

(2) **MODIFICATION TO DEFINITION OF RIFLE.**—Section 5845(c) of the National Firearms Act (26 U.S.C. 5845(c)) is amended by inserting “or from a bipod or other support” after “shoulder”.

(d) **IMPLEMENTATION.**—Not later than 30 days after the date of enactment of this Act, the Attorney General shall implement regulations providing for notice and registration of .50 BMG caliber sniper rifles as destructive devices (as those terms are defined in section 921 of title 18, United States Code, as amended by this section) under this section and the amendments made by this section, including the use of a notice and registration process similar to that used when the USAS-12, Striker 12, and Streetsweeper shotguns were reclassified as destructive devices and registered between 1994 and 2001 (ATF Ruling 94-1 (ATF Q.B. 1994-1, 22); ATF Ruling 94-2 (ATF Q.B. 1994-1, 24); and ATF Ruling 2001-1 (66 Fed. Reg. 9748)). The Attorney General shall ensure that under the regulations issued under this subsection, the time period for the registration of any previously unregistered .50 BMG caliber sniper rifle shall end not later than 7 years after the date of enactment of this Act.

SA 583. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the

District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ FOREIGN CONVICTIONS OF DANGEROUS CRIMES.

(a) **COURTS.**—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘any court’ includes any Federal, State, or foreign court.”.

(b) **EXCLUSION OF CERTAIN FELONIES.**—Section 921(a)(20) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “any Federal or State offenses” and inserting “any Federal, State, or foreign offenses”; and

(2) in subparagraph (B), by striking “any State offense classified by the laws of the State” and inserting “any State or foreign offense classified by the laws of that jurisdiction”; and

(3) in the matter following subparagraph (B), in the first sentence, by inserting before the period the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States”.

(c) **DOMESTIC VIOLENCE CRIMES.**—Section 921(a)(33) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking “subparagraph (C)” and inserting “subparagraph (B)”; and

(2) in subparagraph (B)(ii), by striking “if the conviction has” and inserting the following: “if the conviction—

“(I) occurred in a foreign jurisdiction and the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States; or

“(II) has”.

(d) **PENALTIES.**—Section 924(e)(2)(A)(ii) of title 18, United States Code, is amended—

(1) by striking “an offense under State law” and inserting “an offense under State or foreign law”; and

(2) by inserting before the semicolon the following: “, except that a foreign conviction shall not constitute a conviction of such a crime if the convicted person establishes that the foreign conviction resulted from a denial of fundamental fairness that would violate due process if committed in the United States or from conduct that would be legal if committed in the United States”.

SA 584. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) **IN GENERAL.**—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting “or denied” after “granted”; and

(2) in paragraph (4), by inserting “or denied” after “granted”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking “The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.”.

SA 585. Mr. KYL proposed an amendment to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. RETROCESSION OF DISTRICT OF COLUMBIA TO MARYLAND.

(a) IN GENERAL.—Upon the issuance of a proclamation by the President under section 6 and except as provided in subsection (b), the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States is ceded and relinquished to the State of Maryland.

(b) CONTINUATION OF FEDERAL CONTROL OVER NATIONAL CAPITAL SERVICE AREA.—Notwithstanding subsection (a), Congress shall continue to exercise exclusive legislative authority and control over the District of Columbia, which shall consist of the National Capital Service Area described in section 3.

SEC. 2. EFFECT ON JUDICIAL PROCEEDINGS IN DISTRICT OF COLUMBIA.

(a) CONTINUATION OF SUITS.—No writ, action, indictment, cause, or proceeding pending in any court of the District of Columbia on the effective date of this Act shall abate as a result of the enactment of this Act, but shall be transferred and shall proceed within such appropriate court of the State of Maryland as established under the laws or constitution of the State of Maryland.

(b) APPEALS.—An order or decision of any court of the District of Columbia for which no appeal has been filed as of the effective date of this Act shall be considered an order or decision of a court of the State of Maryland for purposes of appeal from and appellate review of such order or decision in an appropriate court of the State of Maryland.

SEC. 3. NATIONAL CAPITAL SERVICE AREA.

(a) DESCRIPTION.—The National Capital Service Area referred to in section 1(b) is comprised of the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building (but shall not include the District Building), and is more particularly described as the territory located within the following boundaries:

Beginning at the point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east of the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Nineteenth Street Northwest;

thence north on Nineteenth Street Northwest to F Street Northwest;

thence east on F Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to Tenth Street Northwest;

thence north on Tenth Street Northwest to E Street Northwest;

thence east on E Street Northwest to Ninth Street Northwest;

thence south on Ninth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to C Street Northeast;

thence east on C Street Northeast to Third Street Northeast;

thence south on Third Street Northeast to Maryland Avenue Northeast;

thence south and west on Maryland Avenue Northeast to Constitution Avenue Northeast;

thence west on Constitution Avenue Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to East Capitol Street;

thence east on East Capitol Street to Third Street Northeast;

thence south on Third Street Northeast to Independence Avenue Southeast;

thence west on Independence Avenue Southeast to Second Street Southeast;

thence south on Second Street Southeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Washington Avenue Southwest;

thence north and west on Washington Avenue Southwest to the intersection of Inde-

pendence Avenue Southwest and Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence south on Sixth Street Southwest to E Street Southwest;

thence west on E Street Southwest to Seventh Street Southwest;

thence north on Seventh Street Southwest to Maryland Avenue Southwest;

thence west on Maryland Avenue Southwest to Ninth Street Southwest;

thence north on Ninth Street Southwest to Independence Avenue Southwest;

thence west on Independence Avenue Southwest to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(b) STREETS AND SIDEWALKS.—The National Capital Service Area shall include any street (and sidewalk thereof) that bounds such Area.

(c) AFFRONTING OR ABUTTING FEDERAL REAL PROPERTY.—

(1) IN GENERAL.—The National Capital Service Area shall include any Federal real property affronting or abutting such Area as of the effective date of this Act.

(2) PROPERTY INCLUDED.—For purposes of paragraph (1), Federal real property affronting or abutting the National Capital Service Area shall—

(A) include the Department of Housing and Urban Development Building, the Department of Energy Building, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not include any portion of Rock Creek Park, any portion of Anacostia Park east of

the northern side of the Eleventh Street Bridge, or any territory not located in the District of Columbia on the day before the date of the enactment of this Act.

SEC. 4. TRANSITION PROVISIONS RELATING TO HOUSE OF REPRESENTATIVES.

(a) TEMPORARY INCREASE IN APPORTIONMENT.—

(1) IN GENERAL.—Until the taking effect of the first reapportionment occurring after the effective date of this Act—

(A) the individual serving as the Delegate to the House of Representatives from the District of Columbia shall serve as a member of the House of Representatives from the State of Maryland;

(B) the State of Maryland shall be entitled to 1 additional Representative until the taking effect of such reapportionment; and

(C) such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(2) INCREASE NOT COUNTED AGAINST TOTAL NUMBER OF MEMBERS.—The temporary increase in the membership of the House of Representatives provided under paragraph (1) shall not operate to either increase or decrease the permanent membership of the House of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13; 2 U.S.C. 2), nor shall such temporary increase affect the basis of reapportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C. 2a), for the 82nd Congress and each Congress thereafter.

(b) REPEAL OF LAWS PROVIDING FOR DELEGATE FROM THE DISTRICT OF COLUMBIA.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91-405; sections 1-401 and 1-402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

SEC. 5. EFFECT ON OTHER LAWS.

No law or regulation which is in force on the effective date of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided in this Act, or to the extent that such law or regulation is inconsistent with this Act.

SEC. 6. PROCLAMATION REGARDING ACCEPTANCE OF RETROCESSION BY MARYLAND.

Not later than 30 days after the State of Maryland enacts legislation accepting the retrocession described in section 1(a), the President shall issue a proclamation announcing such acceptance and declaring that the territory ceded to Congress by the State of Maryland to serve as the District constituting the permanent seat of the Government of the United States has been ceded back to the State of Maryland.

SEC. 7. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on the date the President issues a proclamation under section 6 or the date of the ratification of an amendment to the Constitution of the United States repealing the twenty-third article of amendment to the Constitution, whichever comes later.

SA 586. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . BAN ON FIREARM FOR PERSON CONVICTED OF A MISDEMEANOR SEX OFFENSE AGAINST A MINOR.

(a) DISPOSITION OF FIREARM.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”

(b) POSSESSION OF FIREARM.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) has been convicted in any court of a misdemeanor sex offense against a minor.”

(c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR DEFINED.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than 1 year.

“(37) The term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

“(38) The term ‘minor’ means an individual who has not attained 18 years of age.”

SA 587. Mr. ENSIGN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REAUTHORIZATION OF THE DC SCHOOL CHOICE INCENTIVE ACT OF 2003.

(a) REAUTHORIZATION.—Section 313 of the DC School Choice Incentive Act of 2003 (title III of division C of Public Law 108-199, 118 Stat. 134) is amended by striking “fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2010”.

(b) SEVERABILITY.—Notwithstanding section 7, if any provision of this Act (other than this section), any amendment made by this Act (other than by this section), or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section, the amendment made by this section, and the application of such to any person or circumstance shall not be affected thereby.

SA 588. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

On page 28, after line 18, add the following:

TITLE ____ —PUERTO RICO

SEC. 201. SHORT TITLE.

This title may be cited as the “Puerto Rico Democracy Act of 2009”.

SEC. 202. DEFINITIONS.

In this title:

(1) COMMISSION.—The term “Commission” means the Puerto Rico State Elections Commission.

(2) COMMONWEALTH.—The term “Commonwealth” means the Commonwealth of Puerto Rico.

SEC. 203. PLEBISCITE.

(a) IN GENERAL.—During the 111th Congress, but not later than December 31, 2010, the Commission shall conduct a plebiscite in the Commonwealth, the ballot of which shall provide for voters to choose only 1 of the following options:

(1) “The Commonwealth of Puerto Rico should continue to have its present status and relationship with the United States. If you agree, mark here _____.”

(2) “The Commonwealth of Puerto Rico should seek independence from the United States. If you agree, mark here _____.”

(3) “The Commonwealth of Puerto Rico should seek nationhood in free association with the United States. If you agree, mark here _____.”

(4) “The Commonwealth of Puerto Rico should seek admission as a State of the United States. If you agree, mark here _____.”

(b) RULES AND REGULATIONS.—The Commission shall issue any rules and regulations necessary to conduct the plebiscite under subsection (a).

(c) CERTIFICATION OF RESULTS.—The Commission shall certify the results of the plebiscite conducted under subsection (a) to the President and each member of Congress.

(d) FEDERAL COURT JURISDICTION.—The Federal courts of the United States shall have jurisdiction over any legal claim or controversy arising from the implementation of this title.

SEC. 204. AVAILABILITY OF FUNDS FOR THE SELF-DETERMINATION PROCESS.

(a) AVAILABILITY OF AMOUNTS DERIVED FROM TAX ON FOREIGN RUM.—During the period beginning on October 1, 2008, and ending on the date on which the results of the plebiscite have been certified under section 203(c), the Secretary of the Treasury shall allocate to the Commission, from amounts that would otherwise be covered into the treasury of the Commonwealth under section 7652(e)(1) of the Internal Revenue Code of 1986, not more than \$5,000,000 to pay the costs incurred by the Commission in conducting the plebiscite, as determined by the President, in consultation with the Commission.

(b) USE OF FUNDS FOR EDUCATIONAL AND OTHER MATERIALS.—In allocating amounts to the Commission under subsection (a), the Secretary shall ensure that the content of any Commission voter education materials to be prepared by the Commission using those amounts are not incompatible with the Constitution and the laws and policies of the United States.

SA 589. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ GRANTING THE ATTORNEY GENERAL THE AUTHORITY TO DENY THE SALE, DELIVERY, OR TRANSFER OF A FIREARM OR THE ISSUANCE OF A FIREARMS OR EXPLOSIVES LICENSE OR PERMIT TO DANGEROUS TERRORISTS.

(a) STANDARD FOR EXERCISING ATTORNEY GENERAL DISCRETION REGARDING TRANSFERRING FIREARMS OR ISSUING FIREARMS PERMITS TO DANGEROUS TERRORISTS.—Chapter 44 of title 18, United States Code, is amended—

(1) by inserting after section 922 the following:

“§ 922A. Attorney General’s discretion to deny transfer of a firearm

“The Attorney General may deny the transfer of a firearm under section 922(t)(1)(B)(ii) of this title if the Attorney General—

“(1) determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

“§ 922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3)

“The Attorney General may determine that—

“(1) an applicant for a firearm permit which would qualify for an exemption under section 922(t) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism; and

“(2) the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”;

(2) in section 921(a), by adding at the end the following:

“(36) The term ‘terrorism’ includes international terrorism and domestic terrorism, as those terms are defined in section 2331 of this title.

“(37) The term ‘material support or resources’ has the same meaning as in section 2339A of this title.

“(38) The term ‘responsible person’ means an individual who has the power, directly or indirectly, to direct or cause the direction of the management and policies of the applicant or licensee pertaining to firearms.”; and

(3) in the table of sections, by inserting after the item relating to section 922 the following:

“922A. Attorney General’s discretion to deny transfer of a firearm.

“922B. Attorney General’s discretion regarding applicants for firearm permits which would qualify for the exemption provided under section 922(t)(3).”.

(b) EFFECT OF ATTORNEY GENERAL DISCRETIONARY DENIAL THROUGH THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM (NICS) ON FIREARMS PERMITS.—Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(ii), by inserting “or State law, or that the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” before the semicolon;

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) in subclause (I), by striking “and” at the end; and

(II) by adding at the end the following:

“(III) was issued after a check of the system established pursuant to paragraph (1);”;

(ii) in clause (ii), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(iii) the State issuing the permit agrees to deny the permit application if such other person is the subject of a determination by the Attorney General pursuant to section 922B of this title;”;

(4) in paragraph (4), by inserting “, or if the Attorney General has not determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”; and

(5) in paragraph (5), by inserting “, or if the Attorney General has determined to deny the transfer of a firearm pursuant to section 922A of this title” after “or State law”.

(c) UNLAWFUL SALE OR DISPOSITION OF FIREARM BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.—Section 922(d) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been the subject of a determination by the Attorney General under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(d) ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.—Section 922(g) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking “or” at the end;

(2) in paragraph (9), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (9) the following:

“(10) who has received actual notice of the Attorney General’s determination made under section 922A, 922B, 923(d)(3), or 923(e) of this title.”.

(e) ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL FIREARMS LICENSES.—Section 923(d) of title 18, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “Any” and inserting “Except as provided in paragraph (3), any”; and

(2) by adding at the end the following:

“(3) The Attorney General may deny a license application under paragraph (1) if the Attorney General determines that the applicant (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.”.

(f) DISCRETIONARY REVOCATION OF FEDERAL FIREARMS LICENSES.—Section 923(e) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking “revoke any license” and inserting the following: “revoke—

“(A) any license”;

(3) by striking “. The Attorney General may, after notice and opportunity for hearing, revoke the license” and inserting the following: “;

“(B) the license”; and

(4) by striking “. The Secretary’s action” and inserting the following: “; or

“(C) any license issued under this section if the Attorney General determines that the holder of such license (including any responsible person) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the applicant may use a firearm in connection with terrorism.

“(2) The Attorney General’s action”.

(g) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN FIREARMS LICENSE DENIAL AND REVOCATION SUIT.—

(1) IN GENERAL.—Section 923(f)(1) of title 18, United States Code, is amended by inserting after the first sentence the following: “However, if the denial or revocation is pursuant to subsection (d)(3) or (e)(3), any information upon which the Attorney General relied for this determination may be withheld from the petitioner, if the Attorney General determines that disclosure of the information would likely compromise national security.”.

(2) SUMMARIES.—Section 923(f)(3) of title 18, United States Code, is amended by inserting after the third sentence the following: “With respect to any information withheld from the aggrieved party under paragraph (1), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(h) ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN RELIEF FROM DISABILITIES LAWSUITS.—Section 925(c) of title 18, United States Code, is amended by inserting after the third sentence the following: “If the person is subject to a disability under section 922(g)(10) of this title, any information which the Attorney General relied on for this determination may be withheld from the applicant if the Attorney General determines that disclosure of the information would likely compromise national security. In responding to the petition, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(i) PENALTIES.—Section 924(k) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the comma at the end and inserting “; or”; and

(3) by inserting after paragraph (3) the following:

“(4) constitutes an act of terrorism, or providing material support or resources for terrorism.”.

(j) REMEDY FOR ERRONEOUS DENIAL OF FIREARM OR FIREARM PERMIT EXEMPTION.—

(1) IN GENERAL.—Section 925A of title 18, United States Code, is amended—

(A) in the section heading, by striking “**Remedy for erroneous denial of firearm**” and inserting “**Remedies**”;

(B) by striking “Any person denied a firearm pursuant to subsection (s) or (t) of section 922” and inserting the following:

“(a) Except as provided in subsection (b), any person denied a firearm pursuant to subsection (t) of section 922 or a firearm permit pursuant to a determination made under section 922B”; and

(C) by adding at the end the following:

“(b) In any case in which the Attorney General has denied the transfer of a firearm to a prospective transferee pursuant to section 922A of this title or has made a determination regarding a firearm permit applicant pursuant to section 922B of this title, an action challenging the determination may be brought against the United States. The petition shall be filed not later than 60 days after the petitioner has received actual notice of the Attorney General’s determination under section 922A or 922B of this title. The court shall sustain the Attorney General’s determination upon a showing by the United States by a preponderance of evidence that the Attorney General’s determination satisfied the requirements of section 922A or 922B, as the case may be. To make this showing, the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security. Upon request of the petitioner or the court’s own motion, the court may review the full, undisclosed documents *ex parte* and *in camera*. The court shall determine whether the summaries or redacted versions, as the case may be, are fair and accurate representations of the underlying documents. The court shall not consider the full, undisclosed documents in deciding whether the Attorney General’s determination satisfies the requirements of section 922A or 922B.”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 44 of title 18, United States Code, is amended by striking the item relating to section 925A and inserting the following:
“925A. Remedies.”.

(k) **PROVISION OF GROUNDS UNDERLYING INELIGIBILITY DETERMINATION BY THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.**—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) in subsection (f)—

(A) by inserting “or the Attorney General has made a determination regarding an applicant for a firearm permit pursuant to section 922B of title 18, United States Code,” after “is ineligible to receive a firearm”; and

(B) by inserting “except any information for which the Attorney General has determined that disclosure would likely compromise national security,” after “reasons to the individual.”; and

(2) in subsection (g)—

(A) the first sentence—

(i) by inserting “or if the Attorney General has made a determination pursuant to section 922A or 922B of title 18, United States Code,” after “or State law.”; and

(ii) by inserting “, except any information for which the Attorney General has determined that disclosure would likely compromise national security” before the period at the end ; and

(B) by adding at the end the following:
“Any petition for review of information withheld by the Attorney General under this subsection shall be made in accordance with section 925A of title 18, United States Code.”.

(1) **UNLAWFUL DISTRIBUTION OF EXPLOSIVES BASED UPON ATTORNEY GENERAL DISCRETIONARY DENIAL.**—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (9), by striking the period and inserting “; or”; and

(2) by adding at the end the following:

“(10) has received actual notice of the Attorney General’s determination made pursu-

ant to subsection (d) or (j) of section 843 of this title.”.

(m) **ATTORNEY GENERAL DISCRETIONARY DENIAL AS PROHIBITOR.**—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (7), by adding “; or” at the end; and

(2) by inserting after paragraph (7) the following:

“(8) who has received actual notice of the Attorney General’s determination made pursuant to subsection (d) or (j) of section 843 of this title.”.

(n) **ATTORNEY GENERAL DISCRETIONARY DENIAL OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.**—Section 843 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “Upon” and inserting “Except as provided in subsection (j), upon”; and

(2) by adding at the end the following:

“(j) The Attorney General may deny the issuance of a permit or license to an applicant under subsection (b) if the Attorney General determines that the applicant or a responsible person or employee possessor thereof is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation of, in aid of, or related to terrorism, or providing material support or resources for terrorism, and the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.”.

(o) **ATTORNEY GENERAL DISCRETIONARY REVOCATION OF FEDERAL EXPLOSIVES LICENSES AND PERMITS.**—Section 843(d) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by striking “if in the opinion” and inserting the following: “if—

“(A) in the opinion”; and

(3) by striking “. The Secretary’s action” and inserting the following: “; or

“(B) the Attorney General determines that the licensee or holder (or any responsible person or employee possessor thereof) is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support or resources for terrorism, and that the Attorney General has a reasonable belief that the person may use explosives in connection with terrorism.

“(2) The Attorney General’s action”.

(p) **ATTORNEY GENERAL’S ABILITY TO WITHHOLD INFORMATION IN EXPLOSIVES LICENSE AND PERMIT DENIAL AND REVOCATION SUITS.**—Section 843(e) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting after the first sentence the following: “However, if the denial or revocation is based upon an Attorney General determination under subsection (d) or (j), any information which the Attorney General relied on for this determination may be withheld from the petitioner if the Attorney General determines that disclosure of the information would likely compromise national security.”; and

(2) in paragraph (2), by adding at the end the following: “In responding to any petition for review of a denial or revocation based upon an Attorney General determination under subsection (d) or (j), the United States may submit, and the court may rely upon, summaries or redacted versions of documents containing information the disclosure of which the Attorney General has determined would likely compromise national security.”.

(q) **ABILITY TO WITHHOLD INFORMATION IN COMMUNICATIONS TO EMPLOYERS.**—Section

843(h)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting “or in subsection (b)(1) of this section (on grounds of terrorism)” after “section 842(i)”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting “or in subsection (j) of this section,” after “section 842(i).”; and

(B) in clause (ii), by inserting “, except that any information that the Attorney General relied on for a determination pursuant to subsection (j) may be withheld if the Attorney General concludes that disclosure of the information would likely compromise national security” after “determination”.

(r) **CONFORMING AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.**—Section 101(a)(43)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(E)(ii)) is amended by striking “or (5)” and inserting “(5), or (10)”.

SA 590. Mr. LAUTENBERG (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—GUN SHOW LOOPHOLE CLOSING ACT OF 2009

SEC. 201. SHORT TITLE.

This title may be cited as the “Gun Show Loophole Closing Act of 2009”.

SEC. 202. DEFINITIONS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

“(36) The term ‘special firearms event’—

“(A) means any event at which 75 or more firearms are offered or exhibited for sale, exchange, or transfer, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce;

“(B) does not include an offer or exhibit of firearms for sale, exchange, or transfer by an individual from the personal collection of that individual, at the private residence of that individual, if the individual is not required to be licensed under section 923 or 932; and

“(C) does not include an offer or exhibit of firearms for sale, exchange, or transfer at events conducted and attended by permanent or annual dues paying members, and their immediate family, of private, not-for-profit organizations whose primary purpose is owning and maintaining real property for the purpose of hunting activities.

“(37) The term ‘special firearms event licensee’ means any person who has obtained and holds a valid license in compliance with section 932(d) and who is authorized to contact the national instant criminal background check system on behalf of another individual, who is not licensed under this chapter, for the purpose of conducting a background check for a potential firearms transfer at a special firearms event in accordance with section 932(c).

“(38) The term ‘special firearms event vendor’ means any person who is not required to be licensed under section 923 and who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a special firearms event, regardless of whether or not the person arranges with the special firearms

event promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms.”

SEC. 203. REGULATION OF FIREARMS TRANSFERS AT SPECIAL FIREARMS EVENTS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

“§ 932. Regulation of firearms transfers at special firearms events

“(a) SPECIAL FIREARMS EVENTS OPERATORS.—It shall be unlawful for a special firearms events operator to organize, plan, promote, or operate a special firearms event unless that operator—

“(1) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, verifies the identity of each special firearms event vendor participating in the special firearms event by examining a valid identification document (as defined in section 1028(d)(2)) of the vendor containing a photograph of the vendor;

“(2) before the commencement of the special firearms event, or in the case of a vendor who arrives after the commencement of the event, upon the arrival of the vendor, requires each special firearms event vendor to sign—

“(A) a ledger with identifying information concerning the vendor; and

“(B) a notice advising the vendor of the obligations of the vendor under this chapter;

“(3) notifies each person who attends the special firearms event of the requirements of this chapter; and

“(4) maintains a copy of the records described in paragraphs (1) and (2) at the permanent place of business of the operator.

“(b) FEES.—The Attorney General shall not impose or collect any fee from special firearms event operators in connection with the requirements under this section.

“(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

“(1) IN GENERAL.—If any part of a firearm transaction takes place at a special firearms event, or on the curtilage of the event, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee in accordance with subsection (d).

“(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement under paragraph (1) shall not—

“(A) transfer the firearm to the transferee until the licensed importer, licensed manufacturer, licensed dealer, or a special firearms event licensee through which the transfer is made makes the notification described in subsection (d)(2)(A); or

“(B) transfer the firearm to the transferee if the person has been notified under subsection (d)(2)(B) that the transfer would violate section 922 or State law.

“(3) ABSENCE OF RECORDKEEPING REQUIREMENTS.—Nothing in this section shall permit or authorize the Attorney General to impose recordkeeping requirements on any nonlicensed special firearms event vendor.

“(d) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, licensed dealer, or special firearms event licensee who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) with respect to the transfer of a firearm shall—

“(1) except as provided in paragraph (2), comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor);

“(2) not later than 3 business days (meaning days on which State offices are open) after the date of the agreement to purchase, or if the event is held in a State that has been certified by the Attorney General under section 204 of the Gun Show Loophole Closing Act of 2009, not later than 24 hours after such date (or 3 business days after such date if additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General), notify the nonlicensed transferor and the nonlicensed transferee—

“(A) of any response from the national criminal background check system, or if the licensee has had no response from the national criminal background check system within the applicable time period under this paragraph, notify the nonlicensed transferor that no response has been received and that the transfer may proceed; and

“(B) of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or State law;

“(3) in the case of a transfer at 1 time or during any 5 consecutive business days, of 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the recordkeeping requirements described in paragraph (4), prepare a report of the multiple transfers, which report shall be—

“(A) on a form specified by the Attorney General; and

“(B) not later than the close of business on the date on which the multiple transfer occurs, forwarded to—

“(i) the office specified on the form described in subparagraph (A); and

“(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

“(4) comply with all recordkeeping requirements under this chapter.

“(e) SPECIAL FIREARMS EVENT LICENSE.—

“(1) IN GENERAL.—The Attorney General shall issue a special firearms event license to a person who submits an application for a special firearms event license in accordance with this subsection.

“(2) APPLICATION.—The application required by paragraph (1) shall be approved if—

“(A) the applicant is 21 years of age or older;

“(B) the application includes a photograph and the fingerprints of the applicant;

“(C) the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under subsection (g) or (n) of section 922;

“(D) the applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;

“(E) the applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with the application; and

“(F) the applicant certifies that—

“(i) the applicant meets the requirements of subparagraphs (A) through (D) of section 923(d)(1);

“(ii) the business to be conducted under the license is not prohibited by State or local law in the place where the licensed premises is located; and

“(iii) the business will not be conducted under the license until the requirements of State and local law applicable to the business have been met.

“(3) APPLICATION AND APPROVAL.—

“(A) IN GENERAL.—Upon the approval of an application under this subsection and payment by the applicant of a fee of \$200 for 3 years, and upon renewal of a valid registration and payment of a fee of \$90 for 3 years, the Attorney General shall issue to the applicant an instant check registration, and advise the Attorney General of that registration.

“(B) NICS.—A special firearms event licensee may contact the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) for information about any individual desiring to obtain a firearm at a special firearms event from any special firearms event vendor who has requested the assistance of the registrant in complying with subsection (c) with respect to the transfer of the firearm, during the 3-year period that begins on the date on which the registration is issued.

“(4) REQUIREMENTS.—The requirements for a special firearms event licensee shall not exceed the requirements for a licensed dealer and the recordkeeping requirements shall be the same.

“(5) RESTRICTIONS.—

“(A) BACKGROUND CHECKS.—A special firearms event licensee may have access to the national instant criminal background check system to conduct a background check only at a special firearms event and only on behalf of another person.

“(B) TRANSFER OF FIREARMS.—A special firearms event licensee shall not transfer a firearm at a special firearms event.

“(f) DEFINED TERM.—In this section, the term “firearm transaction”—

“(1) includes the sale, offer for sale, transfer, or exchange of a firearm; and

“(2) does not include—

“(A) the mere exhibition of a firearm; or

“(B) the sale, transfer, or exchange of firearms between immediate family members, including parents, children, siblings, grandparents, and grandchildren.”

(b) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

“(8)(A) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(1) have not been met—

“(i) shall be fined under this title, imprisoned not more than 2 years, or both; and

“(ii) in the case of a second or subsequent conviction, shall be fined under this title, imprisoned not more than 5 years, or both.

“(B) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under subsection (a)(2) or (c) of section 932 have not been met, shall be fined under this title, imprisoned not more than 5 years, or both.

“(C) Whoever organizes, plans, promotes, or operates a special firearms event, knowing that the requirements under section 932(a)(3) have not been met, shall be fined under this title, imprisoned not more than 2 years, or both.

“(D) In addition to any other penalties imposed under this paragraph, the Attorney General may, with respect to any person who violates any provision of section 932—

“(i) if the person is registered pursuant to section 932(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 932(a); and

“(ii) impose a civil fine in an amount equal to not more than \$10,000.”.

(c) UNLAWFUL ACTS.—Section 922(b) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking “or licensed collector” and inserting “licensed collector, or special firearms event licensee”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Chapter 44 of title 18, United States Code, is amended in the chapter analysis, by adding at the end the following:

“932. Regulation of firearms transfers at special firearms events.”.

SEC. 204. STATE OPTION FOR 24-HOUR BACKGROUND CHECKS AT SPECIAL FIREARMS EVENTS FOR STATES WITH COMPUTERIZED DISQUALIFYING RECORDS.

(a) IN GENERAL.—Effective 3 years after the date of enactment of this Act, a State may apply to the Attorney General for certification of the 24-hour verification authority of that State.

(b) CERTIFICATION.—The Attorney General shall certify a State for 24-hour verification authority only upon a clear showing by the State, and certification by the Bureau of Justice Statistics, that—

(1) not less than 95 percent of all records containing information that would disqualify an individual under subsections (g) and (n) of section 922 of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note);

(2) not less than 95 percent of all records containing information that would disqualify an individual under paragraphs (8) and (9) of subsection 922(g) of title 18, United States Code, or under State law, is available on computer records in the State, and is searchable under the national instant criminal background check system established under section 103 of the Brady Handgun Violence Protection Act (18 U.S.C. 922 note); and

(3) the chief judicial officer of the State requires the courts of the State to use the toll-free telephone number described in subsection (d)(1) to immediately notify the National Instant Criminal Background Check System each time a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court.

(c) CLARIFICATIONS.—

(1) DISQUALIFYING INFORMATION.—Disqualifying information for each State under subsection (b) shall include the disqualifying records for that State generated during the 30 years preceding the date of application to the Attorney General for certification.

(2) TOLL-FREE TELEPHONE NUMBER.—Upon a showing by the State that a court of the State has developed computer systems which permit the court to immediately electroni-

cally notify the National Instant Criminal Background Check System with respect to the issuance or lifting of restraining orders, the use of the toll-free telephone number described in subsection (d)(1) shall no longer be required under subsection (b)(3).

(d) NOTIFICATION INFRASTRUCTURE.—Before certifying any State under subsection (b), the Attorney General shall—

(1) create a toll-free telephone number through which State and local courts may immediately notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) is issued, lifted, or otherwise removed by order of the court; and

(2) encourage States to develop computer systems that permit courts to immediately electronically notify the National Instant Criminal Background Check System whenever a restraining order (as described in section 922(g)(8) of title 18, United States Code) has been issued, lifted, or otherwise removed by order of the court.

(e) 24-HOUR PROVISION.—Upon certification by the Attorney General, the 24-hour provision in section 932(c)(2) of title 18, United States Code, shall apply to the verification process (for transfers between unlicensed persons) in that State unless additional information is required in order to verify disqualifying information from a State that has not been certified by the Attorney General, in which case the 3 business day limit shall apply.

(f) ANNUAL REVIEW.—The Director of the Bureau of Justice Statistics shall annually review the certifications under this section.

(g) REVOCATION.—The Attorney General shall revoke the certification required under this section for any State that is not in compliance with subsection (b).

SEC. 205. INSPECTION AUTHORITY.

Section 923(g)(1)(B), of title 18, United States Code, is amended by striking “or licensed dealer” and inserting “licensed dealer, or special firearms event operator”.

SEC. 206. INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.

Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

“(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, licensed collector, or special firearms event licensee who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

“(B) If the violation described in subparagraph (A) is in relation to an offense—

“(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

“(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.”.

SEC. 207. INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.

Section 924(a) of title 18, United States Code, as amended by section 203(b), is further amended—

(1) in paragraph (5), by striking “subsection (s) or (t) of section 922” and inserting “section 922(s)”;

(2) by adding at the end the following:

“(9) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.”.

SEC. 208. RULE OF INTERPRETATION.

A provision of State law is not inconsistent with this title or an amendment made by this title if the provision imposes a regulation or prohibition of greater scope or a penalty of greater severity than any prohibition or penalty imposed by this title or an amendment made by this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 2:30 p.m. in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, February 25, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 25, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “Ensuring Television Carriage in the Digital Age” on Wednesday, February 25, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Executive Nominations" on Wednesday, February 25, 2009, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Aging be authorized to meet on Wednesday, February 25, 2009 at 10 a.m.-12:30 p.m. in Dirksen 106 for the purpose of conducting a business meeting and hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Ted Vogt of Senator KYL's staff be given floor privileges during the duration of the debate on S. 160.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Utah (Mr. HATCH).

COMMEMORATING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN THE CONSTRUCTION OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Res. 53 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 53) authorizing a plaque commemorating the role of enslaved African Americans in the construction of the Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on

the table en bloc, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 53) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 53

Whereas enslaved African-Americans provided labor essential to the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans toiled in the Aquia Creek sandstone quarry in Stafford County, Virginia and in a marble quarry in Montgomery County, Maryland to produce the stone that would be used in the Capitol;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas enslaved African-Americans labored on the Nation's Capitol while they, themselves, were not free;

Whereas the contributions of enslaved African-Americans in the construction of the Capitol have not been acknowledged nor adequately represented in the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contributions of enslaved African-Americans can fully and accurately reflect the history of the Capitol; and

Whereas recognition of the contributions of enslaved African-Americans brings to all people of the United States an understanding of the continuing evolution of democracy: Now, therefore, be it

Resolved, That the Senate authorizes and directs—

(1) the Senate Commission on Art to procure an appropriate plaque acknowledging the role of enslaved African-Americans in the construction of the Capitol; and

(2) that, under the direction of the Committee on Rules and Administration of the Senate, the plaque shall be placed near the original exterior wall that was constructed between 1793 and 1800 in the East Front corridor on the third floor of the Senate wing of the Capitol.

SUPPORTING CHILDREN'S DENTAL HEALTH MONTH AND HONORING THE MEMORY OF DEAMONTE DRIVER

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of S. Con. Res. 8.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 8) expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 8) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 8

Whereas several national dental organizations have observed February 2009 as Children's Dental Health Month;

Whereas Deamonte Driver, a 12-year-old Marylander, died on February 25, 2007, of complications resulting from untreated tooth decay;

Whereas the passing of Deamonte Driver has led to increased awareness nationwide about the importance of access to high-quality, affordable preventative care and treatment for dental problems;

Whereas the primary purpose of Children's Dental Health Month is to educate parents, children, and the public about the importance and value of oral health;

Whereas Children's Dental Health Month showcases the overwhelmingly preventable nature of tooth decay and highlights the fact that tooth decay is on the rise among the youngest children in the Nation;

Whereas Children's Dental Health Month educates the public about the treatment of childhood dental caries, cleft-palate, oral facial trauma, and oral cancer through public service announcements, seminars, briefings, and the pro bono initiatives of practitioners and academic dental institutions;

Whereas Children's Dental Health Month was created to raise awareness about the importance of oral health; and

Whereas Children's Dental Health Month is an opportunity for the public and health professionals to take action to prevent childhood dental problems and improve access to high-quality dental care: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress expresses support for Children's Dental Health Month and honors the life of Deamonte Driver.

MEASURES READ THE FIRST TIME—S. 478, S. 482, H.R. 1105

Mr. REID. Mr. President, I have been led to believe there are three bills at the desk. If that is the case, I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time, en bloc.

The legislative clerk read as follows:

A bill (S. 478) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

A bill (S. 482) to require Senate candidates to file designations, statements, and reports in electronic form.

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Mr. REID. I now ask for a second reading en bloc on these matters, but I also object at the same time to my own request, en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will receive their second reading on the next legislative day.

ORDERS FOR THURSDAY, FEBRUARY 26, 2009

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, February 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 160, the District of Columbia House Voting Rights Act, as under the previous order that has already been entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As I indicated earlier, Senators should expect rollcall votes throughout the day as we work to complete action on the DC House Voting Rights Act. The first vote of the day is expected to begin at 10:30 in relation to the Kyl amendment regarding retrocession.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Thursday, February 26, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOMELAND SECURITY

JANE HOLL LUTE, OF NEW YORK, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY, VICE PAUL A. SCHNEIDER, RESIGNED.

DEPARTMENT OF JUSTICE

TONY WEST, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE GREGORY G. KATSAS, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

KENT P. BAUER
MARK S. MACKAY

THE FOLLOWING NAMED OFFICERS OF THE UNITED STATES COAST GUARD TO BE MEMBERS OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE U.S. COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER SECTION 188, TITLE 14, U.S. CODE:

To be lieutenant commander

CORINNA M. FLEISCHMANN

KELLY C. SEALS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JONATHON V. LAMMERS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

GARY A. FOSKEY
JAMES P. ROSE
CONNIE L. WARR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BRYSON D. BORG
DOUGLAS W. BYERLY
RONEA N. HARRISSTITH
RYAN P. HAWKS
SVEN M. HOCHHEIMER
DAVID J. HOOPES
DEXTER W. LOVE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK RODRIGUEZ, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EDWARD E. TURSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH R. KRUPA

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KATHLEEN P. NAIMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUAN G. ESTEVA
THOMAS E. STARR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT F. DONNELLY
ANGELICA REYES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD H. DAHLMAN
REX E. DUNCAN
DAVID A. STILLIS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JULIE S. AKIYAMA

To be major

ERIN J. BOGGS
DENNIS J. CURTIS
ANDREW L. HAGENMASTER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MICHAEL L. NIPPETT

To be major

HUIFENG CHIU

JOHN K. GOERTMILLER

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARTIN L. BADEGIAN
PAUL J. DOUGHERTY
MARK J. HODD

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DEBRA H. BURTON
GARY D. GILMORE
CHRISTINE GLOVER
HAROLD B. JONES, JR.
LEE D. SCHNELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL P. BRYANT
TONY A. BRYANT
STEVEN J. BUETHE
JOHN DORNEY
WALTER L. GOODWATER
HARRY F. GRIFFIN
THOMAS P. MICHELLI
WILLIAM R. RAY
WALTER M. SALMON
CHRISTOPHER R. WARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

ROBERT J. ABBOTT
BRIAN P. ADAMS
ELIZABETH F. ALLEN
EDWARD G. BAHDY
MICHAEL P. BAILEYS
THOMAS W. BARROW
CHRISTIAN E. BEESE
EDWARD W. BERG
JOSHUA F. BERRY
CATHERINE M. BOWERY
CAROL A. BREWER
JOHN W. BROOKER
BAILEY W. BROWN III
MATTHEW L. BROWN
SHERILYN A. BUNN
SETH D. COHEN
ALBERT G. COURIE III
CHRISTOPHER T. CURRY
CHRISTIAN L. DEICHERT
DANIEL D. DERNER
JEFFREY S. DIETZ
SCOTT A. DIROCCO
PAUL M. DUBBELING
JAMES S. DUPRE, JR.
RAMSEY L. ELLIS
JUSTIN A. EVISON
CHRISTINE C. FONTENELLE
CHRISTOPHER M. FORD
TODD N. GEORGE
DERRICK W. GRACE
WENDALL H. HALL
NJERI S. HANES
IRENE D. HANKS
TODD J. HANKS
ERIC A. HETTINGA
JAMES T. HILL
ADAM S. KAZIN
LAURA R. KESLER
TONY Y. KIM
TIFFANY M. KOTZURCHAPMAN
KEVIN W. LANDTROOP
MARYANN LEAVITT
ROBERT M. LEONE
EDWARD C. LINNWEBER
JOHN R. MALONEY
COREY J. MARKS
YOLANDA D. MCCRAY
ROBERT P. MCGOVERN
GRIFFIN P. MEALHOW
JOHN J. MERRIAM
TODD A. MESSINGER
EARL G. MITCHELL
DANISHA L. MORRIS
JENNIFER A. NEUHAUSER
DON D. NOBLE
ERIC D. NOBLE
JONATHAN M. PERSONS
EVAN K. POTTMEYER
JOHN M. RATLIFF
ROBERT A. RODRIGUES
PIA W. ROGERS
FRANKLIN D. ROSENBLATT
ROBERT E. SAMUELSEN II
MATTHEW H. SEEGER
CHRISTOPHER C. SHEPPARD
SARAH K. SOJA
PHYLISHA A. SOUTH

PHILIP M. STATEN
DAN E. STIGALL
TIMOTHY W. THOMAS
ALISON M. TULUD
BUHLER M. VAN
ELIZABETH A. WALKER
HEIDI E. WEAVER
ERIC W. WIDMAR
WINSTON S. WILLIAMS, JR.
PATRICK J. WOOLSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

VANESSA A. BERRY
KEVIN M. BOYLE
TIMOTHY J. CODY
JOSEPH C. FETTERMAN
BRIAN J. GODARD
PATRICIA A. HAM
JOHN S. IRGENS
MARK L. JOHNSON
PAUL E. KANTWILL
JONATHAN A. KENT
CLAES H. LEWENHAUPT
JAMES M. PATTERSON
JEFFERY D. PEDERSEN
DAVID H. ROBERTSON
MARTIN L. SIMS
MICHAEL L. SMIDT
STEPHANIE L. STEPHENS
MARK TELLITOCCHI
WALTER S. WEEDMAN
PAUL S. WILSON
GREGORY G. WOODS
SCOTT F. YOUNG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

EFREN E. RECTO

To be lieutenant colonel

MITCHELL M. MATUNDAN

To be major

NICHOLAS C. CARO
JANICE E. KATZ
DEBORAH C. MARGULES
JOHN G. RUMBAUGH
RENEE Q. THAI
WILLIAM A. WOLKSTEIN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SUZANNE D. ADKINSON
JANIS K. BAUMAN
MONTY L. BRODT
JAMES A. BROWN
JAMES F. CHISHOLM IV
WALLACE A. HALL, JR.
LEE W. HOPKINS
RONALD G. MCLAURIN
MARK A. PILKINGTON
BRIAN F. RAY
MICHAEL L. SCHOLES
MICHAEL C. THOMPSON
JAMES B. WASKOM
BRANDON S. WATKINS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEREK M. ABBEY
VICTOR M. ABELSON
BENJAMIN T. ACKISON
ERNEST E. ADAMS
MICHAEL AGUILAR
OSCAR ALANIS, JR.
CAMERON W. ALBIN
ISMAEL ALCALA
SKENDER ALICKA
RICHARD J. ALLAIN
RYAN P. ALLEN
JOHN F. ALLSUP, JR.
RICHARD ALVAREZ
CLAIRE M. AMDAHL
EDWARD P. AMDAHL
MARK R. AMPSPACHER
MICHAEL E. ANDA
AARON D. ANDERBERG
RICHARD A. ANDERSON
SCOTT J. ANDERSON
ANTHONY J. ANGELONE
ALEXANDER C. ARCINAS
DAVID A. ARENAS
DANIEL ARISPE
CHRISTOPHER J. ARMES

LAWRENCE R. ARNOLD
BARRY S. ARNWINE
JAMES A. ATCHISON, JR.
NICOLE V. AUNAPU
BENJAMIN P. AUSBROOKS
ARON M. AXE
DARRYL G. AYERS
RICHARD P. AYRES
ROBERT E. BACZKOWSKI, JR.
TASE E. BAILEY
MATTHEW D. BAIN
JONATHAN T. BAKER
BRADLEY J. BALL
BRIAN W. BANN
DAVID M. BANN
JEFFREY M. BARBER
ROBERT G. BARBER
ADAM N. BARBORKA
DAVID L. BARIL
BRUCE B. BARKER II
CHRISTOPHER R. BARNARD
SEAN W. BARNES
ROBERT M. BARNHART, JR.
ANDREW E. BARTLE
CARRIE C. BATSON
RYAN J. BAUMAN
JAMES F. BEAL
MARC D. BEAUDREAU
JAMES A. BEAULIEU
ROBERT D. BECHTOLD
BRIAN J. BECK
BRITON C. BECK
DALE R. BEHM
RUSSELL A. BELT II
RICARDO BENAVIDES
CHRISTOPHER S. BENFIELD
JOHN T. BERDUSIS
JASON B. BERG
THOMAS A. BERTRAM, JR.
DEREK C. BIBBY
JONATHAN E. BIDSTRUP
CHAD T. BIGNELL
JAMES W. BIRCHFIELD
PAUL F. BISCHOFF
JOE D. BLACK, JR.
EDWARD J. BLACKSHAW
MARC E. BLANKENBICKER
ROBERT H. BLEDSOE, JR.
JOE D. BLOCKER
BRIAN M. BLOMQUIST
CHADD W. BLOOMSTINE
SAMUEL P. BLUNTZER
HORACE J. BLY
NEIL E. BOOHER
JAMES R. BOOTH
JACKLYNN BORREGO
MICHAEL A. BOURQUIN
STEVEN B. BOWDEN
JONATHAN M. BOYD
KURT A. BOYD
BROOKS D. BRADEN
JOSHUA F. BRADSTREET
JERAMY W. BRADY
ROBERT K. BRADY
JOEL P. BRANIECKI
THOMAS J. BRANNAN
BRIAN J. BRODERICK
JOHN N. BROGDON
AARON J. BROOKS
ROBERT B. BROWN
WARREN J. BRUCE
CHARLES B. BUCKLEY, JR.
JEREMY L. BUCKWALTER
JONAS L. BURING
RICHARD D. BURKETT, JR.
GARTH W. BURNETT
MARK E. BURRELL
PATRICK J. BUTLER
FRANCISCO A. CACERES
DONALD A. CAETANO
NATHAN B. CAHOON
MICHAEL C. CALLAGHAN
TROY D. CALLAHAN
DOUGLAS T. CAMPBELL
KEVIN A. CAMPBELL
JOSEPH O. CAMPOMANES
BETH S. CANEPA
CHRISTOPHER J. CANNON
CHAD J. CARBONE
BRIAN P. CAREY
MICHAEL G. CARLE
TRISHA D. CARPENTER
DOUGLAS A. CARR
MICHAEL J. CARRASQUILLA
MISCA T. CARTWRIGHT
PATRICK CAZE
BENJAMIN A. CHAMBERLIN
JOJO CHAMES
JENNIFER K. CHANCY
CHRIS E. CHARLES
BRIAN P. CHASE
RYAN A. CHERRY
ANTHONY P. CHING
BRIAN R. CHONTOSH
JOHN M. CISCO
CHRISTOPHER L. CLAFLIN
CAMERON F. CLARK
ROSA A. CLARKE
EDMUND G. CLAYTON
BRIAN N. CLIFTON
SCOTT A. CLIPPINGER
NEIL M. CLONTZ

BENJAMIN I. CLOSS
DOUGLAS J. COBB, JR.
GARY L. COBB
TEDDY R. COLLEGATE
BRAD W. COLLINS
CLINTON J. COLLINS
JEFFREY H. COLLINS
PATRICK B. COLLINS
JAMES R. COMPTON
FREDERICK A. CONGDON
JON P. CONNOLLY
JEREMY L. CONRAD
PAUL J. CORCORAN
JEFFERY N. COSTA
CRISTON W. COX, JR.
GARY D. COX, JR.
WILLIAM C. COX
STEVEN L. CRAIG
SETH J. CRAWFORD
KEVIN A. CRESPO
HERSCHEL J. CRINER III
SEAN E. CRITTENDEN
MICHAEL A. CRIVELLO
MATTHEW R. CROUCH
ROMEO P. CUBAS
DOUGLAS R. CULLINS
THOMAS J. CUNNINGHAM III
MATTHEW J. DAGOSTINO
DENNIS B. DALTON
SCOTT E. DANIELSON
MATTHEW C. DANNER
BENJAMIN M. DAVENPORT
MICHAEL R. DAVIDGE
ALBERTA DAVIS
ROBERT M. DAVIS
BENJAMIN J. DEBARDELEBEN
BRYON S. DECASTRO
ARTHUR G. DECOTIIS, JR.
LISA A. DETTLE
JOEL A. DELUCA
ANTONIO DEMARCO
DANA S. DEMER
GERARD C. DEMPSTER
SUZANNE M. DENAULT
JONATHAN A. DEROSIER
JAMES C. DERRICK
VARPAS S. DESAFEREIRA
DARYL L. DESIMONE
MATTHEW S. DESMOND
STEVEN R. DESROSIERS
JOHN M. DIAZ
JOSUE M. DIAZ
ROBERT P. DICKINSON
DIRK R. DIENER
FRANK E. DILLBECK
JOHN Q. DINH
DEREK L. DIVINE
WILLIAM P. DOBBINS III
CHAD A. DODD
DAVID J. DONNELL
THOMAS F. DONO
CRAIG T. DOUGLAS
CHARLES E. DOWNING III
MICHAEL A. DUBRULE
AARON S. DUESING
JAMES J. DUNPHY
STEVEN J. EASTIN
JASON W. EDHOLM
JASON M. EHRET
JOHN D. ELMS
PETER B. ELTRINGHAM
MATTHEW S. EMBORSKY
BRYAN A. EOVITO
JASON T. ERBECKER
ABEL ESPINOSA
RICCO A. ESPINOZA
JEAN P. EXANTUS
JOHN A. FABBRI
BRIAN M. FAUSETT
ISTVAN P. FEHER
FOSTER C. FERGUSON
BRADLEY G. FESSLER
ANTHONY J. FIACCO
JASON A. FILOS
CLAY T. FIMIANI
DOUGLAS Y. FINN
NIGEL A. FISCHER
DAVID M. FITZSIMMONS
RYAN P. FLANAGAN
KATE E. FLEEGER
IAN C. FLETCHER
JAMES F. FOLEY
MONTY J. FONTENOT
JAMES C. FORD III
STEVEN M. FORD
MATTHEW W. FOREMAN
MORINA D. FOSTER
MARK C. FOWLER
MARY C. FOWLIE
JAMISEN L. FOX
SHARON U. FRANCO
JASON D. FRANZ
JOSHUA T. FRASER
FRANKLIN H. FREEMAN
CHRISTOPHER J. FROUDE
JOSE L. FUENTES
JAMES V. FULGINITI
BRIAN S. GAHAGAN
MARTIN J. GALLAGHER
NICHOLAS L. GANNON
JOSEPH M. GARAUX
STEVEN J. GASPER, JR.

BRANDON J. GAUDREN
KENNETH C. GAWRONSKI
ANDREW S. GERER
MICHAEL G. GEHRKI
ALFRED J. GEOFFRION III
MARK P. GEORGE
WAYNE H. GESCHWINDT
ALEXANDER E. GILBERT
LAURIE A. GILLESPIE
PAUL L. GILLIKIN
JOHNNIE R. GLADDEN III
STUART W. GLENN
DEBRA R. GOMEZ
ANDREW C. GONZALEZ
KEVIN J. GOODWIN
ROBERT J. GORDON
GEOFFREY Z. GOSIK
SVEN L. GOSNELL
DAVID J. GRABOW
JEREMY J. GRACZYK
CHRISTOPHER J. GRANGER
BRIAN R. GRANT
BENJAMIN J. GRASS
SHANNON C. GREENE
DANIEL H. GROELING
MILES N. GROGAN
KARA J. GRUVER
DAVID J. GUSTAFSON
KWABENA K. GYIMAH
BRYAN P. HALL
MATTHEW E. HALL
MICHAEL L. HALLIGAN II
POLLARD D. HAM
KELLY A. HANCOCK
JAISUN L. HANSON
BYRON R. HARDER
OWEN HARLEMAN
MASON E. HARLOW
JAMES G. HARRIS
JOHN E. HARRIS III
BENJAMIN B. HARRISON
BRIAN T. HASHEIDER
STANTON C. HAWK
MATTHEW C. HAWKINS
CHARLES E. HAWTHORNE, JR.
MICHAEL G. HAYS
RYAN K. HAZLETT
WILLIAM G. HEIKEN
MATHEW E. HEIL
FILIP E. HEIST
KATHRYN E. HENDEL
PATRICK S. HENRY
GLEN C. HENTON
RONNEY HERRERA
WILLIAM J. HERRON
JONATHAN D. HESKETT
BRIAN J. HESLIN
JEREMIE N. HESTER
MICHAEL K. HICKS
EVAN L. HILL
AARON R. HINMAN
ANTONIO HINOJOSA
CEDAR L. HINTON
MICHAEL M. HOFFMAN
MICHAEL W. HOLCOMB
ERIC L. HOLMES
FORREST W. HOOVER III
RICARDO A. HOPE
BILLY S. HORTMAN
RYAN P. HOUGH
SAMUEL E. HOWIE
PAUL C. HUDSON
JEFFREY C. HUGHES
JEFFREY W. HULLINGER
CHRISTOPHER D. HUNT
KEVIN G. HUNTER
MICHAEL R. HYDE
DAVID H. ICKLES
AUGUST R. IMMEL
FRED J. INGO III
DENNIS J. IVAN
RYAN A. JACOBS
MATTHEW T. JAMES
DAVID A. JANSEN
GERMAINE S. JENKINS
CHARLES A. JINDRICH
JAMES W. JOHNSON
LARRY E. JOHNSON, JR.
MICHAEL S. JOHNSON
NICHOLAS D. JOHNSON
STEVEN C. JOHNSON
ANTHONY C. JOHNSTON
CHARLES C. JONES
JASON R. JONES
KENNETH M. JONES
WILLIAM R. JONES
MICHAEL J. KANSTEINER
MICHAEL A. KAPPELMANN
ALLEN J. KASHUBA
JASON P. KAUFMANN
SRIDHAR B. KAZA
MICHAEL S. KEANE
BEVIN J. KEEN
PAUL B. KEENER
ERIC J. KEITH
HERMAN C. KEMP
MICHAEL R. KENDRICK
JOHN J. KENNELEY
JONATHAN Q. KENNEY
RORY D. KENT
ZENON W. KESKE
ADAM K. KESSEL

KYLE R. KILIAN
MARSHALEE E. KING
TRENT C. KINGERY
CHRISTOPHER N. KINSEY
TARA J. KIPFER
PHILLIP E. KIRKMAN
CHRISTOPHER J. KLEMKO
WILLIAM F. KLUMPP III
JOHN G. KOLB
CHRISTOPHER M. KRAHULEC
KORVIN S. KRAICS
ERIC M. KROSS
JOHN D. KRYSA
DAVID W. KUMMER, JR.
JASON M. KUT
JI Y. KWON
DANIEL C. LAMMERS
BRIAN T. LAURENCE
DAVID F. LAWRENCE
JOHN K. LE
WYLAND F. LEADBETTER III
STEPHEN J. LEBOW
ANDY R. LEE
CEDRIC N. LEE
JEREMY E. LEE
YONG J. LEE
ERIK LEIN
TYLER D. LEONARD
ARIC C. LIBERMAN
JEFFREY R. LIEBENGUTH
PATRICK F. LIENEWEG
ERNEST C. LINCOLN
ROBERT E. LINGLER
DUANE LIPTAK, JR.
AARON C. LLOYD
JOHN E. LOGAN III
WILLIAM L. LOMBARDO
LINDA D. LONG
MICHAEL G. LONG
DAVID M. LOVEDAY
LAWRENCE M. LOWMAN II
DAVID R. LUBER
JASON S. LUCERO
JOSEPH T. LUDICK
MATTHEW D. LUNDGREN
SEAN J. LYNCH
SETH W. MACCUTCHEON
STEPHEN P. MACKAY
BART E. MACMANUS
JOHN C. MACMURRAY
CLIFFORD S. MAGEE
ROGER T. MAHAR
DAVID M. MANIMTIM
PETER A. MANTUANO
JEFFREY T. MARANTETTE
ELIO F. MARCILLOMUNOZ
ADRIAN T. MARINEZ
MATTHEW A. MARKHAM
MATTHEW J. MARKHAM
ERIC D. MARSHALL
GRIFFITH M. MARSHALL
PAULA D. MARSHALL
JASON T. MARTIN
JOEY S. MARTIN
MATTHEW J. MARTIN
PATRICK C. MARVIL
WILLIAM J. MATORY
TROY P. MATTERN
MITCHELL T. MAURY
MICHAEL L. MAYNE
COREY A. MAZYCK
CHRISTOPHER A. MCALLISTER
CHRISTOPHER B. MCARTHUR
DANIEL C. MCBRIDE
GLENN E. MCCARTAN
ROBERT G. MCCARTHY III
SEAN P. MCCARTHY
MARK A. MCCAULEY
KELLY A. MCCONNELL
MICHAEL J. MCCOY
MATTHEW F. MCDONALD
IAN K. MCDUFFIE
MICHAEL P. MCFERRON
SARA E. MCGRATH
CHRISTOPHER P. MCGUIRE
KENNETH A. MCKEAN, JR.
MICHAEL W. MCKENNEY
MATTHEW J. MCKINNEY
ROBERT M. MCLELLAN
CHARLES C. MCLEOD, JR.
JASON MCMANIGLE
BOYD R. MCMURTREY
ERIC A. MEADOR
RICARDO A. MEDAL
DONALD H. MEEK, JR.
FERNANDO MELENDEZ
MARCOS A. MELENDEZ III
MICHAEL J. MENDIETA
TAUNJA M. MENKE
SEAN M. MERLIN
RONNIE D. MICHAEL
DANIEL W. MICKLIS
MICHAEL P. MILBURN
JONPAUL MILLER
KASEY C. MILLER
MATTHEW S. MILLER
SEAN D. MILLER
ANDREW H. MILLS
BRETT C. MINER
MARK T. MITCHELL
SEAN P. MITZEL
TIMOTHY W. MIX

BRIAN L. MIZE
JEFFREY M. MONAGHAN
THOMAS B. MONDOUX
ERIC D. MONTALVO
VINCENT M. MONTGOMERY
TYLER J. MOORE
SERGE P. MOROSOFF
STEPHEN D. MORRISON
JOSEPH E. MOYE
HOWARD MUI
SEAN P. MULLEN
MICHAEL K. MULLINS
MATTHEW K. MULVEY
MANUEL F. MUNOZ
JOHN P. MUNTZER
CHRISTOPHER J. MURPHY
CORY P. MURPHY
DANIEL M. MURPHY
JAMIE P. MURPHY
MARK E. MURPHY
ROBERT P. MURPHY, JR.
MATTHEW R. MURRAY
JASON N. MYERS
ROBERT N. MYERS, JR.
DAVID M. NAEHER
EUGENE F. NAGY
JOHN M. NASH VII
EDWARD N. NASTASE
DOMINIQUE B. NEAL
STUART T. NEAS
CHRIS J. NELSON
JONATHAN N. NELSON
JOSHUA H. NELSON
MICHAEL A. NELSON
THAI N. NGUYEN
MATTHEW S. NICHOLS
CHRIS L. NICHOLSON
ROY J. NICKA
MATTHEW A. NIELAND
DEREK C. NIELSEN
DANIEL M. NOLAN
JOHN P. NORMAN
TODD A. OBRIEN
KENNETH J. OCONNOR, JR.
DENNIS O'DONNELL
MATTHEW M. O'DONNELL
JONATHAN M. OGORMAN
DEREK J. OLIVER
TODD B. OPALSKI
ERIK V. ORIENT
JUAN A. OROZCO
DAVID M. ORTIZ
JEREMY P. OSBORNE
WILLIAM V. OSBORNE III
JAMES P. OSULLIVAN
NEIL E. OSWALD
JENNY A. OUELLETTE
TEGAN K. OWEN
STEVEN A. PACHECO, JR.
JAVIER PALOMO
CHRISTIAN C. PAPPAS
EDELEN A. PARKER
JENNIFER S. PARKER
JOHN B. PARKER
JOSEPH G. PARKER
KRISTOPHER L. PARKER
THOMAS D. PARMITER
SEAN B. PATTON
JAMES C. PAXTON III
ANDREW T. PAYNTER
STEPHEN T. PEARSON
WILLIAM F. PELLETTIER III
JEFFREY S. PELT
AMOS J. PERKINS III
MATTHEW R. PETER
ERIK A. PETERSON
JOHN E. PETERSON
ATHIM O. PHILLIPS
TYLER L. PHIPPS
ROBERT A. PIAGENTINI, JR.
DAVID K. PIDGEON
KRISTEN M. PIRTITTINEN
CHARLES T. POLLOK II
MATTHEW E. POOLE
RYAN C. POPE
JOSEPH J. PORRAZZO, JR.
MISTY J. POSEY
DAVID L. POULERIS
JOHN A. PRATHER
MICHAEL W. PRETUS
CHARLES A. PRIDDY
HENRY R. PROKOP
JACOB L. PURDON
JAMES N. PUTNAM III
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ANTHONY J. R. QUITUGUA
CHRISTOPHER E. RABASSI
MICHAEL A. RADYNSKI
MICHAEL E. RAIFF
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ALEX J. RAMTHUN
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ADAM D. RANSON
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CAMERON M. RENNEN
GLEN J. REUKEMA
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JARET R. RHINEHART

BOBBY R. RHODES
 THOMAS E. RICHARDS III
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 ABIGAIL M. RICHMOND
 TIMOTHY R. RICHMOND
 ANTHONY C. RICKMAN
 ANNA M. RILEA
 ANDREW F. RILEY
 RUBEN S. RILLOS
 JASON D. ROACH
 CHAD E. ROBERTS
 HOWARD L. ROBERTS
 JASON K. ROBERTS
 CHRISTIAN M. ROBERTSON
 JACOB Q. ROBINSON
 DARREN M. ROCK
 BRIAN L. ROCKEL
 MICHAEL J. ROD
 EDNA RODRIGUEZ
 RODNEY C. RODRIGUEZ
 ERIC Q. ROSE
 MARCUS V. ROSSI
 CHRISTOPHER P. ROY
 LOU H. ROYER
 MITCHELL F. RUBINSTEIN
 NEIL A. RUGGIERO
 PETER M. RUMMLER
 ANDREW A. RUNDLE
 FRANK C. RUNDUS
 KEVIN L. RUSCH
 KEVIN M. RYAN
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 MICHAEL J. SADDLER
 DONOVAN J. SALERNO
 TODD M. SANDERS
 ERIC SANTHUFF
 BRIAN P. SANTUCCI
 RYAN B. SATHER
 MARK F. SCHAEFER
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 JON C. SEE
 WILLIAM G. SEELMANN, JR.
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 WILLIAM R. SMITH
 TEMITOPE O. SONGONUGA
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 AMMIN K. SPENCER
 THOMAS D. SPRADLIN
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 JESS K. SPRINGFIELD
 KIRK SRIPINYO
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 GREGORY STARACE
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 RICHARD R. STEELE
 DAWN M. STEINBERG
 SCOTT E. STEPHAN
 WILLIAM G. STEUBER
 BRENT W. STEVENS
 LATRESA A. STEWARD
 KEVIN M. STOFFELL
 JASON R. STOJKA
 ROBERT M. STORCK
 JEROME A. STOVALL
 JOSHUA D. STRAND
 MARK A. STRATTON
 BRENT W. STRICKER
 JAMES I. STRICKLER
 MARK W. STROM
 PAUL D. STUBBS
 SHAWN C. STUDLEY
 BRENDAN P. SULLIVAN
 JUAN P. SVENNINGSEN
 GREGORY T. SWARTHOUT
 JEFFREY M. SYKES
 ALLEN E. SZCZEPK, JR.
 KEVIN J. SZEPE
 SPENCER A. SZEWCZYK
 ANIELA K. SZYMANSKI
 PHILIP J. TADENA
 KOICHI TAKAGI
 BENJAMIN J. TAYLOR

CASEY L. TAYLOR
 TIMOTHY S. TAYLOR
 JOHN J. TEBBETTS
 STEPHEN W. THEBERGE
 BRANDON K. THOMAS
 CHRISTOPHER J. THOMAS
 DANIEL J. THOMAS
 GRAHAM E. THOMAS
 SEA S. THOMAS
 FARRAH M. THOMPSON
 HARRY K. THOMPSON, JR.
 ARTHUR J. THORNTON
 FLETCHER C. TIDWELL
 KEITH P. TIGHE
 DAVID F. TOLAR
 TIMOTHY L. TORMEY
 DAMON M. TORRES
 GILBERTO TREJO, JR.
 MATTHEW A. TREPTOW
 NATALIE M. TROGUS
 ANDREW M. TURNER
 DAVID A. TURNER
 RUSSELL A. TUTEN
 PHILIP A. TWEED
 CHAD L. ULRICH
 RODOLFO S. URGISTEGUI
 STEVE URREA
 JAMES R. UWINS
 DILLON D. VADEN
 JAMES R. VALLARIO
 PAUL L. VANDERWATER
 BRADLEY J. VANSLYKE
 DAVID P. VAUGHAN, JR.
 WILLIAM L. VAUGHAN, JR.
 CHRISTIAN R. VELASCO
 MATTHEW L. VOGT
 MICHAEL P. VOLMER
 JASON T. VRABLE
 DENNIS C. WAIT
 KAREN M. WALKER
 WILLIAM F. WALKER
 SEAN R. WALSH
 ERIC J. WALTHER
 WILLIAM L. WARD
 LUKE T. WATSON
 HUGH D. WEAVER
 DALE H. WEBSTER
 MARK B. WEINRICH
 KEEGAN J. WELCH
 SCOTT F. WELCH
 SEAN T. WELCH
 RYAN D. WELKEN
 MICHAEL A. WELTSCH
 NICHOLAS J. WESSMAN
 MARVIN T. WHITE
 BRANDON L. WHITFIELD
 BRIAN B. WILCOX
 ANA C. WILLIAMS
 ANTONIO V. WILLIAMS
 MALCOLM A. WILLIAMS
 ERIC J. WILLIAMSON
 ERIC D. WILSON
 NICHOLAS R. WINEMAN
 NICOLAS R. WISECARVER
 MARK E. WOODARD
 JOHN D. WRAY
 GREGORY D. WRIGHT
 KHARI C. WRIGHT
 JACK Z. WU
 JOSEPH T. YAMRICK
 PETER B. YOUNG
 MARK E. ZARNECKI
 ANTHONY E. ZINNI
 MATTHEW P. ZUMMO
 JANHENDRIK C. ZURLIPPE
 ROBERT B. ZWAYER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES MA-
 RINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HARALD AAGAARD
 MARC A. ALEXANDER
 DAVID C. ANDERSON
 RICHARD T. ANDERSON
 KARL R. ARBOGAST
 VIRGILIO G. ARCEGA, JR.
 VICTOR W. ARGOBRIGHT II
 ERIK A. ARRINGTON
 ANDREW A. AUSTIN
 LARRY A. BAILEY, JR.
 THOMAS P. BAJUS II
 WILLIAM T. BAKER
 AISHA M. BAKKAR
 WESLEY T. BANE
 DAVID G. BARDORF
 STEPHEN D. BATES
 JASON A. BELL
 AARON E. BENNETT
 DANIEL G. BENZ
 ANDREW J. BERGEN
 JOHN J. BERGERON
 DAVID R. BERKE
 DAMIAN A. BESS
 WAYNE R. BEYER, JR.
 NED M. BIEHL
 CAROLYN D. BIRD
 FRED W. BISTA III
 THOMAS J. BLACKWELL
 KEITH R. BLAKELY
 PATRICK R. BLANCHARD

DAVID M. BLANKENSHIP
 RICHARD A. BOGIN
 JACK G. BOLTON
 CHRISTOPHER J. BONIFACE
 MICHAEL A. BOORSTEIN
 PARRISH M. BOULWARE
 GILES R. BOYCE
 DARREN S. BOYD
 JESSICA M. BRADLEY
 KENNETH L. BRIGGS
 ROBERT B. BRODIE
 PHILLIP V. BROOKING
 MICHAEL A. BROOKS, JR.
 DEREK J. BROSTEK
 DAREN L. BROWN
 LARRY G. BROWN
 BRIAN T. BRUGGEMAN
 MICHAEL D. BRYAN
 ALVIN BRYANT, JR.
 DUNCAN J. BUCHANAN
 KEITH E. BURKEPILE
 TIMOTHY G. BURTON
 MICHAEL J. BYRNE
 CHRISTOPHER T. CABLE
 THOMAS H. CAMPBELL III
 EDWARD T. CARD, JR.
 KEVIN T. CARLISLE
 DANIEL P. CARLSON
 WILLIAM P. CARROLL
 SEAN M. CARY
 ROBERT T. CASTRO
 HENRY CENTENO, JR.
 JEROME J. CHANDLER
 SEAN S. CHARNEY
 FRANCIS K. CHAWK III
 ROBERT R. CHESHIRE
 VINCENT J. CIUCCOLI
 RONALD J. CLARK
 DARIN J. CLARKE
 MARK H. CLINGAN
 ERIC D. CLOUTIER
 ERIK E. COBHAM
 MICHAEL R. COLETTA
 BRIAN C. COLLINS
 SEAN C. COLLINS
 JESSE C. CONSTANTE
 MARK S. COPPESS
 BRYAN C. CORCORAN
 LEE A. CRACKNELL
 MITCHELL A. CRIGER
 JOSEPH E. CROSS
 SHAWN P. CUNNINGHAM
 WARREN J. CURRY
 HUGH C. CURTRIGHT IV
 CHRISTOPHER H. DALTON
 GEORGE J. DAVID
 VAN M. DAVIDSON III
 EDWARD J. DEBISH
 JOSEPH K. DECAPITE
 DWIGHT E. DEJONG
 JOSEPH E. DELANEY
 STEVEN J. DELAZARO
 CHRISTOPHER F. DELONG
 DOUGLAS L. DEWITT
 GEORGE W. DICKEY, JR.
 ROSWELL V. DIXON
 CHARLES B. DOCKERY
 JONATHAN M. DONIGAN
 SIMON M. DORAN
 MICHAEL J. DOUGHERTY
 LANCE A. DOWD, JR.
 CHRISTOPHER G. DOWNS
 JASON C. DRAKE
 TIMOTHY R. DREMAN
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 TOBY G. DYER
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 ANDREW C. EANNIELLO
 JAY M. EGLOFF
 STACY L. EIBEN
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 RANDAL S. ENGBERG
 PETER J. EPTON
 MICHAEL R. ERCOLANO III
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 GABRIEL J. FABBRI
 DAVID M. FALLON
 TYRONE H. FERREL
 JOHN M. FIELD
 WALKER M. FIELD
 SHAUN M. FITZSIMMONS
 GREGORY P. FLAHERTY
 SETH W. FOLSOM
 BRIAN W. FOSTER
 LEON J. FRANCIS
 TYRONE R. FRANKLIN
 ANTHONY N. FRASCO
 CHRISTOPHER M. FREY
 FRIDRIK FRIDRIKSSON
 ADOLFO GARCIA, JR.
 DENISE M. GARCIA
 ERIC GARCIA
 SEAN B. GARICK
 WENDY S. GARRITY
 JEFFREY W. GARZA
 JOSHUA K. GELETER
 DANA A. GEMMINGEN
 DAVID S. GIBBS
 JOSEPH C. GIGLIOTTI

ALLEN L. GILBERT
 BRIAN S. GILDEN
 BRIAN L. GILMAN
 KEVIN D. GLATHAR
 RUFINO H. GOMEZ
 BRUCE D. GORDON
 KURT I. GORDON
 THOMAS D. GORE
 RONALD S. GOUKER
 RYAN G. GOULETTE
 WILLIAM C. GRAY
 BARTT G. GREENE
 KIRK A. GREINER
 KRISTINA K. GRIFFIN
 ALLEN D. GRINALDS
 BRADLEY G. GROSVENOR
 GREGORY L. GRUNWALD
 PAUL GULBRANDSEN
 RYAN R. GUTZWILLER
 JOHN M. HACKEL
 CHARLES C. HALE
 HOWARD F. HALL
 ROBERT J. HALLETT
 JAMES G. HAMILL
 JEFFREY C. HANIFORD
 JARED J. HANSBROUGH
 DOUGLAS HARDY
 JAMES A. HARRIS IV
 BRETT A. HART
 DENNIS J. HART
 EDWARD B. HASTINGS
 BRIAN C. HAWKINS
 MARK D. HAWKINS
 MAURA M. HENNIGAN
 JAMES C. HERRERA
 STEVEN J. HIMELSPACH
 ERIC HIMLER
 BRADEN W. HISEY
 GARRETT R. HOFFMAN
 RANDALL S. HOFFMAN
 JASON T. HOLDEN
 JAY M. HOLTERRMANN
 TRAVIS L. HOMIAK
 SAMUEL K. HOWARD
 MATTHEW F. HOWES
 CHRISTOPHER D. HRUDKA
 DAVID W. HUDSPETH
 NICOLE K. HUDSPETH
 SHAWN J. HUGHES
 LAWRENCE K. HUSSEY
 CLAUDE O. HUTTON, JR.
 ADAM E. HYAMS
 LANCE A. JACKOLA
 BETHANY D. JENKINS
 LARRY M. JENKINS, JR.
 DANNY L. JOHNSON
 ERIC S. JOHNSON
 KARL E. JOHNSON
 MICHAEL H. JOHNSON
 SCOTT R. JOHNSON
 TERRY M. JOHNSON
 JOSEPH W. JONES
 MICHAEL A. JUENGER
 DAVID A. KALINSKE
 ROBERT A. KAMINSKI
 BRIAN H. KANE
 STEPHEN F. KEANE
 GERALD W. KEARNEY, JR.
 THOMAS D. KEATING
 JASON T. KEEFER
 HUNTER R. KELLOGG
 LYLE R. KENDOLL
 MATTHEW J. KENT
 SEAN C. KILLEEN
 THOMAS T. KING
 KARL K. KNAPP
 BRENT A. KNIPPENBERG
 ERIC J. KNOWLTON
 KEITH F. KOPETS
 THOMAS G. LACROIX
 GEORGE LAMBERT
 MICHAEL L. LANDREE
 TROY D. LANDRY
 DANIEL L. LANG
 JONATHAN E. LANGLOIS
 CHRISTOPHER J. LAUER
 STEPHEN J. LAVELLE
 KENNETH G. LEE
 CRAIG C. LEFLORE
 THOMAS A. LENHARDT
 GLEN A. LEWIS
 STEPHEN J. LIGHTFOOT
 GORDON J. LIMB
 MARK A. LIST
 THOMAS S. LITTLE II
 FERDINAND F. LLANTERO
 GARY J. LOBERG
 DAVID W. LOCKNER
 BART W. LOGUE
 CHARLES M. LONG, JR.
 ERIK C. LOQUIST
 NICHOLAS J. LOURIAN
 WILLIAM A. LOVEWELL
 DOUGLAS G. LUCCIO
 BENJAMIN J. LUCIANO
 SCOTT J. LUCKIE
 CHRISTOPHER G. MADELINE
 WAYNE K. MAGRISI

ROBERT K. MALDONADO
 EUGENE A. MAMAJEK, JR.
 GREGORY MARCHLINSKI
 GEORGE W. MARKERT V
 MARIA A. MARTE
 MICHAEL J. MARTIN
 VINCE R. MARTINEZ
 AARON C. MARX
 KEVIN J. MASSETT
 RICHARD P. MATYSKIELA
 PETER MCALEER
 PETER L. MCARDLE
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 CARL L. MCLEOD
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 MICHAEL E. MCWILLIAMS
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 PETER M. MEYER
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 CARL W. MILLER III
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 MICHAEL T. MILLER
 PAUL W. MILLER
 TIMOTHY P. MILLER
 JOHN E. MING
 TIMOTHY B. MISSLER
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 MARTY A. MOORE
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 MATTHEW W. MORGAN
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 DAVID C. MORRIS
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 CHARLES J. MOSES
 MATTHEW T. MOWERY
 KIRK D. MULLINS
 MICHAEL B. MULLINS
 BRENDAN S. MULVANEY
 MICHAEL J. MURCHISON
 NEIL P. MURPHY, JR.
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 LEONARD E. NEAL
 STEPHEN L. NEWSOME
 KEVIN A. NORTON
 KIRK D. NOTHELFER
 TILLEY R. NUNNINK
 CHRISTOPHER H. OLIVER
 ERIC R. OLSON
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 THOMAS F. OSTERHOUDT
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 JOHN G. PAYNE, JR.
 TODD R. PEERY
 MICHAEL J. PELAK
 JEFFREY P. PELLEGRINO
 MICHAEL J. PEREZ
 JACK D. PERRIN
 BRIAN R. PETERSON
 ERIC J. PETERSON
 ADIN M. PFEUFFER
 MATTHEW H. PHARES
 DAVID M. PHILLIPPI
 ROBERT C. PIDDOCK
 GREGORY T. POLAND
 KATHERINE I. POLEWITZKY
 ANTHONY G. PORTER
 JOEL P. POUDEIR
 MICHAEL J. POWELL
 TRAVIS L. POWERS
 JASON M. PRATT
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 MICHAEL B. PROSSER
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 INNES QUIROZ
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 SCOTT A. ROBINSON
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 GARY T. ROESTI
 KEVIN C. ROSEN
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 JEFFREY A. ROTHSTEIN

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 REX W. SAPPENFIELD
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 JOHN L. SCHAURES
 PHILLIP J. SCHENDLER
 BYRON L. SCHLATHER
 KEVIN A. SCHLEGEL
 RICHARD J. SCHMIDT
 DANIEL A. SCHMITT
 TIMOTHY L. SCHNEIDER
 GEORGE C. SCHREFFLER III
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 RAYMOND J. SCHREINER
 MARK R. SCHROEDER
 CRAIG R. SCHWETJE
 JEFFREY P. SCOFIELD
 JEFFREY B. SCOTT
 MATTHEW R. SEAY
 ANTHONY T. SERMARINI
 JOEL V. SEWELL
 PATRICK S. SEYBOLD
 CHRISTOPHER B. SHAW
 MATTHEW R. SHENBERGER
 TIMOTHY A. SHEYDA
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 BRIAN D. SIMON
 PATRICK E. SIMON
 THOMAS K. SIMPERS
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 DOUGLAS W. SMITH
 SINCLAIR D. SMITH
 BLAIR J. SOKOL
 THOMAS M. SONGSTER II
 JOHN W. SPAID
 WILLIAM R. SPEIGLE II
 DANIEL N. SPRENKLE, JR.
 WILLIE M. STANSELL III
 TIMOTHY STEFANICK
 KIMBERLY A. STEPHENS
 THOMAS S. STEPHENS, JR.
 JEFFREY J. STOWER
 ROBERT E. STPETER
 ANDREW J. STRALEY
 KURT A. STRANGE
 MICHAEL S. STYSKAL
 EDWARD R. SULLIVAN
 JOHN P. SULLIVAN, JR.
 CHRISTOPHER S. SUTTON
 ROBERT T. SWEGINNIS
 JONATHAN S. SWOPE
 JEFFREY A. SYMONS
 GLENN K. TAKABAYASHI
 RODNEY R. TATUM, JR.
 MATTHEW J. TAYLOR
 STACEY L. TAYLOR
 GEOFFREY T. TETTERTON
 TYRONE P. THERIOT
 CHRISTOPHER J. THIELEMANN
 ALISON J. THOMPSON
 CHRISTOPHER G. TOLAR
 DONALD J. TOMICH
 JONATHAN A. TONEY
 BRADLEY S. TRAGER
 SCOTT B. TRAIL
 KEVIN C. TRIMBLE
 PATRICK M. TUCKER
 JOON H. UM
 CARLOS A. VALLEJO
 DAVID T. VANBENNEKUM
 JEFFREY A. VANDAVEER
 JOHN T. VAUGHAN
 NICHOLAS P. VAVICH
 SCOTT W. VOGT
 SCOTT W. WADLE
 EVAN R. WAHL
 DAVID C. WALLIS III
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 GILBERT A. WARNER
 CLARK E. WATSON
 AARON D. WEISS
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 JAMES S. WHITEKER
 BYRON T. WIEDEMAN
 WADE E. WIEGEL
 JOHN J. WIENER
 CRAIG W. WIGGERS
 GEORGE A. WILLIAMS
 KEVIN A. WILLIAMS
 VERNON J. WILLIAMS
 AHMED T. WILLIAMSON
 ROBERT A. WINSTON
 ROBERT L. WISER
 ARTHUR J. WOODS
 DONALD R. WRIGHT
 GREGORY A. WYNN
 VINCENT J. YASAKI
 ERIC K. YINGST, JR.
 SETH E. YOST
 MARK W. ZIPSIE

HOUSE OF REPRESENTATIVES—Wednesday, February 25, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 25, 2009.

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

With our eyes fixed firmly on the coming of spring and on You, the creator of the whole universe, we resolve to hold fast to lasting values and the transcendent gifts of peace because of Your many blessings upon this Nation.

Yet we are called to renew our sense of equal justice and our equilibrium in a globalized world. Let the changes we embrace as disciplines because we are disciples in faith build our confidence in the future.

May prayer lift us beyond self-interest. May fasting bring us to the freedom to say, "That's enough." May our prayer and fasting lead us to greater compassion for others and great deeds of charity for those most in need. Since we are created in Your own image and likeness, we see You reflected in all Your people, especially those whom we serve in Your holy name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LYNCH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

INCREASE REVENUE TO BALANCE THIS BUDGET

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, America is blessed to be led by the most eloquent spokesperson on the planet, but Barack Obama very well knows, as we do, that it's not enough to talk the talk, you have to walk the walk. The first step on that very rocky road begins tomorrow with the budget submission.

If the private sector is not willing to make the loans, to start the businesses, to hire the people necessary to get this economy back on its feet, then the public sector has to step up to the plate. But if we are going to be faithful to our children's future, then we are going to have to pay for the cost of this stimulus package and this budget submission, and that means that we are going to have to increase revenue so that we can ultimately balance this budget.

Democrats did that during the Clinton administration, and it worked, we generated budget surpluses and people at the highest tax rates brought home more after tax income than at any other time in American history. I know we have the courage to do that today,

but the Republican Party also has to come up with a more constructive mantra than just saying "no."

CHANGE OUR PRACTICES ON EARMARKS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, it was recently reported by Politico that "FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions."

With this as a backdrop, today we will consider a privileged resolution asking the Ethics Committee to conduct an investigation. This is not a partisan resolution. It mentions no individual Member of Congress. It mentions no political party.

Over the past few years, we have seen outside investigations lead to indictments and convictions related to earmarks, yet we have done little to change our practices.

Today we will consider an omnibus spending bill containing nearly 9,000 earmarks, many of which are no-bid contracts to private companies, companies whose executives have, in addition to their lobbyists, contributed millions of dollars to Members who secured those earmarks. This simply isn't right.

Mr. Speaker, we owe this institution far more than we are giving it. Let's vote for this privileged resolution and give it the respect and dignity it deserves.

THE PEOPLE'S CHALLENGE

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, last night President Obama issued a call to action to the American people, and the American people are responding with a resounding "Yes, we can."

The problems that we face are many and enormous, and yet this is our challenge, it is our responsibility, and there is no better place than the people's House to do the people's business. Whether it's restoring confidence in our faltering financial markets, proping up a credit market that is nonexistent, focusing on the incredible housing problems we face in this country, and at the same time committing

investments in our educational system, investments in our health care reform and making sure that we have an energy policy that takes our dependence away from foreign oil and redirects it to renewable energy here in the United States.

This is still the government of the people, by the people and for the people, and this is the people's challenge. The President cannot solve these problems on his own. We are all in this together. It's time for the American people to make a renewed commitment to this country, reinvest in the future of America and inspire us to the new level of responsibility in the world community.

GO TEXAN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, this weekend over 4,000 trail riders will be arriving in Houston, Texas, and parade through downtown to kick off the world's largest rodeo and livestock show. These cowboys have been on the trail for days riding from towns all around Texas. With their horses, chuck wagons and barbecue, these riders are a mixture of lawyers, executives, doctors, refinery workers, teachers and kids. There are also some real cowboys.

The Houston Rodeo and Livestock Show started in 1931 when seven men decided over lunch at the Texas State Hotel that this event was needed. The Rodeo and Livestock Show uses 20,000 volunteers and raises over \$11 million for scholarships for FFA students from all over Texas. The rodeo has featured such notable entertainers as Gene Autry, Roy Rogers, Elvis, George Strait and every major country singer in the world.

For 15 nights, 50,000 Houstonians "Go Texan" and "Cowboy Up" for not only the world's largest rodeo, but the world's largest barbecue cook-off. All of these events center around Texas Independence Day, March 2. But it is the trail riders that relive the past of the Old West by spending days on the trail that are the ones that start this excitement.

And that's just the way it is.

MEET OUR INDIVIDUAL RESPONSIBILITIES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I like to think that government is the way that we organize our responsibilities to each other.

Last night, President Obama gave a clear path to explain how this government can help us meet our responsibilities to each other. He mentioned government and laid a groundwork for

government, not as a substitute for private initiative and private enterprise, but as a catalyst for private initiative and private enterprise.

As a facilitator and enabler he showed the way that this government can help people realize their ambitions and rebuild America in a much stronger position.

As we move forward in considering the agenda that President Obama has laid out, I hope that we will remember that not only do we call on individual Americans to meet their responsibilities to each other, but that we as Members of Congress meet our individual responsibilities to them and to make this government one that truly stands united in favor of the American people.

This was truly an inspirational charge that we were given last night, and I hope we all listen carefully.

NOW IS NOT THE TIME FOR TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, after just passing a \$1 trillion spending plan, the Democrats in Congress claim they will tax and spend our way out of this economic gloom. I believe we should root out government waste before we add new government spending, and we don't want to increase taxes when folks are already feeling pinched by this tough economy.

In the Texas State House, the Speaker threatened to kick me off Ways and Means if I didn't vote to raise taxes. I just said "no." When I didn't vote to raise taxes, they booted me off the committee. What can I say—there were no new taxes in Texas. How about America?

This Congress must approve a Federal spending freeze before we can consider tax hikes during these uncertain economic times. The last thing we need to do is push consumer confidence even lower. Let's take tax hikes off the table.

A CALL FOR ACTION FROM THIS NATION

(Mr. WALZ asked and was given permission to address the House for 1 minute.)

Mr. WALZ. Mr. Speaker, last night President Obama issued a call for action from this Nation. He clearly laid out the economic situation that we are in right now, but, more importantly, he laid out a plan for growth, a plan that started a week ago with the passage of the American Reinvestment and Recovery Act.

What it did was it staunched the bleeding of jobs that we were losing at a rate of 600,000 in January, but it

made a much more important investment in the future. President Obama laid out his priorities for the next budget, an investment in education, an investment in energy security and an investment in reining in the cost of health care.

I represent the southern Minnesota district that includes the Mayo Clinic. I also represent a district that is a leader in wind production and biofuels, not just nationwide but internationally.

I also had a guest last night, Chuck Ehler, the superintendent of a small school, Rushford-Peterson, in my district. That community was devastated by flooding that had a Federal disaster in 2007. It's a 103-year-old building.

The people and the citizens who will fuel our economic recovery are those citizens trying to learn in a building that will not work. We must invest in the future. That's how we repair our economy.

WE STAND READY TO WORK

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, House Republicans remain ready to tackle the tough challenges facing our Nation. Getting our economy back on track, providing affordable quality education and health care, and protecting American families are of concern to every American and every Member of this body.

But there are differences. On the issue of raising taxes, House Republicans are concerned that this would destroy jobs in an already troubled economy. We oppose plans that will continue to borrow and spend. We believe the American people should keep more of their own money and government should limit its own budget.

Fiscal responsibility must mean we limit spending, not just raise taxes in order to build more government. We stand ready to work with our colleagues to make these tough decisions.

In conclusion, God bless our troops, and we will never forget September the 11th.

GIVE OUR TROOPS THE BEST POSSIBLE CHANCE FOR SUCCESS

(Mr. BRIGHT asked and was given permission to address the House for 1 minute.)

Mr. BRIGHT. Mr. Speaker, last week I visited Iraq and Afghanistan for the first time as a Member of Congress.

The six-member bipartisan delegation met with soldiers, commanders, Iraqi and Afghanistan leaders and ordinary citizens. Though it was a truly eye-opening experience, it only strengthened my deep respect and gratitude for the men and women who serve

in our military. They have always performed bravely and done everything we have asked them to do.

As we were in the Middle East, the President announced that an additional 17,000 troops would be sent to Afghanistan. Based on my observations in Afghanistan, a strengthened American presence is badly needed, along with a strong coalition. However, there should be a clear sense of mission with measurable goals in order to give our troops the best possible chance for success.

I look forward to working on the Armed Services Committee to ensure that we meet these goals and that our troops are always given the resources they need.

MONKEY BITE BILL

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, yesterday in this House we passed a monkey bite bill, and whether one agrees with me that we spent millions of dollars to create a bureaucracy that does not solve the problem is insignificant.

What is significant is one considers the time we spent last year and this year. It is arguably the case that we have spent more time on this floor talking about monkey bites than we have in talking about a \$400 billion spending package.

The President was exactly right last night when he said Americans will work their way through the situation, but history will judge whether the actions of this House have hindered or helped Americans in that quest to work their way through this situation and, indeed, the verdict may be mixed. But history will not forgive us if we abdicate our responsibility to be representatives of the people and know the details of the bills that come to the floor.

History will not forgive us if we simply declare an emergency and then wave our hands as billions and billions of American tax dollars just simply pass us by. Shame on us.

□ 1015

HONESTY CONCERNING THE BUDGET

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, when I listen to some of the comments from my colleagues on the Republican side, I am surprised by the remarks they make about tax increases. If you look at the economic recovery package, it actually has one of the biggest tax cuts in this Nation's history. For most people, unless they are at \$200,000 or above

for a couple, something like that, they will actually be seeing a tax decrease or a tax cut as a result of the economic recovery package.

The President is being very honest about the budget. If you listened to him for the first time now, if you compare him to the previous administration, the budget is going to increase the actual cost of the Iraq war and the actual cost of Medicare reimbursements. A lot of those things were previously hidden.

In addition to that, most importantly, he talked about the need for deficit reduction. Yes, in fact we are spending money as part of the economic recovery package. We are giving tax cuts, and that does increase the deficit. But over the long term, over the 4 years, the goal is to cut the deficit in half.

It is a very responsible message that he gave last night; short-term efforts to achieve economic recovery, long-term efforts to reduce the deficit.

LESS GOVERNMENT AND REAL SPENDING REFORM NEEDED

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last night we heard the President in this very Chamber make the call for Congress to rise above the politics and to work together for the benefit of the American people, even though this side of the aisle has been shut out of virtually all related legislation.

The President called for fiscal responsibility, and I couldn't agree more. But I am perplexed that he would make this call sandwiched between the biggest wasteful bills that the liberals in Congress have ever submitted. We need to stop the runaway spending to fund programs that don't immediately put this country back on track for economic stability and which create even more deficits in years to come.

It is very foolish to spend heavily on an unprecedented number of earmarks, only to attempt to balance the budget on the backs of small businesses and those who work and save. Governor Jindal pointed out in his response how effective less government, less spending, and real government reform can be in my home State of Louisiana.

I say that instead of increasing dependence on government to run our daily lives, I strongly suggest that we let the entrepreneurial spirit and the work ethic of Americans with real leadership from Congress create the pathway out of our economic problems.

CONGRESS IS INVESTING IN THE FUTURE

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to address our current economic crisis and the critical need for a budget that offers hope and confidence to the American people.

My colleagues and our citizens understand our Nation's dire fiscal crisis. Our Gross Domestic Product continues to shrink; auto sales are the worst in decades; personal incomes are declining and job losses continue to alarm us daily. In my own district, one of the Nation's most affluent, demand for food stamps has grown 73 percent over the last year, and local officials say the need is much greater and many simply do not apply.

Home values, the largest source of wealth in my district, have declined by as much 32 percent. These are staggering declines. Through September of 2008, there were thousands of foreclosures in Prince William and Fairfax Counties. Stock in Washington metropolitan businesses has declined 41 percent in 2008, a tremendous decrease in value.

However, there is hope. President Obama outlined a vision last night for long-term financial stability. The significant investment in infrastructure, the expansion of the green economy, the call to bring fiscal sanity back to health care embodied in the President's message bodes well for the future. I support his economic endeavor.

THE BEST SOLUTIONS COME FROM MAIN STREET, NOT PENNSYLVANIA AVENUE

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, last night the Chamber was full as President Obama outlined his priorities to solve the challenges that face America. And no matter the issue, I think it is so important that we remember that the best solutions come from Main Street, and not from Pennsylvania Avenue.

The biggest challenge that our Nation faces is the economy. Growing and expanding our economy starts with true tax relief that allows middle-class families and small businesses to keep more of their hard-earned money. It also involves investing in infrastructure and workforce so that we will be competitive.

Today we are scheduled to begin debate on the budget bill. Unfortunately, this bill is loaded with earmarks, over 9,000. One business owner in Spokane recently asked me, "Do you in Washington, D.C. get it? Do you understand that small businesses, families, are having to tighten their belt, make tough decisions?"

We heard the call last night to start living within our means, and I applaud

President Obama's commitment to reducing our national debt, just like families and small businesses have to do with their budgets. Now is the time for both parties to back up their promises for fiscal discipline.

I believe that the best solutions come when Republicans and Democrats work together. I look forward to working with Republicans and Democrats to solve these issues.

PUTTING NATIONAL SECURITY IN PERIL FOR POLITICAL EXPEDENCY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, since Mr. Obama became the President, the economy has been his focus. But through executive orders and not so subtle hints in recent speeches, his administration has put some effort into making America less safe than it was 2 years ago.

Some examples: Throwing out the case against the USS *Cole* bomber; the closing down of Guantanamo; limiting our interrogation techniques; cutting defense spending; and announcing a troop surge in Afghanistan without the proper infrastructure or funding to support it.

The French just today released five terrorists that the United States released to them for prosecution. If even one of the brave men and women who carry the burden of our security on their shoulders in Iraq and Afghanistan are harmed by the fact that American operatives can no longer get timely information from the enemy through interrogation or are attacked by a prisoner released because of the closing of Guantanamo, if even one of our men and women in uniform pay the ultimate price for these reasons, it will be a sacrifice made so that President Obama can score political points with the liberal fringe of his party.

I am a United States Marine and I served in Iraq and Afghanistan, and I will not stand by while our national security is put in peril for political expediency. Let us not betray those who sacrifice for our freedom.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 47) supporting the goals and ideals of Peace Officers Memorial Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 47

Whereas there are more than 900,000 sworn law enforcement officers now serving in the United States;

Whereas law enforcement officers selflessly protect the people of the United States and communities throughout the country from harm;

Whereas law enforcement officers serve the country regardless of the peril to themselves;

Whereas more than 18,340 law enforcement officers have been killed in the line of duty since the first recorded police death in 1792;

Whereas September 11, 2001, was the deadliest day in law enforcement history with 72 officers killed while responding to the terrorist attacks;

Whereas 140 law enforcement officers were killed in 2008;

Whereas Public Law 87-726 designates May 15th of each year as Peace Officers Memorial Day, and Police Week is commemorated during the calendar week containing May 15;

Whereas section 7(m) of title 4, United States Code, requires that the United States flag on all government buildings be displayed at half-staff on May 15, Peace Officers Memorial Day; and

Whereas law enforcement officers deserve the gratitude of the people of the United States for their service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Peace Officers Memorial Day to honor Federal, State, and local peace officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues and stand in full support of the consideration of House Resolution 47, which calls for Congress to recognize the goals and ideals of

Peace Officers Memorial Day, which is commemorated on May 15th of each year during what is referred to as National Police Week. House Resolution 47 was introduced by our colleague Representative TED POE of Texas on January 9, 2009, and was considered by and reported from the Oversight Committee on February 11th, 2009, by a voice vote.

The measure has the support and co-sponsorship of nearly 70 Members of Congress and is designed to acknowledge the work and commitment of more than 900,000 sworn law enforcement officers now serving throughout our great nation. Daily, these selfless men and women place their lives on the line, confronting great risk and challenges in their service to our communities and our fellow citizens, which is why it is so befitting for us to consider the measure at hand, House Resolution 47, supporting the goals and ideals of Peace Officers Memorial Day.

Over the course of 2008, our country lost nearly 180 law enforcement officers in the line of duty. In remembrance of these fallen heroes, today we in the House of Representatives take a moment to express our gratitude for the service of these courageous Americans by considering House Resolution 47.

By supporting the goals and ideals of Peace Officers Memorial Day, we are sending a strong message to our country's law enforcement community and their families that we recognize the sacrifices they have made in the name of safety and security for all of our cities, townships and localities.

I would like to specifically mention and thank those officers that serve throughout Bristol, Suffolk, Plymouth and Norfolk Counties in my own congressional district for their great work.

Commemorating Peace Officers Memorial Day dates back to 1962, when then President Kennedy signed Public Law 87-726 designating May 15th as Peace Officers Memorial Day and the week in which May 15 falls as National Police Week. Since that time, Congress has routinely expressed our support for the goals and ideals of this worthy cause.

I would like to again thank our colleague from Texas, Mr. POE, for reintroducing this year's measure honoring the work of our Nation's police officers, many of whom I might add will now be able to stay on the job because of the recent enactment of the American Recovery and Reinvestment Act.

Mr. Speaker, in the coming months, Peace Officers Memorial Day will be celebrated across our great land with various events, memorials and programs, all designed to highlight the work of these great Americans. In closing, let us too join in the commemoration of our country's law enforcement officers by agreeing to pass House Resolution 47.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 47, supporting the goals and ideals of Peace Officers Memorial Day. Each year, the President issues a proclamation naming May the 15th as National Peace Officers Memorial Day. I decided to introduce this piece of legislation again because I believe that Congress should pay the tribute to the brave men and women who proudly serve us as law enforcement officers.

Americans have been protected by peace officers for now 217 years, and it all goes back to the early settlers in Boston that established a program called "night watch" to safeguard their citizens.

Not a day goes by that law enforcement officers do not face danger in their mission to keep us safe from crime, acts of violence and now terrorism. On May 17, 1792, New York City's Deputy Sheriff Isaac Smith, became the first recorded peace officer to be killed in the line of duty. Since that time, 18,340 peace officers have been killed while on the job. Each year, over 50,000 police officers are assaulted, and in 2008, 140 of these brave officers were killed protecting their fellow Americans. Of these 140 officers, 10 percent, 14, are from my home State of Texas.

A quote by President George H.W. Bush is engraved on the National Law Enforcement Officers Memorial located in Washington, DC that summarizes the mission of the 900,000 current sworn peace officers in this country. It states that it is an officer's "continuing quest to preserve both democracy and decency and to protect a national treasure that we call the American dream." It is clear this quest is worthy of the respect that our citizens show for their peace officers.

In paying homage to these fallen heroes, we are once again reminded that in 1961 Congress created Peace Officers Memorial Day and designated it to be commemorated each year on May 15th. This yearly tribute to peace officers provides each of us with an opportunity to honor those who lost their lives while protecting the citizens of this country.

Thousands of visitors pay respect to our peace officers at the National Law Enforcement Memorial on May 15th. On May 15th of this year, a flag will be flown at half staff, as it always is on that date, to show respect and gratitude for the fallen peace officers who have made the ultimate sacrifice for our citizens.

We appreciate with gratitude all of the peace officers for their dedication and their sacrifice. During my 20 years as a judge in Texas, I had the absolute privilege of working alongside some of America's finest peace officers. Some of those have been killed in the line of

duty. Now, as founder and cochair of the Congressional Victims Rights Caucus, I recognize that unfortunately peace officers are too victims, as many citizens are.

□ 1030

And they are actually, Mr. Speaker, the last strand of wire in the fence between the law and those that violate the law. I'm grateful for the brave and selfless service of this Nation's peace officers.

With that, I ask all Members to join me in support of H. Res. 47.

I reserve the balance of my time.

Mr. LYNCH. We continue to reserve. We have no further speakers.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to recognize two gentlemen that not too long ago in this Capitol, the People's House, on July 28, 1998, Jacob Chestnut and John Michael Gibson, Capitol police officers, while we were having a memorial ceremony here in the Rotunda, these two officers protected the lives of other Members of the House of Representatives, and because of that, both of them were killed in the line of duty. So they are two of many peace officers that gave up their lives for the rest of us.

I mentioned that there were 14 peace officers from the State of Texas that were killed last year. Mr. Speaker. They are:

Deputy Constable David Joubert from the Harris County Constable's Office.

Police Officer Matthew Thebeau from the Corpus Christi Police Department.

Corporal Harry Thielepape from the Harris County Constable's Office.

Senior Corporal Victor Lozada, Sr. from the Dallas Police Department.

State Trooper James Burns from the Highway Patrol in Huntsville, Texas.

Police Officer Everett Dennis from the Carthage Police Department.

Sergeant Barbara Shumate from the Texas Department of Criminal Justice.

Police Officer Gary Gryder, a personal friend of mine. He served in the Houston Police Department.

Detective Tommy Keen, Harris County Sheriff's Department.

Game Warden George Whatley, Jr. from the Texas Parks and Wildlife Division.

Sheriff Brent Lee of the Trinity County Sheriff's Department.

Police Officer Robert Davis from the San Antonio Police Department.

Police Officer Timothy Abernethy from the Houston Police Department.

Police Officer Mark Simmons from the Amarillo Police Department.

I would like to include at this time the names of all 140 peace officers killed last year in the line of duty.

Corporal Courtney G. Brooks, Maryland Transportation Authority Police Department, MD, EOW: Tuesday, January 1, 2008, Cause of Death: Vehicular assault.

Deputy Sheriff Jason S. Zunker, Chippewa County Sheriff's Department, WI, EOW: Saturday, January 5, 2008, Cause of Death: Struck by vehicle.

Detective James Walker, Miami Police Department, FL, EOW: Tuesday, January 8, 2008, Cause of Death: Gunfire.

Deputy Sheriff Sean Pursifull, Bell County Sheriff's Department, KY, EOW: Thursday, January 10, 2008, Cause of Death: Vehicular assault.

Deputy Constable David Joubert, Harris County Constable's Office—Precinct 7, TX, EOW: Sunday, January 13, 2008, Cause of Death: Motorcycle accident.

Police Officer Ricky Bryant Jr., DeKalb County Police Department, GA, EOW: Wednesday, January 16, 2008, Cause of Death: Gunfire.

Police Officer Eric Barker, DeKalb County Police Department, GA, EOW: Wednesday, January 16, 2008, Cause of Death: Gunfire.

Detective Jarrod Shivers, Chesapeake Police Department, VA, EOW: Thursday, January 17, 2008, Cause of Death: Gunfire.

Senior Border Patrol Agent Luis Alberto Aguilar, United States Department of Homeland Security—Customs and Border US (California), EOW: Saturday, January 19, 2008, Cause of Death: Vehicular assault.

Police Officer Matthew B. Thebeau, Corpus Christi Police Department, TX, EOW: Sunday, January 20, 2008, Cause of Death: Automobile accident.

Police Officer Akeem Basil (Teddy) Newton, Virgin Islands Police Department, VI, EOW: Sunday, January 20, 2008, Cause of Death: Automobile accident.

Detective Christopher A. Ridley, Mount Vernon Police Department, NY, EOW: Friday, January 25, 2008, Cause of Death: Gunfire (Accidental).

Trooper Daniel Roy Barrett, Indiana State Police, IN, EOW: Sunday, January 27, 2008, Cause of Death: Automobile accident.

Police Officer Nicola Cotton, New Orleans Police Department, LA, EOW: Monday, January 28, 2008, Cause of Death: Gunfire.

Lance Corporal James D. Haynes, South Carolina Highway Patrol, SC, EOW: Friday, February 1, 2008, Cause of Death: Automobile accident.

Sergeant Richard C. LeBow, Arkansas State Police, AR, EOW: Monday, February 4, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Dustin Duncan, Latimer County Sheriff's Office, OK, EOW: Monday, February 4, 2008, Cause of Death: Automobile accident.

Sergeant William King Biggs Jr., Kirkwood Police Department, MO, EOW: Thursday, February 7, 2008, Cause of Death: Gunfire.

Police Officer Thomas Frederick (Tom) Ballman, Kirkwood Police Department, MO, EOW: Thursday, February 7, 2008, Cause of Death: Gunfire.

Police Officer Randal (Randy) Simmons, Los Angeles Police Department, CA, EOW: Thursday, February 7, 2008, Cause of Death: Gunfire.

Criminal Investigator Denise Phoenix, United States Department of the Interior—Bureau of Indian Affairs, US (Montana), EOW: Thursday, February 14, 2008, Cause of Death: Exposure to toxins.

Corporal Harry Thielepape, Harris County Constable's Office—Precinct 6, TX, EOW: Wednesday, February 20, 2008, Cause of Death: Gunfire.

Senior Corporal Victor A. Lozada Sr., Dallas Police Department, TX, EOW: Friday, February 22, 2008, Cause of Death: Motorcycle accident.

Police Officer Mark Beck, Baton Rouge City Police Department, LA, EOW: Monday,

February 25, 2008, Cause of Death: Automobile accident.

Trooper Kara M. Kelly-Borgognone, Nevada Highway Patrol, NV, EOW: Thursday, February 28, 2008, Cause of Death: Automobile accident.

Police Officer Derek Owens, Cleveland Police Department, OH, EOW: Saturday, March 1, 2008, Cause of Death: Gunfire.

Special Agent Robert Patrick Flickinger, Chickasaw Lighthorse Police Department, TR (Oklahoma), EOW: Friday, March 7, 2008, Cause of Death: Automobile accident.

Sergeant Edward (Ned) Thompson, New York City Police Department, NY, EOW: Sunday, March 9, 2008, Cause of Death: 9/11 related illness.

Police Officer James D. Fezatte, Millbrook Police Department, AL, EOW: Saturday, March 29, 2008, Cause of Death: Automobile accident.

Border Patrol Agent Jarod Dittman, United States Department of Homeland Security—Customs and Border, US (California), EOW: Sunday, March 30, 2008, Cause of Death: Automobile accident.

Constable Joe Howard, Harlan County Constable's Office, KY, EOW: Tuesday, April 1, 2008, Cause of Death: Heart attack.

Correction Officer Kenneth Duncan, New York City Department of Correction, NY, EOW: Tuesday, April 22, 2008, Cause of Death: Gunfire.

Trooper James Scott Burns, Texas Department of Public Safety—Texas Highway Patrol, TX, EOW: Tuesday, April 29, 2008, Cause of Death: Gunfire.

Deputy Sheriff Robert Griffin, Decatur County Sheriff's Office, GA, EOW: Thursday, May 1, 2008, Cause of Death: Automobile accident.

Senior Investigator Laura J. Cleaves, Santa Barbara County District Attorney's Office, CA, EOW: Thursday, May 1, 2008, Cause of Death: Vehicular assault.

Deputy Sheriff William Howell Jr., Orangeburg County Sheriff's Office, SC, EOW: Saturday, May 3, 2008, Cause of Death: Gunfire.

Sergeant Stephen Liczbinski, Philadelphia Police Department, PA, EOW: Saturday, May 3, 2008, Cause of Death: Gunfire.

Special Agent Aaron Garcia, Union Pacific Railroad Police Department, RR (California), EOW: Wednesday, May 7, 2008, Cause of Death: Automobile accident.

Deputy Sheriff James Throne, Kern County Sheriff's Department, CA, EOW: Friday, May 23, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Michael Sean Thomas, Bibb County Sheriff's Office, GA, EOW: Sunday, May 25, 2008, Cause of Death: Motorcycle accident.

Sergeant Leslie (Les) Wilmott, Kiefer Police Department, OK, EOW: Thursday, May 29, 2008, Cause of Death: Automobile accident.

Lieutenant Michael Avilucea, New Mexico State Police, NM, EOW: Friday, May 30, 2008, Cause of Death: Automobile accident.

Police Officer Erik David Hite, Tucson Police Department, AZ, EOW: Monday, June 2, 2008, Cause of Death: Gunfire.

Police Officer Everett William Dennis, Carthage Police Department, TX, EOW: Tuesday, June 3, 2008, Cause of Death: Automobile accident.

Transport Officer Virgil Lee Behrens, Marion County Sheriff's Department, IA, EOW: Tuesday, June 3, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Anthony Shane Tate, Grundy County Sheriff's Department, TN, EOW: Thursday, June 5, 2008, Cause of Death: Gunfire.

Police Officer Todd Bahr, Fredericksburg Police Department, VA, EOW: Friday, June 6, 2008, Cause of Death: Gunfire.

Sergeant Barbara Jean Shumate, Texas Department of Criminal Justice, TX, EOW: Friday, June 13, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Steve Boehm, Onslow County Sheriff's Department, NC, EOW: Saturday, June 14, 2008, Cause of Death: Struck by vehicle.

Deputy Sheriff Jose Antonio (Tony) Diaz, Yolo County Sheriff's Department, CA, EOW: Sunday, June 15, 2008, Cause of Death: Gunfire.

Trooper David Shawn Blanton Jr., North Carolina Highway Patrol, NC, EOW: Tuesday, June 17, 2008, Cause of Death: Gunfire.

Correctional Officer Jose Rivera, United States Department of Justice—Federal Bureau of Prisons, US (California), EOW: Friday, June 20, 2008, Cause of Death: Stabbed.

Police Officer Nicholas Heine, Pueblo Police Department, CO, EOW: Saturday, June 21, 2008, Cause of Death: Heart attack.

Correctional Officer Donna Fitzgerald, Florida Department of Corrections, FL, EOW: Wednesday, June 25, 2008, Cause of Death: Stabbed.

Sergeant Richard Findley, Prince George's County Police Department, MD, EOW: Friday, June 27, 2008, Cause of Death: Vehicular assault.

Police Officer Gary Gryder, Houston Police Department, TX, EOW: Sunday, June 29, 2008, Cause of Death: Vehicular assault.

Police Officer Richard Francis, Chicago Police Department, IL, EOW: Wednesday, July 2, 2008, Cause of Death: Gunfire.

Police Officer Kenneth (Greg) Surles, Pell City Police Department, AL, EOW: Friday, July 4, 2008, Cause of Death: Automobile accident.

Agent Osvaldo Pérez-León, Puerto Rico Police Department, PR, EOW: Tuesday, July 8, 2008, Cause of Death: Automobile accident.

Police Officer Joshua T. Miktarian, Twinsburg Police Department, OH, EOW: Sunday, July 13, 2008, Cause of Death: Gunfire.

Police Officer Andrew Widman, Fort Myers Police Department, FL, EOW: Friday, July 18, 2008, Cause of Death: Gunfire.

Deputy Sheriff Anthony Forgione, Okaloosa County Sheriff's Office, FL, EOW: Tuesday, July 22, 2008, Cause of Death: Gunfire.

Police Officer Aldo Rossi, Port Dickinson Police Department, NY, EOW: Sunday, July 27, 2008, Cause of Death: Vehicular assault.

Trooper Shawn W. Snow, New York State Police, NY, EOW: Sunday, August 3, 2008, Cause of Death: Electrocuted.

Detective Sandra Joyce Bullock, Bushnell Police Department, FL, EOW: Tuesday, August 5, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Dennis Compton, Colleton County Sheriff's Office, SC, EOW: Wednesday, August 6, 2008, Cause of Death: Gunfire.

Officer Monte Ruby, CoxHealth Department of Public Safety, MO, EOW: Wednesday, August 6, 2008, Cause of Death: Assault.

Agent Orlando Gonzalez-Ortiz, Puerto Rico Police Department, PR, EOW: Thursday, August 7, 2008, Cause of Death: Gunfire (Accidental).

Detective Michael Smith Phillips, Virginia Beach Police Department, VA, EOW: Thursday, August 7, 2008, Cause of Death: Gunfire.

Deputy Probation Officer Irene Beatrice Rios, Imperial County Probation Department, CA, EOW: Wednesday, August 13, 2008, Cause of Death: Automobile accident.

Lieutenant Robert Curry, Gulfport Police Department, MS, EOW: Thursday, August 14, 2008, Cause of Death: Motorcycle accident.

Deputy Sheriff Martha Woods Shareef, Lafourche Parish Sheriff's Department, LA, EOW: Wednesday, August 20, 2008, Cause of Death: Vehicular assault.

Ordinance Officer Kathy Ann Cox, Gordon County Sheriff's Office, GA, EOW: Thursday, August 21, 2008, Cause of Death: Automobile accident.

Police Officer Thomas Raji, Perth Amboy Police Department, NJ, EOW: Friday, August 22, 2008, Cause of Death: Vehicular assault.

Police Officer Melvin Dyer, Duxbury Police Department, MA, EOW: Monday, August 25, 2008, Cause of Death: Struck by vehicle.

Police Officer Timothy A. Haley, Columbus Division of Police, OH, EOW: Tuesday, August 26, 2008, Cause of Death: Duty related illness.

Trooper Evan F. Schneider, Montana Highway Patrol, MT, EOW: Tuesday, August 26, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Anne Jackson, Skagit County Sheriff's Office, WA, EOW: Tuesday, September 2, 2008, Cause of Death: Gunfire.

Officer Christopher Kane, Jacksonville Sheriff's Office, FL, EOW: Thursday, September 4, 2008, Cause of Death: Automobile accident.

Police Officer Isabel Nazario, Philadelphia Police Department, PA, EOW: Friday, September 5, 2008, Cause of Death: Vehicular assault.

Police Officer Kenneth Santucci, Belleville Police Department, NJ, EOW: Saturday, September 6, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Marty M. Martin, Franklin County Sheriff's Department, OH, EOW: Saturday, September 6, 2008, Cause of Death: Automobile accident.

Sergeant Paul Starzyk, Martinez Police Department, CA, EOW: Saturday, September 6, 2008, Cause of Death: Gunfire.

Trooper Andrew Stocks, North Carolina Highway Patrol, NC, EOW: Tuesday, September 9, 2008, Cause of Death: Automobile accident.

Sergeant Dario Aponte, New Haven Police Department, CT, EOW: Wednesday, September 10, 2008, Cause of Death: Automobile accident.

Police Officer Grant Jansen, St. Charles Police Department, MO, EOW: Wednesday, September 10, 2008, Cause of Death: Automobile accident.

Police Officer III Spree Desha, Los Angeles Police Department, CA, EOW: Friday, September 12, 2008, Cause of Death: Train accident.

Sergeant Michael C. Weigand Jr., Latimore Township Police Department, PA, EOW: Sunday, September 14, 2008, Cause of Death: Motorcycle accident.

Detective Tommy Keen, Harris County Sheriff's Department, TX, EOW: Monday, September 15, 2008, Cause of Death: Accidental.

Deputy Sheriff Adam William Klutz, Caldwell County Sheriff's Office, NC, EOW: Friday, September 19, 2008, Cause of Death: Gunfire.

Officer Kristine Fairbanks, United States Department of Agriculture—Forest Service Law Enforcement, US (Washington), EOW: Saturday, September 20, 2008, Cause of Death: Gunfire.

Sergeant Patrick McDonald, Philadelphia Police Department, PA, EOW: Tuesday, September 23, 2008, Cause of Death: Gunfire.

Police Officer Nathaniel Taylor Jr., Chicago Police Department, IL, EOW: Sunday, September 28, 2008, Cause of Death: Gunfire.

Trooper First Class Mickey C. Lippy, Maryland State Police, MD, EOW: Sunday, September 28, 2008, Cause of Death: Aircraft accident.

Pilot Stephen H. Bunker, Maryland State Police, MD, EOW: Sunday, September 28, 2008, Cause of Death: Aircraft accident.

Sergeant Robert Douglas, Oklahoma City Police Department, OK, EOW: Sunday, September 28, 2008, Cause of Death: Motorcycle accident.

Correctional Officer Douglas Falconer, Arizona Department of Corrections, AZ, EOW: Wednesday, October 1, 2008, Cause of Death: Heart attack.

Correctional Officer Rodney Kelley, Alabama Department of Corrections, AL, EOW: Friday, October 3, 2008, Cause of Death: Automobile accident.

Police Officer Bradley Moody, Richmond Police Department, CA, EOW: Tuesday, October 7, 2008, Cause of Death: Automobile accident.

Deputy Sheriff David Gilstrap, Oconee County Sheriff's Office, GA, EOW: Thursday, October 9, 2008, Cause of Death: Struck by vehicle.

Game Warden George Harold Whatley Jr., Texas Parks and Wildlife Department—Law Enforcement Division, TX, EOW: Friday, October 10, 2008, Cause of Death: Heart attack.

Officer / Paramedic Bruce W. Harrolle, Arizona Department of Public Safety, AZ, EOW: Monday, October 13, 2008, Cause of Death: Aircraft accident.

Deputy Sheriff Christopher Yonkers, Barry County Sheriff's Office, MI, EOW: Friday, October 17, 2008, Cause of Death: Motorcycle accident.

Deputy Sheriff Sarah Irene Haylett-Jones, Monroe County Sheriff's Office, IN, EOW: Sunday, October 19, 2008, Cause of Death: Struck by vehicle.

Second Lieutenant Frank Stecco, Fairfax County Police Department, VA, EOW: Tuesday, October 21, 2008, Cause of Death: Drowned.

Police Officer David Tome, Northern York County Regional Police Department, PA, EOW: Tuesday, October 21, 2008, Cause of Death: Struck by vehicle.

Police Officer Richard Bremer, Frederick City Police Department, MD, EOW: Thursday, October 23, 2008, Cause of Death: Vehicle pursuit.

Deputy Sheriff Randy Hamson, Los Angeles County Sheriff's Department, CA, EOW: Friday, October 24, 2008, Cause of Death: Struck by vehicle.

Police Officer Shane Figueroa, Phoenix Police Department, AZ, EOW: Saturday, October 25, 2008, Cause of Death: Automobile accident.

Sergeant Michael King, University City Police Department, MO, EOW: Friday, October 31, 2008, Cause of Death: Gunfire.

Police Officer Frank P. Russo, Schaumburg Police Department, IL, EOW: Saturday, November 1, 2008, Cause of Death: Heart attack.

Detective Joseph Airhart Jr., Chicago Police Department, IL, EOW: Tuesday, November 4, 2008, Cause of Death: Gunfire.

Police Officer Nathaniel Burnfield, South Strabane Township Police Department, PA, EOW: Tuesday, November 4, 2008, Cause of Death: Struck by vehicle.

Police Officer Charles Skinner, North Salt Lake Police Department, UT, EOW: Friday, November 7, 2008, Cause of Death: Vehicle pursuit.

Deputy Sheriff Lawrence Canfield, Sacramento County Sheriff's Department, CA, EOW: Wednesday, November 12, 2008, Cause of Death: Motorcycle accident.

Sergeant Monty Carmikle, Arkansas Game and Fish Commission, AR, EOW: Sunday, November 16, 2008, Cause of Death: Aircraft accident.

Sergeant Timothy Simpson, Philadelphia Police Department, PA, EOW: Monday, November 17, 2008, Cause of Death: Vehicular assault.

Special Agent Samuel Hicks, United States Department of Justice—Federal Bureau of Investigation, US (Pennsylvania), EOW: Wednesday, November 19, 2008, Cause of Death: Gunfire.

Police Officer Alex Del Rio, Hollywood Police Department, FL, EOW: Saturday, November 22, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Nick Pham, Monroe County Sheriff's Office, FL, EOW: Wednesday, November 26, 2008, Cause of Death: Automobile accident.

Sheriff Brent Lee, Trinity County Sheriff's Department, TX, EOW: Thursday, November 27, 2008, Cause of Death: Vehicle pursuit.

Reserve Officer Curtis Jones, New Orleans Police Department, LA, EOW: Saturday, November 29, 2008, Cause of Death: Automobile accident.

Police Officer Robert Davis, San Antonio Police Department, TX, EOW: Monday, December 1, 2008, Cause of Death: Struck by vehicle.

Police Officer Timothy Abernethy, Houston Police Department, TX, EOW: Sunday, December 7, 2008, Cause of Death: Gunfire.

Deputy Sheriff Brian Denning, Sumner County Sheriff's Department, TN, EOW: Monday, December 8, 2008, Cause of Death: Automobile accident.

Senior Trooper William Hakim, Oregon State Police, OR, EOW: Friday, December 12, 2008, Cause of Death: Bomb.

Captain Tom Tennant, Woodburn Police Department, OR, EOW: Friday, December 12, 2008, Cause of Death: Bomb.

Officer Joseph Sanders, California Highway Patrol, CA, EOW: Monday, December 15, 2008, Cause of Death: Struck by vehicle.

Police Officer Mark Simmons, Amarillo Police Department, TX, EOW: Wednesday, December 17, 2008, Cause of Death: Automobile accident.

Deputy Sheriff Jeremy Keith Carter, Evangeline Parish Sheriff's Department, LA, EOW: Friday, December 19, 2008, Cause of Death: Duty related illness.

I yield back the balance of my time.
Mr. LYNCH. Mr. Speaker, again, I urge my colleagues, in memory of Officers Chestnut and Gibson and others that have been named by my friend from Texas, to join me and Mr. POE of Texas in supporting the goals and ideals of Peace Officers Memorial Day by voting in favor of House Resolution 47.

I yield back the balance of my time.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 47.

The question was taken.
The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF AMERICA SAVES WEEK

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 180) supporting the goals and ideals of the third annual America Saves Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 180

Whereas financial security is one of the most important issues for most Americans whether it involves saving enough for their children's college education, saving for an unforeseen emergency, a house, or their retirement;

Whereas personal savings as a percentage of disposable income has been low, reaching a 12-month average of 0.6 percent in 2007 before rebounding to a 12-month average of 1.7 percent in 2008, according to Bureau of Economic Analysis data;

Whereas 43.5 percent of American families reported they did not save in 2007, according to the 2007 Federal Reserve Board's Survey of Consumer Finances, which also found that less than half of the population has a savings account, one month of savings or liquid assets, much less the recommended 6 to 12 months worth of emergency savings they might need for an incident such as unexpected unemployment, a medical crisis, rent or a mortgage payment adjustment enabling them to avoid foreclosure;

Whereas a 2008 Survey by the Employee Benefit Research Institute found that there are "savers" and "spenders" in all income classes and almost all have the ability to build wealth through contributions to a workplace retirement program, building home equity, and other savings;

Whereas older Americans are more likely to live within 200 percent of poverty than any other age group, according to the 2009 Employee Benefit Research Institute's Databook, and more than 60 percent of the current elderly population relies on Social Security for over three-fourths of their annual income according to a 2009 Social Security Administration report on Income of the Elderly over Age 55, 2006, and the average savings of retirees remains at \$50,000 according to the Federal Reserve Board's Survey of Consumer Finances for 2007, and the current financial crisis is draining those funds;

Whereas America Saves, managed by the Consumer Federation of America, was established 8 years ago as an annual nationwide campaign that encourages consumers, especially lower-income households, to enroll as American Savers and establish a personal savings goal in an effort to build personal wealth and enhance financial security;

Whereas America Saves now has 53 local, State and national campaigns working with over 500 mainstream financial institutions which provide no-fee or low-fee, low-opening-balance savings accounts that allow small savers to achieve success;

Whereas government and non-government entities at the local, State and national levels organize America Saves campaigns to encourage individuals to open a savings account, participate in workplace retirement programs, and devise a savings plan;

Whereas over 1,000 local, State, and national organizations have motivated more than 145,000 people to enroll as American Savers; and

Whereas establishing automatic and habitual savings is a primary focus for this year's America Saves Week, a theme reflected in the work of the Financial and Economic Literacy Caucus, Federal agencies, non-profits, community-based groups, private sector organizations, and the Employee Benefit Research Institute and its America Savings Education Councils Choose-to-Save Campaign: Now, therefore be it

Resolved, That the House of Representatives—

(1) recognizes the importance of savings to financial security;

(2) supports the goals and ideals of "America Saves Week";

(3) acknowledges the tireless efforts of the late Congresswoman Stephanie Tubbs Jones to eliminate predatory lending, increase the nation's savings rate, and improve the overall economic situation of all those residing in the United States; and

(4) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the week with appropriate programs and activities with the goal of increasing the savings rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HINOJOSA. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in strong support of House Resolution 180, supporting the goals and ideals of the third annual America Saves Week, which runs from February 22 to March 1.

Mr. Speaker, I want to take this opportunity to thank Chairman FRANK for his assistance in bringing this important and timely resolution to the House floor.

I also want to express my sincere appreciation for all that my friend, Congresswoman JUDY BIGGERT, has done over the years to help improve the financial literacy rates for all the individuals across the United States at all stages of life. In 2004, she and I co-founded and currently co-chair the Financial Economic Literacy Caucus. Without Congresswoman BIGGERT, I don't think we would have gotten as far as we have promoting financial literacy and, hopefully, making a measur-

able difference. I must say that we definitely have let the financial literacy genie out of the bottle.

I also want to take this opportunity to thank Congresswoman BIGGERT's staff, Nicole Austin and Zachary Cikanek and all they are doing to help JUDY and me to attain our goal.

Financial literacy is one of the most important issues for most Americans, whether it involves saving enough money for their children's college education, saving for an unforeseen emergency, a house, maybe a car, or their retirement.

The personal savings rate has been low, reaching a 12-month average of 0.6 percent in 2007 before rebounding to a 12-month average of 1.7 percent in 2008. The 2007 Federal Reserve Board's Survey of Consumer Finances found that only 44 percent of American families reported that they did not save in 2007. Furthermore, the survey found that less than half of the population has the following: number 1, a savings account; number 2, a month of savings or liquid assets; and number 3, the Federal Reserve Board's survey also found that those folks residing in the United States don't have 6 to 12 months worth of emergency savings they might need for an incident such as unexpected unemployment, a medical crisis, rent or a mortgage payment adjustment enabling them to avoid foreclosure.

Research has found that there are savers and there are spenders in all income classes, and almost all have the ability to build wealth through contributions to a workplace retirement program, building home equity and other savings.

Older Americans are more likely to live within 200 percent of poverty than any other age group, and more than 60 percent of the current elderly population relies on Social Security for three-fourths of their annual income. What I find even more alarming is that the average savings of retirees remain at \$50,000, and the current financial crisis is draining those funds.

To shed light on all these shortcomings, as well as provide ways to address them, America Saves, managed by the Consumer Federation of America, was established 8 years ago as an annual nationwide campaign that encourages consumers, especially lower income households, to enroll as American savers and establish a personal savings goal in an effort to build personal wealth and to enhance financial security. America Saves now has 53 local, State and national campaigns working with over 500 mainstream financial institutions like banks, which provide no-fee or low-fee or low-opening-balance savings accounts that allow small savers to achieve success.

Government and non-government entities at the local, State and national levels organize America Saves campaigns to encourage individuals to open

savings accounts, to participate in workplace retirement programs, and devise a savings plan. As a result of America Saves, over 1,000 local, State and national organizations have motivated more than 145,000 people to enroll as American savers.

The primary focus of this year's America Saves Week is establishing an automatic and habitual savings, a theme reflected in the work of the Financial and Economic Literacy Caucus, Federal agencies, non-profits, community-based groups, private sector organizations and the Employee Benefit Research Institutes and its America Savings Educational Council's Choose to Save Campaign. I personally have a 5 percent deduction made from my payroll check and have it placed into my savings account in the Federal Thrift Savings Program.

I want to acknowledge the tireless efforts of the late Congresswoman Stephanie Tubbs Jones to eliminate predatory lending, increase the Nation's savings rate, and to improve the overall economic situation of all those residing in the United States. I respected her personally, and want all those listening today, and for all those who will read today's CONGRESSIONAL RECORD far into the future, to know how much we respected her, that we miss her and honor her today for her relentless dedication to protecting consumers at a very difficult time. Through her efforts and hopefully, now those of the Financial and Economic Literacy Caucus, Congresswoman BIGGERT and I co-founded and now co-chair, we hope to protect our constituents and encourage savings.

I am very pleased that Federal agencies, States, localities, schools, nonprofit organizations, businesses, other entities and the people of the United States are observing the third annual America Saves Week with a goal of increasing the savings rates for individuals of all ages and of all walks of life.

I strongly encourage my colleagues to support this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today as the lead Republican cosponsor of the America Saves Week resolution, and urge my colleagues to support it.

I'd like to thank my good friend and fellow Chair of the House Financial and Economic Literacy Caucus, Congressman HINOJOSA, for sponsoring this important resolution and for all the work that he has done on financial literacy.

In addition, I'd like to join Congressman HINOJOSA in honoring and thanking the late Congresswoman Stephanie Tubbs Jones, who previously sponsored the resolution in the House and was a strong advocate for financial literacy throughout her career. She was a dear friend and will be remembered always.

Mr. Speaker, in our current economic climate, the need to improve the financial literacy and the financial security of Americans is greater than ever. Now more than ever, it is clear that promoting savings is critical to ensuring that families have the economic buffer they need to weather periods of economic hardship. And efforts to stimulate the economy cannot succeed unless we equip Americans with the knowledge and resources they need to thrive in today's sophisticated market.

This resolution emphasizes the importance of savings and achieving financial security. Less than half the population has a savings account, 1 month of savings or liquid assets, let alone the recommended 6 to 12 months of savings to have on hand in case of unforeseen events such as a medical issue or job loss. There are no rainy day things that people have today.

In conjunction with America Saves Week, this resolution encourages Americans to plan ahead for such unexpected events and grow wealth, not debt. Controlling expenses and increasing savings each month will prove to be invaluable in improving the financial security of Americans.

I strongly urge my colleagues to support this resolution and encourage savings during America Saves Week and throughout the year.

Mr. Speaker, I reserve the balance of my time.

Mr. HINOJOSA. I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I would like to yield 4 minutes to my colleague from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank my colleague.

I have enjoyed working with my good friend, Congressman HINOJOSA. We in the Texas delegation, I know, Mr. HINOJOSA knows, we work more closely together, I think, than almost any delegation in the country and take a great deal of pride in being Texans.

□ 1045

I thank my colleague for his earnest and sincere resolution which he presents to the Congress today in an effort to encourage individual Americans to increase their savings. My good friend JUDY BIGGERT has coauthored this, and it is a noble and worthwhile resolution.

However, as we, the Congress, adopt this resolution that designates this week as America Saves Week, I think it's important to point out, Mr. Speaker, the incredible and dramatic contrast between the goal we are setting here today for individual Americans and the complete opposite direction that the leadership of this Congress and the President pointed out last night.

I am reminded that Will Rogers often said he didn't tell jokes; he just reported on what Congress did. Today, Congress is asking the American people

to save money; yet this new liberal majority in Congress has spent more money in less time than has any Congress in history. Today is the 20th legislative day we've been in session, and counting the \$400 billion appropriations bill on the floor today, we have already spent about \$1.3 trillion—all of it debt. The United States Congress is paying our mortgage with a credit card; yet we're passing a resolution to encourage America to save money. This is absurd.

We have today the new governing majority in Congress, the new President. This new direction he has taken us in is off a financial cliff. Yet we're telling Americans to save more money? Every nickel we spend today this Congress is putting on our children's credit card. We are literally, Mr. Speaker, paying America's mortgage with a credit card. It is unaffordable and unsustainable. Last night, the President laid out all of the new spending programs piled on top of this. It really does remind me of what Will Rogers said, that he didn't tell jokes; he just reported on what Congress did. This is a wonderful goal for not only individual Americans but for the United States Congress.

How about let us really have the United States Congress follow some of the guidelines in this resolution. Let us make sure that we in Congress are not spending more than we bring in, as we tell individual Americans to do. Let us make sure that we in Congress have enough of a cushion, as the resolution tells individual Americans, so that we can be ready and that we want individual Americans to be ready "for an incident such as an unexpected crisis."

Are we ready for an earthquake in California, America? Are we ready for another hurricane? What about a terrorist attack? What financial cushion does America have to pay for the cost of another 9/11 when this Congress has driven America deeper into debt than any Congress in the history of the United States? Never before have so few spent so much money in so little time with so little regard for the financial security of future generations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. BIGGERT. I yield the gentleman an additional 30 seconds.

Mr. CULBERSON. Mr. Speaker, I think it's important to remember that Americans have always taken pride in the fact that we, current generations, have always sacrificed today so that our children would live a better life.

It is important, I think, for the Congress, for this liberal majority and for this new President to take my good friend Mr. HINOJOSA's and Mrs. BIGGERT's resolution to heart. Let us quit spending money we don't have. Let this Congress quit living beyond its means, and let it truly secure the financial safety and security of future generations by cutting spending and

cutting taxes to get this economy back on track. Walk away from these massive new expansions of entitlements. We've already spent \$1.3 trillion in the first 20 days. We've almost doubled the annual budget of the United States in one stroke.

Mr. HINOJOSA, Mrs. BIGGERT, thank you for bringing this resolution to Congress. Let us make sure that Congress saves.

Mr. HINOJOSA. Mr. Speaker, I am quite surprised to hear the thoughts and ideas of my friend from Texas, and I am of the total opposite belief.

I say that saving at this time is the right thing for America, and that is why we saw such an increase in savings in 2008, because the American public has lost confidence, has lost hope in what happened to the stock market in 2008. So I say that Americans are correct in saving their money in ways that they know how and that they follow the ideas that this organization that Mrs. BIGGERT and I have been championing, because it is the right thing to do. I urge all Members of this Congress to vote in favor of this resolution.

I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, before I close, I would also like to thank Greg Davis of Mr. HINOJOSA's staff and Andrea Pivarundas from my staff, as well as Nicole Austin, for their work on this resolution. I would also like to thank Dallas Salisbury of EBRI and all of the other individuals and groups promoting savings in America. Particularly, I would like to thank Chairman HINOJOSA for all the work that he has done on this issue. I have enjoyed working with him. Thank you.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 180.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal, de novo;

House Resolution 47, by the yeas and nays;

House Resolution 180, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 169, not voting 16, as follows:

[Roll No. 80]

YEAS—246

Abercrombie	Dicks	Kind
Ackerman	Dingell	Kirk
Adler (NJ)	Doggett	Kissell
Andrews	Doyle	Klein (FL)
Baca	Driehaus	Kosmas
Bachmann	Edwards (MD)	Kratovil
Baird	Edwards (TX)	Kucinich
Baldwin	Ellison	Lance
Barrow	Engel	Langevin
Becerra	Eshoo	Larsen (WA)
Berkley	Etheridge	Larson (CT)
Berman	Farr	Latham
Berry	Fattah	Lee (CA)
Bishop (GA)	Filner	Levin
Bishop (NY)	Forbes	Lewis (GA)
Blumenauer	Foster	Lipinski
Bocciari	Frank (MA)	Loeb sack
Boren	Fudge	Lofgren, Zoe
Boswell	Gerlach	Lowey
Boucher	Gonzalez	Lujan
Boyd	Goodlatte	Lynch
Brady (PA)	Gordon (TN)	Maffei
Braley (IA)	Grayson	Maloney
Bright	Green, Al	Markey (CO)
Brown, Corrine	Green, Gene	Markey (MA)
Brown-Waite,	Griffith	Marshall
Ginny	Grijalva	Massa
Butterfield	Hall (NY)	Matheson
Cao	Halvorson	Matsui
Capps	Hare	McCarthy (NY)
Capuano	Harman	McClintock
Cardoza	Hastings (FL)	McCollum
Carnahan	Heinrich	McDermott
Carson (IN)	Heller	McGovern
Castor (FL)	Herseth Sandlin	McIntyre
Chandler	Higgins	McMahon
Clarke	Hill	McNerney
Cleaver	Himes	Meek (FL)
Clyburn	Hinches	Meeks (NY)
Cohen	Hinojosa	Melancon
Connolly (VA)	Hodes	Michaud
Conyers	Holden	Miller (NC)
Cooper	Honda	Miller, George
Costa	Hoyer	Mollohan
Costello	Inslee	Moore (KS)
Courtney	Israel	Moore (WI)
Crowley	Jackson (IL)	Moran (VA)
Cuellar	Jackson-Lee	Murphy (CT)
Cummings	(TX)	Murphy, Patrick
Dahlkemper	Johnson (GA)	Murtha
Davis (AL)	Johnson (IL)	Nadler (NY)
Davis (CA)	Johnson, E. B.	Napolitano
Davis (IL)	Kagen	Neal (MA)
Davis (TN)	Kanjorski	Oberstar
DeFazio	Kaptur	Obey
DeGette	Kennedy	Olver
Delahunt	Kildee	Ortiz
DeLauro	Kilpatrick (MI)	Pallone
Dent	Kilroy	Pascarell

Pastor (AZ)	Schakowsky	Thompson (MS)
Paulsen	Schauer	Tierney
Payne	Schiff	Titus
Peters	Schrader	Tonko
Pingree (ME)	Schwartz	Towns
Pitts	Scott (GA)	Tsongas
Polis (CO)	Scott (VA)	Van Hollen
Pomeroy	Serrano	Velázquez
Posey	Sestak	Visclosky
Price (NC)	Shea-Porter	Walz
Rahall	Sherman	Wasserman
Rangel	Shuster	Schultz
Reichert	Simpson	Waters
Reyes	Sires	Watson
Richardson	Skelton	Watt
Rodriguez	Slaughter	Waxman
Rothman (NJ)	Smith (WA)	Weiner
Roybal-Allard	Snyder	Welch
Ruppersberger	Speier	Wexler
Ryan (OH)	Spratt	Whitfield
Salazar	Sutton	Wilson (OH)
Sánchez, Linda	Tanner	Woolsey
T.	Tauscher	Yarmuth
Sanchez, Loretta	Taylor	
Sarbanes	Teague	

NAYS—169

Aderholt	Foxx	Myrick
Akin	Franks (AZ)	Neugebauer
Alexander	Frelinghuysen	Nunes
Altmire	Gallegly	Nye
Arcuri	Garrett (NJ)	Olson
Austria	Giffords	Paul
Bachus	Gingrey (GA)	Pence
Barrett (SC)	Granger	Perlmutter
Bartlett	Graves	Peterson
Barton (TX)	Guthrie	Petri
Biggert	Hall (TX)	Poe (TX)
Bilbray	Harper	Price (GA)
Bilirakis	Hastings (WA)	Putnam
Bishop (UT)	Hensarling	Radanovich
Blackburn	Herger	Rehberg
Blunt	Hoekstra	Roe (TN)
Boehner	Holt	Rogers (AL)
Bonner	Hunter	Rogers (KY)
Bono Mack	Inglis	Rogers (MI)
Boozman	Issa	Rohrabacher
Boustany	Jenkins	Rooney
Brady (TX)	Johnson, Sam	Ros-Lehtinen
Brown (GA)	Jones	Roskam
Brown (SC)	Jordan (OH)	Royce
Buchanan	King (IA)	Ryan (WI)
Burgess	King (NY)	Scalise
Burton (IN)	Kingston	Schmidt
Buyer	Kirkpatrick (AZ)	Schock
Calvert	Kline (MN)	Sensenbrenner
Camp	Lamborn	Sessions
Cantor	LaTourette	Shadeeg
Capito	Latta	Shimkus
Carney	Lee (NY)	Shuler
Carter	Lewis (CA)	Smith (NE)
Castle	Linder	Smith (NJ)
Chaffetz	LoBiondo	Smith (TX)
Childers	Lucas	Souder
Coble	Luetkemeyer	Space
Coffman (CO)	Lungren, Daniel	Stearns
Cole	E.	Stupak
Conaway	Mack	Sullivan
Crenshaw	Manzullo	Terry
Culberson	Marchant	Thompson (CA)
Davis (KY)	McCarthy (CA)	Thompson (PA)
Deal (GA)	McCaul	Thornberry
Diaz-Balart, L.	McCotter	Tiahrt
Diaz-Balart, M.	McHugh	Tiberi
Donnelly (IN)	McKeon	Turner
Dreier	McMorris	Upton
Duncan	Rodgers	Walden
Ehlers	Mica	Wamp
Ellsworth	Miller (FL)	Westmoreland
Emerson	Miller (MI)	Wilson (SC)
Fallin	Minnick	Wittman
Flake	Mitchell	Wolf
Fleming	Moran (KS)	Young (AK)
Fortenberry	Murphy, Tim	Young (FL)

NOT VOTING—16

Bean	Hirono	Ross
Campbell	Lummis	Rush
Cassidy	McHenry	Stark
Clay	Miller, Gary	Wu
Gohmert	Perriello	
Gutierrez	Platts	

□ 1118

Ms. GRANGER and Mr. BURGESS changed their vote from “yea” to “nay.”

Mr. SHUSTER changed his vote from “nay” to “yea.”

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 80, had I been present, I would have voted “yea.”

SUPPORTING THE GOALS AND IDEALS OF PEACE OFFICERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 47, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 47.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 81]

YEAS—421

Abercrombie	Brown (GA)	Davis (AL)
Ackerman	Brown (SC)	Davis (CA)
Aderholt	Brown, Corrine	Davis (IL)
Adler (NJ)	Brown-Waite,	Davis (KY)
Akin	Ginny	Davis (TN)
Alexander	Buchanan	Deal (GA)
Altmire	Burgess	DeFazio
Andrews	Burton (IN)	DeGette
Arcuri	Butterfield	Delahunt
Austria	Buyer	DeLauro
Baca	Calvert	Dent
Bachmann	Camp	Diaz-Balart, L.
Bachus	Cantor	Diaz-Balart, M.
Baird	Cao	Dicks
Baldwin	Capito	Dingell
Barrett (SC)	Capps	Doggett
Barrow	Capuano	Donnelly (IN)
Bartlett	Cardoza	Doyle
Barton (TX)	Carnahan	Dreier
Bean	Carney	Driehaus
Becerra	Carson (IN)	Duncan
Berkley	Carter	Edwards (MD)
Berman	Castle	Edwards (TX)
Berry	Castor (FL)	Ehlers
Biggert	Chaffetz	Ellison
Bilbray	Chandler	Ellsworth
Bilirakis	Childers	Emerson
Bishop (GA)	Clarke	Engel
Bishop (NY)	Cleaver	Eshoo
Bishop (UT)	Clyburn	Etheridge
Blackburn	Coble	Fallin
Blumenauer	Coffman (CO)	Farr
Blunt	Cohen	Fattah
Bocciari	Cole	Filner
Boehner	Conaway	Flake
Bonner	Connolly (VA)	Fleming
Bono Mack	Conyers	Forbes
Boozman	Cooper	Fortenberry
Boren	Costa	Foster
Boswell	Costello	Foxx
Boucher	Courtney	Frank (MA)
Boustany	Crenshaw	Franks (AZ)
Boyd	Crowley	Frelinghuysen
Brady (PA)	Cuellar	Fudge
Brady (TX)	Culberson	Gallegly
Braley (IA)	Cummings	Garrett (NJ)
Bright	Dahlkemper	Gerlach

Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebback
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján

Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher

Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
McClintock
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Yarmuth
Young (AK)
Young (FL)

Campbell
Cassidy
Clay
Miller, Gary

NOT VOTING—10
Perriello
Platts
Rush
Ryan (OH)
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1127

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF AMERICA SAVES WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 180, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 180. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 14, as follows:

[Roll No. 82]

YEAS—415

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Bowwell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)

Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Ellison
Clarke
Cleave
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw

Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Forbes
Fortenberry
Foster
Foxy

Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebback

Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Petri
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)

Wittman
WolfWoolsey
YarmuthYoung (AK)
Young (FL)

NAYS—2

Flake

Paul

NOT VOTING—14

Berman
Campbell
Cassidy
Clay
HimesInslee
Issa
Miller, Gary
Perriello
PlattsRush
Ryan (OH)
Stark
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1134

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 184 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 184

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

SEC. 2. House Resolution 158 is laid on the table.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 184 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the conference report, which includes a waiver of section 425 of the Congressional Budget Act, which causes the violation of section 426(a).

The SPEAKER pro tempore (Mr. WEINER). The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the

point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed, the gentleman from Massachusetts, each will control 10 minutes of debate on the question of consideration.

After that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, this point of order is against the bill because it may contain unfunded mandates. We have in this body a question of consideration where we shouldn't move ahead with a bill if it might contain unfunded mandates.

Mr. Speaker, the point I want to make is we have no idea whether this contains unfunded mandates or not. I can't tell you definitively if it does, and here's why:

This is the bill. This is the bill that we received less than 48 hours ago. It contains, for example, roughly 9,000 earmarks. Now, somebody please correct me if I'm wrong, but I don't believe in my time here—it's getting heavy. I'll put it down. In my time here in 8 years I don't think I have ever seen a bill, and I know that it didn't happen prior to my time here, where one single bill has contained this many earmarks, 9,000. And let me point out this is a combination of nine bills, only three of which went even through the Committee on Appropriations. The rest of them didn't even go through the full committee, just the subcommittee. We didn't have the ability to go to the floor and challenge any of these. That just wasn't available to us.

So here we are today with this stack that we just got less than 48 hours ago and we are told that we have to pile through and try to see if these 9,000 earmarks, which is part of a spending bill that spends \$410 billion, to see if they're valid, to see if there is a Federal nexus, to see if there might be anything untoward. We don't know. None of us can actually go through that, and so we shouldn't proceed with consideration of this bill.

One way to look at it is that there are 9,000 earmarks in the bill. The way that we should look at it as well, and I don't know how many, nobody can tell me how many, but it's a safe bet to assume there are a few thousand, at least, no-bid contracts. These are earmarks that go to private companies that nobody else has a chance to bid on.

Now, one of the best lines I felt that the President used last night, and it was one of the greatest applause lines that we had and justifiably so, the President said we have had no-bid defense contracts with regard to Iraq, and we shouldn't. And the whole place

erupted in applause. I myself stood up. We shouldn't do that. Yet in this piece of legislation, we have at least a few thousand no-bid contracts. No-bid contracts that are going to private companies whose executives and the lobbyists who represent them have contributed millions of dollars to Members in this body, the same Members who have requested those earmarks.

Now, one need not suggest that there is anything untoward in any of them only to suggest that somebody on the outside certainly thinks there is. There is one group, the PMA group, who makes a habit of requesting a lot of earmarks in bills. In fact, in the 2008 defense bill, they got \$300 million in earmarks for their clients from this body. That same lobbying firm has clients receiving a dozen or so earmarks in this bill. These are earmarks to private companies. These are no-bid contracts that we are doing that we all stand up and applaud when the President says we shouldn't have no-bid contracts going to private companies, and yet in this piece of legislation we are going to consider today, unless we stop consideration, we're going to be approving thousands of no-bid contracts to private companies.

Now, can anybody in this body stand to tell me that that is right and proper? Are we upholding the dignity of the House and the decorum of the House by doing so? We know that there is an investigation going on right now of one of those firms that sought earmarks and received earmarks in this bill. A lobbying firm received several for their clients. Yet they remain in this piece of legislation.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Once again, Mr. Speaker, my colleagues on the other side of the aisle are using this procedural maneuver to try to prevent consideration of an important piece of legislation.

Technically, the point of order is about whether or not to consider this rule and ultimately the underlying bill. But we all know that it's really about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the merits of the legislation itself.

I oppose any effort to shut down debate in consideration of this bill, and I urge my colleagues to vote "yes" so we can consider this important piece of legislation on its merits and not kill it on a procedural motion.

□ 1145

The underlying bill we are talking about represents the compilation of nine appropriations bills from last year. There is important funding in here for health care, for education, for transportation, to help move our economy forward. Those who oppose the bill

can vote against it on final passage, but we must consider this rule, and we must pass this legislation today.

Mr. Speaker, I have the right to close, but, in the end, I will urge my colleagues to vote "yes" to consider the rule, and I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Arizona has 5 minutes remaining.

Mr. FLAKE. The gentleman makes a point that we should discuss the merits of the bill. This point of order is raised against continuing because we don't know if there are unfunded mandates in the bill.

Again, I will yield to the gentleman if he can assure me that there are no unfunded mandates in this bill, if he can say that he has read this piece of legislation or that he knows that there are none, because I think that it's incumbent upon us.

I will yield to the gentleman if he can make that assurance.

Mr. MCGOVERN. I thank the gentleman for yielding.

I will say to the gentleman, as far as I know, there are no unfunded mandates in this bill.

Mr. FLAKE. Thank you. As far as I know, there might be, there may not be.

But I can tell you, when you have a bill this large that we got just 48 hours ago, we simply don't know.

Typically, several years ago, we were having problems, we had Members of this body who were indicted and were convicted and are now in jail for earmark abuse. We said at that time that we should have reform, we should have transparency. We got some transparency, and that's great, and I applaud the other side of the aisle for doing what they did to bring this about.

Transparency, sunlight always illuminates, but doesn't always disinfect, contrary to popular belief. You have to follow up transparency with something else.

Some may say we have a transparent process now because we got copies of 9,000 earmarks 48 hours in advance of considering the legislation, but I don't have the ability, nor does any Member of this body, to actually challenge any of the 9,000 earmarks contained in this legislation.

Typically, appropriation bills come to the floor under an open rule, which allows Members of Congress to challenge specific earmarks. Are there one of these no-bid contracts, for example, that was lobbied for by the PMA group, a group that is now under Federal investigation that has since imploded just days after it was revealed they were under investigation?

Are some of these earmarks, perhaps, untoward? Many people would actually

like to challenge that, have the author, have the one who secured the earmark come to the floor and defend that earmark: "Here is why this company deserves a no-bid contract. Here is why I know, as a Member of Congress, that nobody else can provide the services that they can provide, and they deserve a no-bid contract. Here is why." We aren't allowed to do that, because this legislation is coming to the floor under a closed rule and no amendments like that are even offered. I can't challenge any earmarks in this legislation, nor can anybody in this body. It's one vote for the whole package.

We are better than that. The people who sent us here deserve better than that. This great institution deserves better than that. Let's not proceed with consideration of this legislation.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 2 minutes remaining.

Mr. FLAKE. Mr. Speaker, later today we will be considering a privileged resolution that is brought to the floor to ask the Ethics Committee to investigate the relationship between earmarks and campaign contributions.

We know, as I mentioned, that the Department of Justice is currently conducting that kind of investigation. Politico reported just a few days ago that several sources have said that the Department of Justice has been building a case based on earmarks and campaign contributions or investigating earmarks and campaign contributions.

Yet our own Ethics Committee guidelines state that earmarks that are received from those who we get a no-bid contract for are proper and not a problem.

My fear is that our own Ethics Committee here in the House has a different standard, a more lax standard than, perhaps, the Department of Justice has. And Members of Congress, who are securing earmarks or no-bid contracts for private companies, might be exposed more than they think they are.

And even if they aren't, upholding the dignity and decorum of this body dictates that we do something more here, that we actually have a process that is above reproach. And when you have investigations swirling out there over lobby firms and others, we aren't upholding the decorum and dignity of this body.

This resolution that we will consider later today is not a partisan resolution. No Member is mentioned. No party is mentioned. And before you vote to table this resolution, to kill it, please consider, don't we deserve better here?

Shouldn't we have a standard that's higher than indictment and conviction?

Don't the people who sent us here deserve a little better than that?

With that, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore. The gentleman has 9 minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I am going to urge my colleagues to vote "yes" on this motion so we can consider the underlying bill, which is a compilation of nine appropriations bills, which really represents kind of a completion of last year's work. There is money in here for important transportation projects, for health care projects, for education projects, all very important to get our economy moving again.

I would also say that the earmark process has been much improved since the Democrats took control of the Congress. There is more transparency, as the gentleman conceded, and I think there is more scrutiny given to individual earmarks.

But let me just say one other thing. I believe in the integrity, in the character of every single person that serves in this Congress, and I believe the people, Republicans and Democrats, do the best they can for their constituents. And I really take exception when the character of individuals in this Congress is brought into question and somehow a vague allegation is out there that there is something sinister going on.

The bottom line is that the vast majority of these earmarks go to things like emergency rooms at hospitals, go to bridges to help rebuild infrastructure, go to help schools and to help kids get an education.

I would say to the gentleman if he is uncomfortable with this process, that he should know that 40 percent of the earmarks that are in these underlying bills are Republican earmarks. And so that old saying, "Physician, heal thyself," I would suggest that he bring this up to members of his own conference.

But I believe that these bills represent the hard work of Republicans and Democrats. There are good things in these bills. We need to move forward on this. We can't delay. If we delay, I think it will have a negative impact on our economy.

So I want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 177, not voting 20, as follows:

[Roll No. 83]

YEAS—234

Abercrombie Green, Al
Ackerman Green, Gene
Adler (NJ) Griffith
Altmire Grijalva
Andrews Gutierrez
Arcuri Hall (NY)
Baca Halvorson
Baird Hare
Baldwin Harman
Barrow Hastings (FL)
Bean Heinrich
Becerra Heller
Berkley Herseth Sandlin
Berman Higgins
Berry Hill
Bishop (GA) Himes
Bishop (NY) Hinchey
Blumenauer Hinojosa
Boccheri Hirono
Boren Hodes
Boswell Holden
Boucher Holt
Brady (PA) Honda
Braley (IA) Hoyer
Bright Inslee
Brown, Corrine Israel
Butterfield Jackson (IL)
Capps Jackson-Lee
Cardoza (TX)
Carnahan Johnson (GA)
Carney Johnson, E. B.
Carson (IN) Kagen
Castor (FL) Kanjorski
Chandler Kaptur
Childers Kennedy
Clarke Kildee
Clay Kilpatrick (MI)
Cleaver Kilroy
Clyburn Kind
Cohen Kissell
Connolly (VA) Klein (FL)
Conyers Kosmas
Cooper Langevin
Costa Larsen (WA)
Costello Larson (CT)
Courtney Lee (CA)
Crowley Levin
Cuellar Lewis (GA)
Cummings Lipinski
Dahlkemper Loebach
Davis (AL) Lofgren, Zoe
Davis (CA) Lowey
Davis (IL) Lujan
DeFazio Lynch
DeGette Maffei
Delahunt Maloney
DeLauro Markey (CO)
Dicks Markey (MA)
Dingell Marshall
Doggett Massa
Donnelly (IN) Matheson
Doyle Matsui
Driehaus McCarthy (NY)
Edwards (MD) McCollum
Edwards (TX) McDermott
Ellison McGovern
Ellsworth McMahon
Engel McNerney
Eshoo Meek (FL)
Etheridge Meeks (NY)
Farr Melancon
Fattah Michaud
Filner Miller (NC)
Foster Miller, George
Fudge Mitchell
Giffords Mollohan
Gonzalez Moore (KS)
Gordon (TN) Moore (WI)
Grayson Moran (VA)

NAYS—177

Aderholt Barrett (SC)
Akin Bartlett
Alexander Biggert
Austria Bilbray
Bachmann Bilirakis
Bachus Bishop (UT)

Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradner
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Yarmuth

Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souders
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Barton (TX)
Boehner
Buyer
Campbell
Capuano
Cassidy
Davis (TN)
Frank (MA)
Lee (NY)
Miller, Gary
Perriello
Platts
Rangel
Rush

□ 1217

Messrs. CALVERT, McHENRY and SMITH of New Jersey changed their vote from “yea” to “nay.”

Mr. HELLER changed his vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 83, had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. McGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 184.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, H. Res. 184 provides for the consideration of H.R. 1105, the Omnibus Appropriations Act of 2009. The rule provides 1 hour of debate controlled by the Committee on Appropriations, and one motion to recommit with or without instructions. The rule also self-executes an amendment that blocks the automatic cost-of-living adjustment due to be provided to Members of Congress in 2010.

Mr. Speaker, I rise in support of this rule and in support of the Fiscal Year 2009 Omnibus Appropriations Act.

This bill, Mr. Speaker, represents the completion of last year's work. We are in this position today for one principal reason, George W. Bush failed to provide budgets that reflected the real needs of the American people. And his philosophy was essentially “my way or the highway.”

If he had gotten his way last year, he would have cut energy efficiency, renewable energy and weatherization programs. He would have cut education by eliminating vocational education programs, slashing higher education programs, and cutting programs to help teachers and improve technology. He would have cut healthcare access programs, even as the number of uninsured Americans grew. He would have frozen biomedical research funding and cut the Centers for Disease Control. And he would have cut State and local law enforcement grants and job training, employment services and worker protections curing this economic crisis.

So today, our job is to fix things, to clean up the mess of the last administration, and to help the American people.

Last night, President Obama gave an incredible speech, and he promised to do things differently. He promised an honest accounting of our Nation's needs. That may not seem revolutionary, but it's a big and positive change from the past 8 years.

For the first time, the costs of the wars in Iraq and Afghanistan will actually be included in the budget. The costs won't be covered up or hidden. No more gimmicks. The American people will know the real costs of these wars.

We will anticipate and budget for Federal dollars in response to national disasters like hurricanes, tornadoes, floods and earthquakes.

And President Obama, last night, pledged to cut the deficit in half by the year 2012, a promise to bring back fiscal responsibility. In short, there will be more truth-telling.

Mr. Speaker, we need to move forward, and I believe that we will. But first we need to dispense with last year's business.

Some of my friends on the other side complain that we shouldn't pass this omnibus bill today because it's too expensive. They complain that it will add to the deficit. It's interesting to hear my friends on the other side of the aisle worry out loud about the deficit. Where have they been for the last 8 years?

Facts are a stubborn thing, Mr. Speaker, and the facts speak for themselves. We are facing the worst economic crisis since the Great Depression, and we have the biggest debt in the history of the United States of America. This is something we inherited from my friends on the other side of the aisle. So it is somewhat ironic that the very people who drove this economy into a ditch are now complaining about the size of the tow truck.

I believe, Mr. Speaker, that we need to do whatever possible to get this economy back on track and to help the American people. The policies of the past, the same old same old, they failed. I believe this President has the political will to do the right thing. I believe he will get the economy back on track and he will get our fiscal house in order. And I believe that this Congress will support him.

What is before us, to put it simply, is help for States, cities and towns and for average people. There's an increase over current levels of appropriations. This, combined with the Recovery and Reinvestment Act, provides a lot of help to a lot of people.

This is not the bill, Mr. Speaker, that I would have written if it were solely up to me, and I don't believe it is the bill that Chairman OBEY would have written if it was solely up to him. This bill reflects bipartisan negotiations and bipartisan compromises.

I want to see more money in this bill, Mr. Speaker, for roads and bridges, more money for international food aid and anti-hunger programs like the McGovern-Dole Program and Food for Peace, and more money to combat climate change. I want to see Pell Grants fully funded, and I want to make sure that all eligible children receive a meal during the summer months if they receive a meal during the school year.

But I'm glad that we have reversed the Bush cuts on domestic priorities. I'm proud of the increased funding for WIC in this bill, funding that will help low-income pregnant mothers and newborns receive the healthy food that they need. And I'm pleased that this bill provides a 19 percent increase for the Food and Drug Administration, funding that will be used for critical oversight of our Nation's food supply so we don't have any more contamination scares like the recent peanut con-

tamination cases that we've recently seen.

This bill also increases funding for the Individuals with Disabilities Education Act by providing \$558 million above 2008 for a total of \$11.5 billion. And this bill provides \$550 million for the COPS program, a program critical to the safety of our cities and towns.

Mr. Speaker, we need to get this bill completed. We need to finish the job left over from the last Congress and turn the page, once and for all, on the last 8 years. I urge my colleagues to support this rule and the bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I stand in strong opposition to this closed rule. And Mr. Speaker, let me say this, that the gentleman from Massachusetts (Mr. MCGOVERN), my colleague and friend, has had a chance to sit here and blame George Bush for what was entirely this body's responsibility. I think that's an awkward position for anybody to be in, to blame the President of the United States for what we have done or what we will do.

The gentleman from Massachusetts quite plainly said that George Bush and Republicans tried to hide the real costs of the war and did not put it in fiscal terms to where it came out for the budget where we would all understand it and tried to hide it. Well, let me just say this, that we just passed an \$800 billion plus emergency spending bill that did exactly the same thing that he was saying George Bush did, Republicans did, about not being honest about what the real facts of the case are, hiding the budget money.

Mr. Speaker, the bottom line is that we're here today to debate a bill that was ready to go last June, and people are blaming George Bush for our inability to get that on the floor. And I think that that's just not true.

The bottom line is that this body decided, through the Democrat leadership, that they didn't want to move the bill forward because there was an election. And if there had been an election where tens of billions, hundreds of billions of dollars more would be passed by this Congress, then the American people would have seen that. Instead, they waited until after the election.

So I rise today in strong opposition to this completely closed rule, and to the ill-conceived underlying legislation. Week after week my friends on the other side of the aisle continue to bulldoze their massive spending bills on the floor of the House of Representatives, with no Republican input and no regular order, in this Congress.

This is the third time in a little over a month that I've managed a rule in this 111th Congress where my Democratic colleagues have had no hearings, no markups and allowed no amendments by Republicans. Senator HARRY REID yesterday was quoted as saying that he is going to allow Republicans

and Democrats to offer amendments in the Senate. So why won't Speaker PELOSI allow Members of this House the same privilege?

In an effort to encourage the Democratic leadership to uphold their promise to the American people of being the most open, honest and ethical Congress, I think, and our Republican leadership believes, that we should hold hearings and be held accountable for what we do, including Republican feedback and amendments. In a letter dated the 5th of this month, Speaker PELOSI and Majority Leader HOYER were asked if they would immediately post the text of the omnibus and all of the earmark and spending projects included. Yet, once again, our friends, the Democrats, have posted the text of this massive spending bill, which holds nine of the remaining 12 appropriations bills, only a day and a half before the vote. And yet our letter states that "in the midst of a severe recession, taxpayers should have a right to read and see each provision of this legislation." Taxpayers elected each and every one of us. We should be able to "evaluate the merit of each dollar of government spending that their children and grandchildren will be required to fund." I think Americans deserve better.

Last week I had the opportunity, when I was back home for the break, to speak to many constituents back in Texas, and they are growing increasingly upset and concerned with the amount of massive spending that this Democratic majority is pursuing. Last week President Obama signed a \$792 billion stimulus package into law that consisted of over \$500 billion in new spending. This week, my friends and our colleagues, the Democrats, are at it again. Now we're discussing a \$410 billion omnibus for a fiscal year that we're almost halfway through.

The legislation we're discussing today is actually an increase of 8.3 percent over the 2008 fiscal year funding, which is more than \$32 billion. The omnibus appropriations bill contains funding for many of the same agencies and programs that just received funds in the stimulus bill.

□ 1230

Therefore, to uncover the true level of spending for these programs this year, the funding levels of both bills should and must be combined. The combined FY 2009 funding for agencies, including the omnibus and the stimulus, is \$680 billion—\$301 billion more than these programs received in 2008—for a combined 80 percent spending increase this year, an 80 percent increase in spending this year alone.

Mr. Speaker, this week, the President held a fiscal responsibility summit that was attended by Republicans and Democrats. How can the President take my Democrat colleagues seriously when they spend another \$410 billion

after the \$792 billion stimulus? There is nothing fiscally responsible regarding designating \$1.2 trillion in spending in just 2 weeks.

American families and small businesses are making sacrifices across this country and are cutting expenses due to tough economic times. Yet this Democratic majority continues to spend like there is no problem at all. Worse yet, we are taking a bill that was completely marked up last year and are assuming that those same needs are needed now.

Republicans welcome President Obama's call for fiscal responsibility, and we are willing to make the hard choices necessary to bring fiscal responsibility to Washington. Republican leadership has called for a spending freeze, and in a letter to Speaker PELOSI and Majority Leader HOYER, this past Monday, we did exactly that.

At a time of deficits, a freeze would allow the Federal Government to continue functioning at current levels, just like we have been doing for the past 6 months, while showing the commitment to the American people that we, as Members of Congress, are taking this crisis very seriously.

Mr. Speaker, this Congress must do better than this to prevent the enormous growth of Federal spending from encroaching on the family budgets of Americans. I oppose this rule and the underlying legislation as it is currently drafted.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 5, 2009.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, U.S. Capitol, Washington, DC.

MADAM SPEAKER AND MAJORITY LEADER HOYER: Many weeks ago, you scheduled this week to consider the Fiscal Year 2009 omnibus spending bill. Now that you have announced that consideration will be delayed until after the President's Day recess, we remain troubled that the text of the bill has not been made available to the public and are concerned about the apparent precedent being established with massive spending bills in the 111th Congress. We urge you to make the text of the bill and explanatory statement available to all by posting it on-line and heeding President Obama's call for more transparency in government.

In the face of the highest deficit in our Nation's history, the Majority has asked the American taxpayers to fund nearly \$1.5 trillion in new government spending in just four short weeks. And yet now the Majority plans to spend hundreds of billions more without yet sharing the content of the bill with Republican Members or the public. In the midst of a severe recession, taxpayers have a right to see each provision of this legislation and evaluate the merit of each dollar of government spending their children and grandchildren are being required to fund.

Recent experience has demonstrated that transparency, scrutiny, and regular order are essential tools for crafting effective and prudent legislation. Vast spending bills that have been rushed through the House, such as

the so-called "stimulus," were hastily considered without adequate input from both sides of the aisle—and the American taxpayer is worse off for it.

Without regular order and sufficient time to examine this legislation how can the American people and Members of Congress know where the \$500 billion will be spent? What will the funding increases be for the final six months of fiscal year 2009? Sadly, if the Majority refuses to release at least the text of the omnibus, none of these questions will be answered before the House votes to add hundreds of billions more to the deficit.

Again, we urge you to make the text of the omnibus spending bill and explanatory statement available to the public immediately, allowing all sides to judge the merit of each taxpayer dollar spent.

Sincerely,

Representatives John Boehner; Mike Pence; Cathy McMorris Rodgers; Pete Sessions; David Dreier; Eric Cantor; Thaddeus McCotter; John Carter; Roy Blunt; Kevin McCarthy.

CONGRESS OF THE UNITED STATES,
Washington, DC, February 23, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. STENY HOYER,
Majority Leader, House of Representatives, Washington, DC.

MADAM SPEAKER AND MAJORITY LEADER HOYER: Last week the House rushed through passage of a 1,073-page spending bill with a total price tag of well over \$1 trillion. Many of the details of that legislation are still being revealed to the public, given that no one had sufficient opportunity to read the final bill before it was brought to the floor.

Reports now indicate that this week the House will consider a \$410 billion omnibus spending bill to increase government spending levels for the rest of Fiscal Year 2009. Once again, Republicans have not seen this bill, and the American people deserve to know how their tax dollars will be spent.

Rather than hastily forcing another massive, partisan spending bill through the House, we urge the Majority to allow the House to consider a spending freeze.

At a time of record deficits, a freeze would allow the federal government to keep functioning at current spending levels without requiring beleaguered taxpayers to pay for new spending increases. Congress could ensure that essential government functions are carried out without any cuts while still protecting taxpayers from spending increases during a time of economic hardship. Our nation now faces the highest deficit in its history, and we are plunging further into uncharted territory with the anticipated debt nearly doubling previous record levels as a percentage of GDP.

In light of welcomed press statements from Democrat leadership expressing the need for fiscal restraint, we are confident that you will agree with the merits of freezing rather than increasing discretionary spending at this time.

Sincerely,

JOHN BOEHNER,
Republican Leader.

MIKE PENCE,
Conference Chairman.

ERIC CANTOR,
Republican Whip.

THADDEUS MCCOTTER,
Conference Chairman.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My colleagues on the other side of the aisle want to defend George W. Bush's economic policies of the last 8 years. They can have at it. I think the American people want a change. That's what they voted for in this election. I would just like to show my colleagues:

This is a chart entitled "Record Deterioration" on the budgets under Republican administrations. You'll see that we get deeper into deficit spending under George Bush 1. Then the blue line represents Bill Clinton when, actually, we went into surplus. Then this red line that kind of goes after the charts represents the policies of George W. Bush. We are in a mess because of the reckless policies of the last 8 years, and we need to dig ourselves out of it.

I would also say to my friend that he says that there is no Republican input on this bill at all. Yet, as far as I can tell, he has seven earmarks in this bill. The gentleman from Florida, who is sitting next to him, has 24 earmarks. Forty percent of the earmarks in this bill is the Republicans'. How did they magically show up in this bill? The bottom line is there has been bipartisan cooperation and collaboration and negotiation on this bill, and we need to get this bill done because we need to move on.

At this point, Mr. Speaker, I would like to yield 3 minutes to the gentleman from Colorado, a distinguished member of the Rules Committee (Mr. POLIS).

Mr. POLIS. Mr. Speaker, I rise in support of the 2009 Omnibus Appropriations Act. I thank Chairman OBEY and his staff for their hard work and leadership on this legislation.

This bill funds essential education, health care and renewable energy programs which, especially in these tough economic times, we cannot afford to let fall behind. In addition, by reducing funding for ineffective initiatives, this bill promotes efficiency and echoes President Obama's call for fiscal responsibility last night.

Many districts and States across the Nation will benefit greatly from this legislation. My district in Colorado is an excellent example. We are home to a significant science and technology presence—the Space Science Institute, Sun Microsystems, the Nation's first Smart Grid City of Boulder, Colorado, NOAA, NCAR, and NIST. This bill provides \$394 million for the National Oceanic and Atmospheric Administration for climate research and \$819 million for the National Institute of Standards and Technology to promote American scientific competitiveness.

This bill will provide the resources to sustain important educational programs for America's young people. It increases funding to each of the four Head Start programs in my district, helping Colorado's low-income kids achieve a competitive edge in their future learning, access to financial aid

and Pell Grants, making college increasingly important in this competitive economy more affordable.

It also provides a much needed boost in the funding to support community health centers, which provide insured and uninsured Coloradans access to preventative and emergency health care.

This bill increases funding for public lands such as the Rocky Mountain National Park and the Arapaho National Forest in Colorado that have been neglected for far too long.

It provides the resources necessary for the Environmental Protection Agency's efforts to clean our air and water, and it funds important programs that address climate change and energy independence with substantial money invested in community programs and awareness.

I didn't come to Congress to place blame for our problems or to bicker about partisan solutions. I came to Washington to be part of the solution and to create opportunity. If we want to protect the American dream for our communities and stabilize our economy, we need to support our core programs and services upon which we all rely. This bill is another important step in the right direction.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the gentleman from Miami and from the Rules Committee (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to engage Chairwoman LOWEY of the State, Foreign Operations, and Related Programs Appropriations Subcommittee in a colloquy.

Madam Chairwoman, President Bush's fiscal year 2009 budget directs \$20 million for Cuba under the Economic Support Fund. This funding is critical U.S. assistance to those working for democracy and independent civil society in Cuba. The House voted overwhelmingly to increase funding for this important program in fiscal year 2008. However, funding for Cuba was not specifically designated in the report attached to the omnibus appropriations bill.

Can you clarify for the CONGRESSIONAL RECORD that it is the intent of the committee and of this Congress to provide \$20 million in the underlying legislation for this important program?

I yield to the chairwoman.

Mrs. LOWEY. I want to thank Mr. DIAZ-BALART, Ms. WASSERMAN SCHULTZ and Mr. SIRES for their leadership and interest in promoting democratic governance in Cuba.

While the omnibus does not list funding levels for all programs requested by the administration, funding is assumed at the administration's request unless otherwise noted in the bill and the statement.

I share the Member's concern of the lack of political freedom in Cuba, and

want to assure them it is the intent of this committee to provide \$20 million in the underlying legislation for this important program as requested in the President's budget submission.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, I wish to thank the distinguished chairwoman and her staff for working with Representatives DEBBIE WASSERMAN SCHULTZ, ALBIO SIRES, MARIO DIAZ-BALART, ILEANA ROS-LEHTINEN, and myself.

It is vital that this important program receives \$20 million to fully implement activities that range from democratic activism to humanitarian assistance that directly support the Cuban people, not the dictatorship, with the chairwoman's assurance of this full funding.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 4 minutes to the gentleman from Wisconsin, the chairman of the Appropriations Committee (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I detest the word "blame," and I don't want to use it in these circumstances. I don't want to say that we're here today because I blame President Bush for our differences on these bills. I would prefer to put it another way:

The President simply proposed budgets for the domestic appropriations which would have cut the Job Corps by \$50 million. It would have eliminated the employment service by \$103 million. It would have eliminated senior jobs programs. It would have eliminated vocational education. It would have eliminated Perkins, SEOG and LEAP student aid programs. It would have funded highway infrastructure \$800 million below the level guaranteed in the authorization bill. It would have cut airport modernization grants by 22 percent. It would have eliminated the Community Service Block Grant Program. It would have cut health care access programs by \$1 billion. It would have cut low-income heating assistance by \$570 million.

Outside of that, it was a terrific budget. So we simply had a stark disagreement with the White House. We simply had a difference of opinion.

The President said he would not sign these domestic bills unless we accepted his level of cuts. We said, "Sorry, but that's not the way the budget process works. We're supposed to be able to proceed, and so long as we confine the spending to the amount limited in the budget resolution, we're supposed to be able to proceed. That amount was some \$20 billion at variance from President Bush's budget." So we offered to the White House to at least split the difference. We offered to sit down and to negotiate and to split the difference right down the middle. The White House declined. So we said, okay, if that's the case, we're simply going to wait, take our chances on the election

and hope that we elect somebody to the White House who will negotiate like an adult. Now that is what has happened.

So we bring this bill here today. It essentially does two things: It provides the base funding for programs that are funded in the recovery act, without which the additional recovery funding could not succeed. Example, of the operating budget for the Social Security Administration. Example, the other half of the 50 percent that we need to keep our promises on Pell Grants. Example, the \$40 billion we need to keep our commitments on highway construction.

The omnibus also funds numerous critical programs not funded in the recovery act. We only touched about 20 to 25 percent of government accounts in providing funding in the recovery act. The other 75 percent of government did not receive any additional funds in that recovery act, and so we simply provided those funds in this bill. That is what we are doing.

With respect to earmarks, I would simply say that the process that we're following today is far more transparent than it was in the so-called "good old days." In the "good old days," subcommittee Chairs would come to the floor. They would pretend that there were not earmarks in these bills, and then they would call up the agency and say, "Hey, boys. I want you to do A, B, C, D, E, and F," and they would do A, B, C, D, E, and F totally hidden from public view.

Instead, today, you may not like the fact that Congress participates on an equal constitutional footing, but the fact is, under the process today, every single earmark that is out there has to be identified by name. It is on the Web, and people can examine them to see whether they think they're deserving or not.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield to the gentleman an additional 2 minutes.

Mr. OBEY. Now, from a standpoint of personal convenience, as chairman of the committee, I would much prefer that there would not be earmarks because then I wouldn't have to spend so much time in a hassle about them, but the fact is they represent the hole in the donut. Earmarks today are less than 1 percent of all of the funds in this bill. As a percentage of Federal spending, we have cut earmarks in half in this bill. I think that's doing pretty well. There are some people in this place who think that because Duke Cunningham fouled the nest with his corrupt practices that somehow we should eliminate all earmarks. With all due respect, that's like saying, because somebody gets drunk behind the wheel of a car, you ought to abolish the automobile.

The fact is, without the earmarking process, the White House and its anonymous bureaucrats would make every

single spending decision in government. So, if you're a well-connected corporation and you've got some buddies in the Pentagon, you can sit down on the inside and work out sweetheart deals, and nobody will ever be the wiser. Earmarking may have its problems like any other human endeavor, but at least it's out in the open. You can measure it. There is a degree of accountability that never existed before we proceeded with these reforms. I am proud of those reforms, and every Member of this body who voted for them on both sides of the aisle should be proud, too.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman, the ranking member of Natural Resources, the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this totally closed rule. As the ranking Republican on the House Natural Resources Committee, I especially object to a very dangerous policy rider that could seriously threaten new job creation and economic growth across our entire country.

□ 1245

Section 429 of this bill allows the Secretary of the Interior to withdraw, with no public notice and no public comment, two rules established during the Bush administration that ensure the listing of the polar bear as threatened under the Endangered Species Act is not transformed into a vast new expansion of government power to impose greenhouse gas emission regulations on economic activity across America.

Section 429 empowers the Interior Department or a Federal judge to limit potentially any carbon dioxide or other greenhouse gas emission in all 50 States using the polar bear and the Endangered Species Act as a regulatory vehicle.

We all want to protect the polar bear. As the Washington Post editorialized last year, "Though the polar bear deserves protection, the Endangered Species Act is not the means, and the Fish and Wildlife Service is not the agency to arrest global warming."

By wiping out this rule under 429, any increase in carbon dioxide or greenhouse gas emission would be subject to a potential lawsuit on the grounds that the action must first require consultation with the Fish and Wildlife Service to mitigate emissions.

What emits greenhouse gases? I will name a few examples, Mr. Speaker. It's building a new factory in Pennsylvania or a new school on an Indian reservation, it's farming and cattle ranching. Most all of the shovel-ready projects on the trillion-dollar stimulus bill would, in fact, be at risk.

Democrats know section 429 is extremely controversial so they slipped

this into this massive spending bill behind closed doors. Mr. Speaker, why the secrecy? The reason is obvious. Section 429 threatens the creation of new jobs in every State and can do real harm to our already troubled economy. This is a backdoor maneuver to warp the original purpose and intent of the Endangered Species Act to invent vast new climate change powers for the Federal Government to control economic activities.

Democrats claim section 429 is just an attempt to stop midnight rules completed at the end of the Bush administration. Yet, Mr. Speaker, these rules in the Bush administration were written in full compliance with the law. Democrats have written section 429 to say "forget all the laws; forget public comment from the American people. We don't have to follow the laws. Just wipe these legal rules off the books that put jobs and our economy at risk."

Mr. Speaker, I want to make note that last night the junior Democrat Senator from Alaska wrote to the Senate Democrat leadership expressing his deep concern and objections to this provision, the harm it could do to economic activity and that it should be removed from this legislation. That's exactly what we should be doing here today. And I ask my colleagues to support that action.

Again, Mr. Speaker, I strongly oppose this measure, and I urge my colleagues to open up the omnibus appropriations bill to amendment.

U.S. SENATE,

Washington, DC, February 24, 2009.

Hon. DANIEL INOUE,

Chairman, Senate Appropriations Committee,
U.S. Capitol, Washington, DC.

DEAR CHAIRMAN INOUE: I write to express my serious concern over Section 429 of the just-released House version of the Fiscal Year (FY) 2009 Omnibus Appropriations Bill, H.R. 1005, now being considered in the House of Representatives. This section, which was included in the bill without any advance notice, would provide significant new authority to the Secretaries of Commerce and Interior to potentially overturn two of the regulations the Bush Administration adopted under the Endangered Species Act. One of the rules is the Polar Bear Special 4(d) Rule, which has provided some much-needed legal certainty to the application of the Endangered Species Act to the North Slope of Alaska. The Secretary of the Interior would have 60 days from the date of enactment of the Omnibus Bill to withdraw or "reissue" the Special Rule for the polar bear issued on December 10, 2008.

The language of Section 429 is attached. If Section 429 is enacted as is, the Secretary would not have to comply with any statutory or regulatory provision that would normally affect such an action, including public notice or comments or consultation requirements. Significantly, Section 429 also authorizes the Secretary of the Interior to "reissue" the 4(d) Rule for the Polar Bear. It is unclear what actions the Secretary may take in reissuing the rule. While it is possible that the Secretary would only be authorized to reissue the Special 4(d) Rule as it

was previously published, under an alternative interpretation, the Secretary may be able to issue a revised rule, with major changes, without having to comply with the typical procedural requirements of the Administrative Procedure Act or the Endangered Species Act. The existing legislative history of the Omnibus Bill does not explain how Congress intends the term "reissue" to be interpreted. This lack of clarity will only cause more legal uncertainty, in an area of law where litigation already is rampant. Activities of numerous businesses operating in Alaska, and of the Inupiat people of the North Slope, will be caught in this void.

Additionally, there would be no "incidental take" protection if Section 429 is enacted and the polar bear 4(d) Rule is withdrawn, without a similar Rule in its place. Should the Secretary decide to withdraw the 4(d) Rule under Section 429, the polar bear would remain listed as a threatened species under the Endangered Species Act. Under the Department of the Interior's regulations, the full range of Section 9 prohibitions apply to all threatened species unless a species is subject to its own Section 4(d) rule. As such, the activities currently covered, and protected, by the 4(d) Rule would be at risk for incurring liability under the Endangered Species Act, should a take of a polar bear occur. This liability would extend even to minor, incidental impacts on polar bears from otherwise entirely lawful activities. This could endanger the public if a polar bear wanders onto a North Slope playground or village. This liability risk will remain until the Secretary promulgates new Section 4(d) regulations for the polar bear. Under this section, the protections built into the current 4(d) Rule could disappear without a replacement 4(d) Rule in the works.

I see no valid public policy reason to inflict on the people of the North Slope significant legal uncertainty and potential liability under the ESA, by congressionally waiving ordinary public notice and comment requirements that routinely apply in virtually all other settings. The inclusion of Section 429 is particularly disturbing in that it effectively "cherry-picks" and exempts certain regulations and has the effect of depriving the public of due process. Irrespective of whether one agrees or disagrees with the substance of rules adopted by the prior administration, this action sets a bad precedent. If the current administration disagrees with a rule previously adopted, there exists a process by which the rule can be reviewed and the notice and participation rights so citizens respected. Finally, the underlying policy goal at issue here—using the Endangered Species Act to regulate climate change—is far too important a matter to be decided without debate as a non-germane portion of an appropriations bill.

I understand that the House may move to strike Section 429 as an extraneous rider. If the motion to strike is not adopted, I respectfully request your assistance and leadership in seeking to omit the language from a Senate bill, or seeking to have the language omitted from any final House-Senate agreement.

Thank you for your consideration and assistance in this important matter.

Sincerely,

MARK BEGICH,

U.S. Senator.

Mr. MCGOVERN. Mr. Speaker, before I yield to Mr. OBEY to respond to the last speaker, I would like to express my surprise that he would oppose a bill in which he has 30 earmarks in it.

At this point, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I want to correct one misunderstanding on the endangered species proposal.

All this language does is to give the Secretary, the new Secretary, 60 days to re-examine the rule that was a mid-night change in the rule.

Mr. HASTINGS of Washington. Will the gentleman yield on that point?

Mr. OBEY. I'd like to finish my statement on this first, if I could.

All this does is give the Secretary 60 days to reconsider the rule and decide whether to go forward or not. This was a rule that was promulgated by the administration as they were going out the door after the election. And I have no idea what I think is the right public policy. I do not have any objection, however, to the new Secretary taking a look at it before he commits the country to a change in direction.

Now I'd be happy to yield.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

Two points. The reason this ruling came about was because of the listing of the polar bear and that the Bush administration started this process, which is required by law—

Mr. OBEY. I understand. I only have 1 minute.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McGOVERN. Mr. Speaker, I yield the gentleman from Wisconsin an additional 30 seconds.

Mr. OBEY. I only have 30 seconds.

My point is I understand they began the rule a long time ago, but they did not promulgate it until after the election and all this does—this does not reverse the rule; it simply gives the new administration the latitude to determine whether they should go ahead or not. It leaves the situation in neutral, and I think that's a fair thing to do.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. OBEY. Sure.

Mr. HASTINGS of Washington. There's probably some disagreement on the rule. But why not go through the regular process to change the rule? You're doing it without any regular process.

Mr. OBEY. I think the regular process would have been for the administration not to promulgate a new rule after the election when they were no longer accountable.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2½ minutes to the distinguished gentleman from Texas, a bright young member of the Republican Conference, JEB HENSARLING.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, as our countrymen are hurting, as our unemployment news grows grim, what is the answer of the

Democrat majority? They have brought us the largest single 1-year increase in the Federal deficit; they have brought us the largest deficit ever, \$1.2 trillion, 8.3 percent of our economy; they've brought us the largest government debt ever, a debt that will be passed on to our children and grandchildren. And today they bring the largest regular appropriations process in history to the floor totaling at \$1 trillion.

They have achieved, Mr. Speaker, a trifecta of trillions: a trillion dollars to stimulate government, a trillion dollars of Federal deficit, a trillion dollars for a regular appropriations bill.

This bill, Mr. Speaker, is going to grow the government 8.3 percent. Washington can grow 8.3 percent, the Federal budget can grow 8.3 percent. But the family budget, which has to pay for the Federal budget, only grew at 1.3 percent last year. So somehow Washington is entitled to almost a six-fold increase in their budget but working families are not?

You know, I don't see it. I don't see it, Mr. Speaker.

Now, something I do see is an old quote from Yogi Berra: "It's déjà vu all over again."

So now I'm seeing \$3.13 billion for the 2010 census on top of the billion dollars that was given to the census in the so-called stimulus bill; \$1.45 billion for Amtrak on top of the \$1.3 billion Amtrak received in the stimulus bill. And the list goes on and on.

Again, Mr. Speaker, this is more legislation designed to stimulate the government and not to stimulate the economy.

Let me give you a quote from one of our Secretaries of Treasury. He said, "We are spending more than we have ever spent before, and it does not work. We have never made good on our promises. After 8 years of this administration, we have just as much in unemployment as when we started, an enormous debt to boot." The Secretary of Treasury was Henry Morgenthau, FDR's Secretary of Treasury. Those words were spoken in 1939.

And now we see the example of Japan. Mr. Speaker, you cannot spend and borrow your way into economic prosperity. They had nothing to show for what they did in Japan. Ten stimulus bills, but no jobs, no economic growth, and the largest per capita debt in the world. We should reject following the Japanese way.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to remind the previous speaker and some of my friends on the other side that they have been in charge for 8 years in the White House; 6 of those 8 years they've been in charge of the Congress. They can't blame this on Bill Clinton who, by the way, left the White House with a surplus.

Mr. HENSARLING. Will the gentleman yield?

Mr. McGOVERN. This is the debt that has been accumulated during the Bush administration. The debt has doubled during this past administration. This is the legacy of their policy.

The election was about change. People have had it. People want investments, not in tax cuts for the wealthy, but they want investments in education—

Mr. HENSARLING. Will the gentleman yield?

Mr. McGOVERN. No. At this point I will not.

They want investments in transportation, in education, and in the future of this country. But this is what they created. This is undeniable. This is what happened during the Bush years: a doubling of the debt. And that is a legacy that our kids and our grandkids are going to have to pay for.

I give President Obama a great deal of credit in this tough economic crisis to not only understand that we need to invest in our people to help create jobs and to help get this economy back on the right track, but he also said last night very clearly that we are going to be fiscally responsible and we are going to cut the deficit in half in 4 years. That is a benchmark that he will be measured by, and I will tell you that I think that what he said last night was what the American people wanted to hear. It's why he won the election in November.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding once again.

And I was happy to see I could save the gentleman from Massachusetts the trouble of looking into his earmark books, as he will find none for me.

I noticed that the gentleman from Massachusetts didn't deny any of the factual assertions. Since Democrats took control of the Congress, we have the single largest 1-year increase in the deficit. He didn't deny it. Go to CBO. You'll find the fact.

We now have the largest deficit ever since Democrats took control of this Chamber. Go to CBO, you'll find out it's a fact. We have the largest government debt ever under Democrat control of this House. He did not deny the fact. I would also point out—since the gentleman has been in this body for quite some time—that it is Congress, it is Congress that passes budgets, not the White House, as much as he would like to blame all of this on the White House. It is Congress.

And every year I've been here, Mr. Speaker, whenever the Republicans have presented a budget—and I haven't been ecstatic about each and every one—my friends on the other side of the aisle present a budget with even more spending that ultimately leads to

higher taxes on struggling families in America. That is the fact.

Mr. McGOVERN. Mr. Speaker, I yield myself 5 seconds.

I just remind the gentleman that the Republicans controlled Congress for 6 of the last 8 years.

I reserve my time.

Mr. SESSIONS. Mr. Speaker, I would also remind the gentleman that for 6 of those 8 years, Republicans controlled this House of Representatives, and the economy was great because we didn't try and run the investor out on the terms of what's fair for the American people. Once we had tax increases yelled about every day on this floor of this House of Representatives, the investor got it.

So we've got a lot of fairness under the terms that my friends, the Democrats, wanted. And that is where it's called massive unemployment and economic chaos.

Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Hamilton, New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, yesterday I submitted two pro-life, pro-child, pro-women amendments to the Rules Committee and asked that they be made in order. Regrettably, both were rejected.

As a direct, absolutely predictable consequence of President Obama's abortion export order a few weeks ago nullifying the Mexico City policy, an Obama action that the Gallup poll found that 58 percent of the people oppose him, 35 percent support him—as a result of that order, there will be significantly more abortions worldwide, more dead babies, and more wounded women.

Now the number of innocent children forced to die from dismemberment, decapitation, or chemical poisoning by abortion will increase significantly mostly in Africa and Latin America.

The pro-abortion organizations who will divvy up the \$545 million pot of U.S. taxpayer grant money contained in the bill have made it abundantly clear that they will aggressively promote, lobby, litigate, and perform abortions on demand in developing countries. My amendment would have prevented that.

Flush with U.S. funding, foreign pro-abortion NGOs will be regarded in those countries as an extension of American values and mores. In your name and mine, and in the name of the American people pro-abortion organizations will unleash massive death, pain, sorrow, and destruction on babies, women, and families.

□ 1300

The second amendment, Mr. Speaker, would have preserved the Kemp-Kasten anti-coercion amendment. That amendment, while it's in the bill, is actually gutted by language also in the

bill that says that funds made available to the UNFPA shall be made available notwithstanding any other provision of law. So it's gutted. My amendment would strike the notwithstanding language and reiterate the anti-coercion text.

The U.N. Population Fund, Mr. Speaker, has actively supported, co-managed and whitewashed the most pervasive crimes against women in human history, yet the omnibus Appropriations bill gives them \$50 million and a slap on the wrist.

China's one-child-per-couple policy relies on pervasive coerced abortion, involuntary sterilization, ruinous fines in the amounts of up to 10 times the salary of both parents, imprisonment, job loss or demotion to achieve its quotas. In China today, with UNFPA enabling acquiescence and facilitation, brothers and sisters are illegal. Illegal kids—siblings! Women are told when and if they can have even the one child permitted by law. Unwed mothers, even if the baby is their first, are forcibly aborted.

Women are severely harmed emotionally, psychologically and physically, yet for the past three decades the UNFPA has been China's chief apologist as well as program trainer, facilitator and funder.

So, Mr. Speaker, how does Congress respond to the UNFPA's unconscionable complicity in China's crimes against Women? Do we demand reform, or the protection of Chinese women and children? Heck no. We gut the anti-coercion law and write a \$50 million check to the UNFPA.

Mr. Speaker, yesterday I submitted two pro-life, pro-child, pro-women amendments to the Rules Committee and asked that they be made in order under the pending rule.

Notwithstanding the fact that both the Mexico City Policy amendment and the Kemp-Kasten Anti-Coercion population control amendment have been fundamental foreign policy for the better part of two decades, the Democratic leadership chose to reject both, out of hand, precluding members so much as an up or down vote.

As a direct, absolutely predictable consequence of President Obama's abortion export order a few weeks ago nullifying the Mexico City Policy the number of innocent children who will be forced to die from dismemberment, decapitation, or chemical poisoning by abortion will increase significantly, mostly in Africa and Latin America.

According to a Gallup poll released earlier this month, overturning this pro-life policy was the least popular of the President's actions in his first week in office. In fact 58 percent of those polled opposed overturning the policy and only 35 percent supported funding groups that promote or provide abortion as a method of family planning.

The pro-abortion organizations who will divvy up the \$545 million pot of U.S. taxpayer grant money contained in the bill have made it abundantly clear that they will aggressively promote, lobby, litigate and perform abortion

on demand in developing countries. My amendment prevents that.

Flush with U.S. funds, foreign pro-abortion NGOs will be almost certainly regarded by people in foreign nations as extensions of American values and mores. Mr. Speaker, in your name and mine and in the name of the American people—pro-abortion organizations will unleash massive death, pain, sorrow and destruction on babies, women and families throughout the world.

President Obama—the Abortion President—has put countless innocent children in harm's way, all while speechifying that he wants to reduce abortion.

And please, let's not kid ourselves any longer. There is nothing whatsoever benign, kind or compassionate about abortion; it is violence against children and wounds women.

The second amendment would have ensured that the Kemp-Kasten anti-coercion proviso in the bill has meaning. On one page of the Omnibus, Kemp-Kasten is seemingly retained intact, only to be completely gutted by text which reads.

Funds appropriated by this act for UNFPA—\$50 million—“shall be made available to UNFPA notwithstanding any provision of law

The U.N. Population Fund has actively supported, co-managed, and white-washed the most pervasive crimes against women in human history.

Yet this bill gives them \$50 million and a slap on the wrist.

China's one-child-per-couple policy relies on pervasive, coerced abortion, involuntary sterilization, ruinous fines in amounts up to 10 times the salary of both parents, imprisonment, and job loss or demotion to achieve its quotas.

In China today with UNFPA enabling China's barbaric government policy, brothers and sisters are illegal. Imagine, a government so hostile to siblings that it makes them enemies of the state—and dead.

Women are told by Chinese family planning cadres when—and if—they can have even the one child permitted by law.

Unwed mothers—even if the baby is her first—are forcibly aborted. No exception.

Women are severely harmed emotionally, psychologically, and physically. Chinese women are violated by the state. The suicide rate for Chinese women—about 500 a day—far exceeds suicide anywhere else on earth.

Then there are the missing girls—about 100 million—victims of sex selection abortions. This gendercide is a direct result of the China/UNFPA one child policy.

In 2008—the U.S. State Department found once again that the UNFPA violated the anti-coercion provision of Kemp-Kasten and reprogrammed all funding originally earmarked for the UNFPA to other maternal health care or family planning projects.

Yet throughout the past three decades, the U.N. Population Fund has remained China's chief apologist, as well as program trainer, facilitator and funder.

So, finally, Mr. Speaker, how does Congress respond to the UNFPA's unconscionable complicity in China's crimes against women? Do we demand reform and protection of Chinese women and children? Heck no. We gut

the anti-coercion law and write a \$50 million check to the UNFPA.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me simply point out that our friends in the right-to-life community have made their concerns clear. They have asked this committee to retain virtually all of the limitations on abortions that have been in previous appropriations. The committee has done so in 19 of 20 items. That's a pretty good batting average I would suggest.

The only change that has been made with respect to abortion is the change with respect to the United Nations Population Fund. And here we retained all current law restrictions on family planning funds in China, which means UNFPA programs in China will not be funded. The bill does make some adjustments that allow certain expenditures for maternal health programs, including ensuring safe childbirth and emergency obstetrics care. The new provision does not in any way change current law restrictions on funding of UNFPA contra programs in China. I personally detest the Chinese programs and I agree with the gentleman's observations about the Chinese programs, but the adjustments simply allow this agency to proceed in 100 other countries.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, as a Republican moderate, I rise in support of the rule, but against the bill that it governs.

This rule would deny a pay raise to the Congress, and since Americans are not getting a raise, neither should we. But the ominous appropriations bill underlying this legislation is not responsible. It contains 9,000 earmarks, with no irony in the very same week as the Fiscal Responsibility Summit.

The earmarks in support of projects come from Republicans and Democrats, but none of them face the time that we see. Earmarks, remember, are sole-source Federal grants given without competition, many for clients of entities who paid lobbyists to reach into our Treasury.

Now, one set of earmarks in this legislation deserves particular scrutiny. The bill contains no less than a dozen earmarks for the clients of Paul Magliochetti and Associates, known as PMA. Agents from the FBI raided PMA 3 months ago, and yet I have seen, coming from Illinois, the signs of a Federal criminal investigation and know what they look like. And the signs are all there now that the Justice Department is moving to soon indict the leaders of PMA, but stunningly, this House is ready to approve no less than 12 PMA client earmarks in this

bill, reaching into the taxpayers' Treasury for \$8.7 million. It is simply not responsible to allow a soon to be criminally indicted lobbying firm to win funding—all borrowed money—in this bill.

This bill also dramatically accelerates spending by the Federal Government. We have approved a \$1 trillion stimulus bill; this is a \$410 billion omnibus appropriation; and then we will take up a supplemental appropriation bill—all borrowed money. The legislation contains no analysis of the borrowing required to support this spending.

The Bureau of the Public Debt reports that we will have to borrow \$150 billion a week to support this spending.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SESSIONS. I give the gentleman an additional minute.

Mr. KIRK. We will have to borrow an additional \$150 billion a week, the Bureau of Public Debt reports, to support this spending.

Now, the number of lenders to the United States Government used to total 45; they are now less than 17. And our top lender is China, its government and central bank, that just announced that its lending to the United States will drop from \$450 billion last year to just \$150 billion this year. Now, they've already lent us \$1 trillion, and they're worried that we can't repay. Would you blame them?

So I would hope, at a minimum, that when the conference meets on this legislation we delete the criminal earmarks, the 12 PMA earmarks, in conference. These leaders from PMA are likely going to jail, and their work should go unrewarded from our Treasury.

Mr. MCGOVERN. Mr. Speaker, let me just say I am grateful to the gentleman for supporting the rule. I'm glad he agrees with us that in this tough economic time we should not go forward with a pay raise for Members of Congress. But I would simply point out that passing the rule in and of itself doesn't deny Members a pay raise. You need to pass the rule and pass the bill; otherwise, it doesn't happen. So I would urge him maybe to rethink his position.

At this point, I would like to yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I would like to thank the chairman and subcommittee chairman on the Appropriations Committee for doing such a great job crafting this legislation.

Last night, President Obama said that a budget should be more than just a list of programs and dollar amounts, it's a document that should reflect our values as a Congress.

I'm proud to support this rule and this omnibus bill as a reflection of my values. Allow me to briefly mention

some of the programs that I'm proud to have worked with my colleagues to fund.

I'm very pleased that we have additional money in here for public housing capital funds. We have many of our large public housing projects that are in great disrepair, and to have just a decent quality of life we needed to expand support for these public housing projects. There is money for section 8 tenant-based vouchers, money for section 8 project-based vouchers, and then of course education and training.

We have my beloved Head Start program. That is going to ensure that 900,000 low-income children have access to high-quality preschool services, title I grants for low-income children, and money for dislocated workers.

In health, we're going to give additional support to community health centers, health professions training, and Missing Alzheimer's Disease Patient Alert Program; and of course some assistance in international aid for HIV and AIDS; and a little money for Haiti—that's the poorest country in the Western Hemisphere.

So I am very, very proud of this legislation, particularly in this time of economic crisis. It's vital that we continue to invest in our economy to keep our country strong.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Augusta, Georgia, Dr. PAUL BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

This rule is totally unfair, and it is a slap in the face to the American family. We are struggling all across America to try to make ends meet, but what are we doing here in Congress? We're growing the size of the Federal Government. The things that are included in this grows every one of these appropriations in whole by almost 8.5 percent, but the American public's budget isn't growing that much.

I presented an amendment to this huge abomination here that would have cut discretionary spending—not military spending, not veteran spending, but discretionary spending—by 10 percent. My amendment was not held in order. I was trying to help the American people, but we're having this forced down our throats. This is just another continued rolling of a steam roll of socialism down the throats of the American people and it's going to destroy our economy.

Just as an example of how grossly growing the Federal Government is, Labor HHS, with what is in this bill as well as what was in the nonstimulus bill just a couple of weeks ago, is growing by 91 percent just for that one department. Labor HHS approps is growing 91 percent. This is totally intolerable.

Just last night, the President stood right there and said he wanted to cut

the deficit in half by the end of his 4-year term. We're not cutting the deficit, we're growing government, and it's going to increase the Federal debt. This is intolerable, and this rule should be rejected.

Mr. SESSIONS. Mr. Speaker, at this time, I would like to yield 1½ minutes to the gentleman from Allentown, Pennsylvania.

Mr. DENT. Mr. Speaker, I just rise today to express my disappointment with the fact that we are operating under a closed rule. I appreciate the fact that we are going to eliminate the pay raise, I think that's appropriate, and I commend everybody involved with that. We should not be getting a raise at a time like this.

But ordinarily we operate under what's called an open rule so that we have the opportunity to offer amendments to appropriations measures, that is our custom. And I'm very disappointed that we're not allowed to do that.

We all talk about bipartisanship, as we should, and we should try to work for bipartisan legislation. In fact, the President just the other day said something to the effect that the majority needs to be inclusive and the minority needs to be constructive. I agree. And in that spirit, I offered an amendment to the Rules Committee yesterday that would have limited the increase in spending in this legislation to the rate of inflation at 3.8 percent. It was rejected on a party line vote. I think it would have been most appropriate. Again, that amendment was substantive, it was constructive, and would have benefited the American taxpayer.

I understand that we have an obligation to govern, that we must pass appropriations bills to fund the government; that is important and that's something we must do. But the fact that we're operating under this closed rule process, though, again, shuts so many people out of the process. It is unfair, it's unreasonable, it is not bipartisan, and I think we should heed President Obama's voice, that the minority should be constructive and the majority should be inclusive. And that is not what is occurring with respect to this Omnibus Appropriations Act.

I am disappointed. And like others, I intend to vote for the rule because it will eliminate the pay raise, so that's a good thing; but again, we need to get back to regular order.

Mr. SESSIONS. Mr. Speaker, the gentleman, Mr. FLAKE, had it right this morning when he said this bill is heavy, and it is. And this is the bill that we're getting ready to pass, hundreds of billions of more dollars that will be taken from the American people that we're borrowing this money.

Just last week, we passed a bill that was twice this size, all borrowed money. This is a bill that, by and large,

was put together last June and ready to go. We are now 5 full months through the fiscal year, and yet we decided to go ahead and do the exact same bill in the remaining 7 months; 8 percent increase if we had 12 months, now we've got 7 months left. All borrowed time, all borrowed money off of a system that now, months later, is under greater distress.

The American family, the American taxpayer, American business, even investors to this great country, like China—as we've heard the gentleman, Mr. KIRK, talk about—the investors, people who will pay for this debt, are growing weary of bigger and bigger government, of more and more spending.

And I do recognize that we disagree with each other on the floor based upon party lines, but at some point there has to be a reality check. And the reality check is that, since we decided to wait almost half a year, why not cut it in half? Makes sense to me. Perhaps that's common sense; perhaps it's just political shenanigans. But, Mr. Speaker, here we are today with 7 months remaining and we're going to cram down an 8.5 percent increase.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in strong support of the Omnibus Appropriations Act and the rule currently being debated in the House.

Division E of this bill provides \$27.6 billion for programs under the jurisdiction of the Interior and Environment Subcommittee. This is a modest increase of about 4½ percent over the 2008 funding level. These funds are critically needed to support the core activities of agencies which serve every American family and which benefit the taxpayers of this country. These agencies include the National Park Service, the U.S. Fish and Wildlife Refuge System, and the National Forest System. These land management agencies manage more than 600 million acres of publicly owned land and host more than 200 million visitors every year.

The bill also funds the Indian Health Service and the Bureau of Indian Affairs, which provide education, law enforcement, and health services for 4 million Native Americans. It includes the money to support the staff of the Department of the Interior, which develops the offshore and land-based energy resources of this country. These energy-related programs generate over \$20 billion of revenue for the Federal Treasury every year. It includes money for the EPA to support environmental protection activities in every congressional district affecting every single American family.

Mr. Speaker, I want to specifically address the question raised earlier as to why we need this omnibus money when we have just provided \$11 billion for the agencies in the American Recovery and Reinvestment Act signed last week. The basic answer is the stimulus legislation provides funding for infrastructure projects at these agencies, in particular funding to address the longstanding and well-documented maintenance backlogs. The omnibus bill we are considering today supports the operational costs of these agencies.

The recovery bill pays to repair Indian schools. This bill pays for the teachers.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. DICKS. The recovery provides funds to fix dilapidated Indian hospitals and clinics and allows purchases of critically needed medical equipment. The omnibus bill pays for the doctors, dentists, and nurses.

The recovery bill will improve the roads, bridges, trails, and visitor services facilities of our parks, refuges, and forests. The omnibus bill pays for the park rangers who provide visitor services and for the law enforcement rangers who protect those visitors.

The recovery bill will repair, rehabilitate, and build new water and sewer systems in over 500 communities. The omnibus bill includes funding to support efforts to protect public health by enforcing laws and regulation to ensure our air is fresh, our water is safe, and that our families are not exposed to dangerous toxins.

I want to commend Chairman OBEY for bringing this bill badly needed by the American people. These are important programs, and I appreciate his leadership on this bill and the staff of the committee as well.

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The Recovery bill will pay to improve border security by installing surveillance equipment and allowing purchase of better equipment for law enforcement personnel. But it is the Omnibus bill which pays for the refuge and park personnel who patrol the border areas which are overwhelmed by drug dealers and undocumented aliens. I toured this area last weekend on a Committee field visit and I can tell you these brave rangers and other law enforcement personnel face danger every day and desperately need the funding in this bill.

Mr. Speaker, a full-year Continuing Resolution will not adequately fund the operational costs of these agencies. Fixed costs average a little over 5 percent this year. If Congress simply extends the Continuing Resolution, agencies already suffering serious staffing shortfalls will have to further reduce staff. The Park Service will lose \$161 million. The wildlife refuges will lose \$29 million. The Bureau of Indian Affairs and the Indian Health Service will lose \$320 million. These cuts will have very serious consequences.

Let me give one very straightforward example of the impact of a full year Continuing Resolution. The Indian Health Service estimates that if they are forced to operate for the rest of the year under the Continuing Resolution that they will provide 2,800 fewer hospital admissions and 400,000 fewer outpatient visits. Screening for diabetes, cancer and other life threatening diseases will also be significantly reduced. These are very serious consequences.

Mr. Speaker, this bill we are considering today includes a very modest increase of 4.8

percent over the 2008 level for Interior and Environment programs. The recommendations have been developed through a fully bipartisan process. I urge adoption of the bill.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, last night here in the well, the President said that there were no pork barrel projects in this bill, and now we find out there are over 9,000 pork barrel projects. Some people in the other Chamber said that the American people don't care about those pork barrel projects. I think they do.

And I think the American people care about our kids. We are stealing from our children and future generations. And let me just tell you why I say that.

We spent \$700 billion in the TARP bill. We don't even know where half of that money went, \$350 billion. We spent \$14 billion on the auto industry. That's just the beginning. And there wasn't even a plan. If there had been a plan, it would have been a different situation. We spent \$787 billion plus interest, which is going to take it over \$1 trillion, on the stimulus bill, and we don't know if that's going to work. And we have got these 9,000 pork barrel projects that are in this bill, which is \$408 billion. You add all that up plus the national health care, which the President said we are going to have to have here very quickly, and you don't have any idea how much money we're talking about. Mr. Geithner said \$2 trillion is going to go in to help bail out the financial institutions. You add all of that up and it is an astronomical amount of printing of money and borrowing of money, and we don't have it. And we're borrowing from our kids and future generations.

And then on top of that, the President said he was going to cut the deficit in half in 4 years. That is not possible. It is just not possible. And I just hope the American people are paying attention, Mr. Speaker, because we're playing with funny money in this place and we're hurting the future generations of this country.

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

Listening to my friend from Indiana talking about funny money and fiscal responsibility, well, you know, we didn't hear that from you when those on the other side ran the economy into the ditch for the last 8 years, turning a \$5 trillion surplus into a massive budget deficit. If he would have listened to the President last night, he would have heard that the President said the economic recovery package had no earmarks. Now, even though this Omnibus

has one-fourth of the earmarks that the previous Republican crew had when they ran the place, the President wasn't talking about today's bill. He was talking about the economic stimulus.

I appreciate the hard work of the committee in bringing this forward. As we know, this work was largely done last year but we had a President that was running out the clock. He wouldn't work with the committee to deal with then what our established budget resolution was. He wanted more Draconian cuts. The committee wisely sidestepped that, moved forward with a new Congress and a new administration. This \$410 billion package works in harmony with the economic recovery package, and I am pleased that it refocuses on the pieces that matter.

I have got a little provision in here that makes a difference for my community, a broadly supported effort for \$45 million to revitalize our community with a Portland streetcar, something that's gaining attention across the country. People look at this as an opportunity to rebuild and renew, create jobs, revitalize community. It also contains important funding provisions for Public Broadcasting that will allow our hometowns to continue to invest in quality, commercial-free, educational, and cultural programming. It continues the investment in renewable energy.

I would like to conclude by paying special tribute to the committee and especially Chairwoman LOWEY for her success in raising the profile and investment in international clean water and sanitation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McGOVERN. I yield the gentleman 30 seconds.

Mr. BLUMENAUER. Mr. Speaker, we came together with bipartisan legislation in 2005, the Water for the Poor Act, but Congress didn't put any significant money in it. There was less than \$10 million for all of Sub-Saharan Africa. This year there is \$300 million to implement the Water for the Poor Act, and a significant investment in Sub-Saharan Africa. It's going to mean that hundreds of thousands of lives are going to be saved and the United States is going to be regarded differently around the world.

Simple, common sense, should have been done years ago, is going to be done now, and I appreciate the committee's hard work.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

The bill that we are talking about, again, is a large bill, \$400 billion worth of spending, very few committee mark-ups, committee hearings. We heard that they could not negotiate with the President because they didn't want to have to make tough decisions to fit within a box the package that would

be, I think, best for the American people, \$400 billion more worth of spending.

Borrowed money is difficult for the United States, and it's my hope that sometime during this process that my friends the Democrats are going through that they will recognize that borrowing money is a sad way to run the business.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Let me begin by thanking Chairman OBEY and the members of the Appropriations Committee on both sides of the aisle and their staff for their tireless efforts in trying to put together a bill that will help the American people.

I urge my colleagues to support the underlying bill. This is, as I said earlier, a completion of last year's work. Unfortunately, the White House refused to negotiate with the Congress. They showed an incredible amount of disrespect and indifference to what congressional leaders of both parties had to say, and it was their way or the highway, and so here we are. We're trying to wrap up last year's work in a way that will help the American people.

My colleague from Texas talks about that we should have a freeze on all spending. Well, given this economy, that kind of a policy would leave a lot of people in the cold. It will take some government investment to get us out of this ditch that we're in. And no matter how you want to look at it, the graphs and the charts are all the same, that these last 8 years this administration's policies, with the help of a lot of my friends on the other side of the aisle when they were in charge of Congress, have driven this economy into a ditch, and we need to get out of this ditch.

Mr. Speaker, I should also tell my colleagues that this rule also prevents Members of Congress from receiving a pay raise, and every Member of this House has the opportunity to vote up or down on this rule. And a vote against this rule and I would say a vote against the bill is a vote for the congressional pay raise. So if you have said publicly that you oppose the congressional pay raise, that you would vote against an increase in your salary if you could, well, here's your chance. If you vote "no" on the rule and you vote "no" on the underlying bill, then you are voting to increase your pay. I think during these difficult economic times, that's the least this Congress can do, and I would urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 393, nays 25, not voting 13, as follows:

[Roll No. 84]

YEAS—393

Abercrombie	Cohen	Hare
Ackerman	Cole	Harman
Aderholt	Conaway	Harper
Adler (NJ)	Connolly (VA)	Hastings (FL)
Akin	Conyers	Hastings (WA)
Alexander	Cooper	Heinrich
Altire	Costa	Heller
Andrews	Courtney	Hensarling
Arcuri	Crenshaw	Herger
Austria	Crowley	Hereth Sandlin
Baca	Cuellar	Higgins
Bachmann	Culberson	Hill
Bachus	Cummings	Himes
Baird	Dahlkemper	Hinchey
Baldwin	Davis (AL)	Hinojosa
Barrow	Davis (CA)	Hirono
Bartlett	Davis (KY)	Hodes
Barton (TX)	Davis (TN)	Hoekstra
Bean	DeFazio	Holden
Becerra	DeGette	Holt
Berkley	Delahunt	Honda
Berman	DeLauro	Hunter
Berry	Dent	Inglis
Biggert	Diaz-Balart, L.	Inslee
Bilbray	Diaz-Balart, M.	Israel
Bilirakis	Dicks	Issa
Bishop (GA)	Dingell	Jackson (IL)
Bishop (NY)	Doggett	Jackson-Lee
Bishop (UT)	Donnelly (IN)	(TX)
Blackburn	Doyle	Jenkins
Blumenauer	Dreier	Johnson (GA)
Blunt	Driehaus	Johnson (IL)
Boccieri	Duncan	Johnson, E. B.
Boehner	Edwards (MD)	Johnson, Sam
Bonner	Edwards (TX)	Jones
Bono Mack	Ellison	Kagen
Boozman	Ellsworth	Kanjorski
Boswell	Emerson	Kaptur
Boucher	Engel	Kennedy
Boustany	Eshoo	Kildee
Boyd	Etheridge	Kilpatrick (MI)
Brady (PA)	Fallin	Kilroy
Brady (TX)	Farr	Kind
Braley (IA)	Fattah	King (NY)
Bright	Filner	Kingston
Brown (SC)	Fleming	Kirk
Brown, Corrine	Forbes	Kirkpatrick (AZ)
Brown-Waite,	Fortenberry	Kissell
Ginny	Foster	Klein (FL)
Buchanan	Fox	Kline (MN)
Burton (IN)	Frank (MA)	Kosmas
Buyer	Frelinghuysen	Kratovil
Calvert	Fudge	Lance
Camp	Gallegly	Langevin
Cantor	Garrett (NJ)	Larsen (WA)
Cao	Gerlach	Latham
Capito	Giffords	LaTourette
Capps	Gingrey (GA)	Latta
Capuano	Gohmert	Lee (CA)
Cardoza	Gonzalez	Lee (NY)
Carnahan	Goodlatte	Levin
Carney	Gordon (TN)	Lewis (CA)
Carson (IN)	Granger	Lewis (GA)
Carter	Graves	Linder
Castle	Grayson	Lipinski
Castor (FL)	Green, Al	LoBiondo
Chaffetz	Green, Gene	Loeb
Chandler	Griffith	Lofgren, Zoe
Childers	Grijalva	Lowey
Clarke	Guthrie	Lucas
Clay	Gutierrez	Luetkemeyer
Cleaver	Hall (NY)	Lujan
Coble	Hall (TX)	Lummis
Coffman (CO)	Halvorson	

Lungren, Daniel E.	Ortiz	Shimkus
Lynch	Pallone	Shuler
Mack	Pascrell	Shuster
Maffei	Pastor (AZ)	Sires
Maloney	Paulsen	Skelton
Manzullo	Payne	Slaughter
Marchant	Pence	Smith (NE)
Markey (CO)	Perlmutter	Smith (TX)
Markey (MA)	Peters	Smith (WA)
Marshall	Petri	Snyder
Massa	Pingree (ME)	Souder
Matheson	Pitts	Space
Matsui	Polis (CO)	Speier
McCarthy (CA)	Pomeroy	Spratt
McCarthy (NY)	Posey	Stearns
McCaul	Price (NC)	Sullivan
McClintock	Putnam	Sutton
McCollum	Radanovich	Tanner
McCotter	Rahall	Tauscher
McDermott	Rangel	Teague
McGovern	Rehberg	Terry
McHenry	Reichert	Thompson (CA)
McHugh	Reyes	Thompson (MS)
McIntyre	Richardson	Thompson (PA)
McKeon	Rodriguez	Thornberry
McMahon	Roe (TN)	Tiahrt
McMorris	Rogers (AL)	Tiberi
Costa	Rogers (KY)	Tierney
McNerney	Rogers (MI)	Titus
Meek (FL)	Rooney	Tonko
Meeks (NY)	Ros-Lehtinen	Towns
Melancon	Roskam	Tsongas
Mica	Ross	Turner
Michaud	Rothman (NJ)	Upton
Miller (FL)	Roybal-Allard	Van Hollen
Miller (MI)	Royce	Velázquez
Miller (NC)	Ruppersberger	Visclosky
Miller, George	Ryan (OH)	Walden
Mitchell	Ryan (WI)	Walz
Mollohan	Salazar	Wamp
Moore (KS)	Sánchez, Linda T.	Wasserman
Moore (WI)	Sanchez, Loretta	Schultz
Moran (KS)	Sarbanes	Waters
Moran (VA)	Schakowsky	Watson
Murphy (CT)	Schauer	Watt
Murphy, Patrick	Schiff	Waxman
Murphy, Tim	Schmidt	Weiner
Murtha	Schock	Welch
Myrick	Schrader	Wexler
Nadler (NY)	Schwartz	Whitfield
Napolitano	Scott (GA)	Wilson (OH)
Neal (MA)	Scott (VA)	Wilson (SC)
Neugebauer	Sensenbrenner	Wittman
Nunes	Serrano	Wolf
Nye	Sessions	Woolsey
Oberstar	Sestak	Wu
Obey	Shadegg	Yarmuth
Olson	Shea-Porter	Young (FL)
Olver	Sherman	

NAYS—25

Boren	King (IA)	Scalise
Broun (GA)	Kucinich	Simpson
Burgess	Lamborn	Smith (NJ)
Costello	Minnick	Stupak
Deal (GA)	Paul	Taylor
Ehlers	Peterson	Westmoreland
Flake	Poe (TX)	Young (AK)
Franks (AZ)	Price (GA)	
Jordan (OH)	Rohrabacher	

NOT VOTING—13

Barrett (SC)	Davis (IL)	Platts
Butterfield	Hoyer	Rush
Campbell	Larson (CT)	Stark
Cassidy	Miller, Gary	
Clyburn	Perriello	

□ 1352

Messrs. PETERSON, BOREN and FLAKE changed their vote from "yea" to "nay."

Messrs. CALVERT, TERRY, AKIN, LANCE, CUELLAR, BARTON of Texas, INGLIS, CULBERSON and THOMPSON of Pennsylvania changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 24, not voting 9, as follows:

[Roll No. 85]

YEAS—398

Abercrombie	Cohen	Harper
Ackerman	Cole	Hastings (FL)
Adlerholt	Conaway	Hastings (WA)
Adler (NJ)	Connolly (VA)	Heinrich
Akin	Conyers	Heller
Alexander	Cooper	Hensarling
Altmire	Costa	Heger
Andrews	Costello	Herseth Sandlin
Arcuri	Courtney	Higgins
Austria	Crenshaw	Hill
Baca	Crowley	Himes
Bachmann	Cuellar	Hinchey
Bachus	Culberson	Hinojosa
Baird	Cummings	Hirono
Baldwin	Dahlkemper	Hodes
Barrett (SC)	Davis (AL)	Hoekstra
Barrow	Davis (CA)	Holden
Bartlett	Davis (KY)	Holt
Bean	Davis (TN)	Honda
Becerra	DeFazio	Hoyer
Berkley	DeGette	Hunter
Berman	Delahunt	Inglis
Berry	DeLauro	Inslee
Biggert	Dent	Israel
Bilbray	Diaz-Balart, L.	Jackson (IL)
Bilirakis	Diaz-Balart, M.	Jackson-Lee
Bishop (GA)	Dicks	(TX)
Bishop (NY)	Dingell	Jenkins
Bishop (UT)	Doggett	Johnson (GA)
Blackburn	Donnelly (IN)	Johnson (IL)
Blumenauer	Doyle	Johnson, E. B.
Boccieri	Dreier	Johnson, Sam
Boehner	Driehaus	Jones
Bonner	Duncan	Kagen
Bono Mack	Edwards (MD)	Kanjorski
Boozman	Edwards (TX)	Kaptur
Boren	Ellison	Kennedy
Boswell	Ellsworth	Kildee
Boucher	Emerson	Kilpatrick (MI)
Boustany	Engel	Kilroy
Boyd	Eshoo	Kind
Brady (PA)	Etheridge	King (NY)
Brady (TX)	Fallin	Kirk
Braley (IA)	Farr	Kirkpatrick (AZ)
Bright	Fattah	Kissell
Brown (SC)	Filner	Klein (FL)
Brown, Corrine	Fleming	Kline (MN)
Brown-Waite,	Forbes	Kosmas
Ginny	Fortenberry	Kratovil
Buchanan	Foster	Lance
Burton (IN)	Fox	Langevin
Butterfield	Frank (MA)	Larsen (WA)
Buyer	Frelinghuysen	Latham
Calvert	Fudge	LaTourette
Camp	Gallely	Latta
Cantor	Garrett (NJ)	Lee (CA)
Cao	Gerlach	Lee (NY)
Capito	Giffords	Levin
Capps	Gohmert	Lewis (GA)
Capuano	Gonzalez	Linder
Cardoza	Goodlatte	Lipinski
Carnahan	Gordon (TN)	LoBiondo
Carney	Granger	Loebsack
Carson (IN)	Graves	Lofgren, Zoe
Carter	Grayson	Lowe
Castle	Green, Al	Lucas
Castor (FL)	Green, Gene	Luetkemeyer
Chaffetz	Griffith	Luján
Chandler	Grijalva	Lummis
Childers	Guthrie	Lungren, Daniel
Clarke	Gutierrez	E.
Clay	Hall (NY)	Lynch
Cleaver	Hall (TX)	Mack
Clyburn	Halvorson	Maffei
Coble	Hare	Maloney
Coffman (CO)	Harman	Manzullo

Marchant	Payne	Shuster
Markey (CO)	Pence	Sires
Markey (MA)	Perlmutter	Skelton
Marshall	Peters	Slaughter
Massa	Peterson	Smith (NE)
Matheson	Petri	Smith (TX)
Matsui	Pingree (ME)	Smith (WA)
McCarthy (CA)	Pitts	Snyder
McCarthy (NY)	Poe (TX)	Souder
McCaul	Polis (CO)	Space
McClintock	Pomeroy	Speier
McCollum	Posey	Spratt
McCotter	Price (NC)	Stearns
McDermott	Putnam	Sullivan
McGovern	Radanovich	Sutton
McHenry	Rahall	Tanner
McHugh	Rangel	Tauscher
McIntyre	Rehberg	Taylor
McKeon	Reichert	Teague
McMahon	Reyes	Terry
McMorris	Richardson	Thompson (CA)
Rodgers	Rodriguez	Thompson (MS)
McNerney	Roe (TN)	Thompson (PA)
Meek (FL)	Rogers (AL)	Thornberry
Meeks (NY)	Rogers (KY)	Tiahrt
Melancon	Rogers (MI)	Tiberi
Mica	Rooney	Tierney
Michaud	Ros-Lehtinen	Titus
Miller (FL)	Roskam	Tonko
Miller (MI)	Ross	Towns
Miller (NC)	Rothman (NJ)	Tsongas
Miller, George	Roybal-Allard	Turner
Minnick	Royce	Upton
Mitchell	Ruppersberger	Van Hollen
Mollohan	Ryan (OH)	Velázquez
Moore (KS)	Ryan (WI)	Visclosky
Moore (WI)	Salazar	Walden
Moran (KS)	Sánchez, Linda	Walz
Moran (VA)	T.	Wamp
Murphy (CT)	Sanchez, Loretta	Wasserman
Murphy, Patrick	Sarbanes	Schultz
Murphy, Tim	Scalise	Waters
Murtha	Schakowsky	Watson
Myrick	Schauer	Watt
Nadler (NY)	Schiff	Waxman
Napolitano	Schmidt	Weiner
Neal (MA)	Schock	Welch
Neugebauer	Schrader	Wexler
Nunes	Schwartz	Whitfield
Nye	Scott (GA)	Wilson (OH)
Oberstar	Scott (VA)	Wilson (SC)
Obey	Sensenbrenner	Wittman
Olson	Serrano	Wolf
Oliver	Sessions	Woolsey
Ortiz	Sestak	Wu
Pallone	Shadegg	Yarmuth
Pascarella	Shea-Porter	Young (AK)
Pastor (AZ)	Sherman	Young (FL)
Paulsen	Shimkus	

NAYS—24

Barton (TX)	Gingrey (GA)	Paul
Blunt	Issa	Price (GA)
Broun (GA)	Jordan (OH)	Rohrabacher
Burgess	King (IA)	Shuler
Deal (GA)	Kingston	Simpson
Ehlers	Kucinich	Smith (NJ)
Flake	Lamborn	Stupak
Franks (AZ)	Lewis (CA)	Westmoreland

NOT VOTING—9

Campbell	Larson (CT)	Platts
Cassidy	Miller, Gary	Rush
Davis (IL)	Perriello	Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1409

Mr. BURGESS changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT TO BOARD OF TRUSTEES OF KENNEDY CENTER

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island
Ms. DELAURO, Connecticut
Mr. BLUNT, Missouri

OMNIBUS APPROPRIATIONS ACT, 2009

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 184, I call up the bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 184, the amendment printed in House Report 111-20 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Omnibus Appropriations Act, 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs

Title VI—Related Agency and Food and Drug Administration

Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Commerce

Title II—Department of Justice

Title III—Science

Title IV—Related Agencies

Title V—General Provisions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Defense—Civil: Department of the Army

Title II—Department of the Interior

Title III—Department of Energy

Title IV—Independent Agencies

Title V—General Provisions

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009

Title I—Department of the Treasury

Title II—Executive Office of the President and Funds Appropriated to the President

Title III—The Judiciary

Title IV—District of Columbia

Title V—Independent Agencies

Title VI—General Provisions—This Act

Title VII—General Provisions—Government-wide

Title VIII—General Provisions—District of Columbia

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of the Interior

Title II—Environmental Protection Agency

Title III—Related Agencies

Title IV—General Provisions

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Labor

Title II—Department of Health and Human Services

Title III—Department of Education

Title IV—Related Agencies

Title V—General Provisions

Title VI—Afghan Allies Protection Act of 2009

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009

Title I—Legislative Branch Appropriations

Title II—General Provisions

DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009

Title I—Department of State and Related Agency

Title II—United States Agency for International Development

Title III—Bilateral Economic Assistance

Title IV—International Security Assistance

Title V—Multilateral Assistance

Title VI—Export and Investment Assistance

Title VII—General Provisions

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Transportation

Title II—Department of Housing and Urban Development

Title III—Related Agencies

Title IV—General Provisions This Act

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$5,174,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$10,651,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$14,711,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,054,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, \$974,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$17,527,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$5,954,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$871,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$21,551,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$687,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings

and facilities, and for related costs, \$244,244,000, to remain available until expended, of which \$168,901,000 shall be available for payments to the General Services Administration for rent; of which \$13,500,000 for payment to the Department of Homeland Security for building security activities; and of which \$61,843,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$5,100,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$27,011,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,877,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$9,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$85,766,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to

exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$41,620,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$609,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$79,500,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$151,565,000, of which up to \$37,265,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,140,406,000, of which \$112,571,000 shall be for the purposes, and in the amounts, specified in the table titled "Agricultural Research Service, Salaries and Expenses, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for headhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural re-

search programs of the Department of Agriculture, where not otherwise provided, \$46,752,000, of which \$46,752,000 shall be for the purposes, and in the amounts, specified in the table titled "Agricultural Research Service, Buildings and Facilities Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$691,043,000, of which \$113,275,000 shall be for the purposes, and in the amounts, specified in the table titled "Cooperative State Research, Education, and Extension Service, Research and Education Activities, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$207,106,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$27,535,000; for payments to eligible institutions (7 U.S.C. 3222), \$45,504,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$84,499,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$15,945,000; for competitive grants (7 U.S.C. 450i(b)), \$201,504,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$819,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,610,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$2,950,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$6,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,196,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$983,000; for aquaculture grants (7 U.S.C. 3322), \$3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,399,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$15,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$3,342,000; for resident instruction grants for insular areas under section 1491 of the Na-

tional Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$800,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Act of 1977 (7 U.S.C. 3319e), \$750,000; and for necessary expenses of Research and Education Activities, \$39,426,000, of which \$2,704,000 for the Research, Education, and Economics Information System and \$2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$474,250,000, of which \$9,388,000 shall be for the purposes, and in the amounts, specified in the table titled "Cooperative State Research, Education, and Extension Service, Extension Activities, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$288,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$66,155,000; payments for the pest management program under section 3(d) of the Act, \$9,791,000; payments for the farm safety program under section 3(d) of the Act, \$4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,500,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$18,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$8,182,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$479,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,008,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,568,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), \$1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$40,150,000, provided that each institution receives no less than \$1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, \$1,767,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$806,000; and for necessary expenses of Extension Activities, \$17,374,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$56,864,000, as follows: for competitive grants

programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$41,990,000, including \$12,649,000 for the water quality program, \$14,596,000 for the food safety program, \$4,096,000 for the regional pest management centers program, \$4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,365,000 for the crops affected by Food Quality Protection Act implementation, \$3,054,000 for the methyl bromide transition program, and \$1,842,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89-106, as amended, \$732,000, to remain available until September 30, 2010, for the critical issues program; \$1,312,000 for the regional rural development centers program; and \$9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2010.

OFFICE OF THE UNDER SECRETARY FOR
MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$737,000.

ANIMAL AND PLANT HEALTH INSPECTION
SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$876,675,000, of which \$23,494,000 shall be for the purposes, and in the amounts, specified in the table titled "Animal and Plant Health Inspection Service, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which \$2,025,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$29,590,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$14,500,000 shall be for a National Animal Identification program, of which \$3,500,000 is for information technology infrastructure and services, and \$9,395,000 is for field implementation, and \$1,605,000 is for program administration; of which \$60,594,000 shall be used to prevent and control avian influenza and shall remain available until expended; of which \$1,015,000 of the plum pox program shall remain available until September 30, 2010: *Provided*, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the National Veterinary Stockpile, up to \$12,895,000 in animal health monitoring and surveillance for the animal identification system, up to \$1,500,000 in the scrapie program for indemnities, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 per-

cent of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2009, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$86,711,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,888,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME,
AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than \$10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$17,270,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$40,342,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING
SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD
SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$613,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$971,566,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That no fewer than 120 full-time equivalent positions shall be employed during fiscal year 2009 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, \$3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any

one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM
AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$646,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,170,273,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$4,369,000.

GRASSROOTS SOURCE WATER PROTECTION
PROGRAM

For necessary expenses to carry out well-head or groundwater protection activities under section 12400 of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,461,066,000, of which \$1,238,768,000 shall be for unsubsidized guaranteed loans and \$222,298,000 shall be for direct loans; operating loans, \$1,862,578,000, of which \$1,017,497,000 shall be for unsubsidized guaranteed loans, \$269,986,000 shall be for subsidized guaranteed loans and \$575,095,000 shall be for direct loans; Indian tribe land acquisition loans, \$3,940,000; and for boll weevil eradication program loans, \$100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$16,803,000, of which \$4,088,000 shall be for unsubsidized guaranteed loans, and \$12,715,000 shall be for direct loans; operating loans, \$130,371,000, of which \$25,336,000 shall be for unsubsidized guaranteed loans,

\$37,231,000 shall be for subsidized guaranteed loans, and \$67,804,000 shall be for direct loans; and Indian tribe land acquisition loans, \$248,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$317,323,000, of which \$309,403,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$77,177,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR
NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$758,000.

NATURAL RESOURCES CONSERVATION SERVICE
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$853,400,000, to remain available until September 30, 2010, of which \$31,650,000 shall be for the purposes, and in the amounts, specified in the table titled "Natural Resources Conservation Service, Conservation Operations Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION
OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$24,289,000, to remain available until expended, of which \$23,643,000 shall be for the purposes, and in the amounts, specified in the table titled "Natural Resources Conservation Service, Watershed and Flood Prevention Operations Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That not to exceed \$15,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$40,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$50,730,000: *Provided*, That not to exceed \$3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$646,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$192,484,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$7,345,347,000 for loans to section 502 borrowers, of which \$1,121,488,000 shall be for direct loans, and of which \$6,223,859,000 shall be for unsubsidized guaranteed loans; \$34,410,000 for section 504 housing repair loans; \$69,512,000 for section 515 rental housing; \$129,090,000 for section 538 guaranteed multi-family housing loans; \$5,045,000 for section 524 site loans; \$11,447,000 for credit sales of acquired property, of which up to \$1,447,000 may be for multi-family credit sales; and \$4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$154,407,000, of which \$75,364,000 shall be for direct loans, and of which \$79,043,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$9,246,000; repair, rehabilitation, and new construction of section 515 rental housing, \$28,611,000; section 538 multi-family housing guaranteed loans, \$8,082,000; credit sales of acquired property, \$523,000; and section 523 self-help housing and development loans, \$82,000: *Provided*, That of

the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That, for applications received under the 2009 notice of funding availability, section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$460,217,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$902,500,000, to remain available through September 30, 2010; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to \$5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than \$2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2009 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$27,714,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$4,965,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$2,889,000 shall be available for the cost of loans to private nonprofit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, \$19,860,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that

additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That the Secretary may use any unobligated funds appropriated for the rural housing voucher program in a prior fiscal year to support information technology activities of the Rural Housing Service to the extent the Secretary determines that additional funds are not needed for this fiscal year to provide vouchers described in this paragraph: *Provided further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$38,727,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$41,500,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$18,269,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$63,830,000, to remain available until expended: *Provided*, That \$6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally

Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That not to exceed \$1,000,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$87,385,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That not to exceed \$8,300,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and en-

terprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$33,536,000.

For the cost of direct loans, \$14,035,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2009, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2009, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, \$880,000 shall be available through June 30, 2009, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,853,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$20,000,000 shall not be obligated and \$20,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$12,636,000, of which \$300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,582,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or

membership is comprised of at least 75 percent socially disadvantaged members; and of which \$3,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with empowerment zones and enterprise communities, \$8,130,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): *Provided*, That the funds provided under this paragraph shall be made available to empowerment zones and enterprise communities in a manner and with the same priorities such funds were made available during the 2007 fiscal year.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$5,000,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$556,268,000, to remain available until expended, of which not to exceed \$497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That \$65,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act and for Federally-recognized Native American Tribes authorized by 306C(a)(1): *Provided further*, That not to exceed \$19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$14,000,000 of the amount appropriated

under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed \$12,700,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of such Act: *Provided further*, That \$17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: the cost of telecommunications loans, \$525,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,245,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of broadband telecommunication loans, \$400,487,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$34,755,000, to remain available until expended: *Provided*, That the Secretary may use funds under this heading for grants authorized by 379(g) of the

Consolidated Farm and Rural Development Act: *Provided further*, That \$4,965,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$15,619,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the unobligated balances available for the cost of the broadband loans, \$6,404,000 are rescinded.

In addition, \$13,406,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$610,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$14,951,911,000, to remain available through September 30, 2010, of which \$8,496,109,000 is hereby appropriated and \$6,455,802,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,860,000,000, to remain available through September 30, 2010, of which such sums as are necessary to restore the contingency reserve to \$125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That of the total amount available, the Secretary shall obligate not less than \$14,850,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That, notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2009; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i): *Provided further*, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon determination by the Secretary that funds are

available to meet caseload requirements without the use of the contingency reserve funds after the date of enactment of this Act: *Provided further*, That hereafter none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$53,969,246,000, of which \$3,000,000,000, to remain available through September 30, 2010, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$230,800,000, to remain available through September 30, 2010: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2009 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2010: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$142,595,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$165,436,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83-480 and the Food for Progress Act of 1985, \$2,736,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,225,900,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,333,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$4,985,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$348,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736-1), \$100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$2,622,267,000, of which \$7,641,000 shall be for the purposes, and in the amounts, specified in the final paragraph under "Food and Drug Administration, Salaries and Expenses" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That of the amount provided under this heading, \$510,665,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2010 but collected in fiscal year 2009; \$52,547,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$15,260,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$4,831,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2009 received during fiscal year 2009, including any such fees assessed prior to fiscal year 2009 but credited for fiscal year 2009, shall be subject to the fiscal year 2009 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$648,722,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$777,437,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$41,358,000 shall be available for the Office of Generic Drugs; (3) \$271,490,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$134,344,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$310,547,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$52,511,000 shall be for the National Center for Toxicological Research; (7) not to exceed \$111,758,000 shall be for Rent and Related activities, of which \$41,281,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed

\$155,425,000 shall be for payments to the General Services Administration for rent; and (9) \$160,033,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$12,433,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$49,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 327 passenger motor vehicles, of which 315 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the financial management modernization initiative and the delivery of financial, administrative, and information technology services of primary benefit to the agencies of

the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act

may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture,

Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2010 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated \$434,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 717. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa, et seq.) in excess of \$1,067,000,000.

SEC. 718. None of the funds made available in fiscal year 2009 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 721. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the

prepackaged news story was prepared or funded by that executive branch agency.

SEC. 722. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 723. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(i) of section 14222 of Public Law 110-246 in excess of \$1,071,530,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(B) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110-246 in excess of \$16,000,000 until October 1, 2009: *Provided further*, of the unobligated balances under section 32 of the Act of August 24, 1935, \$293,530,000 are hereby rescinded.

SEC. 724. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 725. There is hereby appropriated \$3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 726. There is hereby appropriated \$469,000, to remain available until expended, for the planning and design of construction of an agriculture pest facility in the State of Hawaii.

SEC. 727. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 728. There is hereby appropriated \$794,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of re-forested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 729. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 730. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Palmview, Texas; the City of Pharr, Texas; the City of Hidalgo, Texas; the City of Alton, Texas; the City of La Joya, Texas; the City of Penitas, Texas; the City of Schertz, Texas; the City of Converse, Texas; the City of Cibolo, Texas; and the Township of Bern, Pennsylvania (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Business Program account;

(2) the County of Nueces, Texas (including individuals and entities with projects within the county), eligible under the Business and Industry Loan Guarantee Program for the purposes of financing a beef processing facility;

(3) the City of Asheboro, North Carolina (including individuals and entities with projects within the city), eligible for loans and grants funded through the Rural Community Facilities Program account;

(4) the City of Healdsburg, California; the City of Imperial, California; the City of Havelock, North Carolina; and the City of Newton, North Carolina (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Water and Waste Disposal Program account; and

(5) the City of Aptos, California (including individuals and entities with projects within the city), eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 731. There is hereby appropriated \$2,347,000 for section 4404 of Public Law 107-171.

SEC. 732. Notwithstanding any other provision of law, there is hereby appropriated:

(1) \$1,877,000 of which \$1,408,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and \$469,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) \$338,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection; and

(3) \$94,000 for a grant to the Graham Avenue Business Improvement District in the State of New York.

SEC. 733. Section 382K(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-10(c)) is repealed.

SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(4) through the Watershed and Flood Prevention Operations program to carry out the Churchill Woods Dam Removal project in DuPage County, Illinois;

(5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(6) through the Watershed and Flood Prevention Operations program to carry out the

Alameda Creek Watershed Project in Alameda County, California;

(7) through the Watershed and Flood Prevention Operations program to carry out the Colgan Creek Restoration project in Sonoma County, California;

(8) through the Watershed and Flood Prevention Operations program to carry out the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(9) through the Watershed and Flood Prevention Operations program to carry out the Lake George Watershed Protection project in Warren County, New York; and

(10) through the Watershed and Flood Prevention Operations program to carry out the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania.

SEC. 735. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking “eight” and inserting “ten”;

(2) by striking “six” and inserting “eight”;

and

(3) by inserting “Vermont, Maryland,” after the first instance of “States shall be”.

SEC. 736. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 737. None of the funds made available by this Act may be used to pay the salaries and expenses of any individual to conduct any activities that would allow the importation into the United States of any ruminant or swine, or any fresh (including chilled or frozen) meat or product of any ruminant or swine, that is born, raised, or slaughtered in Argentina: *Provided*, That this section shall not prevent the Secretary from conducting all necessary activities to review this proposal and issue a report on the findings to the Committees on Appropriations of the House and Senate: *Provided further*, That this section shall only have effect until the Secretary of Agriculture has reviewed the domestic animal health aspects of the pending proposal to allow the importation of such products into the United States and has issued a report to the Committees on the findings of such review.

SEC. 738. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2010, for information technology expenses.

SEC. 739. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

This division may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2009”.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$429,870,000, to remain available until September 30, 2010, of which \$9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than \$48,592,000 shall be for Manufacturing and Services; not less than \$42,332,000 shall be for Market Access and Compliance; not less than \$66,357,000 shall be for the Import Administration of which \$5,900,000 shall be for the Office of China Compliance; not less than \$237,739,000 shall be for the United States and Foreign Commercial Service; and not less than \$25,411,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That the International Trade Administration shall be exempt from the requirements of Circular A-25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210: *Provided further*, That within the amounts appropriated, \$4,400,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$83,676,000, to remain available until expended, of which \$14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, \$240,000,000, to remain available until expended: *Provided*, That of the amounts provided, no more than \$4,000,000 may be transferred to “Economic Development Administration, Salaries and Expenses” to conduct management oversight and administration of public works grants.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$32,800,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$29,825,000: *Provided*, That within the amounts appropriated, \$825,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ECONOMIC AND STATISTICAL ANALYSIS
SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$90,621,000, to remain available until September 30, 2010.

BUREAU OF THE CENSUS
SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$233,588,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, \$2,906,262,000, to remain available until September 30, 2010: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: *Provided further*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: *Provided further*, That none of the funds made available in this Act shall be used for the conduct of sweepstakes in the 2010 Decennial Census.

NATIONAL TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$19,218,000, to remain available until September 30, 2010: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, \$20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed \$2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK
OFFICE
SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, \$2,010,100,000, to remain available until expended: *Provided*,

That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2009, so as to result in a fiscal year 2009 appropriation from the general fund estimated at \$0: *Provided further*, That during fiscal year 2009, should the total amount of offsetting fee collections be less than \$2,010,100,000, this amount shall be reduced accordingly: *Provided further*, That \$750,000 may be transferred to "Departmental Management, Salaries and Expenses" for activities associated with the National Intellectual Property Law Enforcement Coordination Council: *Provided further*, That from amounts provided herein, not to exceed \$1,000 shall be made available in fiscal year 2009 for official reception and representation expenses: *Provided further*, That of the amounts provided to the USPTO within this account, \$5,000,000 shall not become available for obligation until the Director of the USPTO has completed a comprehensive review of the assumptions behind the patent examiner expectancy goals and adopted a revised set of expectancy goals for patent examination: *Provided further*, That in fiscal year 2009 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108-447 shall remain in effect during fiscal year 2009: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That \$2,000,000 shall be transferred to Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO: *Provided further*, That from the amounts provided herein, no less than \$4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$472,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital

Fund": *Provided*, That not to exceed \$5,000 shall be for official reception and representation expenses: *Provided further*, That within the amounts appropriated, \$3,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$110,000,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, \$65,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$172,000,000, to remain available until expended, of which \$30,000,000 is for a competitive construction grant program for research science buildings: *Provided*, That within the amounts appropriated, \$44,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,045,549,000, to remain available until September 30, 2010, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2011: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition \$79,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the \$3,133,549,000 provided for in direct obligations under this heading \$3,045,549,000 is appropriated from the general fund, \$82,000,000 is provided by transfer, and

\$6,000,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed \$226,809,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed \$36,583,000: *Provided further*, That within the amounts appropriated, \$129,970,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year: *Provided further*, That the number of authorized officers in the NOAA Commissioned Officer Corps shall remain at 321 until such time as section 6 of Public Law 110-386 takes effect.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,243,647,000, to remain available until September 30, 2011, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the \$1,243,647,000 provided for in direct obligations under this heading \$1,243,647,000 is appropriated from the general fund and \$2,000,000 is provided from recoveries of prior year obligations: *Provided further*, That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That within the amounts appropriated, \$29,610,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations,

\$80,000,000, to remain available until September 30, 2010: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND (INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009, obligations of direct loans may not exceed \$8,000,000 for Individual Fishing Quota loans and not to exceed \$59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed \$5,000 for official entertainment, \$53,000,000: *Provided*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That of the amounts provided to the Secretary within this account, \$5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, \$5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$25,800,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made

available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Hereafter, notwithstanding any other provision of law, no funds appropriated under this Act or any other Act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place".

SEC. 106. Hereafter, the Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

SEC. 107. The requirements set forth by section 112 of division B of Public Law 110-161 are hereby adopted by reference.

SEC. 108. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, D.C., or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 109. The amounts made available under section 213 of Public Law 108-199 for a New England lobster fishing capacity reduction program shall be available for transfer by the National Oceanic and Atmospheric Administration from the Fisheries Finance Program Account to the Operations, Research, and Facilities appropriation, to remain available until expended, for the Southern New England Cooperative Research Initiative for cooperative research, marine debris removal, and gear modification for conservation in Rhode Island.

SEC. 110. Section (d)(2)(A) of title 16 U.S.C. 3645 is amended by inserting "Nevada," after "Idaho,".

SEC. 111. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: *Provided*, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

This title may be cited as the "Department of Commerce Appropriations Act, 2009".

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$105,805,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That \$13,213,000 is for Department Leadership; \$7,834,000 is for Intergovernmental Relations/External Affairs; \$12,254,000 is for Executive Support/Professional Responsibility; and \$72,504,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, de-

velopment, deployment and departmental direction, \$80,000,000, to remain available until expended, of which \$7,132,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, \$185,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, \$270,000,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, \$1,295,319,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed \$5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$75,681,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$12,570,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$804,007,000, of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed \$10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under

section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the Federal observer program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the Federal observer program \$3,390,000 shall remain available until expended, of which \$1,090,000, previously transferred to the Department of Justice by the Office of Personnel Management under section 126 of division A of Public Law 110-329, shall be transferred back to the Office of Personnel Management by the Department of Justice.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$157,788,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$157,788,000 in fiscal year 2009), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at \$0.

SALARIES AND EXPENSES, UNITED STATES

ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, \$1,836,336,000: *Provided*, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than \$33,600,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$217,416,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$160,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final

fiscal year 2009 appropriation from the Fund estimated at \$52,416,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$1,823,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$168,300,000, to remain available until expended: *Provided*, That not to exceed \$10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed \$3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed \$9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, \$9,873,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), \$20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$950,000,000; of which not to exceed \$30,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall remain available until expended for information technology systems; and of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$4,000,000, to remain available until expended.

NATIONAL SECURITY DIVISION SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, \$83,789,000; of which not to exceed \$5,000,000

for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$515,000,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; \$7,065,100,000; of which not to exceed \$150,000,000 shall remain available until expended: *Provided*, That not to exceed \$205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; \$153,491,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$1,939,084,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including

training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,054,215,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which \$10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2009: *Provided further*, That, beginning in fiscal year 2009 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C)

the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 810, of which 766 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$5,595,754,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2010: *Provided further*, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and ac-

quisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$575,807,000, to remain available until expended, of which not less than \$110,627,000 shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,328,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); and for related victims services, \$415,000,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of

funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) \$2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) \$190,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) \$18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) \$1,880,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) \$60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) \$12,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(6) \$41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) \$3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) \$3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) \$9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) \$37,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) \$4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(12) \$14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) \$6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) \$3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(15) \$1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) \$1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) \$3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(18) \$3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(19) \$3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(20) \$1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(21) \$1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act.

OFFICE OF JUSTICE PROGRAMS
JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); \$220,000,000, to remain available until expended, of which:

(1) \$45,000,000 is for criminal justice statistics programs, pursuant to part C of the 1968 Act, of which \$26,000,000 is for the National Crime Victimization Survey; and

(2) \$48,000,000 is for research, development, and evaluation programs:

Provided, That section 1404(c)(3)(E)(i) of the Victims of Crime Act of 1984, as amended (42 U.S.C. 10603) is amended after "internships" by inserting "and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process".

STATE AND LOCAL LAW ENFORCEMENT
ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); and other programs; \$1,328,500,000, to remain available until expended as follows:

(1) \$546,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which \$5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, \$2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, \$7,000,000 is to reimburse State and local law enforcement for security and related costs, including overtime, associated with the extraordinary security required to protect the President-elect during the Presidential transition pe-

riod; and \$20,000,000 is to reimburse State and local governments for extraordinary costs associated with the 2009 Presidential Inauguration;

(2) \$400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) \$31,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) \$3,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of United States Attorneys;

(5) \$178,500,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation): *Provided*, That within the amounts appropriated, \$178,500,000 shall be used for the projects, and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(6) \$30,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(7) \$2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(8) \$10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386 and for programs authorized under Public Law 109-164;

(9) \$40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(10) \$7,000,000 for a prescription drug monitoring program;

(11) \$12,500,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79);

(12) \$10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(13) \$5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful prosecution review;

(14) \$10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(15) \$25,000,000 for assistance to Indian tribes, of which—

(A) \$10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) \$9,000,000 shall be available for the Tribal Courts Initiative; and

(C) \$6,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(16) \$18,000,000 for economic, high technology and Internet crime prevention grants: *Provided*, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law

enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, \$25,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248); the PROTECT Our Children Act of 2008 (Public Law 110-401), and other juvenile justice programs, \$374,000,000, to remain available until expended as follows:

(1) \$75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) \$82,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act: *Provided*, That within the amounts appropriated, \$82,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(3) \$80,000,000 for youth mentoring grants;

(4) \$62,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$25,000,000 shall be for the Tribal Youth Program;

(B) \$10,000,000 shall be for a gang resistance education and training program; and

(C) \$25,000,000 shall be for grants of \$360,000 to each State and \$4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) \$20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) \$55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.

3796), such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340) (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and \$5,000,000 for payments authorized by section 1201(b) of such Act; and \$4,100,000 for educational assistance, as authorized by section 1212 of such Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177); the Second Chance Act of 2007 (Public Law 110-199); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108-405), \$550,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) \$25,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs: *Provided further*, That section 2501(f) of part Y of title I of the 1968 Act (42 U.S.C. 37961(f)), is amended by inserting at the end the following:

"(3) **WAIVER.**—The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.";

(2) \$39,500,000 is for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109-177, and for other anti-methamphetamine-related activities: *Provided*, That within the amounts appropriated, \$34,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(3) \$187,000,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: *Provided*, That within the amounts appropriated, \$185,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(4) \$25,000,000 is for offender re-entry programs, as authorized under section 101 and 211 of the Second Chance Act of 2007 (Public Law 110-199), of which \$15,000,000 is for grants for adult and juvenile offender state and local reentry demonstration projects, and \$10,000,000 is for grants for mentoring and transitional services;

(5) \$10,000,000 is for grants to assist States and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110-180);

(6) \$10,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(7) \$156,000,000 is for DNA related and forensic programs and activities as follows:

(A) \$151,000,000 for a DNA analysis and capacity enhancement program and for other local, state, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program); and

(B) \$5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108-405, section 412);

(8) \$20,000,000 is for improving tribal law enforcement, including equipment and training;

(9) \$15,000,000 is for programs to reduce gun crime and gang violence;

(10) \$4,000,000 is for training and technical assistance;

(11) \$18,000,000 is for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) \$5,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103-322); and

(B) \$1,000,000 is for the National Sex Offender Public Registry;

(12) \$16,000,000 is for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(13) \$25,000,000 is for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, \$174,000,000, of which not to exceed \$14,000,000 shall be available for the Office on Violence Against Women; not to exceed \$130,000,000 shall be available for the Office of Justice Programs; not to exceed \$30,000,000 shall be available for the Community Oriented Policing Services Office: *Provided*, That, notwithstanding section 109 of title I of Public Law 90-351, an additional amount, not to exceed \$21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: *Provided further*, That the total amount available for management and administration of such programs shall not exceed \$195,000,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried

to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

SEC. 206. The Attorney General is authorized to extend through September 30, 2010, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107-296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102-395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major

new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: *Provided*, That this restriction does not apply to planning and design activities for future phases: *Provided further*, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

SEC. 215. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2009 for which the cost to the Government was more than \$20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

This title may be cited as the "Department of Justice Appropriations Act, 2009".

TITLE III SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601-6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,303,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$4,503,019,000 to remain available until September 30, 2010.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$500,000,000 to remain available until September 30, 2010.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C.

5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,505,469,000 to remain available until September 30, 2010.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,764,710,000, to remain available until September 30, 2010: *Provided*, That of the amounts provided under this heading, \$2,981,724,000 shall be for Space Shuttle operations, production, research, development, and support, \$2,060,162,000 shall be for International Space Station operations, production, research, development, and support, and \$722,824,000 shall be for Space and Flight support.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$169,200,000, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,306,387,000, to remain available until September 30, 2010: *Provided*, That \$2,024,000,000, together with not more than \$9,000,000 to be derived from receipts pursuant to 42 U.S.C. 2459j, shall be available for center management and operations: *Provided further*, That

notwithstanding 42 U.S.C. 2459j, proceeds from enhanced use leases that may be made available for obligation for fiscal year 2009 shall not exceed \$9,000,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to 42 U.S.C. 2459j: *Provided further*, That not less than \$45,000,000 shall be available for independent verification and validation activities, of which \$5,000,000 shall be available to develop core verification and validation competencies with small businesses, and \$40,000,000 shall be available for operations of the independent verification and validation facility: *Provided further*, That within the amounts appropriated \$67,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$33,600,000, to remain available until September 30, 2010.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the duration of availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for "Office of Inspector General", when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for "Office of Inspector General", the amounts appropriated for construction of facilities shall remain available until September 30, 2011.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2009.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

For the closeout of all Space Shuttle contracts and associated programs, amounts that have expired but have not been cancelled in the Human Space Flight, Space Flight Capabilities, and Exploration Capabilities appropriations accounts shall remain available through fiscal year 2015 for the liquidation of valid obligations incurred during the period of fiscal year 2001 through fiscal year 2009.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for the National Aeronautics and Space Administration.

The Administrator of NASA shall, not later than February 2, 2009, submit to the appropriate committees of Congress a report that delineates by fiscal year, mission directorate and object class the full costs necessary for Space Shuttle retirement and transition activities for fiscal years 2006 through 2015 that includes, but is not limited to, the following:

- (1) the costs for environmental compliance and remediation;
- (2) the gross and net proceeds from exchange sales of excess Space Shuttle equipment;
- (3) the costs to maintain required facilities at Kennedy Space Center during the gap in human space flight;
- (4) the costs associated with preservation of historic properties;
- (5) the costs of workforce transition; and
- (6) other costs related to Space Shuttle retirement and transition.

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$5,183,100,000, to remain available until September 30, 2010, of which not to exceed \$540,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2009 budget request for icebreaking services, up to \$54,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than \$133,000,000 shall be available for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, \$152,010,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, \$845,260,000, to remain available until September 30, 2010: *Provided further*, That not less than \$55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$294,000,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2009 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), \$4,030,000: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$12,000,000.

This title may be cited as the "Science Appropriations Act, 2009".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,800,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including

services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed \$26,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$343,925,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$75,100,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$390,000,000, of which \$365,800,000 is for basic field programs and required independent audits; \$4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$16,000,000 is for management and administration; \$3,000,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2008 and 2009, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, \$3,200,000.

OFFICE OF THE UNITED STATES TRADE

REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$47,272,000, of which \$1,000,000 shall remain available until

expended: *Provided*, That not to exceed \$124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107-210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et. seq.) \$4,100,000, of which \$250,000 shall remain available until September 30, 2010: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by

Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That

the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of \$635,000,000 shall not be available for obligation until the following fiscal year.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture

by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR)), part 121, as it existed on April 1, 2005) with a total value not exceeding \$500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any

new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the sub-

ject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce from prior appropriations, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) "Economic Development Administration, Economic Development Assistance Programs", \$15,000,000;

(2) "National Institute of Standards and Technology, Industrial Technology Services", \$5,000,000;

(3) "National Telecommunications and Information Administration, Salaries and Expenses", \$3,000,000;

(4) "National Telecommunications and Information Administration, Public Telecommunications, Facilities, Planning and Construction", \$1,600,000; and

(5) "Bureau of the Census, Periodic Censuses and Programs", \$1,000,000.

(b) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2009, from the following accounts in the specified amounts:

(1) "General Administration, Working Capital Fund", \$100,000,000;

(2) "Legal Activities, Assets Forfeiture Fund", \$285,000,000;

(3) "Office of Justice Programs", \$100,000,000; and

(4) "Community Oriented Policing Services", \$100,000,000.

(c) Each department affected by the rescissions contained in subsections (a) and (b) shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(d) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 em-

ployees from a Federal department or agency at any single conference occurring outside the United States.

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009".

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$168,100,000, to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$2,141,677,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Marmet Lock and Dam, West Virginia; McAlpine Lock and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; Gray's Landing Lock and Dam, Pennsylvania; R.C. Byrd Lock and Dam, Ohio and

West Virginia; and Point Marion Lock and Dam, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$13,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$8,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$8,500,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$9,000,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That the Chief of Engineers is directed to use \$17,048,000 of the funds provided herein for planning and design and construction of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of the consolidated Act).

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$383,823,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$5,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$8,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and

harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,201,900,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That of the amounts provided herein, not to exceed \$500,000 is provided to the Secretary of the Army to reimburse travel expenses as provided for in section 9003(f) of the Water Resources Development Act of 2007, Public Law 110-114 (121 Stat. 1289-1290): *Provided further*, That 2 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under the heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$183,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to \$3,200,000 of the funds appropriated herein to reimburse the Port of Arlington, Gillam County, Oregon, for those direct construction costs determined by the Secretary to have been incurred by the Port as a result of and following issuance of the Department of the Army Regulatory Program permit for the construction of a commercial dock and offload facility at the Port in February 2007, including the removal of the commercial dock and offload facility.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$179,365,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$4,500,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that:

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
- (4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;
- (5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;
- (6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000; *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for

existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount up to a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest: *Provided further*, That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits an amount for a

project in excess of the amounts appropriated for that project that remain unobligated.

SEC. 104. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 106. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

“(a) Hereafter, the Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by subsection (b) or any related subsequent biological opinion, and the collaborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.”

SEC. 107. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution to enhance revenues in the fund is enacted.

SEC. 108. The Secretary is authorized to conduct a study of the Missouri River Projects located within the Missouri River basin at a total cost of \$25,000,000 with the express purpose to review the original project purposes based on the Flood Control Act of 1944, as amended, and other subsequent relevant legislation and judicial rulings to determine if changes to the authorized project purposes and existing Federal water resource infrastructure may be warranted: *Provided*, That this study shall be undertaken at full Federal expense.

SEC. 109. Section 134 of Public Law 108-137 (117 Stat. 1842), as amended by section 128(b) of Public Law 109-103 (119 Stat. 2260), is further amended by striking “\$30,000,000” wherever it appears and inserting “\$48,300,000” in lieu thereof.

SEC. 110. Section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663) is amended—

(1) by inserting “(A) IN GENERAL.—” before “The”; and

(2) by adding at the end the following:

“(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the project the costs expended by non-Federal interests for the replacement and reconstruction of the Soquel Avenue Bridge.

“(C) MAXIMUM AMOUNT OF CREDIT.—The credit under paragraph (B) may not exceed \$2,000,000.

“(D) LIMITATION OF TOTAL PROJECT COST.—The Secretary shall not include the costs to be credited under paragraphs (B) and (C) in total project costs in determining the amounts of the Federal and non-Federal contributions.”

SEC. 111. The Missouri River Levee System (MRLS) Unit L-385 Project, Riverside, Missouri, authorized by the Flood Control Act of 1941, Public Law 77-228, and the Flood Control Act of 1944, Public Law 78-534, is modified to direct the Secretary, acting through the Chief of Engineers, to take such action as is necessary to correct deficiencies in the L-385 levee system in Riverside, Missouri at full Federal expense at a cost of no more than \$7,000,000.

SEC. 112. Section 115 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 as contained in division C of Public Law 110-161, is amended by striking “\$20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction.” and inserting in lieu thereof, “\$20,000,000: *Provided*, That the Secretary shall transfer ownership of this facility to the Secretary of Health and Human Services for operation and maintenance upon the completion of construction.”

SEC. 113. Section 103(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4811-12), as amended by section 117 of the Energy and Water Development Appropriations Act of 2006 (119 Stat. 2255), is further amended by striking “15,000,000” and inserting “26,000,000”.

SEC. 114. Section 3118 of Public Law 110-114 (121 Stat. 1137) is amended by—

(1) in paragraph (b) by inserting after “New Mexico” the following: “in accordance with the plans recommended in the feasibility report for the Middle Rio Grande Bosque, New Mexico, scheduled for completion in December 2008”;

(2) redesignating subsection (d) as subsection (e); and

(3) inserting a new subsection (d):

“(d) COST SHARING.—Any requirement for non-Federal participation in a project carried out in the bosque of Bernalillo County, New Mexico, pursuant to this section shall be limited to the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction, operation and maintenance of the project.”

SEC. 115. The non-Federal interest for the project referenced in section 3154 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1148) may carry out design and construction work on the project in advance of Federal appropriations or may provide funds directly to the Secretary for the Secretary to carry out such work: *Provided*, That the Secretary of the Army shall reimburse the non-Federal interest for any costs incurred by the non-Federal share of total project costs subject to the availability of appropriations.

SEC. 116. The Colorado Department of Natural Resources is authorized to perform modifications of the facility (Chatfield Reservoir, Colorado), and any required mitigation which results from implementation of the project: *Provided*, That in carrying out the reassignment of storage space provided for in this section, the Secretary shall collaborate with the Colorado Department of Natural Resources and local interests to determine costs to be repaid for storage that reflects the limited reliability of the resources and the capability of non-Federal interests to make use of the reallocated storage space in Chatfield Reservoir, Colorado.

SEC. 117. Section 117 of the Energy and Water Development and Related Agencies Appropriations Act, 2005, as contained in division C of Public Law 108-447, is hereby repealed.

SEC. 118. The Secretary of Army, acting through the Chief of Engineers, shall reassign the regulatory boundaries of the Chicago District to align with the existing civil works boundaries of the Chicago District.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,360,000, to remain available until expended, of which \$987,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,640,000, to remain available until expended. For fiscal year 2009, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$920,259,000, to remain available until expended, of which \$46,655,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$24,962,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(1) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contrib-

uted: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That funds provided for the Friant-Kern and Madera Canals improvements may be expended on a nonreimbursable basis: *Provided further*, That \$4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106-554: *Provided further*, That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$56,079,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$59,400,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act

shall be available for activities or functions budgeted as policy and administration expenses: *Provided further*, That, of the funds provided under this heading, \$10,000,000 shall be transferred to "Water and Related Resources" upon the expiration of the 90-day period following the date of enactment of this Act if during such period, the Secretary of the Interior has not submitted to the Committees on Appropriations of the House of Representatives and the Senate the Bureau of Reclamation's five-year budget plan.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of

Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: *Provided*, That when such improvements are to federally owned facilities, such funds may be provided in advance on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works: *Provided further*, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: *Provided further*, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: *Provided further*, That this section shall not supercede any existing project-specific funding authority: *Provided further*, That the Secretary is

also authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 206. (a) Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1850) is repealed.

(b) The Secretary of the Interior (referred to in this section as the "Secretary") shall establish and maintain an Executive Committee of the Middle Rio Grande Endangered Species Collaborative Program (referred to in this section as the "Executive Committee") consistent with the bylaws of the Middle Rio Grande Endangered Species Collaborative Program adopted on October 2, 2006.

(c) Hereafter, in compliance with applicable Federal and State laws, the Secretary (acting through the Commissioner of Reclamation), in collaboration with the Executive Committee, may enter into any grants, contracts, cooperative agreements, inter-agency agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2949) as amended by section 121(b) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2256) or any related subsequent biological opinion or in furtherance of the objectives set forth in the collaborative program long-term plan.

(d)(1) The acquisition of water under subsection (c) and any administrative costs associated with carrying out subsection (c) shall be at full Federal expense.

(2) Not more than 15 percent of amounts appropriated to carry out subsection (c) shall be made available for the payment of administrative expenses associated with carrying out that subsection.

(e)(1) The non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis.

(2) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee.

(f) Nothing in this section modifies or expands the discretion of the Secretary with respect to operating reservoir facilities under the jurisdiction of the Secretary in the Rio Grande Valley, New Mexico.

SEC. 207. Section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1953) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by inserting " , as determined by the nonprofit conservation organization" after "Lake"; and

(B) in paragraph (4), by striking "retirement of water rights" and all that follows through the semicolon at the end and inserting "retirement of water rights;" and

(2) in subsection (b), by striking "June 30, 2010" and inserting "June 30, 2012".

SEC. 208. Notwithstanding any other provision of law, of amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171), the Secretary of the Interior acting through the Commissioner of Reclamation, shall allocate—

(1) \$300,000 to the Desert Research Institute for LIDAR acquisition data in the Walker

River Basin, to supplement water rights research and data funded under section 208(a)(1) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268); and

(2) \$300,000 to the Director of the United States Fish and Wildlife Service to conduct a multiyear assessment of and monitoring of the ability of west central Nevada lakes to support migratory loons, and identification of wintering areas and annual range of loons using Walker Lake during migration.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed two passenger vehicles for replacement, \$1,928,540,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$228,803,380 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$137,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$19,648,475 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 29 passenger motor vehicles, including three new buses and 26 replacement vehicles, including one ambulance, \$792,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$2,854,500 shall be used for projects specified in the table that appears under the heading "Congressionally

Directed Nuclear Energy Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CLEAN COAL TECHNOLOGY
(INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading for obligation in prior years, \$149,000,000 of uncommitted balances are transferred to Fossil Energy Research and Development to be used until expended: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$876,320,000, to remain available until expended, of which \$149,000,000 shall be derived by transfer from "Clean Coal Technology": *Provided*, That of the amounts provided, \$288,174,000 is available for the Clean Coal Power Initiative Round III solicitation, pursuant to title IV of the Public Law 109-58: *Provided further*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power Initiative, and FutureGen, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative Round III solicitation under this Act in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further*, That if a Clean Coal Power Initiative project selected after enactment of this legislation for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained by the Department for future coal-related research, development and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further*, That the Secretary may not delegate this responsibility for applications greater than \$10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean

Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further*, That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That funds available for the Clean Coal Power Initiative Round III Funding Opportunity Announcement may be used to support any technology that meets the requirements of the Round III Announcement relating to carbon capture and storage or other beneficial uses of CO₂, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and 402(b)(2)(A) of Public Law 109-58: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That, of the amount appropriated in this paragraph, \$43,864,150 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$19,099,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$205,000,000, to remain available until expended, of which \$31,507,000 shall be provided to initiate new site expansion activities, beyond land acquisition, consistent with the budget request: *Provided*, That none of the funds provided for new site expansion activities may be obligated or expended for authorized activities until the Secretary has submitted a report to the Congress on the effects of expansion of the Reserve on the domestic petroleum market, which is required to be submitted within 45 days of enactment of this Act.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$9,800,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.),

including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$261,819,000, to remain available until expended: *Provided*, That the appropriation includes funds for environmental remediation activities associated with the Energy Technology and Engineering Center (ETEC) at the Santa Susana Field Laboratory (SSFL), subject to the following: (1) the Department shall use a portion of this funding to enter into an interagency agreement with the Environmental Protection Agency (EPA) regarding a comprehensive radioactive site characterization of Area IV of the SSFL and (2) the Department shall provide the amount required by EPA for the radioactive site characterization in fiscal year 2009 from within the available funds: *Provided further*, That of the amounts provided, \$5,000,000 is available for necessary expenses for the purpose of carrying out remedial actions under this title at real property in the vicinity of the Tuba City processing site designated in section 102(a)(1), of the Uranium Mill Tailings Radiation Control Act of 1978 (Public Law 95-604, as amended; 42 U.S.C. 7901, et seq.), notwithstanding section 112 of that Act, at a dump site immediately adjacent to the north-northwest section of the Tuba City processing site, and on the north side of Highway 160: *Provided further*, That, of the amount appropriated in this paragraph, \$4,757,500 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Non-Defense Environmental Cleanup Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

URANIUM ENRICHMENT DECONTAMINATION AND
DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$535,503,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which \$10,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 49 passenger motor vehicles for replacement only, including one law enforcement vehicle, one ambulance, and three buses, \$4,772,636,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$93,686,593 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as

amended (the "NWP"), including the acquisition of real property or facility construction or expansion, \$145,390,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWP, \$1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: *Provided further*, That \$9,000,000 shall be provided to affected units of local government, as defined in the NWP, to conduct appropriate activities and participate in licensing activities: *Provided further*, That of the \$9,000,000 provided 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That this funding shall be provided to affected units of local government, as defined in the NWP: *Provided further*, That \$500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWP: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWP and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWP, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight ac-

tivities that had been previously approved by the Department of Energy, or to withhold payment of any such funds: *Provided further*, That, of the amount appropriated in this paragraph, \$1,855,425 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Waste Disposal Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, shall not exceed a total principal amount of \$47,000,000,000 for eligible projects, to remain available until committed, and of which \$18,500,000,000 shall be for nuclear power facilities: *Provided*, That these amounts are in addition to the authority provided under section 20320 of Division B of Public Law 109-289, as amended by Public Law 110-5: *Provided further*, That such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in this and prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further*, That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$19,880,000 is appropriated, to remain available until expended: *Provided further*, That \$19,880,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2009 appropriations from the general fund estimated at not more than \$0: *Provided further*, That none of the funds made available in this Act shall be available for the execution of a new solicitation with respect to such guaranteed loans until 30 days after the Department of Energy has submitted to the Committees on Appropriations of the House of Representatives and the Senate a loan guarantee implementation plan that defines the proposed award levels and eligible technologies: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii)

deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$272,643,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$117,317,000 in fiscal year 2009 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2009, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$155,326,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed two passenger motor vehicles, and one ambulance; \$6,380,000,000, to remain available until expended: *Provided*, That \$19,300,000 is authorized to be appropriated for the 09-D-007 LANSCE Refurbishment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further*, That, of the amount

appropriated in this paragraph, \$22,836,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Weapons Activities Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$1,482,350,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$1,903,000 shall be used for projects specified under the heading "Congressionally Directed Defense Nuclear Nonproliferation Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$828,054,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$439,190,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$23,311,750 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Office of the Administrator (NNSA) Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, \$5,657,250,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund": *Provided*, That, of the amount appropriated in this paragraph, \$17,908,391 shall be used for projects specified in the table that appears under the heading "Congressionally Directed

Defense Environmental Cleanup Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, \$1,314,063,000, to remain available until expended: *Provided*, That of the funds provided herein, \$487,008,000 is for project 99-D-143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99-D-143: *Provided further*, That, of the amount appropriated in this paragraph, \$999,075 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$143,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2009, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,420,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$49,520,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood

Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$28,414,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to \$35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$218,346,000, to remain available until expended, of which \$208,642,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$7,342,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to \$403,118,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,959,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$273,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$273,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2009 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION. (a) None of the funds in this or any other appropriations Act for fiscal year 2009 or any previous

fiscal year may be used to make payments for a noncompetitive management and operating contract, or a contract for environmental remediation or waste management in excess of \$100,000,000 in annual funding at a current or former management and operating contract site or facility, or to award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

(c) In this section the term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 303. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 304. UNEXPENDED BALANCES. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 305. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 306. USER FACILITIES. When the Department of Energy makes a user facility

available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 307. INTELLIGENCE ACTIVITIES. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

SEC. 308. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development: *Provided further*, That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 309. RELIABLE REPLACEMENT WARHEAD. None of the funds provided in this Act shall be available for the Reliable Replacement Warhead (RRW).

SEC. 310. GENERAL PLANT PROJECTS. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than \$10,000,000 are considered for purposes of section 4703 of Public Law 107-314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107-314 as a construction project with a current estimated cost of less than a minor construction threshold.

SEC. 311. ENERGY PRODUCTION. The Secretary of Energy shall provide funding to the National Academy of Sciences to conduct an inventory of the energy development potential on all lands currently managed by the Department of Energy together with a report, to be submitted not later than July 1, 2009, which includes (1) a detailed analysis of all such resources including oil, gas, coal, solar, wind, geothermal and other renewable resources on such lands, (2) a delineation of

the resources presently available for development as well as those potentially available in the future, and (3) an analysis of the environmental impacts associated with any future development including actions necessary to mitigate negative impacts.

SEC. 312. RENO HYDROGEN FUEL PROJECT. (a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 313. INTEGRATED UNIVERSITY PROGRAM. (a) The Secretary of Energy, along with the Administrator of the National Nuclear Security Administration and the Chairman of the Nuclear Regulatory Commission, shall establish an Integrated University Program.

(b) For the purposes of carrying out this section, \$45,000,000 is authorized to be appropriated in each of fiscal years 2009 to 2019 as follows:

(1) \$15,000,000 for the Department of Energy;

(2) \$15,000,000 for the Nuclear Regulatory Commission; and

(3) \$15,000,000 for the National Nuclear Security Administration.

(c) Of the amounts authorized to carry out this section, \$10,000,000 shall be used by each organization to support university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be used by each organization to support a jointly implemented Nuclear Science and Engineering Grant Program that will support multiyear research projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$75,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$25,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,800,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,034,656,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$49,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$860,857,000 in fiscal year 2009 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than \$173,799,000: *Provided further*, That such funds as are made available for necessary expenses of the Commission by this Act or any other Act may be used for the acquisition and lease of additional office space provided by the General Services Administration for personnel of the U.S. Nuclear Regulatory Commission as close as reasonably possible to the Commission's headquarters location in Rockville, Maryland, and of such square footage and for such lease term, as are determined by the Commission to be necessary to maintain the agency's regulatory effectiveness, efficiency, and emergency response capability: *Provided further*, That notwithstanding any other provision of law or any prevailing practice, the acquisition and lease of space for such purpose shall, to the extent necessary to obtain the space, be based on the prevailing rates in the immediate vicinity of the Commission's headquarters.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2009 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as author-

ized by Public Law 100-203, section 5051, \$3,811,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR
ALASKA NATURAL GAS TRANSPORTATION
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,400,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2009 in excess of \$4,660,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

TITLE V
GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2009".

DIVISION D—FINANCIAL SERVICES AND
GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009

TITLE I
DEPARTMENT OF THE TREASURY
DEPARTMENTAL OFFICES
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$278,870,000, of which not to exceed \$21,619,000 is for executive direction program activities; not to exceed \$45,910,000 is for economic policies and programs activities; not to exceed \$36,039,000 is for financial policies and programs activities; not to exceed \$62,098,000 is for terrorism and financial intelligence activities; not to exceed \$21,600,000 is for Treasury-wide management policies and programs activities; and not to exceed \$91,604,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2010, is for information tech-

nology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$5,232,443, to remain available until September 30, 2010, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2010, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, \$1,100,000, to remain available until September 30, 2010, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, \$3,400,000, to remain available until September 30, 2011, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That of the amount appropriated under this heading \$3,000,000 to remain available until September 30, 2011, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL
INVESTMENTS PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$26,975,000, to remain available until September 30, 2011: *Provided*, That \$11,518,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$26,125,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in

carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$146,083,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

**FINANCIAL CRIMES ENFORCEMENT NETWORK
SALARIES AND EXPENSES**

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$91,465,000, of which not to exceed \$16,340,000 shall remain available until September 30, 2011; and of which \$9,178,000 shall remain available until September 30, 2010: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

**TREASURY FORFEITURE FUND
(RESCISSION)**

Of the unobligated balances available under this heading, \$30,000,000 are rescinded.

**FINANCIAL MANAGEMENT SERVICE
SALARIES AND EXPENSES**

For necessary expenses of the Financial Management Service, \$239,785,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2011, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

**ALCOHOL AND TOBACCO TAX AND TRADE
BUREAU**

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,065,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided*, That of the amount appropriated under this heading, \$2,000,000, to remain available until September 30, 2010, is for information technology management.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2009 under such section 5136 for circulating coinage and protec-

tive service capital investments of the United States Mint shall not exceed \$42,150,000.

**BUREAU OF THE PUBLIC DEBT
ADMINISTERING THE PUBLIC DEBT**

For necessary expenses connected with any public-debt issues of the United States, \$187,352,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until September 30, 2011, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2009 shall be reduced by not more than \$10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at \$177,352,000. In addition, \$90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

**COMMUNITY DEVELOPMENT FINANCIAL
INSTITUTIONS FUND PROGRAM ACCOUNT**

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$107,000,000, to remain available until September 30, 2010, of which \$8,500,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, \$2,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110-289), up to \$14,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to \$7,500,000 may be used for the cost of direct loans, and up to \$250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$16,000,000.

**INTERNAL REVENUE SERVICE
TAXPAYER SERVICES**

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,293,000,000, of which not less than \$5,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$9,500,000 shall be available for low-income taxpayer clinic grants, of which not less than \$8,000,000, to remain available until September 30, 2010, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for

tax return preparation assistance, and of which not less than \$193,000,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$5,117,267,000, of which not less than \$57,252,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to \$10,000,000 may be transferred as necessary from this account to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$3,867,011,000, of which up to \$75,000,000 shall remain available until September 30, 2010, for information technology support; of which not to exceed \$1,000,000 shall remain available until September 30, 2011, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed \$25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$229,914,000, to remain available until September 30, 2011, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems

acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,406,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than \$6,997,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, \$490,000,000 shall be available for enhanced tax law enforcement.

SEC. 106. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 108. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance ap-

proval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 110. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 111. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 112. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 113. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "10 years" and inserting "11 years".

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 116. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for Fiscal Year 2009.

SEC. 117. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

This title may be cited as the "Department of the Treasury Appropriations Act, 2009".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; \$53,899,000, of which \$1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,363,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31,

United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$1,600,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$3,550,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$9,029,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$101,333,000, of which not less than \$5,700,000 shall be for e-mail restoration activities, and of which \$11,923,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$87,972,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regula-

tions under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$27,200,000; of which \$1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$3,000,000, which shall remain available until expended for counternarcotics research and development projects: *Provided*, That such amount shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a detailed spending plan for the use of these funds no later than 90 days after enactment of this Act.

FEDERAL DRUG CONTROL PROGRAMS HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$234,000,000, to remain available until September 30, 2010, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which up to \$2,100,000 may be used for auditing services and associated activities, and up to \$250,000 of the \$2,100,000 shall be used to ensure the continued operation and maintenance of the Performance Management System: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2008, shall be funded at no less than the fiscal year 2008 initial allocation levels (as revised by the letter from the Director of the Office of National Drug Control Policy to the Committees on Appropriations of the House of Representatives and the Senate dated April 8, 2008) or \$3,000,000, whichever is greater, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That no High Intensity Drug Trafficking Area shall receive more than \$47,457,447 as its fiscal year 2009 initial allocation level: *Provided further*, That, notwithstanding the requirements of Public Law 106-58, any unexpended funds obligated prior to fiscal year 2007 for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area may be used for other approved activities of that High Intensity Drug Trafficking Area: *Provided further*, That the Office of National Drug Control Policy (ONDCP) shall notify the Committees on Appropriations of the House of Representatives and the Senate of the initial High-Intensity Drug Trafficking Area (HIDTA) allocation funding within 45 days after the enactment of this Act: *Provided further*, That ONDCP shall submit recommendations for approval to the Committees on Appropriations for the use of discretionary HIDTA funding, according to a framework proposed jointly by the HIDTA Directors and ONDCP, within 90 days after the enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469), \$174,700,000, to remain available until expended, of which the amounts are available as follows: \$70,000,000 to support a national media campaign, of which at least \$8,000,000 shall be designated for methamphetamine prevention messages: *Provided*, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003

ratio of service funding to total funds and shall continue the corporate outreach program; \$90,000,000 to continue a program of matching grants to drug-free communities, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); *Provided further*, That any grantee seeking a renewal grant (year 2 through 5, or year 7 through 10) that is determined to be ineligible or not entitled to continuation funding for any reason, shall be afforded a fair, timely, and independent appeal prior to the beginning of the subsequent funding year before being denied a renewal grant; \$1,250,000 for the National Drug Court Institute; \$9,800,000 for the United States Anti-Doping Agency for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; \$1,250,000 for the National Alliance for Model State Drug Laws; and \$500,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2010.

PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Administration to carry out the Presidential Transition Act of 1963 and similar expenses, in addition to amounts otherwise appropriated by law, \$8,000,000; *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,496,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$323,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "White House Office", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisors", "National Security Council", "Office of Administration", "Office of Policy Development", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. The President shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading "Office of National Drug Control Policy", a detailed narrative and financial plan on the proposed uses of all funds under the heading by program, project, and activity, for which the obligation of funds is anticipated: *Provided*, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the "Executive Office of the President Appropriations Act, 2009".

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for

the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$69,777,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$18,447,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$30,384,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$19,605,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$4,801,369,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$4,253,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under section 3006A of title 18, United States Code, and also under section 3599 of title 18, United States Code, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under section 3006A(e) of title 18, United States Code, and also under section 3599(f) and (g)(2) of title 18, United States Code, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under section 3006A of title 18, United States Code) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf

of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$849,400,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$62,206,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$428,858,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$79,049,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$25,725,000; of which \$1,800,000 shall remain available through September 30, 2010, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$65,340,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$4,200,000.

UNITED STATES SENTENCING COMMISSION SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,225,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561-569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. (a). IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by striking "magistrate judges appointed under section 631 of this title," and inserting the following: "United States magistrate judges, bankruptcy judges appointed under chapter 6 of this title, judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, judges of the District Court of the Virgin Islands, bankruptcy judges and magistrate judges retired under section 377 of this title, and judges retired under section 373 of this title, who are".

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

- (1) United States magistrate judges.
- (2) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.
- (3) Judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, and judges of the District Court of the Virgin Islands.
- (4) Bankruptcy judges and magistrate judges retired under section 377 of title 28, United States Code.
- (5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of the enactment of Public Law 110-177.

SEC. 308. Subsection (c) of section 407 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (division A, title IV, of Public Law 109-115; 119 Stat. 2396, 2471) is repealed.

SEC. 309. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note), is amended—

- (1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";
- (2) in the third sentence (relating to the District of Kansas), by striking "17 years" and inserting "18 years";
- (3) in the sixth sentence (relating to the Northern District of Ohio), by striking "17 years" and inserting "18 years";

(4) by inserting "The first vacancy in the office of the district judge in the district of Hawaii occurring 15 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence.

SEC. 310. Pursuant to section 140 of Public Law 97-92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2009, to receive a salary adjustment in accordance with 28 U.S.C. 461.

This title may be cited as the "Judiciary Appropriations Act, 2009".

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000,

to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING
AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$39,177,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, of which \$38,825,000 is for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, for the costs of providing support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions; and of which \$352,000 is for the District of Columbia National Guard retention and college access program.

FEDERAL PAYMENT TO THE DISTRICT OF
COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$248,409,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,630,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$104,277,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$55,426,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$76,076,000, to remain available until September 30, 2010, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report:

Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA
COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$52,475,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$76,076,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$76,076,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial

reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES
AND OFFENDER SUPERVISION AGENCY FOR THE
DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$203,490,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed \$400,000 for the Community Supervision Program and \$160,000 for the Pretrial Services Program, both to remain available until September 30, 2010, are for information technology infrastructure enhancement acquisitions; of which \$148,652,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$54,838,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than \$2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF
COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$35,659,000, of which \$700,000 is to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies. *Provided further*, That for fiscal year 2009 and thereafter, the Public Defender Service is

authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding 31 U.S.C. 3302, such fees shall be credited to this account, to be available until expended without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, \$16,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$1,774,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$4,887,622: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a detailed budget and comprehensive description of the activities to be carried out with such funds no later than 60 days after enactment of this Act, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2009.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$54,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$20,000,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, \$14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126), of which up to \$1,000,000 may be used to administer and fund assessments: *Provided*, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the D.C. School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees: *Provided further*, That use of any funds in this Act or any other Act for opportunity scholarships after school year 2009-2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization.

FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL REFORM

For a Federal payment to jump start public school reform in the District of Columbia,

\$20,000,000, of which \$3,500,000 is to support the recruitment, development and training of principals and other school leaders; \$7,000,000 is to develop optimal school programs and intervene in low performing schools; \$7,500,000 is for a customized data reporting and accountability system on student performance as well as increased outreach and training for parents and community members; and \$2,000,000 is to support data reporting requirements associated with the District of Columbia Public Schools teacher incentive program: *Provided*, That up to \$500,000 or 10 percent, whichever is less, of the amounts above may be transferred as necessary from one activity to another activity: *Provided further*, That the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer: *Provided further*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, \$21,000,000, to remain available until September 30, 2010, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

For a Federal payment to the District of Columbia, \$7,000,000, to remain available until expended, for the Federal contribution for costs associated with the renovation and rehabilitation of District libraries.

FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Executive Office of the Mayor of the District of Columbia to enhance the quality of life for District residents, \$3,387,500, of which \$1,250,000 shall be available as matching funds to temporarily continue Federal benefits for low-income couples who decide to marry, and of which \$2,137,500 shall be to continue Marriage Development Accounts in the District of Columbia: *Provided*, That no funds shall be expended until the Mayor of the District of Columbia submits a detailed expenditure plan, including performance measures, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the District submit a preliminary progress report on activities no later than June 1, 2009, and a final report including a detailed description of outcomes achieved no later than February 1, 2010.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code §1-204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2009 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$9,888,095,000 (of which \$6,082,474,000 shall be from local funds (including \$420,119,000 from dedicated taxes), \$2,177,382,000 shall be from

Federal grant funds, \$1,621,929,000 shall be from other funds, and \$6,310,000 shall be from private funds); in addition, \$202,326,130 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be \$725,461,000; in addition, for capital construction projects, an increase of \$1,482,977,000, of which \$1,121,734,000 shall be from local funds, \$107,794,000 from the Local Street Maintenance fund, \$60,708,000 from the District of Columbia Highway Trust Fund, \$192,741,000 from Federal grant funds, and a rescission of \$353,447,000 from local funds and a rescission of \$37,500,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,092,030,000 to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated and expended as proposed under "Title III—District of Columbia Funds Division of Expenses" of the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 9, 2008 and such title is hereby incorporated by reference as though set forth fully herein: *Provided further*, That this amount may be increased by proceeds of one-time transactions which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code §1-201.01 et seq.), as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2009, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2009".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$1,500,000, of which, not to exceed \$1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102-281, \$1,000,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$146,000,000, including not to exceed \$3,000 for official reception and representation expenses: *Provided*, That \$34,734,000 of

the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2009 to the Committees on Appropriations of the House of Representatives and the Senate.

CONSUMER PRODUCT SAFETY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission (CPSC), including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$2,000 for official reception and representation expenses, \$105,404,000, of which \$6,000,000 shall remain available for obligation until September 30, 2011 for costs associated with the relocation of CPSC's laboratory to a modern facility and the upgrade of laboratory equipment, and of which \$2,000,000 shall remain available for obligation until September 30, 2010 to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110-140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, \$17,959,000, of which \$4,000,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That \$750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107-252): *Provided further*, That \$300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, \$106,000,000, to remain available until expended, of which \$100,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107-252), \$5,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and \$1,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$341,875,000: *Provided*, That of the funds provided, not less than \$3,000,000 shall be available to establish and administer a State Broadband Data and Development matching grants program for State-level broadband demand aggregation activities and creation of geographic inventory maps of broadband

service to identify gaps in service and provide a baseline assessment of statewide broadband deployment: *Provided further*, That \$341,875,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at \$0: *Provided further*, That any offsetting collections received in excess of \$341,875,000 in fiscal year 2009 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2008, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2009: *Provided further*, That, in addition, not to exceed \$25,480,000 may be transferred from the Universal Service Fund in fiscal year 2009 to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL
COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2008", each place it appears and inserting "December 31, 2009".

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$27,495,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, \$63,618,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$22,674,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C.

5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$259,200,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$168,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$70,200,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, \$651,198,000. To carry out the purposes of the Fund established pursuant to section 592 of title 40, United States Code, the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings

and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,427,771,000, of which: (1) \$746,317,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
Alabama:
Tuscaloosa Federal Building, \$25,000,000.
California:
San Diego, United States Courthouse Annex, \$110,362,000.
San Ysidro, Land Port of Entry, \$58,910,000.
Colorado:
Lakewood, Denver Federal Center Remediation, \$10,472,000.
District of Columbia:
DHS Consolidation and development of St. Elizabeths Campus, \$331,390,000.
Federal Office Building 8, \$15,000,000.
St. Elizabeths West Campus Infrastructure, \$8,249,000.
St. Elizabeths West Campus Site Acquisition, \$7,000,000.
Maryland:
Montgomery County, Food and Drug Administration Consolidation, \$163,530,000.
North Dakota:
Portal, Land Port of Entry, \$15,204,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are affected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2010 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That for fiscal year 2010 and thereafter, the annual budget submission of the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: *Provided further*, That for fiscal year 2010 and thereafter, the annual budget submission of the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) \$692,374,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:
District of Columbia:
Eisenhower Executive Office Building, CBR, \$14,700,000.
Eisenhower Executive Office Building, Phase III, \$51,075,000.
West Wing Infrastructure Systems Replacement, \$76,487,000.
Illinois:
Chicago, Dirksen Courthouse, \$152,825,000.
North Carolina:
New Bern, United States Post Office and Courthouse, \$10,640,000.
Special Emphasis Programs:
Energy and Water Retrofit and Conservation Measures, \$36,647,000.

Basic Repairs and Alterations, \$350,000,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2010 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$149,570,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$4,642,156,000 for rental of space which shall remain available until expended; and (5) \$2,197,354,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2009, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate

new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$54,578,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$70,645,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$54,000,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$2,934,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

PRESIDENTIAL TRANSITION EXPENSES

For expenses necessary to carry out the Presidential Transition Act of 1963, \$8,520,000, of which not to exceed \$1,000,000 is for activities authorized by subsections 3(a)(8) and (9) of the Act.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, \$36,096,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed \$50,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2009 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2009 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2010 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 514. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under section 3307 of title 40, United States Code, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 516. Subsections (a) and (b)(1) of section 323 of title 40, United States Code, are each amended by striking "Consumer Information Center" and inserting "Federal Citizen Services"; and subsection (a) is further amended by striking "consumer".

SEC. 517. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

SEC. 518. WORKING CAPITAL FUND. (a) PURPOSE AND OPERATION OF WORKING CAPITAL FUND.—Subsections (a), (b) and (c) of section 3173 of title 40, United States Code, are amended to read as follows:

"(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget).

"(b) COMPOSITION.—

"(1) IN GENERAL.—Amounts received shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund: *Provided*, That entities for which such services are performed shall be charged at rates which will return in full all costs of providing such services.

"(2) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged to entities for which services are performed, in accordance with the plan.

"(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year, after making provision for anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts."

(b) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—Section 3173 of title 40, United States Code, is amended to add subsection (d), as follows:

"(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—

"(1) IN GENERAL.—Subject to subparagraph (2), unobligated balances of amounts appropriated or otherwise made available to the General Services Administration for operating expenses and salaries and expenses may be transferred and merged into the 'Major equipment acquisitions and development activity' of the working capital fund of the General Services Administration for agency-wide acquisition of capital equipment, automated data processing systems and financial management and management information systems: *Provided*, That acquisitions are limited to those needed to implement the Chief Financial Officers Act of 1990 (Public Law 101-576, 104 Stat. 2838) and related laws or regulations.

"(2) REQUIREMENTS AND AVAILABILITY.—

"(A) TIME FOR TRANSFER.—Transfer of an amount under this section must be done no later than the end of the fifth fiscal year after the fiscal year for which the amount is appropriated or otherwise made available.

"(B) APPROVAL FOR USE.—An amount transferred under this section may be used only with the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

"(C) AVAILABILITY.—An amount transferred under this section remains available until expended."

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 312 of such title is repealed.

(2) The heading for section 3173 of such title is amended to read as follows:

"§3173. Working capital fund for General Services Administration".

HARRY S TRUMAN SCHOLARSHIP FOUNDATION
SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93-642, \$500,000, to remain available until expended: *Provided*, That hereafter, all requests of the Board of Trustees to the Secretary of the Treasury provided for in this section shall be binding on the Secretary, including requests for the issuance at par of special obligations exclusively to the fund as provided for in section 10(b), which the Secretary shall implement without regard to the determination related to the public interest required by the last sentence of that section.

MERIT SYSTEMS PROTECTION BOARD
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$38,811,000 together with not to exceed \$2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$3,750,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$2,100,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION
OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives

and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$330,308,000, of which \$650,000 shall remain available until September 30, 2010.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$67,008,000, of which \$45,795,000 shall remain available until September 30, 2011: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; and (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$50,711,000, to remain available until expended: *Provided*, That the Archivist is authorized to construct an addition to the John F. Kennedy Presidential Library and Museum; and of the funds provided, \$22,000,000 shall be available for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition; \$17,500,000 is for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York; and \$2,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and Museum that is under the joint control and custody of the University of Texas: *Provided further*, That such funds shall remain available until expended for this purpose and may be transferred directly to the University and used, together with University funds, for the repair and restoration of the plaza: *Provided further*, That such funds shall be spent in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: *Provided further*, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government for this project: *Provided further*, That hereafter, no further Federal funding shall be provided for this plaza project.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$11,250,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, \$2,000,000 shall be transferred to the operating expenses account of the National Archives and Records Administration for operating expenses of the National Historical Publications and Records Commission.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Hereafter, the National Archives and Records Administration shall include in its annual budget submission a comprehensive capital needs assessment for funding provided under the "Repairs and Restoration" appropriations account to be updated yearly: *Provided*, That funds proposed under the "Repairs and Restoration" appropriations account for each fiscal year shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.

NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 2009, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2009 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, \$1,000,000 shall be available until September 30, 2010 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$13,000,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or

subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$92,829,000, of which \$5,851,000 shall remain available until expended for the Enterprise Human Resources Integration project; \$1,351,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$118,082,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$15,200,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2009, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That within the funds provided, the Office of Personnel Management shall carry out the Intergovernmental Personnel Act Mobility Program, with special attention to Federal agencies employing more than 2,000 nurses: *Provided further*, That funding may be allocated to develop guidelines that provide Federal agencies direction in using their authority under the Intergovernmental Personnel Act Mobility Program, according to the directives outlined in the accompanying report.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$1,828,000, and in addition, not to exceed \$18,755,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$17,468,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), \$14,043,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT
BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$1,500,000, to remain available until September 30, 2010.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$943,000,000, to remain available until expended; of which not to exceed \$20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$130,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets,

such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$894,356,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That \$48,644,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2009 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2009 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$22,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$386,896,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That \$110,000,000 shall be available to fund grants for performance in fiscal year 2009 or fiscal year 2010 as authorized, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: *Provided further*, That \$7,654,400 shall be

available for the Loan Modernization and Accounting System, to be available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,750,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, \$2,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$2,500,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2009 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000: *Provided further*, That during fiscal year 2009 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2009, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$138,480,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS
ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 521. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2009.

SEC. 522. None of the funds made available under this Act may be used by the Small Business Administration to implement the rule relating to women-owned small business Federal contract assistance procedures published in the Federal Register on October 1, 2008 (73 Fed. Reg. 56940 et seq.).

SEC. 523. Of the amount made available under the heading "State and Tribal Assistance Grants" under title II of division F of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2125) for the Mingo County Redevelopment Authority, \$2,953,000 is transferred to the "Salaries and Expenses" account of the Small Business Administration. The amount transferred under this section shall be for the Mingo County Redevelopment Authority and shall be available for use under the terms and conditions

otherwise applicable to amounts appropriated for the "Salaries and Expenses" account of the Small Business Administration and shall remain available until expended.

SEC. 524. Funds made available under section 534 of Public Law 110-161 (121 Stat. 2125) for the Alabama Small Business Institute of Commerce, Small Business Incubator, Rainbow City, Alabama shall be made available to Alabama Small Business Institute of Commerce, Rainbow City, Alabama.

SEC. 525. For an additional amount under the heading "Small Business Administration, Salaries and Expenses", \$65,653,678, to remain available until September 30, 2010, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, and in the amounts specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$11,831,000, of which \$82,831,000 shall not be available for obligation until October 1, 2009: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2009.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$239,356,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$48,463,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in

the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).

SEC. 616. Section 5112 of title 31, United States Code (as amended by Public Law 110-161), is amended—

(1) by redesignating the second subsection (r) as subsection (s), and

(2) by striking “paragraph (4)” each place it appears in subsection (s)(5) (as redesignated by paragraph (1)) and inserting “paragraph (3)”.

SEC. 617. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 618. LIFE INSURANCE FOR TAX COURT JUDGES AGE 65 OR OVER. (a) IN GENERAL.—Section 7472 of title 26, United States Code, is amended by inserting after the word “imposed” where it appears in the second sentence the following phrase “after April 24, 1999, that is incurred”.

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006.

SEC. 619. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2008, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2009 shall remain available until expended.

SEC. 620. Section 910(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(a)) is amended to read as follows:

“(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods pursuant to the provisions of this title.”.

SEC. 621. None of the funds made available in this Act may be used to administer, implement, or enforce the amendments made to section 515.560 and section 515.561 of title 31, Code of Federal Regulations, related to travel to visit relatives in Cuba, that were published in the Federal Register on June 16, 2004.

SEC. 622. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

SEC. 623. CHRISTOPHER COLUMBUS FELLOWSHIP AUTHORIZATION. The Christopher Columbus Fellowship Act (20 U.S.C. 5701 et seq.) is amended—

(1) in section 426(a) (20 U.S.C. 5705(a))—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) amounts appropriated to the Foundation, as authorized under section 430; and”;

(2) by adding at the end the following new section:

“SEC. 430. AUTHORIZATION OF APPROPRIATIONS. “There are authorized to be appropriated to the Foundation, such sums as may be necessary to carry out this subtitle.”.

SEC. 624. Notwithstanding any other provision of law, for fiscal year 2009 and each fiscal year thereafter, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for purposes of section 4(k) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity. For purposes of this section, “real estate brokerage activity” shall mean “real estate brokerage”, and “real estate management activity” shall mean “property management”, as those terms were understood by the Board of Governors of the Federal Reserve System prior to March 11, 2000.

SEC. 625. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking “March 1, 2008” and inserting “November 1, 2010”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

SEC. 626. (a) Within 90 days after the date of enactment of this Act, the Federal Trade Commission shall initiate a rulemaking proceeding with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Any violation of a rule prescribed under this subsection shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(b)(1) Except as provided in paragraph (6), a State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate State or district court of the United States to enforce the provisions of section 128 of the Truth in Lending Act (15 U.S.C. 1638), any other provision of the Truth in Lending Act, or any mortgage loan rule promulgated by the Federal Trade Commission to obtain penalties and relief provided under such Act or rule whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of such Act or rule.

(2) The State shall serve written notice to the Commission of any civil action under paragraph (1) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

(3) Upon receiving the notice required by paragraph (2), the Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action;

(B) remove the action to the appropriate United States district court; and

(C) file petitions for appeal of a decision in such civil action.

(4) Nothing in this subsection shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(5) In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code; and

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted.

(6) Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any provision of law or rule described in paragraph (1), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under that paragraph against any defendant named in the complaint in such action for violation of any law or rule as alleged in such complaint.

(7) If the attorney general of a State prevails in any civil action under paragraph (1), the State can recover reasonable costs and attorney fees from the lender or related party.

(c) Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end the following:

“(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Federal Reserve Board pursuant to subsection (1)(2) of this section shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.”.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2009 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover

surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102-404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed

by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2009, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the com-

parable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2009, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2009, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2009 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2009 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2008, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2008, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2008.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees

on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in re-

gard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person

will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial,

information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Chief Acquisition Officers Council for procurement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or

other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2009, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2009 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2010. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed \$6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 735. Section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2029) is amended by striking “more than 10”.

SEC. 736. Section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2030) is amended by striking subsection (b) and inserting the following:

“(b) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

“(1) GUIDELINES REQUIRED.—(A) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

“(B) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

“(2) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

“(A) is performed by a contractor and—

“(i) has been performed by Federal employees at any time during the previous 10 years;

“(ii) is a function closely associated with the performance of an inherently governmental function;

“(iii) has been performed pursuant to a contract awarded on a non-competitive basis; or

“(iv) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

“(B) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

“(3) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A-76 or any other provision of law or regulation before—

“(A) in the case of a new agency function, assigning the performance of the function to Federal employees;

“(B) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

“(C) in the case of an agency function performed by Federal employees, expanding the scope of the function.

“(4) DEADLINE.—(A) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

“(B) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘inherently governmental functions’ has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

“(B) The term ‘functions closely associated with inherently governmental functions’ means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

“(6) APPLICABILITY.—This subsection shall not apply to the Department of Defense.”.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 738. (a) Section 142(a) of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580) is amended by striking “Security.” and inserting “Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in section 7103(a)(4) of title 5, United States Code.”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

SEC. 739. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 740. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 741. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508); *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of

charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 742. CROSSCUT BUDGET. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms “Great Lakes” and “Great Lakes State” have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term “Great Lakes restoration activities” means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 743. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 744. (a) Each executive department and agency shall establish and maintain on

the homepage of its website, an obvious, direct link to the website of its respective Inspector General.

(b) Each Office of Inspector General shall: (1) post on its website any public report or audit or portion of any report or audit issued within one day of its release; (2) provide a service on its website to allow an individual to request automatic receipt of information relating to any public report or audit or portion of that report or audit and which permits electronic transmittal of the information, or notice of the availability of the information without further request; and (3) establish and maintain a direct link on its website for individuals to anonymously report waste, fraud and abuse.

SEC. 745. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 746. None of the funds made available by this or any other Act may be used to implement, administer, or enforce section 5(b) of Executive Order 13422 (72 Fed. Reg. 2763; relating to Regulatory Policy Officer).

SEC. 747. No later than 120 days after enactment of this Act, the Office of Management and Budget shall submit a status report on the pilot program, established under section 748 of division D of Public Law 110-161, to develop and implement an inventory to track the cost and size (in contractor manpower equivalents) of service contracts, particularly with respect to contracts that have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last 5 years, involve inherently governmental functions, or were undertaken without competition.

SEC. 748. Executive Order 13423 (72 Fed. Reg. 3919; Jan. 24, 2007) shall remain in effect hereafter except as otherwise provided by law after the date of the enactment of this Act.

SEC. 749. Effective January 20, 2009, and for each fiscal year thereafter, no part of any appropriation contained in this or any other Act may be used for the payment of services to any individual carrying out the responsibilities of any position requiring Senate advice and consent in an acting or temporary capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President.

SEC. 750. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 751. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such em-

ployee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given those terms in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 752. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2008. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless in the case of Federal funds, the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and the Senate are provided summary reports on April 1, 2009 and October 1, 2009, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of \$3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and the Senate are provided summary reports on April 1, 2009 and October 1, 2009, setting forth detailed information regarding each reprogramming conducted subject to this subsection.

(c) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through December 1, 2009.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 808. (a) Section 446B(f) of the District of Columbia Home Rule Act (sec. 1-204.46b(f), D.C. Official Code) is amended by striking "fiscal years 2006 through 2008" and inserting "fiscal year 2006 and each succeeding fiscal year".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the 2005 District of Columbia Omnibus Authorization Act.

SEC. 809. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 810. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise

be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 811. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 812. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 813. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 814. (a) Notwithstanding section 615(i)(3)(B) of the Individuals With Disabilities Education Act (20 U.S.C. 1415(i)(3)(B)), none of the funds contained in this Act or in any other Act making appropriations for the government of the District of Columbia for fiscal year 2009 or any succeeding fiscal year may be made available—

(1) to pay the fees of an attorney who represents a party in or defends an IDEA proceeding which was initiated prior to the date of the enactment of this Act in an amount in excess of \$4,000 for that proceeding; or

(2) to pay the fees of an attorney or firm who represents a party in or defends an IDEA proceeding if the Chief Financial Officer of the District of Columbia determines that the attorney or firm has a pecuniary interest (either directly or through an attorney, officer, or employee of the firm) in any special education diagnostic services or schools or other special education service providers.

(b) In this section, the term "IDEA proceeding" means any action or administrative proceeding (including any ensuing or related proceedings before a court of competent jurisdiction) brought against the District of Columbia Public Schools under the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.).

SEC. 815. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Com-

mittee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

SEC. 816. Beginning in fiscal year 2009 and each fiscal year thereafter, the amount appropriated to the District of Columbia may be increased by no more than \$100,000,000 from funds identified in the annual comprehensive annual financial report as the District's immediately preceding fiscal year's unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.
(B) Expenditures to avoid deficit spending.
(C) Debt Reduction.
(D) Program needs.
(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of

Representatives and the Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 817. (a) Beginning in fiscal year 2009 and each fiscal year thereafter, consistent with revenue collections, the amount appropriated as District of Columbia Funds may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as “Other-Type Funds” in the annual Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and the Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 818. Beginning in fiscal year 2009 and each fiscal year thereafter, the Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short-term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 93-198): *Provided*, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency reserve funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

SEC. 819. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known

as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 820. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 821. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia’s enterprise and capital funds and such amounts, once transferred shall retain appropriation authority consistent with the provisions of this Act.

SEC. 822. (a) INCREASE IN THE HOURLY RATE FOR ATTORNEYS REPRESENTING INDIGENT DEFENDANTS IN THE DISTRICT OF COLUMBIA COURTS.—Section 11-2604(a), District of Columbia Official Code, is amended by striking “\$80 per hour” and inserting “\$90 per hour”.

(b) SPECIAL RULE FOR COMPENSATION OF ATTORNEYS IN NEGLECT AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.—Section 16-2326.01(b), District of Columbia Official Code, is amended—

(1) in paragraph (1), by striking “\$1,760” and inserting “\$1,980”;

(2) in paragraph (2), by striking “\$1,760” and inserting “\$1,980”;

(3) in paragraph (3), by striking “\$2,400” and inserting “\$2,700”;

(4) in paragraph (4), by striking “\$1,200” and inserting “\$1,350”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to cases and proceedings initiated on or after the date of enactment of this Act.

SEC. 823. Section 2 of the Act entitled “An Act Relative to the control of wharf property and certain public spaces in the District of Columbia”, approved March 3, 1899 (sec. 10-501.02(a), D.C. Official Code) is amended by striking the last sentence.

SEC. 824. Except as expressly provided otherwise, any reference to “this Act” contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the “Financial Services and General Government Appropriations Act, 2009”.

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$890,194,000, to remain available until expended, of which not to exceed \$79,478,000 is available for oil and gas management; and of which \$1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2009 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Founda-

tion as a lump sum grant without regard to when expenses are incurred.

In addition, \$36,400,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$4,000 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$890,194,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$14,775,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$109,949,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to

section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

PAYMENTS FROM PROCEEDS, SALE OF WATER (RESCISSION)

The unobligated balances available under this heading on the date of enactment of this Act are permanently rescinded.

USE OF RECEIPTS FROM MINERAL LEASING ACTIVITIES ON CERTAIN NAVAL OIL SHALE RESERVES

(RESCISSION)

Of the unobligated balances available under this heading, \$12,996,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United

States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

In fiscal year 2009 and each fiscal year thereafter, the Bureau of Land Management shall collect mining law administration fees; such fees shall be collected in the same manner as those authorized by 30 U.S.C. 28f and 28g only to the extent provided in advance in appropriations Acts.

The provisions of law codified at sections 28f(a) and 28g of title 30, United States Code, are amended to remove the modifications made under the heading "administrative provisions", under the heading "Bureau of Land Management" in title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110-161; 121 Stat. 2101).

Sums not to exceed 1 percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology procurements that the Department of the Interior and other Federal Government agencies may use to order information technology hereafter may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$1,140,962,000, to remain available until September 30, 2010 except as otherwise provided herein: *Provided*, That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed \$19,266,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$10,458,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2008: *Provided further*, That of the amount available

for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$35,587,000, to remain available until expended: *Provided*, That of the unobligated balances made available in Public Law 101-512 to carry out the Anadromous Fish Conservation Act, all remaining amounts are permanently rescinded.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$42,455,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$80,001,000, to remain available until expended, of which \$25,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which \$5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which \$54,694,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That of the unobligated balances available under this heading, \$4,500,000 are permanently rescinded.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,100,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401-4414), \$42,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$4,750,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), \$10,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$75,000,000, to remain available until expended: *Provided*, That of the amount provided herein, \$7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting \$11,106,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2009 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2010, shall be reapportioned, together with funds appropriated in 2011, in the manner provided herein.

WILDLIFE CONSERVATION AND APPRECIATION FUND
(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, all remaining amounts are permanently rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to \$2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,131,529,000, of which \$9,851,000 for planning and interagency coordination in support of Everglades restoration and \$99,586,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2010.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$59,684,000.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), \$69,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2010; of which \$20,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's

Treasures grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That of the unobligated balances in this account, \$516,000 are permanently rescinded.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$233,158,000, to remain available until expended: *Provided*, That funds appropriated in this Act, or in any prior Act of Congress, for the implementation of the Modified Water Deliveries to Everglades National Park Project, shall be made available to the Army Corps of Engineers which shall, notwithstanding any other provision of law, immediately and without further delay construct or cause to be constructed Alternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail) consistent with the Limited Reevaluation Report with Integrated Environmental Assessment and addendum, approved August 2008: *Provided further*, That the Secretary of the Interior, acting through the National Park Service, is directed to immediately evaluate the feasibility of additional bridge length, beyond that to be constructed pursuant to the Modified Water Deliveries to Everglades National Park Project (16 U.S.C. §410r–8), including a continuous bridge, or additional bridges or some combination thereof, for the Tamiami Trail (U.S. Highway 41) to restore more natural water flow to Everglades National Park and Florida Bay and for the purpose of restoring habitat within the Park and the ecological connectivity between the Park and the Water Conservation Areas. The feasibility study and the recommendation of the Secretary shall be submitted to the Congress no later than 12 months from the date of enactment of this Act: *Provided further*, That for fiscal year 2009 and hereafter, fees paid by the National Park Service to the West Yellowstone/Hebgen Basin Solid Waste District will be restricted to operations and maintenance costs of the facility, given the capital contribution made by the National Park Service: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the construction project at the Jefferson Memorial plaza and seawall in Washington, DC, may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause “availability of funds” found at 48 CFR 52.232.18: *Provided further*, That the National Park Service shall grant funds not to exceed \$3,000,000 to the St. Louis Metropolitan Park and Recreation District for the purpose of planning and constructing a pedestrian bridge to provide safe visitor access to the Jefferson National Expansion Memorial Arch: *Provided further*, That the unobligated balances in the Federal Infrastructure Improvement Fund under this heading are permanently rescinded.

LAND AND WATER CONSERVATION FUND
(RESCISSION)

The contract authority provided for fiscal year 2009 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE
(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$65,190,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$20,000,000 is for the State assistance program and of which \$4,000,000 is available for grants, subject to a match by at least an equal amount, to States, regional entities, local communities, and the private sector for cost-shared fee simple acquisition of land or permanent, protective interests in land, to preserve, conserve, and enhance nationally significant Civil War Battlefields: *Provided*, That of the unobligated balances under this heading for State Assistance, \$1,000,000 are permanently rescinded.

URBAN PARK AND RECREATION FUND
(RESCISSION)

Of the unobligated balances available under this heading, \$1,300,000 are rescinded.

ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For fiscal year 2009 and hereafter, a willing seller from whom the Service acquires title to real property may be considered a "displaced person" for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking "2009" and inserting "2010".

UNITED STATES GEOLOGICAL SURVEY
SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engi-

neering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,043,803,000, to remain available until September 30, 2010, of which \$64,078,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE
ROYALTY AND OFFSHORE MINERALS
MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$157,373,000, to remain available until Sep-

tember 30, 2010, of which \$86,684,000 shall be available for royalty management activities; and an amount not to exceed \$146,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided*, That in fiscal year 2009 and each fiscal year thereafter, fees and charges authorized by 31 U.S.C. 9701 may be collected only to the extent provided in advance in appropriations Acts: *Provided further*, That notwithstanding 31 U.S.C. 3302, in fiscal year 2009, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further*, That to the extent \$146,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$146,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109-432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2009 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$120,156,000, to remain available until September 30, 2010: *Provided*, That, in fiscal year 2009 and thereafter, the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND
(INCLUDING RESCISSION OF FUNDS)

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$52,946,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That in fiscal year 2009 and hereafter, the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Act, if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount, together with all interest earned on the amount, is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further*, That of the unobligated balances available under this heading, \$8,500,000 are permanently rescinded: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS
OPERATION OF INDIAN PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,128,630,000, to remain available until September 30, 2010 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$147,294,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2009, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts,

grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$499,470,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2009, and shall remain available until September 30, 2010; and of which not to exceed \$58,623,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2008 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2008, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2010, may be transferred during fiscal year 2011 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2011.

CONSTRUCTION
(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$217,688,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2009, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as re-

quired by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS
AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, 109-379, and 109-479, and for implementation of other land and water rights settlements, \$21,627,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$8,186,000, of which \$1,600,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That of the amounts provided herein for administrative expenses, \$500,000 is for the modernization of a management and accounting system: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$85,200,517.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal

Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$107,264,000; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That, for fiscal year 2009 up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further*, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

MANAGEMENT OF FEDERAL LANDS FOR
SUSTAINABLE USES

(RESCISSION)

The unobligated balances under this heading as of the date of enactment of this provision are permanently rescinded.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$78,665,000, of which: (1) \$69,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$8,850,000 shall be available until September 30, 2010 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

OFFICE OF THE SOLICITOR
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$62,050,000.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$45,953,000.

OFFICE OF THE SPECIAL TRUSTEE FOR
AMERICAN INDIANS
FEDERAL TRUST PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$181,648,000, to remain available until expended, of which not to exceed \$56,445,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2009, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further*, That not to exceed \$6,000,000 may be transferred from unobligated balances (Treasury Accounts 14X6039, 14X6803 and 14X8030) for the purpose of one-time accounting reconciliations of the balances, as sanctioned by the Chief Financial Officers Act of 1990, American Indian Trust Fund Management Reform Act of 1994 and the Federal Managers' Financial Integrity Act (FMFIA).

DEPARTMENT-WIDE PROGRAMS
WILDLAND FIRE MANAGEMENT
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior,

\$859,453,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire sup-

pression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,148,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$6,338,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, \$73,435,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoid-

able causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2009. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Kempthorne* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Kempthorne*.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 109. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 110-161, is further amended by deleting the phrase "in fiscal year 2008 only" and inserting in lieu thereof "in fiscal years 2008 and 2009 only".

SEC. 112. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

SEC. 113. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any

agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 115. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

SEC. 116. The Pittsford National Fish Hatchery in Chittenden, Vermont is hereby renamed the Dwight D. Eisenhower National Fish Hatchery.

SEC. 117. Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh-4) is amended—

(1) in subsection (a)—
(A) by striking "(a) ESTABLISHMENT.—(1) When" and inserting the following:

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—When";

(B) in paragraph (2), by striking "(2) Such establishment" and inserting the following:

"(B) EFFECTIVE DATE.—The establishment of the refuge under subparagraph (A)"; and

(C) by adding at the end the following:

"(2) PURPOSE.—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.";

(2) in subsection (c)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) REQUIREMENTS.—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

"(A) emphasize migratory bird conservation; and

"(B) take into consideration the role of the Refuge in broader landscape conservation efforts."; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) subject to any agreement in existence as of the date of enactment of this para-

graph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.".

SEC. 118. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$790,051,000, to remain available until September 30, 2010.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$19,000 for official reception and representation expenses, \$2,392,079,000, to remain available until September 30, 2010: *Provided*, That of the funds included under this heading, not less than \$95,846,000 shall be for the Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2010.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,285,024,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2008, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,285,024,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section

111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2010, and \$26,417,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2010.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$112,577,000, to remain available until expended, of which \$77,077,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$17,687,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$2,968,464,000, to remain available until expended, of which \$689,080,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which up to \$75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; \$829,029,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; \$20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$18,500,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: *Provided*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for

all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$145,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$97,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; \$60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; \$15,000,000 shall be for grants for cost-effective emission reduction projects in accordance with the terms and conditions of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and \$1,094,855,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,495,000 shall be for carrying out section 128 of CERCLA, as amended, \$10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, \$10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2009 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2009, and notwithstanding section 518(f) of the Act, the

Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2009, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2009, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

For fiscal year 2009 and thereafter, the Science and Technology and Environmental Programs and Management Accounts are available for uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901-02 and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the daily equivalent of the rate paid for level IV of the Executive Schedule. Unless specifically authorized by law, for fiscal year 2009 and thereafter, none of the funds available under this title for grants may be used to pay for the salaries of individual consultants at more than the daily equivalent of the rate paid for level IV of the Executive Schedule.

None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Title II of Public Law 109-54, under the heading Administrative Provisions, is amended: in the fourth paragraph, strike "make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development" and insert "employ up to thirty persons at any one time in the Office of

Research and Development under the authority provided in 42 U.S.C. 209".

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, \$10,000,000 are permanently rescinded.

Of the funds provided in the Environmental Programs and Management Account, not less than \$6,500,000 shall be used for activities to develop and publish a final rule not later than June 26, 2009, and to begin implementation, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States, as required by Public Law 110-161.

For fiscal year 2009 and thereafter, the Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed \$85,000 per project.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$296,380,000, to remain available until expended: *Provided*, That of the funds provided, \$60,770,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$265,861,000, to remain available until expended, as authorized by law; and of which \$49,445,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,514,805,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): *Provided*, That of the unobligated balances in this account, \$5,000,000 are rescinded.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$495,393,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That \$50,000,000 shall be designated

for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That up to \$40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2009 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$49,775,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$50,000, to remain available until ex-

pended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$5,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,131,630,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$328,086,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$55,000,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and \$9,928,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between

the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed \$5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or

through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106-224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107-107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than \$73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to \$5,000,000 for priority projects within the scope of the approved budget, of which \$2,500,000 shall be carried out by the Youth Conservation Corps and \$2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109-154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a

lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$50,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,190,956,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That

\$634,477,000 for contract medical care, including \$31,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That not less than \$36,189,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$282,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2009, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of do-

mestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$390,168,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$2,700,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings that relate to the functions or activities for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121, the Indian Sanitation Facilities Act and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction pur-

poses, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$78,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section

3019 of the Solid Waste Disposal Act, as amended, \$74,039,000, of which up to \$1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2009, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,703,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$10,199,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, \$300,000 shall be paid to the “Office of Inspector General” appropriation of the Environmental Protection Agency.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$7,530,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), \$7,900,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$593,400,000, of which not to exceed \$19,352,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which \$1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2010; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$123,000,000, to remain available until expended, of which not to ex-

ceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

For major restoration, renovation, and rehabilitation of existing Smithsonian facilities, \$15,000,000, to remain available until expended: *Provided*, That such funds may be made available in incremental amounts for individual projects after being matched by an equal amount in private donations, which shall not include in-kind contributions: *Provided further*, That none of the funds made available under this heading, or any required matching funds, shall be used for day-to-day maintenance, general salaries and expenses, or programmatic purposes: *Provided further*, That the total amount of private contributions may be adjusted to reflect any provision in this or any other appropriations Act that affects the overall amount of the Federal appropriation for this Fund.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$105,388,000, of which not to exceed \$3,350,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$17,368,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$21,300,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$15,064,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$10,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$155,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-447: *Provided further*, That hereinafter funds previously appropriated to the National Endowment for the Arts "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$155,000,000, to remain available until expended, of which \$140,700,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$9,300,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS
SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,234,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL
AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: *Provided*, That no organization shall receive a grant in excess of \$650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC
PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,498,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION
SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,328,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL
MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$47,260,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$17,450,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL
COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$2,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any

activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2006.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2009, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims

or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), and Public Law 110-161 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2008 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 410. Prior to October 1, 2009, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 412. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is

reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 414. None of the funds made available by this or any other Act may be used in fiscal year 2009 for competitive sourcing studies and any related activities involving Forest Service personnel.

SEC. 415. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 416. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

SEC. 417. Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 3012) is amended by striking "September 30, 2006" and inserting "September 30, 2010".

SEC. 418. Section 330 of Public Law 106-291 concerning Service First authorities (114

Stat. 996), as amended by section 428 of Public Law 109-54 (119 Stat. 555-556), is further amended by striking "2008" and inserting in lieu thereof "2011".

SEC. 419. Section 422 of title IV of division F of Public Law 110-161 is amended by inserting after "fiscal year 2007" the following: "and subsequent fiscal years through fiscal year 2014".

SEC. 420. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

SEC. 421. The boundaries of the Tongass National Forest in the State of Alaska are modified to include the approximately 1,043.38 acres of land acquired by the United States from the Alaska Mental Health Trust Authority, which is more particularly described as lots 1-B and 1-C, Mt. Verstovia-Gavan Hill Subdivision of U.S. Survey No. 3858 and U.S. Survey No. 3849.

SEC. 422. Title V of the Forest Service Realignment and Enhancement Act, 2005, Public Law 109-54, 119 Stat. 559-563; 16 U.S.C. 580d note, is amended as follows:

(1) In section 503, subsection (f) by striking "2008" and inserting in lieu thereof "2011" and;

(2) In section 504—

(A) in subsection (a)(3) by striking in whole, and inserting in lieu thereof "TERMS, CONDITIONS, AND RESERVATIONS.—The conveyance of an administrative site under this title shall be subject to such terms, conditions, and reservations as the Secretary determines to be necessary to protect the public interest";

(B) in subsection (d)(1) by striking "Subchapter I of chapter 5", and inserting in lieu thereof "Chapter 5 of subtitle I"; and

(C) in subsection (d)(4)(B) by striking in whole, and inserting in lieu thereof "determine whether to include terms, conditions, and reservations under subsection (a)(3); and".

SEC. 423. LAKE TAHOE BASIN HAZARDOUS FUEL REDUCTION PROJECTS. (a) Hereafter, subject to subsection (b), a proposal to authorize a hazardous fuel reduction project, not to exceed 5,000 acres, including no more than 1,500 acres of mechanical thinning, on the Lake Tahoe Basin Management Unit may be categorically excluded from documentation in an environmental impact statement or an environmental assessment under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) if the project:

(1) is consistent with the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy published in December 2007 and any subsequent revisions to the Strategy;

(2) is not conducted in any wilderness areas; and

(3) does not involve any new permanent roads.

(b) A proposal that is categorically excluded under this section shall be subject to—

(1) the extraordinary circumstances procedures established by the Forest Service pursuant to section 1508.4 of title 40, Code of Federal Regulations; and

(2) an opportunity for public input.

SEC. 424. Not later than June 30, 2009, the Administrator of the Environmental Protection Agency shall reconsider, and confirm or reverse, the decision to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles.

SEC. 425. TOXICS RELEASE INVENTORY REPORTING. Notwithstanding any other provision of law—

(1) none of the funds made available by this or any other Act may, hereafter, be used to implement the final rule promulgated by the Administrator of the Environmental Protection Agency entitled “Toxics Release Inventory Burden Reduction Final Rule” (71 Fed. Reg. 76932); and

(2) the final rule described in paragraph (1) shall have no force or effect. The affected regulatory text shall revert to what it was before the final rule described in paragraph (1) became effective, until any future action taken by the Administrator.

SEC. 426. Section 325 of Public Law 108-108 is amended by striking “fiscal years 2004-2008” and inserting “fiscal year 2009.”

SEC. 427. The Secretary of Agriculture and the Secretary of the Interior shall execute an agreement that transfers management and oversight including transfer of function for the workforce, of the Centennial, Collbran, Columbia Basin, Fort Simcoe, Treasure Lake, and Weber Basin Job Corps Centers to the Forest Service. These Job Corps centers shall continue to be administered as described in section 147(c) of Public Law 105-220, Workforce Investment Act of 1998.

SEC. 428. Section 434 of division F of Public Law 110-161 is amended by striking paragraph (3) and inserting a new paragraph (3) as follows:

“(3) By adding at the end the following:

“(m) Section 106 of Public Law 108-148 shall apply to all projects authorized by this Act, Sections 104 and 105 of Public Law 108-148 may be applied to projects authorized by this Act.”

SEC. 429. (a) During the 60-day period beginning on the date of the enactment of this Act—

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or reissue the rule described in subsection (c)(1) without regard to any provision of statute or regulation that establishes a requirement for such withdrawal; and

(2) the Secretary of the Interior may withdraw or reissue the rule referred to in subsection (c)(2) without regard to any provision of statute or regulation that establishes a requirement for such withdrawal.

(b) If the Secretary of the Interior or the Secretary of Commerce (or both) withdraws a rule under subsection (a), such Secretary shall implement the provisions of law under which the rule was issued in accordance with the regulations in effect under such provisions immediately before the effective date of such rule, except as otherwise provided by any Act or rule that takes effect after the effective date of the rule that is withdrawn.

(c) The rules referred to in subsection (a) are the following:

(1) The final rule relating to “Interagency Cooperation under the Endangered Species Act”, issued by the United States Fish and Wildlife Service and the National Marine Fisheries Service and signed November 26, 2008, by the Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior and the Deputy Assistant Administrator for the Regulatory Programs of the National Marine Fisheries Service.

(2) The final rule relating to “Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear”, issued by the Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior on December 10, 2008.

SEC. 430. Within the amounts appropriated in this division, funding shall be allocated in

the amounts specified for those projects and purposes delineated in the table titled “Congressional Directed Spending” included in the explanatory statement accompanying this Act (as described in section 4, in the matter preceding division A of this consolidated Act).

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009”.

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998 (“WIA”), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; \$3,626,448,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, \$2,969,449,000 as follows:

(A) \$861,540,000 for adult employment and training activities, of which \$149,540,000 shall be available for the period July 1, 2009, through June 30, 2010, and of which \$712,000,000 shall be available for the period October 1, 2009 through June 30, 2010;

(B) \$924,069,000 for youth activities, which shall be available for the period April 1, 2009 through June 30, 2010; and

(C) \$1,183,840,000 for dislocated worker employment and training activities, of which \$335,840,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which \$848,000,000 shall be available for the period October 1, 2009 through June 30, 2010: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, \$489,429,000 as follows:

(A) \$283,051,000 for the dislocated workers assistance national reserve, of which \$71,051,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which \$212,000,000 shall be available for the period October 1, 2009 through June 30, 2010: *Provided*, That up to \$125,000,000 may be made available for Community-Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That

funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers;

(B) \$52,758,000 for Native American programs, which shall be available for the period July 1, 2009 through June 30, 2010;

(C) \$82,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including \$76,710,000 for formula grants (of which not less than 70 percent shall be for employment and training services), \$5,400,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$510,000 for other discretionary purposes, which shall be available for the period July 1, 2009 through June 30, 2010: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) \$1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2009 through June 30, 2010; and

(E) \$70,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2009 through June 30, 2010: *Provided*, That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy;

(3) for national activities, \$167,570,000, as follows:

(A) \$48,781,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2009 through June 30, 2010, of which \$5,000,000 shall be for competitive grants to address the employment and training needs of young parents (notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA), and of which \$41,324,000 shall be used for the projects, and in the amounts, specified under the heading “Training and Employment Services” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) \$108,493,000 for ex-offender activities, under the authority of section 171 of the WIA, which shall be available for the period April 1, 2009 through June 30, 2010, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D): *Provided*, That not less than \$88,500,000 shall be for youthful offender activities, of which \$35,000,000 shall be for a program of competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) \$6,918,000 for Evaluation, which shall be available for the period July 1, 2009 through June 30, 2010; and

(D) \$3,378,000 for the Denali Commission, which shall be available for the period July 1, 2009 through June 30, 2010.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, \$571,925,000, which shall be available for the period July 1, 2009 through June 30, 2010: *Provided*, That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and re-obligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2009 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, \$958,800,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2009.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$91,698,000, together with not to exceed \$3,563,167,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) \$2,782,145,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including \$10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501-8523, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2009, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2011, and funds used for unemployment insurance workloads experienced by the States through September 30, 2009 shall be available for Federal obligation through December 31, 2009;

(2) \$11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) \$680,893,000 from the Trust Fund, together with \$22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010;

(4) \$20,869,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed \$1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) \$67,950,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related

laws, of which \$52,821,000 shall be available for the Federal administration of such activities, and \$15,129,000 shall be available for grants to States for the administration of such activities;

(6) \$51,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010; and

(7) \$17,295,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2009 through June 30, 2010:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2009 is projected by the Department of Labor to exceed 3,487,000, an additional \$28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A-87: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallocate funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, \$40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews: *Provided*, That not later than June 30, 2010, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than June 30, 2011, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for non-repayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal unemployment benefits and allowances" account, to remain available through September 30, 2010, \$422,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2009, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$85,323,000, together with not to exceed \$45,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$143,419,000.

PENSION BENEFIT GUARANTY CORPORATION PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by 31 U.S.C. 9104 as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2009, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2009 shall be available for obligations for administrative expenses in excess of \$44,722,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2009, an amount not to exceed an additional \$9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional \$50,000 shall be made available for obligation for investment management fees for every \$25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pre-termination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES (INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including

reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$438,166,000, together with \$2,101,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, \$97,000,000 are rescinded as of September 30, 2009.

SPECIAL BENEFITS
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, \$163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2008, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2009: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$52,720,000 shall be made available to the Secretary as follows:

- (1) For enhancement and maintenance of automated data processing systems and telecommunications systems, \$15,068,000;
- (2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$23,273,000;
- (3) For periodic roll management and medical review, \$14,379,000; and
- (4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (in-

cluding Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107-275, \$188,130,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2010, \$56,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$49,654,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2009 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2009 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed \$32,308,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed \$24,694,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed \$325,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$513,042,000, including not to exceed \$92,593,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2009, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance

with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That \$10,000,000 shall be available for Susan Harwood training grants, of which \$3,144,000 shall be used for the Institutional Competency Building training grants awarded in February 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

MINE SAFETY AND HEALTH ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$347,003,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to \$2,000,000 for mine rescue and recovery activities, and \$1,808,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room,

board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$518,918,000, together with not to exceed \$78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which \$1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, \$26,679,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, \$313,871,000, of which \$86,074,000 is for the Bureau of International Labor Affairs (including \$6,500,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which \$21,286,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Infor-

mation Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed \$327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$1,683,938,000, plus reimbursements, as follows:

(1) \$1,540,276,000 for Job Corps Operations, of which \$949,276,000 shall be available for obligation for the period July 1, 2009 through June 30, 2010 and of which \$591,000,000 shall be available for obligation for the period October 1, 2009 through June 30, 2010;

(2) \$115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which \$15,000,000 shall be available for the period July 1, 2009 through June 30, 2012 and \$100,000,000 shall be available for the period October 1, 2009 through June 30, 2012; and

(3) \$28,662,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2008 through September 30, 2009:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$205,468,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4113, 4211-4215, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2009, of which \$1,949,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, \$33,971,000, of which \$7,641,000 shall be available for obligation for the period July 1, 2009 through June 30, 2010.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$76,326,000, together with not to exceed \$5,815,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such

transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. After September 30, 2008, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than \$115) that each of its employees of the National Capital Region is eligible to receive.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated

the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the "Department of Labor Appropriations Act, 2009".

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act ("PHS Act"), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, \$7,234,436,000, of which \$39,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That of the funds made available under this heading, \$129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That \$56,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more

than \$40,000 is available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further*, That no more than \$44,055,000 is available until expended for carrying out the provisions of Public Law 104-73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, \$307,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be non-directive, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, \$1,886,873,000 shall remain available to the Secretary of Health and Human Services through September 30, 2011, for parts A and B of title XXVI of the PHS Act: *Provided further*, That within the amounts provided for part A of title XXVI of the PHS Act, \$10,853,000 is available to the Secretary of Health and Human Services through September 30, 2011, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2009 to metropolitan areas that received grant funding in fiscal year 2008 under subpart I of part A of title XXVI of the PHS Act to ensure that an area's total funding under subpart I of part A for fiscal year 2008, together with the amount of this additional funding, is not less than 93.7 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2008 under subpart II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subpart II of part A for fiscal year 2008, together with the amount of this additional funding, is not less than 88.7 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2008, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That \$815,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: *Provided further*, That in addition to amounts provided herein, \$25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed \$92,551,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and \$10,400,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, not less than \$5,000,000 shall be for general dentistry programs, not less than \$5,000,000 shall be for pediatric dentistry programs including faculty

loan repayment, and not less than \$29,025,000 shall be for family medicine programs: *Provided further*, That of the funds provided, \$19,642,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106-113: *Provided further*, That of the funds provided, \$26,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110-161 and associated administrative expenses: *Provided further*, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: *Provided further*, That of the amount appropriated in this paragraph, \$310,470,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading "Health Resources and Services" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and of which up to one percent of the amount for each project may be used for related agency administrative expenses: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, \$9,201,000 is available for State Offices of Rural Health: *Provided further*, That of the funds provided, \$15,000,000 is available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act ("PHS Act"). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, \$2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$5,404,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, \$6,283,350,000, of which \$151,500,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which

\$570,307,000 shall remain available until expended for the Strategic National Stockpile under section 319F-2 of the PHS Act; of which \$21,997,000 shall be used for the projects, and in the amounts, specified under the heading "Disease Control, Research, and Training" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); of which \$118,863,000 for international HIV/AIDS shall remain available through September 30, 2010; and of which \$70,000,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: *Provided*, That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) \$12,794,000 to carry out the National Immunization Surveys; (2) \$124,701,000 to carry out the National Center for Health Statistics surveys; (3) \$24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) \$46,780,000 for Health Marketing; (5) \$31,000,000 to carry out Public Health Research; and (6) \$91,225,000 to carry out research activities within the National Occupational Research Agenda: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That of the funds made available under this heading, up to \$1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further*, That not to exceed \$19,528,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: *Provided further*, That of the funds appropriated, \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and

Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to \$15,000,000 shall be for States newly eligible in fiscal year 2009 under section 2625 of the PHS Act as of December 31, 2008 and shall be distributed by May 31, 2009 based on standard criteria relating to a State's epidemiological profile, and of which not more than \$1,000,000 may be made available to any one State, and amounts that have not been obligated by May 31, 2009 shall be made available to States and local public health departments for HIV testing activities: *Provided further*, That none of the funds made available in this Act to carry out part A of title XIX of the PHS Act may be used to provide more than 75 percent of any State's allotment under section 1902 of the PHS Act until such State certifies that it will submit a plan to the Secretary of Health and Human Services, not later than January 1, 2010, to reduce healthcare-associated infections: *Provided further*, That each such State plan shall be consistent with the Department of Health and Human Services' national action plan for reducing healthcare-associated infections and include measurable 5-year goals and interim milestones for reducing such infections: *Provided further*, That the Secretary shall conduct a review of the State plans submitted pursuant to the preceding proviso and report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010, regarding the adequacy of such plans for achieving State and national goals for reducing healthcare-associated infections: *Provided further*, That for purposes of the two preceding provisos, the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, \$55,358,000, to remain available until expended, of which \$4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106-554.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,968,973,000, of which up to \$8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$3,015,689,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$402,652,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,761,338,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,593,344,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,702,572,000: *Provided*, That \$300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,997,801,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,294,894,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$688,480,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, \$662,820,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,080,796,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$524,872,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$407,259,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$141,879,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$450,230,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,032,759,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,450,491,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$502,367,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$308,208,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,226,263,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$125,471,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$205,959,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), \$68,691,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act ("PHS Act") with respect to health information communications, \$330,771,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2009, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, \$8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health ("NIH"), \$1,246,864,000, of which up to \$25,000,000 shall be used to carry out section 214 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$192,300,000 shall be available for continuation of the National Children's Study: *Provided further*, That \$541,133,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act ("PHS Act"): *Provided further*, That of the funds provided \$10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the

Office of the Director of the NIH may spend up to \$8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$125,581,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, \$3,334,906,000, of which \$15,666,000 shall be used for the projects, and in the amounts, specified under the heading "Substance Abuse and Mental Health Services" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That \$2,000,000 shall be available to establish State-administered controlled substance monitoring systems as authorized by Public Law 109-60: *Provided further*, That \$772,000 shall be for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2009: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) \$79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) \$21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) \$22,750,000 to carry out national surveys on drug abuse and mental health; and (4) \$8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2009.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act ("PHS Act"), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pur-

suant to section 937(c) of the PHS Act shall not exceed \$372,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$149,335,031,000, to remain available until expended.

For making, after May 31, 2009, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2009 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2010, \$71,700,038,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D-16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$195,383,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D-16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act ("PHS Act"), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$3,305,386,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$35,700,000, to remain available through September 30, 2010, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That \$108,900,000, to remain available through September 30, 2010, shall be for the Centers for Medicare and Medicaid Services ("CMS") Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading shall be available for the Healthy Start, Grow Smart program under which the CMS may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including,

but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary is directed to collect fees in fiscal year 2009 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That \$4,542,000 shall be used for the projects, and in the amounts, specified under the heading "Program Management" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That \$75,000,000 is available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, \$198,000,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which \$147,038,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, including activities listed in section 1893(b) of such Act; of which \$18,967,000 shall be for the Department of Health and Human Services Office of Inspector General; of which \$13,028,000 shall be for the Medicaid and State Children's Health Insurance Program ("SCHIP") program integrity activities; and of which \$18,967,000 shall be for the Department of Justice: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2009 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and SCHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, \$2,759,078,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2010, \$1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and

the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, \$633,442,000, of which up to \$9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2009 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2011.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, \$2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$271,401,000 shall be reserved by the States for activities authorized under section 658G, of which \$99,534,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act ("PHS Act"), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B-1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance

Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, \$9,301,111,000, of which \$36,500,000, to remain available through September 30, 2010, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2009: *Provided*, That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further*, That \$7,112,786,000 shall be for making payments under the Head Start Act, of which \$2,000,000, to remain available through September 30, 2010, shall be designated to fund section 657B: *Provided further*, That \$746,000,000 shall be for making payments under the CSBG Act: *Provided further*, That not less than \$10,000,000 shall be for section 680(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, \$5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$47,688,000 shall be for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That \$17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which \$12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which \$5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That \$94,659,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grants: *Provided further*, That grants under the immediately

preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grants, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further*, That information provided through such competitive grants for abstinence education shall be scientifically accurate and shall comply with section 317P(c)(2) of the PHS Act: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to \$10,000,000 may be available for a national abstinence education campaign: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, \$4,455,000 shall be available from amounts available under section 241 of the PHS Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to \$2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That \$16,910,000 shall be used for the projects, and in the amounts, specified under the heading "Children and Families Services Programs" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, \$345,000,000 and section 437 of such Act, \$63,311,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, \$5,050,000,000.

For making payments to States or other non-Federal entities under title IV-E of the Social Security Act, for the first quarter of fiscal year 2010, \$1,800,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV-E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, \$1,491,343,000, of which \$5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That \$5,123,000 shall be used for the projects, and in the amounts, specified under the heading "Aging Services Programs" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental manage-

ment, including hire of six sedans, and for carrying out titles III, XVII, XX, XXI, and XXIX of the Public Health Service Act ("PHS Act"), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, \$389,925,000, together with \$5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and \$46,756,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, \$51,891,000 shall be for minority AIDS prevention and treatment activities; \$5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and \$1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: *Provided further*, That of the funds made available under this heading for carrying out title XX of the PHS Act, \$13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act without application of the limitation of section 2010(c) of such title XX: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That \$2,854,000 shall be used for the projects, and in the amounts, specified under the heading "General Departmental Management" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate ("Committees on Appropriations") in a prompt, professional manner and within the time frame specified in the request: *Provided further*, That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), \$64,604,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development

and advancement of interoperable health information technology, \$43,552,000: *Provided*, That in addition to amounts provided herein, \$17,679,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, \$45,279,000: *Provided*, That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$36,785,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, \$537,704,000, of which not to exceed \$22,052,000 shall be to pay the costs described in section 319F-2(c)(7)(B) of the Public Health Service Act ("PHS Act").

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, \$275,000,000, to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2010.

For expenses necessary to prepare for and respond to an influenza pandemic, \$448,091,000, together with \$137,000,000 to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, of which \$507,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F-2 of the PHS Act: *Provided further*, That notwithstanding section 496(b) of the PHS Act, funds

may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer

up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act if such State certifies to the Secretary of Health and Human Services by May 1, 2009, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2009 for tobacco prevention programs and for compliance activities

at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2008, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2008 State expenditures and all fiscal year 2009 obligations for tobacco prevention and compliance activities by program activity by July 31, 2009.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2009.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than \$1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2009:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 214. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act ("PHS Act") to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director

may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102-408.

SEC. 217. The Director of the National Institutes of Health ("NIH") shall require in the current fiscal year and thereafter that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 218. Not to exceed \$35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed \$2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 219. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 220. Section 223 of division G of the Consolidated Appropriations Act, 2008, is amended in its first proviso by striking "for" the first time it appears and inserting "in".

SEC. 221. (a) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. § 1396r-8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005, is amended—

(1) in clause (i)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section;

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act, 42 U.S.C. 300.".

(2) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in clause (i)(IV), including the prohibition set forth in section 1008 of the Public Health Service Act."

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005.

SEC. 222. Section 202 of Public Law 102-394 is hereby amended by substituting "4,000" for "2,800".

SEC. 223. Within 60 days of passage of this Act, the Secretary of the Department of Health and Human Services shall issue an Advanced Notice of Proposed Rulemaking to solicit public comment in advance of modifying regulations at 42 CFR Part 50 Subpart F for the purpose of strengthening Federal oversight and identifying enhancements of policies, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health.

SEC. 224. Hereafter, the activities authorized under section 399M of the Public Health Service Act shall be known as the "James T. Walsh Universal Newborn Hearing Screening Program."

(RESCISSION OF FUNDS)

SEC. 225. Of the funds available for carrying out section 204 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170), \$21,500,000 are rescinded: *Provided*, That notwithstanding subsection (c)(3)(B) of such section, in no case may the aggregate amount of payments made by the Secretary of Health and Human Services to States under such section exceed \$223,500,000.

SEC. 226. Section 1941(b)(1)(B) of the Social Security Act, as added by section 7002(b) of the Supplemental Appropriations Act, 2008, is amended by inserting "each of" after "for".

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2009".

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, \$15,760,086,000, of which \$4,739,881,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which \$10,841,176,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009-2010: *Provided*, That \$6,597,946,000

shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to \$4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2008, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That \$3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That \$3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That \$9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,265,718,000, of which \$1,128,535,000 shall be for basic support payments under section 8003(b), \$48,602,000 shall be for payments for children with disabilities under section 8003(d), \$17,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2010, \$66,208,000 shall be for Federal property payments under section 8002, and \$4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2008-2009, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, \$5,362,016,000, of which \$3,495,865,000 shall become available on July 1, 2009, and remain available through September 30, 2010, and of which \$1,681,441,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009-2010: *Provided*, That of the funds available for section 2103(a) of the ESEA, \$5,000,000 shall be available for a school leadership partnership initiative and up to \$7,500,000 shall be available for teacher and principal quality national activities administered by the Secretary of Education, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That funds made available to carry out part B of title VII of the ESEA may be

used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than \$1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and \$1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That \$57,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That \$33,791,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That \$17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That \$7,360,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, \$122,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965, \$996,425,000: *Provided*, That \$10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c), including \$1,000,000 to develop a National Board certification for principals of elementary and secondary schools: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: *Provided further*, That \$347,640,000 shall be available to carry out part D of title V: *Provided further*, That \$88,015,000 shall be used for the projects, and in the amounts, specified under the heading "Innovation and Im-

provement" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That \$97,270,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to \$21,031,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than \$195,000,000 to carry out other activities authorized under subpart 1.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, \$690,370,000, of which \$294,759,000 shall become available on July 1, 2009, and remain available through September 30, 2010: *Provided*, That \$294,759,000 shall be available for subpart 1 of part A of title IV and \$220,240,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That \$141,912,000 shall be available to carry out part D of title V: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to \$13,383,000 may be used to carry out section 2345 and \$2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, \$730,000,000, which shall become available on July 1, 2009, and shall remain available through September 30, 2010, except that 6.5 percent of such amount shall be available on October 1, 2008, and shall remain available through September 30, 2010, to carry out activities under section 3111(c)(1)(C): *Provided*, That the Secretary of Education shall use the American Community Survey child counts to calculate State allocations under such part but, for any State that would otherwise receive greater than a 10-percent reduction from its previous year's allocation, the Secretary shall carry out such calculation using the average of the American Community Survey child counts for the 3 most recent years.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, \$12,579,677,000, of which \$3,726,354,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which \$8,592,383,000 shall become available on October 1, 2009, and shall remain available through Sep-

tember 30, 2010, for academic year 2009–2010: *Provided*, That \$13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That \$737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2008, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games hosted in the United States.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$3,387,762,000: *Provided*, That \$3,088,000 shall be used for the projects, and in the amounts, specified under the heading "Rehabilitation Services and Disability Research" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, \$22,599,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, \$64,212,000, of which \$1,175,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, \$124,000,000, of which \$6,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, \$1,944,348,000, of which \$4,400,000 shall become available on October 1, 2008 and remain available until September 30, 2010, of which \$1,148,948,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which \$791,000,000 shall become available on October 1, 2009, and shall

remain available through September 30, 2010: *Provided*, That of the amount provided for Adult Education State Grants, \$67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$6,878,000 shall be for national leadership activities under section 243 and \$6,468,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2008, and shall remain available through September 30, 2010, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2009, and remain available through September 30, 2010, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

STUDENT FINANCIAL ASSISTANCE (INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, \$19,156,973,000, which shall remain available through September 30, 2010.

The maximum Pell Grant for which a student shall be eligible during award year 2009–2010 shall be \$4,860.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, \$887,000,000 shall not be available until October 1, 2009.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, \$753,402,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, section 515 of the Federal Mine Safety and Health Act of 1977, and sec-

tion 117 of the Carl D. Perkins Career and Technical Education Act of 2006, \$2,100,150,000: *Provided*, That \$9,687,000, to remain available through September 30, 2010, shall be available to fund fellowships for academic year 2010–2011 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That \$609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That up to \$6,556,000 shall be available to continue funding for recipients of multi-year awards under section 204 of the HEA, as that Act was in effect prior to the date of enactment of the Higher Education Opportunity Act ("HEOA"), in accordance with the terms of their awards: *Provided further*, That notwithstanding any other provision of law, funds available under section 371 of the HEA for Tribal Colleges and Universities may be used for construction grants, including such funds to recipients of continuation grants for multi-year awards that were made in fiscal year 2008 under section 316 of the HEA, as that Act was in effect prior to the date of enactment of the HEOA, in accordance with the terms of such multi-year awards: *Provided further*, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the HEOA, that would have otherwise received a continuation award for fiscal year 2009 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further*, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further*, That \$1,000,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: *Provided further*, That the Secretary of Education shall identify these scholarships as "Erma Byrd Scholarships": *Provided further*, That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to

implement such a program: *Provided further*, That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: *Provided further*, That the Secretary shall be authorized to accept contributions for such scholarships from private sources: *Provided further*, That these funds shall be used for scholarships for academic year 2009–2010 and may be available for scholarships in academic year 2010–2011: *Provided further*, That \$91,243,000 shall be used for the projects, and in the amounts, specified under the heading "Higher Education" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

HOWARD UNIVERSITY

For partial support of Howard University, \$234,977,000, of which not less than \$3,464,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, \$461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

Notwithstanding the limitations contained in section 344(a) of the Higher Education Act of 1965 ("HEA"), the aggregate principal amount of outstanding bonds insured under the Historically Black College and University Capital Financing Program is authorized to equal but not exceed \$725,000,000, which may be used for loans to public and private historically black colleges and universities without regard to paragraphs (1) and (2) of section 344(a).

For the cost of guaranteed loans, \$10,000,000, as authorized pursuant to Part D of title III of the HEA: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$100,000,000. In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, \$354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, \$617,175,000, of which \$312,241,000 shall be available until September 30, 2010: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information: *Provided further*, That up to \$5,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

DEPARTMENTAL MANAGEMENT PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education

Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$433,482,000, of which \$5,400,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$96,826,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$54,539,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

SEC. 305. The signature pages submitted by Heart Butte School District in Pondera County, Montana, as part of its application for Impact Aid under title VIII of the Elementary and Secondary Education Act of 1965, shall be considered to have been timely and complete for purposes of receiving funding under such program for fiscal year 2009.

SEC. 306. The Outlying Areas may consolidate funds received under this Act as well as any remaining funds received under the Department of Education Appropriations Act,

2008, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

This title may be cited as the "Department of Education Appropriations Act, 2009".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$5,094,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE SALARIES AND EXPENSES

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), \$680,564,000, of which \$309,835,000 shall be to carry out the 1973 Act and \$370,729,000 shall be to carry out the 1990 Act: *Provided*, That \$27,500,000 of the amount provided under this heading shall be available to carry out subtitle E of the 1990 Act at five campuses throughout the United States: *Provided further*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not more than \$55,000,000 of grants made under subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of the 1990 Act; and (2) \$11,790,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), \$131,075,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" for grants made under subtitle C of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$71,715,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, \$6,512,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act of 1990.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 ("1990 Act") to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the 1990 Act.

SEC. 403. The Corporation for National and Community Service ("the Corporation") shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2009, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 404. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for National and Community Service for a waiver of application of section 140(c)(2).

SEC. 405. Notwithstanding 31 U.S.C. 1342, the Corporation for National and Community Service ("the Corporation") may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 406. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

SEC. 407. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating

costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 408. Notwithstanding any other provision of law, formula-based grants to States and territories under section 129(a)(1)–(2) of the National and Community Service Act of 1990 to operate AmeriCorps programs may be made if the application describes proposed positions into which participants will be placed, the proposed minimum qualifications of such participants, and includes an assurance that the State will select national service programs for subgrants on a competitive basis, and an assurance that the aforementioned information will be provided for each subgrant awarded prior to the execution of such subgrants.

(TRANSFER OF FUNDS)

SEC. 409. For fiscal year 2009 and thereafter, in addition to amounts otherwise provided to the National Service Trust, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available for grants under the National Service Trust Program under subtitle C of title I of the 1990 Act during such fiscal year may be transferred to the National Service Trust after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate, if such funds are initially obligated before the expiration of their period of availability.

SEC. 410. Of the amounts provided in this Act which the Corporation for National and Community Service (“the Corporation”) allocates for the provision of assistance under subsections 129(a) and (b) of the National and Community Service Act of 1990 (“1990 Act”), the Corporation shall apply the formula in section 129(a)(1) of the 1990 Act in such a manner so as to ensure that each State shall receive a minimum of \$500,000: *Provided*, That, in no event shall the total amount allotted under section 129(a)(1) exceed 33½ percent of the funds allocated by the Corporation for the provision of assistance under subsections 129(a) and (b) of the 1990 Act.

SEC. 411. Notwithstanding section 139(b) of the National and Community Service Act of 1990 (“1990 Act”), an individual in an approved national service position performing full-time or part-time national service directly related to disaster relief efforts may continue in that term of service for a period of 6 months beyond the periods otherwise specified in sections 139(b) and 153(e) of the 1990 Act or section 104 of the Domestic Volunteer Service Act of 1973. Service in an extended term as provided under this section shall constitute a single term of service for purposes of sections 146(b) and (c) of the 1990 Act.

SEC. 412. Donations made to the Corporation for National and Community Service (“the Corporation”) under section 196 of the National and Community Service Act of 1990 (“1990 Act”) for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitles B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (“Corporation”), as authorized by the Communications Act of 1934, an amount which shall be available within limi-

tations specified by that Act, for the fiscal year 2011, \$430,000,000: *Provided*, That no funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2009, in addition to the amounts provided above, \$34,591,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2009, in addition to the amounts provided above, \$26,642,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation by this Act, division G of the Consolidated Appropriations Act, 2008, or the Continuing Appropriations Resolution, 2007, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (“Service”) to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, \$45,476,000: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director’s jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, \$8,653,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Mu-

seum of African American History and Culture Act, \$274,840,000, of which \$10,737,000 shall be used for the projects, and in the amounts, specified under the heading “Office of Museum and Library Services: Grants and Administration” in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$11,403,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, \$3,206,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, \$262,595,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, \$12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, \$11,186,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$72,000,000, which shall include amounts becoming available in fiscal year 2009 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount

available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2010, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$105,463,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General ("Office") for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than \$7,806,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office, except as permitted pursuant to the last proviso under this heading in division G of the Consolidated Appropriations Act, 2008.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,406,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$30,471,537,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2010, \$15,400,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$10,067,500,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2009 not needed for fiscal year 2009 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than \$264,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, \$240,000,000, for additional continuing disability reviews and redeterminations of eligibility: *Provided*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104-121 for fiscal years 1996 through 2002.

In addition, \$145,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2009 exceed \$145,000,000, the amounts shall be available in fiscal year 2010 only to the extent provided in advance in appropriations Acts.

In addition, up to \$1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$28,000,000, together with not to exceed \$70,127,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social

Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "National Mediation Board, Salaries and expenses".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any

trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the

use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2009 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2009 budget request.

SEC. 519. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

SEC. 520. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding \$100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2009, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief,

the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 522. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 523. (a) Section 14002(a)(2)(A)(i) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended, in the matter preceding subclause (I), by inserting "education" after "secondary".

(b) Section 14002(b)(1) of such division is amended by striking "14001" and inserting "14001(d)".

(c) Section 14003(a) of such division is amended by striking "the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.)" and inserting "the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.)".

(d) Section 14005(a) of such division is amended by striking "14001" and inserting "14001(d)".

(e) Section 14005(d)(4)(C) of such division is amended by striking "6401(e)(1)(A)(ii)" and inserting "6401(e)(1)(A)(ii)".

(f) Section 14005(d)(5) of such division is amended—

(1) by striking "1116(a)(7)(C)(iv)" and inserting "1116(b)(7)(C)(iv)"; and

(2) by striking "1116(a)(8)(B)" and inserting "1116(b)(8)(B)".

(g) Section 14011 of such division is amended by inserting before the period at the end the following: " , unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)".

(h) Section 14012(c) of such division is amended to read as follows:

"(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State than the percentage provided for such purpose in the preceding fiscal year."

TITLE VI

AFGHAN ALLIES PROTECTION ACT OF 2009

SEC. 601. SHORT TITLE.

This Act may be cited as the "Afghan Allies Protection Act of 2009".

SEC. 602. PROTECTION FOR AFGHAN ALLIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa;

(C) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(D) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this subparagraph if the alien—

(i) is a citizen or national of Afghanistan; (ii) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

(iii) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to subparagraph (D), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and

(iv) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(B) SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) is the spouse or child of a principal alien described in subparagraph (A); and

(ii) is accompanying or following to join the principal alien in the United States.

(C) SURVIVING SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) was the spouse or child of a principal alien described in subparagraph (A) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 8 U.S.C. 1101 note) which included the alien as an accompanying spouse or child; and

(ii) due to the death of the principal alien—

(I) such petition was revoked or terminated (or otherwise rendered null); and

(II) such petition would have been approved if the principal alien had survived.

(D) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under subparagraph (A)(iii) shall be accompanied by approval from the appropriate Chief of Mission, or the designee of the appropriate Chief of Mission, who shall conduct a risk assessment of the alien and

an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(3) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1,500 per year for each of the fiscal years 2009, 2010, 2011, 2012, and 2013.

(B) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this subsection shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(C) CARRY FORWARD.—

(i) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(I) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(II) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(ii) FISCAL YEAR 2014.—If the numerical limitation determined under clause (i) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this subsection for fiscal year 2014 shall be equal to the difference between—

(I) the numerical limitation determined under clause (i) for fiscal year 2013; and

(II) the number of principal aliens provided such status under this section during fiscal year 2013.

(4) PROHIBITION ON FEES.—The Secretary of Homeland Security or the Secretary of State may not charge an alien described in subparagraph (A), (B), or (C) of paragraph (2) any fee in connection with an application for, or issuance of, a special immigrant visa under this section.

(5) ASSISTANCE WITH PASSPORT ISSUANCE.—The Secretary of State shall make a reasonable effort to ensure that an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is issued a special immigrant visa pursuant to this subsection is provided with the appropriate series Afghan passport necessary to enter the United States.

(6) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is seeking special immigrant status under this subsection protection or to immediately remove such alien from Afghanistan, if possible, if the Secretary determines, after consultation, that such alien is in imminent danger.

(7) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this subsection solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(8) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for

resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 8 months.

(9) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection or in section 1244(b) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181; 122 Stat. 397) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a non-immigrant into the United States; and

(B) is otherwise eligible for special immigrant status under—

(i)(I) this subsection; or

(II) such section 1244(b); and

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(10) REPORT ON IMPLEMENTATION AND AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—

(A) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on the implementation of this subsection.

(B) CONTENT OF REPORT.—The report required by subparagraph (A) shall describe actions taken, and additional administrative measures that may be needed, to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(C) AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—The Secretary of Homeland Security and the Secretary of State shall implement any additional administrative measures described in subparagraph (B) as they may deem necessary and appropriate to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(11) ANNUAL REPORT ON USE OF SPECIAL IMMIGRANT STATUS.—

(A) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the number of citizens or nationals of Afghanistan or Iraq who have applied for status as special immigrants under this subsection or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181; 122 Stat. 396).

(B) CONTENT.—Each report required by subparagraph (A) submitted in a fiscal year shall include the following information for the previous fiscal year:

(i) The number of citizens or nationals of Afghanistan or Iraq who submitted an application for status as a special immigrant pursuant to this section or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110-181; 122 Stat. 396), disaggregated—

(I) by the number of principal aliens applying for such status; and

(II) by the number of spouses and children of principal aliens applying for such status.

(ii) The number of applications referred to in clause (i) that—

(I) were approved; or

(II) were denied, including a description of the basis for each denial.

(C) INFORMATION REGARDING CITIZENS OR NATIONALS OF AFGHANISTAN EMPLOYED BY THE UNITED STATES OR FEDERAL CONTRACTORS IN AFGHANISTAN.—

(1) REQUIREMENT TO COMPILE INFORMATION.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury shall—

(i) review internal records and databases of their respective agencies for information that can be used to verify employment of citizens or nationals of Afghanistan by the United States Government; and

(ii) request from each prime contractor or grantee that has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of \$25,000, information that may be used to verify the employment of such citizens or nationals by such contractor or grantee.

(B) INFORMATION REQUIRED.—To the extent data is available, the information referred to in subparagraph (A) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of each citizen or national of Afghanistan who has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with an executive agency.

(2) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report examining the options for establishing a unified and classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Afghanistan since October 7, 2001, including the information described and collected under paragraph (1), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(3) REPORT ON NONCOMPLIANCE.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that describes—

(A) the inability or unwillingness of any contractor or grantee to provide the information requested under paragraph (1)(A)(ii); and

(B) the reasons that such contractor or grantee provided for failing to provide such information.

(4) EXECUTIVE AGENCY DEFINED.—In this subsection, the term “executive agency” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 8 U.S.C. 1101 note).

This division may be cited as the “Departments of Labor, Health and Human Services,

and Education, and Related Agencies Appropriations Act, 2009”.

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$40,000; Majority Leader of the Senate, \$40,000; Minority Leader of the Senate, \$40,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$171,699,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$2,413,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$720,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, \$100,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$4,998,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$3,096,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$15,200,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,655,000 for each such committee; in all, \$3,310,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$814,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,690,000 for each such committee; in all, \$3,380,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$397,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$24,020,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$66,800,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,758,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$44,693,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$6,743,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,484,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOOR- KEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$7,500; Sergeant at Arms and Doorkeeper of the Senate, \$7,500; Secretary for the Majority of the Senate, \$7,500; Secretary for the Minority of the Senate, \$7,500; in all, \$30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$137,400,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$153,601,000, which shall remain available until September 30, 2013.

MISCELLANEOUS ITEMS

For miscellaneous items, \$21,043,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$400,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2008, each of the dollar amounts

contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2008, increased by an additional \$50,000 each.

SEC. 2. CONSULTANTS. (a) IN GENERAL.—

(1) The first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) is amended by striking "eight individual consultants" and inserting "nine individual consultants".

(2) The second sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) is amended by striking "two individual consultants" and inserting "three individual consultants".

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2009 and each fiscal year thereafter.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$1,301,267,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$25,113,000, including: Office of the Speaker, \$4,879,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$2,436,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$4,390,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$2,115,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, \$1,630,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$501,000; Republican Steering Committee, \$950,000; Republican Conference, \$1,777,000; Republican Policy Committee, \$337,000; Democratic Steering and Policy Committee, \$1,315,000; Democratic Caucus, \$1,749,000; nine minority employees, \$1,502,000; training and program development—majority, \$290,000; training and program development—minority, \$290,000; Cloakroom Personnel—majority, \$476,000; and Cloakroom Personnel—minority, \$476,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$609,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$154,000,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that \$9,500,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount

shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$187,954,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$23,000, of which not more than \$20,000 is for the Family Room, for official representation and reception expenses, \$27,457,000, of which \$500,000 shall remain available until December 31, 2010 and \$2,060,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$3,000 for official representation and reception expenses, \$8,355,000; for salaries and expenses of the Office of the Chief Administrative Officer, including not more than \$3,000 for official representation and reception expenses, \$125,838,000, of which \$7,057,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, \$4,945,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, \$3,974,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, \$1,357,000; for the Office of the Chaplain, \$173,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, \$2,000 for preparing the Digest of Rules, and not more than \$1,000 for official representation and reception expenses, \$2,007,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$3,057,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$8,337,000; for salaries and expenses of the Office of Interparliamentary Affairs, \$777,000; for other authorized employees, \$1,158,000; and for salaries and expenses of the Office of the Historian, including the costs of the House Fellows Program (including lodging and related expenses for visiting Program participants), \$519,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$293,900,000, including: supplies, materials, administrative costs and Federal tort claims, \$11,656,000, of which \$2,500,000 shall remain available until expended; official mail for committees, leadership offices, and administrative offices of the House, \$201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$260,703,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, \$1,900,000, to remain available until expended; Business Continuity and Disaster Recovery, \$18,698,000, of which \$6,260,000 shall remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$742,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) **REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.**—Notwithstanding any other provision of law, any amounts appropriated under this Act for ‘HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES’ shall be available only for fiscal year 2009. Any amount remaining after all payments are made under such allowances for fiscal year 2009 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) **REGULATIONS.**—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) **DEFINITION.**—As used in this section, the term ‘Member of the House of Representatives’ means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) The Chief Administrative Officer of the House of Representatives shall deposit all amounts received as promotional rebates and incentives on credit card purchases, balances, and payments into the House Services Revolving Fund under section 105 of the Legislative Branch Appropriations Act, 2005.

(b) Section 105(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 117m(a)) is amended by adding at the end the following new paragraph:

‘‘(6) The collection of promotional rebates and incentives on credit card purchases, balances, and payments.’’.

(c) The amendments made by this section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 103. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by adding at the end the following new subsection:

‘‘(d) Amounts appropriated for any fiscal year for the House of Representatives under the heading ‘Allowances and Expenses’ may be transferred to the Architect of the Capitol and made available under the heading ‘House Office Buildings’, subject to the approval of the Committee on Appropriations of the House of Representatives.’’.

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 104. (a) Effective with respect to fiscal year 2008 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Floor Leader is increased by \$200,000.

(2) The allowance for the office of the Minority Floor Leader is increased by \$200,000.

(b) Effective with respect to fiscal year 2009 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by \$72,000.

(2) The allowance for the office of the Minority Whip is increased by \$72,000.

SEC. 105. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by striking ‘‘transferred

among’’ each place it appears in subsections (a), (b), and (c)(1) and inserting ‘‘transferred among and merged with’’.

(b) Section 101(c)(2) of such Act (2 U.S.C. 95b(c)) is amended to read as follows:

‘‘(2) The headings referred to in paragraph (1) are ‘House Leadership Offices’, ‘Members’ Representational Allowances’, ‘Committee Employees’, ‘Salaries, Officers and Employees’, and ‘Allowances and Expenses’.’’.

(c) The amendments made by this section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 106. **PERMITTING HOUSE CHILD CARE CENTER TO OFFER SERVICES FOR SCHOOL-AGE CHILDREN.**—Section 312(a)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(a)(1)) is amended by striking ‘‘pre-school child care’’ and inserting the following: ‘‘pre-school child care and (subject to the approval of regulations by the Committee on House Administration) child care for school age children other than during the course of the ordinary school day’’.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,626,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$10,719,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$1,300 per month to one Senior Medical Officer; (3) an allowance of \$725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of \$725 per month to two assistants and \$580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) \$2,223,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$3,105,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, \$800,000, to be disbursed by the Secretary of the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

SALARIES AND EXPENSES

For salaries and expenses of the Capitol Guide Service, \$9,940,000, to be disbursed by the Secretary of the Senate and Special Services Office.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the

110th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$248,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$57,750,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2009 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. **TRANSFER AUTHORITY.**—Amounts appropriated for fiscal year 2009 for the Capitol Police may be transferred between the headings ‘‘SALARIES’’ and ‘‘GENERAL EXPENSES’’ upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$4,072,000, of which \$800,000 shall remain available until September 30, 2010: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than \$500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$44,082,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of

pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$90,659,000, of which \$1,505,000 shall remain available until September 30, 2013.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$35,840,000, of which \$10,681,000 shall remain available until September 30, 2013.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$9,649,000, of which \$340,000 shall remain available until September 30, 2013.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$69,359,000, of which \$9,743,000 shall remain available until September 30, 2013.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$65,814,000, of which \$19,603,000 shall remain available until September 30, 2013.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$149,042,000, of which \$63,570,000 shall remain available until September 30, 2013: *Provided*, That not more than \$8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2009.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$39,094,000, of which \$13,640,000 shall remain available until September 30, 2013.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings,

grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, \$18,996,000, of which \$3,497,000 shall remain available until September 30, 2013.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$10,906,000, of which \$2,055,000 shall remain available until September 30, 2013: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, \$31,124,000, to remain available until expended, and in addition, \$9,103,000 for Capitol Visitor Center operations costs: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 1101. (a) COLLECTION AND SALE OF RECYCLABLE MATERIALS.—

(1) ESTABLISHMENT OF PROGRAM.—The Architect of the Capitol shall establish a program for the collection and sale of recyclable materials collected from or on the Capitol buildings and grounds, in accordance with the procedures applicable under subchapter III of chapter 5 of subtitle I of title 40, United States Code to the sale of surplus property by an executive agency.

(2) EXCLUSION OF MATERIALS SUBJECT TO OTHER PROGRAMS.—The program established under this section shall not apply with respect to any materials which are subject to collection and sale under—

(A) the third undesignated paragraph under the center heading "MISCELLANEOUS" in the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes", approved August 7, 1882 (2 U.S.C. 117);

(B) section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e);

(C) the Senate waste recycling program referred to in section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f); or

(D) any other authorized program for the collection and sale of recyclable materials.

(b) REVOLVING FUND.—

(1) IN GENERAL.—There is established in the Treasury a revolving fund for the Office of the Architect of the Capitol, which shall consist of—

(A) proceeds from the sale of recyclable materials under the program established under this section; and

(B) such amounts as may be appropriated under law.

(2) USE OF FUND.—Amounts in the revolving fund established under paragraph (1) shall be available without fiscal year limitation to the Architect of the Capitol, subject to the Architect providing prior notice to the Committees on Appropriations of the House of Representatives and Senate—

(A) to carry out the program established under this section;

(B) to carry out authorized programs and activities of the Architect to improve the environment; and

(C) to carry out authorized programs and activities of the Architect to promote energy savings.

(c) EFFECTIVE DATE.—This section shall apply with respect to each of the fiscal years 2009 through 2013.

SEC. 1102. (a) PERMITTING LEASING OF SPACE.—Subject to the availability of funds, the Architect of the Capitol may acquire real property by lease for the use of the Library of Congress in any State or the District of Columbia if—

(1) the Architect of the Capitol and the Librarian of Congress submit a joint request for the Architect to lease the property to the Joint Committee on the Library and to the Committees on Appropriations of the House of Representatives and Senate; and

(2) the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate each approve the request.

(b) TRANSFER OF FUNDS.—Subject to the approval of the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol and the Librarian of Congress may transfer between themselves appropriations or other available funds to pay the costs incurred in acquiring real property pursuant to the authority of this section and the costs of necessary expenses incurred in connection with the acquisition of the property.

(c) LIMIT ON OBLIGATIONS.—No obligation entered into pursuant to the authority of this section shall be in advance of, or in excess of, available appropriations.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$419,030,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2009, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2009 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*,

That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$6,350,000: *Provided further*, That of the total amount appropriated, \$17,959,000 shall remain available until September 30, 2011 for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, \$7,170,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, \$1,495,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, \$560,000 shall be transferred to the Federal Library and Information Center's FEDLINK Program: *Provided further*, That of the total amount appropriated, \$190,000 shall be used to provide a grant to the New York Historical Society for the digitization of its collection: *Provided further*, That of the total amount appropriated, \$95,000 shall be used to provide a grant to the University of Florida for development of a library of original case studies.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$51,592,000, of which not more than \$28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2009 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$4,564,000 shall be derived from collections during fiscal year 2009 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$33,315,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title

17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$107,323,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$68,816,000, of which \$30,155,000 shall remain available until expended: *Provided*, That of the total amount appropriated, \$650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2009, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$134,212,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2009, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "Library of Congress", under the subheading "Salaries and expenses", to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed \$1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. TRANSFER AUTHORITY. (a) IN GENERAL.—Amounts appropriated for fiscal year 2009 for the Library of Congress may be transferred during fiscal year 2009 between

any of the headings under the heading "Library of Congress" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading "Library of Congress" for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

SEC. 1204. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. Section 5(d) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106-173) is amended by striking "that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress" and inserting "that member may continue to serve on the Commission for the life of the Commission".

GOVERNMENT PRINTING OFFICE CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semi-monthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$96,828,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$38,744,000: *Provided*, That amounts of not more than \$2,000,000 from

current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2007 and 2008 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, \$4,995,000 for information technology development and facilities repair: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings "Office of Superintendent of Documents" and "Salaries and Expenses" may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$531,000,000: *Provided*, That not more than \$5,375,000 of payments received under section 782 of title 31, United States

Code, shall be available for use in fiscal year 2009: *Provided further*, That not more than \$2,260,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2009: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

SEC. 1301. REPEAL AND MODIFICATION OF CERTAIN REPORTING REQUIREMENTS. (a) SPECTRUM RELOCATION FUND TRANSFERS.—Section 118(e)(1)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)(B)) is amended—

(1) in clause (ii) by adding "and" after the semicolon;

(2) in clause (iii) by striking "and" and inserting a period; and

(3) by striking clause (iv).

(b) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151(d)) is amended by striking subsection (d) and inserting the following:

"(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall regularly review the implementation of this section."

(c) GAO STUDY AND REPORT ON IMPACT OF SAFE HARBOR ON MEDIGAP POLICIES.—Section 5201(b)(2) of title V of division J of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 42 U.S.C. 1320a-7a note) is repealed.

(d) GAO REPORT ON DATE RAPE DRUG CAMPAIGN.—Section 7(b)(3) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 (Public Law 106-172; 21 U.S.C. 801 note) is repealed.

(e) INSPECTOR GENERAL AUDIT AND GAO REPORT ON ENROLLEES ELIGIBLE FOR MEDICAID.—Section 2108(d) of the Social Security Act (42 U.S.C. 1397hh(d)) is amended—

(1) in the heading by striking "AND GAO REPORT"; and

(2) by striking paragraph (3).

(f) GAO REPORT ON MA REGIONAL PLAN STABILIZATION FUND.—Section 1858(e)(7) of the Social Security Act (42 U.S.C. 1395w-27a(e)(7)) is repealed.

(g) BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL.—Section 214 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107-250; 42 U.S.C. 289g-3 note) is repealed.

(h) DISPOSITION OF RIGHTS.—Section 202(b) of title 35, United States Code is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), \$13,900,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), \$430,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2009 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets in the irregular shaped grassy areas bounded by Washington Avenue SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. GUIDED TOURS OF THE CAPITOL. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

SEC. 210. LIMITATION ON CERTAIN INSPECTORS GENERAL AUTHORITY TO USE FIREARMS. None of the funds made available in this Act may be used by the Inspector General of the Architect of the Capitol or the Inspector General of the Library of Congress to purchase, maintain, or carry any firearm.

This division may be cited as the "Legislative Branch Appropriations Act, 2009".

DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$5,360,318,000, of which \$1,117,000,000 is for Worldwide Security Protection (to remain available until expended), to be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,118,598,000 to remain available until September 30, 2010, of which not less than \$130,637,000 shall be available only for public diplomacy American salaries.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$1,548,617,000, to remain available until September 30, 2010, of which not less than \$264,169,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized,

\$585,078,000, to remain available until September 30, 2010.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, \$1,108,025,000, to remain available until September 30, 2010.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,605,150 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER AND REPROGRAMMING.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$45,000,000, to remain available until expended: *Provided*, That up to \$23,014,000 may be made available in fiscal year 2009 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further*, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, only to support an actively deployed civilian response corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not later than 60 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a coordinated joint spending plan for funds made available

under this heading and under the heading "Civilian Stabilization Initiative" in title II of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$71,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$37,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$538,000,000, to remain available until expended: *Provided*, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$22,814,000, to remain available until September 30, 2010.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S. Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$801,344,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$770,000,000, to remain available until expended: *Provided*, That funds made available by this paragraph may not be obligated until a plan is submitted to the Committees on Appropriations with the proposed allocation of funds made available by this Act and by proceeds of sales for all projects in fiscal year 2009: *Provided further*, That the Under Secretary for Management, United States Department of State, shall consult with the Committees on Appropriations on a regular and ongoing basis on the design of any proposed self-financed New Embassy Compound.

In addition, for necessary expenses for overseas facility construction and related costs for the United States Agency for International Development, pursuant to section 667 of the Foreign Assistance Act of 1961, \$135,225,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND
CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$9,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), \$5,000,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$678,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, \$675,000, which may be transferred to, and merged with, funds made available under the heading "Diplomatic and Consular Programs".

PAYMENT TO THE AMERICAN INSTITUTE IN
TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$16,840,000.

PAYMENT TO THE FOREIGN SERVICE
RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$157,100,000.

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS TO INTERNATIONAL
ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,529,400,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$1,517,000,000, of which 15 percent shall remain available until September 30, 2010: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (3) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the Committees on Appropriations that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER
COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$32,256,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL
COMMISSIONS

For necessary expenses, not otherwise provided, \$11,649,000, of which \$7,559,000 is for the International Joint Commission and \$1,970,000 is for the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and \$2,120,000 is for the Border Environment Cooperation Commission as authorized by Public Law 103-182: *Provided*, That of the amount provided under this heading for the Inter-

national Joint Commission, \$9,000 may be made available for representation expenses 45 days after submission to the Committees on Appropriations of a report detailing obligations, expenditures, and associated activities for fiscal years 2006, 2007, and 2008, including any unobligated funds which expired at the end of each fiscal year and the justification for why such funds were not obligated.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$29,925,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, \$698,187,000: *Provided*, That of the total amount in this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$11,296,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), \$16,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$31,000,000, to remain available until September 30, 2010.

CENTER FOR MIDDLE EASTERN-WESTERN
DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2009, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2009, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2009, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$21,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$115,000,000, to remain available until expended, of which \$100,000,000 shall be allocated in the traditional and customary manner among the core institutes and \$15,000,000 shall be for democracy, human rights, and rule of law programs, of which \$250,000 shall be for programs and activities in Tibet: *Provided*, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis: *Provided further*, That funds made available by this Act for the promotion of democracy may be made available for the National Endowment for Democracy notwithstanding any other provision of law or regulation.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$599,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$4,000,000, to remain available until September 30, 2010.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,610,000, to remain available until September 30, 2010.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$2,000,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2010.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, \$4,000,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2010: *Provided*, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: *Provided further*, That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: *Provided further*, That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: *Provided further*, That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: *Provided further*, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: *Provided further*, That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108-99; 118 Stat. 448), \$150,000, to remain available until September 30, 2010.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$808,584,000, of which up to \$85,000,000 may remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading

and under the heading "Capital Investment Fund" in this Act may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2010: *Provided further*, That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 shall be available for representation and entertainment allowances, of which not to exceed \$5,000 shall be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$30,000,000, to remain available until expended: *Provided*, That not later than 60 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title I of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$35,775,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$42,000,000, to remain available until September 30, 2010, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2009, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$1,955,000,000, to remain available until September 30, 2010, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this paragraph, not to exceed \$400,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That of the funds appropriated under this paragraph, \$75,000,000 should be made available for a United States contribution to The GAVI Fund, and up to \$5,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Operating Expenses" in title II for costs directly related to global health, but funds made available for such costs may not be derived from amounts made available for contributions under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made avail-

able under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy op-

tions: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,159,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than \$600,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2009 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to \$14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,800,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$44,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated by this Act and prior Acts for fiscal year 2009, not less than \$245,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: *Provided further*, That of the funds appropriated under this heading, not less than \$22,500,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided further*, That of the funds appropriated under this heading, \$10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: *Provided further*, That of the funds appropriated by this Act and prior Acts for fiscal year 2009, not less than \$300,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121), of which not less than \$125,000,000 should be made available for such projects in Africa: *Provided further*, That of the funds appropriated by title III of this Act, not less than \$375,000,000 shall be made available for agricultural development programs, of which not less than \$29,000,000 shall be made available for Collaborative Research Support Programs: *Provided further*, That of the funds appropriated under this heading, \$75,000,000 shall be made available to enhance global food security, including for local or regional

purchase and distribution of food, in addition to funds otherwise made available for such purposes, and notwithstanding any other provision of law: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a strategy for achieving the goals of funding for global food security programs, specifying the intended country beneficiaries, amounts of funding, types of activities to be funded, and expected quantifiable results: *Provided further*, That of the funds appropriated under this heading for agricultural development programs, not less than \$7,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246: *Provided further*, That of the funds appropriated under this heading, not less than \$15,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$350,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to \$15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and

small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,000,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2011.

ECONOMIC SUPPORT FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$3,007,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, \$200,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, up to \$20,000,000 shall be made available for democracy, human rights and governance programs, and not less than \$35,000,000 shall be made available for education programs, of which not less than \$10,000,000 is for scholarships for Egyptian students with high financial need: *Provided further*, That \$11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That of the funds appropriated under this heading, not less than \$263,547,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading not more than \$75,000,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed \$2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: *Provided further*, That \$67,500,000 of the funds appropriated under this heading shall be made

available for assistance for Lebanon, of which not less than \$10,000,000 shall be made available for educational scholarships for students in Lebanon with high financial need: *Provided further*, That \$200,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance only after the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States-funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That the President may waive the previous proviso if the President determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, \$200,000,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for Colombia, not less than \$3,500,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries.

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$116,000,000, to remain available until September 30, 2011, of which not less than \$74,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than \$37,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

(b) Of the funds appropriated under this heading that are made available to the Bureau of Democracy, Human Rights and Labor, not less than \$17,000,000 shall be made available for the promotion of democracy in the People's Republic of China, Hong Kong, and Taiwan, and not less than \$6,500,000 shall be made available for the promotion of democracy in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to respond to, deter, or prevent extremism: *Provided*, That assistance for Taiwan should be matched from sources other than the United States Government.

(c) Of the funds appropriated under this heading that are made available to the Bureau for Democracy, Conflict, and Humanitarian Assistance, not less than \$19,500,000 shall be made available for the Elections and Political Process Fund, \$7,500,000 shall be made available for international labor programs, and not less than \$10,000,000 shall be made available to provide institutional and core support for organizations that promote human rights, independent media and the rule of law.

(d) Funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law. Funds appropriated under this heading are in addition to funds otherwise made available for such purposes.

(e) For the purposes of funds appropriated by this Act, the term "promotion of democracy" means programs that support good

governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(f) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of \$1,000,000 of funds under this heading, and in excess of \$2,500,000 under other headings in this Act, for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$15,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2010.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$650,000,000, to remain available until September 30, 2010, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Independent States of the Former Soviet Union" and similar headings and "Assistance for Eastern Europe and the Baltic States" and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabagh.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$875,000,000, to remain available until September 30, 2010: *Provided*, That during fiscal year 2009, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United

States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics or counterterrorism purposes: *Provided further*, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: *Provided further*, That of the funds appropriated under this heading, \$5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161): *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further*, That of the funds appropriated under this heading for administrative expenses, ten percent shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations detailing all salaries funded under this heading in fiscal years 2007 and 2008, and such salaries proposed in fiscal year 2009.

ANDEAN COUNTERDRUG PROGRAMS

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, \$315,000,000, to remain available until September 30, 2010: *Provided*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting

internationally recognized human rights and cooperating fully with investigations and prosecutions by civilian judicial authorities of military and police personnel who have been credibly alleged to have violated such rights: *Provided further*, That of the funds appropriated under this heading, not more than \$16,730,000 may be available for administrative expenses of the Department of State, and not more than \$8,000,000 of the funds made available for alternative development/institution building programs under the heading "Economic Support Fund" in this Act may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of USAID.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$525,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed \$41,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for IAEA only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, not more than \$750,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That of the funds made available for demining and related activities, not to exceed \$700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2010.

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High

Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$931,000,000, to remain available until expended, of which not less than \$30,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND
MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$40,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$340,000,000 to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$4,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$4,000 shall be made available for entertainment expenses: *Provided further*, That any decision to open a new domestic office or to close, or significantly reduce the number of personnel of, any office, shall be subject to the regular notification procedures of the Committees on Appropriations.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$875,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2009: *Provided further*, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to sec-

tion 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), including administrative costs for compact development, negotiation, and implementation: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 shall be available for representation and entertainment allowances, of which not to exceed \$5,000 shall be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,500,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, not to exceed \$3,000 shall be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$32,500,000, to remain available until September 30, 2010: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to \$10,000 if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL
ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$25,000,000, to remain available until September 30, 2011, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Develop-

ment and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$60,000,000, to remain available until September 30, 2011: *Provided*, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
- (2) the African Development Fund;
- (3) the African Development Bank; and
- (4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

- (1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and
- (2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$250,200,000: *Provided*, That of the funds made available under this heading, not less than \$25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$91,000,000, of which up to \$4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya, and Angola may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$55,000 shall be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,635,000,000: *Provided*, That of the funds appropriated under this heading, not less than \$2,380,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$670,650,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, \$235,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not more than \$53,000,000 shall be available for Colombia, of which \$12,500,000 is available to support maritime interdiction: *Provided further*, That funds appropriated under this heading for assistance for Pakistan may be made available only for border security, counter-terrorism and law enforcement activities directed against Al Qaeda, the

Taliban and associated terrorist groups: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Secretary of State has previously justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$51,420,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 shall be available for entertainment expenses and not to exceed \$130,000 shall be available for representation allowances: *Provided further*, That not more than \$470,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses in-

curred by the Department of Defense during fiscal year 2009 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading estimated to be outlaid for Egypt during fiscal year 2009 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$352,500,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$80,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,115,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$105,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$150,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$18,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$2,500,000, to remain available until September 30, 2010.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2009: *Provided further*, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or energy efficient end-use technologies.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$41,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2009, 2010, 2011, and 2012: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$81,500,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2009.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and

the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That of amounts collected in fiscal year 2009 in excess of obligations, up to \$75,000,000, shall become available on September 1, 2009 and shall remain available until September 30, 2012.

OVERSEAS PRIVATE INVESTMENT CORPORATION
NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$50,600,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2009, 2010, and 2011: *Provided further*, That funds so obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018; and funds obligated in fiscal year 2011 remain available for disbursement through 2019: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT
TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,800,000, to remain available until September 30, 2010.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

CONSULAR AFFAIRS REFORM

SEC. 7006. Not later than 60 days after the enactment of this Act the Secretary of State shall certify and report to the Committees on Appropriations that the Department of

State is implementing recommendations contained in the Office of Inspector General audit "Review of Controls and Notification for Access to Passport Records in the Department of State's Passport Information Electronic Records System (PIERS)" (AUD/IP-08-29), July 2008.

PROHIBITION AGAINST DIRECT FUNDING FOR
CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2009, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available

under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President provides notification in accordance with the regular notification procedures of the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2009, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN
DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES
ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2009 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2010 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms “taxes” and “taxation” refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes

or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings “Global Health and Child Survival”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Andean Counterdrug Programs”, “Assistance for Europe, Eurasia and Central Asia”, “Economic Support Fund”, “Democracy Fund”, “Peacekeeping Operations”, “Capital Investment Fund”, “Operating Expenses”, “Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for

such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be subject to the regular notification procedures of the Committees on Appropriations, and the agency receiving the transfer or allocation shall perform periodic program financial audits of the use of such funds and such funds may be made available for the cost of such audits.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Mexico, or Cambodia and countries listed in section 7045(f)(4) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of

1961, shall remain available for obligation until September 30, 2010.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act):

“Educational and Cultural Exchange Programs”.

“International Fisheries Commissions”.

“International Broadcasting Operations”.

“Global Health and Child Survival”.

“Development Assistance”.

“Economic Support Fund”.

“Assistance for Europe, Eurasia and Central Asia”.

“Andean Counterdrug Programs”.

“Nonproliferation, Anti-terrorism, Demining and Related Programs”.

“Foreign Military Financing Program”.

“International Organizations and Programs”.

(b) For the purposes of implementing this section and only with respect to the tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the Secretary of State, Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

(c) The requirements contained in subsection (a) shall apply to the table under the headings “Bilateral Economic Assistance” and “General Provisions” in such explanatory statement.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health and Child Survival”, “Devel-

opment Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance under any heading in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: “Economic Support Fund” and “Foreign Military Financing Program”, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any

unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2009, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, or other program of the International Monetary Fund that would not exempt increased government spending on health care or education from national budget caps or restraints, hiring or wage bill ceilings or other limits imposed by the International Monetary Fund in Heavily Indebted Poor Countries.

(d) For purposes of this section "international financial institutions" are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assist-

ance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL AUTHORITIES

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108-447; 118 Stat. 3038) is amended by striking "2009" and inserting "2010".

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of

1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(f) **INTERNATIONAL PRISON CONDITIONS.**—Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available for assistance to address inhumane conditions in prisons and other detention facilities administered by foreign governments that the Secretary of State determines are making efforts to address, among other things, prisoners' health, sanitation, nutrition and other basic needs: *Provided*, That the Secretary of State shall designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor to have primary responsibility for diplomatic efforts related to international prison conditions.

(g) **EXTENSION OF AUTHORITY.**—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2008” and inserting “2008, and 2009”; and

(B) in subsection (e), by striking “2008” each place it appears and inserting “2009”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2008” and inserting “2009”.

(h) **WORLD FOOD PROGRAM.**—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than \$10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) **LIBRARY OF CONGRESS.**—Notwithstanding any other provision of law, of the funds appropriated under the heading “Embassy Security, Construction, and Maintenance”, not less than \$2,000,000 shall be made available for the Capital Security Cost-Sharing fees of the Library of Congress.

(j) **DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.**—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Economic Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(k) **NONGOVERNMENTAL ORGANIZATIONS.**—With respect to the provision of assistance for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(l) **PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT**

STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, “Economic Support Fund”, not less than \$5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501-4508, as amended).

(m) **AUTHORITY.**—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161) under the heading “Economic Support Fund” that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law.

(n) **MIDDLE EAST FOUNDATION.**—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(o) **GLOBAL FOOD SECURITY.**—Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings “Development Assistance” and “Economic Support Fund” in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) **LIMITATION ON ASSISTANCE.**—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) **WAIVER.**—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) **EXEMPTION.**—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance to the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE
PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2009, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which she has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2009 under the heading “Economic Support Fund”. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE
PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed. The report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member unless the President certifies in writing and reports to the Committees on Appropriations that Hamas has ac-

cepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(2) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

BROADCASTING TRANSPARENCY

SEC. 7041. (a) Of the funds appropriated in this Act under the heading “International Broadcasting Operations” for Middle East Broadcasting Networks, 10 percent of the funds shall not be available for obligation until the Broadcasting Board of Governors reports to the Committee on Appropriations on—

(1) The results of the independent outside evaluation of Alhurra programming to examine its journalistic integrity and adherence to standards and principles of the United States International Broadcasting Act; and

(2) Whether the directives in the explanatory statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161) regarding Alhurra have been implemented and are operational.

(b) The Office of the Inspector General of the Department of State and the Broadcasting Board of Governors shall monitor adherence to the standards of the Journalistic Code of Ethics of the Middle East Broadcasting Networks, as updated in May 2007.

IRAQ

SEC. 7042. (a) ASSISTANCE.—None of the funds appropriated or otherwise made available by this Act may be made available for assistance for Iraq, except funds appropriated by this Act under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs” for the removal and disposal of landmines and other unexploded ordnance, small arms and light weapons in Iraq.

(b) MATCHING REQUIREMENT.—The terms and conditions of section 1402(e)(1), (2), (3) and (4) of Public Law 110-252 shall apply to assistance for Iraq in fiscal year 2009.

(c) TRANSITION PLAN.—Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with relevant United States Government agencies, shall submit to the Committees on Appropriations a report, in classified form if necessary, that details the plans, costs and timelines associated with the transition of programs and activities funded under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs to the Government of Iraq.

(d) BASE RIGHTS.—None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

REPORT ON IRAN SANCTIONS

SEC. 7043. Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the status of multilateral and bilateral United States sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran. The report, which may be submitted in classified form if necessary, shall include the following:

(1) A list of all current United States bilateral and multilateral sanctions against Iran;

(2) A list of all United States and foreign registered entities which the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(3) A detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceeding the enactment of this Act that have resulted in a determination that a sanctions violation has occurred and United States government actions taken pursuant to the determination;

(4) In the instances when sanctions were waived or otherwise not imposed against entities that were determined to have violated United States bilateral or multilateral sanctions, the reason in each instance of why action was not taken to sanction the entity; and

(5) A description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

LEBANON

SEC. 7044. (a) Funds appropriated under the heading "Foreign Military Financing Program" in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701.

(b) None of the funds in subsection (a) may be made available for obligation until after the Secretary of State provides the Committees on Appropriations a detailed spending plan, which shall include a strategy for professionalizing the Lebanese Armed Forces, strengthening border security and combating terrorism in Lebanon.

WESTERN HEMISPHERE

SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the funds appropriated by this Act not less than \$10,000,000 from "Development Assistance" and not less than \$10,000,000 from "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than \$251,126,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading "International Narcotics Control and Law Enforcement" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) DOMINICAN REPUBLIC.—Of the funds appropriated by this Act that are available for assistance for the Dominican Republic, not less than \$5,000,000 shall be made available for basic health care, nutrition, sanitation, education, and shelter for migrant workers and other residents of batey communities.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Funds appropriated by this Act under the heading "International Military Education and Training" (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the International Commission Against Impunity in Guatemala (CICIG) by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(2) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not more than \$500,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General's office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(e) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this Act, not more than \$300,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than \$75,000,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available under this section in this Act, for assistance for Mexico, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities, may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is continuing to—

(A) improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through

mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative in accordance with Mexican and international law;

(C) ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations; and

(D) enforce the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

(3) SPENDING PLAN.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan, developed after consulting with relevant Mexican Government authorities, for funds made available for Mexico under this section, with concrete goals, programs and activities to be funded, and anticipated results.

(4) ANALYSIS OF ALTERNATIVES.—Prior to the obligation of funds for the procurement or lease of aircraft, the Director of the Defense Security Cooperation Agency, in consultation with the Secretary of State, shall submit to the Committees on Appropriations an Analysis of Alternatives for the acquisition of all aircraft for the Merida Initiative.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund", \$105,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security, of which not less than \$35,000,000 shall be made available for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", \$12,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That none of the funds shall be made available for budget support or as cash payments.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available by this Act for assistance for the countries of Central America under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government of such country is continuing to—

(A) support police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) implement reforms to improve the capacity and ensure the independence of the judiciary; and

(C) investigate and prosecute members of the Federal police and military forces who have been credibly alleged to have committed violations of internationally recognized human rights.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

(3) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(4) DEFINITION.—For the purposes of this section, the term “countries of Central America” means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

COLOMBIA

SEC. 7046. (a) FUNDING.—Of the funds appropriated in titles III and IV of this Act, not more than \$545,050,000 shall be available for assistance for Colombia.

Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading “Andean Counterdrug Programs”: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That rotary and fixed wing aircraft supported with funds appropriated under the heading “Andean Counterdrug Programs” for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduría General de la Nación, and the Defensoría del Pueblo: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States.

Of the funds available under the heading “Andean Counterdrug Programs” in this Act for the Colombian national police for the procurement of chemicals for aerial coca and

poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims: *Provided further*, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may be used for aerial eradication in Colombia’s national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(b) ASSISTANCE FOR THE ARMED FORCES.—

(1) FUNDING.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(A) Up to 70 percent of such funds may be obligated prior to the certification and report by the Secretary of State pursuant to subparagraph (B).

(B) Up to 15 percent of such funds may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that—

(i) The Government of Colombia is suspending, and investigating and prosecuting in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed violations of internationally recognized human rights, including extra-judicial killings, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups, and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases.

(ii) The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or successor armed groups.

(iii) The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from paramilitary organizations or successor

armed groups, and by returning land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners.

(iv) The Government of Colombia is respecting the rights of Colombia’s indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.

(2) The balance of such funds may be obligated after July 31, 2009, if, prior to such obligation, the Secretary of State consults with, and submits a written certification to, the Committees on Appropriations that the Government of Colombia is continuing to meet the requirements described in paragraph (1) and is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.

(3) CERTAIN FUNDS EXEMPTED.—The requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading “Andean Counterdrug Programs” in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(4) REPORT.—At the time the Secretary of State submits certifications pursuant to paragraphs (1)(B) and (2) of this subsection, the Secretary shall also submit to the Committees on Appropriations a report that contains, with respect to each such paragraph, a detailed description of the specific actions taken by the Government and Armed Forces of Colombia which support each requirement of the certification, and the cases or issues brought to the attention of the Secretary, including through the Department of State’s annual Country Reports on Human Rights Practices, for which the actions taken by the Colombian Government or Armed Forces have been determined by the Secretary of State to be inadequate.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2009, the Secretary of State shall consult with Colombian and internationally recognized human rights organizations regarding progress in meeting the requirements contained in subsection (b)(1).

(d) ASSISTANCE FOR REINTEGRATION OF FORMER COMBATANTS.—

(1) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act under the heading “Economic Support Fund”, up to \$16,769,000 may be made available in fiscal year 2009 for assistance for the reintegration of former members of foreign terrorist organizations (FTOs) or other illegal armed groups in Colombia, if the Secretary of State consults with and makes a certification described in paragraph (2) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(2) CERTIFICATION.—A certification described in this subsection is a certification that—

(A) assistance for the fiscal year will be provided only for individuals who have: (i) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups; (ii) are meeting all the requirements of the Colombia demobilization

program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and (iii) are not involved in criminal activity;

(B) the Government of Colombia is providing full cooperation to the Government of the United States to prosecute the extradited leaders and members of FTOs who have been indicted in the United States for murder, torture, kidnapping, narcotics trafficking, or other violations of United States law;

(C) the Government of Colombia is not knowingly taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and other assets, and is seizing and returning such land and other assets to their rightful occupants or owners;

(D) the Government of Colombia is dismantling the organizational structures of FTOs and successor armed groups; and

(E) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(e) **ILLEGAL ARMED GROUPS.**—

(1) **DENIAL OF VISAS.**—Subject to paragraph (2), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(A) has willfully provided any support to or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or successor armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(B) has committed, ordered, incited, assisted, or otherwise participated in the commission of a violation of internationally recognized human rights, including extra-judicial killings, in Colombia.

(2) **WAIVER.**—Paragraph (1) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

(f) **DEFINITIONS.**—In this section:

(1) **AIDED OR ABETTED.**—The term “aided or abetted” means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) **PARAMILITARY GROUPS.**—The term “paramilitary groups” means illegal self-defense groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

(3) **FOREIGN TERRORIST ORGANIZATION.**—The term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) **AUTHORITY.**—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the For-

eign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) **NOTIFICATION.**—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds made available for tribunals other than the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended by deleting subsection (v) and inserting in lieu thereof:

“(v) For assessments made during each of the calendar years 2005, 2006, 2007, 2008, and 2009, 27.1 percent.”.

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. (a) None of the funds appropriated by this Act may be made available for a United States contribution to the United Nations Human Rights Council.

(b) The prohibition under subsection (a) shall not apply if—

(1) the Secretary of State certifies to the Committees on Appropriations that the provision of funds to support the United Nations Human Rights Council is in the national interest of the United States; or

(2) the United States is a member of the Human Rights Council.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a)

with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term “fully adjudicated” includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2008.

(3) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) **LANDMINES.**—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) **CLUSTER MUNITIONS.**—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher functioning rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

MILLENNIUM CHALLENGE CORPORATION

SEC. 7057. (a) The Chief Executive Officer of the Millennium Challenge Corporation shall, not later than 45 days after enactment of this Act, submit to the Committee on Appropriations a report on the proposed uses, on a country-by-country basis, of all funds appro-

priated under the heading “Millennium Challenge Corporation” in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs projected to be obligated and expended in fiscal year 2009 and subsequent fiscal years.

(b) The report required in paragraph (a) shall be updated on a semi-annual basis and shall include, at a minimum, a description of—

(1) compacts in development, including the status of negotiations and the approximate range of value of the proposed compact;

(2) compacts in implementation, including the projected expenditure and disbursement of compact funds during fiscal year 2009 and subsequent fiscal years as determined by the country compact;

(3) threshold country programs in development, including the approximate range of value of the threshold country agreement;

(4) major programmatic changes to existing compacts funded by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs;

(5) threshold country programs in implementation; and

(6) use of administrative funds.

(c) The Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7058. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

SEC. 7059. (a) **AUTHORITY.**—Up to \$81,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) **RESTRICTIONS.**—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2010.

(c) **CONDITIONS.**—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) **PRIORITY SECTORS.**—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) **CONSULTATIONS.**—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) **PROGRAM ACCOUNT CHARGED.**—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual’s responsibilities primarily relate. Funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(g) **FOREIGN SERVICE LIMITED EXTENSIONS.**—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) **JUNIOR OFFICER PLACEMENT AUTHORITY.**—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to \$15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided*, That such authority is only used to reduce USAID’s reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”.

(i) **DISASTER SURGE CAPACITY.**—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) **TECHNICAL ADVISORS.**—Up to \$13,500,000 of the funds made available by this Act in title III for assistance under the heading “Global Health and Child Survival”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) **PERSONAL SERVICES CONTRACTORS.**—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may

be used by USAID to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) **RECRUITMENT STRATEGY.**—Not later than December 31, 2009, the USAID Administrator, after consulting with the Secretaries of Defense, Treasury, Agriculture, Interior, Energy, and Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Administrator of the Environmental Protection Agency, and the heads of other relevant Federal departments and agencies, shall submit to the Committees on Appropriations a recruitment strategy for current and former employees from such departments and agencies who possess skills and/or overseas experience which would enhance USAID's capacity to carry out its mission: *Provided*, That funds made available under the heading "Operating Expenses" in title II of this Act may be made available to implement the strategy described in the previous proviso, subject to the regular notification procedures of the Committees on Appropriations.

(m) **HIRING AUTHORITY.**—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: *Provided*, That the authority contained in this subsection shall expire on September 30, 2010.

GLOBAL HEALTH ACTIVITIES

SEC. 7060. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Global Health and Child Survival" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$545,000,000 should be made available for family planning/reproductive health.

(b) Notwithstanding any other provision of this Act, 10 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State reports to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators; and

(2) is implementing a reporting system that breaks down grantee budget allocations by programmatic activity.

DEVELOPMENT GRANTS PROGRAM

SEC. 7061. Of the funds appropriated by this Act under the heading "Development Assistance", not less than \$40,000,000 shall be made

available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161): *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7065.

WOMEN IN DEVELOPMENT

SEC. 7062. (a) Programs funded under title III of this Act should include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act should be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy.

GENDER-BASED VIOLENCE

SEC. 7063. (a) Funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7064. (a) **BASIC EDUCATION.**—

(1) Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than \$700,000,000 should be made available for assistance for basic education, of which not less than \$400,000,000 shall be made available under the heading "Development Assistance".

(2) There shall continue to be a Coordinator of United States government actions to provide basic education assistance in developing countries as established in section 664 of division J of Public Law 110-161.

(3) Funds appropriated for basic education in this Act shall be made available for a pilot program in three countries to develop and evaluate the effectiveness and implementation of a 5-year basic education strategic plan.

(b) **HIGHER EDUCATION.**—Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than \$133,000,000 shall be made available for assistance for higher education.

RECONCILIATION PROGRAMS

SEC. 7065. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in this Act, \$25,000,000 shall be made available for reconciliation programs which bring together and facilitate interaction between individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war, of which \$9,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7066. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the

total amount of United States Government expenditures in fiscal years 2007 and 2008, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: *Provided*, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7067. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

SENIOR POLICY OPERATING GROUP

SEC. 7068. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

PROHIBITION ON USE OF TORTURE

SEC. 7069. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

AFRICA

SEC. 7070. (a) **EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.**—

(1) Funds appropriated under the heading "International Military Education and Training" in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote D'Ivoire, and Guinea may be made available only for expanded international military education and training.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea.

(b)(1) **SUDAN LIMITATION ON ASSISTANCE.**—Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (b)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarm and demobilizes the Janjaweed and other government-supported militias.

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements.

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) EXCEPTIONS.—The provisions of subsection (b)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) DEFINITIONS.—For the purposes of this Act, the term “Government of Sudan” shall not include the Government of Southern Sudan.

(5) Notwithstanding any other law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CFR 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

(C) HORN OF AFRICA AND PAN SAHEL PROGRAM.—Funds appropriated under the heading “Economic Support Fund” in this Act that are made available for programs and activities to counter extremism in the Horn of Africa and the Pan Sahel region of Africa, shall be administered by the United States Agency for International Development, and are in addition to funds otherwise made available for such purposes.

(d) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(e) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and a transition government has been established that reflects the will of the people as they voted in the March 2008 elections.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe unless the Secretary of State makes the determination pursuant to subsection (e)(1).

ASIA

SEC. 7071. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than \$7,300,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund”, not less than \$15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provi-

sion of humanitarian assistance to displaced Burmese along Burma's borders: *Provided*, That such funds may be made available notwithstanding any other provision of law: *Provided further*, That in addition to assistance for Burmese refugees provided under the heading “Migration and Refugee Assistance” in this Act, not less than \$4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: *Provided further*, That funds made available under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$15,700,000 shall be made available for assistance for Indonesia, of which \$2,000,000 shall be made available only after the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) under such heading.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Indonesia, not less than \$300,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(d) CAMBODIA.—Funds appropriated under the heading “Economic Support Fund” in this Act for assistance for Cambodia may be used for an endowment, and shall be made available to strengthen the capacity of the Government of Cambodia to combat human trafficking, notwithstanding any other provision of law.

(e) NORTH KOREA.—

(1) Funds made available under the heading “Migration and Refugee Assistance” in this Act shall be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading “International Broadcasting Operations” in title I of this Act, not less than \$8,000,000 shall be made available for broadcasts into North Korea.

(3) None of the funds made available under the heading “Economic Support Fund” in fiscal year 2009 may be made available for obligation for energy-related assistance for North Korea unless the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six Party Talks agreements.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) Notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, of the funds appropriated under the heading “Development Assistance” in this Act, not less than \$11,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, governance and the rule of law.

(2) None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(3) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing, to the extent practicable, the amount of assistance provided by the People's Republic of China to governments and entities in Latin America and Africa during the previous calendar year, and shall make such report publicly available in a timely manner on the website of the Department of State and the United States Agency for International Development in English and Mandarin.

(4) Of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act, \$1,000,000 shall be made available to the Bureau of International Information Programs to disseminate information, in Mandarin, in the People's Republic of China: *Provided*, That such information shall include issues of governance, transparency, corruption, rule of law, and the environment, and the findings of the report required by paragraph (3) of this subsection, and shall be disseminated through the Internet, text messaging or other means, and directed to economically depressed areas of the People's Republic of China: *Provided further*, That such funds are in addition to funds otherwise made available for such purposes: *Provided further*, That the Department of State shall consult with the Committees on Appropriations prior to the initial obligation of funds made available by this subsection.

(5) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not to exceed \$30,000,000 may be made available for assistance for the Philippines, of which \$2,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that—

(1) the Government of the Philippines is taking effective steps to implement the recommendations of the United Nations Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, to include prosecutions and convictions for extrajudicial executions; sustaining the decline in the number of extra-judicial executions; addressing allegations of a death squad in Davao City; and strengthening government institutions working to eliminate extra-judicial executions;

(2) the Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have violated such rights; and

(3) the Philippine Armed Forces do not have a policy of, and are not engaging in, acts of intimidation or violence against members of legal organizations who advocate for human rights.

(h) VIETNAM.—Notwithstanding any other provision of law, funds appropriated under

the heading "Development Assistance" in this Act may be made available for programs and activities in the central highlands of Vietnam, and shall be made available for environmental remediation and related health activities in Vietnam.

SERBIA

SEC. 7072. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2009, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2009, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply humanitarian assistance or assistance to promote democracy.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7073. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7074. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation: (1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party; and (2) is (A) honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process; (B) investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and (C) immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

CENTRAL ASIA

SEC. 7075. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights and civil liberties during the preceding 6 month period, including by fulfilling obligations recommended by the Organization for Security and Cooperation in Europe (OSCE) in the areas of election procedures, media freedom, freedom of religion, free assembly and minority rights, and by

meeting the commitments it made in connection with its assumption of the Chairmanship of the OSCE in 2010.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

(c) Not later than October 1, 2009, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

UZBEKISTAN

SEC. 7076. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress—

(1) in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for internationally recognized human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) in investigating and prosecuting the individuals responsible for the deliberate killings of civilians in Andijan in May 2005.

(b) If the Secretary of State has credible evidence that any current or former official of the Government of Uzbekistan was responsible for the deliberate killings of civilians in Andijan in May 2005, or for other violations of internationally recognized human rights in Uzbekistan, not later than 6 months after enactment of this Act any person identified by the Secretary pursuant to this subsection shall be ineligible for admission to the United States.

(c) The restriction in subsection (b) shall cease to apply if the Secretary determines and reports to the Committees on Appropriations that the Government of Uzbekistan has taken concrete and measurable steps to improve respect for internationally recognized human rights, including allowing peaceful political and religious expression, releasing imprisoned human rights defenders, and implementing recommendations made by the United Nations on torture.

(d) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives.

(e) For the purpose of this section "assistance" shall include excess defense articles.

AFGHANISTAN

SEC. 7077. Of the funds appropriated under titles III and IV of this Act, not less than \$1,041,950,000 should be made available for assistance for Afghanistan, of which not less than \$100,000,000 shall be made available to

support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nonprofit organizations in Afghanistan.

ENTERPRISE FUNDS

SEC. 7078. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7079. (a) CONTRIBUTION.—Of the funds made available under the headings "International Organizations and Programs" and "Global Health and Child Survival" in this Act for fiscal year 2009, \$50,000,000 shall be made available for the United Nations Population Fund (UNFPA), of which not more than \$30,000,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available because of the operation of any provision of law, shall be made available to UNFPA notwithstanding any such provision of law, subject to the regular notification procedures of the Committees on Appropriations, only for the following purposes and subject to the provisions of this section—

(1) provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) make available supplies of contraceptives for the prevention of unintended pregnancies and the spread of sexually transmitted infections, including HIV/AIDS;

(3) prevent and treat cases of obstetric fistula;

(4) reestablish maternal health services in areas where medical infrastructure and such services have been destroyed or limited by natural disasters, armed conflict, or other factors;

(5) promote abandonment of female genital mutilation and cutting and child marriage; and

(6) promote access to basic services, including clean water, sanitation facilities, food, and health care, for poor women and girls.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may be made available if—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND WITHHOLDING OF FUNDS.—

(1) Not later than 60 days after the date of enactment of this Act, the Secretary of

State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If the report under this subparagraph indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7080. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

OPIC

(INCLUDING TRANSFER OF FUNDS)

SEC. 7081. (a) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2009.

(b) FUNDING.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

EXTRADITION

SEC. 7082. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Emergency Migration and Refugee Assistance", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

ENERGY AND ENVIRONMENT

SEC. 7083. (a) **CLEAN ENERGY.**—Of the funds appropriated by title III of this Act, not less than \$100,000,000 shall be made available to the United States Agency for International Development (USAID), in addition to funds otherwise made available for such purposes, for programs and activities that reduce global warming by promoting the sustainable use of renewable energy technologies and energy efficient end-use technologies, carbon sequestration, and carbon accounting.

(b) **CLIMATE CHANGE ADAPTATION.**—Of the funds appropriated by this Act, up to \$10,000,000 shall be made available for a United States contribution to the Least Developed Countries Fund to support grants for climate change adaptation programs and activities, if the Global Environment Facility makes publicly available on its website an annual report detailing the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

(c) **BIODIVERSITY.**—Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than \$195,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than \$25,000,000 shall be made available for USAID's conservation programs in the Amazon Basin: *Provided*, That of the funds made available under this paragraph, not less than \$17,500,000 shall be made available for the Congo Basin Forest Partnership of which not less than \$2,500,000 shall be made available to the United States Fish and Wildlife Service for conservation programs in Africa: *Provided further*, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided further*, That funds appropriated under the heading "Development Assistance" may be made available as a contribution to the Galapagos Invasive Species Fund.

(d)(1) **EXTRACTION OF NATURAL RESOURCES.**—The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for: (i) accurately accounting for payments for companies involved in the extraction and export of natural resources; (ii) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and (iii) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treas-

ury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7084. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7085. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

ANTI-KLEPTOCRACY

SEC. 7086. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list compiled under subsection (a) shall be ineligible for admission to the United States.

(c) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations describing the evidence of corruption concerning individuals listed pursuant to subsection (a).

TRAINING AND EQUIPMENT REPORTS

SEC. 7087. (a) The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations by the date specified in that section.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with other relevant United States

Government agencies, shall submit to the Committees on Appropriations a report detailing the equipment to be purchased with funds appropriated or otherwise made available under the headings "Andean Counterdrug Programs", "International Narcotics Control and Law Enforcement", and "Foreign Military Financing Program" in this Act: *Provided*, That such report shall include a description of the anticipated costs associated with the operation and maintenance of such equipment in subsequent fiscal years: *Provided further*, That for the purposes of this subsection, "equipment" shall be defined as any aircraft, vessel, boat or vehicle.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 7088. (a) **UNITED NATIONS.**—Funds made available by this Act shall be made available to continue reform efforts at the United Nations: *Provided*, That not later than September 30, 2009, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by United Nations organizations under the headings "Contributions to International Organizations" and "International Organizations and Programs" to continue reform of United Nations financial management systems and program oversight.

(b) **WORLD BANK.**—Section 668(c)(1) of the Consolidated Appropriations Act, 2008 (Public Law 110-161) is amended by striking "that" and inserting "on the extent to which".

(c) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

DISABILITY PROGRAMS

SEC. 7089. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than \$4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, and for programs to make publicly available information on independent living, advocacy, education, and transportation for people with disabilities and disability advocacy organizations in developing countries, including for the cost of translation.

(b) Funds appropriated under the heading "Operating Expenses" in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

ORPHANS, DISPLACED AND ABANDONED
CHILDREN

SEC. 7090. Of the funds appropriated under title III of this Act, \$3,000,000 should be made available for activities to improve the capacity of foreign government agencies and non-governmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: *Provided*, That funds made available under title III of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

SRI LANKA

SEC. 7091. (a) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, until the Secretary of State certifies to the Committee on Appropriations that—

(1) the Sri Lankan military is suspending and the Government of Sri Lanka is bringing to justice members of the military who have been credibly alleged to have violated internationally recognized human rights or international humanitarian law, including complicity in the recruitment of child soldiers;

(2) the Government of Sri Lanka is providing access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and

(3) the Government of Sri Lanka has agreed to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country and to publicize its findings.

(b) Subsection (a) shall not apply to technology or equipment made available for the limited purposes of maritime and air surveillance, including communications equipment previously committed or approved for the limited purposes of air and maritime surveillance.

EXPORT-IMPORT BANK RESCISSION
(INCLUDING RESCISSIONS)

SEC. 7092. (a) Of the funds appropriated under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States that are available for tied-aid grants in prior Acts making appropriations for foreign operations, export financing, and related programs, \$17,000,000 are rescinded.

(b) Of the unobligated balances available under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States in Public Law 109-102, \$27,000,000 are rescinded.

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009".

DIVISION I—TRANSPORTATION, HOUSING
AND URBAN DEVELOPMENT, AND RE-
LATED AGENCIES APPROPRIATIONS
ACT, 2009

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$98,248,000, of which not to exceed \$2,400,000 shall be available for the immediate Office of the Secretary; not to exceed \$759,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$19,838,000 shall be available for the Office of the General Counsel; not to exceed \$10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,200,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$26,000,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,020,000 shall be available for the Office of Public Affairs; not to exceed \$1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$8,675,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$12,885,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs: *Provided further*, That of the funds provided under this heading, \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the Working Capital Fund's financial statements.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems, and reengineering business processes, \$5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,384,000.

TRANSPORTATION PLANNING, RESEARCH, AND
DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and

making grants, to remain available until expended, \$18,300,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER
PROGRAM

For the cost of guaranteed loans, \$353,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, \$559,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$3,056,000, to remain available until September 30, 2010: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS
(AIRPORT AND AIRWAY TRUST FUND)
(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$73,013,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS
(RESCISSION)

Of the amounts made available under this heading, all unobligated balances as of the date of enactment of this Act are hereby permanently rescinded.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE
SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION
OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108-176, \$9,042,467,000, of which \$5,238,005,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$7,099,019,000 shall be available for air traffic organization activities; not to exceed \$1,164,597,000 shall be available for aviation safety activities; not to exceed \$14,094,000 shall be available for commercial space transportation activities; not to exceed \$111,004,000 shall be available for financial services activities; not to exceed \$96,091,000 shall be available for human resources program activities; not to exceed \$331,000,000 shall be available for region and center operations and regional coordination activities; not to exceed \$180,859,000 shall be available for staff offices; and not to exceed \$46,500,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than \$10,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: *Provided further*, That the amount herein appropriated shall be reduced

by \$100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than \$9,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$2,742,095,000, of which \$2,281,595,000 shall remain available until September 30, 2011, and of which \$460,500,000 shall remain available until September 30, 2009: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for

the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2010 through 2014, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the Secretary of Transportation shall conduct an analysis that compares the current status of air traffic management and the national airspace system to the planned architecture of the "next generation" air transportation system: *Provided further*, That upon initial submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to the Congress an interim architecture for the "next generation" air transportation system that establishes a list of priority capabilities to be achieved by 2017 and provides an estimated cost for each of those priorities.

RESEARCH, ENGINEERING, AND DEVELOPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$171,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,514,500,000 in fiscal year 2009, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$87,454,000 shall be obligated for administration, not less than \$15,000,000 shall be available for the airport cooperative research program, not less than \$19,348,000 shall be for Airport Technology Research, and \$8,000,000, to remain available until expended, shall be available and transferred to

"Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, \$80,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

ADMINISTRATIVE PROVISIONS—FEDERAL
AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2009.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2009, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 115. (a) No funds provided in this Act may be used by the Secretary of Transportation to promulgate regulations or take any action regarding the scheduling of airline operations at any commercial airport in the United States if such regulation or action involves:

(1) the auctioning by the Secretary or the FAA Administrator of rights or permission to conduct airline operations at such an airport,

(2) the implementation by said Secretary or Administrator of peak-period or other forms of congestion pricing at such an airport,

(3) either:

(A) withdrawal by the Secretary or Administrator of a right or permission to conduct operations at such an airport (except when the withdrawal is for operational reasons or pursuant to the terms or conditions of such operating right or permission), or

(B) requiring a carrier to transfer involuntarily any such right or permission to another person,

(4) the charging by the Secretary or Administrator of a fee for the right or permis-

sion to use navigable airspace at such an airport, or

(5) requiring or providing incentives or disincentives to airport proprietors to take such actions themselves.

(b) Nothing in this section shall be construed to:

(1) prohibit the Secretary or the Administrator from imposing per-operation limitations on airports for the purpose of alleviating congestion at such airports,

(2) prohibit individual airports from implementing peak-period or other congestion pricing at such airports, consistent with regulations pertaining to airport rates and charges, or

(3) limit the ability of a State, political subdivision of a State, or political authority of at least two States that owns or operates a commercial airport from carrying out its proprietary powers and rights.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 117. Within 60 days of the publication date of any Government Accountability Office report reviewing the Federal Aviation Administration's project to redesign the airspace over the New York, New Jersey, and Philadelphia region, the Administrator of the Federal Aviation Administration shall report in writing to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation, on actions the agency intends to take in order to address any concerns and recommendations identified in the Government Accountability Office report.

SEC. 118. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION
LIMITATION ON ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$390,000,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed \$3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed \$300,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In

addition, not to exceed \$3,124,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$40,700,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2009: *Provided*, That within the \$40,700,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109-59) for fiscal year 2009: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$41,439,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)
(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$3,150,000,000 are permanently rescinded: *Provided*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109-59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That notwithstanding section 1132 of Public Law 110-140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102-240, as amended,

\$9,500,000, to remain available until expended.

DENALI ACCESS SYSTEM PROGRAM

For necessary expenses for the Denali Access System Program as authorized under section 1960 of Public Law 109-59, \$5,700,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION (INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute \$2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio de-

termined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to \$639,000,000 for each of fiscal years 2005 through 2009; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs

carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. In addition to amounts provided in this or any other Act for fiscal year 2009, \$143,031,303, to be derived from the Highway

Trust Fund (other than the Mass Transit Account), shall be available for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109-59; 119 Stat. 1144, 1177-1179): *Provided*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: *Provided further*, That such funds shall be administered in accordance with section 1117(g)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 123. Of the amounts made available under section 104(a) of title 23, United States Code, \$33,401,492 are permanently rescinded.

SEC. 124. Of the unobligated balances of funds made available in fiscal year 2005 and prior fiscal years for the implementation or execution of programs for transportation research, training and education, and technology deployment including intelligent transportation systems, \$11,756,527 are permanently rescinded.

SEC. 125. There is hereby appropriated to the Secretary of Transportation \$161,326,625 for surface transportation priorities: *Provided*, That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the explanatory statement accompanying this Act: *Provided further*, That funds provided by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: *Provided further*, That the sums set aside by this section shall remain available until expended: *Provided further*, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

SEC. 126. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 127. Notwithstanding any other provision of law, funds made available in Public Law 110-161 for "Bridge over Broadway, Missoula to Rattlesnake National Recreation Area, MT" shall be available for a new pedestrian and bicycle-friendly at-grade crossing of East Broadway Street in Missoula, Montana.

SEC. 128. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 129. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110-161 (121 Stat. 2388), the item relating to "Route 116 and Bay Road Intersection and Road Improvements, Amherst, MA" in the table of projects for such section 129 is deemed to be amended by inserting "including Bike, Pedestrian, or Other Off Road Paths" after "Improvements".

(b) In the explanatory statement referenced in section 129 of division K of Public Law 110-161 (121 Stat. 2388), the item relating to "Highway 77 Rail Grade Separation, Marion, AR", in the table of projects for such section 129 is deemed to be amended by striking "Highway 77 Rail Grade Separation, Marion, AR" and inserting "BNSF main line overpass within the Marion, Arkansas, planning jurisdiction".

(c) In the explanatory statement referenced in section 186 of division K of Public Law 110-161 (121 Stat. 2406), in the table of projects under the heading "Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)—Federal Lands" in division K of such explanatory statement, the item relating to "U.S. Forest Highway 4, Winston County, Alabama" is deemed to be amended by striking "Highway 4" and inserting "Highway 9".

(d) In the explanatory statement referenced in section 186 of division K of Public Law 110-161 (121 Stat. 2406), the item relating to "Street Improvements in Burnham, IL" in the table of projects under the heading "Transportation, Community and System Preservation Program" is deemed to be amended by striking "Street Improvements in Burnham, IL" and inserting "Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL".

(e) In the explanatory statement referenced in section 186 of division K of Public Law 110-161 (121 Stat. 2406), the item relating to "Street Improvements in Thornton, IL" in the table of projects under the heading "Transportation, Community and System Preservation Program" is deemed to be amended by striking "Street Improvements in Thornton, IL" and inserting "Engineering, Right-of-Way, and Construction of Joe Orr Road Extension and Main Street Project in Lynwood, IL".

(f) Funds made available from the amount appropriated under the heading "Federal Highway Administration—Highway Demonstration Projects" of title I of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102-143) for the Miller Highway from 59th Street to 72nd Street, west side of Manhattan, New York, and from the amount appropriated under the heading "Federal Highway Administration—Highway Projects" of title I of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-388) for design improvements on Miller Highway, New York City, New York, shall be made available for the project specified in item 4599 of section 1702 of SAFETEA-LU (Public Law 109-59), as amended by the SAFETEA-LU Technical Corrections Act of 2008 (Public Law 110-244).

SEC. 130. Notwithstanding any other provision of law, any unexpended amounts available for obligation for item number 48 under section 1106(b) of Public Law 102-240 (105 Stat. 2046) for the Southern State Parkway Improvement project shall be available for obligation and expenditure on the I-90 connector, Rensselaer County, New York, including reimbursement for expenses incurred on such connector prior to the date of enactment of this section.

SEC. 131. (a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 189 and inserting the following: "Planning, design, engineering, environmental analysis, acquisition of rights-of-way, and construction for the Long Valley Bypass".

(b) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 3546 and inserting the following: "Port of Coos Bay to acquire and repair the Coos Bay Line".

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION) (LIMITATION ON OBLIGATIONS) (HIGHWAY TRUST FUND) (INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109-59, \$234,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of \$234,000,000, for "Motor Carrier Safety Operations and Programs", of which \$8,500,000, to remain available for obligation until September 30, 2011, is for the research and technology program and \$1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109-59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer:

Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2009 and September 30, 2009 on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers: *Provided further*, That \$4,839,259 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)
(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109-59, \$307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$307,000,000, for "Motor Carrier Safety Grants"; of which \$209,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; \$25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; \$32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; \$5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; \$25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109-59; \$3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109-59; and \$8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, \$29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That \$6,502,558 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY
(HIGHWAY TRUST FUND)
(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$2,231,259 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM
(HIGHWAY TRUST FUND)
(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, \$19,571,910 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107-87 and section 6901 of Public Law 110-28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 136. None of the funds appropriated or otherwise made available under this Act may be used, directly or indirectly, to establish, implement, continue, promote, or in any way permit a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.

NATIONAL HIGHWAY TRAFFIC SAFETY
ADMINISTRATION
OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109-59 and chapter 301 and part C of subtitle VI of title 49, United States Code, \$127,000,000, of which \$31,670,000 shall remain available until September 30, 2010: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, \$105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2009, are in excess of \$105,500,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the \$105,500,000 obligation limitation for operations and research, \$26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, \$4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2009, are in excess of \$4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, to remain available until expended, \$619,500,000 to be derived from the Highway Trust Fund

(other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2009, are in excess of \$619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109-59, of which \$235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; \$25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; \$124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2010 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; \$34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; \$139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; \$18,500,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109-59; \$29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109-59; \$7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109-59; and \$7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109-59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed \$750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109-59.

ADMINISTRATIVE PROVISIONS—NATIONAL
HIGHWAY TRAFFIC SAFETY ADMINISTRATION
(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$10,900,000 in unobligated balances are permanently rescinded.

SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$44,000 in unobligated balances are permanently rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, \$60,200,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION
SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$159,445,000, of which \$12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$33,950,000, to remain available until expended.

CAPITAL ASSISTANCE TO STATES—INTERCITY
PASSENGER RAIL SERVICE

To enable the Federal Railroad Administrator to make grants to States for the capital costs of improving existing intercity passenger rail service and providing new intercity passenger rail service, \$90,000,000, to remain available until expended: *Provided*, That grants shall be provided to a State only on a reimbursable basis: *Provided further*, That grants cover no more than 50 percent of the total capital cost of a project selected for funding: *Provided further*, That no more than 10 percent of funds made available under this program may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator: *Provided further*, That no later than eight months following enactment of this Act, the Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: *Provided further*, That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: *Provided further*, That to be eligible for capital assistance the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: *Provided further*, That the Secretary give priority to capital and planning applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, and involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: *Provided further*, That the Administrator is directed to report to the Committees on Appropriations not later than 180 days upon enactment of this Act detailing the recipients and outcomes of grants issued pursuant to Public Law 110-116, under this heading, the Capital Assistance to States Program, any and all usage and performance fees paid to a freight railroad for access to the right of way: *Provided further*, That the Administrator may retain up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

RAILROAD REHABILITATION AND IMPROVEMENT
FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts

and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2009.

RAIL LINE RELOCATION AND IMPROVEMENT
PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109-59, \$25,000,000, to remain available until expended.

OPERATING GRANTS TO THE NATIONAL
RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, \$550,000,000, to remain available until expended: *Provided*, That the Secretary shall withhold such sums as shall be necessary for the costs associated with the second retroactive wage payment to Amtrak employees and shall transmit such funding to the corporation for the sole and exclusive purpose of making such payments only at such time as said payments are due: *Provided further*, That such remaining amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning 3 months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2008 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business

plan approved by the Board of Directors for fiscal year 2009 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Auto-train; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That of the amounts made available under this heading not less than \$18,500,000 shall be available for the Amtrak Office of Inspector General.

CAPITAL AND DEBT SERVICE GRANTS TO THE
NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, \$940,000,000, to remain available until expended, of which not to exceed \$285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of 1 percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation

or on the Corporation's fiscal year 2009 business plan: *Provided further*, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

EFFICIENCY INCENTIVE GRANTS TO THE
NATIONAL RAILROAD PASSENGER CORPORATION
(RESCISSION)

Of the amounts made available under this heading in Public Laws 109-115 and 110-5, all unobligated balances as of the date of enactment of this provision are hereby rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL
RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading "Office of the Secretary, Salaries and Expenses" shall be reduced \$100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

FEDERAL TRANSIT ADMINISTRATION
ADMINISTRATIVE EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's pro-

grams authorized by chapter 53 of title 49, United States Code, \$94,413,000: *Provided*, That of the funds available under this heading, not to exceed \$1,800,000 shall be available for travel and not to exceed \$23,322,000 shall be available for the central account: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, \$2,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2010.

FORMULA AND BUS GRANTS
(LIQUIDATION OF CONTRACT AUTHORITY)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, \$8,670,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105-178, as amended, shall not exceed total obligations of \$8,260,565,000 in fiscal year 2009.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312-5315, 5322, and 5506, \$67,000,000, to remain available until expended: *Provided*, That \$10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, \$4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and \$7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That \$45,700,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, \$1,809,250,000, to remain available until expended, of which no less than \$200,000,000 is for section 5309(e) of such title: *Provided*, That of the funds available under this heading, amounts are to be made available as follows:

AC Transit BRT Corridor, California, \$4,000,000.
Bellevue-Redmond BRT, King County, Washington, \$10,952,330.
BRT, Potomac Yard-Crystal City, City of Alexandria and Arlington County, Virginia, \$1,000,000.
BRT, State Avenue Corridor, Wyandotte County, Kansas, \$1,500,000.
Central Corridor Light Rail Transit Project, Minnesota, \$20,000,000.

Central Florida Commuter Rail, Florida, \$13,000,000.

Central Link Initial Segment, Seattle, Washington, \$25,962,062.

Central Phoenix/East Valley Light Rail, Arizona, \$91,800,000.

Charlotte Rapid Transit Extension, North Carolina, \$20,500,000.

Commuter Rail Improvements, Fitchburg, Massachusetts, \$30,000,000.

Commuter Rail Study—Phoenix to Tucson, Arizona, \$3,500,000.

CTA Brown Line (Ravenswood), Illinois, \$30,474,404.

CTA Circle Line, Illinois, \$6,000,000.

Dallas Area Rapid Transit Northwest/Southeast Light Rail MOS, Texas, \$87,974,716.

Downtown Orlando East-West Circulator System, Florida, \$8,000,000.

Dulles Corridor Metrorail, Virginia, \$29,100,000.

Honolulu High Capacity Transit Corridor Project, Hawaii, \$20,000,000.

Houston Metropolitan Transit Authority Advanced Transit Program/METRO Solutions Phase 2, Texas, \$15,000,000.

Hudson-Bergen MOS-2, Northern, New Jersey, \$1,103,860.

I-69 HOV/BRT, Mississippi, \$7,650,000.

Improvements to the Rosslyn Metro Station, Virginia, \$2,000,000.

JTA BRT System, Jacksonville, Florida, \$1,280,000.

Largo Metrorail Extension, District of Columbia/Maryland, \$34,700,000.

Livermore-Amador BRT, Livermore, California, \$7,990,000.

Long Island Rail Road East Side Access, New York, \$209,623,898.

Mason Corridor BRT, Fort Collins, Colorado, \$11,182,000.

MARC Capacity Improvements, Maryland, \$13,000,000.

Metra, Illinois, \$24,000,000.

Metro Gold Line Eastside Extension, Los Angeles, California, \$81,600,000.

Metrorail Orange Line Extension Project, Florida, \$20,000,000.

Metro Rapid Bus System Gap Closure, Los Angeles, California, \$332,620.

Mid-City Rapid, San Diego, California, \$19,485,000.

Mid Jordan Light Rail Extension, Utah, \$20,000,000.

Mountain Links BRT, Flagstaff, Arizona, \$5,614,200.

Norfolk LRT, Virginia, \$53,592,108.

North Shore LRT Connector, Pennsylvania, \$670,885.

Northern Indiana Commuter Transit District, Indiana, \$5,000,000.

Northstar Corridor Rail, Minnesota, \$71,166,060.

Pacific Highway South BRT, King County, Washington, \$281,520.

Perris Valley Line, Riverside, California, \$45,000,000.

Pioneer Parkway EmX BRT, Springfield, Oregon, \$296,000.

San Francisco Muni Third Street Light Rail—Central Subway Project, California, \$10,000,000.

Second Avenue Subway Phase 1, New York, \$277,697,000.

South Corridor BRT, Kent County, Michigan, \$600,000.

South Corridor I-205/Portland Mall LRT, Oregon, \$81,600,000.

South County Commuter Rail, Wickford Junction Station, Rhode Island, \$1,345,500.

South Sacramento Light Rail Extension, California, \$7,000,000.

Southeast Corridor, LRT, Colorado, \$1,031,210.

Stamford Urban Transitway, Connecticut, \$3,650,000.

Streetcar Loop, Portland, Oregon, \$45,000,000.

Trans-Hudson Midtown Corridor, New Jersey, \$48,000,000.

Troost Corridor BRT, Kansas City, Missouri, \$125,200.

Tucson Modern Streetcar/Light Rail Transit System, Tucson, Arizona, \$2,000,000.

University Link LRT Extension, Washington, \$100,000,000.

Van Ness BRT Project, San Francisco, California, \$400,000.

VRE Rolling Stock, Virginia, \$5,000,000.

Weber County to Salt Lake City Commuter Rail, Utah, \$81,600,000.

West Corridor LRT, Colorado, \$60,000,000.

Wilshire Boulevard Bus-Only Lane, Los Angeles, California, \$9,857,097.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION (INCLUDING RESCISSIONS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration, Capital Investment Grants account and for bus and bus facilities under the Federal Transit Administration, Formula and Bus Grants account for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2011, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2008, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2009, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related equipment.

SEC. 165. Notwithstanding any other provision of law, in regard to the Central Link Initial Segment Project, to the extent that Federal funds remain available within the current budget for the project, the Secretary shall, immediately upon the date of enactment of this Act, amend the Full Funding Grant Agreement for said project to allow remaining Federal funds to be used to support completion of the Airport Link extension of said project.

SEC. 166. Any unexpended funds in Federal Transit Administration grant numbers KS-

03-0018 and KS-03-0032 shall be made available, at the request of the State, for a bus rapid transit project and related capital purchases and facility improvements, in Johnson County, Kansas City, KS under the terms and conditions required to carry out section 5309(b)(3) of title 49, United States Code to the extent applicable.

SEC. 167. Of the balances available for this fiscal year to carry out 49 U.S.C. 5309(b) left to the discretion of the Secretary of Transportation, \$100,000,000 are permanently rescinded.

SEC. 168. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA-2006-25737).

SEC. 169. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than \$4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 170. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 171. Notwithstanding any other provision of law, the \$2,695,000 appropriated for the Charlotte Rapid Transit Extension—Northeast Corridor Light Rail Project, North Carolina under the Alternatives Analysis Account in division K of the Consolidated Appropriations Act, 2008 (Public Law 110-161) shall be used for the Charlotte Rapid Transit Extension—Northeast Corridor to carry out new fixed guideway or extension to existing fixed guideway activities described in section 5309 of title 49, United States Code.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$31,842,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve

the national security needs of the United States, \$174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$123,360,000, of which \$10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools, of which \$8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which \$53,208,000 shall be available for operations at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$15,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3506 of Public Law 109-163 or section 54101 of title 46, United States Code, \$17,500,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed \$3,531,000, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

SHIP CONSTRUCTION (RESCISSION)

Of the unobligated balances available under this heading, \$1,382,554 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and

services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note (c)(5)), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

SEC. 177. Section 51509 of title 46, United States Code, is amended in subsection (b) by deleting “\$4,000” and inserting in lieu thereof “\$8,000” and by inserting “tuition,” after “uniforms.”

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES (PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$19,130,000, of which \$639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be transferred to “Pipeline Safety” in order to fund “Pipeline safety information grants to communities” as authorized in section 60130 of title 49, United States Code: *Provided further*, That grants described under the previous proviso shall be awarded within 120 days of enactment of this Act.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$32,000,000, of which \$3,302,000 shall remain available until September 30, 2011: *Provided*, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY (PIPELINE SAFETY FUND) (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$93,291,000, of which \$18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2011; and of which \$74,481,000 shall be derived from the Pipeline Safety Fund, of which \$40,081,000 shall remain available until September 30, 2011: *Provided*, That not less than \$1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), \$188,000, to be derived from the

Emergency Preparedness Fund, to remain available until September 30, 2010: *Provided*, That not more than \$28,318,000 shall be made available for obligation in fiscal year 2009 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, \$12,900,000, of which \$6,936,000 shall remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$71,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$26,847,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2009, to result in a final appropriation from the general fund estimated at no more than \$25,597,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Research and University Research Centers” account, and to the Federal Railroad Administration’s “Safety and Operations” account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for “Ferry Boats and Ferry Terminal Facilities”, “Federal Lands”, “Interstate Maintenance Discretionary”, “Transportation, Community and System Preservation Program”, “Delta Region Transportation Development Program”, “Rail Line Relocation and Improvement Program”, “Rail-highway crossing hazard eliminations”, “Alternatives analysis”, and “Bus and bus facilities”.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees

on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107-300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. (a) None of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation may be used to take any action to allow any activity described in subsection (b) in a case, matter, or declaratory order involving a railroad, or an entity claiming or seeking authority to operate as a railroad, unless the Board receives written assurance from the Governor, or the Governor's designee, of the State in which such activity will occur that such railroad or entity has agreed to comply with State and local regulations that establish public health, safety, and environmental standards for the activities described in subsection (b), other than zoning laws or regulations.

(b) Activities referred to in subsection (a) are activities that occur at a solid waste rail transfer facility involving—

(1) the collection, storage, or transfer of solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) outside of original shipping containers; or

(2) the separation or processing of solid waste (including baling, crushing, compacting, and shredding).

SEC. 193. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 194. Of the funds made available or limited by this Act, which are not otherwise allocated under this Act or under SAFETEA-LU (Public Law 109-59) or necessary to fulfill existing agreements between the Department of Transportation and metropolitan areas under the "Urban Partnerships" and "Congestion-Reduction Demonstration" programs, not more than 10 percent of such funds for any program that is allocated at the discretion of the Secretary may be expended in furtherance of the Department of Transportation's "National Strategy to Reduce Congestion on America's Transportation Network" issued May 2006 by Secretary of Transportation, the Honorable Norman Mineta; also known as the "Congestion Initiative" or any other new congestion initiative.

SEC. 195. Of the funds available for Ferry Boats and Ferry Terminal Facilities, \$950,000 shall be for Missouri River, Route 240, Saline and Howard Counties for expenses, including reimbursement of previously incurred expenses, for alternative transportation (including ferryboat service) during bridge replacement.

SEC. 196. Notwithstanding any other provision of law, the State of New Mexico may use funds apportioned to the State under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, to support the operation of commuter rail service between Belen and Bernalillo, New Mexico.

SEC. 197. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 598 in section 3044(a) of Public Law 109-59 that are unobligated or unexpended in a grant shall be made available to OATS, Incorporated for buses and bus-related facilities.

SEC. 198. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 1152 in section 1702 of Public Law 109-59 that are unobligated or unexpended shall be made available for maintenance, repair and reconstruction of the Tucker Bridge in the City of St. Louis, Missouri.

SEC. 199. Notwithstanding any other provision of law, section 198 of division K of Public Law 110-161 shall continue in effect during fiscal year 2009.

This title may be cited as the "Department of Transportation Appropriations Act, 2009".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, \$23,799,456, of which not to exceed \$3,885,581 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed \$1,613,898 shall

be available for the Office of Hearings and Appeals; not to exceed \$544,552 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$720,343 shall be available for the immediate Office of the Chief Financial Officer; not to exceed \$1,516,800 shall be available for the immediate Office of the General Counsel; not to exceed \$2,715,488 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed \$2,586,721 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed \$1,005,120 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$1,602,655 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed \$1,707,499 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed \$3,778,560 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed \$1,431,212 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed \$691,027 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed \$25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, \$527,433,640, of which not to exceed \$75,510,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed \$11,003,940 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed \$48,817,430 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed \$13,438,200 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed \$34,028,820 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed \$84,837,460 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed \$3,085,120 shall be available for the personnel compensation and benefits of the Office of Departmental

Equal Employment Opportunity; not to exceed \$1,215,280 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; and not to exceed \$255,497,390 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

PERSONNEL COMPENSATION AND BENEFITS
PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, \$190,390,100.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, \$94,233,700.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, \$363,198,000.

OFFICE OF THE GOVERNMENT NATIONAL
MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, \$10,000,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, \$18,070,850.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, \$69,020,990.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD
CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, \$6,727,950.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, \$16,817,000,000, to remain available until expended, of which \$12,817,000,000 shall be available on October 1, 2008, and \$4,000,000,000 shall be available on October 1,

2009: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$15,034,071,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other designated housing vouchers initially funded in fiscal year 2008 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2009 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the 2009 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to \$100,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; and (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

(2) \$150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Revisions and Appropriations Act of 1996 (Public Law 104-134), conversion of section 23 projects to assistance under section 8, the

family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended or under the authority as provided under this Act: *Provided*, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds.

(3) Not to exceed \$7,929,000 provided under this heading may be transferred to the Working Capital Fund: *Provided*, That funding made available under this section shall not be transferred to the Working Capital Fund until the voucher management system leasing and cost data is made available to the public on the Department of Housing and Urban Development website.

(4) \$1,500,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program and which up to \$50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than \$1,400,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2009 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2008 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities: *Provided further*, That of the total amount provided under this paragraph, \$50,000,000 shall be made available for family self-sufficiency coordinators under section 23 of the Act.

(5) \$20,000,000 for incremental voucher assistance through the Family Unification Program: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That

the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services.

(6) \$75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

(7) \$30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families: *Provided*, That assistance made available under this paragraph shall continue to remain available for the same population upon turnover: *Provided further*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services.

HOUSING CERTIFICATE FUND

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2009 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

PUBLIC HOUSING CAPITAL FUND (INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") \$2,450,000,000, to remain available

until September 30, 2012: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2009 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to \$10,000,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed \$14,577,000 may be transferred to the Working Capital Fund; and up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year 2009: *Provided further*, That of the total amount provided under this heading, \$40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading up to \$8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2009 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2009 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,455,000,000; of which \$5,940,000 shall be for competitive grants and contracts to third parties for the provision of technical assistance to public housing agencies related to the transition and implementation of asset-based management in public housing: *Provided*, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), \$120,000,000, to remain available until

September 30, 2010, of which the Secretary of Housing and Urban Development shall use \$2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), \$645,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, \$3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and \$4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to \$300,000 for related travel: *Provided further*, That of the amount provided under this heading, \$2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$17,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain available until expended: *Provided*, That of this amount, \$299,211 shall be for training and technical assistance activities, including up to \$100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to

subsidize total loan principal, any part of which is to be guaranteed, up to \$420,000,000: *Provided further*, That up to \$750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE
FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13b), \$1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT
HOUSING OPPORTUNITIES FOR PERSONS WITH
AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$310,000,000, to remain available until September 30, 2010, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2011: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use not to exceed \$1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed \$1,750,000 may be transferred to the Working Capital Fund.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$26,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2009, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided*, That of the total amount made available under this heading, not less than \$5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities.

COMMUNITY DEVELOPMENT FUND
(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, \$3,900,000,000, to remain available until September 30, 2011, unless otherwise specified: *Provided*, That of the total amount provided, \$3,641,966,875 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this head-

ing (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That of the total amount made available under this heading, not to exceed \$3,175,000 may be transferred to the Working Capital Fund: *Provided further*, That \$5,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: *Provided further*, That \$65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to \$3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, \$165,311,875 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, \$19,546,250 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of managers under this heading in title III of division A of Public Law 109-115 is deemed to be amended with respect to item number 889 by striking "Perry County, Pennsylvania to develop an industrial park in New Bloomfield" and inserting "Perry County, Pennsylvania to develop an industrial park in Penn Township/Duncannon".

The referenced statement of managers under the heading "Community Planning and Development" in title II of division K of Public Law 110-161 is deemed to be amended by striking: "Golden Castings Foundry Demolition and Site Remediation Project to raze and remediate the site of the former Golden Castings Foundry for the demolition and environmental remediation costs of the Golden Castings foundry site" and inserting "To remediate the former site of the Columbus Wood Treating Plant in Columbus, Indiana".

The referenced explanatory statement under this heading in Public Law 110-161 is deemed to be amended with respect to the fourth item included in the table found on page 2439 with respect to amounts made available for the Springfield Boys and Girls Club by striking "Springfield Boys and Girls Club; Community Center; Springfield, IL; Planning, development, land acquisition, and construction costs for a new community center in Springfield." and inserting "City of Springfield for capital costs associated with the Edwin Watts Southwind Park".

The referenced statement of managers under the heading "Community Development Fund" in title II of division K of Public Law 110-161 is deemed to be amended by striking: "City of Charlotte, NC for land acquisition in the development of the Belvedere Business Park" and inserting "City of Charlotte, NC for development of the Belvedere Business Park".

COMMUNITY DEVELOPMENT LOAN GUARANTEES
PROGRAM ACCOUNT

For the cost of guaranteed loans, \$6,000,000, to remain available until September 30, 2010, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$10,000,000, to remain available until September 30, 2010: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,825,000,000, to remain available until September 30, 2011, of which not to exceed \$4,200,000 may be transferred to the Working Capital Fund: *Provided*, That up to \$12,000,000 shall be available for technical assistance: *Provided further*, That, in prior appropriations Acts for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP
OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$64,000,000 to remain available until September 30, 2011: *Provided*, That of the total amount provided under this heading, \$26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That \$34,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 may be made available for rural capacity building activities: *Provided further*, That \$3,500,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110-246.

HOMELESS ASSISTANCE GRANTS
(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, \$1,677,000,000, of which \$1,672,000,000 shall remain available until September 30, 2011, and of which \$5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That of the amount provided, \$10,000,000 shall be made available to conduct a demonstration program on the prevention of homelessness among the Nation's veterans: *Provided further*, That the Secretary shall work in coordination with the Department of Veterans Affairs and the Department of Labor to select a limited number of urban and rural sites in which to carry out this demonstration: *Provided further*, That in selecting sites, the Secretary shall evaluate the rate of homelessness among veterans in the area, and the experience of the grantees in coordinating with Department of Veterans Affairs and the Department of Labor to enable veterans to access mainstream programs: *Provided further*, That of the sites selected, up to three shall have a high number of service members separating from the military and transitioning into civilian life: *Provided further*, That the Secretary shall also select up to four sites located in rural areas to evaluate how to effectively serve veterans in rural areas, many of whom may have been part of the National Guard, may have limited access to the Department of Veterans Affairs medical centers, and may have dependent family members: *Provided further*, That funding made available under this demonstration shall be available for housing and appropriate services to prevent veterans and their families from becoming homeless or reduce the length of time veterans and their families are homeless: *Provided further*, That of the amounts made available under this heading, not to exceed \$750,000 may be available for an evaluation of this demonstration: *Provided further*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate

homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to \$8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That of the total amount made available under this heading, not to exceed \$2,675,000 may be transferred to the Working Capital Fund: *Provided further*, That \$3,000,000 of the funds appropriated under this heading shall be used to conduct research on homeless issues, including homeless prevention and youth homelessness: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2009: *Provided further*, That this heading in the Department of Housing and Urban Development Appropriations Act, 2008 is amended by inserting the following new proviso after the third proviso: "*Provided further*, That the Secretary may renew grants made under this demonstration program and may treat such original grants and any such renewal grants as if these grants were made under the supportive housing program:".

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$7,100,000,000, to remain available until expended, shall be available on October 1, 2008, and \$400,000,000, to remain available until expended, shall be available on October 1, 2009: *Provided*, That the amounts made available under this heading are provided as follows:

(1) \$6,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Up to \$232,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s);

section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667).

(3) Not to exceed \$10,000,000 provided under this heading may be transferred to the Working Capital Fund.

(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY
(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$765,000,000, to remain available until September 30, 2012, of which up to \$626,400,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private non-profit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That up to \$2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act: *Provided further*, That of the total amount made available under this heading, not to exceed \$1,600,000 may be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section

202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES
(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, \$250,000,000, of which up to \$161,300,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2012: *Provided*, That of the total amount made available under this heading, not to exceed \$1,600,000 may be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading, \$87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$65,000,000, including up to \$2,000,000 for administrative contract services, to remain available until September 30, 2010: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS
RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, \$27,600,000, to remain available until expended.

RENT SUPPLEMENT
(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965

(12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z-1) \$37,600,000 are rescinded.

PAYMENT TO MANUFACTURED HOUSING FEES
TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$16,000,000, to remain available until expended, of which \$10,600,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than \$5,400,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2009 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION
MUTUAL MORTGAGE INSURANCE PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2009, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of \$315,000,000,000. During fiscal year 2009, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, \$116,000,000, of which at least \$46,794,000 shall, and up to \$58,492,500 may, be transferred to the Working Capital Fund, and of which up to \$7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further*, That to the extent guaranteed loan commitments exceed \$65,500,000,000 on or before April 1, 2009, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in sec-

tion 502 of the Congressional Budget Act of 1974, as amended, \$8,600,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed \$45,000,000,000 in total loan principal, any part of which is to be guaranteed. Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000, of which not to exceed \$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act. For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$48,871,000, of which at least \$47,871,000 shall be for administrative contracts and up to \$1,000,000 shall be for consumer education and outreach for FHA loan products.

GOVERNMENT NATIONAL MORTGAGE
ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES
LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$300,000,000,000, to remain available until September 30, 2010: *Provided*, That to the extent new guarantees of mortgage-backed securities exceed \$75,000,000,000 on or before April 1, 2009, an additional \$1,000 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000) but in no case shall funds made available by this proviso exceed \$14,000,000.

POLICY DEVELOPMENT AND RESEARCH
RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$58,000,000, to remain available until September 30, 2010: *Provided*, That of the funds made available under this heading, \$23,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further*, That at least \$1,000,000 shall be available for the Secretary to conduct a comprehensive study to be managed by the Office of Policy Development and Research, to analyze the administrative costs necessary to carry-out the tenant-based voucher program: *Provided further*, That of the total amount made available, \$2,000,000 may be made available for technology directly related to disaster prone areas.

FAIR HOUSING AND EQUAL OPPORTUNITY
FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$53,500,000, to remain available until September 30, 2010, of which

\$27,500,000 shall be to carry out activities pursuant to such section 561 of which up to \$2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, \$500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$140,000,000, to remain available until September 30, 2010, of which not less than \$14,600,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, \$48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated: *Provided further*, That of the total amount made available under this heading, \$250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.

MANAGEMENT AND ADMINISTRATION
WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, \$224,000,000, to remain available until September 30, 2010, of which not less than \$4,000,000 shall be used for planning for modernizing, improving and maintaining information technology applications and infrastructure supporting the FHA: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to \$15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$120,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2009 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2009 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2009 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2009 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2009, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage

Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2009 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2009, the Secretary shall transmit this information to the Committees by March 15, 2009 for 30 days of review.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter “metropolitan division”), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible

activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2009 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 211. The President’s formal budget request for fiscal year 2010, as well as the Department of Housing and Urban Development’s congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 212. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 213. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and

very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 214. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 216. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the

Secretary of Housing and Urban Development may, until September 30, 2009, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2009, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 219. During fiscal year 2009, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 220. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD’s use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 221. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 222. (a) The amounts provided under the subheading “Program Account” under the heading “Community Development Loan Guarantees” may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 223. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking “2003” and inserting “2009”; and

(2) in subsection (o), by striking “September 30, 2007” and inserting “September 30, 2009”.

SEC. 224. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2008 AND 2009.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal years 2008 and 2009—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2008 and fiscal year 2009; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2008 and 2009.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary’s implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2010.—As part of the Department of Housing and Urban Development’s budget request for fiscal year 2010, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2010, including expiring project-based contracts.

SEC. 225. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in

connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 226. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 227. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 228. Section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)) is amended—

- (1) in subparagraph (F), by striking “and”;
- (2) in subparagraph (G) by striking the period at the end and inserting “; and”; and
- (3) by adding a new subparagraph (H) as follows:

“(H) housing that is assisted under section 811 of the Cranston-Gonzalez Affording Housing Act (42 U.S.C. 8013).”

SEC. 229. The Home Investment Partnerships Act (42 U.S.C. 12721 et seq.) is amended—

- (1) in section 233(d)(1) by striking “20” and inserting “40”;
- (2) in section 233(e) by striking “40” and inserting “25”;
- (3) in section 243(b), in the second sentence, by striking “20” and inserting “40”; and
- (4) in section 271(i) by striking “Act after December 31, 2007” and inserting “section after December 31, 2011”.

SEC. 230. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder

shall be designated for each HUD subaccount under the headings “Executive Direction” and “Administration, Operations, and Management” as well as each account receiving appropriations for “personnel compensation and benefits” within the Department of Housing and Urban Development.

SEC. 231. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 232. Of the unobligated balances remaining from funds appropriated under the heading “Tenant-Based Rental Assistance” under the Department of Housing and Urban Development Appropriations Act, 2008, \$750,000,000 are rescinded from the \$4,158,000,000 which are available on October 1, 2008. Such amount shall be derived from reductions to public housing agencies’ calendar year 2009 allocations based on amounts in public housing agencies’ net restricted assets accounts (in accordance with VMS data in calendar year 2008 that is verifiable and complete), as determined by the Secretary.

SEC. 233. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2009 and thereafter, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2009 and thereafter, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

SEC. 234. PREPAYMENT AND REFINANCING. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary’s consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

- (1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and
- (2) the prepayment may involve refinancing of the loan if such refinancing results—

- (A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or
- (B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 235. USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD’s homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues

that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal year 2008 and 2009 made available as surplus Federal property for use to assist the homeless.

SEC. 236. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-281) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS) and is a HOPE VI agency. No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding than they otherwise would have received absent this designation.

SEC. 237. Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under the fourth paragraph under the heading "General and Special Risk Program Account" in the Department of Housing and Urban Development Appropriations Act, 2008, \$5,000,000 are rescinded: *Provided*, That with respect to such discount sales referenced under such paragraph, notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2009 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 238. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 239. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2009".

TITLE III RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$6,550,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$22,800,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$91,000,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2009 only, on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to \$100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

(RESCISSION)

Of the available unobligated balances made available under this heading in Public Law 106-246, \$671,275 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$131,000,000, of which \$5,000,000 shall be for a multi-family rental housing program: *Provided*, That of the amounts made available under this heading, \$6,000,000 shall be made available to conduct a consumer mortgage public education campaign: *Provided further*, That funding amounts provided under the previous proviso shall be available for campaign development, production, and outreach activities.

For an additional amount, \$50,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to

counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria

to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to \$5,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,333,000: *Provided*, That no funds may be used to pay the salaries and benefits of any employee of the United States Interagency Council on Homelessness that spends more than 10 days outside of the United States while not on annual leave.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2008" and inserting "2010".

TITLE IV GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2009 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting serv-

ice through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall

issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2009. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the

assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

This division may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009”.

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Salaries and Expenses”, \$100,000,000, to remain available until expended, to address additional requirements related to the protection mission: *Provided*, That of this amount, not to exceed \$12,730,000 may be transferred to “Acquisition, Construction, Improvements, and Related Expenses” to address the deferred maintenance backlog: *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

GENERAL PROVISIONS—THIS DIVISION

SEC. 101. Sections 143, 144, and 145 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580 et seq.) are each amended by striking “the date specified in section 106(3) of this joint resolution” and inserting “September 30, 2009”.

SEC. 102. (a) EXTENSION OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—Effective as of February 1, 2009, section 1858 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 504) is amended—

(1) in subsection (a), by striking “60 days after” and all that follows through the end of the subsection and inserting “on March 1, 2010.”; and

(2) in subsection (b), by striking “the 60-day period referred to in subsection (a)” and inserting “the period beginning on February 2, 2009, and ending on February 28, 2010.”.

(b) FUNDING.—Of the funds provided under the heading “Operation and Maintenance, Defense-Wide” in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329; 122 Stat. 3606), \$1,100,000 shall be made available only for purposes of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

SEC. 103. Notwithstanding any provision of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the percentage adjustment scheduled to take effect under any such provision in calendar year 2010 shall not take effect.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I think we’ve already debated this issue extensively. This bill is needed to fill in the gaps left in the existing budget for this year. It is the last of yesterday’s business so that we can move ahead to deal with the President’s expected new budget. I would urge support for the package.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, like many of my colleagues, I’m embarrassed by this omnibus spending bill and the process that created it. Even as the President talks about the need to put our economic house in order, this House continues to spend and spend and spend and spend. Clearly, the Congress has lost its way.

Not one of the nine spending bills in this omnibus was ever considered by the full committee. Six of the nine bills in this package were never considered by the full Appropriations Committee. One more time we’re spending hundreds of billions of dollars with no debate, no amendments, no Member input. Yes, clearly, this Congress has lost its way.

It’s now standard operating procedure that only a handful of Members in leadership are actually involved in writing significant legislation. This has been true with every supplemental spending package the House has considered over the last 2 years. This was true in the development of the \$789 billion stimulus package passed by the House just 2 weeks ago. And, that is true once again today.

Under this rule just adopted, Members have 1 hour to debate \$410 billion in spending, with no opportunity for amendments. That equates to nearly \$7 billion for every minute of debate. Sadly, the vast majority of our Members will have no voice whatsoever in crafting this measure.

The fiscal year 2009 omnibus bill contains funding for nine of the 12 regular appropriations bills, a total of \$410 billion. The new fiscal year began on October 1 and today, nearly 5 months later, we’re jamming the work that should have been done last year into one massive, last-minute, “take-it-or-leave-it” spending bill.

The spending in this legislation represents a \$32 billion, or 8 percent increase over last year for the very same agencies and programs. With the exception of the spending boost after the September 11 attacks, this represents the largest annual Federal Government spending increase since 1978.

At the very time when our economy is forcing families to make do with less, Congress has embarked on the largest spending spree in our country’s history. When combined with the three appropriations bills that were signed into law in September, this enacted fiscal year 2009 budget will become our country’s very first trillion dollar discretionary budget.

□ 1415

It comes as no surprise that the \$410 billion omnibus spending bill contains funding for many of the same government programs that received funding in the \$789 billion stimulus package. Stimulus funding for these nine spending bills totals \$270 billion. When added together, the combined fiscal year 2009 funding for government programs in both bills is \$680 billion—an increase of \$301 billion, or an 80 percent increase over just last year.

The real surprise is not the unfettered spending but the complete and utter failure of Congress to encourage any fiscal discipline whatsoever. At a time when American families are cutting unnecessary spending to weather the economic downturn, Congress should be doing the same thing. Instead, the premise of Pay-Go, or “pay as we go” is being replaced by the promise Go-Spend under this majority.

This delirious pace of government spending goes well beyond what most people would consider reasonable, let alone responsible. An 8 percent—or a \$32 billion—increase in 1 year on top of the stimulus package is simply unnecessary and unsustainable. Balance is what we should strive for, providing enough money to allow the agencies to carry out their primary missions and to achieve real results. Our public has grown weary of Congress’ simply throwing money at every problem in this country. Spending fatigue has set in.

Mr. Speaker, as I commit to working constructively with DAVID OBEY this year, I encourage the majority leadership to pursue regular order that is inclusive of all Members so our work can once again reflect the bipartisan voices of this House.

I reserve the balance of my time.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert tabular and extraneous material on H.R. 1105.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. I yield myself 1 minute.

Mr. Speaker, for the last year and a half, this committee has been taking every reasonable action to ensure transparency in the earmarking process.

As an article in today’s Roll Call says, “The disclosure system implemented in the 110th Congress now allows for all of these Members’ earmarks to be located with a simple search of the online version of the bill, allowing for more transparency than ever.”

One aspect of the transparency process is to list the names of every Member requesting an earmark. It has come

to our attention that a small number of earmarks with multiple sponsors inadvertently omitted some Members' names—a simple staff error. To ensure full and complete transparency, I am entering into the RECORD the additional names that should be attached to those requests. These are not new projects. We are simply adding additional Members' names who should be listed as sponsors or as cosponsors.

Correction of typographical errors in the table that begins on page 4609 of the Congressional Record of Monday, February 23, 2009:

COMMERCE, JUSTICE, SCIENCE

Agency	Account	Recipient	Purpose	Location	Amount	Requester(s)	
Department of Justice	OJP--Byrne Discretionary Grants	Nassau County Police Department	Nassau County Anti-Gang and Anti-Gun Trafficking Initiative	Mineola, NY	\$380,000	House	Senate
						King, Peter T.; McCarthy, Carolyn	

Correction of typographical errors in the table that begins on page 4899 of the Congressional Record of Monday, February 23, 2009:

INTERIOR / ENVIRONMENT

Agency	Account	State	Project	Amount	Requester(s)	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Craig for water and wastewater improvements project	\$250,000	Senate	House
					Murkowski	Young, Don

Correction of typographical errors in the table that begins on page 5051 of the Congressional Record of Monday, February 23, 2009:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION

Agency	Account	Project	Amount	Requester(s)	
Department of Education	Higher Education (includes FPSE)	Morehouse College, Atlanta, GA, to establish a research initiative to improve college graduation rates of minority males	\$95,000	House	Senate
				Lewis, John	Chambliss; Isakson
Department of Education	Higher Education (includes FPSE)	Spelman College, Atlanta, GA, for programs to recruit and increase graduate rates for students pursuing science, mathematics, or dual-engineering degrees	\$95,000	Lewis, John	Chambliss; Isakson
Department of Education	Elementary & Secondary Education (includes FIE)	Alaska PTA, Anchorage, AK, to train parents in their roles and responsibilities under the No Child Left Behind Act	\$238,000	Young, Don	Murkowski
Department of Health & Human Services	Centers for Disease Control and Prevention (CDC)	Southeastern Center for Emerging Biologic Threats, Emory University, Atlanta, GA, for programs related to bioterrorism and emerging biologic threats	\$95,000	Lewis, John	Isakson; Chambliss
Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Oklahoma State University-Center for Health Sciences, Tulsa, OK for purchase of equipment	\$333,000	Lucas, Frank D.; Fallin, Mary; Boren, Dan; Sullivan, John	Inhofe
Department of Health & Human Services	Health Resources and Services Administration (HRSA)--Health Facilities and Services	Catholic Health System, Buffalo, NY, for equipment	\$143,000	Higgins, Brian	Schumer

Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Georgia State University, Atlanta, GA, for health outreach and training	\$95,000	Lewis, John	Chambliss; Isakson
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Utah Department of Health, Salt Lake City, UT, for health education and screening for citizens exposed to uranium mill tailings	\$381,000	Matheson, Jim	Bennett; Hatch
Department of Health & Human Services	Health Resources and Services Administration (HRSA)—Health Facilities and Services	Yukon-Kuskokwim Health Corporation, Bethel, AK, for renovation and equipment	\$1,475,000	Young, Don	Murkowski
Department of Health & Human Services	Administration on Aging (AOA)	Town of North Hempstead, NY, for the Project Independence naturally occurring retirement communities demonstration project	\$333,000	McCarthy, Carolyn	Schumer

Correction of typographical errors in the table that begins on page 5304 of the Congressional Record of Monday, February 23, 2009:

DEPARTMENT OF TRANSPORTATION

Account	Project	Amount	Requester(s)
Capital Investment Grants	BRT, Potomac Yard-Crystal City, City of Alexandria and Arlington County, VA	\$1,000,000	Sen. Webb; Rep. Moran, James P.
Interstate Maintenance Discretionary	I-95/Fairfax County Parkway Interchange, VA	\$1,900,000	Sen. Webb; Rep. Davis, Tom; Rep. Moran, James P.
Interstate Maintenance Discretionary	I-85 NB Viaduct at SR 400 NB-Exit lane, GA	\$475,000	Sen. Chambliss; Rep. Lewis, John
Surface Transportation Priorities	Granite Falls Alternate Route, WA	\$2,375,000	Sen. Murray; Sen. Cantwell; Rep. Larsen, Rick
Surface Transportation Priorities	New York State Route 12	\$475,000	Sen. Schumer; Rep. Arcuri, Michael A.
Transportation, Community, and System Preservation	Bridge over Brandywine Creek, PA	\$712,500	Sen. Specter; Rep. Gerlach, Jim
Transportation, Community, and System Preservation	Intersection Improvements on US 212 and US 81 and Improvements to US 81, SD	\$950,000	Sen. Thune; Rep. Herseth Sandlin, Stephanie
Transportation, Community, and System Preservation	Martha Ave/I-76 Connector, Akron, OH	\$1,187,500	Rep. Ryan, Tim, Rep. Sutton, Betty; Sen. Voinovich
Transportation, Community, and System Preservation	Reconstruction of Roosevelt Road, Village of Broadview, IL	\$570,000	Rep. Davis, Danny K.

Correction of typographical errors in the table that begins on page 5343 of the Congressional Record of Monday, February 23, 2009:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Account	Project	Purpose	Amount	Requester(s)
Economic Development Initiatives	Howard County, Ellicott City, MD	for construction and equipment for community rooms	\$380,000	Sen. Mikulski; Rep. Cummings, Elijah E.

Mr. OBEY. I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in opposition to this omnibus appropriations bill for many reasons, not the least of which is that this bill adds even more spending on top of the stimulus package that we just passed. As ranking member of the subcommittee on energy and water, I note that this bill contains just under \$34 billion for similar accounts over and above those in the \$800 billion stimulus.

However, I do commend our chairman, Mr. VISCLOSKY, for the open and participatory manner in which he develops all of our bills.

Overall, I am pleased about the energy and water portion of this package. The spending levels are fairly normal for energy and water development, and I know that the chairman has worked hard not to make any major policy decisions during the change in administrations. I am supportive of his approach with one exception: This has to do with the future of our nuclear power program.

Mr. Speaker, our national security demands that we develop a more balanced energy portfolio that reduces our dangerous addiction to oil. In years to come, we must have nuclear energy. No other technology provides such a clean source of baseload power. Over 20 percent of our Nation's energy supply comes from a nuclear source. The funding in this omnibus puts the future of American nuclear power in jeopardy. While some, including the current House and Senate leadership, may applaud this policy decision, I think it is a serious mistake.

This bill significantly cuts funding to Yucca Mountain, our future national depository for nuclear waste. It doesn't cut it all out because that would eliminate jobs and local funding support for the project that brings help to the State of Nevada. No. The omnibus keeps the project on basic life support, but this bill cuts enough so that the future of this project is in serious doubt, and it does so without proposing any other solutions for nuclear disposal.

Mr. Speaker, this seems the height of irresponsibility. I recognize the process that has led us to the floor of this House this afternoon will not allow us to have a real debate on the issue. For this and other reasons, I oppose this omnibus.

Mr. Speaker, I thank the gentleman from California for the time and ask consent to revise and extend my remarks.

Mr. Speaker, I rise in strong opposition to this omnibus appropriations bill for many reasons, not the least of which is that this measure adds even more spending atop a stimulus package we just passed.

I also want America to know what this bill will soon do to the children of Washington, DC.

In 2003, I worked with the current Minority Leader to establish a school voucher pilot program for the District of Columbia schools. Since that time, I have been proud to watch that program thrive. District school parents like the program because "they believe their children are in safe schools, they appreciate the small class sizes, rich curricula and positive change in their sons and daughters."

These are not my words. These are the words of the Washington Post in an editorial endorsing the DC school voucher program on January 26, 2008.

However, tucked deep inside this massive omnibus appropriations bill is a provision that terminates this common-sense program.

My colleagues, every child can learn if given the proper opportunity. This program gave children that opportunity. But no more! Parents will soon lose educational options for their families and children will once again be trapped in underperforming and failing public schools.

Mr. Speaker, this Congress and this President are about to fail the children of the District of Columbia.

America needs to know that and we should not be tucking this notion into the fine print of a massive \$400 billion bill.

I also rise as ranking member of the Subcommittee on Energy and Water to note that this bill contains just under \$34 billion for similar accounts above and beyond the \$800 billion "stimulus."

However, I do commend our Chairman—Mr. VISCLOSKY—for the open and participatory manner in which he develops our bills.

Overall, I'm supportive of the Energy and Water portion of this package.

This bill contains another \$9.8 billion for the Department's stewardship of our nuclear weapon stockpile. This responsibility is often overlooked with all the attention on energy issues, but this is really a core mandate of the Department.

There's roughly \$6.5 billion appropriated for the Department's cleanup responsibilities. Another \$6.5 billion is for the water projects of the Army Corps of Engineers and the Bureau of Reclamation.

Of the \$33,795,000,000, over \$10.7 billion is provided for the Department of Energy's science and energy R&D efforts.

The spending levels are fairly normal for energy and water development.

And I know that the Chairman worked hard not to make any major policy changes during the change in Administrations, and I'm supportive of his approach with one exception. This has to do with the future of our nuclear power program.

Mr. Speaker, our national security demands that we must develop a more balanced energy portfolio that reduces our dangerous addiction to imported petroleum.

In the years to come, we must tap the promise of nuclear energy. No other technology provides such a clean source of baseload power. Over 20% of our energy comes from nuclear power.

The funding in this Omnibus puts the future of American nuclear power in jeopardy. While some—including the current House and Senate leadership—may applaud this omission, I think it's a serious mistake.

This bill significantly cuts funding to Yucca Mountain—our future national depository for nuclear waste. It doesn't cut it all out, because that would eliminate the jobs and local funding support that the project brings to Nevada. No—the Omnibus keeps the project on "life support."

But this bill cuts enough so that the project is in serious doubt, and it does so without proposing any other solution for nuclear disposal.

Mr. Speaker, this seems the height of irresponsibility.

I recognize that the process that has led us to the floor of this House this afternoon will not allow us to have a real debate on this very real issue.

But we must have this debate because it is so critical to our economic and national security.

It's the type of issue that we were elected to solve.

I urge defeat of the bill.

Mr. OBEY. I continue to reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to my colleague from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I come to the floor today to speak on the Financial Services and General Government section of the omnibus.

The bill includes \$22.7 billion for this subcommittee, which is an increase of almost 10 percent above the fiscal year 2008 level. Nearly every account in the bill is funded at or above the budget request. If you will look closely at this \$410 billion legislation, you will see most of the bill provides operational funding for government agencies, not program funding for grants or other services.

I am very concerned that this bill focuses on the Federal bureaucracy at the expense of the bricks-and-mortar projects we need to fund to spark our economy. Even within the areas of spending on infrastructure, I harbor concerns.

One example is the funding provided for the GSA. In the stimulus bill just passed by the House last week, GSA received \$5.6 billion for the construction and alterations of Federal buildings. This bill provides GSA with another \$1.4 billion for construction and alterations. In the last fiscal year, GSA only received a total of \$1.4 billion for all of these activities. This year, they will receive a total of \$7 billion.

We have all had experience with GSA projects in our districts. Does anyone really believe they have the contracting, program management, building engineering expertise to effectively manage \$7 billion of new projects in 1 year?

I also note that the bill includes language prohibiting new District of Columbia students from eligibility for Opportunity Scholarships and stating that the program will be terminated after the 2009–2010 school year unless the authorization is extended. The Opportunity Scholarship Program provides close to 2,000 disadvantaged children the opportunity to attend private

schools in the Nation's capital. All of these students who don't have the means to pay private tuition beyond the 2009–2010 school year will be forced out of the schools they and their parents have chosen. These children are from some of the poorest families in the District of Columbia. They have average incomes of approximately \$23,000 per year.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. LEWIS of California. I yield to the gentlewoman an additional 30 seconds.

Mrs. EMERSON. Mayor Fenty and Chancellor Rhee are to be commended for their heroic reform efforts. However, the D.C. public school system is still the only place in the country where I, personally, support school vouchers. D.C. is still struggling to improve student achievement and to address school violence. Now isn't the time to limit academic choice for D.C.'s poorest families. I look forward to working with Chairman SERRANO during the coming year to ensure that the families in the District of Columbia have the academic opportunities they need.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. I just want to respond very briefly to my colleague from New Jersey (Mr. FRELINGHUYSEN), who is our ranking member.

I appreciate your kind words. Certainly, as we head forward to 2010, I look forward to the continued bipartisanship that we have enjoyed on the subcommittee both at a member and at a staff level.

I simply want to address Members of the House to share my concern with the ranking member about the final number relative to the Yucca Mountain depository as far as nuclear waste. I would point out that, in fiscal year 2008, \$286 million was provided for that project. I would point out that the House mark for this project was \$60 million higher. We were at \$247 million. Unfortunately, a compromise was obviously involved here. The figure ultimately ended up at \$145 million. I am not happy with it. The gentleman expressed his unhappiness.

Certainly, I want to continue to work—looking at all of these nuclear accounts and as a supporter of nuclear as part of the solution to our energy problem and climate problem—to make sure that this is not untoward as far as the continued progress of the industry. So I do appreciate and share the gentleman's concern.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, last year, the American taxpayer got on the hook for a whole series of bailouts to huge corporations and prop-ups for

quasi-governmental organizations and hundreds of billions in stimulus programs. It reminds me of a layer cake, a seven-layer cake.

When I was growing up in Athens, Georgia, I went to Alps Road Elementary School. On the way home every day, when I would walk home, I would pass the Beachwood Bakery. Sometimes they'd put a big layer cake in the front window. A layer cake was so cool because it would have chocolate and then a layer of vanilla and a layer of almond cake, and it was all this delicious stuff, but it was interesting because one was stacked on top of the other. That's what we're seeing in the Pelosi deficit Congress:

Last year, a \$29 billion for Bear Stearns bailout in March; \$168 billion in May for a bailout; \$200 billion in July for Fannie Mae; \$700 billion in October; \$85 billion for AIG in September; then this year, \$790 billion for a stimulus package. Well, you would think that some of that would be coordinated with last year's appropriations bill which we're about to pass, but instead, it is all layered, just like that cake.

If you look at this bill, there is a 13 percent increase for agriculture spending, 11 percent for congressional spending, 13 percent for transportation, and 11 percent for Commerce, State and Justice. Now, that sounds okay. It's a little bit out of whack with what the American family is going through, so that's bad. Then when you realize that this is not coordinated with the stimulus bill of \$790 billion, which we just passed, if you look at that, then agriculture is actually up 45 percent; Commerce, State and Justice are up 41 percent; labor 91 percent; transportation 139 percent.

Overall, these accounts in these seven appropriations bills have gone up 80 percent when combined with the stimulus package, and the stimulus package in these areas is not something that is going to be hardcore job creation. There is not enough public works to it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield to the gentleman an additional 30 seconds.

Mr. KINGSTON. So here we are at a time when American families are worried about being laid off. They have seen their retirement accounts shrink to nothing. Many have been laid off. Many have had foreclosures. It is time for Congress to tighten its belt. Yet, with the passage of this bill and of last week's bill, we're looking at an 80 percent increase in these particular areas of the budget.

I believe the proper vote today is to vote "no." Send this back to committee. Actually let Republican members look at the bill, and try to redraft something that is better. Let's work together for a better piece of legislation.

Mr. OBEY. I yield 1 minute to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Just for clarification to the gentlewoman (Mrs. EMERSON), the D.C. School Vouchers Program will remain in effect. It has been funded this year for \$14 million. It remains in effect until June of 2010. It will then be up to the authorizing committee to speak to our committee as to what they want to do. It will also be up to the D.C. Government to tell us if they wish to continue the program. The program stays in effect until next June, and I think that will give us ample time to find out how everyone feels about the continuation of the program.

Mr. Speaker, I'd like to thank Chairman OBEY for yielding time so I can comment on the Financial Services and General Government portion of this bill. I'd also like to thank him for the hard work he has put into bringing this bill to the floor.

The Financial Services and General Government section of this bill provides important funding to ensure that the Federal Government is more responsive to the needs of the people, and increases resources to ensure the agencies under this section have increased resources to perform important oversight roles over the operation of our banks and of Wall Street.

The bill provides \$22.7 billion in discretionary appropriations for programs within the Department of the Treasury, the Executive Office of the President, the Federal Judiciary, the District of Columbia, the General Services Administration, the Small Business Administration, and several smaller agencies. This bill directs funding to programs in these agencies where we believe money will be well spent and will benefit, for example, disadvantaged communities and small businesses.

The bill also directs funding toward agencies that have important roles in our efforts to promote economic recovery. The American Recovery and Reinvestment Act included nearly \$6.9 billion for agencies in the Financial Services bill, including the Treasury Department, the General Services Administration, and the Small Business Administration. The bill we are considering today will provide these agencies with funding to enable them to fully implement important recovery activities, such as support to small businesses and making our Federal buildings and vehicles more energy efficient.

I also want to highlight briefly four important themes in the Financial Services bill—financial sector oversight, consumer protection, small business development, and election administration improvements.

With respect to financial sector oversight, the bill provides funding increases over last year's level and the previous administration's requests for Treasury's Departmental Offices, information systems, and Inspector General. While this bill doesn't directly fund the Troubled Asset Relief Program, or TARP, it funds the Office of the Secretary and other executive leadership offices at Treasury that have central responsibility in making policy decisions on TARP. These funds will help ensure that the remaining TARP money will be distributed in an open and fair manner.

Mr. Speaker, I also want the House to know that we have increased the budget for the Securities and Exchange Commission. This bill includes a \$37 million increase over the FY 2008 level, and is above the funding recommendations of both the House and Senate Appropriations Committees. This is just a down payment toward restoring the ability of the SEC to vigorously oversee the financial markets, enforce securities law, and protect investors.

If I might take a moment to look ahead, this subcommittee will be taking a hard look at those agencies that failed in their duty to protect our economy. Although they are under new leadership now, we will have important questions for them in how they conducted themselves, and what resources and changes are needed to ensure such a crisis does not occur again in the future.

Regarding consumer protection, the Consumer Product Safety Commission would receive \$25.4 million above the FY 2008 level. These extra funds will be used to continue the effort we started in the last Congress to restore the Commission's ability to keep unsafe products, including unsafe imported products, out of the marketplace. Money is also available in the bill for the Commission to improve the safety of pools and spas to prevent tragedies involving child drowning.

Consumer protection is also important with respect to financial products such as mortgages and consumer loans. My subcommittee held a hearing last year that examined the problems relating to the subprime mortgage market and what the Treasury Department and the Federal Trade Commission could do to address this situation. Treasury's Community Development Financial Institutions Fund, which will receive \$107 million in this bill, or \$78.4 million above the previous administration's request, helps to expand the availability of credit, capital and financial services to underserved communities throughout the nation, including those particularly hard hit by the credit crisis. The Federal Trade Commission will also receive increased funding for investigation and enforcement in the financial services area, including subprime lending investigations.

This bill also does a great deal to support small businesses by including \$612 million for the Small Business Administration. This includes \$110 million for Small Business Development Centers, which is \$13 million over the FY 2008 level. We also provide \$22.5 million for microloans and technical assistance to the smallest companies.

In addition, the bill funds SBA programs that target disadvantaged and low-income communities and entrepreneurs, including the HUBZone program, the PRIME program, and the 7(j) program.

The fourth important theme is improving election administration. The Election Assistance Commission is a small agency that works on issues that are extraordinarily essential to the Nation and to voters' confidence that their votes are counted accurately. This bill includes \$100 million for payments to States to help them meet the requirements of the Help America Vote Act of 2002, as well as additional funding for research and testing of voting systems. This funding will help ensure that elections are fair, accessible, and accurate.

Mr. Speaker, the Financial Services section of this bill also includes a number of policy provisions that will address some ongoing congressional concerns.

It includes, for example, a moratorium on new competitive sourcing—also known as A-76—activities. The provision halts the previous administration's controversial and detrimental Federal workforce program so that the new Administration can consider and implement its own workforce policies.

The bill also contains a provision to prohibit funds from being used in support of the IRS private debt collection program. Under this very misguided and wasteful program, the IRS allows private contractors to collect unpaid taxes and to keep up to 24 percent of the tax revenue they bring in. This program should be terminated, and the prohibition on funds will help ensure that the IRS better redirects their resources elsewhere.

The Financial Services section also includes provisions to liberalize travel to Cuba for Americans who have family members living in that nation. There is no reason to place any restrictions on those who simply wish to visit their families that are still in Cuba. In addition, the bill contains provisions to facilitate trade with Cuba relating to agricultural and medical product sales.

This section of the bill also encourages our Federal Government to address an important Federal worker benefit issue that has already been successfully dealt with by about 10,000 private sector employers, including more than half of the Fortune 500 companies. We have included report language that clearly states that, "OPM should consider taking steps to extend health care benefits to Federal employees' domestic partners." It is past time for our Federal Government to take a lead in providing this important employee benefit.

Mr. Speaker, the Financial Services provisions of this bill include many important funding and policy choices that will improve the services our government agencies provide to our constituents as they pay taxes, purchase products, vote in elections, and start small businesses. I urge a yes vote on this bill.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

□ 1430

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, when it was announced that Randolph Churchill had been hospitalized to remove a benign growth, a rival commented, "What a pity it is to remove the only part of Randolph that isn't malignant."

When I look at this bill, I can only remark what a pity it is to remove the only part of the Federal education system that actually works. Hidden in this mess is a provision that effectively destroys the Washington, D.C. Opportunity Scholarship Program. For the last 5 years, these vouchers have provided thousands of low-income children with the means for their parents to make the very same choice that our First Family has made for its children.

The Washington Post, which is hardly a paragon of conservatism, summed it up this way in its editorial today:

"Many of the Democrats have never liked vouchers, and it seems they won't let fairness or the interests of low-income minority children stand in the way of their politics. But it also seems they're too ashamed—and with good reason—to admit to what they're doing."

Mr. Speaker, this bill represents the biggest expansion of discretionary spending since the Carter administration, but it can't even continue the one successful education program in the entire Federal Government.

Mr. OBEY. Mr. Speaker, I reserve my time.

Mr. LEWIS of California. I yield myself such time as I may consume.

Mr. Speaker and my colleagues, I don't remember a time in the years that I've been in Congress that I've used a chart. I hope you can see this, but I can't see it very well.

Charts are interesting things. The most interesting part of them is that the numbers change all the time. But I thought it would be very appropriate to follow on to the comments that Mr. KINGSTON had made.

This package before us is a reflection of what has to be the worst possible year for the Congress in terms of their willingness to just throw the people's money at almost any problem around as though that is the solution.

I've described this as the first—hopefully the only—trillion dollar-plus discretionary budget in the history of the Congress. Indeed, in every category of spending—the 08 year, the 09 year, adding on to it the omnibus package, the \$800 billion package that just passed—we have radically increased and adjusted that which will be going on in government not just in the fiscal year ahead of us, but setting a new stage for spending that I believe could lead to destroying the dollar as we know it.

If you just look at these categories. Here's in the area that has to do with energy and water. In that package, we have approximately—if I can read this thing properly—\$30.9 billion in 08. In the 09 year, combined with the omnibus, that package goes up to \$77.6 billion. That is a 151-percent increase in spending in this category of national funding, 08 to 09.

Most outrageous is the subcommittee that is chaired by the chairman of our full committee, my colleague and friend from beautiful downtown Wisconsin. In the 08 fiscal year, the Labor, Health and Human Services bill spent \$144.8 billion. That's not trillion or million. It's billion dollars.

When you combine both the 09 spending year with the omnibus, the total in these categories of spending runs to \$276.6 billion; a 91 percent increase over the 08 year. Think about that. A 91 percent increase in the largest discretionary package in all of our spending outside of national defense. Absolutely, it's clear to anybody who could think about it.

We're raising the bar, the foundation point for spending across the board in the Federal Government; and as we do so, we put pressure on spending across the board every year subsequent to the 09 year.

So year in, year out, we're going to be breaking the bank by way of additional spending.

If the public is concerned about its Federal Government—especially the tax-paying public who are legitimately working for a living—if they're worried about it, they will take a look at this chart. We'll be glad to make it available. It's time that we got a handle on just throwing money or mud at the wall—taxpayers' money, if you will.

This trillion-dollar package is a reflection of the Congress not doing its work. I come to the well with this chart simply to urge everybody who is listening to recognize that it's time that we send a message to the people's House: Enough is enough. We've got to get a handle on this or we're going to destroy our economy.

Indeed, the Appropriations Committee has stopped doing its work by way of regular order, that is, having hearings in the subcommittee, hearings in the full committee, coming here and having open rules. Instead, we're passing trillion-dollar packages with no input from the Members of the people's House, thereby no input for the citizens out there who pay our bill in the first place.

With that, Mr. Speaker and my colleagues, I strongly urge a "no" vote on this package and urge you to help us make sense out of the way the system is working.

Mr. Speaker, may I ask how much time there is on both sides.

The SPEAKER pro tempore. The gentleman from California has 12½ minutes remaining. The gentleman from Wisconsin has 27 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Speaker, I appreciate the recognition, and because the energy and water portion of the omnibus package was mentioned, I would point out to my colleagues that we know how to say "no," to say "no" for the right reason: for policy, as well as to save the taxpayers of this country money.

The previous administration asked for \$205 million to expand the Strategic Petroleum Reserve. That would essentially, at a time of high gas prices, put the Federal Government in competition with the consumer. That was a bad idea. The subcommittee and full committee said "no," and we have saved the taxpayers \$205 million in this bill.

The previous administration asked for moneys for the so-called Global Nuclear Energy Partnership Act. That was zeroed out in this bill. There were not huge, vast sums of money involved,

but there were taxpayers' dollars that were saved and particularly in the out years because we did not go down that road.

The previous administration wanted to proceed as far as the examination of a reliable replacement warhead absent a new nuclear strategy post-Cold War. It was not a good idea. We eliminated that money, and we saved the taxpayers of this Nation a great sum of money.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. LEE).

Mr. LEE of New York. Mr. Speaker, I rise to oppose this spending bill, and I do so in the same Chamber as last night the President spoke on an issue of fiscal responsibility.

But now this Congress is about to pass another major spending bill, and when you look at the numbers, it's simply an embarrassment. This is on the heels of the largest spending bill in the United States' history being passed less than 2 weeks ago. This thousand-page bill is \$410 billion; nearly 9,500 earmarks—or almost 25 per Member of Congress. The largest 1-year increase in discretionary spending since the Carter administration. On top of that, this bill doubles up on spending in many areas already allocated through the stimulus package.

The one number I keep coming back to is \$11.5 trillion dollars. That's how high the nonpartisan Congressional Budget Office says the budget deficit will rise over the next decade under the spending programs enacted by this Congress. That's nearly 3½ times the cumulative budget deficit for the previous administration.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman an additional 30 seconds.

Mr. LEE of New York. More of the same irresponsible spending will not engineer western New York's economy from recovery or create jobs over the long term. Mortgaging our children's future will only drive us deeper into this ditch.

It's time to change the course here in Washington. Washington has to start doing more with less.

Mr. OBEY. Mr. Speaker, I continue to reserve my time.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in opposition to the Omnibus Appropriations Act for fiscal year 2009. During these challenging economic times, American families and small businesses every day are making sacrifices to make ends meet, and this Congress should be doing the same.

With all of the talk about fiscal responsibility in this Chamber last night and across Capitol Hill, it is time for our Democratic colleagues to put our

money where their mouth is. Republicans are willing to come together and work across the aisle and make the hard choices necessary to put our fiscal house in order. But today, instead of doing that, we're passing one more massive government spending bill.

The Republicans believe Congress, instead, should immediately freeze all Federal spending at existing levels. No 8 percent increase in the Federal budget that's included in this bill. No earmarks. Let's just do what every American family is doing right now. Let's find the savings, let's hold the line on expenses, and let's make it through these difficult times.

The \$410 billion spending bill that we're considering today that the majority has brought to the floor includes billions in wasteful spending, thousands of pork-barrel projects, and an 8 percent increase in funding for government programs. It's the largest increase in discretionary spending since the years of the Carter administration, with the sole exception of the days following 9/11. The largest increase in discretionary spending in a single year since the time I was in high school.

And there's provisions in this bill that undermine historic pro-life safeguards enshrined in our long-standing policy and law: \$500 million for family planning organizations, language that guts the Kemp-Kasten provision preventing funding going to organizations that support coercive abortion and forced sterilization, and reduction of funding for community-based abstinence.

And it's earmarking as usual in this bill. There's \$1 million to research the red snapper in Florida, \$1.9 million for the Pleasure Beach Water Taxi project in Connecticut, and \$2 million for promoting astronomy in Hawaii. I ask, Mr. Speaker, are these projects really necessary in these challenging economic times?

House Republicans and millions of Americans are saying enough is enough. Let's do what every American family, what every small business and family farmer is doing in these difficult times: let's hold the line on spending. Let's set aside this massive new omnibus spending bill, and let's pass immediately a spending freeze and begin the process of putting our house in order.

Let's say "no" to an 8 percent increase in federal spending, "no" to 9,000 earmarks, and let's say "yes" to fiscal discipline and reform, and let's say "yes" to an immediate freeze on all Federal spending.

This Congress should do no less and make no less sacrifice than every other American family is making in these difficult days.

I urge a "no" vote on the omnibus spending bill.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. OLIVER).

Mr. OLVER. I thank the gentleman for yielding.

Mr. Speaker, I think I heard the immediate previous speaker say that we should freeze all expenditure at the 08 level. Well, speaker after speaker from the other side of the aisle have said—from what they've said it would seem to me they are in complete denial, utter denial, of where we are and why we got here.

The fact that we have had a recession. We've been in a recession for at least, now, into the fifth quarter. All of that being in the budget year of 08, fiscal 08, and then part of 09 when we did part of our budget under the previous President.

We, in that period of time, have ended up losing more than 3 million jobs in the 08 calendar year. We're still going to lose more jobs. We're still in recession, clearly in recession. And we have also been suffering from a foreclosure crisis where we've lost more than 3 million homes to foreclosure.

□ 1445

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield an additional minute.

Mr. OLVER. What that totals to is of course there is more expenditure when you are talking about trying to get out of a recession and a foreclosure crisis—which every economist, reputable economist, at least, that we've heard from on either side of the aisle says that the kind of recovery package that we have passed only 2 weeks ago was important to be able to put a bottom under this recession, under the foreclosure crisis, and such. The foreclosure crisis caused by total lack of any kind of regulation of the financial industry has occurred under their watch.

So here we are, we have a recovery package which actually does increase the expenditure over what would be the normal expenditure in a given year. Our regular budget that we're passing is only the regular budget. The stimulus package is above that, and it needs to be above that. And they've got to stop being in denial of how we got there and why we're having to do this.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. I thank the ranking member for yielding. And I thank you for the opportunity, Mr. Speaker, to be here today and to talk about this important measure on the House floor.

Our President came before us last night and called for a new foundation of lasting prosperity. And I agree, that's what we must have in these tough economic times. We have to come together and work across party lines to make that happen. Unfortunately, the spending bill on the House floor today goes in the opposite direction. There is nothing new about this

foundation that they're offering, and there is nothing lasting in terms of prosperity that will be produced from this legislation.

This is the largest increase in government spending since President Jimmy Carter and the malaise days of the 1970s. It was the wrong approach then and it is the wrong approach now. I think we need to work together to find a real solution.

President Obama called last night for us to make the hard choices to bring down the debt. Well, if that's the case, there were no hard choices in this legislation before us today because it doesn't bring down the debt—in fact, it increases it at a rapid pace.

In the last 3 weeks, this Congress will have passed almost \$1.5 trillion worth of spending. It's dangerous. It's dangerous because it will lead to high inflation, it's dangerous because it crowds out private capital, it's dangerous because it hurts our long-term prosperity and our hopes for the future.

The American people deserve better. And that's why I encourage my colleagues to vote against this legislation. America can do better, and the American people deserve much better than this wild-eyed spending bill we have before us today.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Connecticut.

Ms. DELAURO. Mr. Speaker, with this bill today we are fulfilling our responsibility as representatives of the people to fund critical programs and to invest in a framework for job creation.

We all know why we are here. The previous administration refused to compromise and work toward a sensible approach. While advocating for billions upon billions of dollars to save Wall Street, the Bush administration blocked every new penny for Main Street, critical dollars for energy research, health care, education, law enforcement and biomedical research. We have rejected those devastating cuts, and so today we have a final package that will keep the government running and finish last year's business.

It should also be clear that this bill works in harmony with the economic recovery package, making investments that address the country's immediate needs while investing in our long-term economic strength.

While Republicans express outrage on the floor of this House, the fact is that this bill is a product of bipartisan, bicameral negotiations. Every funding decision in this funding bill was made with Republican staff in the room and with their collaboration.

This bill represents a real commitment to getting our economy back on track, and I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Speaker, may I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining and the gentleman from Wisconsin has 23 minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague from California for yielding.

And I think all of my colleagues know that American families and small businesses are struggling, they're tightening their belt. And what are we doing here? We're bringing nine appropriation bills to the floor all wrapped into one big bill, 8 percent over the amount spent last year, including some 9,000 earmarks. I just think this is out of control.

This is exactly what the American people want us to change. And after spending all kinds of unnecessary money in the so-called "stimulus" bill, now we see these big increases in the bill before us. And that's why my Republican colleagues and I suggested that we ought to have a spending freeze. Let's just freeze spending for these agencies at last year's level. But our request for an amendment to have such a debate and vote was denied, and so here we are in a position of having to oppose this bill.

One of the more hideous provisions in this bill is the effort to eliminate the District of Columbia Scholarship Program. Back when I was chairman of the Education and Workforce Committee, I worked on a bipartisan basis to help establish this program, and in the agreement that was reached, provided additional money to D.C. schools for IDEA and for title 1 in exchange for a \$15 million program to help our poorest students here in the District of Columbia who are trapped in some of the worst schools.

Now, this program has helped thousands of students here in the District of Columbia. I was at a school on Monday that has students there who receive money from the D.C. Scholarship Program. Their parents are engaged in their schools, their parents like their schools, and the kids are doing well. And yet, because this provision was never debated in committee, it was never debated in subcommittee, and we didn't see it until 2 days ago and somehow it showed up in this bill, would seek to make clear that the end of this program is going to occur at the end of this school year.

Mr. Speaker and my colleagues, most of you know that I have a real passion for making sure that all kids in America have a chance at a decent education. None of us would be here if we had not had a chance at a decent education. And we know some of the worst schools in America are actually right here in the District of Columbia. And for those parents who have taken advantage of this program and allowed their children to go to real schools,

schools where they're cared for, schools where they get an education, to suggest that we ought to eliminate this program is an abomination. I am adamantly opposed to this provision and opposed to this bill, and would urge my colleagues to send a loud and clear message that we should vote "no."

The President campaigned against this type of legislation, this number of earmarks. And I would hope that the President would veto this bill because Republicans in Congress will be here to uphold his veto of this piece of legislation.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida.

Ms. WASSERMAN SCHULTZ. I thank the gentleman.

I rise in support of this important piece of legislation and suggest that our good friends on the other side of the aisle are either suffering from some state of amnesia or maybe stuck in an alternative universe because it's pretty clear that the American people are suffering, that we are living through the worst economic crisis in almost any of our lifetimes. I don't know that there's anybody who is a Member of this Congress today that lived through the Great Depression, but there is an unprecedented crisis that the spending and appropriations in this legislation will help address beyond the important recovery legislation that we passed last week.

It is critical that we invest in the quality of public education, that we make sure that children and the frail elderly have the services that they need, that we make sure that we rebuild our infrastructure, and that we make sure that we make an important and historic commitment to improving the quality of life of all Americans. That's what this legislation will do, and I am proud to support it.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentleman for yielding.

And I, as a member of the Appropriations Committee, take a great deal of pride in our work. I know that at this time of financial crisis, the Nation needs to have confidence that the United States Congress is doing its job thoughtfully and deliberatively in a way that is transparent and open and responsive to the American taxpayers. But to have that confidence in our work, we have simply got to be open and transparent.

And I know that Chairman OBEY is a believer in the committee process. I know Chairman OBEY in his heart wants to do all that he can to open up this process and make sure that taxpayers see and hear and participate in the drafting of this important legislation. But yet this bill before us, this \$400 billion spending package, is in so

many ways representative of the process followed by the leadership of the Congress. The \$800 billion stimulus bill, which was posted on the Internet only 13 hours before the vote, the public cannot have any confidence in our work if they can't see and hear and know what we're doing. And transparency today in the age of social media is so important.

I cannot support this bill because we, as a public, have not been given a right to see it, to participate in its drafting; the committee process was not followed as it should have been, and it is spending money we do not have. Never before in history have so few spent so much money in so little time; over \$1.3 trillion has been spent by this new Congress in 26 legislative days. We have, in one stroke, in this very short span of time, more than doubled the annual spending levels of the United States Government with virtually no transparency, no input from the public.

The American people have been shut out from the committee process. The deepest, darkest hole in America is the House floor under this new leadership, and it's just wrong. It's not right. Let's let the sun shine in. Let the public in. Let the taxpayers see how their money is being spent. That will give the public more confidence in the process and give us, as the minority, a greater ability to support where we can.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Indiana.

Mr. VISCLOSKEY. I appreciate the gentleman yielding, and just a moment ago mentioned a number of programs that did not have merit, which we said no to. On the other hand, looking at the energy situation we face in the United States, it is an economic, a national security, and an environmental issue, and we do need to make an investment.

New technology drives new jobs, markets, and economic opportunity, which is why we set \$4.8 billion aside for the sciences in the Office of Science.

It is a national security issue, energy is, given where we buy so much of our petroleum products from, which is why we decided to invest in new vehicle technology to the extent of \$273 million so we can get more miles per gallon, setting aside the issue of Yucca, investing \$792 million in nuclear energy, and doing extensive biomass research.

There is an environmental aspect to this as well, and that is why we set aside monies for advanced clean energy and technologies to reduce the impact of older fossil-based fuels.

And finally, I would point out, given national security, we have set aside \$1.5 billion for nuclear nonproliferation programs.

Mr. LEWIS of California. Mr. Speaker, I yield myself so much time as I might consume.

Mr. Speaker, it's a very unusual circumstance for me to do this, but ad-

ressing my colleague, the chairman of the full committee, personally, let me say that you've heard a lot from me about the fact that I am disconcerted about the way we got here, but nonetheless, this omnibus process has been a long and difficult one in development. And you are to be congratulated for the effort you put into this not only recently, but much of last year, and I have every respect for that effort.

But having said that, I was joined by all of my colleagues on both sides of the aisle who were in attendance at the President's address last evening. President Obama demonstrated to all of us, as well as the public, his immense capability as a public communicator. In many, many ways he said exactly the kinds of things we need to be discussing with each other if we're going to get America back on track.

President Obama urged all of us to reach out in as much bipartisanship, nonpartisanship as possible to make sure that we stimulate our economy, create jobs, leading America to a new opportunity in the years ahead. Following that, I would have hoped that the work of the House would reflect that very spirit; but, indeed, I mentioned earlier the omnibus package of some \$800 billion that was just passed a couple of weeks ago, a bill that went forward with very, very little Member input, virtually no subcommittee work within the Appropriations Committee, a single hearing within the full committee, coming to the floor with no significant possibility of amendment, and yet we were literally one more time throwing the people's money in suggestion that we would solve problems that way. That was just 2 weeks ago.

And then we came to the President's address just last night. And here we are, the day after that, spending another \$410 billion by way of this omnibus package that absolutely is a reflection of the worst of the way the House ought to be working.

□ 1500

When we take nine bills from last year, put it in a single package, having no serious Member input, no subcommittee work, almost no Member of the House having an opportunity to provide amendments, et cetera, it is the worst reflection of the way this House ought to be working. Indeed, if we continue on this pathway, we won't just in the first couple of months of this session be spending \$1½ trillion of the public's money; we will be setting the stage for undermining our economy for the years to come. I'm afraid unless the public gets the message clearly enough that they send a clear voice by way of their communication with their membership, we won't change this pattern. And, indeed, the destiny of the country will be dramatically affected by such misdirection.

I urge the Members to express their view regarding this by way of voting “no” on the package before us.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, division B of the bill before the House today includes appropriations for the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and other independent and related agencies for fiscal year 2009.

At the outset, Mr. Speaker, I want to thank the former ranking member of this subcommittee, Mr. FRELINGHUYSEN, who I think is on the floor here this afternoon, for his contribution to this title. Mr. FRELINGHUYSEN leaves the subcommittee this year to become the ranking member of the Energy and Water Subcommittee. Over the past 2 years, we have worked cooperatively together, and I’m very much appreciative of his recommendations in crafting this portion of the bill and the bipartisan approach he brings to his work generally. While it is with disappointment that he leaves our subcommittee, we are equally pleased to welcome Congressman FRANK WOLF back to the subcommittee. Once its chairman, Congressman WOLF returns again this year as our ranking member in the 111th Congress. He too has a reputation for bipartisanship and the passion he brings to his work. I am pleased to welcome him and look forward to working with.

Division B of the bill provides nearly \$57.7 billion for programs of the Justice and Commerce Departments, NASA, NSF, and those related agencies. This level is an increase of \$5.8 billion over comparable fiscal year 2008 levels. Programs funded within this division of the bill touch and enrich the lives of every American in many varied ways. Whether assisting the poor with legal representation; combating crime; and deterring terrorism and the scourge of drugs; improving and protecting our Nation’s oceans, waters, and natural habitats; or enabling new discoveries in science here in our Nation’s laboratories on Earth or in its heavens that lead to improvements in our health, this bill covers a broad swath. Mr. Speaker, it is important to note that passage of this bill provides basic operating components of all of those agencies and does it well.

In closing, let me acknowledge the work of the staff. They have put in long hours to get us here. My thanks to the staff’s director, John Blazey, for his outstanding performance leading an excellent staff. Diana Simpson, Adrienne Simonson, Tracey LaTurner, and Scott Sammis have each brought their considerable talents and dedication to the task of producing this legislation.

Mr. Speaker, in particular let me recognize the contributions of Marjorie Duske. A new appropriations structure providing discrete appropriations for the salaries, expenses, and management of the Department of Justice’s State and local law enforcement programs shall be a testament to her commitment to detail, program analysis, and tenacity. Marjorie worked for the House of Representatives for nearly 18 years, the last 2 of which were on the Subcommittee on Commerce, Justice, Science. Marjorie is not here with us today as she has left the committee to begin a new opportunity in the upper body, and in a way returning a bit closer to her home, she now serves the senior Senator from Minnesota. In any event we on the committee wish her Godspeed and thank her for her service to the body.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I really hate to take the time, but I do think in light of all that’s been said that one last time I need to put in context what it is we’re doing with this bill.

As I indicated earlier, last year we finished our international bills, but we reached an impasse with then President Bush because the President insisted that he would only sign appropriation bills that fit within his budget recommendations. Those budget recommendations were some \$20 billion short of what the Congress determined when it passed the budget resolution that we needed to provide for those programs. If we had simply acquiesced in President Bush’s programs, we would have cut the Job Corps, we would have eliminated Employment Service grants, we would have cut senior jobs by \$172 million, we would have eliminated vocational education programs, we would have eliminated three student aid programs including the Perkins loan program, we would have funded the highway infrastructure at \$800 million below the level guaranteed in the authorization, we would have cut airport modernization grants by 22 percent, we would have eliminated Community Service Block Grants, and we would have cut Low Income Home Energy Assistance by \$570 million, and we would have cut health care access programs by \$1 billion. As I said many times on this floor, I have never had anybody come up to me at home and say, “Obey, why don’t you guys in Congress get your act together and cut cancer research?” And yet that’s what the previous President and the previous Republican-controlled Congress did over a 2-year period. They cut over 900 medical research grants out of the National Institutes for Health. We objected to that and said, no, we didn’t think that ought to happen.

So we then offered the President a compromise. I called the White House budget office, and I said, look, why

don’t we at least just split the difference between these bills so we can get something done on the domestic side of the ledger? They said no. At that point we had a choice. We could acquiesce in these reductions or we could say, no, we’re going to bet on the outcome of the election. We did. Mr. Obama won. We now have a White House which is firm in its beliefs but also one that recognizes that people have to compromise to get things done.

This is now a compromise package brought to the House. This has been worked out at the staff level between Republicans and Democrats alike in both the Senate and the House. And the Senate minority leader, Senator MCCONNELL, while I suspect he will vote against this package, urged us to take it up 3 weeks ago because he indicated it had been fully vetted by both sides, by both parties, and he said in his estimate he thought it would pass with an overwhelming vote. We shall see.

But I want to explain two other things about this bill, what this bill really does. And it’s been suggested that this bill is not at all coordinated with the stimulus package we passed last week. Absolutely false. This omnibus bill does two things: It provides base funding for the programs funded in the Recovery Act without which those additional recovery funds would not be useful. Example: the Social Security Administration. While the Recovery Act provides \$1 billion to the Social Security Administration to replace its computer center and to process increased disability retirement requests, this bill provides \$10.5 billion for Social Security operating budgets. It doesn’t do any good to have a computer center if you don’t have an operating budget. This bill provides the other half of the funding that’s needed to make our promises on Pell grants to students around the country a reality.

The recovery bill in the area of highways provided \$27.5 billion for additional highway construction. This bill provides \$40.7 billion to improve and repair our Nation’s aging highway infrastructure. The recovery bill was built with this package in mind.

The second thing this bill does is to provide basic funding for all kinds of programs that were not increased by the recovery package. Three-quarters of the accounts in the Federal Government did not receive an additional dime in that recovery package. This bill takes care of the base funding for those programs.

Now, we hear some concerns expressed from the other side of the aisle about the number of earmarks in the bill. Give me a break. The last time that our party controlled the House of Representatives, we had, for instance, in the Labor-Health-Education appropriation bill, depending upon how you define them, either zero earmarks or

nine. When the Republicans lost control of the Congress, they were providing over three thousand earmarks in that subcommittee bill. That's the story, I mean as a practical matter. The other side didn't just let the cat out of the bag when it came to earmarks; they let out the whole blessed zoo. So now we have tried to reform that process, at the same time being respectful for Congress's right to determine how funding is directed in the budget. So we have a good many earmarks in this bill. Those earmarks represent congressional decisions about where dollars ought to be spent.

I would point out virtually every agency Secretary has far more in discretionary funds than the Congress has to distribute in earmarks. In fact, virtually every dollar in Secretary discretionary funds is nothing but funds that are reserved for administration earmarks or the functional equivalent thereof.

Mr. LEWIS of California. Will the gentleman yield?

Mr. OBEY. I would be happy to yield to the gentleman.

Mr. LEWIS of California. The point that the chairman is making is a very, very important point. We do have a constitutional responsibility to spend the people's money by way of appropriations. Over the years there has been a tendency to concede all of that authority to an administration, Democrat or Republican, and people get up here and harangue about our exercising that constitutional charge that we have. The chairman is making a very important point. Years and years ago, literally every subcommittee chairman, as the chairman said earlier, pretty much dictated what went on in the whole budget. There was very little individual Member input. And the administration had an exchange over time. We ceded so much of our authority, it is very much a time for us to begin to reconsider this recent history, and I appreciate the point the chairman is making.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I want to make one other point. We have heard a lot of concern expressed today on the other side of the aisle about the deficits that are being mounted by this bill in conjunction with the stimulus bill. Let me point out I have heard seven different times Members on that side of the aisle refer to the fact that this is a \$400 billion bill. It is not. It is a \$410 billion bill. But \$390 billion of that represents requests on the part of the Bush administration. So let's keep that in perspective.

□ 1515

Secondly, I really don't want to have to take lectures from those who supported the idea that we should borrow \$1.2 trillion in order to provide tax cuts over the past years, the lion's share of

tax cuts going to the very wealthiest people in this society. I don't want to hear lectures from people who essentially provided what will eventually be \$2 trillion in costs for the Iraqi war.

A number of us tried to assure that at least half of the money that we provided to Iraq in economic aid would be in the form of loans, because Iraq has a lot of oil and sooner or later is going to be a rich country and we wanted to see the American taxpayers reimbursed for some of the costs of building schools, building roads and all the rest in Iraq. No, we couldn't get the votes to do that.

But now we face a serious problem in our own country, not in Iraq, but in our own country. And so, yes, in combination of this bill with the stimulus package, or the recovery package, as it's known, there is an awful lot of money being spent. I make no apology for that, because we are trying to fill what is going to be a \$3 trillion hole in the economy because of the rising unemployment numbers.

I want to use this chart for what I hope will be the last time. This chart demonstrates what is likely to happen in the economy if we do nothing. The red bars indicate what estimates are in the economic community, what estimates are of what will happen to unemployment rates if we do nothing. These red bars indicate that by the end of next year, the economics profession largely expects us to have unemployment around 11 percent, perhaps even higher. The blue bars represent what we hope will happen if the government passes a \$750 billion economic recovery package.

As you can see, unemployment, even under that scenario, is expected to rise through the remainder of this year before it begins to turn down next year. What we have tried to do is simply shave off the worst, most extreme effects of this recession. That's what we have tried to do with the stimulus package.

So what we have really had here today is a regurgitation of the debate that occurred 2 weeks ago on that stimulus package. But the fact is that if you take that stimulus package and add it to this package today, you are still only talking about a package of \$1.2 trillion to counter what is supposed to be a \$3 trillion hole. I would submit that it is very easy to imagine that we will, in fact, be back here asking for even more by way of countercyclical funding to counter the deep slide that we see in our recession.

Poll after poll demonstrates that you have close to 70 percent of the American people who agree with what President Obama is trying to do in passing the package to produce this moderating effect on what will otherwise be the most serious recession since the thirties.

So I make no apology for the fact that instead of providing billions of

dollars for economic recovery in Iraq, we are not trying to provide a good amount of money to provide economic recovery here at home. I thought that's what our job was, to primarily concentrate on the needs on the home front.

I would point out one other thing in closing. For all of us who have talked and told our constituents that at a time of extreme economic distress at home, Members of Congress should not be getting a pay raise next year, if you want to assure that that, in fact, happens and that we deny that pay raise for the coming year, then you must vote "yes" on this bill, because without this bill you do not have the limiting language that was inserted in this bill by the rule that was passed earlier today.

With that, I would urge an "aye" vote.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

I support this omnibus package because it rejects the harmful cuts that former President Bush insisted on in his budget. Instead, this bill provides and restores critical funding in areas such as energy research, healthcare, education, law enforcement, and biomedical research. As a proponent of the recently enacted economic recovery bill, I support this omnibus because its passage is necessary in order to allow the stimulus plan to work.

In light of our nation's current economic downturn, I am pleased that Members of Congress will not receive an automatic cost-of-living increase scheduled for FY2010. In these difficult economic times, Members should forgo a cost-of-living increase.

Last night, in his address to a Joint Session of Congress, President Obama emphasized his commitment to create or save 3.5 million new jobs in this country. The omnibus bill addresses this pledge by providing \$3.6 billion for job training programs. I believe that job training is critical to help workers receive the necessary skills training they need to move into higher paying jobs and provide for their families.

But that is not all. In terms of education, I am particularly pleased that the omnibus bill takes a comprehensive approach to education. The bill provides \$7.1 billion for Head Start; \$15.8 billion for Title-I programs serving the most disadvantaged students in our country; and a much needed \$19.2 billion for federal student financial aid programs like the Pell Grant. These funding levels complement President Obama's ambitious goal to tackle our nation's drop out rate and have America lead the world by the year 2020 with the largest proportion of college graduates.

In my district alone, 20,179 students receive Pell Grants which provide students with resources to offset the rising costs of tuition. By ensuring funding for these types of investments, we are opening the doors of opportunity for all our children.

I have worked closely with my colleagues to find ways to curtail the violence in Mexico and support our southern neighbor. I am pleased that this omnibus bill provides \$405 million for

counter-narcotics and law enforcement programs through the Merida Initiative. With violence surging in Mexico, President Obama has made clear that we will stand with Mexico as the government combats the illicit drug and weapons trade, and the Merida Initiative is a critical component of this strategic partnership.

In keeping with the aim of the recovery plan, we must continue to reinvest in our transportation infrastructure which has been neglected for years. As we transition to a system with a greater focus on energy-efficiency, the omnibus reaffirms our commitment to bolstering our nation's transit systems. The Federal Transit Administration will receive funds through this omnibus appropriations bill for grants for new buses, stations, intermodal facilities, and technology improvements. I know my district in Texas will greatly benefit from additional funds to make our transit system more efficient and accessible. Our existing national highway systems will also continue to be critical, so I am pleased to know funding has been included to improve and repair our nation's aging highway infrastructure.

Recognizing that the current recession will persist, President Obama has asked Congress to help our fellow Americans weather these tough economic times. Housing authorities and non-profits that provide housing assistance across this nation will likely experience a greater demand for their services this year. Significant funding in this omnibus is dedicated to ensuring low-income families and the most vulnerable members of our communities have access to safe, affordable housing. For the remainder of the current fiscal year, both the Public Housing Capital Fund and the Public Housing Operating Fund will receive funding increases so that public housing authorities can make critical repairs and improvements to their housing units, improve living conditions for their residents, and keep up with maintenance and energy costs. During this recession, meeting the housing needs of our low-income, elderly and disabled community members is critical, and I am glad to see just over \$1 billion in grants will be available to rehabilitate, buy, and build affordable and safe housing.

The omnibus also increases funding for Section 8 vouchers to continue helping over 3 million low-income families and individuals as well as provide 14,000 new, targeted vouchers for the disabled and homeless veterans during this housing crisis. An additional \$75 million will be used for 10,000 housing vouchers for homeless veterans, and \$1.7 billion will also be made available in the form of grants so communities can provide housing and services for other homeless individuals.

Last night, President Obama made it clear that we will take on health care reform this year. We have already made great strides in expanding health care coverage for our nation's children through the reauthorization of the Children's Health Insurance Program. Through the recovery plan, we have taken an important first step in cutting costs by investing in electronic medical records as well as research into diseases and preventative care. This omnibus appropriation continues these investments by providing the National Institutes of Health with critical funding to research diseases such as Alzheimer's, cancer, and diabe-

tes. Because prevention is increasingly being recognized as essential to curbing costs, the Centers for Disease Control and Prevention will receive \$6.6 billion for public health programs at the federal, state, and local levels. Community health centers, like those in El Paso, will be able to provide services for an additional 470,000 uninsured people with the \$2.2 billion provided through this bill. We also provide funds to state high risk insurance pools so they can help people who cannot obtain health insurance in the commercial market because they are medically high risk. With the \$496 million provided for childhood immunization, approximately 15,000 additional children will receive the vaccinations they need.

However, all these worthy programs will need the support of a well-trained base of providers. In addition to the investment in training medical professionals included in the recovery plan, \$171 million in the omnibus will go to support nurse education programs and \$222 million will support the Health Professions Training program to train doctors and other professionals. This funding will go a long way not only in ensuring access to services but also quality care.

Mr. Speaker, I urge my colleagues to vote in favor of this omnibus bill because it will address our nation's immediate needs as well as invest in our long term economic strength.

Mrs. BACHMANN. Mr. Speaker, last night, President Obama repeatedly expressed a desire to pass fiscally responsible legislation, his fear of passing a mountain of debt to future generations, and his intention to greatly reduce the federal deficit.

All sentiments with which I couldn't agree more.

However, only two weeks after passing a \$1.1-trillion economic "stimulus" package and a week after presenting a \$275-billion plan to address less than 8% of American mortgages, Washington Democrats today are bringing to the floor an appropriations bill that represents the largest discretionary spending increase, aside from legislation after the 9/11 terrorist attacks, since the Carter Administration.

If we look back on the last 19 months, you'll find that the U.S. government has pledged more than \$11.6 trillion on behalf of American taxpayers to dig our nation out of the recession—and that doesn't even include the \$410 billion we are about to spend in this latest spending bill.

Where is the fiscal responsibility?

Even more incredulous is the fact that this omnibus appropriations bill contains funding for many of the same agencies and programs that already received funds in the so-called "stimulus" bill—162 programs in fact. For instance, it provides \$2.9 billion for the 2010 census even though \$1 billion was already allocated for this project in the "stimulus" package. We also have funding for the National Endowment for the Arts, which, fresh off receiving \$50 million from the "stimulus," is now in line to receive \$138 million in this latest proposal.

The combined fiscal year 2009 funding for these "double-dipping" programs is \$680 billion—a whopping 80% increase in spending.

Furthermore, the Democrat majority is once again using a massive spending bill to shove sweeping national policy changes through

Congress without public scrutiny and without proper debate. This bill contains language to terminate the District of Columbia's successful school voucher program; it eliminates the "Reading First" program within the Department of Education; and it drastically undercuts construction and design funding for Yucca Mountain, a key component to any plan that puts America on the path to energy independence. The merit of these programs aside, a sweeping spending bill—especially one with no opportunity to amend—is not the appropriate place for any of these measures to be considered.

Enough is enough. The American taxpayer is already struggling in this weakened economy and it is time Congress started to show respect to the American people and stop increasing the weight of their financial burdens. The spending spree has to stop now.

Mr. SKELTON. Mr. Speaker, today, the House is considering H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. This legislation will complete the fiscal year 2009 appropriations process and keep our federal government operating through the end of the fiscal year. Taken as a whole, passing H.R. 1105 is good for our country. It invests in rural priorities, like agricultural and rural development programs, while simultaneously fostering the health, education, and safety of the American people.

While I will support H.R. 1105, I am deeply disappointed that the measure includes a provision added by the Senate to authorize a \$25 million study to review the original project purposes of the Missouri River as set forth by Congress, by the Missouri River Master Manual, and by the federal courts. In my view, authorizing and appropriating funds for a new Missouri River study is unwarranted.

Mrs. LOWEY. Mr. Speaker, I rise today in support of H.R. 1105, the Consolidated Appropriations Act and specifically Division H, the State and Foreign Operations section.

Despite unprecedented domestic challenges, the United States cannot afford to pull back on our commitments to critical national security and development initiatives abroad. This bill provides the Administration with funds to begin rebuilding our diplomatic and development capacity, restore American leadership and meet critical needs by providing: \$7.1 billion for global health programs, including \$5.5 billion for global HIV/AIDS, TB and malaria programs; \$1.3 billion to address humanitarian emergencies worldwide, including in Gaza; \$1.5 billion to continue basic education, safe water and environment initiatives around the world; \$4.4 billion in assistance to vital allies in the Middle East, including funding for Israel and Egypt at levels agreed to in MOUs between the United States and those countries and \$498 million for Jordan; \$1.8 billion to help secure and stabilize Afghanistan and Pakistan; \$1 billion to fund counternarcotics, law enforcement and economic development in Latin America; \$1.36 billion in economic and security assistance for Africa as well as \$3.9 billion to fight HIV/AIDS and meet other health needs; and \$6.1 billion to hire, train, and protect an estimated 500 additional diplomats at the State Department and 300 new staff at USAID, and while continuing the existing law banning the use of U.S. government funds for

the provision of abortions, it funds the UN Population Fund, a vital partner in health programs around the world.

I would like to thank our staff for their tireless work. This bill will provide President Obama and Secretary Clinton with key resources to protect America and improve the lives of millions around the world.

Mr. CONYERS. Mr. speaker, today I rise in strong support of H.R. 1105, The Omnibus Appropriations Act of 2009. This important legislation stands as a marker stone on the path to a sustainable and just economic future. With its passage today, we leave behind the bloated budgets of the past, under which the fiscally fortunate and the manufacturers of unnecessary Cold War weapons disproportionately benefited. With this bill we refocus our priorities with key investments in education, energy, health, and housing. At the same time, we also set the stage for future budgets, in which this Congress and our new President will recommit to pursuing policy priorities that will remake our nation as a society that values an environmentally sustainable economy, social justice, and opportunity for all.

The most critical and wise series of investments made in this bill are in the area of improving access to health care. As this recession deepens, Americans nationwide are losing their healthcare due to no fault of their own. In the 31 days between December 2008 and January 2009, an average of 14,000 people per day lost their health care insurance. This legislation will help mitigate this drop in health security by providing \$2.2 billion to community health clinics, \$496 million will be appropriated for vaccinations for children, and an added \$15 million above FY 2008 funding will be added to train nurses.

Mr. Speaker, this new Congress understands that we must invest in human capital—our children—if we hope to sustain the economic recovery we are embarking upon. H.R. 1105 will ensure that 900,000 children have access to high quality preschool services by appropriating \$15 billion for Title I grants to low-income children. The bill will also make college more affordable by expanding Pell grants to \$4,360 per year.

Working in concert with the President's foreclosure mitigation program and my cram-down bankruptcy reform, H.R. 1105 will also offer solutions to our housing crisis. It will provide an additional 1.3 million low-income families Section 8 vouchers. Moreover, \$765 million will be appropriated to buy, rehabilitate and build housing for low-income and elderly Americans. Lastly, \$3.9 billion is allocated for Community Development Block Grants which will fund vital local activities such as creating affordable housing, supporting anti-poverty programs, and "right-sizing" cities like Detroit through vacant housing demolition.

During these tough economic times we must resist the temptation to forget the cataclysmic threat posed by global climate change. This omnibus bill keeps us on the path to planetary stability with a \$375 million investment dedicated to promoting solar energy and housing stock weatherization. To better understand the science behind this crisis and keep our research up to date, this bill also includes a \$755 million increase from Fiscal Year 2008 for climate change related scientific research.

Lastly, \$765 million will be used to develop energy generation and storage such as fusion energy and advanced batteries, so that we can move technology from the test lab to the product floor.

Tomorrow, the President will propose a budget for fiscal year 2010 that will move the debate on many of the policies embodied in this legislation to the next level. Instead of merely covering the serious problems our nation faces with band-aid solutions, we will begin to consider end-game legislation that will eventually lead to a world where health care and global warming no longer threaten our families and our way of life. I stand ready to support these efforts, acknowledging that enacting lasting change will be a momentous task, but also knowing that it is necessary and achievable.

But that is tomorrow. Today we act to lessen the pain of the moment—to ease the uncertainty that comes with the opening of a paycheck or the arrival of a hospital bill. I encourage my colleagues to support this bill so that we can begin to move this country towards fiscal recovery.

Mr. ROGERS of Kentucky. Mr. Speaker, I rise in reluctant opposition to this bill. While I'm very grateful for the funding items included for my district—items that combat rampant drug abuse, clean up our waterways, and promote economic development for the citizens of southern and eastern Kentucky—I am compelled to evaluate the whole bill before casting my vote.

Because of the runaway and wasteful spending items, continued abuse of the appropriations process for political ends, and misguided policy riders, I cannot compromise my core values, and must oppose this legislation.

First, fiscal discipline. There is no evidence of it here. It was just two weeks ago that this body passed a bloated, trillion-dollar stimulus bill—a wrong-headed piece of legislation that was much more of a down payment on a radical, left-leaning agenda, than the true jolt our struggling economy actually needed.

The omnibus legislation before us today is simply the second act, funding many of the same wasteful programs as before, with no accountability, and represents the largest single increase in domestic spending in 30 years. We are putting our children and grandchildren at perilous risk—borrowing money we don't have, and plunging our country even further into debt. It is not sustainable in the long term, and I fear our actions will only worsen the economic situation our country currently faces.

Secondly, this bill was crafted in secrecy, out of public sight, and five months behind schedule. The bills being considered today, totaling over \$410 billion dollars, have never even been considered on the floor of this body until today. They have been crafted and negotiated by staff under the direction of the Speaker of the House without the involvement of the vast majority of Members of Congress. No amendments, virtually no debate, and no public scrutiny. This process has been more dictatorial than legislative, with the Speaker holding the megaphone.

And finally, this bill is littered with questionable policy riders that are an affront to the conservative principles and family values many of us hold dear. Most alarming to me is

the assault on the rights of the unborn—the most vulnerable citizens of our society; \$545 million is designated for foreign "family planning" clinics, ensuring that overseas abortions will be performed with U.S. taxpayer dollars for the first time in nearly a decade. Even more egregious, the bill reverses long-standing policy, and actually allows U.S. funds to flow to foreign organizations that support coercive abortions and involuntary sterilizations. These provisions, combined with drastic cuts in abstinence education, seem designed to promote an "abortion first" policy in this country, and I cannot stand idly by and in good conscience vote for a piece of legislation that does that.

Mr. Speaker, it didn't need to be this way. There was ample opportunity for bipartisanship and enacting sound fiscal policies throughout this process. Instead, we have another flawed bill, crafted under a cloak of darkness.

This body is capable of far better, and I urge Members to oppose this bill.

Mr. POSEY. Mr. Speaker, the Omnibus Appropriations bill before us today provides an 8 percent increase for dozens of federal agencies and departments. These tens of billions of dollars in additional spending are in addition to hundreds of billions of dollars just signed into law by the President last week as a part of the "stimulus" bill. Taken together, this amounts to nearly an 80 percent increase in funding for many of the agencies funded in the Omnibus Appropriations bill. Put another way, spending for these agencies will increase from \$378 billion in 2008 to nearly \$680 billion in 2009. And, all of this increase is "paid for" with borrowed money that our children and grandchildren will have to repay. This amounts to generational theft.

Simply put, the American worker isn't getting an 8 percent pay increase each year much less an 80 percent pay increase, and they cannot afford to pay for such expansive government spending.

Are there good provisions in this bill? Yes. Are the objectionable provisions in this bill? Yes. Sadly, no Member of Congress was permitted to offer an amendment to this bill, much less a sufficient amount of time to actually read the bill. The House leadership, which sets the rules of debate, has prohibited any Member of Congress from offering a single amendment. No member of Congress is permitted to rise and ask that even one of the more than 8,000 earmarks in this bill be stricken from the bill.

In just the past four weeks, this Congress has approved over one and one-half trillion dollars in new spending—most of it borrowed money. Sadly, not a single amendment has been permitted to be offered. The Congress is broken and the American people deserve better. We will never get this nation back on track if this Congress continues to consider and approve only legislation written in back rooms at the last minute by only a handful of leaders in the majority. That's not what the American people elected us to do. It is long past due that the legislative process be allowed to work and that all Members of this Congress be afforded the opportunity to truly represent their constituents. True bipartisanship means allowing input from both sides not simply take or leave it dictates.

Mr. HOYER. Mr. Speaker, today, the House can complete its work on the fiscal year 2009 appropriations bills. The omnibus bill we bring to the floor today is the result of collaboration between Democrats and Republicans, and today, my colleagues on both sides of the aisle can vote to fund some of America's most important priorities.

We are at this point today because President Bush's last budget ignored critical investments in our country's future. It shortchanged our military families; it shortchanged police departments across America; it shortchanged our schools and teachers by \$3.3 billion; and it shortchanged American workers by cutting job training and worker protections—an especially irresponsible step in a deep recession that was already underway when that budget was submitted.

This bill corrects those oversights. This is legislation designed to confront an economic crisis and geared to mesh with the job-creating recovery legislation we passed this month. It funds worthy programs including research on energy technology and efficiency; investments in healthcare access and K–12 education; new training for Americans who have lost their jobs; and more.

Mr. Speaker, it would be shameful if the families and public servants and scientists and workers on the other side of this bill are shortchanged because of a phony pet issue—a pet issue like earmarks. Railing against earmarks may be a popular partisan crusade here in Washington—but I challenge any Member of this House to go to his or her district and ask the people there if the issue of earmarks is more important than a good-paying job, more important than quality schools, more important than safe communities.

The truth is that it's Democrats, not Republicans, who have reformed the earmark process. We imposed strict accountability and disclosure rules on ourselves—so that the public can see how every dime is spent. We cut earmarks by more than 40 percent last year, and we've cut them again this year. In this bill, we have taken them down to less than 1 percent of the budget. But if someone wants to stand in the way of better schools and healthcare and jobs because they have a problem with less than 1 percent—they can be my guest, and then they can explain it to their voters.

The truth is that getting our fiscal house in order—after years of Republican neglect—is not about earmarks at all. It is going to take hard decisions and hard work. It's the work that began when President Obama called a fiscal responsibility summit at the White House, and when he spoke to us last night in this chamber, as an adult speaking to adults. That is the hard work our country demands, work without partisanship or posturing. And for that job, everyone in this chamber is needed, and welcome.

Mrs. MALONEY. Mr. Speaker, I am pleased to support H.R. 1105, the FY2009 Omnibus Appropriations Act. The \$410 billion omnibus bill encompasses nine separate appropriations measures that stalled last year when the Bush administration insisted on preserving severe cuts to health care, education, law enforcement, and other programs contained in its FY 2009 budget proposal. I'm happy that under the Obama administration, we will keep the

government running and finish last year's business.

While there are many critical provisions in this legislation, I want to highlight a few issues that are especially important to me and the people of the 14th Congressional District of New York.

The FY2009 Omnibus Appropriations Act includes \$277.7 million in federal funding for the Second Avenue Subway and \$209.6 million for East Side Access. One of my top priorities since I was first elected to Congress, the Second Avenue Subway will run from 125th Street to lower Manhattan. It will offer a much-needed alternative for commuters and will reach underserved neighborhoods on the East Side. East Side Access will bring the Long Island Rail Road to Grand Central Terminal, carrying approximately 163,000 average weekday boardings.

The bill also contains \$70 million in new funding for federal 9/11 health programs. The new funding, combined with \$112 million carried over from previous years, would cover the World Trade Center Health Programs' \$182 million estimated cost for FY 2009. I thank Mr. OBEY for including this funding to provide much-needed health care for WTC community members and first responders both in New York and across the country.

I am pleased that the legislation also provides a total of \$545 million for international family programs—an increase of more than \$80 million from the 2008 level. Included in this total is \$50 million for the United Nations Population Fund (UNFPA) and its work to improve reproductive health, raise the status of women and improve the quality, safety and availability of contraceptives in nearly 150 countries.

Additionally, I want to thank Chairman OBEY and the committee for including \$151,000,000, the fully authorized amount, for the Debbie Smith DNA Backlog Grant Program. I believe that "The Debbie Smith Act" is one of the most important anti-crime bills that has ever passed Congress and been signed into law. Today we take another step forward in preventing violence against women by supporting a program that helps to put rapists in prison.

Finally, the bill includes a no-cost, common sense solution that will reduce unintended pregnancies by reinstating access to low-cost birth control at college health centers and safety net providers. Since January 2007, more than 3 million college students and hundreds of thousands of low-income women have lost access to affordable birth control because of a provision in the 2005 Deficit Reduction act which—by all accounts—unintentionally cut off every college and university health center and hundreds of safety-net providers from access to low-cost drugs. The no-cost fix included in this bill will correct this mistake and restore affordable birth control to these populations.

In closing, I want to note that this legislation will work in harmony with the economic recovery package that President Obama has already signed into law by making investments that address the country's immediate needs while investing in our long term economic strength. I'm pleased to support H.R. 1105, and I urge my colleagues to do the same.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of the Omnibus Appropriations Act.

The legislation before us today invests in key priorities for our country from energy to education, and will help address critical needs that were ignored under the previous Administration.

In addition to the other important work that this Omnibus Appropriations Act will do alongside the Recovery Act to make our economy stronger, I want to call special attention to the work this legislation will do to respond to the serious drought that we face in California.

The bill before us today provides significant funding for the federal water reclamation and reuse program administered by the U.S. Bureau of Reclamation. That program, known as Title XVI, helps local water managers to treat wastewater and use the clean water that results for commercial irrigation and industrial processes. Under Title XVI, the federal investment in water recycling is matched many times over by monies from state and local agencies, so it's not only environmentally sustainable, it's cost-effective.

The Title XVI funding in today's bill builds on the historic investment in the program that was contained in the American Recovery and Reinvestment Act. I am hopeful that this important program will continue to thrive under President Obama and Secretary Salazar.

In the San Francisco Bay Area, including in Pittsburg in my congressional district, water managers have put together a regional planning effort to invest in water recycling infrastructure. This bill bolsters that regional cooperative effort by providing \$8 million for the Bay Area Regional Water Recycling Program. On behalf of my constituents and the communities around our region, I want to sincerely thank Chairman OBEY, Chairman VISCLOSKEY, Ranking Members LEWIS and FRELINGHUYSEN, and especially the Committee staff, for their support for this important funding. The funds will quickly create and sustain jobs, and will provide a reliable water supply for local planners and residents.

I look forward to working with the Bureau of Reclamation to ensure that they expeditiously enter into individual agreements with the local implementing agencies so that the Bay Area projects are quickly funded through the Bay Area Clean Water Agencies or its successor. I also know that some of the local water agencies in the Bay Area had to begin their projects before this bill was completed so that they did not lose their state and local funding matches. It is my understanding that the authorized federal funding may be used for reimbursement of construction costs already underway and carried out. As the Bureau works with the local agencies to disburse the funding in this bill, those agreements should provide for reimbursement of the projects' construction costs as necessary.

I strongly support the FY 2009 Omnibus Appropriations Act, and I urge my colleagues to do the same.

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to express my strong support for the provisions of the Omnibus Appropriations Act that relate to funding the operations and programs of Legislative Branch. I am grateful to my esteemed colleagues on the Legislative Branch

Subcommittee, particularly the able Chairwoman Ms. WASSERMAN SCHULTZ, for their hard work and diligence on developing a good bill. There are five provisions that I am especially pleased with: the increase in the Members' Representational Allowance; the increase in Committee Funding; employee benefit parity with the Executive Branch; support for the Wounded Warrior Program; and the Speaker's Green the Capitol initiative. These are crucially important appropriations that need our support.

An increase in the Members' Representational Allowance is an overdue necessity. As you know, these funds have nothing to do with Members' pay or campaign expenses; they are simply the funds that allow us to do our jobs. It is how our offices, staff, and business travel are paid for. It is how we represent, support, and serve our constituents. Without an adequate increase in the MRA, our ability to serve our constituents diminishes greatly. As more and more of our constituents fall on hard times, we need to be there to serve their needs and interests. Our offices need to be more responsive and more helpful than ever. We need this reasonable and realistic increase to simply fulfill those obligations.

In 2006, the MRA increased only 1.6%, and in 2007, only 2.7%. These changes didn't even account for cost of living increases, making our offices unable to offer competitive salaries. When our offices are not able to offer competitive pay with the private sector, we lose the ability to attract and retain the best and brightest staff. Now, in this time of crisis, this is an expense we cannot spare.

In the spirit of fiscal responsibility, there is a provision in this bill directing unused MRA funds to deficit or debt reduction. This provision not only helps the Members in most dire need of this increase, it grants freedom to those who do not. Members who do not spend the full amount of their funds will help us pay down our national debt. In this bill, no tax dollar is wasted.

I also support the increase in the funds available to Committees. With an aggressive legislative agenda from our leadership and from the Obama administration, the demand on our Committees and their staff is greater now than it has been in generations. We must support their staffing requirements, their investigation costs, and oversight expenses if we want to grapple with the varied and complex challenges confronting our nation.

I am also pleased that this bill creates some parity between the Legislative and Executive branches with regards to employee benefits. I urge support for the improved transit and student loan benefits in this bill.

Another important program supported in this bill is the Wounded Warrior program. It is becoming harder and harder for Americans everywhere seeking employment, and this is especially true for our wounded veterans. The continued support of the Wounded Warrior program fulfills an obligation to those who protect our freedoms, and sets an example for employers across the country.

Finally, I would also like to express my support for funding the Speaker's "Green the Capitol" initiative. Not only does this program reduce our carbon footprint, it also creates enormous energy savings. This is the right

thing to do for both the environment and the taxpayer. At a time when fiscal responsibility is paramount, it would be irresponsible of us not to support this program.

Each of the provisions mentioned deserves our full support. These are non-partisan issues; both sides of the aisle have the same need to serve their constituents, hire and retain the best people, and improve the operations of the Capitol. I urge my colleagues to join me in support of this bill.

Ms. SCHMIDT. Mr. Speaker, I rise regarding a provision contained in this legislation to carry out the Innovative Technology Loan Guarantee Program at the U.S. Department of Energy.

Congress established the Innovative Technology Loan Guarantee Program in the Energy Policy Act of 2005, and it is my understanding that in order to implement the program the Appropriations Committee was required to include a specific appropriation together with language limiting the kinds of entities eligible to participate in the program. I am concerned that this language has the inadvertent potential of directly impacting an important energy project in my district that is ready to break ground and will potentially employ more than 3,000 people. I ask your support today in working with me and my colleagues in the Ohio delegation to clarify the language so that it will not have the impact of prohibiting this project from going forward.

I would like to thank Chairman VISCLOSKEY for his work on this concern. I look forward to working with you to correct this situation.

Mr. VISCLOSKEY. Mr. Speaker, I too rise regarding a provision contained in this legislation to carry out the Innovative Technology Loan Guarantee Program at the U.S. Department of Energy.

I would like to thank Congresswoman SCHMIDT for raising a concern regarding the potential of the language implementing the Innovative Technology Loan Guarantee Program having a negative impact on a project already well along in its development. I would be pleased to work with Representative SCHMIDT and her colleagues in the Ohio delegation to address any unintended consequences.

Ms. LEE of California. Mr. Speaker, I rise in support of H.R. 1105, the Omnibus Appropriations Act of 2009, and I thank Chairman OBEY, my Chairman, as well as the leadership, for their work in putting this bill together.

Today's action on the Omnibus Appropriations bill will complete action on the federal budget for fiscal year 2009.

When we originally began this process over a year ago, we were dealing with a President who rejected the idea that we needed to invest in our children's education.

He didn't think we should fund job training and employment services to ensure that American workers could compete in the global economy.

He didn't think that all Americans should have access to quality affordable health care, or that we should try and lift up the more than 37 million people living in poverty.

He rejected the basic notion that "an ounce of prevention is worth a pound of cure" and tried to cut funding for the CDC, while opposing increases in funding for cutting edge biomedical research to create the next generation of miracle drugs.

He told us in no uncertain terms that he would veto any federal budget we passed that tried to invest in education, job training, healthcare, alternative energy, and local law enforcement and ensure the continued prosperity of our nation.

And he did so while demanding that we provide hundreds of billions of dollars to fund the ongoing war and occupation in Iraq, and to bail out the banking industry for their greed and mismanagement.

Rather than accepting the President's position that the American people were not worth investing in, we decided to wait him out.

Today we have a President, who rejects the failed economic policies and ideologies of the last eight years.

We have a President who believes that, yes, the American people—our constituents—deserve a government that works for them, and that is willing to invest in them to ensure that they can get a good education, live healthy and productive lives, and obtain meaningful employment, and raise their children in a just and peaceful world.

Yes, Mr. Speaker, change has indeed come to our nation's capital. And now we've got to roll up our sleeves and get to work.

The Omnibus Appropriations Act of 2009 makes critical investments in a range of programs and builds on the economic stimulus package to help put America to work.

I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Speaker, I am glad we are finally wrapping up our FY 09 Appropriations work and offer this legislation my full support today.

Instead of slashing our federal investment in priorities like education, health care, energy, law enforcement and biomedical research as President Bush had demanded, this bill complements the economic recovery package by addressing our Nation's immediate needs while laying the foundation for long term economic growth.

For example, to help 6.9 million families pay for college and prepare our students to compete in the 21st century global economy, we allocate \$17.3 billion—or \$3 billion more than 2008—for Pell Grants.

To provide health care for over 470,000 uninsured Americans during this economic downturn, we provide \$2.2 billion—or \$125 million above last year's levels—for our community health centers.

To accelerate the deployment of renewable energy technologies and the jobs that go with them, we include \$18.5 billion in additional loan guarantee authority for renewables in the Department of Energy's Innovative Technology Loan Guarantee Program.

To keep our communities safe, we designate \$3.2 billion—or \$495 million above 2008—for State and local enforcement.

And to ensure that America remains the global leader in lifesaving biomedical research, we invest \$30.3 billion—or \$938 million more than last year—in the National Institutes of Health.

Mr. Speaker, it has been a long time coming, but we now see it was worth the wait. I will cast a "yes" vote and urge my colleagues to do the same.

Mr. LATHAM. Mr. Speaker, today we come to the House chamber to consider a package

of the remaining fiscal year 2009 appropriations bills. We are five months late in acting on these bills, and for no good reason.

The net effect of this delay is two-fold: One, the delay has prevented a number of Federal programs from making necessary mission changes simply because those programs have been frozen in-place under the CR.

Number two, the \$410 billion contained in this bill represents annual spending increases for hundreds of programs. These increases are well above necessary levels, especially given that we just passed a stimulus bill that carried \$301 billion in new discretionary spending—much of which is for the same programs contained in this omnibus measure, and that we fund every year in the annual process.

In short, many of the programs in this package will get a double dose of funding. Unfortunately, this extra dose will be built into future spending, and that's not fair to the American taxpayer—why, because it locks in trillion dollar deficits.

Apart from the problems with the spending totals in this package, we are allowing a laundry list of policy issues to pass through Congress without any public scrutiny.

A number of these policy issues are troubling to many of us. For example, the omnibus eliminates the "Reading First" Program within the Department of Education. I don't remember debating this issue in the stunted '09 process.

The "Reading First" Program was widely supported for its emphasis on raising reading levels, particularly among low-income children. Just yesterday, I met with an elementary school principal from Iowa who praised the program as one which has made a difference to lots of children in my State.

Another policy change, done through a funding reduction, is a de-emphasis on Yucca Mountain. At a time when we need to be looking at all forms of energy, why would we want to halt construction and design work at Yucca since nuclear waste storage is a big issue. At a minimum, we should have had a debate on this subject.

In the end, this entire process has been a giant abdication of our responsibilities in this body, representing a shameful performance. Our constituents deserve better than the bill before us represents.

I hope that for the FY 2010 funding cycle, the majority will re-discover the value of regular order and transparency. In this way, we can add a little more credibility to the process, and the reputation of this House.

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in support of the Clinical and Translational Science Award (CTSA) Program at the National Institutes of Health (NIH). The CTSA program is an important and transformative initiative designed to improve the way biomedical research is conducted across the country, reduce the time it takes for laboratory discoveries to become treatments for patients, engage communities in clinical research efforts, and train the next generation of clinical and translational researchers.

As the Labor, Health and Human Services, and Education Subcommittee noted in its subcommittee mark, the program has the potential to create a new paradigm for clinical and translational research.

I am proud that two of the 38 current CTSA sites, the University of North Carolina at Chapel Hill and Duke University, are in my district. These two universities have a track record of excellence, and I am pleased that NIH has recognized them as strong research campuses.

Unfortunately, nearly level funding for NIH over the past few years has severely limited the size of the award that can be made to these and the other CTSA-recipient institutions. In addition to hindering the important work being done at the current CTSA sites, the funding challenges have encumbered implementation of the program and threaten to curtail its intended size of 60 sites.

As a firm supporter of NIH, I commend Chairman OBEY on the increased NIH funding in both the FY09 Omnibus Appropriations bill and the American Recovery and Reinvestment Act and thank him for designating for the CTSA program in the Omnibus bill. I look forward to working with my colleagues on the Appropriations Committee to provide robust funding for this important program in the FY10 appropriations cycle.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1105, the "Omnibus Appropriations Act, 2009". I would like to thank my colleague Chairman OBEY and Ranking Member LEWIS for introducing this important legislation. I would especially like to thank the respective subcommittee chairs and ranking members who I worked closely with in obtaining the funds necessary to help the citizens of the 18th Congressional District of Texas. These funds were vital in helping the Houston area. I want to especially thank:

ALAN MOLLOHAN Chairman and FRANK R. WOLF Ranking member of the subcommittee on Commerce, Justice, Science, and Related Agencies.

PETER J. VISCLOSKEY Chairman and RODNEY P. FRELINGHUYSEN Ranking member of the subcommittee on Energy and Water Development.

DAVID E. PRICE Chairman and HAROLD ROGERS Ranking member of the subcommittee on Homeland Security.

DAVID OBEY Chairman and TODD TIAHRT of the subcommittee on Labor, Health and Human Services, Education, and Related Agencies.

TEXAS NEEDS

Critical times call for critical measures. Over the last 13 months, our economy has lost a total of 3.6 million jobs—and continuing job losses in the next few months are predicted. The national unemployment rate is at 7.6 percent, with the great state of Texas seeing an unemployment rate of 6.0 percent and my district of Houston seeing only a little better rate at 5.5 percent.

Our schoolhouses are badly in need of repair and modernization in order to flourish and be competitive in the global marketplace. Our healthcare system needs to be upgraded to allow for more Americans to receive coverage without going bankrupt. Our workforce needs to be retooled to keep up with innovative and new technologies; and our transportation systems need to be expanded. These are only a fraction of the many needs facing Texas and our Nation today.

In my district, I have held recent meetings with the Houston Mayor, school districts, universities, churches, homeowners, and the Houston METRO. They each have expressed their need for full funding to alleviate foreclosure issues, hurricane relief funding, construction issues, technology divides, and law enforcement strengthening.

Recently, President Obama mentioned the Houston's need for greater transportation and infrastructure improvements. I thoroughly agree, which is why I have been working with them for over 20 years to complete construction of the Northeast and South RAIL lines. METRO has indicated that it only requires \$183 million to complete this rail line.

Houstonians need this infrastructure to relieve congestion and provide adequate public transportation, and an investment that will mean jobs for our constituents through the transportation sector in our communities. Creating this critical infrastructure in Houston will allow Houstonians to work and will provide a tremendous boost to community development and mobility.

OMNIBUS DETAILS

Last year, this body passed only one of the twelve appropriations bills, the Military Construction-VA bill. The Senate Appropriations Committee approved nine of the twelve bills.

This Omnibus represents a measure worked out by both chambers—functionally resembling a conference report—and significantly increases funding levels compared to FY 2008 levels that were extended through March 6 by the enacted resolution, PL 110-329.

HR 1105 appropriates \$410 billion, \$31 billion, 8%, more than current funding, in discretionary funding, which represents the largest percentage increase for discretionary spending in regular appropriations in decades. It also contains \$637.5 billion in mandatory spending for entitlement programs, for a grand total appropriation of \$1.048 trillion in FY 2009. The bill covers appropriations for departments and agencies that would have been funded by the nine regular FY 2009 appropriations bills that were not enacted last year. These departments are currently funded under a continuing resolution that expires on March 6.

For our constituents who believe that we here in Congress do not understand their financial woes and their caps on raises and bonuses, let it be made clear that not only do we understand but we hold ourselves to the same standard. The recommended rule for the bill automatically incorporates a provision into the measure that blocks any cost-of-living increase in the salaries of members of Congress in 2010.

This bill provides the following amounts:

Agriculture—\$108 billion for the Agriculture Department, \$17.6 billion, 16%, more than provided in FY 2008. It includes \$87.8 billion, 81%, in mandatory spending and \$20.5 billion in discretionary funding. The total includes \$54 billion for food stamps, \$14 billion, 26%, more than current levels, as well as \$2 billion for the Food and Drug Administration, \$335 million, 16%, more than the current level, and 15% more for rural development programs.

Commerce-Justice-Science—\$57.9 billion, 10%, more than the current level, for the Commerce and Justice Departments, and science agencies. It includes a 16% increase in funds

to assist state and local law enforcement agencies.

Energy & Water—\$33.8 billion for the Energy Department, Interior Department, Army Corps of Engineers, and related programs—\$2.3 billion, 7%, more than the current level. It provides 12% more than current funding for energy assistance and alternative energy research, but 18% less for nuclear energy and 9% less for “clean coal” projects.

Financial Services—\$44.6 billion, \$58 million more than the current level, for the Treasury Department, the federal judiciary, the District of Columbia, the Executive Office of the President, and various independent agencies.

Interior-Environment—\$27.6 billion for Interior Department, Agriculture Department, Indian Health Service, Environmental Protection Agency, and related programs—\$1 billion, 4%, more than the current level.

Labor-HHS-Education—\$625.7 billion, of which \$152.3 billion is discretionary funding and \$473.4 billion is mandatory spending, for the departments of Labor, Health and Human Services, HHS, and Education. The discretionary total is \$7.4 billion, 5%, more than the current level, and includes \$30.3 billion for the National Institutes of Health, 3% more than current funding, \$15.8 billion for education for disadvantaged children programs, 2% more than the current level; 7% more for Education Department programs; and 4% more for the Centers for Disease Control.

Legislative Branch—\$4.4 billion for the legislative branch, \$432 million, 11%, more than the current level. This appropriation includes \$1.3 billion for the House and \$895 million for the Senate.

State-Foreign Operations—\$36.8 billion in foreign aid, State Department operations and export assistance, \$3.8 billion, 12%, more than the current level. The bill provides 14% more for international organizations, but 43% less for the Bush administration’s program to aid developing nations that meet certain political and economic standards.

Transportation-HUD—\$108.7 billion in budgetary resources for the Transportation Department, the Housing and Urban Development, HUD, Department, and five related agencies. This total includes \$55 billion in discretionary appropriations, \$6.2 billion, 13%, more than current funding.

Homeland Security—\$100 million for the U.S. Secret Service, including \$61 million for Secret Service protective missions. Of that amount, \$25 million would be for the first-year costs to hire 150 additional special agents to meet increased presidential and vice presidential protection requirements. The measure also extends the authorization of three programs through Sept. 30, 2009 the Basic Pilot, E-Verify, program, the EB-5 Visa program, and the National Flood Insurance Program. In addition, it extends the authorization of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism until March 1, 2010.

CONCLUSION

As the representative for the 18th congressional district of Texas, I am very pleased that this Omnibus bill will aid people in my district that desperately need it. We have rail lines that need to be expanded, schools that are in dire need of construction, hospitals that cannot

help the sick because of capacity issues, and areas still reeling from Hurricane’s Katrina, Rita, and Ike.

The assistance my district will receive is outstanding. I plan to continue to work with Chairman OBEY and the Appropriations Committee staff to ensure that necessary funding goes straight to the city and county agencies, companies, schools, and nonprofits that need it to better assist the people of Houston.

I trust that the money in this omnibus along with monies from the American Recovery and Reinvestment Act will begin to bring not only relief but life to our economy.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act. This bill completes Congress’ work funding essential government services for 2009 and invests in important priorities to get our economy back on track. H.R. 1105 provides for the needs of North Carolina’s most vulnerable citizens and will help our State make the investments it needs to make for a brighter future.

As the former superintendent of schools in North Carolina, I am particularly pleased that this bill continues our commitment to educational opportunities for all Americans. Economists tell us that strategic investments in education are one of the best ways to help America become more productive and competitive. This bill builds on the American Recovery and Reinvestment Act to support state and local community efforts to improve schools, and on the efforts of individuals and families to provide a better life for their children. H.R. 1105 provides \$66.5 billion for the Department of Education, a 7 percent increase over last year. In these times when state budgets are stretched to the limit, it increases the federal share of special education costs and increases Title I grants for disadvantaged students to ensure our local communities are able to continue to help our most vulnerable students. It provides increases to student financial aid to help 1.4 million students go to school, and helps 6.9 million families pay for college with an increase in the maximum Pell Grant to \$4,360. It provides additional funding for Head Start, gives child care assistance to 11,000 more children, and provides 1.7 million with quality afterschool services that supplement their school activities. These are fundamental investments that provide the key to the future for our nation’s children.

This bill makes many other critical investments to address our immediate needs while laying the foundation for our long-term prosperity. H.R. 1105 provides \$15.3 billion for the Labor Department, providing critical job training, unemployment, and workforce protection services to our working families. It appropriates a total of \$496 billion for the Department of Health and Human Services, including critical support for Medicare and Medicaid. It includes \$108 billion for the Department of Agriculture, including a 15 percent increase in funding for rural development. It appropriates \$57.9 billion for Commerce, Justice, and the science agencies, including a 16 percent increase for state and local law enforcement activities. By improving support for research and development at our nation’s universities, federal laboratories, and small business incubators, funding in H.R. 1105 creates jobs and

contributes to U.S. competitiveness. Finally, this bill invests in energy security with a 12 percent increase in funding for renewable energy and energy efficiency initiatives, which will help us reduce our dependence on foreign fuel sources.

This bill is not just about spending. H.R. 1105 also cuts and eliminates government programs that are not working, and provides accountability and oversight through improvements in regulatory agencies. In these difficult economic times, it is more important than ever that we wisely invest the tax dollars that have been entrusted to us, and this bill is a sound investment in our future.

Mr. Speaker, Congress has a solemn duty to pass a funding bill that honors the values of the American people. By addressing America’s domestic needs, providing for our foreign obligations, and investing in the future, H.R. 1105 reflects these values. I support H.R. 1105, and I urge my colleagues to join me in voting for this bill.

Mr. CAPUANO. Mr. Speaker, I rise today in support of the Clinical and Translational Science Award (CTSA) Program at the National Institutes of Health (NIH). The CTSA program is a noteworthy initiative with the potential to enhance and invigorate our nation’s clinical and translational research enterprise.

As the representative from the 8th Congressional District of Massachusetts, I am especially pleased that the program makes significant efforts to create new clinical research homes in academic settings and, so, strengthen our nation’s current and future research infrastructure. Furthermore, I am quite proud that Boston institutions; Boston University, Harvard University, and Tufts University are 3 of the 38 sites that currently comprise the growing CTSA network.

Over the past few years, roughly level funding for NIH has severely limited the size of the award that can be made to these and the other CTSA-recipient institutions. These funding challenges have had dire consequences for the program’s implementation and have seriously impeded its very necessary expansion.

As an ardent supporter of NIH, I thank Chairman OBEY on the increased NIH funding in both the FY09 Omnibus Appropriations bill and the American Recovery and Reinvestment Act.

Mr. KUCINICH. Mr. Speaker, I rise today in support of the Omnibus Appropriations Act, despite many severe misgivings I have with the legislation.

Last night the President gave us a frank and candid assessment of the dire situation of our economy, and I remain committed to ensuring that appropriations bills reflect an appropriate federal response. This bill will strengthen the social safety net so that individuals and families that have been affected by the recession can meet their daily needs. This bill includes substantial and badly needed increases in funding for food assistance to combat starvation and malnutrition in the elderly and those of modest income.

The Ohio Department of Job and Family Services has been inundated by a surge in unemployment claims. Constituents have called my office to tell me that they cannot even get through on the phone to speak to someone about their claim. Facing such an

extraordinary increase in demand, I am glad that the states will get some help. The bill increases funding by 10% for state offices to process this surge in unemployment claims.

Cleveland, unfortunately, has been at the epicenter of the subprime mortgage and foreclosure crisis. The number of foreclosures continues to increase; some neighborhoods still average two foreclosures per day. Up to 6,000 voucher holders have yet to find affordable housing in Cuyahoga County—and this does not include the estimated 19,000 people who qualify for vouchers but are forced to endure a years-long waiting list.

The bill increases overall funding for the Department of Housing and Urban Development by 10%. This includes increases in funding for the Public Housing Operating Fund to keep the doors open in our existing public housing, the Public Housing Capital Fund to build new public housing, and tenant- and project-based voucher programs. The bill also increases funding for homeless assistance grants.

The bill provides several other funding increases in areas of particular need for Northeast Ohio. There is \$187 million dedicated to making emergency communication more reliable through interoperability funding. There is a \$385 million increase in funding for NASA, an economic anchor for the region and the state. There is \$273 million for research on more fuel-efficient vehicles, which will help our ailing auto industry and the other industries on which it relies. There is \$40.7 billion in infrastructure funding, a \$484 million increase over FY08 levels and an integral part of Northeast Ohio's economic recovery.

However, I am deeply saddened and frustrated by sections of the State and Foreign Operations portion of this bill that continue counterproductive policies regarding the Middle East and drug policy. I am hopeful that with the leadership of President Obama a new U.S. policy on the Middle East will emerge. It is time for the U.S. to move beyond the biased policy contained in this portion of the bill.

The surest way for this body to ensure the safety and security of Israel while encouraging peace in the Middle East is to craft a policy that encourages Israel to end the blockade of Gaza and the occupation of Palestinian lands. The U.S. must also call on Israel to implement a freeze on settlement building.

Instead this bill undermines any effort to position the U.S. as an honest broker for peace in the region. The bill gives \$75 million in funding for aid to be shared between Gaza and the West Bank while giving \$2.4 billion in grants for Israel including \$670 million for procurement of military equipment alone. Adding to this extreme imbalance, the bill also places far more restrictions on the humanitarian aid to Gaza than on the arms funding for Israel. If the U.S. was an honest broker of peace, the reverse would be true. The United Nations has declared in no uncertain terms that peace in the Middle East, which is the best way for Israel to achieve security, cannot be achieved militarily. By favoring arms over aid, this bill takes us in the wrong direction during a time when relations between Gaza and Israel are particularly strained.

This bill also includes funding for counter-narcotics initiatives in Afghanistan, Mexico, Colombia, and other regions in Latin America,

continuing supply-side interdiction efforts that have done nothing to disturb the flow of illicit drugs into our country. Research clearly demonstrates that money directed to domestic demand-reduction efforts—drug treatment, drug abuse prevention, youth intervention programs, and the like—is more effective at reducing drug consumption and curtailing the flow of illicit drugs into the country. Moreover, such efforts usually increase the price of drugs in circulation, which only leads to increased violence and crime in communities. So long as the demand for a product exists, enterprising drug dealers will find a way to get the drugs to those addicted to them.

I support this bill because the needs of my district come first, and the money in this bill will go far toward alleviating the stress on my constituents and my district caused by the economic downturn. However, I find it reprehensible that I am also forced to support these other provisions, and I look forward to working with leadership and the Administration to support policies that engage all parties and encourage peace rather than aggression.

Mr. FORBES. Mr. Speaker, I rise in opposition to a cost-of-living increase for Members of Congress. We are currently faced with difficult economic times and an expanding federal deficit. Our economy is in a recession, unemployment figures are on the rise, home values are falling, and our national debt exceeds \$10 trillion. Congress must not insulate itself from the crises at hand and I believe it is past time for Congress to be responsible. The most immediate action we can take is to cancel the automatic pay increase system currently in place for Members of Congress.

To address this issue, I recently cosponsored H.R. 156 in this 111th Congress, legislation that would prevent Members from receiving an automatic cost of living adjustment in the future. The 27th Amendment to the Constitution restricts the current Congress from altering its pay for 2009. I am disappointed that H.R. 156 was not brought to the House floor for a vote to address this important issue. Rather, this issue was lumped into a controversial 1100-plus page omnibus bill for political purposes. By not allowing an independent yes-or-no vote on this provision, we simply reinforce the impression that many important legislative measures are structured to be political gamesmanship. If Congress is to vote itself a pay raise, it should be done in sunlight in the full view of the American public, not through a quiet procedural motion hidden in the shadows. The people of Virginia deserve accountability and transparency from their elected officials.

I oppose the automatic cost-of-living increase for Members of Congress. Each of us should be on the record with our constituents as to whether we believe an increase to our own salaries is justified. In this time of increased economic hardship, I am going on the record in firm opposition to this pay increase. Since I was not allowed to vote yes or no, this forum has become my only recourse. Until the procedural barriers are removed, we will not have the transparent process that Americans deserve from their government. I will continue to fight for fiscal responsibility at all levels of government spending.

Mr. OBEY. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 184, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 178, not voting 8, as follows:

[Roll No. 86]

YEAS—245

Abercrombie	Emerson	Markey (MA)
Ackerman	Engel	Massa
Adler (NJ)	Eshoo	Matsui
Altmire	Etheridge	McCarthy (NY)
Andrews	Farr	McCollum
Arcuri	Fattah	McDermott
Baca	Filner	McGovern
Baird	Foster	McHugh
Baldwin	Fudge	McIntyre
Barrow	Gerlach	McMahon
Becerra	Gonzalez	McNerney
Berkley	Gordon (TN)	Meek (FL)
Berman	Grayson	Meeks (NY)
Berry	Green, Al	Melancon
Bishop (GA)	Green, Gene	Michaud
Bishop (NY)	Griffith	Miller (MI)
Blumenauer	Grijalva	Miller (NC)
Boccheri	Gutierrez	Miller, George
Bono Mack	Hall (NY)	Mollohan
Boren	Halvorson	Moore (KS)
Boswell	Hare	Moore (WI)
Boucher	Harman	Moran (VA)
Boyd	Hastings (FL)	Murphy (CT)
Brady (PA)	Heinrich	Murphy, Patrick
Braley (IA)	Hereth Sandlin	Murphy, Tim
Bright	Higgins	Murtha
Brown, Corrine	Himes	Nadler (NY)
Brown-Waite,	Hinchey	Napolitano
Ginny	Hinojosa	Neal (MA)
Butterfield	Hirono	Oberstar
Cao	Hodes	Obey
Capito	Holden	Olver
Capps	Holt	Ortiz
Capuano	Honda	Pallone
Carnahan	Hoyer	Pascarell
Carney	Inslee	Pastor (AZ)
Carson (IN)	Israel	Payne
Castle	Jackson (IL)	Perlmutter
Castor (FL)	Jackson-Lee	Peters
Chandler	(TX)	Pingree (ME)
Clarke	Johnson (GA)	Polis (CO)
Clay	Johnson, E. B.	Pomeroy
Cleaver	Kagen	Price (NC)
Clyburn	Kanjorski	Rahall
Cohen	Kaptur	Rangel
Connolly (VA)	Kennedy	Reichert
Conyers	Kildee	Reyes
Costello	Kilpatrick (MI)	Richardson
Courtney	Kilroy	Rodriguez
Crowley	Kirkpatrick (AZ)	Ross
Cuellar	Kissell	Rothman (NJ)
Cummings	Klein (FL)	Roybal-Allard
Dahlkemper	Kosmas	Ruppersberger
Davis (AL)	Kucinich	Ryan (OH)
Davis (CA)	Langevin	Salazar
Davis (IL)	Larsen (WA)	Sanchez, Linda
Davis (TN)	Larson (CT)	T.
DeFazio	Lee (CA)	Sanchez, Loretta
DeGette	Levin	Sarbanes
Delahunt	Lewis (GA)	Schakowsky
DeLauro	Lipinski	Schauer
Dent	LoBiondo	Schiff
Dicks	Loebach	Schrader
Dingell	Lofgren, Zoe	Schwartz
Doggett	Lowey	Scott (GA)
Doyle	Lujan	Scott (VA)
Edwards (MD)	Lynch	Serrano
Edwards (TX)	Maffei	Sestak
Ellison	Maloney	Shea-Porter
Ellsworth	Markey (CO)	Sherman

Shuler	Thompson (MS)	Waters
Sires	Tierney	Watson
Skelton	Titus	Watt
Slaughter	Tonko	Waxman
Smith (WA)	Towns	Weiner
Snyder	Tsongas	Welch
Space	Upton	Wexler
Spratt	Van Hollen	Whitfield
Stupak	Velázquez	Wilson (OH)
Sutton	Visclosky	Woolsey
Tauscher	Walz	Wu
Teague	Wasserman	Yarmuth
Thompson (CA)	Schultz	Young (AK)

NAYS—178

Aderholt	Giffords	Moran (KS)
Akin	Gingrey (GA)	Myrick
Alexander	Gohmert	Neugebauer
Austria	Goodlatte	Nunes
Bachmann	Granger	Nye
Barrett (SC)	Graves	Olson
Bartlett	Guthrie	Paul
Barton (TX)	Hall (TX)	Paulsen
Bean	Harper	Pence
Biggert	Hastings (WA)	Peterson
Billray	Heller	Petri
Bilirakis	Hensarling	Pitts
Bishop (UT)	Herger	Platts
Blackburn	Hill	Poe (TX)
Blunt	Hoekstra	Posey
Boehner	Hunter	Price (GA)
Bonner	Inglis	Putnam
Boozman	Issa	Radanovich
Boustany	Jenkins	Rehberg
Brady (TX)	Johnson (IL)	Roe (TN)
Brown (GA)	Johnson, Sam	Rogers (AL)
Brown (SC)	Jones	Rogers (KY)
Buchanan	Jordan (OH)	Rogers (MI)
Burgess	Kind	Rohrabacher
Burton (IN)	King (IA)	Rooney
Buyer	King (NY)	Ros-Lehtinen
Calvert	Kingston	Roskam
Camp	Kirk	Royce
Cantor	Kline (MN)	Ryan (WI)
Cardoza	Kratovil	Scalise
Carter	Lamborn	Schmidt
Chaffetz	Lance	Schock
Childers	Latham	Sensenbrenner
Coble	LaTourette	Sessions
Coffman (CO)	Latta	Shadegg
Cole	Lee (NY)	Shimkus
Conaway	Lewis (CA)	Shuster
Cooper	Linder	Simpson
Costa	Lucas	Smith (NE)
Crenshaw	Luetkemeyer	Smith (TX)
Culberson	Lummis	Smith (TX)
Davis (KY)	Lungren, Daniel	Souder
Deal (GA)	E.	Speier
Diaz-Balart, L.	Mack	Stearns
Diaz-Balart, M.	Manzullo	Sullivan
Donnelly (IN)	Marchant	Tanner
Dreier	Marshall	Taylor
Driehaus	Matheson	Terry
Duncan	McCarthy (CA)	Thompson (PA)
Ehlers	McCaul	Thornberry
Fallin	McClintock	Tiahrt
Flake	McCotter	Tiberi
Fleming	McHenry	Turner
Forbes	McKeon	Walden
Fortenberry	McMorris	Wamp
Fox	Rodgers	Westmoreland
Franks (AZ)	Mica	Wilson (SC)
Frelinghuysen	Miller (FL)	Wittman
Gallegly	Minnick	Wolf
Garrett (NJ)	Mitchell	Young (FL)

NOT VOTING—8

Bachus	Frank (MA)	Rush
Campbell	Miller, Gary	Stark
Cassidy	Perriello	

□ 1550

Messrs. HOEKSTRA, ROGERS of Michigan, BLUNT and HILL changed their vote from “yea” to “nay.”

Mr. NEAL of Massachusetts changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I offer a question of the privileges of the House previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 189

Whereas, Roll Call reported on February 9, 2008, that the offices of a prominent lobbying firm had been raided by the FBI in November;

Whereas, The New York Times reported on February 10, 2009, that “Federal prosecutors are looking into the possibility that a prominent lobbyist may have funneled bogus campaign contributions” to Members of Congress;

Whereas, the Washington Post reported on February 14, 2009, that they “examined contributions that were reported as being made by the firm’s employees and consultants, and found several people who were not registered lobbyists and did not work for the lobbying firm”;

Whereas, Roll Call reported on February 11, 2009, that “the defense-appropriations-focused lobbying shop that the FBI raided this November” had in recent years “spread millions of campaign contributions to law-makers”;

Whereas, The Hill reported on February 10, 2009, that the raided firm “earned more than \$14 million in lobbying revenue” and “specializes in obtaining earmarks in the defense budget for a long list of clients”;

Whereas, The Hill reported on February 10, 2009, that the 2008 clients of this firm had “received \$299 million worth of earmarks, according to Taxpayers for Common Sense”;

Whereas, CQ Today reported on February 19, 2009, that “104 House Members got earmarks for projects sought by clients of the firm in the 2008 defense appropriations bills,” and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas, CQ Today also reported that “Members who took responsibility for the firm’s earmarks in that spending bill have, since 2001, accepted a cumulative \$1,815,138 in campaign contributions from the firm’s political action committee and employees”;

Whereas, Roll Call reported on February 19, 2009, that a bipartisan group of four Members have made plans to divest themselves of campaign contributions received from the raided firm;

Whereas, Politico reported on February 12, 2009, that “several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions”;

Whereas, numerous press reports and editorials have alleged several cases of influence peddling between Members of Congress and outside interests seeking Federal funding;

Whereas, such reports and editorials reflect public distrust and have raised inquiries and criticism about the integrity of congressional proceedings and the dignity of the institution; and

Whereas, the House of Representatives should respond to such claims and demonstrate integrity in its proceedings:

Now, therefore, be it *Resolved* That—

(a) The Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its

members appointed by the chairman and ranking member, is instructed to investigate the relationship between earmark requests already made by Members and the source and timing of past campaign contributions.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. HOYER. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLAKE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 182, answered “present” 12, not voting 11, as follows:

[Roll No. 87]

AYES—226

Abercrombie	Edwards (MD)	Lee (CA)
Ackerman	Edwards (TX)	Levin
Adler (NJ)	Ellison	Lewis (GA)
Altmire	Engel	Lipinski
Andrews	Eshoo	Lowey
Arcuri	Etheridge	Lujan
Baca	Farr	Lynch
Baird	Fattah	Maffei
Baldwin	Filner	Maloney
Barrow	Foster	Markey (CO)
Becerra	Fudge	Markey (MA)
Berkley	Gonzalez	Marshall
Berman	Gordon (TN)	Massa
Berry	Grayson	Matheson
Bishop (GA)	Green, Al	Matsui
Bishop (NY)	Green, Gene	McCarthy (NY)
Blumenauer	Griffith	McCollum
Boren	Grijalva	McDermott
Boswell	Gutierrez	McGovern
Boyd	Hall (NY)	McIntyre
Brady (PA)	Hare	McMahon
Braley (IA)	Harman	Meek (FL)
Bright	Hastings (FL)	Meeks (NY)
Brown, Corrine	Heinrich	Melancon
Capps	Herseth Sandlin	Michaud
Capuano	Higgins	Miller (NC)
Cardoza	Hill	Miller, George
Carnahan	Hinchey	Minnick
Carney	Hinojosa	Mollohan
Carson (IN)	Hirono	Moore (KS)
Childers	Holden	Moore (WI)
Clarke	Holt	Moran (VA)
Cleaver	Honda	Murphy (CT)
Clyburn	Hoyer	Murphy, Patrick
Cohen	Inslee	Murphy, Tim
Connolly (VA)	Israel	Murtha
Conyers	Jackson (IL)	Nadler (NY)
Costa	Jackson-Lee	Napolitano
Costello	(TX)	Neal (MA)
Courtney	Johnson (GA)	Nye
Crowley	Johnson, E. B.	Oberstar
Cuellar	Jones	Obey
Cummings	Kagen	Oliver
Dahlkemper	Kanjorski	Ortiz
Davis (AL)	Kaptur	Pallone
Davis (CA)	Kennedy	Pascarella
Davis (IL)	Kildee	Pastor (AZ)
Davis (TN)	Kilpatrick (MI)	Payne
DeFazio	Kilroy	Perlmutter
DeGette	Klein (FL)	Peters
Delahunt	Kosmas	Peterson
DeLauro	Kratovil	Pingree (ME)
Dicks	Kucinich	Polis (CO)
Dingell	Langevin	Pomeroy
Doyle	Larsen (WA)	Price (NC)
Driehaus	Larson (CT)	Rahall

Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney

Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—11

Bachus
Boucher
Campbell
Cassidy
Cooper
Frank (MA)
Kline (MN)
Miller, Gary
Perriello
Rush
Stark

□ 1615

Messrs. KISSELL, LEWIS of California, and DOGGETT changed their vote from “aye” to “no.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BACHUS. Mr. Speaker, on February 25, 2009. I missed rollcall votes 86 and 87 while attending a meeting at the White House with President Obama concerning the state of our Nation's economy and financial system. Had I been present, I would have voted “no” on rollcall 86 and “no” on rollcall 87.

DISCHARGE AND RE-REFERRAL OF HOUSE RESOLUTION 183

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 183 and that the resolution be re-referred to the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore (Mr. NYE). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

EXPRESSING CONDOLENCES TO FAMILIES OF VICTIMS OF CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

Mr. ARCURI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 183) expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 183

Whereas the people of New York have experienced a terrible tragedy with the loss of 50

lives in the crash of Continental Connection Flight 3407 in Clarence Center, New York, on February 12, 2009;

Whereas many of the victims of the crash were residents of New York, particularly of the close-knit Western New York community; and

Whereas Federal, State, and local officials have cooperated to respond to the emergency, investigate the accident, and provide assistance to families devastated by the loss of loved ones: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407;

(2) honors those who lost their lives, including David Borner, Linda Davidson, Ronald Davidson, Alison Des Forges, Beverly Eckert, John J. Fiore, Ronald Gonzalez, Brad S. Green, Sr., Zhaofang Guo, Kevin Johnston, Ellyce Kausner, Goerges Karm, Nicole Korzykowski, Jerome Krasuski, Brian Kuklewicz, Beth Kushner, Madeline Loftus, Lorin Maurer, Donald McDonald, Coleman Mellett, Dawn Monachino, Jennifer Neill, Gerry Niewood, Johnathan Perry, Mary E. Pettys, Donna Prisco, Matilda Quintero, Marvin Renslow, Julie M. Ries, John G. Roberts III, Kristin Safran, Rebecca Shaw, Ms. Jean Marie Srncz, Darren Tolsma, Susan Wehle, Ernest W. West, Douglas Wielinski, Shubin Yao, Clay Yarber, and Joseph Zuffoletto, as well as 10 others;

(3) expresses sympathies to the people of Clarence Center, the entire State of New York, and the Nation who grieve for the victims;

(4) commends the heroic actions of the first responders, emergency services personnel, and air traffic controllers; and

(5) commends the hundreds of volunteers who worked together to respond to the tragedy with tremendous courage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ARCURI) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ARCURI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 183.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ARCURI. Mr. Speaker, I yield myself such time as I may consume.

I want to express my deepest sympathies to the families who lost loved ones in the tragic crash of Continental Connection Flight 3407. I can say, as an upstate New Yorker and as an American, the families and friends of those who were lost are in our thoughts and in our prayers.

Mr. Speaker, I reserve the balance of my time.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

I rise in very strong support of this resolution today that's being introduced by my colleague from New York,

NOES—182

Aderholt
Akin
Alexander
Austria
Bachmann
Bartlett
Barton (TX)
Bean
Biggert
Billbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccheri
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)

Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Himes
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loeb sack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)

Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

ANSWERED “PRESENT”—12

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler
Clay
Conaway
Dent
Hastings (WA)
Lofgren, Zoe
Welch
Whitfield

Mr. CHRIS LEE. This resolution, House Resolution 183, expresses condolences to the families, friends and loved ones of the victims of the February 12, 2009, accident of Flight 3407 which took place in Clarence Center, New York.

There were 50 people on board Flight 3407, including passengers and crew. Sadly, all lives were lost. Our sympathy goes out to the victims and to each and every one of their families, friends and loved ones.

Losing a loved one is tragic, but the loss is compounded when it's as the result of an unfortunate and unforeseen situation. I'm hopeful that this resolution will, in some small way, comfort the families and friends of all of those who lost their lives on Flight 3407.

I also want to thank the first responders and those who are providing support and assistance to the families of the victims. Their efforts are appreciated.

The National Transportation Safety Board is thoroughly investigating every aspect of this accident. The Board is responsible for determining the circumstances and cause of this accident, and they will report back to Congress. In the meantime, I want to assure the families, the public, the Members of Congress, that those charged with the investigation of this tragedy will not rest until the cause of this aviation accident has been determined. The loss of even one life in an aviation accident is unacceptable, but the American public should know that our commercial airlines today are both safe and reliable.

The National Airspace System handles almost 50,000 flights per day and more than 7 million passengers annually. Since 2007, the commercial airline industry has maintained the lowest fatality accident rate in commercial aviation history. Up until this accident, the FAA reported no on-board fatalities in passenger operations in the past 2 years and now approaching almost 3 years with about 1.6 billion people transported during that period.

Despite the amazing safety record, I wish we lived in a world where we could eliminate all accidents and risks. While I don't believe that we can do that, I do believe that we can continue to work as effectively as possible to do everything we can to avoid these types of accidents in the future.

Again, I want to express my condolences to the families, friends, and loved ones of the victims on board Flight 3407, and also to Mr. CHRIS LEE, my distinguished colleague from New York, and his constituents.

I yield to my colleague from New York (Mr. LEE) such time as he may consume.

Mr. LEE of New York. Mr. Speaker, I thank the gentleman for yielding and appreciate the support from our State delegation, many of whom cosponsored this resolution.

I especially want to thank Mr. HIGGINS and Ms. SLAUGHTER who have exhibited untiring leadership in offering assistance in the days since this tragedy has struck.

The night of Thursday, February 12, was going along like any other winter evening in the small town of Clarence. Clarence is located less than 20 miles from the city of Buffalo. At the home of the Wielinski family, 22-year-old Jill was watching television with her mother Karen, while her father, Doug, was in the dining room doing some housework. It was at that moment that Continental Flight 3407 carrying 49 passengers and crew struck the Wielinski home, taking Doug's life. All on board the plane were lost.

Each and every soul is a significant loss to our community. Among them: a prominent human rights activist; a September 11th widow; a retired Air Force reservist; an accomplished jazz guitarist; the cantor at a Williamsville temple; the director of a youth service program; a program manager for Northrop Grumman; a nurse at Westfield Memorial Hospital; a second-year law student; the daughter of a Holocaust survivor; a Vietnam veteran with two Purple Hearts; and lastly, a personal friend who was expecting the birth of her first child due at the end of May.

At that moment about a quarter mile away, Clarence Center Fire Chief David Case was also having a quiet evening at home when he heard on his radio that a plane had crashed and struck a house nearby. Chief Case was one of the first to arrive on the scene that night, but by no means was he by himself. Volunteers from throughout Clarence were assisted by crews from Newstead, Akron, Harris Hill, Rapids, East Amherst, Swormville, Amherst, Millgrove, Bowmansville, the Village of Lancaster, Brighton, and the Buffalo Niagara International Airport's Aircraft Rescue Firefighter unit.

Their efforts were supported by hundreds of volunteers who gave their time and energy to support the first responders and the families of the victims.

Last night, Chief Case sat in this very gallery just a handful of rows away from the First Lady as the President of the United States addressed Congress on the state of our Nation. Chief Case did not come here to accept the salutations normally afforded everyday heroes among us. He said he came "only to be a representative of the men and women of Clarence Center Fire Company and all of the first responders."

To those first responders and all of the volunteers, I simply want to say thank you.

Chief Case was indeed a fitting representative for a small and proud town that just last year celebrated its bicentennial. Clarence is where my wife and I chose to make our home, and it is

where my 3-year-old son will grow up; and I hope that he, in turn, raises a family there as well.

Since the night of this accident, we have been posting on our Web site messages from families of the victims. Thoughts and prayers have come in from all around the country. One message we received was from Holly Henderson, a Clarence resident, and it reads:

"I'm a Clarence resident and a frequent traveler. I thank all of those who were deeply concerned for me, my family and neighbors and ask that they continue to pray for the souls whose lives ended in such tragedy. It is awesome to see how the community has put up ribbons and have come together in this time of crisis. It confirms why I moved back to this area after being gone for so long and feel very proud to be part of this great community in western New York where the people are truly the best in the world."

Of course, this resolution is not nearly tribute enough to the memories of the victims and the courage of their families, and the echoes of the shock and grief we felt that long Thursday night are still with us. We can find comfort in the fact that even in tough times like these, families and communities come together, rally around one another and do whatever they can to help those in need.

Again, I thank the members of our delegation for their support and for this resolution.

Mr. PETRI. Mr. Speaker, I have no further requests for time, I urge all Members to support the resolution before us, and I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague from Clarence for his leadership in bringing this resolution, and also I'd like to thank him for the courage that he showed. As soon as this happened, he immediately recognized where his duty was, and that was to be home in Clarence, and he immediately headed home to be there to help to show leadership, to show his constituents where his priorities were; and that was at home where he was needed most.

□ 1630

So I thank him for what he has done. Clearly, this has been a shock to his community and to the entire country. Certainly, while the whole country has felt it, no one has felt it more than western New York.

I would like to yield 3 minutes to my colleague from western New York (Mr. HIGGINS).

Mr. HIGGINS. Thank you, Mr. ARCURI. I, too, want to join you in commending our colleague, CHRIS LEE, for going back to assist in the recovery effort. I spent time with the Congressman on Saturday, where we toured the site with several other officials.

Mr. Speaker, I ask that you and our colleagues join me in offering sincere condolences to the families who lost loved ones in the crash of Flight 3407.

What was for many to be a joyous reuniting of family and friends became a time of unspeakable grief and sorrow. An ordinary evening in a home in a suburban Buffalo neighborhood became a family's tragic nightmare.

The victims of this tragedy need our support and empathy during this difficult time in their lives. My community has demonstrated great strength and compassion as it mourns the loss of 50 lives of those loved ones, many of whom were vibrant members of the western New York community.

Our community's response has included professional and spiritual counseling, as well as donated meals and thousands of letters offering sympathy and support. The families will undoubtedly experience difficulty and sadness in the days ahead, but I am confident that the loving embrace of the western New York community will continue to comfort and sustain them.

Mr. Speaker, I also ask that you join me in thanking the first responders, including many police and firefighting agencies, who worked through the night and each succeeding day in the recovery effort. Their work is an inefably beautiful tribute to the decency of the human spirit and to their professionalism. They deserve our respect, our admiration, and our deepest gratitude.

Mr. Speaker, this tragedy and the loss to the Buffalo community is profound, but the love and support of our community is much greater. I am thankful to those dedicated individuals who responded to this disaster and to those who are offering counseling and support to the families and workers still trying to come to grips with this terrible tragedy.

We will never forget those we lost that night. I am pleased to join my colleague, CHRIS LEE, in offering support to all of those who knew them and who loved them. I thank CHRIS LEE for bringing this resolution to the floor.

Mr. ARCURI. Mr. Speaker, I would just like to again thank my colleague, Mr. LEE, for his leadership on this bill. And I would urge a "yes" vote on this resolution.

Ms. SLAUGHTER. Mr. Speaker, less than two weeks ago we learned about a terrible accident in Clarence, New York, a few miles outside of Buffalo.

Our worst fears were confirmed when it was reported that many lives were lost.

I know that the pain of the families and friends who lost loved ones on Continental Connection Flight 3407 is immeasurable. My prayers are with them today and always.

An accident like this is always a tragedy but when it happens so close to your home, it is particularly devastating.

In Western New York we take care of each other.

After the accident, first responders and ordinary citizens rushed to the scene to do their best to save lives.

They are heroes to us for their tremendous efforts.

As we grieve and pay tribute to those we have lost, I stand in unity with my colleagues, state, and local officials, to continue assisting our community during this difficult time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 183, which expresses sympathy to those who lost family, friends, and loved ones in the tragic crash of Continental Connection Flight 3407. The lives of all 49 passengers and crew on the flight were lost on February 12, 2009, when Flight 3407 crashed in Clarence Center, New York, about 5 miles outside of Buffalo. The plane crashed into a house on the ground, killing one person inside as well.

The Bombardier Dash 8 Q400 was en route from Newark Liberty International Airport and it had begun its descent into Buffalo Niagara International Airport. The flight was operated by Colgan Air. The flight data recorder and cockpit voice recorder that were recovered from the crash reveal that the plane underwent severe changes in pitch at about 1,600 feet above ground level before it crashed.

Emergency personnel responded to the scene immediately after the crash to quell the fire and contain the accident scene. The National Transportation Safety Board also responded, sending investigators to the site to conduct an in-depth investigation. Not much is known for sure at this point. It is known that the plane was flying in icing conditions, on autopilot with the de-icing system activated. The NTSB investigation will likely explore many issues, such as icing, pilot training and procedures, and aircraft design. The Committee on Transportation and Infrastructure will watch the investigation as it unfolds with keen interest.

This accident, along with other recent aviation safety events, underscores the importance of not lowering our guard on aviation safety. It is unfortunate that this tragic event occurred. I hope that the findings of the investigation will lead to further improvements in aviation safety that will prevent this type of disaster from occurring again.

I thank the gentleman from New York, Mr. LEE, for bringing H. Res. 183 to the floor, and my sympathies go out to the people of your district. I urge my colleagues to support this resolution.

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Res. 183, a resolution expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407.

I want to thank my colleagues, Mr. LEE and the members of the New York delegation, for introducing this resolution.

On February 12, 2009, Continental Connection Flight 3407 crashed just a few miles from the Buffalo Niagara International Airport. It was a tragic accident and our thoughts and prayers are with the families of the victims. Fifty people died as a result of this crash, and an investigation is underway to determine the cause of that crash.

While we have the safest air transportation system in the world, we must not become complacent.

Again, we, as a nation, mourn the loss of Continental Connection Flight 3407 and urge my colleagues to strongly support H. Res. 183.

Mr. MASSA. Mr. Speaker, it is with deep solemnity that I take this moment to offer my sincere condolences to the families and friends of the 50 individuals who lost their lives when Flight 3407 crashed in Clarence, NY on February 12th. While we can never bring them back we can make sure they are honorably remembered for their many contributions, both big and small, in the lives of those all around them. I further extend my condolences to my colleague, Rep. CHRIS LEE, who represents the 26th Congressional District where the tragedy occurred.

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ARCURI) that the House suspend the rules and agree to the resolution, H. Res. 183.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ARCURI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FEDERAL RESERVE IS THE CULPRIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the Federal Reserve is the culprit; it has delivered this crisis to us. The Federal Reserve's low interest rate policy is a big mistake; it is not a panacea.

Artificially low interest rates are achieved by inflating the money supply. Low interest rates penalize the thrifty, and those who save are cheated. It promotes consumption and borrowing over savings and investing. Manipulating interest rates is an immoral act, it is economically destructive. The policy of artificially low interest rates caused our problems and, therefore, cannot be the solution.

The market rate of interest is crucial information for the smooth operation of the economy. A central bank setting

interest rates is price fixing and is a form of central economic planning. Price fixing is a tool of socialists and destroys production.

Central bankers, politicians and bureaucrats can't know what the proper rate should be. They lack the knowledge and are deceived by their aggrandizement. Manipulating the money supply and interest rates rejects all the principles of the free market.

Ironically, free markets and sound money generates low rates, but unlike the artificially low rates orchestrated by the Fed, the information conveyed is beneficial to investors and savers.

The Congress, by conceding this authority, conveys extraordinary economic powers to the elite few. This is a power that has been abused throughout history. Only the Federal Reserve can inflate the currency, creating new money and credit out of thin area, in secrecy, without oversight or supervision.

Inflation facilitates deficits, needless wars, and excessive welfare spending. Debasing a currency is counterfeiting. It steals value from every dollar earned or saved. It robs the people and makes them poorer. It is the enemy of the working person.

Inflation is the most vicious and regressive of all forms of taxation. It transfers wealth from the middle class to the privileged rich.

The economic chaos that results from a policy of central bank inflation inevitably leads to political instability and violence. It is an ancient tool of all authoritarians.

Inflating is never a benefit to freedom-loving people. It destroys prosperity and feeds the fires of war. It is responsible for recessions and depressions. It is deceptive, addictive, and causes delusions of grandeur with regards to wealth and knowledge.

Wealth cannot be achieved by creating money by fiat. It instead destroys wealth and it rewards the special interests. Depending on monetary fraud for national prosperity or a reversal of our downward spiral is riskier than depending on the lottery.

Inflation has been used to pay for all the wars and empires, and they all end badly. Inflationism and corporatism engenders protectionism and trade wars. It prompts scapegoating; blaming foreigners, illegal immigrants, ethnic minorities, and too often freedom itself for the predictable events and suffering that results. Besides, the whole process is unconstitutional. There is no legal authority to operate such a monetary system. So let's stop it. Let us restore a policy of prosperity, peace and liberty. The time has come. Let's end the Fed.

CONGRATULATING JOYCE BEAN

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois (Mr. HARE) is recognized for 5 minutes.

Mr. HARE. Mr. Speaker, last week, in Galesburg, Illinois, I held a town hall meeting to discuss the economic recovery package. While I was there, I told a standing-room-only crowd that Joyce Bean, who manages my Galesburg office, was retiring after 26 years of service to the 17th Congressional District. Joyce received a standing ovation. That one moment captured just how much the people of Galesburg, Knox County, and the 17th Congressional District and I appreciate her service.

Joyce has spent her entire career giving to others. As a member of the Communication Workers of America, the United Way of Knox County, and a longtime staffer to my predecessor, Congressman Lane Evans, she made a lasting impact on so many people's lives.

Upon receiving a prestigious community service award from the United Way in 1986, Joyce was called "one of those rare phenomena that comes along only once in a lifetime." Joyce helped provide Christmas presents for needy children, acquired an acre of land for local Boy Scouts, and organized the area's first recycling drive, just to name a few. She was the first woman to become a United Way President in Galesburg, Illinois. Through her leadership, she has inspired others to answer the call of service.

When Maytag Corporation shut its doors in 2004, she was the first person to offer displaced workers the helping hand they so desperately needed. And as a member of my staff, she has assisted local families with everything from retirement security to workers rights, and even going to bat for them with our friends at the Internal Revenue Service.

For her service to the labor movement, the city of Galesburg, the 17th Congressional District, and our entire Nation, I salute her. Joyce, congratulations on your retirement. You will be missed not just by the staff, not just by me, but the entire people of the 17th District.

Once again, Joyce, congratulations, and best of luck on your retirement.

LET'S IMPLEMENT SOLUTIONS THAT PRODUCE RESULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas (Ms. JENKINS) is recognized for 5 minutes.

Ms. JENKINS. I know many Americans are struggling to pay their monthly mortgage payments. Unemployment is on the rise, yet more than 90 percent of homeowners are still able to scrimp and save enough each month to pay their mortgage.

Congress and government agencies have thrown billions at this crisis, yet

we have little to show for it. And President Obama even said in his speech last night that the recovery plans will require significant additional resources from the Federal Government, probably more than what is already set aside. He left the door open to come back and ask for more taxpayer dollars to bail out the bad decisions of others, yet we have seen little positive impact from the initial expenditure.

Congress should not be in the business of rewarding bad actors, and I'm concerned that is exactly what H.R. 1106, the Helping Families Save Their Homes Act of 2009, and the President's plan for the housing crisis will do.

One piece of H.R. 1106 is a cram-down proposal. While the goal of the proposal may be admirable, when we see re-default rates of 55 percent within only 6 months, is that really solving the problem?

Lenders from the Second District in Kansas have told me this cram-down proposal may force an increase in interest rates. How does this increased borrowing cost benefit that young married couple looking to buy their first home? Not to mention, as I read in Business Week yesterday, many times loan modifications can result in higher monthly payments.

I understand exactly the sentiments shared with me by my constituent, Craig Grable from Wathena, Kansas. He sent me a letter telling me he pays his mortgage on time each month. He is angry that folks who have bought houses they could not afford are being rewarded by those housing plans.

□ 1645

He said, "If the market recovers and he sells that home for a profit, he basically is keeping my tax dollars, and that is not right."

Folks around the country like Craig who made their payments on time should not have to pay for the risky loans made by irresponsible lenders and speculators who got into loans they could not afford. At a minimum before anyone is given government assistance on their mortgage, there needs to be a clear set of eligibility standards including income verification, proof the borrower has not intentionally defaulted on the mortgage in order to benefit from government assistance, and assurances that the Federal Government is not subsidizing vacation homes.

Craig ended his letter to me saying, "This nonsense has to stop." And I agree. Action without results is futile. Let us implement solutions that produce results.

IT'S TIME TO TALK TO IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise to speak about the urgent need for the United States to begin direct talks with Iran about its nuclear program.

Time is of the essence. The United Nations reported last week that Iran has more enriched uranium than the world knew and is now capable of building an atomic bomb if it continues with its enrichment program. Iran also recently put a satellite into orbit showing that it has the ballistic missile capacity to deliver a nuclear weapon against an enemy.

The Iranians insist that their nuclear program is for peaceful domestic purposes only, but their nuclear program has raised fears in the Middle East and made that region an even more unstable and dangerous place.

Mr. Speaker, Iran's advanced nuclear program shows that the Bush administration's policy of refusing to talk was a dismal failure. It called Iran part of the "Axis of Evil." Then for nearly 8 years the Bush administration's approach consisted of saber-rattling and threats of war, and look where that's gotten us. Absolutely nowhere.

As someone who strongly opposes nuclear proliferation, I urge that we launch a vigorous diplomatic effort aimed at getting Iran to behave more responsibly. We must begin that effort immediately before their nuclear program gets even more advanced. In the days ahead, we can look for every possible opening to begin face-to-face talks.

This diplomatic effort must include a strong partnership with the international community. The U.N. Security Council, for example, has demanded that Iran suspend its uranium enrichment program. So we must work with the members of the Council to put peaceful pressure on Iran to do just that.

I think that President Obama described the situation best last August when he said, "My job as President would be to try to make sure that we are tightening the screws diplomatically on Iran and that we have mobilized the world community to go after their program in a very serious way."

So, Mr. Speaker, the President followed up on that, as we know, on his first day in office. In an interview with an Arabic language television station, he said, "If countries like Iran are willing to unclench their fist, they will find an extended hand from us." This received a positive response from President Ahmadinejad, who said that Iran was ready for "talks based on mutual respect." Who knows what he really meant, but I think we should take him up on this, call his bluff. Let's test him to see if he was serious. As Secretary of State Hillary Clinton has said, "We won't know what we're capable of achieving with Iran until we're actually there working on it."

Mr. Speaker, Iran is currently suffering from tough economic times,

high inflation and international isolation. It is also threatening its people miserably. We could take advantage of Iran's problems by offering incentives and help with their problems if they agree to pull the plug on their nuclear ambitions.

During the past administration, there was a great deal of talk about bombing Iran's nuclear facilities, but we all know that would have led us into another disastrous war in the Middle East, and thank heavens we did not do that. But refusing to engage with Iran hasn't worked so far. It's time for a new policy that stresses international cooperation, conflict resolution, and humanitarian assistance.

With President Obama's leadership and willingness to talk and Secretary of State Hillary Clinton's abilities, we can push the restart button, the restart button on our relations with Iran. We must now seize every single opportunity to do so because it appears time might be running out.

ON H.R. 1105, THE OMNIBUS SPENDING BILL, AND THE NEEDS TO PROTECT PRIVATE PROPERTY AND PROMOTE FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, last night Members on both sides of the aisle rose repeatedly and applauded the remarks of President Obama, who called upon the American people to show their resilience that they have on so many occasions in the past to rise above the difficulties that we face and to lead our country out of this serious economic crisis.

However, today in the light of day, this Congress has taken a very, very different approach to try to solve those problems: the big government approach.

Today, during the debate on the omnibus spending bill, I had planned to offer an amendment. My amendment would have protected the private property rights of citizens and also highlighted the philosophical differences between the Democrat majority and the Republicans. I would note that not a single amendment was made in order as a result of the vote on this nearly \$500 billion spending package. Apparently, the majority believes that government knows best and the leadership of their party in this Congress are the only ones who know best how to dole out Americans' hard-earned money and property and they have no qualms about robbing Peter to pay Paul. Despite the lip service the majority gives about the spirit of the American people, the majority's policies clearly demonstrate that they believe something quite different, that the people

cannot be trusted to make the best use of their own money and property nor can they be trusted to turn our economy around.

Republicans actually believe in the American people, and they have put their policies where their mouths are. Republicans unabashedly believe that Americans know best how to control their own money and have advocated for targeted tax relief to individuals and small businesses to help the economy by putting money back into the hands of Americans.

In addition, Republicans believe that the right of private property is a fundamental right that the founders of this Nation consciously sought to protect from overly zealous government bureaucrats. The need for private property protections is especially important in trying times like these when politicians get the idea that they know best the uses for Americans' money and property.

I have sponsored legislation to protect private property from aggressive government use of eminent domain powers, and that is what the amendment I offered at the Rules Committee to the omnibus spending measure would have done. My amendment would have prevented funds in this gigantic spending bill from being used to seize private property from one person to give to another. This seems simple enough, but the majority decided to block this amendment, which would have prevented the use of any of the funds in this massive nearly \$500 billion spending measure from being used for that purpose, to take people's property for private economic development purposes. But the majority decided to block the amendment and not allow a vote on the House floor. In fact, the vote to stifle debate on this amendment occurred on a purely partisan basis in the Rules Committee.

It seems clear that the majority's solution to the current economic crisis is to spend other people's money. The truth is that we are beginning to see the results that this laboratory of big government spending is producing, and it is no surprise that the results are dismal. The government simply cannot operate as efficiently nor adapt as quickly as individuals and entrepreneurs.

The likely response by the government to its own failure will be more spending, as is evident from the trillion dollar stimulus package that Congress passed 2 weeks ago as well as the nearly half trillion dollar omnibus spending bill we voted on today. There is no end in sight to the unprecedented levels of spending we are witnessing, and that is precisely why we should draw a very clear line now.

House Republicans believe that instead of spending ease, we need a spending freeze. We may now see a budget deficit of \$3 trillion this year

alone. That's \$3 trillion. Divide that by the 300 million people in the United States, and it's nearly \$10,000 for each person in the country that the government will spend more than the government will take in, \$10,000 per person more that will be spent on all these massive government programs than the government will take in. This is beyond unacceptable. We need reform, and it is clear that Congress must have this reform forced upon it.

That's why over 160 bipartisan cosponsors have joined me in an attempt to force the Federal Government to rein in spending and eliminate the deficit by amending the Constitution to require it. Earlier this year I introduced a balanced budget constitutional amendment, House Joint Resolution 1. This legislation has already garnered over 160 bipartisan cosponsors, and it requires that total Federal outlays cannot exceed total revenues. We'd have 5 years to bring this into line.

It is time we started the process of reforming the way this government spends money.

This is a simple concept but one that is lost on a congress determined to put political considerations above the common good. Simply put, this constitutional amendment would bind the hands of congress by cutting up its credit cards.

The time to act is now, and if President Obama is serious about his call to rein in spending, then he should join in our call for a balanced budget constitutional amendment to force the Federal Government to do so.

HONORING STAFF SERGEANT JUSTIN BAUER AND HIS WIFE, KARI BAUER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. KISSELL) is recognized for 5 minutes.

Mr. KISSELL. Mr. Speaker, I rise today to offer a tribute to Staff Sergeant Justin Bauer and his wife, Kari.

Staff Sergeant Bauer and his wife, Kari, were both from the State of Colorado. Staff Sergeant Bauer joined the Army and was assigned to the 82nd Airborne and stationed in Fort Bragg, North Carolina. Sergeant Bauer and his wife lived in my district, the Eighth District of North Carolina.

By the words of the sergeant's co-soldiers, he was a leader extraordinaire. He was a noncommissioned officer that exemplified what was meant to be in the leadership role of being a noncommissioned officer. His soldiers looked to him as a friend and a leader and, by all accounts, was an outstanding soldier in our Army.

I bring Sergeant Bauer's attention to the floor, Mr. Speaker, because Sergeant Bauer died in service to his country on January 10 in Iraq. He was a person that accepted the risk of his profession. His wife, Kari, accepted the risk of being a military spouse. And I sim-

ply want to honor his memory but not dramatize his memory because that would not be fitting to the soldiers that represent our great Nation.

And by honoring the sergeant and his wife, Kari, I also want to extend that honor to all of our military personnel that serve this Nation knowing the sacrifices that they make and that they may be asked to make the ultimate sacrifice and are willing to do that, for this is part of their job. They accept that.

Today I have a letter that I want to present as part of the CONGRESSIONAL RECORD that we will be sending to Kari. But in this honoring of Justin Bauer and his wife, I also want to honor all of the military that serve this Nation and their families that make up the heart and soul of our Nation's spirit.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 2009.

Mrs. KARI BAUER,
Moss Court,
Fayetteville, NC.

DEAR MRS. BAUER: I wish to once again convey my deepest condolences for the loss of your husband, Staff Sergeant Justin Bauer. My entire congressional staff also joins me at this time in sending our deepest sympathies and understanding during this period of bereavement.

Staff Sergeant Bauer served his country and the American people in the most honorable of ways. Staff Sergeant Bauer's absolute selfless service, professionalism and loyalty to country will continue to serve as the pinnacle for which we will continue to honor his service to our great nation. His leadership and "high regard" as viewed by his fellow Soldiers were so strongly conveyed to me in the words spoken at the memorial service.

I hope that time and memories will help lessen the burden of your sorrow, and that you may draw some measure of comfort knowing that others care and share in your loss. Please know that we have shared in your pain and sorrow and pay our final respects to undoubtedly one of our nation's best. If I can be of any assistance please contact my Washington, D.C. Office at (202) 225-3715 or in Fayetteville (910)-920-2070.

I also wanted you to know that I went on the floor of the U.S. House of Representatives today to offer my appreciation for the sacrifice that your husband made, the loss you endured. And that the two of you represent why our military and our military families are the heart and soul of our country. Thanks again to you and Justin.

Sincerely,

LARRY KISSELL,
Member of Congress.

□ 1700

WE NEED TO FOCUS ON OUR TRADE DEFICITS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, last night, President Obama said that in this time of economic insecurity, America must avoid the possibility of protectionism. My friends, where are

the fearsome red-herring protectionists?

We all believe in free trade so long as it is fair trade, and I believe most of all in free trade among free people. Our Nation boasts the most open markets in the world, but one must recognize that America hasn't had a balanced trade account since 1975, yes, 1975.

That's 34 years of regression on the jobs and trade front, 34 years of wandering in the wilderness, 34 years of deluges of imports dwarfing our exports, 34 years of outsourcing our good jobs by the millions. Thousands of America's best companies have been sacrificed, Maytag, Trico, Playtex, Levis, Zenith, Georgia-Pacific, Champion Spark Plug. The list is endless.

Now we are watching major segments of our banking system disintegrate while we buy foreign televisions, foreign clothing, foreign automobiles, foreign food, all while our beautiful Nation begs China, undemocratic China, for money.

It's pretty clear we need to focus on our trade deficits as a causal factor in our other deficits. The human and economic tragedies continue to mount. The massive hemorrhage of U.S. wealth instructs us in its raw truth. So-called free trade agreements began in 1975. Back then we had a surplus of \$12.4 billion in goods with the world. We have now sunk in 2008 to \$677 billion in trade deficit, three-quarters of a trillion dollars, and all the lost jobs that go with it just disappear.

The evidence is all around us. Americans are working harder each year, increasing their productivity but then seeing no increased wages. More lost purchasing power, the dollar isn't worth as much. Their health and pension benefits, disappearing. This is not a recipe for a healthy economy, a strong nation or a middle class.

The challenge is trade is not a zero sum game. Other nations don't play by the same rules. Other nations manage their markets. Other nations manipulate their currency. Other nations aren't democratic and they have no rule of law.

Let's look at the raw facts, as ignoring our trade deficits won't help our Nation crawl out of our deep economic hole. Let's stop digging and start crawling out.

When you focus over a quarter of a century on more outsourcing of jobs and importing goods than on exporting goods and creating jobs here, our country ends up indebted and we are indebted to China, indebted to Mexico, indebted to Japan and all the other creditors who will be knocking on our grandchildren's doors.

When you conduct two wars and don't pay for them, you make it even worse. But not to recognize those two deficits, the trade deficit as well as the budget deficit, is to live in a world of delusion.

In 2008, our largest trade deficit was in oil with countries in the Middle East, and the bottom line is that that trade advantages them, not us.

If you look at overall trade between the United States, Canada and Mexico, that's governed by NAFTA, the North American Free Trade Agreement. We are now at record imports from both countries, not exports, record imports, \$74.2 billion in the red with Canada last year and \$63.5 billion in the red with Mexico.

The same is true with Communist China, where we are in a \$266 billion deficit, a record high. Japan is no different, \$72.6 billion there.

The top trade gap we continue to face is imported oil. Overall, the U.S. imported 3.6 billion barrels of crude oil in 2008 worth \$342 billion, our chief strategic vulnerability.

Unemployment continues to rise nationally, over 7.2 percent, and in districts like mine and many counties over 12.5 percent. Dr. Peter Morici of the University of Maryland has written, "Lost growth is cumulative. Thanks to the record trade deficits accumulated over the last 10 years, the U.S. economy is about \$1.5 trillion smaller. This comes out to about \$10,000 per worker," and every American middle class family feels it.

How are we going to change this, Mr. President? America needs balanced trade accounts, not delusion. We need open markets, not closed markets. We need a rule of law, not undemocratic practices. We need realism, not delusion.

HONORING STAFF SERGEANT MARC J. SMALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise today to honor a young American hero who has given his all in service to our Nation, a 1970 graduate of Methacton High School, Marc Small of Collegeville, Pennsylvania. He represented the very best of our community and country when he decided in 2003 to follow in the patriotic footsteps of his father, Sergeant Major Murray Small, U.S. Army, Retired, and he enlisted in our U.S. Army.

As importantly, in following his mother's compassionate and caring nature, he chose to become a medic with the Army Special Forces to assume the responsibilities of caring for his comrades in arms as well as some of the poorest people on this earth. As testament to his intelligence, motivation and courage, in less than 5 years this remarkable young man quickly rose to the rank of staff sergeant, learned the invaluable skills necessary to heal soldiers and civilians and earned the extraordinary honor of wearing the treasured "Green Beret."

Tragically, on February 12, 2009, at Faramuz, Afghanistan, Staff Sergeant Marc J. Small, of the 1st Battalion, 3rd Special Forces Group (Airborne) U.S. Army, succumbed to wounds sustained in combat. Before his life was cut short, this young warrior had treated hundreds of Afghani civilians and in the process displayed the very best of the American spirit and character.

By the loss of Staff Sergeant Marc J. Small we are a much lesser Nation and community, but only for the briefest of periods. Because given the very special nature of this healer and warrior, I am certain that from this tragedy other young men and women will be inspired by the heroism and selflessness of Staff Sergeant Small. From their skills, valor and compassion, the best traditions of our Nation will live on, as they must, for this world remains a very challenging place, and the need for our Nation to tend to the needs of poor and oppressed in many remote regions of the world is great.

Mr. Speaker, I ask that we take a moment to reflect on the service Staff Sergeant Marc Small has made on our behalf in making so much possible. We thank his mother, Mary MacFarland; his father, Sergeant Major Murray Small, U.S. Army, Retired; his stepfather, Peter MacFarland; his stepmother, Karen Small; his brother, Matt; sisters Heather MacFarland Wellock, Jennifer MacFarland and Megan MacFarland; stepbrothers Travis and Tyler Baney; and Amanda Charney, who Marc Small very deeply loved.

I join all of the constituents of Pennsylvania's Seventh Congressional District and good Americans everywhere when I pledge that the service and sacrifice of Staff Sergeant Marc J. Small, U.S. Army, will always be remembered and forever honored.

SECRETARY CLINTON'S SILENCE IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, today the State Department released its annual Human Rights Report, an exhaustive report which documents the human rights abuses of countries worldwide.

The report highlights several disturbing global trends in the area of human rights and goes on to say that these trends "confirm the continuing need for vigorous United States diplomacy to act and speak out," and, yet, America's leading diplomat, Secretary of State Clinton, could not find it in herself to publicly press the Chinese Government on their human rights abuses during her recent visit.

Which begs the question, has the situation improved so dramatically so as to justify relegating human rights to

the back burner? Was last year a banner year for the Chinese Government marked by tremendous reforms and greater freedom? Has a new day dawned for the people of China? The answer is no. We need look no further than the State Department's own report that came out today that says such notions could not be further from the truth and would be laughable if the reality of the situation wasn't so sobering.

A few excerpts from the report:

"The Government of China's human rights record remained poor and worsened in some areas. The government . . . tightly controlled freedom of speech, the press (including the Internet), assembly, movement and association."

"Authorities committed extrajudicial killings and torture, coerced confessions of prisoners, and used forced labor. In addition, the Chinese government increased detention and harassment of dissidents."

For people of faith, the situation was especially grim:

"Authorities disrupted church meetings and retreats; detained, beat, and harassed church leaders and church members."

"Harassment of unregistered Catholic bishops, priests, and laypersons continued, including government surveillance and detentions."

This is the State Department's report that came out today.

For North Korean refugees the report had this to say:

"Authorities stepped up efforts to locate, detain, and forcibly return North Koreans to North Korea," basically gulags where they will be persecuted.

On forced labor it said: "Forced labor remained a serious problem," and on and on. I am running because of the time.

For Tibet, here is what the report said:

"The government's human rights record in Tibetan areas of China deteriorated severely during the year. Authorities continued to commit serious human rights abuses, including torture, arbitrary arrest, extrajudicial detention," and then it goes on with much others.

The list goes on. I marvel that there can be such a disconnect between the systematic documented abuses of the Chinese government, the importance, as stated in the report, of the U.S. Government speaking out on behalf of those living under repression and the shocking silence of Secretary Clinton. The Chinese Government could barely contain their excitement about Secretary Clinton's silence.

AP reported that "China gave U.S. Secretary of State Hillary Rodham Clinton a glowing review." No wonder they gave her a glowing review because she didn't say anything following her weekend visit, during which she steered clear of human rights issues.

China doesn't want our Secretary to speak on human rights, but that's the very reason why they should speak out on human rights.

In fact, Mr. Speaker, silence in itself is a message, not just to the Chinese Government but to the Chinese people whose struggles are outlined in grim details.

Martin Luther King said, and I quote, "In the end, we will remember not the words of our enemies, but the silence of our friends." For the Secretary of State to be silent on the issue of persecution in China, where there can be a number, can you imagine, Mr. Speaker, how a Catholic bishop, or a Buddhist monk or a Protestant pastor or a Muslim Uighur was in prison and the prison guards came around and said, "See, your Secretary of State was in town and she never even raised the issue."

The way to do this, Mr. Speaker, in ending, is the way Ronald Reagan did it in the eighties. Every time President Reagan would go or any Secretary of State would go to Moscow, or whatever, they would speak out on behalf of human rights. Our embassies were islands of freedom.

And so I ask the Secretary to make it clear: Is this a retreat on human rights? Did you just make a mistake? But the sound and the silence is reverberating, and it will also have an impact on dictators around the world because they will see the Secretary going to China and not speaking out. Ahmadinejad will do what he wants with regard to the Baha'is, Egypt will do what it wants with regard to the Coptic Christians and on and on, and the world will be a much more dangerous place.

□ 1715

REASONS FOR THE ECONOMIC DOWNTURN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Speaker, through the period of the last 6 years, one of the things we have heard pretty commonly in the media has been the tremendous cost of the war in Iraq, and that every day we hear there are more and more millions being squandered on the war in Iraq. So it is an interesting fact to add up all of the spending in the war in Iraq and all of the spending in the war in Afghanistan and add it together. What you find is that there is less spending there than there was in the first 5 weeks of this new year, particularly with the new stimulus bill.

Well, how is it that we got into such a fix, into such a problem, that our economy seemed to dictate these kinds of draconian solutions? That

story actually starts back some number of years. It goes back to the Carter administration, the Community Reinvestment Act and the idea that there were some people that couldn't get a decent home loan. So we were going to tell banks that they had to make some loans to people that were riskier, and maybe even risky enough that some of them couldn't make their loan payments.

That started under the Carter administration, but over a period of time we then developed a couple of organizations called typically Freddie and Fannie, Freddie Mac and Fannie Mae. Those organizations are neither quite government, but really not quite private either. Their objective was to create a source of innovative financing so that people could afford home loans and the average person could have a piece of the American Dream and own their own house.

Well, over a period of time Freddie and Fannie were established and they took more and more different loans, underwrote various loans for people's homes. By the time we got well through the Clinton years as President, President Clinton demanded that the Freddie and Fannie corporations, if you would call them corporations, had to change their rules, that they had to release more and more loans to people who in effect couldn't pay. So the percentage of these loans that were more marginal were increased.

In the meantime, you had some other things going on. You had the government policy under Greenspan. The Federal Reserve had reduced the interest rate down quite low to about 1 percent, so you had the money being flooded as we moved on with more and more very low priced capital at 1 percent, so people tended to think, hey, this is a pretty good idea. Let's put some of this money in the real estate market, because the real estate market started to boom. In fact, it was in a bubble.

When I came to Congress in 2001, real estate was starting to go up, and by the time 2004 or 2005 came, most of us around here that thought we knew a little bit about economics were kicking ourselves, how come we didn't buy the very biggest house we could possibly find and let the thing double and then quickly sell it.

Of course, there were a lot of people that were doing that. There was a lot of speculation going on. Speculators took advantage of the situation and real estate continued to expand and to expand. In the meantime, what was going on on Wall Street was the fact that because there really weren't any rules, Freddie and Fannie were quasi-governmental, it was assumed that they were going to back people up and back up these loans, and so it became kind of a free ride.

You had all kinds of mortgage brokers traveling around the country say-

ing to people, hey, you want to get a loan? Well, how much do you need? Half a million dollars? Fine. I don't really care whether you have got a job or whether you can pay it back, because I am going to turn the loan right on over. It is going to go over to Freddie or Fannie or to the Wall Street market. They are going to chop it up in pieces, repack it and sell it all over the world.

So it was one of those situations where we made a very big mistake in terms of government regulation. And we allowed this process to continue to run for some number of years without the proper regulations and control on Freddie and Fannie. So most people have read and understand that what got us into this recession was the fact that we allowed a whole lot of mortgages being made by people who could not pay those mortgages back. So that is how things got started.

Now, you say, well, didn't somebody figure this out? Didn't somebody ring a warning bell or let us know that things weren't going the right way?

Well, in fact they did. What you have here, and this is an interesting day to remember, in *The New York Times*, not exactly a right-wing oracle, *The New York Times*, September 11th, 2003, you have reported there that the President, at the time President Bush, was asking for greater authority to regulate Freddie and Fannie because he believed that what was going on was going to cause a whole lot of trouble. There were all kinds of mortgages and loans being made where it was not at all clear that people would pay them back.

Of course, in the past years, many years before when somebody was going to get a home loan, you would go to your local bank and the banker would take a look and say, "I am not going to loan him money if I don't think he can pay it back." But what we did was we separated the person that was taking that loan, we separated him from the person that was getting the money, and the end result was there wasn't any accountability anymore. So the President said, hey, this is a big problem.

So you have September 11th, 2003, *The New York Times*. The President is saying in there, hey, we need to get some controls on these crazy mortgages that are going on, and he asked Congress to take action to regulate Freddie and Fannie.

At that time, or a year or so later, Congress and the House passed a bill to do that. It went to the Senate and it was killed by the Democrats in the Senate. But in that same article, September 11th, 2003, you have the words of the gentleman here in the House now who is in charge of rewriting the rules, and this is what he said about Freddie and Fannie. "These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis,

said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee." So the ranking Democrat on the Financial Services Committee is saying Freddie and Fannie are doing just fine, September 11, 2003. The President is saying we need more regulation, there are going to be problems. Then Congressman FRANK goes on, "The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing."

Well, this doesn't look like very good prophesy here. Certainly this problem was caused by a lack of regulation. It was caused by the Democrat Party, as is reported in this article in *The New York Times*.

Now, there are people today who want to say that this is a failure of free enterprise. This has nothing to do with free enterprise. This has to do with socialistic government meddling in the real estate market and an unwillingness of the government to be responsible in what the government says it is going to back.

What has happened here is you have got Freddie and Fannie that could do anything they wanted, and we are supposed to, the taxpayer, you and I, are supposed to back up Freddie and Fannie when people make all of these lousy loans. So that is the quick run-down on how we got to where we are with the recession.

Now, when you have a recession, there are a couple different ways to handle a recession, a couple of theories. One of the theories is what FDR did back in the 1930s. Their idea was that if the government spends enough money it stimulates demand. Of course, everybody has been taught this for years in college economic classes, that if the government stimulates the economy by spending enough money, why, then it will just make the recession go away.

That sounds like a pretty cool idea, doesn't it? The government just spends more and more and more money and the economy is going to get better. The only trouble with that is if that really worked, where we have the amount of debt that we have at this time, trillions of dollars of debt, don't you think we would have a great economy?

So we have to ask, what is this theory? It was called Keynesianism. Little Lord Keynes was proposing this idea about the same time Henry Morgenthau, who was the Secretary of Treasury under FDR, was making this proposal. So we have had in the laboratory of history this idea of the government spending a whole lot of money to make the economy better. So we had a chance to do that for 8 years, and Henry Morgenthau tried this whole thing out.

At the end of 8 years, he appears before the House Ways and Means Committee and in 1939, and this is his

quotation before the House Ways and Means Committee. "We have tried spending money. We are spending more than we have ever spent before, and it does not work. I say after 8 years, the administration, we have just as much unemployment as when we started, and an enormous debt to boot."

So this is the author, this is the first guy that tried this theory over in this country, just spend a whole lot of money to fix a recession, and he says it doesn't work. You take a look at the numbers and the tremendous amount of joblessness when they started, and when he got all done, they still had a whole lot of unemployment going on. And he said we have tried it and it doesn't work. Yet there are people who still want to hang onto this warmed-over Keynesian idea, and it doesn't work.

So, what does work? It is important for us to not be negative and just say what doesn't work, but what does work. And what does work is more of a supply side kind of model, and we are going to be talking about that in just a minute.

I am joined here on the floor by a very good friend and a gentleman who has lived a number of careers in this world, one as a medical doctor, a guy with a very bright mind, but also a U.S. Congressman from the State of Georgia. I would yield to the gentleman from the State of Georgia, Congressman BROUN.

Mr. BROUN of Georgia. Thank you, my friend. I appreciate your yielding. I want to just make a couple of comments.

One thing, we have a recent experiment in this kind of economic theory. I think if we look historically, not only did the idea of spending more and more money not work during the Great Depression, in fact the only thing that got us out of the Depression was cranking up the manufacturing sector, the private manufacturing sector, to supply the needs for World War II. That is the only thing that got us out of the Depression.

But I just want to remind you, I know my dear friend from Missouri, Mr. AKIN, remembers just recently the Japanese tried the same kind of philosophy. I don't think it worked there either, did it?

Mr. AKIN. I appreciate the gentleman and the additional point that you are making. I think it is a very persuasive point, because Henry Morgenthau tried this idea for 8 years and it didn't work worth a hoot. In fact, those were his words, we have a lot of debt to boot.

But in addition, we also had the Japanese. They tried it, and it basically was like taking an entire economic decade out of Japan. They had a whole lot of these tax-and-spend fellows over in Japan, and they just went at it hammer and tongs for 10 years. The Japa-

nese economy bumped and bumped and bumped and it never could get off the ground. It is like the plane that didn't have enough propulsion to be able to pull it up in the air. And it was because of the fact that they were just sold on this idea that if they spent enough government money, something would be okay.

It kind of reminds me, I am an engineer by training and they probably shouldn't let us into a political body like this, but it reminds me of somebody grabbing their shoelaces, lifting up and trying to fly around the room.

This is just foolishness. I think most Americans, most of our constituents that are out there, I think they have to look at this idea and think what sort of funny stuff are those people smoking up in Washington, D.C. to think that when you get in hard times economically that what you are going to do is just spend money like mad. I don't think there is anybody in my district dumb enough that when they are in hard times economically they go and buy a brand new big car and spend money like mad thinking it is going to fix the problem. It is almost insanity to look at it that way.

The thing is, as well as the bad examples that we have, you have mentioned one of those, Congressman BROUN, we have good examples, good examples of the right way to solve the problem. It is not like we are just hopeless and we are in a graveyard spiral with an airplane and there is nothing you can do to fix it. The fact is, there are all kinds of examples of the right thing to do, and that is not the Keynesian model but it is more what people call today a supply side model.

I yield to the gentleman.

Mr. BROUN of Georgia. Thank you, and I appreciate that. Absolutely. I frequently say at home, as I am going around the 10th Congressional District in Georgia, that socialism has never worked; it won't work today, it has never worked in the past, and that is exactly what we are doing.

I described the stimulus bill that we passed here in this House a couple of weeks ago as a steamroller of socialism being shoved down the throats of the American public, and that will strangle our economy and kill the American people economically. I believe, likewise, that we are seeing bill after bill; in fact, just tomorrow we are going to have a housing bill here on the floor that is going to create bigger government and spend more money.

□ 1730

Certainly people need to be able to buy houses. People need to be able to buy cars. The Big Three auto makers are having problems. I have my own dealers at home that talk to me about the car sales. In fact, I visited one and talked to the service people, I talked to the used car people, I talked to the new

car people, I talked to the folks across the board, and in a large dealership in the 10th Congressional District back during this last break, a week ago, and they're suffering. People are hurting around this country. And we need to do something. And there is absolutely something that can be done.

Republicans have proposed things that go along with what you're talking about tonight, the supply side, which means that we need to get dollars back in people's hands. We need to have small business be able to have the capital, money, to be able to create a new job, to be able to go out and buy inventory, to be able to do the things that they need to be successful as a small business. And that's the economic engine of America.

I was just watching "Fox and Friends." I guess two mornings ago, and the people there were talking about that the banks are the economic engines of America. They are totally misled. Small business is the economic engine of America.

Mr. AKIN. Reclaiming my time for a minute. What I think I'm hearing you say was something that I just think it's so much common sense and so many Americans understand this. And it's about productivity, isn't it?

If you really look at, just look at your own life, and if you really want to do better, you become more productive. You produce more product. You're more efficient, and you get more stuff done, and therefore, you can earn more money that way. And that's the same thing. It's not like this is really complicated. You know, there's economists who would like to make it seem complicated so they get to keep that Ph.D. and have a nice job. But it's not that complicated.

When a business or an investor or an entrepreneur puts some money out and makes a good gamble or makes a good investment, it works well, or maybe it doesn't work quite right and then they adjust it a little bit, and then they come up with a better way of doing things, we call that productivity. And in order for that process to work, you have to have, just like oil inside a machine, you have to have a certain amount of liquidity and capital out there for these investors to be investing.

And so the whole logic of what you're saying is, you've got to prime the pump a little bit and let people keep some money so that they can invest it. And of course the thing that kills it is if you start to suck all the money out of the economy, now you don't have anybody investing, and so you start to run into this condition of joblessness. And we understand what that's like. There's all kinds of people.

I yield.

Mr. BROUN of Georgia. You've got a great chart here. I know you're going to explain it to our viewers tonight and

show pre-tax relief and post-tax relief. And the great thing—I'll stop here in a second, but the great thing about this chart that you're just fixing to explain is it shows that tax relief will stimulate the economy.

By getting the regulatory burden and the tax burden off of small business, we'll create jobs. We'll have a strong economy. People will have good-paying jobs so that they can buy a car, can buy a house, can pay for their college education for their children or technical education, they can do the things that they need, buy clothes, and all the things that come together to create a strong economy.

So if you would explain that chart for us, I'd appreciate it.

Mr. AKIN. Reclaiming my time. What you're saying is that somehow or other people have trouble making this connection. But if you've got a business that's doing well, they hire people, and that makes jobs. Now, if you're jealous of the guy that owns the business, say you're too rich and I'm going to take you down a peg, and you take all the money away from everybody who owns businesses, then don't be surprised when you don't have as many jobs.

And so one of these things that people, you know, if they want to get real covetous and don't like their neighbor having a fancy-looking car in their driveway, think about it a little bit, because you're really a lot better off if you live in a neighborhood where there's a lot of businesses that are doing well than if you're in a neighborhood where everybody is unemployed. And you can't let it get you upset that somebody else is doing well if you really want jobs, because if you want to have a job you've got to work for somebody.

But anyway, let's take a look at this. The point of the matter is there's no reason for there to be doom and gloom in America. There's no reason for us to be really upset or kicking our lips around. There are ways to fix the problem we're in. We made some very, very foolish mistakes with poor government regulation and basically misguided socialism that put us into the recession. But it can be fixed. America has come through a lot of challenges, and this is another challenge, and we can do okay with this. But we can't do it by doing the wrong thing.

So what are the examples of what do you do in this situation? Well, here's an example. Actually, when I was here in Congress in 2001, when we started—and we did a bunch of tax cuts, and people thought tax cuts help make the economy do better. Well, but that's not entirely true. It's certain kinds of tax cuts that make the difference.

So here you have a picture of what's going on in 2001; this is the year that I came here, and you see we were in the recession. And before this tax relief,

right here at this line in the second quarter of 2003, we did a particular kind of tax cut which had a very strong effect. But going before that, we did some tax cuts here, and we still had an average GDP of 1.1 percent. So it wasn't just any tax cut. You just want to send a \$1,000 check to everybody in America, people like it, but it's not going to fix the situation that we are in. No, you have to use your tax money wisely.

So what did we do? In the second quarter of 2003, we did a dividend capital gains tax cut, and we took it from—it had been quite a lot higher—we took it down to 15 percent. And when we did that, let's take a look at what happened. Now, the effect of that, of course, is dividends capital gains is not something that just helps everybody on the street. This is something that really affects people who own businesses, particularly, or people who own money, and you want them to get the money freed up so they will use it to invest and create this productivity.

So here's what happens. We do the tax cuts second quarter 2003. Look at what happens to gross domestic product. We're chugging along at 1.1, it's kind of spotty, and all of a sudden it jumps to 3. And this is going all the way over to 2007. So the effect—now, you could say, well, is that what caused that? Well, if you take a look at this point in history, this is the main thing we did economically.

So you say, well, does that show up anywhere else? In fact, it does show up in some very, very important places. Let's take a look at the second chart, which is what we're very concerned with today, and that is the problem of job creation. These are all—all the lines going down are jobs that are lost, and so we're losing jobs at an average of almost 100,000 jobs a month. That's what's happening, 100,000 jobs a month being lost.

Now, these lines going up are where we actually had some job creation. But this is an average here. Now, we do this tax cut, and take a look at what happens on the right side in terms of the gain of jobs: 147,000 jobs a month being gained with this one particular cut.

So this isn't rocket science. We did it before. JFK did it. Ronald Reagan did the same kind of thing. And here we go, right in our recent past we did the same thing, and look what's going on.

Now, here's the last thing. Let's say that you really do, as my friend from Georgia was just saying, using the word "socialism." Let's say you really are a happy little socialist and you really want the government to slot money around and redistribute wealth and everything. If you want to do that, one thing you want is a good economy because it gives you more money to play with.

Look what happened here. This is Federal revenues. Federal revenues are

going down, just as they've been going down this year because the economy's in bad shape. You turn the economy around with the right kind of tax cut, and take a look at revenues. They're jumping.

So this says everybody wins when the economy is doing well, and this supply side kind of idea of letting money be invested by the productive private sector, just as my friend from Georgia was saying, this is what works.

And there's no reason for Americans to be out of work if we just do the right thing. Instead, what we're doing is we're going to allow this tax cut to expire, and the math that drove these charts is going to go into reverse, and it's going to make the situation worse even than what it is right now.

I yield to my good friend from Georgia.

Mr. BROUN of Georgia. Well, you're exactly right, Mr. AKIN. And I think we're going to see a marked reversal in job creation as the capital gains tax goes higher. In fact, I'd like to remind my colleague, back when, in the last Congress, Republicans and Democrats alike had an alternative plan to the, what I call the Wall Street bailout bill, the TARP fund bill, the Troubled Assets Relief Program, where we were promoting not only not allowing the capital gains tax—keeping it from expiring, but we were promoting lowering that, change the accounting principles that froze all the economic markets. And I fault Hank Paulson, Secretary Paulson, frankly, for not even letting our bill touch his lips or come across his throat. And nobody on the majority side would consider our bill.

We had a plan that would not borrow from our grandchildren, like the TARP funds, Wall Street bailout bill did. Republicans have had a plan, actually, for a stimulus that would have actually stimulated the economy when we passed the stimulus bill a couple of weeks ago. And then now, just today, we voted on a bill that I think is going to exacerbate—that's a medical word that means "make it worse." But it's going to make the problem worse for the American family.

In fact, I hope that President Obama will fulfill his promise he made to the American people. He said that he did not want to—he would not sign a bill that had earmarks in it. This bill today had over 9,000 earmarks in it. Last night he said that the stimulus bill didn't have any earmarks in it, and that's not factual either. That's totally false.

Mr. AKIN. Reclaiming my time. There is a little bit of a gap between the rhetoric and what's actually going on here, isn't there? And so what you've made reference to is—and this is easy for people to get it confused a little bit because this has been happening so rapidly.

The end of last year, we had basically a Wall Street bailout bill at \$700 bil-

lion. That is a lot of money. That puts us into uncharted territory. I know you voted against it. I voted against it. And the reason we voted against it was because it wasn't going to work. Quite simply, it was not going to work. We spent \$350 billion of that, came back, and people said, where's the transparency? What happened? You know, this thing hasn't been working very well.

And then, on top of \$700 billion, just this last week, or week before last, we spent another 800-something billion dollars. At least in the House it was 840. They backed it off a small amount. Now, when you put \$700 billion, \$800 billion together, we're talking some change, aren't we?

I notice we're joined by another doctor—this must be doctors night—from Georgia over in the Chamber, my good friend, Dr. GINGREY, Congressman GINGREY. I just would yield some time to you.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate the gentleman from Missouri yielding. And I will say that every night is doctors night.

It's always fun to be on the floor, of course, talking about issues like this. It's so important to the American people. And of course I know you've been talking about the economic "spendulous" bill that's already passed, already signed into law by President Obama.

And now today, of course, we vote on this omnibus bill, I think nine categories of spending. They were sort of left over, wasn't it, from 2008, from the last Congress, the last fiscal year. This should have been done and completed by October 1st. The end of the fiscal year was September 31, 2008. And here we have these nine spending bills that we throw into one big package, makes it extremely confusing.

So it is important, I think, for Members to come to the floor, Mr. Speaker, to explain to both Republicans and Democrats, really what we did here today.

And, of course, this bill passed. It certainly didn't pass with our vote and our support. And the thing that I want to point out—and maybe you've already said this, but if you have, it's okay, because we can't say it often enough. The fact that, without considering the economic stimulus package, the trillion dollars that's going to help the economic recovery bill, without considering that, we have increased discretionary spending over 2008 levels.

And I have a chart to show it. We have increased discretionary spending by 7½ to 8 percent. And I'm pretty sure I'm right on this, Mr. Speaker. This was the largest increase in discretionary spending since the Carter administration. We have not had an overall 8 percent increase in discretionary spending in recent years, certainly not ever during the Bush administration, during his 8 years.

Mr. AKIN. Reclaiming my time for just a minute, I'd like to highlight what you just said.

□ 1745

Because a lot of times what we hear our opponents, the Democrats, saying is, "Well, you don't have an idea. You don't have a plan. What's your idea? You're just always saying negative things about ours." Well, that's not true.

I mean, just starting with what we did today, the number I saw was that there was an 8 percent increase in a whole series of categories, an 8 percent increase. Now, the average household in my district has not had an 8 percent increase this year in their paychecks, and yet the government is going to push this 8 percent. So let's be specific. I don't want to be negative here. I would like to say positive things.

Mr. GINGREY of Georgia. If the gentleman would yield.

Mr. AKIN. I will yield.

Mr. GINGREY of Georgia. Mr. Speaker, the story is much worse. We are at 8, 8-0. 8.0 percent is bad enough as I tried to point out, but let me actually show this chart that I will hold up to my colleagues. I thank my physician colleague for helping me with the poster.

This in the blue shows the amount of spending for each one of these categories in this omnibus bill—Agriculture, Commerce, Justice, Energy, Water, Financial Services, Interior, Legislative branch, Labor-HHS, State, Foreign Ops, and Transportation-HUD. This is in the blue—what we had spent in billions in fiscal year 2008. This is already enacted. The red is what we did today. Let's just take these nine categories and look, Mr. Speaker, very closely. On Agriculture, we increased spending over '08 by 45 percent, Commerce and Justice by 41 percent, Energy and Water by 151 percent, and on and on and on.

You might say, "Well, wait a minute now. You just said the overall increased spending was 8 percent." What we need to understand is, in this economic stimulus package, much of that money was in these categories that should have been enacted under regular order. When we do these appropriations bills and we go through subcommittee and committee in regular order, that money—much of that—was in these different categories that had nothing to do, really, with job creation or very little to do with job creation. When you add that money out of the economic stimulus package to these categories, it's not 8 percent. I say to the gentleman from Missouri it is 80 percent—8-0 point, 80 percent.

Mr. AKIN. Reclaiming my time, you make an excellent point. So what's really going on here is there are two bills that are influencing those categories that you show on your bar graphs.

The first bill you call the "spendulous." I'm maybe not quite so kind. I call it the "porkulous." They've rather nothing to do with job creation at all. They had to do with a whole lot of expansion of government programs and government spending.

So, first of all, we took this about \$800 billion. Now let's just stop for a minute and put that into perspective. One of the things that's really big that we buy, if you want to think of big things, is aircraft carriers. We have eleven aircraft carriers in our Navy, and we protect them. We put ships around them. We don't want people to sink our aircraft carriers because they're expensive. Now, if you take the average cost of our eleven aircraft carriers and divide this into these porkulous or spendulous bills, you've got 250 aircraft carriers. I mean I don't know if that would go all the way across the State of Georgia or not, but those are a lot of aircraft carriers—250 of them—when we only have eleven in the Navy. Now, if you want to get you one of them Cadillac kind of aircraft carriers, the extra long version with the super electronics and better planes and all, well now, you'll only get 100-and-some aircraft carriers.

Mr. GINGREY of Georgia. If the gentleman would yield, with that number, if you put them end to end, that could go from Pearl Harbor to Wake Island.

Mr. AKIN. Yes. Reclaiming my time, you could also look at it from this point of view, which would be that the interest we pay on that amount of money in this porkulous bill would buy nine new aircraft carriers every year, just the interest on that money, or you could look at it another way. You could say all we've been hearing about is how expensive the war in Iraq is. Well, add up every day of the war in Iraq. Add it all together. We're talking way more money in the first 5 weeks than what we spend in Iraq. In the House version, you've put Iraq and Afghanistan together, and it's still more money. So this is a pretty good chunk of change.

What you're saying, gentlemen, is that a lot of that had nothing to do with jobs. It was just putting more money into government programs. So the chart that you show there didn't really show an 8 percent increase. What it really showed was way up there. What did you say? I'll yield. What was the actual number when you added it up?

Mr. GINGREY of Georgia. Well, reclaiming my time, of course the amount of money, I think, that we were spending in this bill, just in the omnibus, was \$410 billion, but I think that it's something like \$300 billion additional. Anyway, overall, it brings it up to 80 percent.

You know, you wonder. We heard from the President last night in his semi State of the Union Address, and

he talked about, you know, fiscal responsibility in this budget that he's going to present to us on Thursday for 2010 and how it's going to be very fiscally responsible and belt-tightening. He has an opportunity, colleagues—doesn't he?—to veto this omnibus. This is his first opportunity. What can he say?

I mean we were criticized by the Democratic—now majority—when they were in the minority. President Bush didn't veto one spending bill, and on many occasions what came out of the Congress was a plus-up from what former President Bush had asked for. So the argument was, if you Republicans are fiscally responsible, why wouldn't your President veto this spending bill? In the first place, why did you plus them up? Here the Democrats said, "Well, you bring us in, and we're going to change all of that." Here is the very first opportunity. Well, I challenge President Obama:

Veto this sucker. Send it back, and say, "You know, we don't need an 80 percent increase in discretionary spending." As you've pointed out, Mr. AKIN, much of that spending will be there 10 years from now.

Mr. AKIN. Reclaiming my time, what you're really saying is what we passed on this floor today, in and of itself, was an 8 percent increase, and that 8 percent increase is the biggest we've had in these categories since Carter was President, but that 8 percent is deceiving because you can add to it all of the stuff in the porkulous bill or a lot of what was in the porkulous bill, and that's going to run it up to an 80 percent increase. So what we're really talking about is a massive increase in government programs.

I see my other doctor friend, Congressman BROWN, from Georgia. I yield to the gentleman.

Mr. BROWN of Georgia. Well, thank you, Mr. AKIN. I just want to point out something here, too.

As Dr. GINGREY has come on the floor, he and I have the mutual thought that President Obama has promised the American people that he would veto any bill that had earmarks in it. I call upon the President to veto this bill that we passed today. It has over 9,000 earmarks in it.

Mr. AKIN. Reclaiming my time, gentlemen, I heard it was 7,500 earmarks.

Mr. BROWN of Georgia. Well, whatever.

Mr. AKIN. He said, if it has earmarks in it, he's going to veto it, but what do you think they'll say—that those really aren't earmarks? Those things that look like earmarks and that smell like earmarks aren't earmarks? Is that what we're going to hear?

I yield.

Mr. BROWN of Georgia. You don't know what he's going to say. We heard last night that that porkulous bill as you and I call it—I call it a steamroll

of socialism being shoved down the throats of the American public. He said last night in his State of the Nation Address that there were no earmarks in that bill. The whole non-stimulus bill was earmarks. It was payback to all of the liberal folks who supported him and who supported our Democratic majority.

But the point I wanted to make is that we hear from our friends on the left that Republicans don't have any ideas or that they're old ideas. The thing is that that's absolutely false in itself. Just on today's bill, I offered an amendment that the Democrats would not take that actually cut the discretionary spending out of this bill by 10 percent. American families are cutting their budgets. They're hurting.

Mr. AKIN. Reclaiming my time, you offered an amendment. It said we want to cut 10 percent out of this bill. When you made that amendment, did you bring that amendment to the floor, and did you have a chance to vote on it?

I yield.

Mr. BROWN of Georgia. Well, no, they wouldn't let it. Now, the thing is we heard from the leadership on the Democratic side that we were going to have a new era of openness and fairness, but we weren't allowed any amendments. The Rules Committee ruled that this was going to be a closed rule, that they wouldn't accept my amendment or any others. The Republican party had another amendment to just freeze spending across the board, not increase it, just not bring this bill to the floor, just continue to have another continuing resolution to continue current spending for the rest of this budget year. That wouldn't be considered.

We've brought plan after plan, project after project. We've brought forth to the Democratic majority many ideas that would stimulate the economy, that would create jobs, that would leave money in the hands of the people as well as small business, that wouldn't borrow from our grandchildren, but the Democratic majority won't even consider those things, and they've totally shut us out.

Mr. AKIN. Reclaiming my time, gentlemen, I see my congressional friend from Georgia.

Dr. GINGREY, I yield to you.

Mr. GINGREY of Georgia. Mr. AKIN, thank you. I just wanted to add to what Dr. BROWN was saying as to that continuing resolution amendment.

In other words, let's just stay at 2008 levels, the ones that we showed in the blue on this chart. Let's just stay right there. Dr. BROWN was explaining that amendment. In that amendment, if we did that—and I'll ask Dr. BROWN or I'll ask Representative AKIN—how many earmarks would be in that?

I'll go ahead and answer that before I yield back my time. The answer is it would be a big nada, zero, none. There would be no earmarks.

Now, some Members don't ask for earmarks. I've probably got six or eight earmarks. I have, you know, transparent, light of day, good things for my district that have been vetted thoroughly, but that would wipe out all of my earmarks, and those other 7,500 or 9,000, whatever the number is, I'm fine with that, and I think my constituents, in the interest of fiscal responsibility, would be fine with it as well.

So I think that's a point that we needed to make, and I yield back.

Mr. AKIN. So, reclaiming my time, what we're saying is one simple solution would be to freeze the discretionary budget. That would probably be the first step of a supply side solution to get the economy going, wouldn't it, if we'd just simply freeze discretionary spending? Then if what we did was we allowed certain selective tax increases in a very short period of time, you'd see the stock market jump, and you'd see jobs being created, and the whole economy would start to move again.

I mean this isn't something that's too complicated. It's just several of us talking this evening. There are a number of ways it could be done. It's not that complicated.

One of the places that you might start would be with the fact that the corporate income tax in America is the second highest in the world. You could get rid of all of the little bells and whistles in that corporate tax and just knock it back a good number of percent, and that in and of itself could have a great influence in creating jobs. If you on top of that were to freeze the government spending and were also to maintain dividend and capital gains, I don't know how many months it would be, but you'd see a neck-snapping turnaround. There are solutions to these problems, and the fact of the matter is that the people who are in charge now are unwilling to look at those solutions.

I yield back to Dr. GINGREY.

Mr. GINGREY of Georgia. Well, I thank the gentleman for yielding.

Again, I would just make the point that the President is a fantastic speaker, and he absolutely can talk the talk as good as anybody, certainly as any President whom I can remember going way back to JFK. Yet he has not had the opportunity to prove that he can walk the walk. I hope he can. I don't have any reason to think that he can't, but he does have an opportunity—doesn't he, my colleagues?—with this omnibus bill that was passed on the floor of this House today. President Obama has an opportunity to show that he can walk the walk.

Now, if he's not willing to veto this, what possibly could be his excuse? Would he say, "Well, you know, this was something that happened in 2008" or "this was a fiscal year 2009 budget,

and it really is leftover business, and it's not my problem. It's somebody else's problem"? You know, that would be like an off-duty fireman walking in the streets of New York, coming upon a fire and having a hose there and a truck and saying, "Look," you know, "I'm not on duty. It's not my responsibility, and I'm not going to put the fire out." Hey, he's the fireman and chief. It's his responsibility to put the darned fire out, and he has got an opportunity to do it. He needs to walk the walk.

Mr. AKIN. Well, reclaiming my time, I guess what can happen down here—and we should guard against this—is we can get a little cynical. I believe it was the week before last that this House unanimously passed a resolution that was saying that we were going to have 48 hours to take a look at this 1,000-page bill that was coming down the pike.

Mr. BROWN of Georgia. On the Internet.

Mr. AKIN. We were going to have 48 hours because there were 1,000 pages, and there were all kinds of things in there. Doesn't it make sense to allow the staff and different people to read over it before they take the vote? Everybody said "yes," so we voted unanimously for 48 hours.

The bill comes out. We get our first copy at 11:30 on Thursday night, and of course we have lots of staffers sitting around the office, waiting at 11:30 at night. The next day, we went straight to a vote on this.

□ 1800

And we're told that this is going to be transparency and openness, and it does tend to make you a little bit cynical when we say one thing and we do something else.

Now, the promise has been made here, if there's an earmark, we're going to veto it. Now, do any of you want to make any bets as to what's going to happen to this little puppy?

I don't mean to cause you trouble, Congressman BROWN.

Mr. BROWN of Georgia. Well, in Georgia, in my part of the woods, we say, "That's hogwash," the claims that we hear.

We've heard rhetoric, both from the President as well as the leadership in this House, about fairness. Well, they're not being fair to Republicans with the closed rule so we can't present our ideas and all.

But the thing is, it's not only not fair to Republicans, it's not fair to the men and women of America. It's not fair to the working families of America. It's not fair to the small business of America. Because we're being overrun with this socialistic idea that's going to destroy jobs, it's going to create more economic problems, just as we saw during the Great Depression.

All the great spending, all the big growth of Federal Government that

we're seeing just markedly grow with these "porkulous" bills—the Wall Street bail-out bill, the non-stimulus stimulus bill we had 2 weeks ago, the bill we have today, and we're going to get another one tomorrow, and we're going to see more and more and more. And the thing is, it's not fair to the American people because what we're doing is we're killing our economy.

Mr. AKIN. Reclaiming my time.

The American people, in a way, have a way to vote. The people that have money vote on the stock market, and the stock market has been saying, "We're not buying all of this stuff that's coming out of Congress. We're not convinced." And the stock market, every time we do another one of these massive spending bills, the stock market goes down even farther. So that's some kind of an indication that all is not well.

I yield to my friend from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, all is not well. And we're not talking about our physical health here, but we're talking about our economic health. And, indeed, it will lead to poor physical health because people will be so frustrated and anxious and depressed.

One of our colleagues on our side of the aisle, a gentleman from Kansas, TODD TIAHRT, I spoke to Representative TIAHRT earlier today, Mr. Speaker, and he asked me if I would like to sign on to a bill that he is going to introduce in the next couple of days that said, look, we're not going to have any more stimulus, any more emergency bailout, rescue packages, whether we're talking about General Motors or Chrysler or AIG or Bear Stearns or Bank of America—you know, I could go on and on.

TODD TIAHRT is a strong fiscal conservative, and I said, "Man, I'm so glad you're doing that," because, as the gentleman from Missouri was just saying, the one thing the stock market hates is uncertainty. And we have had nothing but uncertainty since the beginning of this 111th Congress, and they don't know what to expect. So people keep thinking, well, am I going to buy a Bank of America stock at \$4 a share when, the next bit of bad news comes out of Washington, it will be \$2 a share? And that's exactly what's happening.

So I say "hurrah" to TODD TIAHRT, and I hope his bill will see the light of day.

Mr. AKIN. Reclaiming my time.

One of the things that strikes me and is of great concern to me is something that I believe was in the dustbin of history in our thinking for many years now, and that was the old Soviet Socialist Republic, the USSR. If you think back before the Berlin Wall fell—some of us are old enough to remember—that was a formidable—and we were concerned about the USSR, but

we didn't ever believe that its economics were any good because we knew they were a bunch of socialists over there. That's what the "USSR" part was all about. So, in a way, when we saw the Berlin Wall come down, we could kind of catch our breath, but we kind of laughed at them as saying, "See, we knew that old socialism wasn't going to work."

And what was that country based on? The basic assumption was that the government is going to provide you what? Well, I guess one of the first things would be the government's going to provide you with education. And then another thing the government's going to provide is health care, which I know, as a couple of medical doctors, this is something that we know a little bit about when the government decides to get in the health care business. And then, of course, we're going to have the government provide you with food and housing, you see. And then the government's going to give you a job.

And that was the heart—aside from being just sort of antireligious, the USSR, that was the heart of their program. The government is going to do all of this stuff.

And now, just a few weeks ago, the cover of a major news magazine in America, it says, "We're All Socialists Now." When I saw that, I felt a little frustrated, because I'm not a socialist. And the people I represent are not socialists. And they didn't like socialism, and they don't want the government running everything in their lives.

Mr. GINGREY of Georgia. Joe the Plumber is not a socialist either. It's all about that income redistribution. You remember that phrase?

Mr. AKIN. Reclaiming my time

One of the things that's of concern is that if we follow in the path of the model that doesn't work, the Soviet Union, with the government trying to run all of these things, the government is terribly inefficient. People may think and complain to you doctors that medicine is awfully expensive today. Well, if they think medicine is expensive today, let them get a snout full of what it's like when the government runs it, with all of that efficiency. About half of the health care dollars in America are already going through the government, and that's part of what's made it less efficient and expensive.

So if we move in the direction of what I'm reading, if you read between the lines of the speech last night, we're talking about a single-payer system like Canada. And the bill that we passed already has the language in it saying the government can ration your health care, and I don't think that makes for good quality health care.

Mr. BROUN of Georgia. As a physician, let me tell you, it's not going to. Government regulation is what's driving up the cost of health care markedly.

When I was practicing medicine down in rural south Georgia, as a good exam-

ple, Congress passed CLIA, the Clinical Laboratory Improvement Act. I had a lab with quality control because I, as a physician, wanted to make sure that any lab test I did was accurate. We spent a lot of time, energy, and money making sure that those tests were accurate.

Well, CLIA shut down my lab. If somebody came in to see me with a red sore throat, had white patches on the throat, running a fever, aching all over, I would do a CBC, a complete blood count, to see if they had a bacterial infection and thus needed antibiotics, like penicillin, or if they had a viral infection. Both clinical pictures could be exactly the same. Even allergies will present with the same clinical picture, even the fever.

So I would do this simple blood test. I charged \$12 for the test. CLIA shut my lab down. I had to send my patients over to the local hospital, and they charged \$75. I could do the test in 5 minutes. It would take 2 to 3 hours to get the results from the local hospital.

Now, what did that do across the whole of the spectrum of health care? It markedly drove the cost of—insurance and all health care markedly were elevated because of that.

And Congress, not long ago, passed HIPAA. I call all of these things "critters," and if you see a critter coming down the pike, you better hold on to your wallet because it's going to take a big bite out of it. But HIPAA has cost the health care industry billions of dollars and hasn't paid for the first Aspirin to treat the headaches that it's created.

So if we get the regulatory burden off of health care and we let the doctor-patient relationship be how health care decisions are made, we can literally lower the costs. But this "porkulous" bill is a giant push towards socialist medical care here in America, too. So it gives me great concern for me and for my physician colleagues, but it even gives me more concern for my patients.

It's been said around here, if you think medicine is expensive now, wait until it's free and provided for by the government. We're going to have terrible quality or degradation of quality of health care. We're not going to have the innovation. We're not going to be developing the new drugs and procedures that we're doing today on the free enterprise system, and it's going to be disastrous.

Mr. AKIN. Reclaiming my time.

I appreciate you being a medical doctor. You've seen first-hand examples where government intervention in the marketplace is driving up costs for everybody. And the more areas we get into—just like the Soviet Union, when we get into food and clothing and housing and education, the more the government gets its nose into all of those areas, and the size of the government

grows, as we've just seen—it wasn't just 8 percent today, but you add the 8 to all of that before from the "porkulous" bill, we're talking about a massive increase in government.

And the Republicans did make some mistakes. We spent more money than we should have, but it's nothing on the scale of what we're talking about here.

We're joined by a very distinguished colleague of mine from Louisiana. And, Congressman SCALISE, we'd appreciate if you could join us.

And I yield time.

Mr. SCALISE. Thank you. I want to thank the gentleman from Missouri. What we've been talking about is the concern that a lot of us have with the runaway spending we have here in Washington.

And as we all sat in this Chamber last night and listened to the President, there were a number of things he said that I think we all agreed with. One of the things that he harped on was the concern about adding more money, billions and trillions of dollars, to the national debt, and I share that concern.

But I think what's even of more concern is that, if we look at what's happened in these last 6 weeks, we've seen not a reduction in spending, not a reduction in debts, we've seen a dramatic increase. In fact, in just the last 6 weeks since Barack Obama has been President, we've seen over \$2 trillion added to the national debt. That's a 20 percent increase in the national debt. And that's the burden that our children and our grandchildren are going to have to inherit.

Mr. AKIN. Reclaiming my time for a minute.

You're saying a 20 percent increase in the national debt. So you add up all of the national debt since the country was born, you put that all together, and you're saying we added 20 percent to that in a period of 6 weeks?

Mr. SCALISE. In a period of 6 weeks between the spending bill that was passed and signed into law last week, added \$800 billion in new government spending—not a bill to help stimulate our economy; a bill to massively grow the size of government, many programs, as you discussed, that are permanent programs, not one-time infrastructure spending.

The other thing—and tomorrow there will be a bill filed; the President will be presenting his new budget. The expectations of what we're hearing is that that budget will be over \$1 trillion out of balance. More money added to the national debt.

And on top of that, a bill that a lot of us that are concerned about this runaway spending voted against, but a bill that passed today was this omnibus bill: \$400 billion of additional spending, representing an 8 percent increase in government spending at a time when States and families across this country

are cutting back their spending because of tough economic times. Seems like Washington's the only place going on a spending spree.

It's hard to picture when yesterday you hear somebody talking about the dangers of adding more money to the national debt, ironically on Mardi Gras day, and it seems like today and tomorrow, when these bills are filed, adding trillions more debt, it seems like the same people are trying to act like the King of Carnival, throwing beads and trinkets to people with more government spending.

This was a picture that was actually in the New Orleans newspaper yesterday on Mardi Gras Day, and it talked about and it shows people throwing money, literally throwing money from a float. And it's titled "Stimulus," and they said, "We'll worry about the hangover tomorrow."

And the sad part of it is, it's not our money that they're throwing. It's not only the taxpayers' money, but it's our children and grandchildren's money that they're throwing, because this is money we don't have. This is money that's going to go out and be printed up on a printing press because we don't have that money sitting in a bank somewhere.

And so it adds more money—over 20 percent in 6 weeks has been added to the national debt. And that's the burden our children and grandchildren will inherit. And this has to end.

Mr. AKIN. Reclaiming my time.

You're talking about, in the last 6 or 7 weeks, we have added 20 percent to the debt. And yet, when you take a look at the money that we've spent, it's not going to do any good to help us with joblessness, it's not going to get the economy going, it just is flat not going to work. Because we can already see that it didn't work when you used the same approach during the "Raw Deal" or the New Deal. Henry Morgenthau says it won't work. He's the guy that engineered the plan. He says it won't work. And the Japanese tried it, and it didn't work for them. And yet we have solutions to the problem that will work which are being ignored.

You know, gentlemen, one of the things that I think we have to be careful of: We are in a very difficult time in America right now, and a lot of people recognize that.

And we'll have to continue this next week on Wednesday. And I really appreciate my good friend from Louisiana joining us, Congressman SCALISE.

REVISIONS TO THE 302(a) ALLOCATIONS FOR THE COMMITTEE ON APPROPRIATIONS FOR FISCAL YEARS 2008 AND 2009

The SPEAKER pro tempore (Mrs. HALVORSON). Under a previous order of the House, the gentleman from South

Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 301(c) of S. Con. Res. 70, the concurrent resolution on the budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the Committee on Appropriations for fiscal years 2008 and 2009. Section 301(c) of S. Con. Res. 70 directs the chairman of the Committee on the Budget to adjust discretionary spending limits for certain program integrity initiatives described in section 301(a) of the concurrent resolution. A corresponding table is attached.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS COMMITTEE 302(A) ALLOCATION (In millions of dollars)

	BA	OT
Current allocation:		
Fiscal Year 2008	1,050,478	1,094,944
Fiscal Year 2009	1,011,718	1,106,112
Change for H. R. 1105 program integrity initiatives:		
Fiscal Year 2008	0	0
Fiscal Year 2009	968	892
Revised allocation:		
Fiscal Year 2008	1,050,478	1,094,944
Fiscal Year 2009	1,012,686	1,107,004

□ 1815

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Madam Speaker, we are here to convene what has unfortunately become a little bit more infrequent in this legislative session, our 30-Something Working Group. We're so glad that the Speaker of the House has once again convened the 30-Something members of the Democratic Caucus to work on issues affecting not only our generation of Americans who are struggling like everyone else with this very difficult economy, but also on behalf of all Americans who are crying out right now to the Obama administration, to this Congress, to both Democrats and Republicans, to step up to the plate and help them start making ends meet.

And we're going to be here today with my colleague, Mr. ALTMIRE—hopefully we will be joined a little bit later by one of our new members of the 30-Something Caucus, Mr. BOCCIERI—to discuss really what I think is becoming a historic moment in this Nation's history as President Obama challenges this Congress and this Nation to do two things; to step up to the plate and enact short-term stimulus to create jobs in this country, to put people back to work, to make banks start lending again, and to get our economy recovering, but also to do something else; to recognize that this economy has been imperiled for a very long time by a weak energy policy, by a crippling

health care system with rising costs, and a relative lack of investment in education compared to those countries that we compete with. And his challenge to us last night was to do what we need to do now and to come together to rebuild this economy in the short term, but also in the long term.

Now, Madam Speaker and my colleagues, I got to hear just the end of the presentation of our colleagues who spoke before us on the floor. And it is, I think, amazing to many of us to see this newfound interest on behalf of the Republicans on this floor of the issue of fiscal responsibility and deficit reduction.

As President Obama pointed out last night, this administration has inherited the largest debt in the history of this Nation. Coming after the Bush administration, which took a national debt from \$4 trillion to nearly \$10 trillion, who racked up more debt for this Nation in one administration of 8 years than every single other President combined, that's what this Congress inherits.

The Republicans who controlled this House for 12 years sat by idly as our children and our grandchildren were put in hock. They ignored the growing weakness of our health care system and the burden that it placed on small businesses. They ignored the fact that our energy system was being held hostage by those who produce oil and gas overseas. And they let our education system and our investments therein wither away, as Head Start got cut, as special education funding got cut, as higher education and financial aid funding got cut. And all of a sudden we woke up overnight to the fact that our economy was in great peril and that we owed \$10 trillion to the rest of the world.

For 8 years, the Republicans and the President stood here on the floor of this House and down Pennsylvania Avenue in the White House and allowed all of this to happen, meanwhile, pursuing a system of vast deregulation and laissez-faire policies on Wall Street, which then ultimately created the crisis that occurred last summer. A lack of investment in health care reform, an inattention to energy policy, and a withdrawal from education investment combined with a strategy of whatever Wall Street wants Wall Street gets, and we find ourselves where we are today.

So I appreciate hearing from our Republican friends that now we should start paying attention to the debt. We absolutely should. And President Obama set a mission before us last night to halve the American deficit in the next 4 years. We're going to accept that challenge. But the fact is that the Republicans are Johnny-come-latelies to this debate. We wouldn't be in the situation that we are today if we had had more friends on the Republican

side of the aisle who practiced what they preached when it came to fiscal responsibility.

It's the very reason why Mr. ALTMIRE and Mr. BOCCIERI and myself are here. We were sent to Congress to fix this mess. We were sent here to represent districts that were represented by Republicans for a very long time because people in our districts are waking up to the notion that if they really cared about the debt that was being levied on their kids, that maybe it wasn't the Republican Party that was best to carry that banner.

We're going to talk about positive steps that this country and this Congress can take from here on out to start lessening that burden. We're going to tighten our belts, we're going to get our revenue and expenditure policy straight, we're going to start stimulating this economy again. We're going to talk about positive things. And I bet you there is going to be plenty of opportunity for Republicans and Democrats to agree on that. But I think we should also agree on what the history of this institution is and the fact that this President and this Democratic Congress inherited an absolute fiscal mess from the Republicans.

So I appreciate the charts and the graphs and the Newsweek covers and the political cartoons that get brought up here in the Republican Special Orders, but there is a certain amount of revisionist history that's happening here. And the 30-Somethings have always been about trying to talk about how we can move forward, but also about making the record very clear for the American people. And I think it is appropriate that we do a little bit of both today, that we talk about our path forward—the very difficult one that we are going to have to chart—but we also make it very clear what the division is on these issues and what our history has been, Mr. ALTMIRE.

Mr. ALTMIRE. And I thank the gentleman from Connecticut. And the gentleman is absolutely correct on a number of points. He mentioned that he came to this Chamber for this discussion just as the previous group was wrapping up. I had been here a little bit longer and got to hear some of what they had to say, Mr. MURPHY and Madam Speaker.

Mr. MURPHY mentioned that we have a Republican Party that is joining the debate and having the discussion. I didn't hear a whole lot of joining the debate going on. I heard a lot of, as the gentleman from Connecticut said, revisionist history. And one of the items of revisionist history that I'm most intrigued by that you hear not just during these Special Order debates, but from talk show hosts around the country, and others, is the revisionist history that Franklin Roosevelt had nothing to do with the recovery that took place after the Great Depression. I

don't recall learning that in school when I was growing up. I don't recall that talking point being a part of the discussion. But now we're hearing a lot about, well, the New Deal really didn't work, and nothing that was accomplished by that administration solved any of the issues that they inherited during the Great Depression.

And I think about that when I hear some of the discussion that our colleagues on the other side bring to these Special Orders. And many of them have become friends and colleagues and people that I admire. But the discussion that I hear, I wouldn't consider that to be a debate. I don't think that we're hearing good faith efforts to reach compromise and to work together. I think what we're seeing is a lot of finger pointing. I think we're seeing a lot of blame being cast around and a lot of passing the buck because, as Mr. MURPHY said, we have not yet heard anyone own up to the fact that this Nation is in the economic crisis that it is in today because of the policies of the very recent past. And we can point fingers and we can cast blame, and that's not what this is about, that's not what we're doing today.

But it is instructive to think about how we got to where we are. And when you hear prescriptions being put forward for getting us out of this incredibly deep ditch that we find ourselves in, the people who are bringing forward these prescriptions have a record, they have a record of success or not. So I think the reason it's instructive to look at the decisions that were made in this Congress that led us to where we are today, when you hear people stand on the floor and say, here's my point of view, this is where I'm coming from, this is the way I think we can get ourselves out of this economic situation, let's take a walk down memory lane. Let's think about, well, what is that person's track record in voting for economic plans?

And I do want to remind Mr. MURPHY and Madam Speaker that we have a country now, eight straight budget deficits, these deficits are now forecast as far as the eye can see, we all know that. And we're going to talk about the economic recovery plan tonight and we're going to talk about the details of what was in that plan and what was not in that plan, equally important. Because I heard a lot of discussion about things that weren't even related to what was in the economic recovery plan. We'll have that discussion in a moment.

But what's important to think about when you consider what individuals have credibility and what groups have credibility when talking about the budget deficit and which do not, it has to do with the fact that these eight straight budget deficits that we've had followed four consecutive budget surpluses that President Bush inherited.

And one of the things about the economic situation that we find ourselves in is when we get out of this—and we will, as a Nation, get ourselves out of this, as the President said last night—when we get out of this, we're going to be able to step back and look at the fiscal policies that worked and didn't, and look at the people who were in power that made those decisions that led to success and lack of success on the economy. Because it's a pretty clear discussion that you have when you say, here's the economy that President Clinton had, a very slow economy, to put it kindly. He had an enormous budget deficit—the largest budget deficit ever recorded was under President Bush's father up to that time—President Clinton inherited that situation. When President Clinton left office, the four straight budget surpluses that I was just discussing—and those surpluses were forecast as far as the eye can see, the 10-year budget projection, as we've talked about many times, Mr. MURPHY, was \$5.6 trillion over 10 years. That was in surplus. If we had just kept in place the fiscal policies that we had at that time when President Bush put his hand on the Oath of Office—Bush 43—if we had just kept in place those fiscal policies, we could have nearly paid down the entire national debt as it existed to that time now 8 years later. But of course we didn't keep those fiscal policies in place, we went in a completely different direction, which is the way it works; when one party controls the White House, they implement certain policies, when one party controls Congress, they implement certain policies. When the same party controls both the White House and Congress at the same time—as happened during the first 6 years of President Bush's term—they chose to take the economy in a completely different direction, and boy did they ever. The economy went in a completely different direction than those four straight budget surpluses and one of the fastest periods of expansion and growth in economic history in America.

So now we find ourselves with a new administration. And yes, that administration has a Congress that is of the same party affiliation, and we will see how that plays out. But where I'm going with this, Mr. MURPHY, is, policy discussions in the future, you will be able to see very clearly what happened during the Clinton administration with the economy, what happened during the Bush administration; where did they begin, what did they leave their successor? And of course history has yet to be written about where President Obama leaves the economy. But I think it's safe to say it couldn't possibly be worse than what he inherited.

Mr. MURPHY of Connecticut. Would the gentleman yield? And you have to look at all of the different ways that we got here and all of the different

ways we can start to repair this. And I just think of one right now. You talk about what would have happened if we just continued the policies of the Clinton administration. Obviously one of the things that changed the financial dynamic in this country is the fact that we decided to go wage a \$700 billion war. And if that wasn't bad enough, we did it all off budget.

And that's one of the great untold stories of the Bush administration. No matter what you think about the war in Iraq—whether you think that we should have never gone, that we should have left earlier, that we should leave now, that we should stay for another 5 years—the fact was that maybe the first year of funding could have been deemed emergency off-budget funding, and maybe even the second year, but in the third and the fourth and the fifth and the sixth year, this wasn't a surprise to anybody. But one of the ways that we masked the amount of money that we were using for that war was we put it all off budget, and so it didn't make the annual deficit look as bad as it really was.

□ 1830

With one stroke of a pen, President Obama changed that. He said, you know what, no matter how bad it's going to make the numbers look on a yearly basis, we've got to start having some honest books here. We have got to start having some real accounting. So President Obama said, listen, from here on out, and he said this last night in his speech and he said it when he made this change in budgeting rules on Friday, we're going to put the cost of the war in both Iraq and Afghanistan online. It's going to be part of the budget; so we're going to have to pay for it. We're going to have to pay for it.

Now, frankly, Mr. ALTMIRE and Mr. BOCCIERI, when it comes to protecting the American people, I think people are willing to step up to the plate and make some sacrifices to do that. Now, we may disagree about what that entails, but in the days after September 11, this country was ready to step up and sacrifice. This country was ready to step up and pay for whatever it took to protect this country. And I really congratulate President Obama for stepping forward and saying, listen, yes, I want to get out of Iraq; yes, I think I need to step up our commitment in Afghanistan; but for however long that takes and however much it costs, we're going to do it in the confines of a budget. We're going to have an honest budget, an honest document. The American people are going to see the numbers however raw or bad or ugly they may be, but we're going to be honest about it.

And I think that's what people out there are asking for, Mr. ALTMIRE. I mean we're back in our districts every weekend, and as bad off as people are

right now, as difficult as the times are, I think they're willing to sort of see a path forward. They know it's going to be hard, but they want to know how hard it is, how big the challenge is, and then they are, I think, ready to step up. But we've been masking the problem up until now. And I think President Obama has got some room right now in order to basically put it all on the table, be honest with the people about what the problem is, and then ask us to step up to the plate and solve it.

And he's facing right now Republican opposition, if I may make one more point, whose answer to every solution is let's do nothing. Everybody on the Democratic side has agreed or disagreed with different parts of the economic recovery strategy, but at least we're over here trying to think of a way out of this. The response from the other side has been essentially to just sit back and let the economy tumble into chaos. The American people want action. They want to know how big the problem is, and they want to step up to the plate and help solve it, Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman.

And as I indicated earlier, one of the things that I think the American people find so troubling about the direction the debate is taking, let alone the policy implications, is exactly what the gentleman from Connecticut talked about, that there appears to be a strategy of betting on success for the Democratic side and the Republican side appears to be betting on failure. I will leave it to others to speculate on what their desire is for the outcome. We will trust their motivations, but they certainly think that we're in failure mode.

Now, I find that to be very troubling because I want to have a Congress that works together where all sides are heard. And President Obama made every effort to reach out to the Republicans and solicit their opinions. And I do think, Madam Speaker, that when you hear things like we heard earlier, a discussion on how this economic recovery plan that we passed was going to lead to government-run health care, well, there is no provision in that recovery plan that alludes to, relates to, correlates to, leads to government-run health care. It is not in the bill that we passed, which is now law. There is no provision for the field mouse in San Francisco that we heard so much about. There are no earmarks in the bill. We heard when the President referenced earmarks, there was derision from the other side last night during the President's remarks, which I think the American people find disingenuous because there are no earmarks in the bill. There are zero earmarks.

So when I'm thinking about how I'm going to vote and I'm thinking through

what's in the bill and what my constituents want me to do and I have people weigh in with an opinion, one of the things I'm going to consider is what's their motivation in offering that opinion, but is it an informed opinion? And if an individual comes up to me and complains to me about field mice in San Francisco or earmarks in the bill or how the bill is going to lead to universal health care, it's pretty clear that person has either not been truthful about what's in the bill or not made an effort to learn what's in the bill. Neither of those leads to good policy decisions. And I think that's what the gentleman from Connecticut and I are getting to.

So I am going to have the very, very high honor at this time of doing something that we don't do very often here in the 30-Somethings. We have five core members, Ms. WASSERMAN SCHULTZ from Florida, Mr. RYAN from Ohio, Mr. MEEK from Florida, who are the leaders and the originators of the group from back before Mr. MURPHY and I were able to win election to this House. Mr. MURPHY and I have participated and are going into our second term now. So we are very honored tonight, and as everyone knows, Madam Speaker, who watches this over the airwaves, we have just a tremendous fan base for the 30-Somethings. There are countless individuals.

Mr. MURPHY of Connecticut. At last count, Mr. ALTMIRE, it was up to seven.

Mr. ALTMIRE. A handful of people that do actually pay attention to the 30-Something Group. So for them this is a very exciting moment because we are tonight going to initiate a new Member into the 30-Somethings with his maiden 30-Something speech, a great Member also from Ohio; so he is very close geographically to both Mr. RYAN and my district, which is in Pennsylvania. And at this time for all of those 30-Something junkies that are out there and pay attention to what we have to say, the very small group that that is, I would turn it over to Mr. BOCCIERI from Ohio.

Mr. BOCCIERI. Thank you, Mr. ALTMIRE, and thank you, Mr. MURPHY, for allowing me to participate in this great experience of serving in the House of Representatives here. It's truly an honor and truly a privilege for a grandson of a carpenter and a coal miner and a steelworker, who my parents were the first in their families to go to college and I have two successful brothers. One's a chemist and a pharmacist and the other is in the military. So to serve here is truly an honor.

And, Madam Speaker, I will tell you that people are listening and they do care and they do want to learn about what we're doing here in the House of Representatives. And I said this when we were debating the American Recovery Act and the bill that was going to help put America first. We talked

about how this great Nation is in a great recession and that we are finding ourselves in nearly almost double-digit unemployment in Ohio, a great State, a great manufacturing State that has suffered disproportionately to the rest of the country. We have seen jobs pack up and move overseas, families struggle. We have seen families lose entire pensions, lose their way in terms of finding health care for their family, being able to put bread on the table. And I will tell you the good people of Ohio want to work. They want a job. They want to punch a time clock. They want to carry a lunch pail because they believe that hard work and perseverance are what has built this country and made it strong and made it what it is today.

But yet we find the decisions that we have made here, and both Democrats and Republicans, in my humble opinion, share the culpability of this, but the decisions that we have made here need to empower our country, empower our workforce so that we can build roads and bridges and build the new technologies of tomorrow right here in our great State, like what is happening in Pennsylvania, like what is happening in Connecticut, in the northeast, in New Hampshire. All over this country, we have people who believe, like my grandparents did, that with a little bit of hard work and perseverance that America is the place where your hopes and dreams could be realized. And they played by the rules. They punched the time clock. They worked for 30 years at a steel mill. But yet when that company packs up and moves overseas and they give all the money back to the holders of their common stock and the like and those folks who have invested in the company, but yet the people by the sweat of their brow punched the time clock, helped build America for what it is today are left with nothing when that company packs up and moves overseas, like we have seen repeated over and over and over again in Ohio.

And it's time that our generation of Americans stands up and demands more and demands that we put America first, that we invest in our workforce, our greatest asset of people, that we invest in the things that are going to make our country and our economy stronger.

And I pledge to you, as a 30-Something here with this great, fine distinguished group of legislators, that we will work to find answers to things that plague America, that challenge America, but not answers that will divide us along a partisan divide because at the end of the day, these are not Democrat or Republican challenges, they're not conservative or liberal challenges; they're American challenges. And they deserve an answer from both sides of the aisle. But we can't have the same politics of yester-

day if we are looking towards tomorrow. And that's what I hope this group speaks about. That is what I hope this group will continue to champion.

I have heard you on the floor before I was ever a congressman. I've seen both of you stand up for what is right and what is honorable for our country to move forward.

And as a matter of point for this Economic Recovery Act, I will tell you this: That I think America is obviously in a great recession, and we will be judged as Members elected to lead this Nation in two measures: by action or inaction. And I challenge my colleagues on the other side of the aisle who just want to talk about small parts of this bill that perhaps may draw a little bit of emotion but when you look at the entirety of the bill, it's about investing in our country, in our people, and what will make America and our economy stronger. And we will be judged by what we do, whether we act or whether we don't, whether we block or whether we lead.

But we didn't hear from those who are opposing this when we spent a trillion dollars in Iraq to rebuild roads and bridges over there to make sure that they have new wastewater treatment facilities, new hospitals. We didn't hear about the fact that we're spending unbelievable amounts of money to make sure that they have the access to capital over in this country. While they're running up surpluses with their oil revenue, we're running down deficits. And in 2004 former President George Bush's Secretary of Health and Human Services, Tommy Thompson, flew to Iraq with one of many billion dollar checks in hand to make sure that every man, woman, and child in Iraq had universal health care coverage. A trillion dollars, my fellow Americans, are over in Iraq making sure that Iraqis have universal health care coverage while we have families in Ohio that right now will not send their kids to the dentist because they can't afford it because they lost their job. There's a huge disconnect.

So we need to understand, are we going to block or are we going to lead? Are we going to invest in our people and in America or are we going to rebuild Iraq? This is a defining moment for our country because a trillion dollars invested in our country at the end of the day is going to make our country stronger.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, you're seeing on the ground in Ohio what Mr. ALTMIRE is seeing in Pennsylvania, what I'm seeing. People look at Connecticut sometimes and they have an image of Connecticut as one big suburb of New York and they think that we're all set and the economic downturn isn't going to affect a place like that. Let me tell you there are cities in my district, small cities of 50, 60, 70,000 people, that started this recession at 12 or 13 percent unemploy-

ment. That's what's going on even in Connecticut where you look at the per capita income across the board, and we are one of the wealthier States in the Nation. We have pockets of unemployment and poverty that will rival any other place in this Nation. They are cities in my district that used to be the brass city and the silver city and the hardware city, places that made things. Well, they don't make things anymore, in part because of the neglect that the prior administration showed for our manufacturing base as they allowed these jobs to bleed out into our foreign competitors. We didn't reinvest. We didn't protect our manufacturing base, but we also didn't try to find what was next.

And what President Obama talked about last night was, as I said at the outset, a twofold strategy. Let's put a plug in the dike right now. Let's stop this bleeding of jobs. This stimulus package that we supported is going to create or save 3.5 million jobs in this country, thousands of jobs in each of our congressional districts. But it's also going to start us on a path forward to try to replace a lot of the lost manufacturing base, much of which may not be coming back. President Obama said, listen, energy, clean, green technologies can be the future of this country, and he challenged us as a Congress to step up to the plate and chart a new path forward.

Mr. BOCCIERI, you rightly said that the real focus of this group, the 30-Something Group, needs to be on trying to talk about how we can come together. We would have loved for some of our Republicans to join us on the stimulus package that, by the way, in a new poll that came out has shown to be supported by 65 percent of Americans. By a 2-1 margin they support this stimulus bill. They are just as concerned about the debt as they are about any subject out there, but they recognize the need to do something right now.

□ 1845

And we came down here in the first days of the last session, as we pursued our "100 Hours Agenda" of starting to roll back a lot of the damaging policies of the Republican Congress. And we showed that, on bill after bill, we had Republicans supporting us on every single one of those measures, whether it was the minimum wage, whether it was the College Affordability Act, whether it was the stem cell legislation, the recommendations of the 9/11 Commission being implemented. We had dozens and dozens of Republicans supporting us on all of those measures.

And we are going to get that type of bipartisan cooperation again, because what we are going to put out there, what President Obama is going to place before the Congress is going to be an agenda for America, whether you are

represented by a Republican or a Democrat.

So I know there is a lot of focus on the cable news shows right now, Mr. Speaker and my colleagues, on the division in this place. But I do believe, Mr. BOCCIERI, that we are going to chart a course forward, both in the short term and the long term, that can bring both of these parties together.

But we've got to convince our Republicans that the solution is not, as you put the dichotomy, inaction; that they have got to commit themselves, and the American people wants them to, to action. Once they do that, we will be able to forge a path together.

Mr. ALTMIRE. The gentleman was correct in pointing out where the middle-class Americans in this country were before this recession even started. And the economic policies that were in place actually led to a decrease in real dollars of median household income over the 8 years President Bush was in office. And that was the case even before the recession started in December of 2007, a real decrease in median household income over the term in office.

Now, that's not something that people in western Pennsylvania want to hear. That's something that was a cause of alarm that was not dealt with in previous Congresses or by the administration.

And, unfortunately, what we had was, in the early part of the administration especially, the enormous spending that took place, without pay-as-you-go budget scoring—which we have talked about many times—without that offset that says, very simply, you have to have money on one side of the ledger if you want to decrease revenue or spend more money on the other. It's a very simple concept. We all do it in our own home checkbooks and every business in America has to do it, balance budgets. If you want to spend more, you have to pay for it somewhere else in the budget.

Well, that wasn't happening, and the outrageous spending that took place, running up literally trillions of dollars in debt, was running the country on a credit card. We have talked many times about the policies that were put into place as a result of that, all the spending that took place. They were running the country on a credit card. Well, guess what? Like any credit card that any American would use, eventually the bill comes due. And that's what this recession is about. The bill has come due.

Now, with any credit card, there is interest that's accumulated with that. And we have talked before and it's incredibly important to the discussion to think about when you think, where are we going to go with this stimulus plan, is this the right course of action. One of the largest line items in the entire Federal budget is interest on the na-

tional debt. It's going to be somewhere in the neighborhood of \$300 billion this budget year for just interest on the national debt—\$300 billion. That's a lot of money. That's money that's going to interest.

And that's because of the decisions that had been made in the past, but there is nothing we can do about that. There is nothing we can do about what was in place when President Obama took office and when the 111th Congress took office. But what we can do something about is where do we go from here. So we have talked enough about how we got here. Where do we go from here?

It was the vast majority of the American people and certainly the majority of both the House and the Senate believed that the best course of action was to immediately inject some funding into the economy, yes, in the temporary way that's going to increase our debt even more, which is what we heard from the previous special order. But the cost of doing nothing would have increased the debt even more.

Because when you have a downward spiral in the economy like we have, when you lose 500,000 jobs in November, 550,000 in December, 600,000 in January, and you see that that is going to be the continuing process if we do nothing, those are people that are no longer taxpayers, because they are out of work. Those are people that, in many cases, are now receiving social services, often Federal money; that, instead of paying into the system, are receiving from the system by the hundreds of thousands every month with no end in sight, if we do nothing.

The economy, the economic slowdown, the lack of credit, the foreclosures that take place, all of that, along with unemployment, increases our debt more in the long term and even the short term than we had to do with our stimulus. So that's what that was about. It was about putting money back in the hands of the American people through tax cuts that affect 95 percent of the American people, a tax cut for 95 percent.

It's about putting money in every sector of the economy, spreading it and casting that net as wide as we possibly could to connect to every community in the country and make sure that they can share in the economic recovery that we hope this plan leads to.

There is no guarantee of what that level of success is going to be. In fact, there is no guarantee of success at all. We are very hopeful, but there is one guarantee: If we had done nothing, the situation would get worse. That is the guarantee.

Mr. BOCCIERI.

Mr. BOCCIERI. I agree with the gentleman from Pittsburgh. I have heard from all of our orientations and briefings that we received from nearly 200 economists, the most conservative to

the most liberal, have all said that the United States Government has to do something.

And there's only two things that we can do. We can work with the administration and the Federal Reserve to manage interest rates so people can get an auto loan, so they can go and take out a student loan or go to college, or they can take out a mortgage and buy that dream home that they have always wished for, or we can inject huge amounts of capital into the market to help stimulate the economy, to help recover our economy. This isn't going to be the be-all and end-all of economic woes.

In fact, I have told many Ohioans that this will act as a backstop against further job loss and create jobs along the way and invest in America. And that's what it should be about.

I mean, leadership is about action, not just a position. Leadership is about action. And when we take action to invest in our people, invest in our roads, rebuild our bridges, rebuild our schools, and invest in what is our greatest asset, the American people, we are going to make our country stronger.

And Senator WEBB said in his book recently—I will throw him a shout-out here, you know, Senator WEBB said the health of a nation, the health of a society should not be measured at its apex or at its top, but at its base, at its base. Because that's where the majority of the people work every day to make the living, live the American dream. And they are what America is about, the hope and promise of America that was often talked about on the campaign trail last year.

You know, I just look at my family's history. The hope and promise of America is in my family. And they have worked so hard to allow that to happen, but they couldn't have done that without a strong government that understands that measured approaches to help put our people back to work, measured approaches that will invest in key things and strategic things that are going to make our economy stronger and our people stronger are about what we should do.

And I can tell you that when we look at this American Recovery and Reinvestment Act, it's just exciting what we are talking about doing here. And the President said this yesterday in his speech to the Nation, when he said that we are going to have a visionary approach to how we approach the 21st-century economy.

Those green energy jobs, that in 3 years we are going to double our green energy production. We are going to invest in plug-in hybrids like we are researching right here in the 16th Congressional District in Ohio. We are going to invest in fuel-cell technology like we are doing right in the 16th District in Ohio. And we are going to invest in biomass research like we are

doing in the 16th Congressional District.

Those are going to create jobs back home. Those are going to put people to work, move away from our dependence on foreign oil. And God only knows that we need to move away from our dependence on foreign oil. Forty percent of our Nation's demand comes from the Middle East, and we allow our country to be subject to what OPEC decides for us? No, we can inject this capital to create the jobs of tomorrow and move away from our dependence by research and technology.

This is what we have done. This is what we have done to make our country stronger. So I submit to you that leadership is about action and not just position. We have to do something to make our country stronger.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, just to give you a little perspective on what the folks that are running local governments, the folks that are at the real foundation of our system that are struggling every day with this company going out of business or this company not being able to expand, let me tell you what they are saying, all right?

The mayor of Oak Ridge, Tennessee, Tom Beehan, says, "The stimulus package is going to be huge for Oak Ridge. There is money in the stimulus package for environmental cleanup, and it's heading this way."

The mayor of Columbus, Ohio, Michael Coleman, says, "The stimulus package will stop the freefall, and it is going to lead to growth in the future."

The Phoenix mayor, Phil Gordon, "This will actually create jobs with the private sector in all different areas."

Alabama State Representative Jimmy Martin says, "Until the stimulus passed, Alabama was looking at laying off 8,000 teachers next year, increasing class sizes to historic proportions and, in the process, wiping out the progress we've made in the past 5 years. The stimulus package will change that reality."

And the Wisconsin insurance commissioner, Sean Dilweg, says, "We know the cost of health care premiums for unemployed workers makes it difficult for them to purchase coverage. The COBRA subsidy in the stimulus bill will make it much easier for families to continue their health care coverage."

These are local leaders with boots on the ground talking about how this is going to affect their community. They are backed up, as I said, by the 65 percent of Americans, in today's survey, that support this bill as well.

And, Mr. BOCCIERI, talking again about that contrast between action and inaction, well, for those of us who listened not only to President Obama's address last night but listened to the Republican response, listened to our former colleague here, Bobby Jindal,

give the response to that speech, well, you know, maybe we are not giving him enough credit, there were a couple of alternatives that they posed, but essentially the alternatives were to go back to the economic philosophy and the economic strategy that got us into this mess in the first place.

The alternative to our plan for action seems to alternate between inaction or a reversal back to the policies of the Bush administration; in effect, trying to use and leverage this economic crisis as a means to further decrease taxes for people in this country making enormous incomes who, frankly, right now in this moment of economic crisis, don't need that additional subsidy from the government.

I think, going forward, that we are going to have cooperation here. I think, as our friends on the other sides of the aisle do go back to their districts, they are going to hear a command from their constituents to come to the table and try to be a part of the solution. They are going to hear what I just enunciated for my colleagues from local officials who are crying out for this help in the private sector and, frankly, on the public side.

This package is going to predominantly, to a large extent, create jobs in the private sector. That's our focus right now. But it is also going to protect the jobs of some teachers and some firefighters and some cops out there that our communities badly need, Mr. ALTMIRE.

It's a prescription to get this economy back up and started towards recovery. Mr. BOCCIERI is right; you know, this isn't salvation, this is a life raft. This is something that is going to be able to bridge us to real recovery. And I hope that, in the end, we are going to get a little bit more bipartisan cooperation on it, Mr. ALTMIRE.

Mr. ALTMIRE. I thank the gentleman.

Tomorrow, on Thursday, we expect the President to drop off his budget here in the Congress so we can all have a look at the details of the plan that were discussed last night.

And what I find so exciting and so refreshing about the approach that we are going to see with this budget is we are going to consider the economic policies, moving forward, in their entirety. What are some of the major issues that affect every family, every individual, every small business, every business in this country? Well, energy, health care, and education. Those are three things that have been neglected for a very long time in Congresses both Republican and Democrat.

But that is over, because we have a President, as we heard last night, who understands that the only long-term solution to the economic problems that we have today is to solve our energy crisis, our dependence on foreign oil that Mr. BOCCIERI referred to.

We have to find a way to improve our health care delivery system, to increase access, so that we don't have 43 million Americans that lack any health insurance, we don't have small businesses that experience double-digit cost increases year after year. Less than half of small businesses in the country are able to offer health care to their employees at all.

And by including in the discussion on the economy health care, energy, and education, we are taking a comprehensive look at the future of America, at the issues that are going to allow America to remain the preeminent Nation in the world for knowledge and innovation and technology.

And that's something that, by looking at it together, we are going to be able to continue that success, dig our way out of the ditch that we are in right now with the economy, but not forget about the issues that have to be a part of that, moving forward, including a look at government spending, as we have talked about, and the other policy issues.

Mr. BOCCIERI.

Mr. BOCCIERI. Thank you.

The gentleman from Pennsylvania is very appropriate in his remarks. And I will tell you that, you know, from a freshman's perspective, I think this bill that made it through the Congress was the eighth wonder of the world. And you out there listening may wonder why: Because there were no earmarks in the bill, and there were no earmarks to specific districts in the bill.

And I considered that the eighth wonder of the world, because Article I, section 1 of the Constitution said the Congress will make appropriations. We will appropriate the funds for the projects, for the public policy that we believe is most important to move our country forward.

We talked about financial stability a little bit, about how we need to make our economy stronger.

□ 1900

Well, it comes with prudent reforms that we need to make within Wall Street, within the stock market, because it doesn't make any sense at all from this economics major at St. Bonaventure University, the fact that we are allowing speculators to drive our economy.

The laws of supply and demand have seemingly been thrown out the window, and we are allowing people to bet on the price of fuel going up, people to bet on the price of commodities going up, like grain and cereals and those sorts of things, bet on people foreclosing, bet on people failing to pay their mortgage. To me, that sounds like a recipe for disaster, and we need some stability in our financial markets, and we need an administration like President Obama is going to enact to make sure that the Securities and

Exchange Commission and those regulatory agencies for our financial markets are going to do the jobs that we empowered them to do and to bring to justice those people who are manipulating the economy.

I can tell you that many people are struggling back home. In fact, people are working so hard. In fact, a recent study that was done late last year found that people of average means, average working-class families, are working 18 percent harder, yet their wages have started to decline and stagnate and go down while their tax burden has gone up.

Now, the top 1 percent of the country has seen their wages increase and their tax burdens reduced because of the last administration's policy that will reward the wealthiest of our country. Those folks who have the means to pay and help determine public policy for our country to invest in the things that are going to make our country stronger, we are giving them the breaks when we should be giving the breaks to the middle-class families. Remember what Senator WEBB said. The health of a society is measured not at its top, at its apex, but at its base, because it is the base that invests the most into this country.

I tell you, I was so proud to hear President Obama say and to be strong as our Nation's leader and perhaps the leader of the free world suggest that we will make it through this crisis. We will make it through this crisis. America has seen tough times before, and he said that the weight of this crisis will not determine the destiny of our Nation. And he was so right, that we have the wherewithal to get through this.

To my friends on the other side who are going to prepare their charts and graphs and talk about exploding Federal deficits, we need to understand that President Obama inherited this. He inherited \$1 trillion that was spent on Medicare part D, but yet families and seniors back home still can't get their prescription drugs and pharmacies are struggling.

We spent \$1 trillion in Iraq to rebuild roads and bridges over there. President Bush thought we needed to make that investment, to make sure that every man, woman and child in Iraq had universal health care coverage. We gave \$1 trillion in tax cuts to the wealthiest Americans.

Well, it is time that we focus on the middle class, not on the apex, but on the base of our Nation, and we do that by investing in the people that have made this country stronger and will make this country stronger.

One last point I want to make here before we wrap this up this evening. We talk about the budget deficit. This country since its beginnings has carried some sort of debt, from the Revolutionary War on up through the present time we find ourselves.

In 1946, in 1946, after this country made it through the Great Depression and made it through World War II, the government was spending more and borrowing more than the economy could produce; spending more and borrowing more than the economy could produce. Right now we are at 38 percent of what the economy can produce. After this investment in America and we are on the road to recovery, we will be about 50 percent. We still have to pay this off, that is acknowledged, but we are in a great recession, and we will have the political will and the economic wherewithal to pay down this debt and get it closer to the margins that President Reagan saw back in the eighties, right around 28 to 30 percent. So we need to make those decisions. President Obama talked about that resolve. We will make it through this time.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, I think about a company in my district that makes parts for cosmetics containers. It is a company that has been profitable for years. It has had a solid line of business. In fact, during this difficult economic time, it has seen its orders drop off by a few points here or there, but has been stable, has had its revenues remain constant. Yet because the banking system is frozen up, because they can't get access to lines of credit and to inventory capital, they have shuttered that company. They have shut it down. They have temporarily furloughed all of their workers until they can hopefully figure out a means to start operations again.

To them, inaction is not an option. They have done everything right. They have kept their business running. They have struggled to contain health care costs, to get the costs of production down, to continue to reach out and grow their business, and yet they are laying off dozens of employees in my district because they can't get access to capital.

The people they are laying off have done everything that we have asked of them as well. They have shown up to work, made a great product, invested in their company, invested back in their communities. And now they are left without a job. Now they are left without health care. Now they are asking how they are going to be able to continue to pay for their child's education, where they are going to find the next job.

Well, similar companies all around my district and their town are doing the same thing, and they know that inaction isn't an option either. They are part of that 65 percent of Americans who want this Congress to move forward on a strategy of stimulus. We have to do something, because inaction, because "nothing" simply isn't going to be the answer for this economy.

For that one company, that story that can be told dozens of times over in my district, hundreds of times throughout Connecticut and thousands of times throughout this Nation, that strategy about taking on the lack of access to capital for businesses, that strategy of growing jobs as an alternative to the people who have been laid off, that is going to be the answer.

I am proud to be part of this Congress. I am proud to be ready to answer President Obama's charge that he left us the other night. And I am proud to be part of the 30-Something Group that over the course of the next weeks and months is going to challenge the country and challenge this Congress to come together and provide solutions for those very people.

Mr. ALTMIRE. I thank the gentleman. I will take the opportunity to wrap up.

We have, over the last two election cycles, heard the message from the American people. I think the first time around it was a referendum on the policies of the past, that they wanted to move in a new direction and they weren't happy with the way things had gone. But the second election, the one that we just came through several months ago, was about turning the country around and moving in a new direction, and that is what we have done. We can have disagreements. I am sure the gentleman from Texas is going to express some of that disagreement following us, which is great. That is what democracy is all about.

But I do want the American people to consider, Madam Speaker, that they have got what they voted for over the past two election cycles. They got a change in direction. They got new policies in this Congress, new policies at the other end of Pennsylvania Avenue. And we are all hoping for success. I am sure my friend from Texas is hoping for success as well. We need to turn the country around.

But I do want the American people to know that this Congress and the new administration are dedicated to moving this country forward, to implementing the changes that the American people voted for and asked us to engage on in their behalf.

So I would thank the gentleman from Connecticut and thank the gentleman from Ohio and welcome him to the 30-somethings. And I would say that any American who wants to learn more about Mr. BOCCIERI and the 30-Something Group can go to the House Web site, which is speaker.gov/30something with the number 30, and learn all about our new member from Ohio and any other member of the 30-somethings they want.

Mr. MURPHY of Connecticut. We are hopeful that, eventually that Mr. RYAN and Mr. MEEK and Ms. WASSERMAN SCHULTZ, the veterans, will join us down here so that not only can the

American people learn something about them on the Web site, but they can see them down here returned to their roots on the House floor as part of the 30-Something Working Group.

I thank the Speaker for giving us this time.

PAYING TRIBUTE TO THE LIFE OF GRAY PARSONS OF WILKES COUNTY, NORTH CAROLINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor a fallen hometown hero from Wilkes County in North Carolina. Gray Parsons, a Millers Creek firefighter, fell in the line of duty earlier this month while responding to a fire near Wilkesboro, North Carolina.

Parsons was a dedicated member of the North Carolina Forest Service's Fire Attack Support Team, where he had served for the past 10 years. His funeral was a tribute to his many years of service to the local community as local fire departments from across Wilkes County came out in force to honor Gray Parsons' life.

Many of Parsons' friends and family have said that giving his life in the line of duty was just how he would have wanted to go. He was a committed firefighter, a skilled chain saw operator, and an amazing wizard when it came to repairing anything mechanical.

He was generous with his always-ready smile and his hands were continually working to help others. His co-workers knew Gray Parsons as a man who was dedicated to his work. In fact, the day he responded to his final fire in Wilkes County was his day off, but he had spent the day helping his partner at the Forest Service finish a project. That was just the kind of person he was, generous, hard-working and committed.

The Wilkes community hailed Parsons as a model local hero at his funeral. His life inspired everyone who knew him for his kindness and indefatigable pride in his work and those he served.

He was a true American hero, an everyday man, who took pride in the uniform he wore and who loved to serve his community and protect those in danger.

He will be profoundly missed and will leave a gaping hole in the Wilkes County community, Forest Service and local first responders. My thoughts and prayers are with the friends and family of this great man who gave his life in the service of others.

TREATING ALL CITIZENS EQUALLY

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Madam Speaker, I thank you for recognizing me this evening.

I was real pleased to see our 30-Something Group over there has expanded their folks, a lot of new faces, and new faces are good for Congress. It is good to see them, and even though my in my opinion they are a little misdirected, they certainly are entitled to their opinion. I am not here to debate them tonight. Maybe some other night I might be here for that purpose.

Tonight I am here because I have been raising and talking about an issue here in the last couple of weeks, probably now going on a month, about a change in the tax law that I proposed in the form of a bill that I introduced here to instigate the "Rangel Rule," which would allow ordinary citizens to be treated as nicely as CHARLIE RANGEL, the chairman of the Ways and Means Committee, who by his own admission on the floor of this House failed to pay taxes for a period of quite a long time, something like 10 years or better. But he did catch up on those taxes when he finally realized kind of, whoops, I messed up for about 10 years, and maybe I ought to pay these taxes. It may have been a longer period of time than that. I don't know. It is not really relevant to the issue. The issue is that he was not assessed any penalties or interest by the IRS.

I really have a hard time figuring that out, because I have talked to a lot of people back home in Texas who have like not filed their taxes on April 15th, but have gotten an extension, and they ended up filing like on August 15th or October 15th, which is not a real long delay, nothing to compare with like 10 years or 20 years or whatever the period was. But they all got assessed penalties and interest by the IRS, and we really don't like to think that just because somebody happens to be the chairman of the Ways and Means Committee that they should be treated any differently than, say, those folks back there that I talked to in Texas or the folks that have contacted me from all over the country on this issue.

So I have been raising that issue, and in all fairness tonight I want to be fair to Chairman RANGEL, because he is a man that, of course, this House highly respects. There are other issues that have to do with Mr. RANGEL. We may go into some of those tonight. But in all fairness to the chairman, maybe I should have expanded this rule a little bit, because there are others who have issues that need to be dealt with, at least talked about.

You know, the current Secretary of the Treasury, Tim Geithner, I guess he had some issues that he had with taxes too. His were very confusing to me, because the other day, I couldn't find the

board tonight, but we had a picture of a letter that a company sent, a fairly sizable check around \$30,000-plus that was sent to Mr. Geithner, telling him here was his money he was supposed to pay his taxes with, and he was signing, by the obligation of this form, he was obligating himself to pay his Social Security and Medicare taxes.

□ 1915

And that he, by the signing of this document said, "I sure will. I promise you. I give you my word, that I will pay these taxes." And then, whoops, he just kind of let it slip his mind for about 4 years. And, in fact, it had completely slipped his mind until he became the subject of discussion in the United States Senate about whether or not he had a clear conscience to serve as the Treasury Secretary of the United States. At that point in time, he realized that, "Uh-oh, I believe I forgot something. I believe I forgot to pay my taxes for 2001 and 2002 and 2003 and 2004 and maybe some more." And so he rushed in and he paid those taxes.

Now, he didn't pay them all because he was slick enough or smart enough or maybe good lawyer, if he's lawyer, enough to know that the statute of limitations had run on 2 years of these taxes he was supposed to pay. And so I think he relied upon that statute to prevent him from having to pay that amount of money. But he, like Chairman RANGEL, he did some hustling and some catching up, and he caught up and he paid his taxes.

Now, you know, it's real upsetting to the IRS when people don't pay their income taxes. They get real upset about it. But my experience of being a lawyer and a judge for, well, going on 30-something years is that they get particularly irritated when you don't pay the Social Security and Medicare taxes you're required to pay, because they kind of feel like that's a whole lot bigger crime than slipping up and miscalculating on your income tax.

And they get downright serious about that. I've seen them padlock people's businesses over failing to pay those taxes. I have a good friend that used to run a place called Big G's in Round Rock, and he got padlocked all the time back in the '70s when I represented him. And he always got slapped with heavy penalties and heavy interest.

But Mr. Geithner, Secretary Geithner, he finally paid some of those taxes, and he paid some taxes, some interest. But once again, just like Chairman RANGEL, he wasn't assessed any penalties for intentionally not paying his taxes. And I say "intentionally" only by the state of the evidence that has been presented and the fact that he signed a document addressed to the IRS in which he pledged to them that he knew that the check they had sent him was for taxes and he knew he was obligated to pay those things.

So, with that sworn statement, I think it's pretty fair to say he intentionally didn't pay his taxes. Now, you know, he may have had just a temporary lapse of memory, but let's hope not, because we really don't want to think that the man that's in charge of the monetary system of the United States has that kind of temporary lapses of memory. I mean, we, as American citizens, certainly don't look for that quality in a Treasurer. And so I think we ought to be concerned about that.

So I guess what I'm starting off to say here is that I don't want Mr. RANGEL to think that I'm just mistreating him by himself, because I really don't intend to do that. I really think it's time for us to look at all these issues that are ethical issues that seem to have come up in the majority since the Democrats have been in charge of this Congress.

And, you know, it's kind of funny. I think it's really amazing. There are polls that show that the American people really think that the Democrats have only been in charge of this Congress since President Obama got in office. But, I mean, that's a mistake. This is actually the third year that the Democrats have been in charge of this Congress. So those things that everybody talked about last year that they thought the Congress did very poorly, and many seem to point the fingers at the Republicans, at that time the Republicans were not in charge of this Congress. This was the Democrats' Congress. They are in charge of it. They decide what comes to the floor and what doesn't come to the floor. They set the policies of this Congress at this time, and they have for the last almost 3 years.

So back when the Republicans were in charge, they talked about a culture of corruption. I'm not talking about a culture of corruption yet, but I am talking about certainly some lapses in ethical behavior on behalf of our colleagues.

And as our President, who, by the way, made a very nice speech last night, and many of us were very taken back by his speech—and we all recognize his very good talent at speaking to the American public. President Obama is a very skilled speaker. And I sat right there in that chair right there, and I listened to the whole thing, and I was impressed.

But he's had a little problem with some of his people that he's gotten to go to work for him. Besides the ones that we just talked about—and Secretary Geithner got away with what he had to do. I guess if we're going to have the "Rangel Rule," we might have the "Geithner Getaway," because he certainly got away with not paying his taxes for a period of time.

But, you know, Secretary of State, who was a candidate for the President

of the United States, Hillary Clinton, she also had some issues that people got concerned about and probably should be. Her husband's foundation, President Clinton's foundation, received over \$500,000 in donations from foreign governments and foreign nationals, and we've asked President Clinton's wife, Secretary Hillary Clinton, to be our representative to those foreign nations. There are strict guidelines about accepting donations like this, but it seems that those restrictions didn't seem to apply to her.

Of course, she's been confirmed and she does represent us with all foreign countries and all the foreign representation in the world. She is our agent. She speaks for us. The question we have is, is it ethical to take donations from foreigners and then serve this Nation as our representative with foreign nations? Is that the right kind of behavior? Is that the ethics that this House ought to be standing up for and the Senate ought to be standing up for? Could there be a conflict of interest here that we really should have discussed? Because she's negotiating with nations, many of whom have contributed to a foundation which furthers issues that are important to Bill and Hillary Clinton.

So, you know, she's there, and I'm sure that she's going to do a good job. I certainly hope so. But I think we at least ought to ask these ethical questions about Secretary Clinton.

Governor Richardson from New Mexico was another one that the President of the United States thought would be an outstanding Cabinet member. He was man enough to actually pull his name down because there were being issues raised in New Mexico about payments of pay-for-play schemes with companies that were involved with the State of New Mexico. And rather than bring this ethical lapse to the forefront, he thought it was better if he just stayed in New Mexico and dealt with his issues there, rather than having to bring them up here to Washington. That's good. It's a good thing. It looks like, after two or three tries, we're finally going to hopefully get a Commerce Secretary here.

So the whole point of being here tonight is to point out that you're not hearing a lot about it but there are an awful lot of ethical lapses of judgment that are going on in the Congress these days. And they seem to be all coming from the ruling majority.

I see that I have a friend here that has joined me. He's always a good friend, and he always comes to my aid when I'm standing alone, and that's my good friend and classmate, Dr. BURGESS from Texas.

Dr. BURGESS, I'd like you to join me and give us your ideas on some of the subjects we're talking about and any other subjects you want to talk about. I'll yield you such time as you may choose to consume.

Mr. BURGESS. I thank the gentleman for yielding. And as always, it's a pleasure to join him on the floor of the House. He has such good ideas.

And, certainly, the concepts talked about tonight are something that have perplexed me, perhaps not the individuals involved, but the concepts involved have perplexed me for years, because our Tax Code is complicated. It turns out it's so complicated the chairman of the Ways and Means Committee, the committee that's charged with writing our tax laws in this country, they've written laws that are so complicated they can't understand them and they cannot follow their own law.

Now, the judge very kindly has introduced legislation that if we're going to grant dispensation to the chairman of the Committee on Ways and Means, perhaps we ought to grant that same dispensation to others who are at a less high station in life and perhaps find themselves just as unfortunate when trying to deal with our very complicated Tax Code.

The fact is, Madam Speaker, the Tax Code does not need to be so complicated. There are great ideas out there for simplifying the Tax Code. The good news is that 80 percent of the people in this country think that Congress ought to do something. They don't identify whether they think the Republicans ought to do something or the Democrats ought to do something, but Congress ought to do something about the complicated Tax Code that people have to follow.

We've got the chairman of the Ways and Means charged with writing the tax law, cannot follow the tax law because it is too complicated. We've got perhaps the smartest financial mind in the world, the man that was chosen as the President's Secretary of the Treasury, who has been charged with dealing with this very harsh financial environment in which we find ourselves, who, in spite of that high station in life and in spite of that keen, incisive intellect that is going to allow him to chart that course through these very turbulent economic waters, can't fill out his income tax, even when aided by TurboTax.

But I'm all about solutions, and I'm here to offer the solution that is going to uncomplicate the lives of these two very powerful and important public figures, public figures that we know we need to get us through these turbulent economic times.

Madam Speaker, I spent my life in health care. And we were deprived of one of the bright lights in health care, a former Senator, Tom Daschle, who had to withdraw his name from consideration because of difficulties with reporting taxes. And, quite honestly, it is difficult to know you have a car and driver that someone gives you, is that something you have to report as income?

We could simplify this process and eliminate these problems that would allow us many more great public servants to be able to come to the fore and help us with these vexing problems, economic turbulence and the difficulty with our health care system.

Now, I was a doctor back in Texas for over 25 years. You know, the old saying goes, "There's nothing as certain as death and taxes." But I will tell you that sometimes the taxes seem a lot more complicated than death. The Tax Code was created in this very body some 96 years ago, back in 1913. And it has grown from—you know, we talk about the length of bills today. In fact, we had one on the floor that stretched up halfway to the ceiling. But the initial Tax Code was 400 pages. Now the Tax Code stands at well over 67,000 pages, and the complexities are well-known. But they don't need to be there.

Part of the problem is, over the 96 years since the Tax Code was introduced, men and women on both sides of the aisle who were well-meaning have attempted just a little bit of social engineering into the Tax Code, and the result is this very complicated, complicated 67,000-page structure that we have in front of us today.

And it's creating problems for those of us who want to be in compliance with the law. We're desperate to be in compliance with the law. And every single American simply trying to comply with the law and fill out their taxes by April 15th is supposed to be familiar with all of those 67,000 pages of the tax rules.

□ 1930

Again, you consider a man as brilliant as the Secretary of the Treasury, Timothy Geithner. He couldn't understand and had difficulty filing his taxes. Well, you've got to wonder does your own tax attorney understand everything that's in those 67,000 pages, because when it comes to the Tax Code, ignorance of the law is no excuse. So we must fix the Tax Code.

Americans don't always see eye to eye on every issue. In fact, you saw evidence of that here last night, but again, 80 percent of the American people, according to American Solutions, think that the system of the way we go about filing and collecting our taxes needs major change. Everyone knows the problems. Every year, Americans waste billions of hours and billions of dollars complying with the complex Tax Code. In 2005, the average taxpayer paid almost \$2,000 in household compliance costs. That means, you know, you've got to work several days a week just to pay the cost of paying someone to fill out your taxes because you don't want to make a mistake because things could go very badly for you. You might lose an opportunity to serve your government at the very highest level if you don't do this correctly.

I brought a little poster to share with the Congress. Again, I'm doing this in the spirit of generosity in offering a possible solution. I realize there are other solutions out there, and by no means do I intend to disparage other solutions that people are willing to talk about, but this is just one idea that's out there.

It was developed by my predecessor, Congressman Armeley, when he was in the House of Representatives here for many, many years. He wrote a book called the Flat Tax, and I remember buying the book in 1995. I believed in the book. I thought, certainly, by 1996 or 1997 that Majority Leader Armeley would have had that enacted into law. We sit here now over a decade later. It's time. It's time for just this type of change. Let's go through it. It's so simple, Madam Speaker.

It's just a little bit of personal information: Name and Social Security number; a spouse, if you have one, and the Social Security number; you write down your income, your personal exemptions; you add a couple of lines; you calculate the tax; you multiply it by the taxable income calculation—17 percent in this legislation that I introduced last week that, interestingly enough, is called H.R. 1040. It makes it easy to remember.

So, if you're following along at home and are wondering what is this panacea for our tax problems, H.R. 1040: calculate your taxes; calculate the refund; send it in. What did it take? All of 30 minutes—30 seconds. I beg your pardon. We have trouble with zeros here in this Congress. It takes all of 30 seconds, and you're done.

You don't have to keep that shoe box full of receipts. You don't need to go online and download a program that you don't understand. You don't need to have the concern that you filed a tax return that is in error and that you're going to be held accountable for that. No more expensive tax attorney bills. The hours of stressful research into preparing your taxes, think of what Americans could do with those hours if they were no longer bound to their desks in their houses, really, literally between now and April 15. There's no telling how many nice spring weekends are going to be spent sifting through that shoe box full of receipts. No more of Congress' picking one special interest group over another to reward in the Tax Code, and no more potential leaders of the free world who'll be having to pull their names out of contention because they can't comply with a very complicated Tax Code.

So, again, I come here tonight in the spirit of goodwill, in the spirit of offering solutions. We should be about solutions.

One of the things on the bill that I introduced, H.R. 1040, is a flat tax, but I'll have to say that Congress doesn't

always know best, and I trust the American people to know best in their situations. If a family has constructed its finances around the IRS code, it would be wrong for Congress to simply come in and change all the rules of the game all at once. So this tax would be optional. People would have a period of time when they could opt into a flat tax. If they'd constructed their family's finances around the complicated Tax Code and they wanted to continue to file under the Tax Code, they could do so, but boy, if they're ready to kick that shoe box of receipts over into next week and take that weekend off that they were going to spend doing their taxes, that would be their choice. We should give Americans the power to choose, the power to make that choice as to whether or not they would like to opt into a fair or flatter tax.

A flat tax would be much less costly. Taxpayers could save \$100 billion a year just on the cost of compliance. The result in increased personal savings would be a stimulus package that could have an immediate effect on the American economy.

Well, Madam Speaker, we live in a very political time, and this concept that I'm offering tonight is done in the spirit of offering solutions, in the spirit of cooperation to Members on both sides. I encourage people to look at H.R. 1040. Give me your ideas. Certainly, the bill has been introduced. Cosponsors are on the bill even as we speak, so there is an opportunity for other Members of Congress to cosponsor this legislation.

Again, you think of the difficulties the judge has already pointed out. He has had to introduce a bill called the Rangel Rule so the poor, little guy in his district who gets caught in the tax trap can at least have the same consideration in the tax courts that we gave to the chairman of the Ways and Means Committee.

We've got the Geithner getaway. We've had the Daschle dodge. All of these issues could have been avoided if we would have simplified the Tax Code. It is within our power to do it. The American people are looking to us for solutions. They're not looking for partisan rhetoric. They're not looking for one side to gain an advantage over the other. They want us to work together on big issues like this. Eighty percent of the American people feel that the simplification of the Tax Code is something that is well-nigh due for the American landscape—filling out your taxes on a postcard, making it simple, giving that time back to your families. Yes, people need money nowadays, and the economy is rough, but boy, if you can give people back time, that is extremely, extremely significant. So we're going to give back money and time with a simplified tax form.

Madam Speaker, I am so grateful to my friend from Texas for yielding me

time to talk on this very timely and important subject. We're just a few weeks away from the tax filing deadline, and many of us are going to lie awake at night and are going to wonder: By golly, am I going to have to file for the Rangel Rule because I made a mistake on my taxes, and now someone may be coming after me?

Fortunately, they've got Judge CARTER looking after them, and the gentleman from Texas has introduced his very forthright legislation, so we're trying to protect you on both sides. Maybe this is a preventative medicine flax tax where you won't even have the problem, but the judge has the remedy if you've gotten into difficulty with the Rangel Rule and with the Geithner get-away.

I appreciate the judge's holding this hour tonight.

Mr. CARTER. Reclaiming my time for questions to my colleague.

First off, I'm very aware that my colleague has been a strong proponent of the flat tax as we've been here in Congress, and I appreciate his coming up again and giving us his special message about what he sees as a solution to this problem. If I could ask you a question, Dr. BURGESS:

On the issue of Senator Daschle, who took about \$180,000 worth of car rides or something, would this form solve that problem? Would that still be income to Mr. Daschle under the flat tax?

Mr. BURGESS. You know, Judge, you've asked a very good question. My understanding is it would not. We would simplify his life by his not having to keep up and keep tally. Everything that was offered as part of his compensation package would be considered under the 17 percent flat tax.

Mr. CARTER. That's the answer. I was wondering about that because it sure would have helped Senator Daschle in his quest to serve at the cabinet level of this administration if he hadn't had to claim those things, but of course, I guess we know under the present Tax Code—and most everybody knows—that if somebody spends money on your behalf, you gain benefit from spending money on your behalf.

I mean most all of us around here have to catch a cab every now and then. Shoot, it doesn't take any time at all before you run up a \$15 or \$20 cab fare. So I guess, in having a car drive you all over town for several years, you ought to kind of in the back of your mind figure that somebody's paying for this, and it's certainly not you, and they're doing it on your behalf, and you're getting the use of it, so maybe you ought to at least think about the fact that it ought to be income to you in some form or fashion.

It certainly was a benefit. I think that maybe Senator Daschle ought to be jumping up and down to be promoting the flat tax over with our col-

leagues on the other side of the aisle so he can, maybe, stay out of this kind of trouble the next time he comes along and somebody wants to make him one of the Secretaries of our administration.

I guess Mr. Richardson could have some benefit from the flat tax, and Mr. Geithner might even have some benefit from the flat tax. In fact, you've come up with a solution, and I want to thank you for coming up with solutions. Now, I have some friends who would argue that the fair tax also would be a solution, but we won't go into that today.

Mr. BURGESS. If the gentleman would yield, that is a fair observation. Again, by coming here tonight and talking about something that has been important to me for well over a decade, by no means do I mean to say that this is the only concept that's out there. There are other people who have good concepts. We ought to have the debate as a body and take good ideas from all within the body and come up with the answers to the tough questions. This is what the American people sent us here to do. If we can find a better way, if we can deliver time and money to the American people, then we should do so.

Mr. CARTER. Reclaiming my time, Dr. BURGESS, in a sense of fairness to our colleagues, I've come up with the Rangel Rule.

Do you think that I should seek to amend the legislation to expand the definition or the title of this rule where it's not just all on poor Chairman RANGEL's back? Maybe we could call it the Rangel/Geithner/Daschle/Who is Next Rule on paying taxes.

Mr. BURGESS. Well, if the gentleman would yield, he has posed a question that is technically very complex, and as just a simple country doctor, I'm probably not qualified to render an opinion on the title of his legislation.

Mr. CARTER. Truly, it's not a good night to go into the complexities because I think everybody knows it's pretty simple, that if you have to pay penalties and interest when you fail or if you just make a mistake on your income tax—and my colleagues who sit around this House would be in that same boat, I assume, because they're not the chairman of the Ways and Means Committee—then maybe the chairman of the Ways and Means Committee ought to pay those penalties and interest, too. If he doesn't, then maybe none of us should.

That's the whole idea behind the Rangel Rule. It's a simple rule. Just write at the bottom of your tax form "wish to exercise the Rangel Rule," and all penalties and interest would be excused. What a joy that would be for so many taxpayers in the United States. It would be a bipartisan effort because it wouldn't just be for Republicans or Democrats or even Independents. It would be for everybody.

Mr. BURGESS. If the gentleman would yield, I love the spirit of forgiveness that he has embodied within this legislation.

Again, my purpose in being here tonight was to offer a possible solution. I think Members of Congress should be about solutions. The American people want to see us be about solutions. This is one that is widely embraced and polls very well, but I would yield the floor back to the judge, and would certainly, again, thank him for his forthrightness and for his leadership in holding this special hour tonight.

Mr. CARTER. Well, I appreciate your coming back up here and telling us about the flat tax. I think the flat tax is a concept that all Americans, no matter what party they're a part of, should at least have the patience to take a look at. The flat tax is for the simplification of the public's life because, really and truly, we spend over-time around this place complicating Americans' lives. I believe they would be blessed to no end if we would just spend a little time de-complicating their lives.

This last week, in fact, I got off the phone tonight. A fellow asked me about that stimulus package. He said he watched JOHN BOEHNER drop that thing on the floor here and scare everybody in the room. He wanted to know was that really the stimulus package or was that just something he dropped to get people's attention. I said, "No, that was it," and that was very complicated.

I think, honestly, everybody would say that, in the 12 hours that that stimulus package was available to Republicans and to many Democrats, nobody, even the best speed reader wasn't able to read that almost 1,100 pages and decipher what it meant. Unfortunately, I happen to be a fellow who has had to deal with deciphering what the law means for a long time.

□ 1945

And some of the Federal laws are written in such a way that, you know what? It takes an act of Congress to figure them out, as we say back down in Texas, because they are very complicated, and we complicate people's lives. So the flat tax may be an idea whose time has come that we won't complicate people's lives.

The purpose of talking about all of these issues that concern the ethical behavior of this House is because it has been the subject of the 30-Something Group which preceded me here for at least 4 years that I know of. I have sat in the chair where the Speaker is sitting right now and heard the 30-Something Group accuse people in this House of corruption. I haven't accused anyone of corruption because I think, actually, that's beyond the pale of what Members of Congress should do.

I just said that there is ethical lapses that have to be discussed, and if they

turn out to be more than that, that's for someone other than me to discuss. That's for someone like the Ethics Committee or the Justice Department to deal with, but not for me to deal with.

I'm certainly not accusing anyone of corruption here tonight. But I am very concerned that we put sunlight on the types of behaviors where Members of Congress have failed to do the responsibilities that we tell the American citizens is their responsibility as a citizen—that is, pay their taxes and pay them on time. And yet they don't suffer the penalties that the average taxpayer suffers for failing to do that. That's the purpose of me being here today.

I'm really pleased to see my friend from California (Mr. DREIER) here. I hope he will talk to you and share some of his wisdom on the issues of ethics.

I know you served in this House for many, many years, and you've dealt with these issues over and over. And I'd like to yield you what time you'd like to use here.

Mr. DREIER. Mr. Speaker, I thank my very good friend and colleague.

I've heard two Texans up here talking about not only the issue of ethics but also tax reform. And I'd like to take a few minutes to talk about a proposal that I put forward that I believe will go a long way towards dealing with a lack of compliance, which is an issue that we are regularly addressing, and something that there has been very little talk about, and that is the issue of economic growth.

We've talked about saving our economy. We've talked about working towards recovery. But it seems to me, Mr. Speaker, one of the important things that we need to focus on is economic growth itself. And, frankly, if we had a tax code that is like the one that my friend, Mr. BURGESS, was just talking about a little earlier, I think that many of the problems that we have with people who have not complied with the Tax Code would, in fact, be diminished.

As my friend said, he's not accusing anyone of ethical violations as he's standing here, but we do know this: with a tax code that is as voluminous as it is, it encourages a lot of the behavior that we have. And I think what we need to do is simplify it.

On the opening day of this Congress, I was privileged to introduce, as I did in the last Congress, what I call the Fair and Simple Tax Plan, F-A-S-T, which is FAST. And I think there is so much common sense to this. And I know that, having two very distinguished gentlemen from Texas, common sense is in great abundance in Texas. And I will admit it is, on occasion, lacking in my State of California. But remember, we've got common sense in California, but we have, on oc-

casional, not enough common sense. But it seems to be very abundant in Texas, and even in North Carolina. I see my colleague from North Carolina here, and I think it's abundant there.

But I do believe, Mr. Speaker, that as we look at a commonsense approach to deal with the issue of economic growth—which, again, should be a very important driving factor for us here because we're not simply talking about stemming the downturn, we're not talking about, you know, our attempt to recover. We need to have policies that create bold, robust economic growth, and we can do that.

So let me take a moment, if I might, Mr. Speaker, and talk about the Fair and Simple Tax Plan.

What it consists of is taking the six rates that we have today and it cuts that in half down to three rates. The first rate, which is the income on the first \$40,000, would be a flat 10-percent rate. Then, for income between \$40,000 and \$150,000, the rate would be 15 percent. And the flat rate for income above \$150,000 would be a 30-percent rate.

Now, I know a lot of people say, "Why don't we just do a clean, simple flat tax and have that be it?" Well, there are a number of things and challenges around here, a number of areas that are really sacrosanct.

People always talk about the need to deduct the interest on their home mortgage, right? When we talk about a flat tax, the red flag seems to go up and they say, "What about the deductibility of interest on home mortgages?" Well, under the Fair and Simple Tax Plan—which, again, was introduced on the opening day—we maintained the opportunity for people on a single-page form to deduct the interest on their home mortgages.

And what else is very important and sacrosanct to people, and that is to be able to make charitable contributions. So we maintained the deductibility of charitable contributions.

And one of the things that President Obama spoke here in this Chamber about last night was the issue of health care and the challenge that exists there. We all know that we need to take action. So the Fair and Simple Tax Plan includes a \$15,000 exclusion so that people can purchase either direct health care or they can purchase insurance. And, again, it incentivizes them to do that.

Then it deals with issues that have been heavily debated here. One of the things that people are concerned about regularly are jobs leaving the United States and going overseas. Our constituents talk about that with regularity.

A lot of people make what I believe is a misplaced claim that somehow embarking on trade agreements, which simply open up new markets, that causes the flow of jobs out of the

United States into other countries. Well, the fact is it's not trade agreements, Mr. Speaker, that do that. What it is is it's the fact that the United States of America has a tax, a tax on businesses, the job creators in this country, that is second only to Japan. And under the Fair and Simple Tax Plan, we slash that tax from 35 percent to 25 percent. Again, as you talk to those job creators out there, that would go a long way towards encouraging economic growth.

And then the capital gains rate. Well, people say, "What capital gains do we have today with this market downturn?" We need to look long-term. We need to look at what we want. And we want greater economic growth and to reduce that top rate on capital gains from 20 percent to 15 percent rather than increasing it, as I believe action that would go a long way towards encouraging economic growth and it would help us deal with the flow of revenues that we will need for much of the spending that is taking place.

And we all acknowledge, well, the stimulus package went way, way, way overboard with \$800 billion and a thousand pages. We were passing that thing around as we were debating it the other day, those of us who could catch it and could throw it with 1,100 pages.

The fact is we all recognize that infrastructure spending is essential, very, very important for the goods' movement and other things here. But we could do that for significantly less than the \$800 billion that is in this so-called stimulus bill.

So we need revenue to be generated, and I believe that slashing the top rate on capital gains, taking that rate on job creators, on businesses, from 35 to 25 percent, would go a long way towards creating economic growth, which, therefore, would create the flow of revenues that we need to meet a lot of these essential items that are out there.

Mr. Speaker, the other thing that it does is that it completely eliminates the inheritance tax, the death tax, throws it out the window. We all know that for people who have to go to a funeral home and then deal with the Internal Revenue Service within a matter of days is a challenge. I have had to go through this. It's very painful. That tax is very, very punitive. It's forced people to have to sell businesses and others just to meet that tax obligation that is there.

Right now that tax rate has been 45 percent, and it had been 55 percent. And I believe that if we could completely eliminate that, that would, again, create a tremendous opportunity for growth to take place. A lot of small businesses would be saved.

And all of this is done within the context of a single-page form, throwing the complex code that we have out, and the taxpayers would have the option of

going to this Fair and Simple Tax Plan.

I think that that's the kind of creative proposal that we need to take on to deal with the challenge of economic growth, which I think should be priority number one as we seek to deal with the economic downturn that we have.

I also want to say that on the overall issue of ethics, I'm very proud—there are a lot of people who have said on this issue that when we Republicans were in charge, we did next to nothing on it. Well, as my friend knows very well, when Republicans were last in charge, we put into place very, very strong—a very strong ethics reform package.

We dealt with a lot of these issues, and it hasn't gotten the kind of attention that I believe we need to get. Why? Because people have constantly engaged in attacking Republicans. And, obviously, there has been corruption on both sides of the aisle. A very, very bipartisan thing, tragically, has been that corruption has existed on both sides of the aisle.

But I do want to make sure that the record is clear that we, when we were in the majority, spent an awful lot of time addressing that issue, and we put into place with some bipartisan support, I think, very good ethics reform.

But especially at this time—and my friend is absolutely right. We need to make sure that a good example is set for the American people because we are going through a tough time. The President made it so clear. His opening remarks last night were so on target, about the fact that people have sleepless nights, the fact that people are anguishing over this. This notion of a high school student opening that envelope and having to put that acceptance letter back into the envelope, as the President said so well here last night, is the kind of story we hear with great regularity.

And I, the other day here on the floor, shared an even greater tragedy. A very good friend of mine told me that his 14-year-old son's best friend's father had just committed suicide because of the serious economic downturn that we have faced. And I've talked to a number of people, and the suicide rate has continued to climb as it relates to the economic challenges that we have.

That's why I continue to believe that even though we've passed this so-called economic stimulus package—which, from my perspective, I hope and pray, we all hope and pray, that it brings us out of the downturn that we're going through right now. But, frankly, if one looks at history, it is proved to have failed.

Now, in special orders, a number of us have been regularly quoting Secretary Morgenthau. Henry Morgenthau was the Treasury Secretary under

Franklin Delano Roosevelt. And in 1939, Secretary Morgenthau was testifying before the House Ways and Means Committee. And in his testimony before the House Ways and Means Committee, he said the following—now, remember, this is Franklin Delano Roosevelt's Treasury Secretary. I've read the card so many times, I've got it now committed to memory.

He said, "We have tried spending money." Again, this is testimony before the Ways and Means Committee. "We have tried spending money. We have spent more money than we have ever spent before. Now, after 8 years of this," the Roosevelt administration, "we have an unemployment rate that is just as high today as it was when we started, and we have an enormous debt to boot." That's what the Secretary of the Treasury of Franklin Delano Roosevelt said in testimony in 1939 before the House Ways and Means Committee.

I got to thinking about this the other day, and I believe that we should look to another Democratic President as our model for economic growth, that being John F. Kennedy. So, over the weekend, I started reading up about Douglas Dillon, who was the Treasury Secretary under John F. Kennedy. He put into place bold, robust, dynamic economic growth policies through tax cuts that took the top rate from 90 to 70 percent and had a capital gains reduction. And it unleashed tremendous growth, a surge in the flow of revenues in the Federal Treasury.

Similarly, I was very honored to be elected to this Congress, as my friend said correctly, a long, long time ago. 1980 is when I was privileged to be elected, the same day that Ronald Reagan was elected to be President. And Ronald Reagan inherited a tremendous—a very, very difficult economic time. The unemployment rate was very, very high. Interest rates were approaching 20 percent. We had inflation very high. It was a very, very, very challenging time economically for our country.

And what was it that was put into place, I should say not just a few weeks after he became President, as has been the case here, but after 6 months of going through a very deliberative process? We put into place in May of 1981 what was known as the Gramm-Latta budget package that reduced the rate of spending by the Federal Government by 17 percent. And in August of 1981, we put into place the Conable-Hance tax package, which reduced marginal rates and doubled the flow of revenues to the Federal Treasury through the decade of the 1980s.

□ 2000

Yes, there was a great deal of spending—a lot of spending on defense, a lot of other spending that took place from this Congress—but we still saw that surge in the flow of revenues to the Federal Treasury.

So we have the ideological bags of the past. Secretary Morgenthau referred to the fact that they spent more money than they ever spent before, and yet they had an unemployment rate that was as high as when they started. And we had John F. Kennedy and Ronald Reagan, who has these bold, dynamic, robust marginal rate reduction packages that created a surge and flow of revenues to the Treasury by reducing marginal tax rates. That's what we should be doing today. And I think that using things like our fair and simple tax plan as a model for that would help us deal with the challenges that we have.

I thank my friend for the hard work that he has put in on a wide range of projects. I'm pleased to sit with him in the leadership of this great institution. We meet regularly and sit next to each other in those meetings, and he always has a very, very insightful and thoughtful proposal on a regular basis. And I believe that it really stems from what I began talking about, and that is that Texas common sense. So I thank my friend for yielding.

Mr. CARTER. And I thank you for your comments, my friend from California. Mr. DREIER, as we have well seen, is very knowledgeable in the concepts of this House and how it operates, and the history of this House and what the history tells us.

I want to thank both my colleagues for coming out here today. And, quite frankly, we have been asked by and challenged by the administration to put forth ideas. I would hope that the White House is monitoring what was said by both of my colleagues here tonight as some ideas that ought to be looked at and considered. We really do want to work with the administration and share ideas. And we would really like to have a world where nothing is off base, because obviously the two parties disagree on a lot of policy, but a free flow of information and ideas is what the American people expect us to do. And I think we heard two gentlemen tonight who put forth different, but similar, ideas as to how to simplify our lives and how to turn things around.

To me, bipartisan is not, "here's our bill, if you vote for it, we're bipartisan." Bipartisan is, we sit down and we discuss the issues, sometimes one at a time. And when we conclude, we hear both sides, and then people are willing to give and take to make it work.

You know, if the President of the United States told us when he was elected that he was vehemently opposed to earmarks, that he was going to do everything he could to get rid of earmarks, and if he finds spending in a bill that everyone would acknowledge is an earmark and he chooses to veto that bill because it goes against what he told the American people his principles were and the Republicans help

support that veto because they agree with the principles that he put forward, that is certainly bipartisanship—and that opportunity may actually arise over the Omnibus bill that we passed today with the 9,000 some odd earmarks that are contained therein. So that's bipartisanship. Listening to what Mr. DREIER and Mr. BURGESS have to say and not dismissing it out of hand, that's bipartisanship.

And so, that's kind of an aside from what I'm here to talk about tonight. But I'm really grateful for my colleagues to come in here and put these ideas out on the table because I think they're good ideas. And I don't necessarily agree completely with every one of them, but I'm certainly willing to listen. And I think our President has told us he is willing to listen. And I take him at his word. I think he is, and I hope he will. And I feel good about it; I think he will.

Now, I've talked about ethical issues tonight, I'm going to talk about them some more because there's a lot more that we can talk about. And they are issues that are important. And I'm trying to be friendly about it, but make no mistake, I have spent 26 years of my life making sure that the laws of my State are abided by. And people who violate those laws, after all of their rights are protected under the Constitution, if they are convicted of doing something wrong, I honestly believe they should be punished. And I've been involved in that also.

So, although I try to be friendly about this discussion—and I will continue to try to be friendly because the American people are tired of mean spiritedness—I want everyone to understand that, from my personal belief, everyone is entitled to their day in court, everyone is entitled to be presumed innocent. I'm not making accusations that you should consider convictions. But should there be a conviction, I believe that this body is not above the law, and we should keep it that way. And I will pledge myself to do so. And I think every Member of this body would feel the same way. And that's why these little ethical slips give the impression that somebody might be above the law.

We are a nation of laws, we are not a nation of men. And being a nation of laws, we expect everyone, no matter what their status, to abide by those laws. This body is a body of rules, and we expect Members of this body to abide by those rules; and the failure to abide has consequences.

So even though I'm trying to be as friendly as I can on these issues, I want everybody to understand that those are principles that this country stands on and that this body stands on, and I intend to make sure that those principles stand firm. I think my colleagues across the board, both sides of the aisle, in their heart of hearts will agree

with me. And I think it was a right policy when a Member, even though a close, personal friend of mine, was accused of something, that under our rules he had to step down until his issues were resolved. And I think it's unfortunate that the Democrats, under their rules, don't take the same position; that if a serious accusation of misbehavior or breaking the law is raised against a Member in the form of an indictment, that that person has to step down from positions of leadership. Both sides should have the same rules. Unfortunately, we don't have it that way.

Still, I defend every person's right to be presumed innocent until proven guilty beyond a reasonable doubt. And I will stand for any Member of this House, no matter what his party affiliation, to preserve that right on his behalf because I have preserved that right on behalf of thousands of people who were convicted by a jury of their peers of heinous crimes, and yet that was a right guaranteed by our Constitution. It's a right guaranteed to our Members. So make no mistake, I make no accusations of guilt because that's not appropriate under our system, but I do raise questions of ethical lapses, and I will continue to do so.

I thank the Speaker for allowing me to speak here tonight. I'm going to yield back my time now. And I want to thank my colleagues who joined me here tonight. And we will be doing some more of this, and I hope other colleagues will join us and give us their ideas.

RECESS

The SPEAKER pro tempore (Mr. HIMES). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2115

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PERLMUTTER) at 9 o'clock and 15 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-21) on the resolution (H. Res. 190) providing for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PERRIELLO (at the request of Mr. HOYER) for the week of February 23 on account of family illness.

Mr. KLINE of Minnesota (at the request of Mr. BOEHNER) for today after 3:30 p.m. and the balance of the week on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HARE) to revise and extend their remarks and include extraneous material:)

Mr. HARE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. KISSELL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 3 and 4.

Mr. JONES, for 5 minutes, March 3 and 4.

Mr. WOLF, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Ms. JENKINS, for 5 minutes, today.

Mr. BROWN of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

ADJOURNMENT

Mr. HASTINGS of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, February 26, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

661. A letter from the OSD Federal Register Liaison Officer, DoD, Department of Defense, transmitting the Department's final rule — Procedures and Support for Non-Federal Entities Authorized to Operate on Department of Defense (DoD) Installations [DoD-2006-OS-0041; 0790-AI35] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

662. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting a report of the Strategic Materials Protection Board meeting on December 12, 2008, pursuant to Public Law 109-364, section 843; to the Committee on Armed Services.

663. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No.: FEMA-8055] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

664. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No.: FEMA-B-1027] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

665. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

666. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Changes For Certain Disclosures — received February 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

667. A letter from the Director, Supplemental Food Programs Division, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Discretionary WIC Vendor Provisions in the Child Nutrition and WIC Reauthorization Act of 2004, Public Law 108-265 [FNS-2006-0035] (RIN: 0584-AD47) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

668. A letter from the President and CEO, Corporation for Public Broadcasting, transmitting the Corporation's annual report regarding the activities and expenditures of the independent production service, pursuant to 47 U.S.C. 396(k)(3)(B)(iii)(V); to the Committee on Energy and Commerce.

669. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 19-08 informing of an intent to sign a Memorandum of Understanding among the United States and the United Kingdom concerning Operations and Support of Advanced Extremely High Frequency Military Satellite Communications; to the Committee on Foreign Affairs.

670. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on gifts given in Fiscal Year 2008, pursuant to Public Law 95-105, section 515(b)(2); to the Committee on Foreign Affairs.

671. A letter from the Director of Legal Affairs and Policy, Office of the Federal Register, Administrative Committee of the Federal Register, transmitting the Committee's final rule — Availability and Official Status of the Compilation of Presidential Documents [A.G. Order No.: 3036-2009] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

672. A letter from the Acting, Senior Procurement Executive, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2007-013, Employment Eligibility Verification [FAC 2005-29, Amendment-2; FAR Case 2007-013; Docket 2008-0001; Sequence 3] (RIN: 9000-AK91) received February

10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

673. A letter from the Director, National Gallery of Art, transmitting the Gallery's report on public-private competitions in FY 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

674. A letter from the Acting Director, U.S. Trade and Development Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

675. A letter from the Acting Assistant Administrator of Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Annual Catch Limits; National Standard Guidelines [Docket No.: 070717348-81398-03] (RIN: 0648-AV60) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

676. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543 [Docket No.: 071106673-8011-02] (RIN: 0648-XM68) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

677. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska, Groundfish of the Gulf of Alaska [Docket No.: 080721859-81514-02] (RIN: 0648-AX01) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

678. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.: 071106671-8010-02] (RIN: 0648-XM77) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

679. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits; Correction [Docket No.: 080302360-7686-03] (RIN: 0648-AT91) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

680. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2009 Bering Sea Pollock Total Allowable Catch Amount; Correction [Docket No.: 071106673-8011-02] (RIN: 0648-XM47) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

681. A letter from the Acting Assistant Attorney General, Department of Justice,

transmitting a report prepared by the Office of Community Oriented Policing Services (COPS) containing information on every grant, cooperative agreement or programmatic services contract awarded during fiscal year 2008, pursuant to Public Law 107-273; to the Committee on the Judiciary.

682. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Federal Civil Penalties Inflation Adjustment Act — received February 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

683. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) [CMS-1561-IFC2] (RIN: 0938-AP59) received February 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

684. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Final Report to Congress on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration, Phase I and II," pursuant to Public Law 105-33, section 4207(e); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 190. Resolution providing for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability (Rept. 111-21). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAVIS of California (for herself, Mr. ROGERS of Michigan, Ms. MCCOLLUM, Mr. HINCHEY, and Ms. CORRINE BROWN of Florida):

H.R. 1165. A bill to develop capacity and infrastructure for mentoring programs; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H.R. 1166. A bill to amend title 18, United States Code, to provide for more effective enforcement of the Federal prohibition on the interstate shipment of stolen property, and for other purposes; to the Committee on the Judiciary.

By Mr. CARNAHAN (for himself and Mr. SCHOCK):

H.R. 1167. A bill to direct the Secretary of Transportation to conduct a program to demonstrate the use of asphalt produced with an asphalt binder made from biomass in highway construction projects; to the Committee on Transportation and Infrastructure.

By Mr. BOOZMAN:

H.R. 1168. A bill to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1169. A bill to amend title 38, United States Code, to increase the amount of assistance provided by the Secretary of Veterans Affairs to disabled veterans for specially adapted housing and automobiles and adapted equipment; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1170. A bill to amend chapter 21 of title 38, United States Code, to establish a grant program to encourage the development of new assistive technologies for specially adapted housing; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1171. A bill to amend title 38, United States Code, to reauthorize the Homeless Veterans Reintegration Program for fiscal years 2010 through 2014; to the Committee on Veterans' Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H.R. 1172. A bill to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a list of organizations that provide scholarships to veterans and their survivors; to the Committee on Veterans' Affairs.

By Mr. ELLSWORTH (for himself and Mr. JORDAN of Ohio):

H.R. 1173. A bill to amend title 18, United States Code, to combat, deter, and punish individuals and enterprises engaged nationally and internationally in organized crime involving theft and interstate fencing of stolen retail merchandise, and for other purposes; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. NORTON, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1174. A bill to establish the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSTER:

H.R. 1175. A bill to amend title 10, United States Code, to authorize taxpayers to designate a portion of their income tax payments to a National Military Family Relief Fund to be used by the Secretary of Defense to assist the families of members of the Armed Forces who are serving in, or have served in, Iraq or Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE of Minnesota (for himself, Mr. PRICE of Georgia, Mr. McKEON, Mr. LINDER, Mr. BROWN of South Carolina, Mr. BONNER, Mr. GOHMERT, Mr. WESTMORELAND, Mr. SESSIONS, Ms. FALLIN, Mr. HERGER, Mr. SHADEGG, Mr. BRADY of Texas, Mr. ALEXANDER, Mr. BURTON of Indi-

ana, Mr. ISSA, Mr. LAMBORN, Mr. WILSON of South Carolina, Mr. KING of Iowa, Mr. BISHOP of Utah, Mr. JORDAN of Ohio, Mrs. MYRICK, Mr. FLEMING, Mrs. BLACKBURN, Mr. CONAWAY, Mr. McHENRY, Mr. COLE, Mr. GOODLATTE, Mrs. BACHMANN, Mr. WAMP, Mr. BACHUS, Mr. NEUGEBAUER, Mr. ROONEY, Mr. HUNTER, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. LEE of New York, Mr. PITTS, Mr. BARTLETT, Mr. MCCAUL, Mr. BOEHNER, Mr. GINGREY of Georgia, Mr. PENCE, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mr. HARPER, Mr. KINGSTON, Mr. CRENSHAW, Mr. COBLE, Mr. HELLER, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. SIMPSON, Mr. SOUDER, Mr. SMITH of Nebraska, Mrs. SCHMIDT, Mr. AKIN, Mr. SULLIVAN, Mr. HENSARLING, Mr. CULBERSON, Mr. BOUSTANY, Mr. PUTNAM, Mr. MANZULLO, Mr. FLAKE, Mr. MACK, Mr. McCLINTOCK, Mrs. LUMMIS, Ms. FOX, Mr. SCALISE, Mr. OLSON, Mr. BARTON of Texas, Mr. COFFMAN of Colorado, Mr. INGLIS, Mr. FORBES, Mr. GARY G. MILLER of California, Mr. CASSIDY, Mr. BOOZMAN, Mrs. McMORRIS RODGERS, Mr. SCHOCK, Mr. CAMPBELL, Mr. CALVERT, Mr. LATTI, Ms. JENKINS, Mr. STEARNS, Mr. ROE of Tennessee, Mr. DANIEL E. LUNGREN of California, Mr. THOMPSON of Pennsylvania, Mr. CARTER, Mr. PAULSEN, Mr. POSEY, Mr. DEAL of Georgia, Mr. BUYER, Mr. THORNBERRY, Mr. LUCAS, Mr. TIBERI, Mr. SHUSTER, Mr. TIAHRT, Mr. UPTON, Mr. LATHAM, Mr. JONES, Mr. BILBRAY, and Mr. GARRETT of New Jersey):

H.R. 1176. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board; to the Committee on Education and Labor.

By Mr. MOORE of Kansas (for himself, Ms. JENKINS, Mr. TIAHRT, and Mr. MORAN of Kansas):

H.R. 1177. A bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army 5-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College; to the Committee on Financial Services.

By Mr. DENT (for himself, Mr. BARTLETT, Mr. ROGERS of Alabama, Mr. GERLACH, Mr. CUELLAR, Mr. HOLDEN, Mrs. BLACKBURN, Mr. DUNCAN, Mrs. EMERSON, and Mr. BRADY of Pennsylvania):

H.R. 1178. A bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. STUPAK, and Mr. HOLDEN):

H.R. 1179. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Energy and Commerce.

By Mr. NEUGEBAUER:

H.R. 1180. A bill to amend the Emergency Economic Stabilization Act of 2008 to prohibit the Secretary of the Treasury from receiving common stock or certain other voting stock under the Troubled Asset Relief Program, and for other purposes; to the Committee on Financial Services.

By Mr. ACKERMAN (for himself and Mr. CASTLE):

H.R. 1181. A bill to direct the Securities and Exchange Commission to establish both a process by which asset-backed instruments can be deemed eligible for NRSRO ratings and an initial list of such eligible asset-backed instruments; to the Committee on Financial Services.

By Mr. CARTER (for himself, Mr. BOEHNER, Mr. EDWARDS of Texas, Mr. ROGERS of Michigan, Mr. RODRIGUEZ, Mr. BOOZMAN, Mr. MCCAUL, Mr. HOLT, Mr. BLUNT, Mr. CUELLAR, Mr. SCALISE, Mr. DEAL of Georgia, Mr. DENT, Mrs. MYRICK, Mr. COBLE, and Ms. GRANGER):

H.R. 1182. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASSIDY:

H.R. 1183. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Ways and Means.

By Mr. CASSIDY:

H.R. 1184. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Ways and Means.

By Ms. CASTOR of Florida:

H.R. 1185. A bill to amend the Public Health Service Act to provide for a competitive loan repayment program for primary care physicians who commit to volunteering part-time at community health centers; to the Committee on Energy and Commerce.

By Mr. FORBES (for himself, Mr. CANTOR, and Mr. WOLF):

H.R. 1186. A bill to prohibit the use of funds to transfer individuals detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Virginia or to house such individuals at such facilities; to the Committee on Armed Services.

By Mr. FRELINGHUYSEN:

H.R. 1187. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON of Tennessee (for himself, Mr. SESSIONS, Mr. MCGOVERN, Mr. THOMPSON of California, Mr. GRAVES, Mr. WILSON of Ohio, Mr. LANGEVIN, Mr. HOLT, Mr. RYAN of Ohio, Mr. FRELINGHUYSEN, Mr. HINOJOSA, Mr. SCHIFF, Ms. DELAURIO, Mr. FARR, Mr. CHANDLER, Mr. LOBIONDO, Mr. MCCAUL, Mr. ROGERS of Michigan, Mrs. BLACKBURN, Mr. KLEIN of

Florida, Mr. DENT, Mr. KUCINICH, Mr. CARSON of Indiana, Mr. KENNEDY, Mr. BOUSTANY, Mr. SIREs, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. SEN-SENRENNER, Mr. MARCHANT, Mr. GERLACH, Mr. COURTNEY, Mr. SOUDER, Ms. ZOE LOFGREN of California, Mr. MASSA, Ms. MCCOLLUM, Mr. HARE, Ms. SCHWARTZ, Mr. BISHOP of New York, Mr. HINCHEY, Mr. BURGESS, Mrs. BACHMANN, Mr. LANCE, Mr. GENE GREEN of Texas, Mr. PRICE of North Carolina, Mr. PASCRELL, Mr. CASTLE, Mr. KILDEE, Mr. WILSON of South Carolina, Mr. WU, Mr. SMITH of New Jersey, and Mr. PLATTS):

H.R. 1188. A bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself and Mr. KENNEDY):

H.R. 1189. A bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to provide medical assistance for men and women screened and found to have colorectal cancer or colorectal polyps; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. ROSS, Mr. STUPAK, Mrs. EMERSON, Mr. DEFAZIO, and Mrs. LUMMIS):

H.R. 1190. A bill to promote the use of certain materials harvested from public lands in the production of renewable fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. MORAN of Virginia, Mr. DICKS, Mr. BLUMENAUER, and Mr. GENE GREEN of Texas):

H.R. 1191. A bill to amend the Controlled Substances Act to provide for disposal of controlled substances by ultimate users and care takers through State take-back disposal programs, to amend the Federal Food, Drug, and Cosmetic Act to prohibit recommendations on drug labels for disposal by flushing, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself and Mr. SALAZAR):

H.R. 1192. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. COURTNEY):

H.R. 1193. A bill to amend the Public Health Service Act with respect to eating

disorders, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. CANTOR, Mr. ROSKAM, Mr. LOBIONDO, Mr. GRIJALVA, Mr. PAUL, Mr. GUTIERREZ, Ms. SUTTON, Mr. YOUNG of Alaska, Mr. BISHOP of Georgia, Mr. MCGOVERN, Mr. HOLT, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. HONDA, Mr. HOEKSTRA, Mr. HINCHEY, Mr. SHERMAN, Mr. ROHRABACHER, Mr. CUMMINGS, Mr. SCHIFF, Mr. BISHOP of New York, Ms. SCHWARTZ, Mr. PAYNE, Mr. HINOJOSA, Mr. OBERSTAR, Ms. BALDWIN, Mrs. BONO MACK, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. DOYLE, Ms. NORTON, Mr. ANDREWS, Mr. EHLERS, Mr. BLUMENAUER, Mr. ROTHMAN of New Jersey, Mrs. LOWEY, Mr. PASCRELL, Mr. CARNAHAN, Mr. WILSON of South Carolina, Mr. GORDON of Tennessee, Mr. SHIMKUS, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. BOOZMAN, Mr. BACHUS, Mr. MCINTYRE, Mr. KENNEDY, Mr. FILNER, Mr. LATHAM, Mr. KING of New York, Mr. WEXLER, Mr. SPACE, Mr. CROWLEY, Mrs. MYRICK, and Mr. KIND):

H.R. 1194. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Ms. LEE of California, Mr. MASSA, and Mr. LUETKEMEYER):

H.R. 1195. A bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain; to the Committee on Financial Services.

By Ms. ZOE LOFGREN of California (for herself and Mr. WAMP):

H.R. 1196. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives; to the Committee on House Administration.

By Mr. MITCHELL (for himself, Mr. ROE of Tennessee, Mr. FILNER, Mr. GRIJALVA, Mr. HALL of New York, Ms. WATSON, Mr. MICHAUD, and Mrs. TAUSCHER):

H.R. 1197. A bill to assign a higher priority status for hospital care and medical services provided through the Department of Veterans Affairs to certain veterans who are recipients of the Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. MORAN of Virginia:

H.R. 1198. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. MYRICK (for herself and Mr. MCINTYRE):

H.R. 1199. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of im-

migration laws, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McDERMOTT (for himself, Mr. ENGEL, Mr. FARR, Mr. HINCHEY, Mr. KUCINICH, Mr. DICKS, Ms. LEE of California, and Mr. OLVER):

H.R. 1200. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 1201. A bill to increase the safety for crew and passengers on an aircraft providing emergency medical services; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN (for himself and Mr. ROYCE):

H.R. 1202. A bill to require a report on business and investment climates in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VAN HOLLEN (for himself, Mr. WOLF, Mr. CONNOLLY of Virginia, Mr. HOYER, Mr. GRIJALVA, Mr. HOLT, Mr. PLATTS, Mr. MORAN of Virginia, Mr. LYNCH, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, Mr. SARBANES, Mr. RUPPERSBERGER, Ms. NORTON, Mr. YARMUTH, and Mr. DAVIS of Illinois):

H.R. 1203. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Ways and Means, and in addition to the Committees on Oversight and Government Reform, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. ADERHOLT, Ms. BALDWIN, Mr. BARTLETT, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BOUSTANY, Ms. CLARKE, Mr. COBLE, Mr. CONYERS, Mr. COURTNEY, Mr. CUMMINGS, Mr. FARR, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLDEN, Mr. JONES, Mr. LOEBACK, Mr. MCHUGH, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mr. PAUL, Mr. ROE of Tennessee, Ms. LINDA T. SANCHEZ of California, Mr. TERRY, Mr. WELCH, Mr. WILSON of Ohio, Mr. HALL of Texas, Mr. DRIEHAUS, Mr. PLATTS, and Mr. TAYLOR):

H.R. 1204. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor

Relations Act; to the Committee on the Judiciary.

By Ms. GRANGER (for herself and Mr. KENNEDY):

H. Con. Res. 60. Concurrent resolution supporting the observance of Colorectal Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. MACK, Mr. BILIRAKIS, Mr. BURTON of Indiana, Mr. MCCOTTER, and Mr. POE of Texas):

H. Con. Res. 61. Concurrent resolution expressing the sense of Congress that the Government of the Russian Federation's continued membership in the G8 should be conditioned on its compliance with its international obligations and commitment to democratic principles and standards; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Ms. WATERS, Mrs. CHRISTENSEN, Mr. MEEKS of New York, Mr. WAXMAN, Ms. EDWARDS of Maryland, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. WATSON, Mr. SERRANO, Mr. KUCINICH, Ms. BALDWIN, Mr. HASTINGS of Florida, Mr. CUMMINGS, Ms. MCCOLLUM, Ms. BORDALLO, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. NADLER of New York, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. BUTTERFIELD, Mr. PAYNE, and Ms. SCHAKOWSKY):

H. Con. Res. 62. Concurrent resolution supporting the goals and ideals of "National Black HIV/AIDS Awareness Day"; to the Committee on Energy and Commerce.

By Ms. LEE of California (for herself, Mr. ELLISON, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. MCGOVERN, Ms. BALDWIN, Mr. CONNOLLY of Virginia, Mr. HONDA, Mr. HOLT, Mr. CARSON of Indiana, Mr. FILNER, and Mr. STARK):

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that the United States should provide, on an annual basis, an amount equal to at least 1 percent of United States gross domestic product (GDP) for nonmilitary foreign assistance programs; to the Committee on Foreign Affairs.

By Mr. BOOZMAN (for himself and Mr. BUYER):

H. Res. 188. A resolution honoring the service, courage, and sacrifice of the Seawolves of Helicopter Attack Light Squadron Three; to the Committee on Armed Services.

By Mr. FLAKE:

H. Res. 189. A resolution raising a question of the privileges of the House.

By Mrs. DAVIS of California (for herself, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. COHEN, Mr. GERLACH, Mr. FARR, and Mr. HINCHEY):

H. Res. 191. A resolution expressing support for the designation of May 2009 as "National Link Awareness Month" and recognizing the link between animal cruelty and other forms of societal violence; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CAPPS, Mrs. MCCARTHY of New York, Mr. CONYERS, Ms. BORDALLO, Ms. GIFFORDS, Mr. BOSWELL, Mr. KENNEDY, Mr. MCGOVERN, Mr. GENE GREEN of Texas, Mr. SESTAK, and Mr. GORDON of Tennessee):

H. Res. 192. A resolution recognizing National Nurses Week on May 6 through May

12, 2009; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H. Res. 193. A resolution expressing support for National Facial Protection Month; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. HASTINGS of Florida, Mr. MURPHY of Connecticut, Mr. BERRY, Mr. COURTNEY, Mr. MCGOVERN, Mrs. DAVIS of California, and Mr. HONDA.

H.R. 25: Mr. GRAVES.

H.R. 28: Mr. TIBERI.

H.R. 31: Mr. LINDER and Mr. CROWLEY.

H.R. 116: Mr. YOUNG of Florida.

H.R. 147: Ms. MATSUI and Mr. SESTAK.

H.R. 155: Mr. WITTMAN.

H.R. 156: Mr. SCALISE.

H.R. 179: Mr. GENE GREEN of Texas and Mr. GUTIERREZ.

H.R. 331: Mr. GRIJALVA.

H.R. 336: Mr. COSTA, Ms. KAPTUR, Mr. SESTAK, Ms. WATSON, and Mr. FALOMAVAEGA.

H.R. 345: Ms. MCCOLLUM, Mr. WILSON of Ohio, Mrs. BONO MACK, Mr. BURTON of Indiana, and Mr. ROTHMAN of New Jersey.

H.R. 347: Mr. ARCURI, Mr. MCINTYRE, Mr. BARROW, Mr. MATHESON, Mr. CHANDLER, Mr. CHILDERS, Mr. POMEROY, Mr. SCOTT of Georgia, Mr. BOSWELL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PETERSON, Mr. TAYLOR, Mr. CARDOZA, Mr. GRIFFITH, Mr. MINNICK, Mr. HILL, Mr. MELANCON, Mr. SALAZAR, Mr. TANNER, and Mr. KRATOVIL.

H.R. 391: Mr. DAVIS of Kentucky and Mr. ADERHOLT.

H.R. 392: Mr. TIM MURPHY of Pennsylvania and Mr. GARRETT of New Jersey.

H.R. 450: Mr. HOEKSTRA, Mr. HELLER, and Mr. GARRETT of New Jersey.

H.R. 463: Ms. LINDA T. SANCHEZ of California and Mr. COURTNEY.

H.R. 468: Mr. WELCH.

H.R. 476: Mr. HASTINGS of Florida, Mr. HONDA, and Mr. MCNERNEY.

H.R. 512: Mr. GONZALEZ.

H.R. 548: Mr. SESTAK.

H.R. 577: Mr. SESTAK, Ms. BERKLEY, Mr. MCGOVERN, Mr. HOLT, and Ms. KILPATRICK of Michigan.

H.R. 600: Mr. CONNOLLY of Virginia, Ms. LEE of California, Ms. CLARKE, and Mr. THOMPSON of Mississippi.

H.R. 614: Mr. CANTOR, Mr. GUTHRIE, Mr. WHITFIELD, and Mr. ROGERS of Kentucky.

H.R. 618: Mr. MCDERMOTT and Ms. CASTOR of Florida.

H.R. 624: Mr. MCHUGH, Mr. STARK, and Mr. TERRY.

H.R. 627: Mr. BERMAN, Mr. INSLEE, and Mr. GONZALEZ.

H.R. 645: Mr. GERLACH.

H.R. 666: Mr. FILNER.

H.R. 667: Mr. CARSON of Indiana and Mr. STARK.

H.R. 669: Ms. WOOLSEY.

H.R. 699: Ms. SHEA-PORTER, Mr. ELLISON, and Mr. PALLONE.

H.R. 707: Mr. LINDER, Ms. GIFFORDS, Ms. HARMAN, Mr. ALEXANDER, Mr. REHBERG, Mr. TIM MURPHY of Pennsylvania, Mr. FATTAH, Mr. THOMPSON of Pennsylvania, Mr. MCCLINTOCK, Mr. SHIMKUS, and Mr. MORAN of Kansas.

H.R. 812: Mr. BOOZMAN and Mr. SIMPSON.

H.R. 816: Ms. JACKSON-LEE of Texas, Mr. WAMP, Mr. WOLF, Mr. CLAY, Mrs. MCMORRIS RODGERS, Mr. PLATTS, and Mr. LYNCH.

H.R. 847: Mr. LANCE.

H.R. 853: Mr. FORTENBERRY and Ms. KAPTUR.

H.R. 906: Mr. HONDA.

H.R. 913: Mr. SESTAK, Mr. PAYNE, Mr. HINOJOSA, and Mr. GRIJALVA.

H.R. 927: Mr. BOUSTANY and Mr. MCINTYRE.

H.R. 930: Ms. KAPTUR.

H.R. 939: Mr. SESSIONS, Mr. GOODLATTE, and Mr. YOUNG of Florida.

H.R. 946: Mr. BURTON of Indiana and Ms. FOX.

H.R. 950: Mr. SMITH of Washington.

H.R. 958: Mr. CARSON of Indiana, Mr. KUCINICH, Mr. DOGGETT, and Mr. MASSA.

H.R. 968: Mr. SMITH of Nebraska, Mr. LUETKEMEYER, and Mr. WESTMORELAND.

H.R. 980: Mr. SIREN, Mr. WEINER, Mr. ELLISON, Mr. MCNERNEY, Mr. DOYLE, and Mr. CLAY.

H.R. 995: Ms. DEGETTE, Mr. KENNEDY, Mr. SESTAK, and Mr. WEINER.

H.R. 997: Mrs. BIGGERT, Mr. LEE of New York, and Mr. KING of New York.

H.R. 1006: Mr. SMITH of New Jersey.

H.R. 1016: Ms. JACKSON-LEE of Texas, Mr. KAGEN, Mr. BOSWELL, and Mrs. NAPOLITANO.

H.R. 1066: Mr. MORAN of Virginia, Ms. MOORE of Wisconsin, Ms. BORDALLO, Mr. HINCHEY, Mr. STARK, Mr. THOMPSON of California, Mr. MCNERNEY, Ms. SLAUGHTER, Ms. SPEIER, Mr. HOLT, Mrs. MALONEY, Ms. LINDA T. SANCHEZ of California, Mr. LEVIN, Mr. OBEY, Mr. PAYNE, Mr. SKELTON, Mr. LEWIS of Georgia, Mr. CARDOZA, Ms. DEGETTE, Mrs. DAVIS of California, Ms. HARMAN, Mr. DELAHUNT, Mr. ABERCROMBIE, Ms. Velázquez, Mr. COSTA, Mr. EDWARDS of Texas, Ms. GIFFORDS, Mrs. NAPOLITANO, Mr. DOGGETT, Mr. SCHIFF, Mr. POMEROY, Mr. SERRANO, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. GUTIERREZ, Ms. BERKLEY, Mr. PASTOR of Arizona, Mr. BECERRA, Ms. WOOLSEY, Ms. LORETTA SANCHEZ of California, Ms. WATSON, Ms. MATSUI, and Ms. RICHARDSON.

H.R. 1067: Mr. BILIRAKIS, Mr. WALZ, Mrs. NAPOLITANO, Mr. GERLACH, Ms. WOOLSEY, Mr. KENNEDY, Mr. WESTMORELAND, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 1081: Mr. TAYLOR and Mr. WHITFIELD.

H.R. 1086: Mr. WITTMAN and Mrs. BIGGERT.

H.R. 1106: Mr. LEVIN.

H.R. 1134: Mrs. BIGGERT.

H.R. 1136: Mr. MANZULLO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. Polis of Colorado, Mr. CUMMINGS, Mr. MURTHA, Mr. GERLACH, and Mr. HOEKSTRA.

H.R. 1147: Mr. FORTENBERRY, Mr. CLAY, and Mr. INSLEE.

H.R. 1151: Mr. COURTNEY.

H.R. 1152: Mr. COURTNEY.

H.R. 1153: Mr. COURTNEY.

H.R. 1154: Mr. COURTNEY.

H.J. Res. 21: Mr. GALLEGLY and Mr. FILNER.

H. Con. Res. 14: Mr. GENE GREEN of Texas, Mr. JACKSON of Illinois, Mr. TIBERI, Mr. GONZALEZ, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. PUTNAM, Mr. MEEKS of New York, Mr. FARR, Mr. BOSWELL, Ms. WOOLSEY, Mrs. DAVIS of California, and Mr. PLATTS.

H. Con. Res. 21: Ms. MATSUI, Mr. BRIGHT, Mr. ORTIZ, Mr. NYE, Mr. TAYLOR, Mr. BOREN, Mr. JOHNSON of Georgia, Mrs. DAVIS of California, Mr. ROTHMAN of New Jersey, Mrs. EMERSON, Mr. THOMPSON of Mississippi, Mr. CHILDERS, Mr. DAVIS of Illinois, Ms. SCHWARTZ, Mr. WALZ, Mr. SPACE, Mr. POMEROY, Mr. HILL, Mr. MASSA, Mr. DONNELLY of Indiana, Mr. COHEN, Mr. TANNER, Mr. SHULER, Mr. GRIFFITH, and Mr. HINCHEY.

H. Con. Res. 48: Mr. COHEN, Ms. KILROY, Mr. SERRANO, and Ms. WOOLSEY.

H. Con. Res. 55: Mr. BARTON of Texas, Mr. TOWNS, Mr. BOSWELL, Ms. FOX, Mr. SHERMAN, Mr. RANGEL, Mr. LINDER, Ms. WATSON,

Mr. RYAN of Ohio, Mr. ROHRBACHER, and Mr. POE of Texas.

H. Res. 47: Mr. SESTAK, Mrs. MILLER of Michigan, and Ms. MOORE of Wisconsin.

H. Res. 81: Mr. HILL.

H. Res. 86: Mr. REYES.

H. Res. 146: Mr. LEWIS of Georgia, Mr. HARE, Ms. WASSERMAN SCHULTZ, Mr. MCGOVERN, Mr. HOLT, Mr. HINOJOSA, Mr. LUJAN, Mr. POLIS of Colorado, Mr. CARDOZA, Mr. WALZ, Mr. MEEKS of New York, Mr. FILNER, Ms. DEGETTE, Mr. ELLISON, Mr. SCOTT of Virginia, Mr. LOBIONDO, Mr. PLATTS, and Mr. PETERS.

H. Res. 160: Mr. GENE GREEN of Texas.

H. Res. 173: Mr. YOUNG of Florida and Ms. PINGREE of Maine.

H. Res. 174: Mr. BERRY, Mr. FILNER, Ms. WASSERMAN SCHULTZ, Mr. ISRAEL, Mr. MCHUGH, and Mr. LAMBORN.

H. Res. 178: Mr. CARSON of Indiana.

H. Res. 180: Mrs. CHRISTENSEN, Mr. MEEK of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 182: Ms. DELAURO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Conyers or a designee to H.R. 1106, the Helping Families Save Their Homes Act of 2009, does not contain any congress-

sional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1106

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 1: Strike sections 101, 103, 105, 106, and 107 of the bill (and make such technical and conforming changes as may be appropriate).

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROSKAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act of Fiscal Year 2009.

As I have stated on the floor previously, I am a true believer in the need for increased transparency through the earmark process—whether in appropriations, authorizing or tax-writing legislation. It is important that the Illinois taxpayer can judge for themselves the funds that we spend at the federal level.

I appreciate this opportunity to discuss how taxpayer funds are spent in my congressional district. As a Member of Congress I was elected to this body to fight for the needs of my constituents.

My constituents elected me to Congress because I am serious about accountability and transparency in the budget process. I take a deliberative approach to project requests to ensure that any request with my name on it is worthy of federal funding. The key ingredients I look for in any project are job creation, opportunities to support Illinois' efforts in keeping us globally competitive, a guarantee that the project will not rely solely on federal funding and can instead become viable in the private sector.

Most important to me is to ensure taxpayer dollars are returned back to my constituents, who pay more to the federal government than they get back in government funded projects. Illinois taxpayers receive less federal funding per dollar of federal taxes paid compared to almost any state in the country. In 2005, Illinois citizens received only \$.75 in the way of federal spending per dollar of federal taxes paid. This ranks the state 45th nationally and highlights the importance of my work to advocate for the priorities of my constituents on the federal level.

This is why I stand here today to advocate for the following projects I have secured in H.R. 1105, the Omnibus Appropriations Act of FY09:

FY09 COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Congressman PETER J. ROSKAM (IL-6)

Department of Justice, OJP Byrne Discretionary Grants—\$50,000 for Advocate Good Samaritan Hospital's Preventing and Addressing Domestic Violence Program (3815 Highland Avenue, Downers Grove, IL 60515)

With the growing numbers of reported domestic violence in DuPage County and throughout Illinois' 6th Congressional District, Advocate Good Samaritan seeks to strengthen and expand its current domestic violence pro-

gram to ensure that both current and expected needs are met.

One in three American women is abused at some point in her life by an intimate partner. Domestic violence creates multiple health problems among victims and causes 100,000 days of hospitalization and 30,000 Emergency Room visits annually. With such startling statistics, Advocate Good Samaritan has teamed up with the Downers Grove Police Department to move forward on a comprehensive approach to addressing domestic violence in the community.

The federal funds I have obtained will be utilized to expand the successful partnership by providing internal education and debriefing/consultation on domestic violence cases in order to increase awareness. This funding will allow Advocate Good Samaritan to provide customized trainings internally within Advocate (including parish nurses) and to local agencies which serve as strategic points of entry (emergency departments, local police departments, and faith-based organizations). This will increase its outreach efforts to community organizations, including a major focus on large corporations in the community and the training employers to recognize and work with employees who may be victims of domestic violence. Other plans of expansion include an expanding website, a regional domestic violence awareness program, and purchase and distribution of educational materials to increase awareness among and educate the public about domestic violence. Along with matching funds from the hospital of \$25,000, Advocate will also be able to leverage its involvement in the Corporate Alliance to End Partner Violence for additional funds.

Congressman PETER J. ROSKAM (IL-6)

Department of Justice, COPS Law Enforcement Technology—\$200,000 for the DuPage County Sheriff's Department (501 N. County Farm Road, Wheaton, IL 60187)

One of the lessons learned from the tragedy of September 11th was the inability of first responders and public safety agencies to communicate. To meet the requirements of the National Telecommunications & Information Administration, the State of Illinois is in the process of implementing a statewide interoperable radio system (STARCOM21). Subsequently, the DuPage County Emergency Telephone System Board (ETSB) awarded a contract based on the state bid to purchase the interoperable radio equipment for public safety agencies in DuPage County.

In recent years, DuPage County has experienced a number of natural disasters including tornados, floods and last August, a major storm that cut a swath across the entire county impairing first responder communication among municipal police, fire agencies and other public safety agencies and hampering rescue efforts. Over 8,000 9-1-1 calls were received during the storm.

Chicago and O'Hare International Airport are located at the northeast border of DuPage

County and it is vital for DuPage County police and fire agencies to communicate via radio with Cook County and Chicago in the event of a major urban or terrorists' threat at O'Hare or in Chicago. A radio system connected to STARCOM21 will enable regional communication.

The objective of the ETSB project is to provide 6,000 users (first responders, police, fire, homeland security & public works) with a seamless 700–800MHz interoperable radio platform throughout the county and the state via STARCOM21. Each participant in the ETSB (which includes DuPage and portions of Cook, Kane & Will Counties) is required to purchase their own radios (6,000 countywide) under this new system at a cost of \$5,213 per radio.

To Federal funds obtained for this entity will be used to purchase 40 radios for municipalities in DuPage County that will be compatible with the new statewide interoperable radio system (STARCOM21). This funding will be leveraged with a state grant DuPage County obtained of \$430,000 that will cover the purchase of 83 of the required 411 radios needed. The Sheriff's Office will assume all operations costs of the new radio system and the cost of purchasing the remaining radios.

Congressman PETER J. ROSKAM (IL-6)

Department of Justice, COPS Law Enforcement Technology—\$75,000 for the Northern Illinois Police Alarm System (675 Village Court, Glencoe, IL 60022)

The Northern Illinois Police Alarm System (NIPAS) Emergency Services Team (EST) is responsible for law enforcement coverage of 68 member towns with a total population of approximately 1.8 million residents. In 1982, severe flooding nearly devastated several small communities along the shores of Lake Michigan north of Chicago. Public safety resources, especially those of law enforcement agencies, became stretched to the limit. Although neighboring communities responded with assistance, police leaders realized they needed an organized system with pre-planned deployment procedures. The following year, fifteen police agencies in Illinois' northern Cook and southern Lake Counties established NIPAS through an intergovernmental mutual aid agreement. This authorized neighboring agencies to work together in times of need.

Whether faced with a natural disaster, or the unexpected results of a special event, NIPAS member Police Departments may request assistance that is needed when the individual Police Department cannot respond accordingly on its own to an event. They can use NIPAS in three key areas: call for additional patrol cars, call for the NIPAS Mobile Field Force, and call for the NIPAS Emergency Service Team.

Federal funds I have obtained in this bill, along with Representative SCHAKOWSKY (IL-9), will be used for the purchase of atmospheric detection equipment for the NIPAS

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Emergency Services Team—needed equipment sorely lacking at NIPAS member Police Departments. Atmospheric detection equipment is needed to allow NIPAS law enforcement officers the ability to respond to crimes or other incidents involving hazardous environments, explosive devices, arson materials, and narcotics. Communities in my district whom have advocated a great need for such equipment included Bartlett, Elk Grove Village, Elmhurst, Hanover Park, Mount Prospect, Roselle, Streamwood, and Villa Park. Funding this one Regional Law Enforcement project will allow 8 Police Departments in IL-6 Police by equipping and training 10 police officers with one Congressional appropriation project. The project will also train and equip additional 71 Police officers outside of my district to respond to mutual aid request for emergency services related to HAZMAT incidents within my district. This mutual aid format response mechanism will save millions of dollars compared to each Police Department trying to deploy its own duplicative and smaller/ineffective (due to the cost of equipment) HAZMAT emergency services team. NIPAS is matching this federal funding with \$150,000 of their own money.

Congressman PETER J. ROSKAM (IL-6)

Department of Justice, DJP—Juvenile Justice—\$175,000 for the DuPage County Area Project (DuCAP) (2037 Bloomingdale Road, Suite 206, Glendale Heights, IL 60139)

Federal funds I have obtained will be used for DuCAP's Providing Positive Choices for Youth program. This will improve the futures of at-risk youth impacted by gangs and youth violence. Funding will strengthen four existing community-based youth organizations and will create additional community organizations focused on underserved communities in the western suburbs of northern DuPage County. DuCAP has historically been successful in addressing the issues of at-risk youth and their families. DuCAP's track record and experience over the past 18 years has demonstrated that developing and nurturing grassroots, community-based organizations creates stronger, more responsive communities. The residents of these communities can mobilize resources to fill voids in services, and create opportunities for youth engagement, that serve to limit involvement in gangs, youth violence, and substance abuse.

FY09, LABOR, HEALTH AND HUMAN SERVICES, EDUCATION APPROPRIATIONS

Congressman PETER J. ROSKAM (IL-6)

Department of Education, Elementary & Secondary Education (Includes FIE)—\$238,000 for the Streamwood High School—School District U-46 (355 East Chicago Street, Elgin, IL 60120)

Federal funding will be utilized for School District U-46 execution and implementation of the Manufacturing Career Exploration project. A 12-week pilot program will be implemented at Streamwood High School and then be expanded to the additional five high schools in the school district.

Manufacturers in the western suburbs of Chicago share a widespread and common need for a skilled workforce, especially for those who want to build careers in manufacturing. Many manufacturers are employing advanced technologists that require a workforce with skills and the ongoing learning and skills

upgrades. Firms report that many good potential entry level workers need basic math and English skills. Manufacturers report existing workers and skilled workers shortages. The forecasts indicate that many more jobs will go unfilled in America unless we train our young students now. Good jobs in manufacturing exist but we need a pipeline of students trained to fill these jobs.

The Manufacturing Career Exploration project offers a comprehensive solution in this manufacturing facility heavy area of the country. The skills taught through this program will allow the future U.S. workforce gain the appropriate knowledge required to succeed in the growing advanced manufacturing sector, and more broadly, in the increasingly competitive global economy.

The precision metalworking industry offers a variety of jobs from basic parts layout to computer numerical controlled programmers, from machinist to managers, from mold makers to engineers, from salesperson to human resource directors, each with its own educational requirements. Regardless of what position it is looking to fill, industry looks for qualified applicants who have a first-hand knowledge of machine tooling. It is for this reason that the need for this task-oriented, problem solving, knowledgeable, worker be developed within a high school curriculum.

The Streamwood Manufacturing Career Exploration has three major objectives:

1. To demonstrate the inter-relatedness of precision metal working, math and communication.
2. To ensure that all students in the Streamwood High School Plan are oriented toward the world of work and higher education.
3. To ensure that all students in The Manufacturing Career Exploration are oriented toward the world of work and higher education.

With no consistent funding available at the Department of Education, these federal funds obtained will be useful in kick starting the program off the ground and allow for continued growth as the program in the future seeks to leverage funds with private industry in the area to keep the program on track.

Congressman PETER J. ROSKAM (IL-6)

Department of Education, Higher Education (Includes FIPSE)—\$381,000 for the College of DuPage (425 Fawell Boulevard, Glen Ellyn, IL 60137)

The College of DuPage is looking to be a lead institution in becoming more veteran friendly; working to identify issues and seeking the means to aid veterans in their transition to civilian life. Therefore, the federal funding I have obtained, along with Senator DURBIN (IL), will be utilized to implement curriculum, clinical training and on-going professional development coursework to prepare professionals to counsel returning veterans. This curriculum will include:

Phase I—A certificate for Master's prepared clinicians offered through the College of DuPage Human Services Department.

Phase II—Training of College counseling staff that could assist in the development of a Counseling Center.

Phase III—Faculty conversion of curriculum for online delivery in accordance with accreditation standards of the Human Services Department.

Phase IV—Implementation of the Associate in Applied Science Degree option, which will train students to assist graduate clinicians in the field of Veteran Counseling.

As our military personnel return home, one of the biggest challenges will be to transition the veteran into family life, education, and the workforce. In addition, significant numbers of veterans are returning from Iraq and Afghanistan suffering brain trauma injury and delayed stress syndrome. This program is designed to get ahead of the curve in training professionals who can help the men and women address these needs. The funding will allow a variety of government initiatives to improve, including but not limited to:

Enhance services to ease transition of returning veterans into civilian life

Increase access to education and academic success

Partner with entities for on-going support

Proactively address employment and workforce development needs.

This project supports current federal initiatives specifically addressing the concept of supporting community colleges at a local level to focus on education, job retraining, and helping those who have given so much for our country. The federal funds obtained will allow the College of DuPage to respond to the needs of returning service men and women and the acknowledged shortage of health care workers.

Congressman PETER J. ROSKAM (IL-6)

Department of Health and Human Services, Centers for Disease Control and Prevention—\$95,000 for Access Community Health Network's Martin Russo Health Center (245 South Gary Avenue, Suite 200, Bloomingdale, IL 60108)

I have obtained federal funding for the Martin Russo Health Center in my congressional district will be utilized to implement a model community-based heart health program for low income women. This program will offer a continuum of care to address heart disease, including preventative interventions, risk screenings, care management for women with identified risk factors, and cardiology consultation. The specific model to be implemented includes:

Prevention—provide education and address risk through smoking cessation, maintaining a healthy weight and being physically active.

Risk reduction—help women lower their blood pressure and reduce their cholesterol levels.

Care management—provide medical care management for women at risk for a heart attack due to underlying conditions such as congenital heart disease, heart attack and stroke history, diabetes, and hypertension.

Bio-psychosocial approach—screen for and attend to behavioral health conditions, including substance abuse and depression.

Pharmaceutical advocacy—help women develop strategies for obtaining affordable medications, through benefits counseling and leveraging 340B pricing.

Cardiology consultation—offer an integrated continuum of primary medical care and cardiology consultation as needed.

Nowhere in the greater Chicago area is there a one-stop resource that truly welcomes low income women to obtain, under one roof,

the full range of education, prevention, risk assessment, medical management and specialty care services. This program has the ability to reduce emergency room abuse by addressing issues early—before they lead to complicated, expensive and permanent debilitation. Access Community Health Network will be matching this project by at least 50%, with the costs that include \$110,000 for the cardiologist, \$290,000 for behavioral health services (other medical providers), \$140,000 for medical care management, and \$460,000 for community education and outreach campaign.

Congressman PETER J. ROSKAM (IL—6)

Department of Health and Human Services, Health Resources and Services Administration (HRSA) Health Facilities and Services—\$143,000 for Adventist GlenOaks Hospital (701 Winthrop Avenue, Glendale Heights, IL 60139)

I obtained federal funding for Adventist GlenOaks Hospital in Glendale Heights, IL to be used for the purchase of new and updated surgical equipment, including minimally invasive technology. The current equipment is 25 years old and the demands of technology in the treatment of their patients has increased drastically. This equipment will provide the medical technology necessary in treating the patients at the hospital with the best possible outcomes, as well as becoming an important component of their key involvement in disaster preparedness for their service areas.

The need for these funds by the hospital are great, as Adventist GlenOaks Hospital is the only Medicaid Disproportionate Share hospital in DuPage County—with a steady increase in Medicaid patients each year. The hospital serves a disproportionate number of state and federally funded patients as well as a significant number of uninsured patients in comparison to other facilities in DuPage County. In 2007, the hospital provided over \$6.3 million in community benefits and charity care. The total cost of the purchase of the equipment is \$3 million. The GlenOaks Foundation has taken on the Surgical Services Department as their targeted fundraising project for the coming year and the \$143,000 in federal funding going to this project will further help leverage their fundraising efforts in the private sector.

Congressman PETER J. ROSKAM (IL—6)

Department of Health and Human Services, Health Resources and Services Administration (HRSA) Health Facilities and Services—\$190,000 for the DuPage Convalescent Center (400 N. County Farm Road, Wheaton, IL 60187)

As the senior population in our communities continues to increase, it is ever more important to ensure these seniors have access to programs that will allow them to continue a healthy lifestyle that implements numerous preventative health measures. A particular focus on strength training has the added benefits of bone strengthening, improved balance and stability, greater endurance and energy, sleep improvement, prevention of falls and subsequent disability, improved neuromuscular coordination, enhanced cognitive functioning, improved energy metabolism, improved weight management, and improved ADL (activities of daily living) ability.

As such, I obtained \$190,000 for the DuPage Convalescent Center's (DPCC)

Wellness Center in this appropriations bill. The federal funds will establish dual Wellness/Fitness Centers inside the Convalescent Center (1920 square feet). One will be adjacent to the Physical Therapy/Rehab Department that will serve the long and short term population at DPCC. The second area will be located on the Ground floor with direct access to an entrance and parking accommodations so that seniors from the community will have easy access. The Wellness Center would serve approximately 430 short-term residents during their stay on the sub-acute unit with an anticipated enrollment of approximately 80% of this population once they return to the community. In addition, about 65%–70% of residents enrolled in current Physical Rehab programming will be able to participate in the Wellness center and this roughly translates to about 120 long-term convalescent center residents.

The federal funding will go specifically for the purchase of equipment and upgrades to the Wellness Center. DuPage County will provide the funds for staffing the center with a full-time Fitness Specialist and a part-time Case Manager. The County will also collaborate with local townships and municipalities and senior agencies to help provide transportation services for eligible seniors. This comprehensive Wellness Center will enable seniors to live in the community for as long as they can, which coincides with current federal initiatives that have dollars focused on successful aging in place, decreasing healthcare costs and helping improve quality of life.

Congressman PETER J. ROSKAM (IL—6)

Department of Education, National Projects, Innovation and Improvement Teach for America as authorized under the Elementary and Secondary Education Act—\$4,965,000 for the Reach Out and Read National Center (56 Roland Street, Suite 100—D, Boston, MA 02129)

Too many children today arrive on their first day of kindergarten unprepared to learn, which places them at a disadvantage before even starting school. An extensive body of research now clearly documents the importance of early language and literacy skills in preparing children for later success in reading and in school. Yet today, a large number of children and their families do not receive the support and assistance they need to develop these essential skills and prepare to start kindergarten ready to learn. This is why I was supportive of federal funding for this important national program.

Through Reach Out and Read, nearly 50,000 doctors and nurses have been trained nationwide in ROR's proven strategies of early language and literacy development. Pediatricians and other healthcare providers guide and encourage parents at every pediatric check-up to read aloud to their children from the earliest months of life. Currently, more than 3,500 clinics and hospitals are implementing the program, reaching more than 25% of America's at-risk children.

Specifically, Reach Out and Read:

Makes literacy promotion a standard part of pediatric primary care, so that children grow up with books, language skills, and the ability to read;

Trains doctors and nurses to advise parents about the importance of reading aloud, and gives books to children at pediatric check-ups,

with a special focus on disadvantaged children and those growing up in poverty; and

Helps families and communities encourage early literacy skills by building on the unique relationships between parents and their children's pediatricians.

ROR is nationally and internationally respected, with proven results, deserves Congressional support. In 2007, Reach Out and Read received one of the five prestigious United Nations' Confucius Prizes for Literacy, the only American program to be so honored. In 2006, the White House Conference on Global Literacy, hosted by First Lady Laura Bush, highlighted nine successful literacy-promotion models, of which Reach Out and Read was again the only American program showcased.

Congressman PETER J. ROSKAM (IL—6)

Department of Education, National Projects, Innovation and Improvement Reading is Fundamental as authorized under the Elementary and Secondary Education Act—\$24,803,000 for Reading is Fundamental (1825 Connecticut Avenue, NW, Washington, DC 20009)

Reading is Fundamental (authorized under Title V, Part D, Subpart 5) prepares children to read by delivering free books and resources to those children who need them most. RIF's book distribution program hands out 16 million books annually to the nation's youngest and most at-risk children.

In the President's proposed fiscal year 2009 budget, funding for this integral program was eliminated. This successful program directly benefited over 146,000 children in the State of Illinois in 2007, which is why I advocated that instead of eliminating funded in the FY09 budget, to allow federal funds to flow so that we can continue to reach underserved children from birth to age 8 and better prepare them for their educational future.

All RIF programs combine three essential elements to foster children's literacy: reading motivation, family and community involvement, and the excitement of choosing free books to keep. Therefore, I am proud to stand up in support of this most important national project.

Congressman PETER J. ROSKAM (IL—6)

Department of Education, National Projects, Safe Schools and Citizenship Education, Civic Education Program for activities authorized under the Education for Democracy Act—\$25,095,000 for the Center for Civic Education (5145 Douglas Fir Road, Calabasas, CA 91302)

I rise in strong support of the federal funding I played a role in obtaining for this most important national program. The Education for Democracy Act's domestic and international civic education programs—which reach approximately 5 million students each year—has been demonstrated by independent research and evaluation. In addition, economic education exchange programs supported by the Act reached 2.9 million students in 2006–2007. These programs make a significant contribution to our country's commitment to strengthening freedom and democracy in the United States in emerging democracies throughout the world.

Over the course of my first term in Congress, I visited classrooms in my district on a weekly basis. Every teacher I met during the course of my visits touted the success of the

civic education programs, the benefits to their students, and the need for Congress to continue supporting such a successful program. As such I supported federally funding this project in the FY09 Appropriations Bill.

The Education for Democracy Act funds valuable initiatives that have been proven to increase students' fundamental understanding of democracy, improve the school environment, and increase academic achievement. Independent evaluations testify to these initiatives' success in promoting civic and economic knowledge; intellectual and participatory skills; and civic dispositions such as civility, tolerance, respect for the rule of law, and a reasoned commitment to the fundamental values and principles of constitutional democracy.

FY09 ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS

Congressman PETER J. ROSKAM (IL-6)

Department of Energy, Energy Efficiency and Renewable Energy/Vehicle Technologies: \$209,330 for Storage Tanks & Dispensers for E85 and Bio-Diesel for the Forest Preserve District of DuPage County (3S580 Naperville Road, Wheaton, IL 60187)

In 2001, the Forest Preserve District of DuPage County embarked on a 10-year initiative to convert its entire fleet of vehicles from standard gasoline or diesel-powered engines to vehicles that run on alternative fuels such as compressed natural gas (CNG), liquefied propane (LP), ethanol (E85), and soy bio-diesel. I am proud to partner with the DuPage Forest Preserve District in this important initiative. This effort represents the sort of good-government work that the American people expect. In the long-term, this full-fleet conversion will save the District hundreds of thousands of dollars on future fuel purchases, in addition to greatly reducing tailpipe emissions and ozone pollution. Furthermore, continued application of this technology will serve as a catalyst for even wider usage and availability to the general public. Previously, the District used \$612,000 to fund the CNG and LP portions of this alternative fueling station. I secured this funding for the District to complete these other phases of the project and advance the transition to an all alternative-fuel fleet by adding E85 and bio-diesel fuel dispensers, and to allow other governmental agencies in the region to fuel their alternative fuel vehicles at the site.

Congressman PETER J. ROSKAM (IL-6)

Army Corps of Engineers/Construction: \$7,500,000 for the Des Plaines River, through the City of Des Plaines, Illinois (1420 Miner Street, Des Plaines, IL 60016)

In the past couple of years we have seen severe flooding in the Chicagoland area. This past September we were inundated with one of the worst rainstorms in our history, prompting the President to declare our area a federal disaster area. That is why I have secured this important funding for the expansion of Big Bend Lake and for lowering the normal lake level. These changes will provide an additional 587 acre-feet of storage for enhanced flood mitigation. The overall project helps 33 municipalities in Cook and Lake Counties in Illinois. The Des Plaines River has a long history of flooding that has caused significant economic losses. Recurrent flooding along the Des Plaines River causes estimated average an-

nual damage in the amount of \$25,228,500 (69% traffic damages, 20% residential damages, 8% commercial/industrial/public damages, 3% emergency services costs). Statutory authorization for this project is provided in the Water Resources Development Act of 1999 (Public Law 106-53), and a Project Co-operation Agreement has been signed by Army Corps and Illinois Department of Natural Resources. I am grateful that the American people have entrusted us with these precious resources to advance this project and enhance our region's flood mitigation and Great Lakes water quality initiatives.

Congressman PETER J. ROSKAM (IL-6)

Army Corps of Engineers/Construction: \$28,709,000 for the McCook and Thornton Reservoirs, through the Metropolitan Water Reclamation District of Greater Chicago (100 East Erie Street, Chicago, IL 60611)

The recurrence of major flooding in the Chicago area, particularly in recent years, has demonstrated the great need for the advancement of the Chicago Underflow Plan (CUP), the regional flood control element of the Tunnel and Reservoir Plan (TARP) of the Metropolitan Water Reclamation District of Greater Chicago. This funding will be used to continue on-going design and construction of the McCook Reservoir, a key component of the TARP, a long-term comprehensive flood pollution control solution for Chicago and its 51 surrounding communities. The McCook Reservoir is currently under construction, and when completed will have a total water capacity of 7 billion gallons, provide more than \$90 million per year in benefits to 3.1 million people in 37 communities, and protect more than 1 million structures. Completing the McCook and Thornton Reservoirs and bringing them fully on-line is crucial to local communities, the health of Lake Michigan and its tributaries, and to the economic development of the region. I am pleased to support this project, and to have secured funds for it. The larger effort will provide a series of underground tunnels and storage reservoirs designed to address combined sewer overflow discharges. Without timely completion of the project, communities will face decreased drinking water allocations, significant decreases in water quality and thousands of homes will be vulnerable to flooding. This system has been enormously effective in achieving its goal as evidenced by the elimination of 85% of the combined sewage pollution in a 325 square mile area. Statutory authorization for this request is provided in Public Law 100-676, and the project was included in the President's FY2009 budget request in the amount of \$34,000,000. This is clearly the sort of good and necessary infrastructure project that the American people need and desire, which is why I am pleased to have served a role in securing these funds.

Congressman PETER J. ROSKAM (IL-6)

Army Corps of Engineers/Construction: \$5,750,000 for the Chicago Sanitary & Ship Canal Dispersal Barriers, through the U.S. Army Engineer District, Chicago (111 North Canal Street, Suite 600, Chicago, IL 60606)

Our Great Lakes are an environmental treasure for our region, and it is incumbent upon us to provide for their healthy preservation for future generations. Accordingly, I worked with a bipartisan group of my col-

leagues to secure funding for this important initiative. Historically, the Great Lakes and the Mississippi River were separated naturally by a landmass, but since the completion of the Chicago Sanitary and Ship Canal, aquatic species can move freely between the two water systems. A temporary dispersal barrier (Barrier I) has been operating for nearly six years, and construction of a permanent barrier (Barrier II) will be completed this year. Without these barriers, Lake Michigan, and the rest of the Great Lakes, would be vulnerable to aquatic invasive species like the Asian Carp. Funding is needed for the operations of both barriers and to begin construction of the conversion of Barrier I into a permanent barrier. This project is authorized by the Water Resources Development Act of 2007 (Public Law 110-114, Section 3061), and the President's budget recommended \$6.25 million. Providing these funds serves my constituents who enjoy the Great Lakes, and every American who travels to the Great Lakes region to enjoy these national treasures.

FY09 INTERIOR AND ENVIRONMENT APPROPRIATIONS

Congressman PETER J. ROSKAM (IL-6)

EPA/STAG Water and Wastewater Infrastructure Project: \$500,000 for a Public Well in the Village of Bartlett, Illinois (228 S. Main Street, Bartlett, IL 60103)

I am pleased to have secured funds for the people of Bartlett, Illinois. These much-needed funds will expand the availability of clean water for my constituents. Due to new industrial and residential development, the Village must install a new well to meet the maximum daily demands of residents and businesses on the west side of town. The addition of a new well in Bartlett is essential to expanding the Village's ability to efficiently provide potable water to residents living in current and future residential developments as well as the surrounding industrial and commercial business parks. The new well will also increase the availability of water for the local fire protection district responding to fires on the west side of Bartlett. The well would require a radium and barium removal system to be installed in order for the well water to meet the current federal standards of the Environmental Protection Agency. Because the project is a public well, it is eligible for funding under the Drinking Water State Revolving Fund (from the STAG Water and Wastewater Infrastructure Project account), authorized by the Safe Drinking Water Act. The Village of Bartlett demonstrated an ability to commit more than \$1,000,000 to the project, far in excess of the 45% commitment required for federal funds. It is my honor to have secured federal funds for a worthy project such as this, and I believe that this project serves as a good example of how federal funds can leverage local dollars to serve the American people with tangible quality of life enhancements.

FY09 TRANSPORTATION-HUD APPROPRIATIONS

Congressman PETER J. ROSKAM (IL-6)

HUD/EDI: \$142,500 for Marklund Philip Center for Children in Bloomingdale, Illinois (164 S. Prairie Avenue, Bloomingdale, IL 60108)

I am honored to partner with the Marklund Philip Center for Children, and humbled to be a part of their work through this funding. This educational facility in Bloomingdale, Illinois,

houses a pediatric nursing facility for infants, children and medically fragile adults, an education program for children ages 3 to 21, and a respite care program. Serving among others infants and children with severe and profound developmental disabilities who are Medicaid-eligible, this facility provides a tremendous service and benefit to the surrounding community. In such a time of upheaval in our public life, the people at Marklund serve as shining example of service for those in need.

Congressman PETER J. ROSKAM (IL-6)

FHWA/Transportation and Community and System Preservation: \$475,000 for the Busse Woods Trail and Illinois Route 72 Bicycle Overpass in Elk Grove Village, Illinois (901 Wellington Avenue, Elk Grove Village, IL 60007)

I am pleased to be able to stand alongside Elk Grove Village having secured these funds to provide a greater measure of safety for our friends and family, and enhance the regional trail system that benefits our area. Federal funding provided for this project will be used for the construction of a bicycle overpass to replace the existing at-grade path crossing the six lane arterial roadway at the signalized intersection of Illinois Route 72 and the Interstate 290 ramps. The roadway carries in excess of 40,000 vehicles per day and the ramps carry nearly 15,000 vehicles per day. These heavy traffic volumes coupled with the high vehicular speeds from vehicles exiting the interstate create a hazardous crossing for bicyclists and pedestrians. The proposed overpass would link the trail systems of the Illinois Prairie Path and the Fox River Trail systems and would remove vehicular conflict with bicyclist and pedestrian traffic on this regional trail system. Part of the State's transportation improvement plan, these safety enhancements will improve the regional trail system, and represent a commonsense solution to which our public resources can be applied with great benefit.

Congressman PETER J. ROSKAM (IL-6)

FTA/New Starts-Fixed Guideway: \$4,800,000 for the Metra Union Pacific West Line through Metra (547 W. Jackson Boulevard, 13th Floor, Chicago, IL 60661)

In a regional area plagued with congestion, and a nation struggling with dependence on foreign energy, projects like these are needed catalysts for growth in transportation options for the American people. I was glad to have worked in a bipartisan fashion to secure these funds. Metra's Union Pacific West (UP-W) Line project will build upon the recent extension to Elburn and create needed capacity while continuing to deliver safe, reliable and affordable service to Metra riders. This funding will provide new corridor improvements key to addressing freight congestion. The UP-W Line extends nearly 44 miles west from Ogilvie Transportation Center in downtown Chicago. Along that corridor, it serves 18 outlying stations within Kane, DuPage and Cook Counties. The line currently offers 59 commuter trains per weekday, 29 inbound and 30 outbound, with passengers making approximately 30,000 daily trips. The substantial residential growth in this region is fueling a corresponding demand for increased service; employment in the UP-W corridor is expected to increase more than 100 percent by 2030. SAFETEA-

LU authorized the UP-W Line improvements, and this federal funding will allow Metra to offer UP-W Line commuters more express trains and more reverse commuter trains. I was pleased to work on securing these funds because I believe these increased services and options will add to our region's economic potential and serve as an example for how efficient public transportation can serve the public interest so well.

Congressman PETER J. ROSKAM (IL-6)

FTA/New Starts-Fixed Guideway: \$4,800,000 for the Metra STAR Line through Metra (547 W. Jackson Boulevard, 13th Floor, Chicago, IL 60661)

I have been so pleased to be a part of this STAR Line project because it truly represents a foundational effort to provide new and creative forms of transportation. This funding is needed for preliminary engineering of the STAR Line. There is considerable support among my colleagues and myself in the Illinois Delegation for this bold, new initiative that will link more than 100 communities in the Chicagoland region with new service and provide new connections between existing commuter rail lines, as well as a potential new station at O'Hare International Airport. Metra's proposed STAR Line goes beyond providing a service to a single corridor or portion of the suburban areas. Rather, the STAR Line establishes key rail connections throughout the northwest, west, and southwest suburbs, and also offers the basis for expanded suburban rail service in the future. The STAR Line holds the potential to provide a long-needed alternative to the automobile for nearly 1.2 million employees who commute to work at businesses located along the proposed alignment. It also provides an effective and proven transportation option to nearly 1.6 million residents who today live in an area chronically plagued by highway congestion. By linking nearly 100 suburban communities around Chicago, the STAR Line would fill a critical void in inter-suburban travel with this revolutionary system. This project is vital to the region in terms of alleviating traffic congestion, providing new commuting opportunities, and linking communities and places of business with new service. This project was authorized in SAFETEA-LU. I am glad these funds have been made available because this project demonstrates the sort of growth-oriented effort that my constituents and the American people expect when investing public resources.

Congressman PETER J. ROSKAM (IL-6)

FTA/Alternatives Analysis Program: \$237,500 for Alternatives Analysis for Pace Suburban Bus Service in Arlington Heights, Illinois (550 W. Algonquin Road, Arlington Heights, IL 60005)

This effort is a worthy one, and one for which I was glad to advocate and secure funding. Pace will use these federal funds to perform the federally required Alternatives Analysis study on the proposed "J-Route" Bus Rapid Transit (BRT) project. This project will create a high-speed transit option for commuters in the western suburbs of Chicago between Schaumburg, O'Hare Airport, Oakbrook and Naperville. BRT is based on signal priority for buses at traffic signals along arterial routes, roadway improvements, real-time travel information signs at significant stops along

the route using the Intelligent Bus System already installed on all Pace buses, and dissemination of real-time travel information to passengers, dispatchers, planners, and customer relations staff using a variety of electronic media. The federal government has supported the capital costs of public transit improvements for decades, and this project would enhance Illinois' transportation infrastructure while promoting economic growth. I am pleased to have secured funding for such a project that will do much to add to the service Pace offers and the opportunity it provides to its users.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LATHAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 1105, the Omnibus Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Animal Plant Health Inspection Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Bio-Safety Institute for Genetically Modified Agriculture Products project receives \$259,000. This project utilizes federal funds to provide independent, unbiased and science-based evaluations of the risks and benefits of genetically modified agricultural products. Personnel develop the scientific safeguards and education needed to protect human health and the environment in an age of genetically engineered products and technology necessary for economic development.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Human Nutrition project receives \$451,000. This project will enhance human health and aims to reduce unnecessary health care expenditures by evaluating the impact of foods, nutrient supplements and diet and exercise strategies promoting wellness.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural

Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Animal Science Food Safety Consortium receives \$939,000. This project is a continuation of the effort to assess potential threats to food safety as it relates to pork during productions, processing, distribution and consumption.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Biotechnology Test Production project receives \$322,000. This project will develop plant-based technologies related to production of corn lines and other crop-related lines that generate higher yields.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Center for Agriculture & Rural Development receives \$412,000. Project analyzes the impacts of alternative domestic and trade policies on agriculture production. As agriculture continues to globalize, project models will produce a better understanding of trade policy impacts, and therefore better trade policies.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 NW 114th St., Urbandale, IA 50322

Description of Request: The Center for Environmental Management Systems for Agriculture receives \$288,000. This project continues the implementation of program to help farmers facilitate better environmental management plans through best practices involving fertilizers, pest control and soil management

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural

Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Food and Agriculture Policy Research Institute (FAPRI) receives \$1,139,000. FAPRI makes baseline projections of production, consumption and trade flows of major agricultural commodities in the United States and other countries that import or export significant amounts of agricultural products.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Protein Utilization project receives \$586,000. This project will develop technologies that enhance bio-refineries using soybeans as feedstock to develop products that replace petro-derived industrial products.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University—

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Livestock Waste project receives \$184,000. This project will fund ongoing emission reductions strategies.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1138 Pearson Hall, Ames, IA 50011

Description of Request: The Midwest Poultry project receives \$471,000. The program will address sustainability and efficiency in poultry production. The initiative will provide a structure to facilitate multi-disciplinary research networks that enhance limited state and industry resources and have the scope to attack real-world problems. The project will also develop collaborative approaches in research and technology transfer.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural

Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: \$282,000 is provided for Iowa State University's New Century Farm. The project seeks development of a sustainable biofuel feedstock production system, a living lab for developing and testing sustainable biomass systems. Project will accelerate the development and evaluation of alternative, 'green' biofuels, both short and long-term.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Cooperative State Research Education & Extension Service

Legal Name of Requesting Entity: Northeast Iowa Community-based Dairy Foundation

Address of Requesting Entity: P.O. Box, Calmar, IA 52132

Description of Request: The Dairy Education program receives \$159,000. The project aims to increase the success of dairies by providing education on production technology, environmental stewardship, marketing and competitiveness. The Dairy Education project has goals of retaining, growing and fostering the development of the industry.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 NW 114th St., Urbandale, IA

Description of Request: The On-Farm Management System Evaluation Network receives \$167,000. This program will help farmers optimize nutrient efficiency which, in turn, enhances the economic, environmental and agronomic performance of working lands.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants
Legal Name of Requesting Entity: Iowa Central Community College

Address of Requesting Entity: 330 Avenue M, Fort Dodge, IA 50501

Description of Request: The project is funded at \$450,000. Funds will be used by the Iowa Central Law Enforcement Training Center to carry out a multi-disciplinary training program for law enforcement personnel from across the state. Thus far, almost 24,000 law enforcement personnel have been trained.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The project is funded at \$3,000,000. Funds will be used for continuation of forensic training and research at the Lab. Numerous & crime labs, at the federal, state and local levels, have benefited from training at the Ames Lab in the areas of forensic evaluation, analysis and crime lab management. The various forensics labs that benefit from the discoveries at the Ames Lab continue to send their personnel to Ames, year after year, to receive updated training.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: \$650,000 is provided to continue a major cyber security defense program, which is a first-of-its kind, dedicated to creating a virtual Internet environment to research and design cyber defense mechanisms. Simulations are played out against real equipment vs. artificially-created attack scenarios.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Byrne Grants

Legal Name of Requesting Entity: Des Moines Area Community College

Address of Requesting Entity: 2006 South Ankeny Blvd. Ankeny, IA 50023

Description of Request: The Des Moines Area Community College Electronic Crime Institute is provided with \$1,400,000. Funds will be used for equipment and supplies for programs at the Institute. This is a computer/electronic crime training institute that trains law enforcement personnel (at federal, state and local levels) in electronic crime detection and forensics.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Big Brothers/Big Sisters of Central Iowa, Clive, Iowa

Address of Requesting Entity: 9051 Swanson Blvd. Clive, IA 50325

Description of Request: \$250,000 is provided to support a Big Brothers/Big Sisters training and mentoring program in rural Iowa. It is a prevention program in which the trained mentors work with children, ages 6–17.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: COPS Meth Program

Legal Name of Requesting Entity: State of Iowa (Office of Drug Control Policy), Des Moines, Iowa

Address of Requesting Entity: 401 SW 7th Street, Des Moines, IA 50309

Description of Request: The Partnership for a Drug-Free Iowa is provided with \$250,000. The purpose of this project is to provide public-service, anti-drug messages to parents in order to provide family members with an understanding of the problems caused by drugs, and the signs to look for in rooting out drug problems.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act.

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Parents Anonymous of Iowa

Address of Requesting Entity: 2011 Vine Street #2140, Des Moines, IA 50265

Description of Request: The project is funded at \$200,000. The purpose of the project goes to the development & maintenance of state-wide programs that serve at-risk families that have child abuse issues. Parents Anonymous of Iowa is a state chapter of a broader, nationwide program.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers

Legal Name of Requesting Entity: Army Corps of Engineers—Construction—

Address of Requesting Entity: Rock Island, IL.

Description of Request: \$910,000 is provided in Section 206 to complete design and construction related to the Ventura Marsh portion of the Clear Lake Improvement Project, a major water quality initiative involving the Corps of Engineers and the Iowa Department of Natural Resources.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE, Office of Science

Legal Name of Requesting Entity: Luther College

Address of Requesting Entity: 700 College Dr., Decorah, IA 52101.

Description of Request: Provides \$951,500 for the renovation of the Valders Hall Science Bldg, a primary element of which is energy conservation modes used in the renovation. The project uses “green” approaches and methods in the renovation and expansion of the building.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE, Renewable Energy

Legal Name of Requesting Entity: Iowa Lakes Community College—

Address of Requesting Entity: South 7th Street, Estherville, IA.

Description of Request: Provides \$475,750 for a sustainable energy education center as a demonstration project involving “green” building initiatives and other benefits related to new energy efficient technologies, most prominently, wind energy.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE, Renewable Energy

Legal Name of Requesting Entity: Iowa Central Community College

Address of Requesting Entity: 330 Avenue M, Ft Dodge, IA.

Description of Request: Provides \$475,750 for laboratory equipment for a nationally certified renewable fuels assurance testing program. The program is of interest to DOE because of its focus on quality control in renewables.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers—PAS

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Rock Island, IL.

Description of Request: Provides \$152,000 for completion of feasibility work regarding restoration of degraded aquatic and wetland habitats on the West Fork of the Des Moines River.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Rock Island, IL.

Description of Request: Provides \$3,800,000 to maintain scheduled construction activities on this broad-based river restoration and Flood control effort that is authorized.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: Corps of Engineers—Section 205, Flood Control

Legal Name of Requesting Entity: Corps of Engineers—

Address of Requesting Entity: Rock Island, IL.

Description of Request: Provides approx. \$200,000 to continue a feasibility study for the Winnebago River flood control project in Mason City, Iowa. This is a major initiative aimed at mitigating perpetual flood hazards in this region of Iowa.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009, Division C—Energy and Water Development and Related Agencies Appropriations Act

Account: DOE—Energy Delivery & Energy Reliability

Legal Name of Requesting Entity: Iowa Association of Municipal Utilities

Address of Requesting Entity: 1735 70th Avenue, Ankeny, IL.

Description of Request: Provides \$1,400,000 for a wind energy storage project in Iowa. The project is carried out in partnership with the Department of Energy, and involves the compressed air storage of wind energy in an underground aquifer. This is a unique project that, at one point, was the only one of its type in the country.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division D—Financial Services and General Government Appropriations Act.

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: North Iowa Area Community College

Address of Requesting Entity: 500 College Drive Mason City, IA 50401

Description of Request: \$100,000 is provided to support the Regional Economic Development Organization. The goal of this organization is to improve marketing and recruitment of business in rural Iowa and plan for the economic stability of the region.

Project Budget Breakout: Salaries \$64,910, Benefits \$18,165, Equipment \$5,000, Supplies \$10,925, Marketing \$1,000.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division D—Financial Services and General Government Appropriations Act.

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: Iowa Valley Community College

Address of Requesting Entity: 3702 South Center Street Marshalltown, IA 50158

Description of Request: A property in downtown Marshalltown is currently leased for use as the Iowa Valley Education and Training Center. In the five years the center has been open, demand for the outreach, education, and workforce development services it provides has outgrown the current space available at the facility. Through this project, the Iowa Valley Community College District will acquire the currently leased property. The facility will then be renovated to improve energy efficiency and effective use of space as well as prepared for expansion of the building. An addition to the facility will then be built to nearly double the available space. Along with the renovation and expansion, furnishings, fixtures, and equipment will be updated and added to improve outreach, education, and workforce development activities. \$500,000 is provided for this project.

tures, and equipment will be updated and added to improve outreach, education, and workforce development activities. \$500,000 is provided for this project.

Project Budget Breakout: \$350,000 for property acquisition. \$100,000 for facility Renovation. \$650,000 for a building expansion. \$150,000 for furniture, fixtures, and equipment.

Requesting Member: Congressman TOM LATHAM

Bill Number: HR 1105, Omnibus Appropriations Act, 2009, Division E—Department of Interior, Environment, and Related Agencies Appropriations Act.

Account: State & Tribal Assistance Grants
Legal Name of Requesting Entity: City of Mason City, Iowa

Address of Requesting Entity: 10 1st Street NW, Mason City, IA 50401

Description of Request: \$220,000 is provided to aid in the procurement and installation of a self-chlorination system at the Mason City drinking water plant. In turn, this will allow the City to use salt to produce chlorine instead of purchasing chlorine. This protects the City system in the event of a pandemic or other catastrophe in that it guarantees a chlorine supply measured in months versus weeks.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Department of Labor—Employment and Training Administration

Project Name: Advanced Manufacturing Training Center

Legal Name of Requesting Entity: Iowa Central Community College

Address of Requesting Entity: 330 Avenue M Fort Dodge, IA 50501.

Description of Request: Advanced Manufacturing Training Center works to train workers for the biotechnology, pharmaceutical and industrial/electrical maintenance sector of the Iowa economy. \$333,000 is provided to enable the center to purchase a mobile lab and supplies, and pay for salaries which will assist the center in meeting its goal to provide an important link between Iowa Central Community College and area manufacturing industries.

Project Budget Breakout: \$1.3 million for formulation, blending, storage tanks, freeze dryer, capper, tablet compression, oven and related equipment. \$100,000 for additional manufacturing simulation equipment. \$70,000 for a mobile training laboratory. \$100,000 for contract training services. \$180,000 for staffing at the training center.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Department of Education—Higher Education

Legal Name of Requesting Entity: Waldorf College

Address of Requesting Entity: 106 South 6th Street Forest City, IA 50436.

Description of Request: Following a long history as a two-year institution, Waldorf College received accreditation in 2001 as a Baccalaureate college from the Higher Learning Commission of the North Central Association. One of our challenges as a new Baccalaureate institution is to build library resources needed to support our growing programs. \$95,000 is provided to enhance and improve teacher preparation library materials for the Luise V. Hanson Library at Waldorf College. It will increase the collection in theory and classroom practices including methods and best practices for K–12 classroom teachers. In addition children's and juvenile literature in both paper and video formats will be acquired to help students learn and experience the body of literature currently available to ages K–12. Finally, the collection in curriculum in various formats will be enhanced to provide teacher preparation students with materials and examples of learning tools used in K–12 classrooms.

Project Budget Breakout: \$100,000 Theory and Practice materials \$100,000 Children's and Juvenile materials \$100,000 Curriculum lab materials

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Greene County Medical Center

Address of Requesting Entity: 1000 West Lincolnway, Jefferson, IA 50129

Description of Request: Surgical equipment upgrades are required to provide the highest quality care to rural patients in Greene County Iowa, consistent with the HRSA Health Facility Grant program under which this request is made. \$325,000 is provided for the purchase of Berchtold Surgical Lights to provide better illumination for surgical procedures, a C-Arm x-ray machine to visualize placement of catheters and the presence of obstructions, a C-Arm compatible operating room table, an electrocautery machine to control bleeding during surgical procedures, and a laparoscopic system for use during laparoscopic procedures, such as removal of gallbladders, repairing hernias, and the emergency removal of an appendix.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Gunderson Lutheran Decorah Clinic

Address of Requesting Entity: 1830 State Hwy. 9, Decorah, IA 52101

Description of Request: The Gunderson Lutheran Decorah Clinic initiative allows rural citizens to take advantage of recent innovations in fetal monitoring technology that improve neonatal outcomes, through the use of real

time fetal monitoring consultation during labor with expert obstetrics/gynecology (OB/GYN) physicians. The decreasing number of specialty health care providers in rural areas has resulted in a growing need for consultations from regional providers. Ensuring the most favorable neonatal outcomes for rural women creates distinct challenges. The technology provided in this program improves access to OB/GYN consultation in rural communities and allows regional family practice physicians to discuss the care of their patients from their local community facilities. \$95,000 is provided through the HRSA Health Facility Grant program for hardware and training needed to facilitate the use of this technology.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Iowa Dental Foundation

Address of Requesting Entity: 5530 West Parkway, Suite 100, Johnston, IA 50131

Description of Request: \$381,000 in funding is provided through the HRSA Health Facility Grant program to purchase portable dental equipment that will help establish the Iowa Mission of Mercy (MOM) project to deliver free dental care to underserved populations. The Iowa Department of Public Health will use the operatories throughout the year in public health settings such as Iowa rural clinics, schools and nursing facilities to enhance access to oral health care when the Iowa Dental Foundation is not using them during a MOM project. MOM projects have been used successfully in other states to deliver free dental care given by volunteer dentists and their allied staff to underserved populations. The contribution that these programs can make to Iowa communities is substantial. For example, the Virginia Dental Association estimates that Virginia Mission of Mercy volunteer dental personnel have provided free dental care to more than 24,856 patients valued at more than \$11.3 million.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: Iowa State University's College of Veterinary Medicine is provided with \$666,000 in funding to expand and equip a new, modular Biosafety Level 3 laboratory, in order to develop strategies for safeguarding Iowa's animal agriculture and human populations from highly infectious diseases. Iowa State University's College of Veterinary Medicine long has been preeminent in the field of infectious diseases research in domes-

tic animals. Recently, the College has focused on research that addresses new strategies to prevent and control foreign animal and zoonotic diseases, which are pathogens carried by animals that may be spread to humans.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Mercy Medical Center—North Iowa

Address of Requesting Entity: 1000 4th Street SW, Mason City, IA 50401

Description of Request: \$190,000 is provided through the HRSA Health Facility Grant program for hardware, software and training to implement an automated medical record system in the intensive care unit (ICU) at Mercy Medical Center—North Iowa. This system uses a bedside device to capture and integrate ICU monitor data, and provides a centralized place in the patient's Electronic Health Record to view patient data trends, document patient findings, update physician orders, and receive important notifications. The system allows the information to be viewed by the patient's physician over a secure connection from locations in surrounding rural areas. The result of integrating the automated electronic health record with the ICU unit will be increased patient safety and reduced medical errors. National studies have shown that as many as 16 percent of patients admitted to an ICU experience a human error, and that these errors can add significantly to length of stay, morbidity and costs. The Medical Center employs approximately 100 primary care health providers in very rural settings with the Mason City hospital being the hub of the integrated network, which will contribute to and benefit from this initiative.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Centers for Disease Control and Prevention (CDC)

Legal Name of Requesting Entity: Des Moines University

Address of Requesting Entity: 3200 Grand Avenue, Des Moines, IA 50312

Description of Request: This ongoing research project in partnership with the Iowa Farm Bureau is provided with \$190,000 through the Centers for Disease Control and Prevention to help determine what chronic disease prevention efforts and early interventions achieve better health outcomes in at-risk individuals aged 55–64. The goal of the project is to determine if long-term taxpayer savings can be achieved by delaying, preventing or better managing chronic disease prior to entering the Medicare program. Specifically, the funding would be used to perform health risk assessments, provide disease management services and assess program results.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Account: Department of Education—Rehabilitation Services & Disability Research

Project Name: Iowa Department of Blind

Legal Name of Requesting Entity: Iowa Department of Blind

Address of Requesting Entity: 524 4th Street Des Moines, IA 50309

Description of Request: The Library for the Blind and Physically Handicapped (LBPH) provides important materials to disabled Iowans and is transitioning along with the National Library Service's Digital Talking Book program to a digital format from a cassette based system. These important materials provide current events, information, and leisure reading to those who can no longer read. The LBPH provides many additional local materials which will need to be in the new digital format also. \$95,000 is provided to assist in the purchase of new electronic storage space for these digital materials and a new shelving system for the digital talking books.

Project Budget Breakout \$14,000 Random-shelving system. \$4,500 Bar Code Scanners. \$2,000 Bar Code Printer. \$7,000 Training and New Software. \$58,000 Digital Storage Space, Duplication Equipment, and Shipping Containers. \$27,500 Web-based Software for Circulation of Digital Talking Books.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Surface Transportation

Project Name: Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning

Legal Name of Requesting Entity: City of Humboldt, Iowa

Address of Requesting Entity: 29 56 St. S., Humboldt, IA 50548

Description of Request: \$760,000 is provided to the State of Iowa to undertake an environmental analysis/justification report, and preliminary engineering for proposed work on the 12 mile corridor. The project would include the addition of left and right turning lanes at intersections, 6 miles of passing lanes, widened and paved shoulders, improved entrances at various locations and a 1.23 mile section of reconstruction to improve the roadway geometrics and blind intersections.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Surface Transportation

Project Name: Highway 20 Construction Calhoun and Webster Counties

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: \$855,000 is provided to the State of Iowa to continue the expansion of Highway 20 from two lanes to four.

The completion of the relocated US 20 segment in Webster and Calhoun counties will add another 20 miles of four-lane roadway to the corridor.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Surface Transportation

Legal Name of Requesting Entity: Mitchell County Conservation Board

Address of Requesting Entity: 18793 Highway 9, Osage, Iowa 50461

Description of Request: \$570,000 is received for the Wapsi Great Western Line Trail. The Wapsi trail is a planned multi-use trail project that is located in Mitchell and Howard Counties as well as into Mower County in Southern Minnesota. The planned 33 mile trail starts in Elma, Iowa and progresses north through Riceville and McIntire, connecting to the paved Shooting Star Trail at Taopi, Minnesota which will connect to the Root River Trail. The trail will consist of approximately 15.5 miles in Mitchell County, 13.5 miles in Howard County, and 4 miles in Mower County. Four and a half miles of trail through Mitchell County were asphalted and completed in Fall 2007 and two additional phases are planned for asphaltting in Fall 2008. The trail in Mitchell county travels over 2 historic bridges and the Wapsi Welcome Center in Riceville is a historic church that is eligible for the National Registry of Historic Buildings. The Welcome Center in Howard County in Elma is a historic rail depot. Upon completion of this phase of the trail, it will be possible to continue southeast to New Hampton, IA. Once the planned trail is connected to the trails in Minnesota, there will be over 100 miles of trail system for residents and visitors to enjoy.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Marshalltown, Iowa

Address of Requesting Entity: 24 North Center Street, Marshalltown, IA 50158

Description of Request: \$570,000 is received for the project to include the redevelopment of property located in a downtown neighborhood. Funding would be used to assist in the acquisition of properties, relocation, and demolition to allow for new housing development. Marshalltown received \$140,000 in the FY08 bill which has allowed them to purchase one property in this area.

Requesting Member: Congressman TOM LATHAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009, Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Fort Dodge, Iowa

Address of Requesting Entity: 819 1st Avenue South, Fort Dodge, IA 50501

Description of Request: \$285,000 is provided to assist in the acquisition of properties,

relocation, and demolition to allow for new housing development. Phase I of this project was financed in part with federal funds in the past which involved the acquisition, demolition and re-sale of properties along the North 9th Street corridor. Phase II includes 6 properties and provide incentives for the redevelopment and conversion of 5 additional properties to the east of Phase I. This project is a response to the R.A. Smith study, which named improving housing in the community in order to sustain a sufficient workforce. Currently, Webster County and the surrounding areas are experiencing a labor shortage; but before employees can be recruited to area companies, adequate housing must be available.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the House Republican standards on Congressional directed spending items, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding spending directed to Texas' 19th Congressional District as a result of requests made by those I represent:

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Cooperative State Research, Education and Extension Service: \$1,730,000

Legal Name of Requesting Entity: Texas Tech University and Texas A&M University

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409 and College Station, TX 77843

Description of Request: The cotton research funding will be used for study of genomics and genetic manipulation to increase yield and fiber quality, determination of economic factors affecting profitability and understanding of cotton marketing forces, study of the integrated effects of world market and policy program and development of new textile testing and manufacturing technologies. Accomplishments of this continuing research, which is authorized as a High Priority Research and Extension Area, include (1) plant density and irrigation findings that conserve water and enhance producer profitability by \$37 million, (2) genetic enhancements that increase fiber value and (3) analysis of cotton markets, trade and farm policy proposals to determine economic impacts on producers.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Cooperative State Research, Education and Extension Service: \$946,000

Legal Name of Requesting Entity: Texas Tech University, Center for Food Industry Excellence

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Center for Food Industry Excellence will use funds to deter-

mine the impact of packaging systems on the food safety and quality of meat and poultry products, investigate antimicrobial drug resistance in animal production and continue to study pre- and post-harvest interventions to determine control measures for food-borne pathogens in the food supply. The Center's research has already resulted in a pre-harvest food safety intervention that is currently being fed to 60% of feedlot cattle in the U.S., evaluation of meat packaging systems that have improved the safety and quality of meats and poultry and updated data on nutritional composition of poultry for use by USDA and nutritional labeling.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Cooperative State Research, Education and Extension Service: \$515,000

Legal Name of Requesting Entity: Texas Tech University, Kansas State University and Texas A&M University

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409; Manhattan, KS 66506; College Station, TX 77843.

Description of Request: The Great Plains Sorghum Improvement Center integrates research efforts at three universities with sorghum expertise. Kansas State University leads efforts in agronomic sorghum research and development of new uses for sorghum. Texas Tech leads market and policy analysis work, and Texas A&M focuses on efficient sorghum cropping and production strategies. Research in FY09 will focus on genetics and plant breeding to enhance sorghum as a bioenergy feedstock, developing more sustainable cropping systems and developing new uses for grain sorghum.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Agriculture, Agriculture Research Service Salaries and Expenses: \$1,474,000

Legal Name of Recipient Entity: USDA-ARS Cropping Systems Research Laboratory

Address of Recipient Entity: 3810 Fourth Street, Lubbock, TX 79415.

Description of Request: The Administration's FY09 budget request to Congress proposed to eliminate funding for two research programs at the ARS Cropping Systems Research Lab in Lubbock. This request allows continued funding of the Lab's sorghum cold tolerance research (\$246,000), which is leading to a better understanding of how drought tolerance functions in sorghum and screening techniques to assist plant breeders in rapidly identifying and moving those genes into improved germplasm. The request also allows continued funding of the Lab's Cotton Production and Processing Unit (\$1,228,000). The Unit is the only ARS facility that works on quality issues related to mechanical stripper cotton. The Unit also has a particulate matter analysis lab used to support USDA air quality work.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Environmental Protection Agency, State and Tribal Assistance Grants: \$200,000

Legal Name of Requesting Entity: City of Lubbock, TX

Address of Requesting Entity: 1635 13th Street, Lubbock, Texas 79457

Description of Request: These federal funds, along with a 45% match from the City of Lubbock, will be used for engineering costs to enable the city to move forward with constructing a terminal water storage reservoir and a membrane water treatment plant southeast of Lubbock, which will allow the City to make use of an additional water source to replace declining water supply. Projections indicate Lubbock, and the surrounding rural communities its water system serves, will need this water by 2012. This project's total cost is \$46 million and also includes new pipeline and pump stations; a majority of funding for the project comes from state and local sources.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers, General Investigations: \$163,000

Legal Name of Requesting Entity: City of Abilene, TX

Address of Requesting Entity: PO Box 60, Abilene, TX 79604

Recipient Entity: U.S. Army Corps of Engineers Fort Worth District located at 819 Taylor Street, Fort Worth, TX 76102

Description of Request: Flooding along Elm Creek in Abilene has resulted in federal disaster declarations, most recently in 2002 with \$6.3 million in damages to residences. Abilene has partnered with the Corps on a study of flood mitigation options. Of the total \$1.7 million cost, Abilene has contributed 50% of the costs, and the Corp committed to provide 50%. Prior to FY09, the Corps received \$373,000 for this study, and this funding brings them close to their share so the study can be completed.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Energy, Office of Energy Efficiency and Renewable Energy: \$1,903,000

Legal Name of Requesting Entity: Texas Tech University's Great Plains Wind Power Test Facility

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Center's research focuses on: testing utility-scale wind turbines designed for use in less-energetic wind regimes; assessing the risk and effects resulting from exposure to more extreme wind events; improving wind turbine design codes; full-scale testing of wind-driven water desalination systems and their associated economics; and developing modeling codes for combined wind-water systems. FY09 funds, along with \$552,000 state of Texas funds and up to \$1 million in local matching funds, will be used to design, construct, instrument, operate and monitor the technical and economic performance of an integrated wind-driven water system capable of supplying 1 million gallons/day of purified water. The module will be capable of replication for additional capacity and for adoption in other locales.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration: \$238,000

Legal Name of Requesting Entity: Muleshoe Area Hospital Center

Address of Requesting Entity: 708 S First Street, Muleshoe, Texas 79347

Description of Request: The Muleshoe Area Hospital Center is a Critical Access Hospital that serves a large rural area with a population of 17,000 and per capita income of \$13,700. The hospital provides care to a growing Medicare population, a large number of uninsured patients and indigent patients. The hospital has one rural health clinic with one physician, and the area has three other family practice physicians in two different locations, neither of which are rural clinics. Funding would go toward the hospital's efforts to combine the two clinics and physicians into the hospital's clinic, including expanding and renovating the existing facility and new equipment. The hospital believes that combining physicians into one clinic will provide better health care services, allow mid-level practitioners to support physicians and help recruit additional physicians to the rural area. The total project cost is \$1.7 million, and the federal support will supplement local funding.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration: \$190,000

Legal Name of Requesting Entity: Texas Tech University Health Sciences Center

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Regional Interdisciplinary Simulation Center (RISC) at TTUHSC will provide a replica of multiple clinical settings and support the learner from student to the life-long learning needs of the expert practitioner. TTUHSC has designated approximately 30,000 square feet for the establishment of a state-of-the-art regional simulation center in response to the Institute for Medicine report, Health Professions Education: A Bridge to Quality. The center will assist the learner in developing the competencies mandatory to ensure patient safety while promoting interdisciplinary collaboration, communication, and teamwork. FY09 funds, along with TTUHSC and local matching funds, will go toward purchase of human-patient simulator to facilitate the development of clinical competencies and judgment of students and practitioners of the health sciences; the total project cost is \$3 million.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration: \$190,000

Legal Name of Requesting Entity: Texas Tech University Health Sciences Center

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Center of the Study of Addiction and Recovery is a unique and comprehensive educational, social support and recovery service network for students in higher education who are recovering from addictive disorders or who have grown up in families impacted by addiction. A main goal of the Center is to serve as a demonstration pro-

gram that can easily be replicated by other institutions of higher education. The requested funding will be used for programmatic costs, specifically to: (1) determine and maximize the most effective methods of peer delivered support and empower persons in recovery to deliver these services; (2) provide an alternative peer community that combats the current "culture of drinking" on college campuses; (3) pursue research collaborations to improve programs that identify and meet the needs of students in recovery; and (4) develop an effective replication strategy and organizational plan to other institutions of higher education. The Center is currently working with the University of Texas-Austin, the University of Texas-San Antonio, the University of Colorado-Boulder and Tulsa Community College to form recovery centers at those campuses modeled after the one at Texas Tech. A cost share of \$369,000 in state and local funds will be used with federal funds in FY09.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Transit Administration, Buses and Bus Facilities: \$712,500

Legal Name of Requesting Entity: City of Lubbock/Citibus

Address of Requesting Entity: Citibus, PO Box 2000, Lubbock, TX 79457 (806) 712-2001

Description of Request: The buses will replace vehicles in the Citibus fleet that have exceeded their useful life. Many of the buses used for Citibus' services will be twelve years old and in need of replacement to better serve the Lubbock community. By purchasing hybrid electric buses, Citibus will be more environmentally friendly, and be less dependent on oil products; current technology electric hybrid buses will result in a 40% fuel savings over current usage. This bus purchase will be part of a multi-year Section 5309 request. Citibus would like to replace the fleet over a five year period at the rate of seven to eight buses per year.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Transit Administration, Buses and Bus Facilities: \$456,000

Legal Name of Requesting Entity: City of Abilene Paratransit

Address of Requesting Entity: City of Abilene, PO Box 60, Abilene, TX 79604

Description of Request: Abilene operates an Americans with Disabilities Act-compliant paratransit service for persons whose physical or mental disability prevents them from using the accessible fixed-route bus service. However, Abilene's ability to meet the need for paratransit service is jeopardized due to heavy usage. The City has 22 vehicles but 18 vehicles have exceeded their Federal Transit Administration useful life limits. The City requested assistance in replacing five paratransit vans to meet the transportation needs of the City's disabled population. City of Abilene will provide a cost share of \$120,000 for the \$600,000 total cost of this project.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account:

Department of Housing and Urban Development, Economic Development Initiatives: \$142,500

Legal Name of Requesting Entity: City of Abilene

Address of Requesting Entity: City of Abilene, PO Box 60, Abilene, TX 79604

Description of Request: The Life Sciences Accelerator is a biotech facility located in a 20,000+ square foot building that will contain leased office space and laboratory facilities and research equipment to be "time-shared" by biotech company tenants. The Development Corporation of Abilene (DCOA), the economic development arm of the City of Abilene, has committed \$4.85 million to the Accelerator, including the building and equipment—about a 95% local share. The Accelerator is part of a much larger biotech initiative by the City of Abilene/DCOA designed to diversify the regional economy through attraction of high-paying research jobs. Properly outfitted lease space is needed to attract companies that license these discoveries (intellectual property) from the new Texas Tech School of Pharmacy in Abilene and elsewhere for commercialization. These federal funds will go toward the \$1 million needed for equipment for the Accelerator, such as an Amnis ImageStream imaging flow cytometer, for example, which is available at only 35 other sites in the world and will help make the Accelerator a "world class" research facility that attracts private investment and jobs.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: Department of Transportation, Federal Highway Administration, Interstate Maintenance: \$475,000

Legal Name of Requesting Entity: The Ports to Plains Trade Corridor

Address of Requesting Entity: 5401 N MLK Blvd., Unit 395, Lubbock, TX 79403 (806) 775-3373

Description of Request: The Ports to Plains Trade Corridor is vital to the infrastructure of West Texas and will provide increased economic growth opportunities for Texas, and a recently-completed corridor management and development plan produced by the departments of transportation of Texas, Oklahoma, New Mexico and Colorado projected that if completed, the corridor will create 40,000 new jobs with an economic impact of \$4.5 billion. That will provide a benefit to cost ratio of 3:1. Big Spring is currently in the path of the federally-designated Ports-to-Plains Trade Corridor (section 1105(c) of ISTEA). While the Corridor will bring increased commerce, the increase of truck traffic will pose several safety hazards to the community. This commercial truck traffic, interspersed with community traffic along the current route, has slowed travel along this part of the Corridor. Due in most part to the grade changes and traffic signals, the increase of traffic through Big Spring threatens the safety and well-being of the city's residents. The US 87 reliever route will increase the fuel and speed efficiency when traveling US 87. The Ports-to-Plains Corridor has made significant strides in opening an alternative NAFTA trade route to the whole United States. This bypass

will build on that success while resolving many safety and congestion issues.

Sponsoring Member: Congressman RANDY NEUGEBAUER

Bill Number: H.R. 1105

Account: National Aeronautics and Space Administration, Cross-Agency Support: \$500,000

Legal Name of Requesting Entity: Texas Tech University

Address of Requesting Entity: 2500 Broadway, Lubbock, TX 79409

Description of Request: The Engineering Support for Extended Human and Robotic Space Flight Missions initiative will provide engineering support for extended human & robotic space flight missions, which will directly contribute to NASA's initiative of returning to the moon and going to mars. For human and robotic missions the Center for Space Sciences is addressing the need for a decreased reliance on mission control due to the communication delays that occur in long distance missions. For human missions the Center is also addressing the need for greater autonomy in dealing with the physical needs of the astronauts, including long term water recycling, which currently limits the habitation period possible without re-supply, and the ergonomics and human factors aspects of human performance in zero and reduced gravity environments. The major research areas will include recyclable/renewable water resources, autonomous/renewable control systems and ergonomics/human factors crew support.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

PROJECT NAME: COMMERCIAL FISH AND SHELLFISH TECHNOLOGIES

Account/Amount: Department of Agriculture: Cooperative State Research Education and Extension Services, \$331,000

Requested By: Virginia Tech, 210 Burruss Hall, Blacksburg, VA 24061

Project Description: Declining crab populations are linked to worsening environmental conditions, like loss of habitat and a degradation of the water quality. The Commonwealth of Virginia petitioned the Department of Commerce for a federal fishery disaster declaration and requested federal assistance for Virginia watermen impacted by new restrictions on blue crab harvests in the Chesapeake Bay. The Secretary of Commerce approved the disaster designation and NOAA released \$20 million in disaster assistance funds to Virginia and Maryland in November 2008. This project would develop re-circulating aquaculture technology to increase the supply of domestically produced high-value seafood products and provide sustainable economic development

opportunities for distressed communities. The project has received numerous federal grants, and approximately \$680,000 in local and state government funding.

Financial Plan: Personnel \$676,000; Equipment and Supplies \$39,000; Laboratory Services and Publications \$16,000

PROJECT NAME: US ROUTE 1/STATE ROUTE 619 TRAFFIC CIRCLE/INTERCHANGE PROJECT

Account/Amount: FHWA, Federal Lands Highways, Public Lands Highways: 1,187,500

Requested By: Prince William County, Virginia One County Complex Court, Woodbridge, VA 22192

Project Description: Funds would be used to construct an interchange/traffic circle at the intersection of USR 1 and SR 619. The purpose of project is to safely and securely access the USMC Quantico Marine Corps Base and the National Marine Corps Museum (Heritage Center), which is adjacent to Quantico Marine Corps Base. This project will help alleviate traffic on USR 1 as a result of BRAC-mandated growth of the base. This project is included in the Virginia Six-Year Transportation Improvement Plan.

Financial Plan: \$5.5 million has previously been appropriated and there is a \$1.2 million local match through state primary road formula funds. Prince William County is using \$47,000,000 of local general obligation bonds to construct the section of Route 1 between SR 619 Joplin Road and Brady's Hill Road that will match up to the interchange/traffic circle.

PROJECT NAME: ONVILLE ROAD INTERSECTION AND ROAD-WIDENING PROJECT

Requested By: Quantico Growth Management Committee/Stafford County, Virginia 1300 Courthouse Road Stafford County Administrative Complex Stafford, Virginia, 22555
Account/Amount: FHWA, Federal Lands, Public Lands Highways, \$950,000

Project Description: Funds would be used for the Onville Road intersection and widening project. The purpose of this project is to relieve local road congestion between Garrisonville Road and the Marine Corps Base Quantico by improving access to MCBQ at the Onville Road Gate. The intersection and a portion of Onville Road is included in the state 6-Year Plan.

Financial Plan:

Amount of local matching funds: \$675,000

Amount of state matching funds: \$350,000

Total Project Cost: \$1,025,000

PROJECT NAME: PRELIMINARY ENGINEERING FOR THE INTERSTATE 95/ US ROUTE 17 INTERCHANGE PROJECT

Requested By: Spotsylvania County, 9104 Courthouse Road, Spotsylvania, VA 22553
Account/Amount: FHWA, TCSP: \$95,000

Project Description: Funds would be used for preliminary engineering for a new interchange off of I-95 at U.S. Route 17 to facilitate traffic flow. This interchange is on Spotsylvania County's Comprehensive Plan as a needed improvement. Massaponax Traffic Corridor Study completed, with interchange recommendations. Interchange Justification Report (IJR) funded; Regional Transportation Improvement Program (TIP) Amended to Include in the Constrained Long Range Plan.

Finance Plan:

Interchange Justification Report: \$300,000

Preliminary Engineering Estimate: \$2,000,000

Final Engineering (10% Project cost): \$17,800,000
 R/W & Utilities (20% Project cost): \$35,600,000
 Construction (Net): \$122,250,000
 Total Project Cost: \$178,000,000

PROJECT NAME: CHESAPEAKE BAY GATEWAYS NETWORK
 Requested By: Commonwealth of Virginia, Department of Historic Resources 2801 Kensington Avenue Richmond, VA 23221

Account/Amount: National Park Service: Statutory or Contractual Aid: \$1,000,000

Project Description: The Chesapeake Bay Gateways Network (CBGN) is a program of the National Park Service's Chesapeake Bay Program Office and closely aligned with the Captain John Smith Chesapeake National Water Trail. The CBGN is a partnership system of local, state, federal, and non-governmental parks, refuges, maritime museums, historic sites, and water trails around the Bay watershed. The CBGN is coordinated by the National Park Service (NPS) in cooperation with the Chesapeake Bay Program. In six years, the Gateways Network has grown to include thousands of miles of trails and tens of thousands of acres at sites in five states and Washington DC.

Finance Plan: Virginia state offices manage funding for tourism, natural and cultural resources connected to the Network through departments' larger programs, provide a portion of grant matching funds for critical projects, participate in the advisory group to the Network, and participate in the tourism-related marketing by the Network.

PROJECT NAME: RAPPAHANNOCK RIVER VALLEY NATIONAL WILDLIFE REFUGE, VA

Requested by: The Nature Conservancy, 4245 N. Fairfax Drive, Suite 100, Arlington, VA 22203

Account/Amount: Fish and Wildlife Service, Land Acquisition: \$1,500,000

Project Description: Funds appropriated to the U.S. Fish and Wildlife Service will be used to acquire 470 acres in fee and conserve another 390 acres with a conservation easement within the Rappahannock River Valley National Wildlife Refuge.

Finance Plan: US F&W is the recipient of these funds. Funds will be used by the Fish and Wildlife Services for a fee simple acquisition of the 470-acre Bower Hill property and acquisition of a conservation easement on the 390-acre Winters tract. The Fish and Wildlife Service own and manage the Bower Hill property and would hold and monitor the easement on the Winters tract.

PROJECT NAME: HAMPTON UNIVERSITY CANCER TREATMENT INITIATIVE

Requested By: Hampton University 3 Shore Road, Hampton, Virginia 23668

Account/Amount: HHS, HRSA, Health Facilities and Services: \$571,000

Project Description: The Hampton University Cancer Treatment Initiative (HUCTI) will offer active and retired military personnel and their dependents world-class cancer detection and treatment facilities unique to the Hampton Roads area. HUCTI's programmatic and infrastructure components will include improved cancer prevention, detection and diagnostic services, and treatments and cures, for cancers that disproportionately affect minority communities, particularly breast cancer and

prostate cancer. HUCTI's centerpiece will be a regional proton beam therapy facility with as many as four treatment bays. Proton therapy is a precise and advanced form of tumor treatment, especially useful for those previously unreachable or not treatable without inducing significant damage to healthy surrounding tissues.

Finance Plan: The State commitment is \$1 million. The City has donated the land and committed \$1 million. Financing through tax-exempt bonds and other equity investors has also been arranged by the University. \$5 million in previous federal appropriations. Additional revenue will be generated through patients using the medical services. Total cost of project: \$227 million.

PROJECT NAME: RIVERSIDE HEALTH SYSTEM, PATIENT NAVIGATOR PROGRAM

Requested By: Riverside Health System, Riverside Regional Medical System 12100 Warwick Blvd, Newport News, VA 23601

Account/Amount: Health Resources and Services Administration—Health Facilities and Services: \$95,000

Project Description: Funds would be used to expand the "Patient Navigator Program" that will help guide hundreds of cancer patients through the complex, and often overwhelming, maze of health care treatment this year. Insurance companies will not reimburse Riverside for its navigator program, which assists patients with understanding how to coordinate their treatment and recovery programs. Many of the patients who benefit from the Navigator program are people where the federal government is the primary payer for their treatment. These patients are often unable to cope with the sheer scope of services that need to be coordinated for successful treatment and the Navigator program provides them with key assistance.

Finance Plan: Riverside will provide at least 42% of the project's total cost in year one and ongoing costs in future years. Riverside has previously received \$346,000 in federal appropriations and grants. Total cost of project: \$1,000,000

PROJECT NAME: GERMANNA NURSE TRAINING PROGRAM

Requested By: Germanna Community College 10000 Germanna Point Drive, Fredericksburg, VA 22408

Account/Amount: Higher Education (includes FIPSE): \$285,000

Project Description: The Germanna Nurse Training Program will educate, train and certify individuals in order to increase the pool of qualified registered nurses, practical nurses, and nursing assistants for area workforces. Germanna will also work with other colleges to encourage students to move from a certified nurse aide to a licensed practical nurse to a registered nurse. The program provides clinics on campuses as well as in hospitals, and distance learning courses that can be accessed by students almost anywhere. Upon completion, the program will provide the region with over 1,000 RNs over the next four years. This program will also work with area employers to fill jobs with graduates of the nursing training program.

Finance Plan: Equipment \$250,000; Personnel \$368,000; Supplies \$52,000

PROJECT NAME: FREDERICKSBURG AREA MUSEUM AND CULTURAL CENTER

Requested by: Fredericksburg Area Museum and Cultural Center PO Box 922 Fredericksburg, VA 22404/1001 Princess Anne St., Fredericksburg, VA 22401

Account/Amount: Institute of Museums and Library Services: Museums and Libraries: \$190,000

Project Description: The Museum seeks funds for interactive exhibits and programs which are curriculum-coordinated, grade-level targeted and correlated to education objectives outlined in the Virginia Standards of Learning (SOL). This account assists public libraries and museums in improving public services, promoting broader access for users, using technology to enhance services, and supporting collaborative efforts between libraries and museums.

Finance Plan:

Exhibit total	Fabrication costs	Graphic	Interactive/	Audio-visual
Fredericksburg at War	\$440,872	65,000	198,050	703,922
Indians/River Exhibits ...	\$250,982	52,000	50,000	352,982
Railways and Roadways Banking Exhibit	\$56,358	36,000	38,000	130,358
Our Community	\$7,859	5,000	0	12,859
Document Gallery	\$13,626	12,000	23,000	48,626
	\$58,303	2,500	0	60,803

The Museum has thus far raised approximately \$10.3-million of its overall \$12-million budget for the project. State funding: \$910,000. Local funding: \$700,000 from the City of Fredericksburg.

PROJECT NAME: RESTORE OYSTER HABITATS IN THE CHESAPEAKE BAY

Requested By/ Recipient: Commonwealth of Virginia and the State of Maryland

Account/Amount: Department of Commerce, NOAA Operations, Research and Facilities: \$4.6 million

Project Description: Funds would be used to build the hatchery and remote setting infrastructure and to modify existing technology to the local conditions. This will insure the development of infrastructure and technology necessary to produce oysters on a commercial scale by hatchery and the remote settings throughout the Virginia portion of the Chesapeake Bay. NOAA is one of the primary federal agencies involved in oyster restoration in the Chesapeake Bay. The NOAA Chesapeake Bay Office (NCBO) is working with federal, state, and local partners in Virginia to implement large-scale restoration and to support research to better manage the diseases that plague the oyster today. NCBO funds have supported extensive evaluation, survey, and initial monitoring efforts of an expanded partnership project, which now includes the Virginia Marine Resources Commission, Virginia Institute of Marine Science, U.S. Army Corps of Engineers Norfolk District, and the Chesapeake Bay Foundation. Current efforts are focusing on the Great Wicomico River, with plans to move into the Lynnhaven River.

Finance Plan for the Commonwealth of Virginia:

Hatchery Infrastructure and Facility Incentives: \$500,000

Remote Setting Facility Incentives: \$200,000

Remote Setting and Hatchery Technology Development: \$300,000

60,000 Bushels of Oyster Spat on Shell production: \$1,500,000

(360,000,000 oysters per year)

PROJECT NAME: VIRGINIA TRAWL SURVEY, GLOUCESTER POINT, VA

Requested by: Virginia Institute of Marine Science (VIMS) Route 1208 Grete Road, Gloucester Point, VA 23062

Account/Amount: Department of Commerce, NOAA Operations, Research and Facilities: \$150,000

Project Description: The Chesapeake Bay supports a variety of recreationally and commercially important finfish species. These fisheries contribute up to \$500 million to the Commonwealth's economy. The Virginia Trawl Survey is a long-term program that ensures the collection and reporting of critical data on the recruitment, current and future abundance, and general ecological health of the finfish populations in the Chesapeake Bay on an annual basis. Such information is used by the various agencies, including the Atlantic States Marine Fisheries Commission and the Commonwealth of Virginia to support management of key fisheries. Proper long-term management of these finfish resources ensures stability of both the ecology of the Bay and the economic livelihood of fishery participants. Discontinuation of the Virginia Trawl Survey would violate federal law and could prompt management agencies to declare Virginia out of compliance with state mandates. The impacts of noncompliance would be devastating as several of the Commonwealth's recreational and commercial fisheries, such as those for striped bass and summer flounder, would be closed.

Finance Plan:

State funding: \$64,658

VIMS funding: \$367,789

Previously received over \$1.2 million in federal appropriations. According to the Virginia Marine Resources Commission, the survey costs \$800,000 annually to execute.

PROJECT NAME: PRINCE WILLIAM COUNTY LAW ENFORCEMENT TECHNOLOGY

Requested By: Prince William County One County Complex Court, Woodbridge, VA 22192

Account/Amount: DOJ, COPS Law Enforcement Technology: \$300,000

Project Description: The scope of this project is to equip all 270 police operations vehicles with an in-car camera system, supported by appropriate staff and training resources. This will ensure that the County of Prince William, specifically the Police Department, will be able to provide a true and accurate depiction of events that occur during police contact with community members. There are significant benefits in terms of evidentiary value, liability protection, officer safety, and taxpayer savings.

Finance Plan:

Local Matching Funds: \$1,626,209

Capital Equipment Purchase: \$1,794,550

Operating Costs: \$1,267,299

Total Project Cost: \$3,061,849

PROJECT NAME: AN ACHIEVABLE DREAM ACADEMY

Requested By: An Achievable Dream, Inc., 10858 Warwick Blvd., Suite A, Newport News, VA 23601

Account/Amount: DOJ, Office of Justice Programs, Juvenile Justice: \$700,000

Project Description: The 1,000 students in grades kindergarten through 12th benefit from Achievable Dreams' support of social, academic and moral curricula proven effective over 15 years of operating the public/private partnership with Newport News Public Schools. It has been a major focus of the federal government to provide support to public education to raise standards and performance. This objective is embodied through major initiatives and legislation, namely the No Child Left Behind Act. The vast majority of students enrolled in the An Achievable Dream program have an immediate family member who is in prison or a victim of violence. Newport News Sheriff's deputies and Newport News Police Officers are a daily presence at the school, providing the students with a sense of discipline and bridging the gap between law enforcement and a community that generally distrusts law enforcement.

Finance Plan: Personnel \$390,000; Supplies and Equipment \$260,000; Consultants, Contracts and Training \$50,000

Local Matching Funds: \$100,000

State Matching Funds: \$427,500

Private Matching Funds: \$1,500,000

PROJECT NAME: STAFFORD COUNTY PAS

Recipient of Funds/Requested by: Army Corps of Engineers, Baltimore District 31 Hopkins Plaza Baltimore, MD 21201

Account/Amount: ACOE, Investigations, PAS: \$150,000

Project Description: Funding would be used to complete remaining work on Stormwater Infrastructure and Watershed management Study.

Finance Plan: ACOE Baltimore District is the recipient of the funds.

PROJECT NAME: LITTLE WICOMICO RIVER

Recipient of Funds/Requested by: Army Corps of Engineers, Baltimore District, 31 Hopkins Plaza Baltimore, MD 21201.

Account/Amount: ACOE, O&M: \$870,000

Project Description: The project provides for a channel 8 feet deep and 150 feet wide from the Potomac River to deep water in the Little Wicomico River; two stone jetties, 1,000 feet and 1,300 feet long at the entrance; and 1,007 linear feet of timber bulkhead to stabilize the dredged inner channel. The project is located at the junction of the Potomac River and the Chesapeake Bay. FY2009 funds are required to maintenance dredge the project channel.

Finance Plan: ACOE Baltimore District is the recipient of the funds.

PROJECT NAME: NEW POINT COMFORT RSM DEMONSTRATION PROGRAM

Requested by: Mathews County, Virginia
Recipient of Funds: Army Corps of Engineers Norfolk District, 803 Front Street Norfolk, VA 23510

Account/Amount: ACOE, O&M: \$238,000

Project Description: Complete feasibility study for National Regional Sediment Management Demonstration Project, Chesapeake Bay.

Finance Plan: ACOE Norfolk District is the recipient of the funds.

PROJECT NAME: NOAA CHESAPEAKE BAY OFFICE

Recipient of Funds: NOAA Chesapeake Bay Office

Requested by: The Conservation Fund, 1655 N. Fort Myer Dr., Suite 1300 Arlington, VA 22209-3199

Account/Amount: NOAA—Operations, Research and Facilities: \$500,000

Project Description: The Chesapeake Bay Interpretive Buoy System is an existing NOAA program specific to Chesapeake Bay. The program is part of the Chesapeake Bay Observing System and the larger US Ocean and Coastal Observing System.

The system provides real-time data and interpretation to further protect, restore, and manage the Chesapeake Bay. Agencies and organizations monitoring Chesapeake Bay health recognize that continuous measurements of water quality are necessary to evaluate restoration progress.

Finance Plan: NOAA is the recipient of these funds.

System Expansion (5 buoys and sensors): \$600,000

System Operations and Maintenance: \$200,000

Education Materials: \$200,000

Total: \$1,000,000

PROGRAM NAME: READING IS FUNDAMENTAL

Recipient of Funds: Reading is Fundamental 1825 Connecticut Avenue, N.W. Suite 400 Washington, DC 20009

Account/Amount: Department of Education, National Projects: Innovation and Improvement: \$24,803,000

Program Description: Reading is Fundamental is a federally-authorized national program with a priority on reaching underserved children from birth to age 8. Reading is Fundamental provides 4.6 million children with 16 million new, free books and literacy resources each year across the country. There were 454 sites in Virginia.

Finance Plan:

\$5.7 million in private funds secured in 2007

\$8.6 million raised in communities served in 2007

Supporting over 20,000 program sites and 340,000 community volunteers in 2007

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of FY 2009 Omnibus Appropriations Act, H.R. 1105:

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES

Name of Project: Agriculture Compliance Laboratory Equipment, Delaware

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Department of Agriculture

Address of Requesting Entity: Tatnall Building, William Penn Street, Dover, DE, 19901

Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Description of Request: \$69,000 for the Delaware Department of Agriculture to upgrade the equipment and facilities in the lab needed to provide a safe testing environment with its own ventilation system and a high-capacity incinerator to reduce the risk of zoonotic diseases from animals spreading to workers in the facility.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND
RELATED AGENCIES

Name of Project: For Preliminary Engineering Assessments before Message Switcher Upgrades

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware State Police Department

Address of Requesting Entity: Tatnall Building, William Penn Street, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: \$100,000 to update Delaware's Message Switcher hardware, which connects Delaware law enforcement to federal agencies so that they may receive critical information useful for fighting crime.

Name of Project: For the purchase and installation of In-Car Cameras and Related Equipment

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: The Delaware State Police Department

Address of Requesting Entity: Tatnall Building, William Penn Street, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: \$500,000 will be used for the purchase of 300 digital cameras and associated computer equipment to be placed in all Delaware State Police vehicles.

Name of Project: For the purchase of a Mobile Gunshot Locator System

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware

Address of Requesting Entity: 303 Transportation Circle, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: \$250,000 will be used to purchase the ShotSpotter Gunshot Location System (GLS) for the City of Wilmington, City of Dover, and the Delaware State Police. The amount of deaths resulting from gunfire continues to be the single leading cause of crime-related death in the United States, and Delaware has experienced numerous gun crimes. A 60–90 percent decrease in gunfire has occurred in other states who have utilized ShotSpotter. This system will place sensors at specific coordinates to accurately detect and locate the origin of gunshots, which can help lead law enforcement to apprehend criminals with that information. Implementing ShotSpotter in Wilmington and Dover, and having a non-fixed movable system will assist Delaware law enforcement in fighting against crime.

Name of Project: For Programs to increase the Efficiency and Effectiveness of License

Plate Scanning Technology for Law Enforcement

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: New Castle County

Address of Requesting Entity: 3601 North DuPont Highway, New Castle, DE 19720

Account: COPS Law Enforcement Technology

Description of Request: \$200,000 will be used to upgrade the wireless data throughput and mobile data terminals (MDTs) and implement an Automated License Plate Recognition System (ALPR) so that officers will more efficiently be able to access data in the field and adequately address vehicle theft.

Name of Project: To Provide Service Intervention to Girls Ages 12–18 (DE Girl's Wrap-around Project)

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Children and Families First

Address of Requesting Entity: 2005 Baynard Boulevard, Wilmington, DE 19802

Account: OJP—Juvenile Justice

Description of Request: \$400,000 for providing intensive home-based counseling and case management to girls ages 12–18 who have been incarcerated or are at immediate risk of incarceration. Children and Families First is a not for profit social service agency that developed in Delaware in 1992. The Girls Wraparound Program uses research-based tactics to prevent recidivism in youth with histories of juvenile delinquency. The goal of this six month program will be to not only eliminate involvement in the juvenile justice system, but also improve family functioning, and improve personal strengths to assist the girls in succeeding in school and the workforce.

Name of Project: For the Purchase of Video Surveillance Cameras in the Downtown Area

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: City of Newark, Delaware, Police Department

Address of Requesting Entity: 220 Elkton Road, Newark, DE 19711

Account: COPS Law Enforcement Technology

Description of Request: \$115,420 to provide eight digital surveillance cameras in the downtown Newark area to assist in crime prevention, detection, and the identification of suspects. This large population, that is concentrated in a small area, would benefit from this surveillance program which will prevent and help catch criminals involved in street crimes and robberies. Similar surveillance programs have been implemented in other cities around the state of Delaware and have experienced tremendous success.

Name of Project: To Create a Community Model for Formal and Informal Earth and Space Education

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware AeroSpace Education Foundation

Address of Requesting Entity: 5 Essex Drive, Bear, DE 19701

Account: National Aeronautics and Space Administration

Description of Request: \$500,000 to create a community model for formal and informal Earth and Space Education using two unique outdoor exhibits as a focal point for school programming, professional development and public outreach. The goal of this project is to provide schools and the general public with an inquiry-based, interdisciplinary framework of Science, Technology, Engineering and Mathematics (STEM) learning experiences.

Name of Project: To Test and Evaluate Mobile Crime Scene and Evidence Tracking Application

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware State University (DSU)

Address of Requesting Entity: 1200 North Dupont Highway, Dover, DE, 19901

Account: COPS Law Enforcement Technology

Description of Request: \$2,000,000 to test the efficacy of day to day crime scene investigatory capabilities to allow greater effectiveness of law enforcement. DSU developed a Mobile Crime Scene and Evidence Tracking Pilot Project in close cooperation with State of Delaware's Department of Safety and Homeland Security, and state and local law enforcement agencies.

Name of Project: To Expand Services to At-Risk Students in Middle and High School

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Jobs for Delaware Graduates (JDG), Inc.

Address of Requesting Entity: 381 W. North Street Dover, Delaware 19904

Account: OJP—Juvenile Justice

Description of Request: \$1,353,000 will be used to expand Jobs for Delaware Graduates (JDG) programs to "at-risk" students in Middle School and High School and increase school graduation rates. JDG was organized in 1979 as a private, non-profit corporations designed to prepare highly at-risk seniors to transition from school to work. JDG targets students who may be economically disadvantaged, lack job skills, display poor academic performance, have personal or family problems, or have disciplinary problems and works with these children daily to keep them on the right track. During the 2006–2007 school year JDG served a total of 2,322 students. Funding will help JDG expand services to 1,320 additional students; implement a middle school program for grades 7th and 8th; and increase the graduation rates for at-risk high school students.

Name of Project: To Continue a Statewide Survey of Youth that Provides Estimates of Student Substance Abuse, Crime, and Gambling

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: University of Delaware, Center for Drug & Alcohol Studies

Address of Requesting Entity: 210 Hullahen Hall, Newark, DE 19716

Account: OJP—Juvenile Justice
Description of Request: \$65,000 will be used to supplement the Delaware School Survey Project to provide special analysis of juvenile substance use, violence, and delinquency.
Name of Project: Delaware River Enhanced Flood Warning System

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Delaware River Basin Commission (DRBC)

Address of Requesting Entity: 25 State Police Drive, West Trenton, New Jersey

Description of Request: \$235,000 to the Delaware River Basin Commission for the Delaware River Enhanced Flood Warning System. Funding for this project will be used to assist the DRBC, in conjunction with NOAA/NWS, USGS and the Army Corps of Engineers, with the enhancement of the basin's flood warning system.

DIVISION C—ENERGY AND WATER DEVELOPMENT

Name of Project: Red Clay Creek, Christina River Watershed, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$287,000 for flood damage reduction, ecosystem restoration, water quality control, and other related purposes at Red Clay Creek.

Name of Project: White Clay Creek, New Castle, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Investigations, Flood Plain Management Services

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$200,000 is listed for possible continuation of a study which would evaluate recent flooding that has occurred as a result of numerous storm events in the last several years that have caused substantial flood damages and have altered channel segments. The study would update flood plain mapping and provide other flood plain management type assistance to communities along the White Clay Creek.

Name of Project: Delaware Coast Protection, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Construction

Legal Name of Requesting Entity: DE Dept. of Natural Resources & Environmental Control

Address of Requesting Entity: 89 Kings Hwy, Dover, Delaware 19901

Description of Request: \$373,000 to reimburse the state of Delaware for the Federal share of the annual operation and maintenance of the sand bypass facilities.

Name of Project: Little Mill Creek, New Castle County, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps, Flood Control Projects (Section 205)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: Little Mill Creek is listed among potential Section 205 projects. Funding would be used for flood mitigation on the lower reach of Little Mill Creek. Specifically, project includes revaluation of the 1995 Feasibility Report, preparation of a Supplemental Environmental Assessment and Real Estate Plan, and developing the plans and specs for the lower reach.

Name of Project: Harbor of Refuge, Lewes, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$235,000 to repair and re-enforce Harbor of Refuge Breakwater wall. Funding will be used to strengthen the most damaged spots at the south end of the mile-and-a-half long wall in a manner that should dramatically slow further deterioration at the south end of the 100 year-old structure—the National Register of Historic Properties Breakwater at the Harbor of Refuge.

Name of Project: Indian River Inlet and Bay, Sussex County, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$235,000 to determine the cause of and make repairs to severe scour holes that have developed in the areas of the Indian River Inlet Bridge, Coast Guard facility and jetties; also to perform dredging of the channel located in the Indian River Bay area, and use the material to fill scour holes.

Name of Project: Intracoastal Waterway, Delaware River to Chesapeake Bay

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$13,710,000 for operations and maintenance of the Canal, including painting Summit Bridge, repairing potholes on St. George's & Summit Bridges, and for paving and structural improvements on the 1st tier service road on the north side of the Canal.

Name of Project: Mispillion River, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$249,000 for maintenance dredging of critical shoaling areas within the 6-foot federal channel which presently pose a hazard to commercial fishing navigation channel; placement of dredged material on the shoreline, which will aid in habitat restoration that will benefit the federally threatened migratory bird, the Red Knott, and horse-shoe crab; and for developing plans for replacement of the south jetty at Mispillion River.

Name of Project: Wilmington Harbor, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Operations & Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$3,479,000 for operations and maintenance of Wilmington Harbor and to construct cross dike at Killcohook Disposal Area and perform additional dredging. Funding was also requested for an aggressive disposal area management plan supported by both hired labor and leased equipment, and for critical dike-raising work within the disposal areas.

Name of Project: Hydrogen Storage System for Vehicular Propulsion (DE)

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: DoE, EERE, Vehicle Technologies

Legal Name of Requesting Entity: Delaware State University

Address of Requesting Entity: 1200 N. DuPont Highway, Dover, 19701

Description of Request: \$1,427,250 for developing new hydrogen storage materials at Delaware State University and to test them in a hydrogen storage containment system that will be designed by scientists in the Mechanical Engineering department.

Name of Project: Mid-Atlantic River Commissions

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Expenses

Legal Name of Requesting Entity: Delaware River Basin Commission

Address of Requesting Entity: 25 State Police Drive, West Trenton, New Jersey, 06828

Description of Request: \$2,365,000 to fund the Mid-Atlantic River Commissions, including the federal obligation contained in the Delaware River Basin Compact (P.L. 87–328, Article 13, Section 13.3c) to support the Delaware River Basin Commission, formed in 1961 as a federal-interstate compact commission consisting of the basin states, New Jersey, Pennsylvania, Delaware and New York.

Name of Project: Delaware River Comprehensive NY, NJ, PA & DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Army Corps Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$5,000 for feasibility study to develop a flood analysis model and watershed flood management plan, and evaluate the existing flood warning system for the Delaware River Basin.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT

Name of Project: New Castle County Chamber of Commerce for an Emerging Enterprise Center, business incubator

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: New Castle County Chamber of Commerce

Address of Requesting Entity: 12 Penns Way, New Castle, DE 19720

Account: Small Business Administration

Description of Request: \$499,000 to be used for upgrades to the incubator will be used to outfit the Emerging Enterprise Center's incubator space with walls and office doors where they do not currently exist; construct 4,000 square feet of lab space; purchase office furniture for incubator offices; purchase conference room furniture; purchase conference room audio/visual equipment; and to fund initial operating costs including salaries and overhead for the project to become self-sufficient.

DIVISION E—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Name of Project: City of Wilmington wastewater treatment plant headworks upgrade

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: STAG

Legal Name of Requesting Entity: City of Wilmington

Address of Requesting Entity: 800 French Street, Wilmington, Delaware 19801

Description of Request: \$300,000 to the City of Wilmington for the wastewater treatment plant headworks upgrade. This project will address a hydraulic limitation at the wastewater treatment plant which prevents this regional treatment plant from treating additional wet weather flows.

Name of Project: New Castle County for Old Shellpot Interceptor improvements

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: STAG

Legal Name of Requesting Entity: New Castle County

Address of Requesting Entity: 87 Reads Way, New Castle, Delaware 19720

Description of Request: \$698,000 to New Castle County for Old Shellpot Interceptor Improvements. Funding will be used for the lining and rehabilitating of the existing Old Shellpot Interceptor, consisting of over 40,000 linear feet of pipe.

Name of Project: Green Horizons

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Forest Legacy

Legal Name of Requesting Entity: State of Delaware

Address of Requesting Entity: Tatnall Building, William Penn St., Dover, DE 19901

Description of Request: \$2,000,000 for Delaware's Green Horizons Forest Legacy project. Funds will be used for Delaware to acquire and protect an additional 460 acres of undisturbed forestland and represents phase-VI of efforts to purchase and protect the remaining acreage of the Glatfelter Pulpwood Company, the state's largest private landowner.

DIVISION F—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Name of Project: Beebe Medical Center for the construction of a new School of Nursing

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Beebe Medical Center

Address of Requesting Entity: 424 Savannah Road, Lewes, Delaware 19958

Description of Request: \$476,000 to Beebe Medical Center for the construction of a new School of Nursing. Funding will be used for capital improvements, including site work, architectural design, construction, and equipment. The goal of the School of Nursing Expansion is to train more nurses to care for patients in Delaware and the Delmarva Peninsula. The new 2-story building will accommodate the growth of Beebe's nursing enrollment by 100%, from 30 to 60 students in each class.

Name of Project: Christiana Care Health System to renovate and expand Wilmington Hospital's Emergency Department

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Christiana Care Health System

Address of Requesting Entity: 1501 West 14th Street, Wilmington, Delaware 19801

Description of Request: \$285,000 to Christiana Care Health System to renovate and expand Wilmington Hospital's Emergency Department, and the on-campus primary care Health Center expansion project. Federal funds will help support doubling the physical size of the Emergency Department to 63,000 square feet and adding 26 treatment bays, an 87% size increase; will also support the on-campus Health Center, a primary care facility that offers adult, pediatric, dental, women's health, pre-natal, ophthalmology and podiatry health services.

Name of Project: DE Dept. of Education—Starting Stronger early childhood learning initiative

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Department of Education

Address of Requesting Entity: 401 Federal Street, Suite 2, Dover, DE 19901

Account: Fund for the Improvement of Education

Description of Request: \$190,000 to the Delaware Dept. of Education for the Starting Stronger early childhood learning initiative, which will support Delaware's Vision 2015 initiative. Starting Stronger will encompass an integrated matrix of professional development, family support resources and collaborative learning experiences that are aligned with Delaware's early learning standards.

Name of Project: Delaware Division of Public Health, infant mortality reduction initiative

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Centers for Disease Control

Legal Name of Requesting Entity: Delaware Division of Public Health

Address of Requesting Entity: 417 Federal Street, Dover, Delaware 19901

Description of Request: \$190,000 to the Delaware Division of Public Health for an infant mortality reduction initiative to implement eight of the State of Delaware's Task Force recommendations: Fetal Infant Mortality Review; Pregnancy Risk Assessment Monitoring System; Delaware Healthy Mother and Infant Consortium; Center for Excellence in Maternal and Child Health and Epidemiology; Access to Care; Preconception Care; Comprehensive (Holistic) Family Practice Team Model of Care; and a State-wide Education Campaign.

Name of Project: Delaware State University for facilities and equipment

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Delaware State University

Address of Requesting Entity: 1200 N. DuPont Highway, Dover, Delaware 19901

Description of Request: \$190,000 to Delaware State University for facilities and equipment. Funding will assist with the establishment of a school of pharmacy in central Delaware to aid in supplying the needed pharmacy workforce and adequately address the growing healthcare needs of the retiring population.

Name of Project: Delaware Technical & Community College for purchase of equipment

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: Delaware Technical & Community College

Address of Requesting Entity: 100 Campus Drive, Dover, Delaware 19903

Description of Request: \$190,000 to Delaware Technical & Community College for purchase of equipment at each of the College's four campuses located throughout the State of Delaware (Georgetown, Dover, Stanton and Wilmington). Lab upgrades and new instructional equipment will help train students for high-demand careers in such areas as health, engineering technology, biotechnology, computer science and other technological and industrial fields.

Name of Project: Metropolitan Wilmington Urban League Achievement Matters! program

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Fund for the Improvement of Education

Legal Name of Requesting Entity: Metropolitan Wilmington Urban League

Address of Requesting Entity: 100 West 10th Street, Suite 710, Wilmington, DE 19801

Description of Request: \$190,000 for the Metropolitan Wilmington Urban League to expand the Achievement Matters! program. Funding will be used to provide community and school-based interventions for low income and minority students. The funding will help complete the final phases of the project and provide services to this community to improve retention and high school graduation rates for children, prepare students for life beyond high school, whether it is in college, the military, or in the workforce, and aim to reduce the achievement gap.

Name of Project: Capital infrastructure improvements to St. Francis Hospital

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration account

Legal Name of Requesting Entity: St. Francis Hospital Foundation

Address of Requesting Entity: 701 N. Clayton Street, Wilmington, Delaware 19805

Description of Request: \$285,000 to make capital infrastructure improvements to St. Francis Hospital, including two new roofs, windows, HVAC systems, heat pumps, water lines, doors and wall penetrations.

Name of Project: University of Delaware's Delaware Biotechnology Institute

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: 107 Hulliher Hall, Newark, Delaware 19716

Description of Request: \$190,000 for the University of Delaware's Delaware Biotechnology Institute, including equipment. Funding will be used to strengthen Delaware's biomedical research capabilities by building on existing programs in cancer research and bioinformatics, supporting the necessary research infrastructure, and beginning new infrastructure in cardiovascular and neuroscience research.

Name of Project: Wesley College for renovation and equipping of the nursing school—

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Account: Health Resources and Services Administration account

Legal Name of Requesting Entity: Wesley College

Address of Requesting Entity: 120 North State Street, Dover, Delaware 19901

Description of Request: \$333,000 to Wesley College for renovation and equipping of the nursing school. Funding will be used for construction of a 22,000 sq ft facility to expand the nursing programs at both undergraduate

and graduate levels and acquire new technology. Wesley's current nursing facilities are undersized, outdated, and in need of upgrading. The project will help decrease the negative impact of the nursing shortage, improve the ability of nurses to provide quality care, and to train, educate and improve productivity of the regional healthcare workforce.

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, RELATED AGENCIES

Name of Project: St. Michael's School and Nursery

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: St. Michael's School and Nursery

Address of Requesting Entity: 700 N. Walnut Street, Wilmington, DE 19801

Account: Economic Development Initiatives

Description of Request: \$285,000 for rehabilitation of the heat and air conditioning systems at St. Michael's School and Nursery. The ten large and six small HVAC units in the building were installed in the summer of 1987 and had a life expectancy of 12–15 years. Problems with the units have interrupted St. Michael's ability to provide safe and reliable service to the families it serves. The original building is 41 years old and has not been refurbished since 1995.

Name of Project: The Ministry of Caring Inc., Wilmington, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Ministry of Caring

Address of Requesting Entity: 506 N. Church Street, Wilmington, DE 19801

Account: Economic Development Initiatives

Description of Request: \$475,000 for Mary Mother of Hope House I, an emergency shelter within the Ministry of Caring, which serves the housing and supportive services needs of homeless women 18 and over who are willing to work on the root causes of their homelessness through intensive case management. This project will fund a renovation to make it handicap accessible and enhance its safety with a sprinkler and fire system. Other features include renovated living spaces on every floor, including the lower level, and an additional stairwell to the building's rear and a handicap ramp for access from a side entrance.

Name of Project: Automotive-Based Fuel Cell Hybrid Bus Program, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: 107 Hulliher Hall, Newark, DE 19716

Account: Buses and Bus Facilities

Description of Request: \$475,000 for University of Delaware's Automotive-Based Fuel Cell Hybrid Bus project. Fuel-cell technology offers the potential to reduce our reliance on foreign oil supplies and to decrease the effects of harmful emissions on our environment. This project represents an effort to develop, build, and deploy a fuel-cell-powered hybrid transit vehicle, to be used within the state of Dela-

ware. The vehicles developed in this project will be fully tested in real-life situations, and the results will be presented to transit agencies throughout the U.S. and other interested countries. The University of Delaware transit system and the Delaware Transit Corporation are fully cooperating on this project and will be important partners throughout the course of this work effort. This project was authorized by SAFETEA-LU.

Name of Project: Indian River Inlet Bridge, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware Department of Transportation

Address of Requesting Entity: 800 Bay Road, PO Box 778, Dover, DE 19903

Account: Transportation, Community, and System Preservation

Project Description: \$1,900,000 to design and construct a new bridge along SR-1 over the Indian River Inlet. The design and construction will be performed utilizing the Design-Build project delivery approach. The replacement bridge will alleviate the safety risk caused by the present scour condition at the foundations. The new structure will completely span the inlet with all foundation members constructed on dry land. The proposed alignment will be west of the existing bridge at a critical evacuation route in the event of natural disasters. The project was authorized by SAFETEA-LU.

Name of Project: Easter Seals Delaware, New Castle, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Easter Seals Delaware

Address of Requesting Entity: 61 Corporate Circle, New Castle, DE 19720

Account: Economic Development Initiatives

Project Description: \$142,500 for Easter Seals Delaware to construct a 25,000 square foot addition to its existing facility in New Castle County to better serve children and adults with disabilities. The addition, which is also being financially supported by foundations, the county and local businesses, will accommodate a world-class assistive technology center, therapy services for children and adults, day services for adults with disabilities and the administrative staff.

Name of Project: I-95 Toll Facility Rehabilitation and Highway Speed E-ZPass Improvements, Newark, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware Department of Transportation

Address of Requesting Entity: 800 Bay Road, PO Box 778, Dover, DE 19903

Account: Interstate Maintenance Discretionary

Project Description: \$2,375,000 to reconfigure the I-95 toll plaza to incorporate Highway Speed E-ZPass toll lanes. The current I-95 toll facility, which is located near the Delaware-Maryland border, experiences extremely

high levels of traffic congestion at the toll facility in Newark, causing long delays, traffic accidents, and increasing air pollution in the region. This project is anticipated to reduce traffic congestion, improve overall safety, and reduce pollution by adding speed lanes and a new access way for the toll takers.

Name of Project: Chesapeake and Delaware Canal Recreation Trail, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107

Account: Federal Lands (Public Lands Highways)

Project Description: \$570,000 for transforming over 13 miles of existing Army Corps service road on the north-side of the Chesapeake and Delaware Canal into a multi-purpose recreation trail with associated amenities (trail heads, signage, and self-composting restroom facilities, and security). Recreation at the C&D Canal was authorized in the Water Resources Development Act of 2007 (Public Law No: 110-114).

Name of Project: State of Delaware Turnpike Improvements Project

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: State of Delaware Department of Transportation

Address of Requesting Entity: 800 Bay Road, PO Box 778, Dover, DE 19903

Account: Interstate Maintenance Discretionary

Project Description: \$2,755,000 to improve the safety and efficiency of two major routes along the Northeast Corridor. The project was authorized by SAFETEA-LU and received \$1,490,000 in the FY08 THUD Appropriations bill. It consists of two phases designed to improve the movement and safety of interstate, regional and local traffic through this heavily traveled intersection. The two phases include: a redesign of the I-95/SR-1 interchange and adding a fifth lane to I-95.

Name of Project: Delaware Children's Museum, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Children's Museum

Address of Requesting Entity: 100 West Street, Suite 1004 Room 7, Wilmington, DE 19801

Account: Economic Development Initiatives

Project Description: \$190,000 to build Delaware's First Children's Museum. Delaware is one of only two states in the country without a museum dedicated to children. The Board of the Delaware Children's Museum is conducting a capital campaign to raise \$16.55 million to build Delaware's first children's museum. Funds provided by a federal appropriation would be applied to the renovation of an existing building and the construction of exhibits at the Christina Riverfront. This project would fund construction of a 37,000 square foot museum facility that will house eight major science and technology-oriented exhibits.

Name of Project: Delaware Technical and Community College, Dover, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Delaware Technical and Community College

Address of Requesting Entity: 100 Campus Drive, PO Box 897, Dover, DE 19903

Account: Economic Development Initiatives

Project Description: \$118,750 to expand the Trade & Industry building to establish an Energy Management Education Center. The center's programs will include: (a) New Associate degrees to educate energy managers and "green power" technicians; (b) New certifications in renewable energy technologies (solar, wind, geothermal, biomass), energy management, energy cost analysis and assessment, green building construction, hybrid transportation, industrial maintenance, and the only hands-on ammonia refrigeration training site east of Kansas and north of Georgia; (c) Workshops for technicians, facility managers, residential energy users, and specialized industries such as poultry and cold storage; (d) Public educational events; and (e) Demonstration labs.

Name of Project: Wilmington Housing Authority, Wilmington, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: Wilmington Housing Authority

Address of Requesting Entity: 400 North Walnut Street, Wilmington, DE 19801

Account: Economic Development Initiatives

Project Description: \$475,000 for renovations of Crestview Apartments. This structure suffered the ravages of a fire in May of 2006 causing the displacement of residents, many of whom are elderly. Wilmington Housing Authority (WHA) is undertaking a major renovation project that includes structural repairs, energy efficiency measures, and the installation of a sprinkler and fire suppression system so that WHA public housing residents can have a higher standard of safe, decent housing upon the re-opening of Crestview Apartments. The exterior facade of the building was not damaged directly by the fire, however a structural assessment of the facade revealed that the concrete and steel supporting the structure is very deteriorated.

EARMARK DECLARATION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROHRBACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting the following information regarding earmarks I requested, which are included in the reported version of HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Heim Bridge Replacement Project

Account: Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Alameda Corridor Transportation Authority

Address of Requesting Entity: One Civic Plaza, Suite 350, Carson, CA 90745

Description of Request: I received \$380,000 for the Alameda Corridor Transportation Authority's Alameda Corridor Project. The SR-47 Expressway project is a joint partnership between the Alameda Corridor Transportation Authority (ACTA) and the California Department of Transportation (Caltrans) to replace the State's seismically deficient Commodore Heim Bridge over Cerritos Channel and add a four lane elevated roadway to by-pass intersections and railroad crossings. The project will replace one of the seismically deficient bridges listed on the Department of Transportation's list of structurally deficient bridges. The 2.2 mile long SR-47 Expressway project will enhance the efficient and secure movement of international trade at the nation's largest port complex, as well as reduce congestion, improve air quality and public safety. The project will provide an alternate route that will by-pass three traffic signalized intersections and five at-grade rail crossings. The SR-47 Expressway will be an attractive alternative to the I-710 and I-110 Freeways and adjoining Terminal Island bridges for truck access to local warehouse districts and rail loading facilities thus reducing congestion and improving traffic flows on the freeways. It is my understanding Caltrans will contribute \$332,000,000 to the project. In addition, preliminary engineering and environmental evaluation work at a cost of approximately \$13 million has been funded by available ACTA revenue bonds and other state sources. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009

Name of Project: Bluff Top Park

Account: FHWA, Transportation and Community Systems Preservation Program

Legal Name of Requesting Entity: City of Huntington Beach, CA

Address of Requesting Entity: 2000 Main Street, Huntington Beach, CA 92648

Description of Request: I received \$95,000 for the city of Huntington Beach's Bluff Top Park project. Bluff Top Park bike and pedestrian trails, park facilities and access roads are key elements adding to the economic viability of the beach as a tourist attraction. If the bluff area is left in its present condition, access to and enjoyment of the beach in that area will be limited. This limitation places serious constraints on the beach facilities as an economic resource to the City, region and State. The Bluff Top Park and the adjacent bike trails are regional coastal facilities used by over 850,000 visitors per year. Approximately 11 million State, National and International visitors come to Huntington Beach annually. Tourism is a major industry in Orange County and the State of California. The City's coastline is not just an extraordinary natural resource; it

also represents an economic resource for the City, the State, and the Nation that cannot be neglected. To date, the City has contributed \$4.5 million for improvements to the area. The City has also received two grants totaling \$858,000 for the project. Funds will be used for technical assistance to provide plans, specifications and estimates for the design of the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidate Appropriations Act for Fiscal Year 2009.

Name of Project: California Coastal Sediment Master Plan

Account: Corps of Engineers, General Investigations

Legal Name of Requesting Entity: County of Los Angeles, Beaches & Harbor Department

Address of Requesting Entity: 13837 Fiji Way, Marina del Rey, CA 90292

Description of Request: I received \$822,000 for the County of Los Angeles' California Coastal Sediment Master Plan project. The California Coastal Sediment Master Plan (CCSMP) is a collaborative effort between the Corps of Engineers and a number of State/local agencies to survey the entire California Coastline to develop regional approaches to managing resources and strategies to replenish the coastline with sediment, including the Los Angeles County coastline. Over the years, human development has severely restricted the flow of sediment to the coastline (such as through sediment build up behind dams or through sediment being trapped underneath rivers/creeks that become paved flood control channels). The CCSMP when complete will provide critical assistance for properly managing and protecting California's coastal resources through strategies that lead to informed decisions and planning. The Corps will continue in FY 09 its intensive data collection effort through local public scoping meetings, along with ongoing development of GIS applications to manage the voluminous data and GIS-based sediment models in collaboration with local research universities. Some of the final products of this effort will also include an internal mapping server (IMS) webpage and development of regional sediment management plans. This plan is critical to ensure proper management, replenishment, and protection of California's coastal sediment resources through informed decisions and planning. Since the California Coastline holds important environmental, economic, cultural, and recreation benefits for the nation, halting the harmful effects of human development (both coastal and inland) is a significant national purpose. The primary non-federal sponsor for the study is the California Department of Boating and Waterways. This Department has provided all of the matching study support in the form of in-kind services. Funding for the in-kind work has come from various California State resources. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Clean Fuel Bus Purchase Account: FTA, Bus and Bus Facilities

Legal Name of Requesting Entity: Long Beach Transit

Address of Requesting Entity: 1963 E. Anaheim Street, Long Beach, CA 90813

Description of Request: I received \$950,000 for Long Beach Transit's Clean Fuel Bus Purchase project. The federal government defines a bus' useful life as twelve years and requires local transit operators to replace buses when they are determined to be at the end of their useful life. Long Beach Transit is working to replace their 40-foot diesel buses, which are at the end of their useful life as defined by FTA, with hybrid gasoline-electric buses. In addition, Long Beach Transit is located in the South Coast Air Quality Management District, which, unfortunately, ranks last in the state of California for air quality standards. This project will improve air quality, in a region that has the most need for improvement, by removing diesel buses from the road and replacing them with clean fuel buses. It is my understanding that funds will go towards the purchasing of new clean busses at a cost of \$550,000 per bus. Other funds will come from the Transportation Development Act, Proposition 1B Bond, and local sales tax revenue to fund capital improvement projects. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Orange County District Attorney DNA Expansion Project

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Orange County District Attorney

Address of Requesting Entity: 401 Civic Center Drive West, Santa Ana, CA 92701

Description of Request: I received \$500,000 for the Orange County District Attorney's DNA expansion project. Currently, throughout the country, law enforcement DNA laboratories are backlogged and must focus on the most violent of crimes, such as homicides and rapes. Due to these backlogs, "volume crimes" such as burglaries, auto thefts, auto burglaries, robberies, etc. are either "not processed" or significantly delayed. It is not uncommon for a residential burglary case to take a year or more to get DNA results, if the case is processed at all. In the meantime, the burglar is out in the community committing crime after crime. It is well documented that those who commit burglaries, also commit other crimes. These crimes include, but are not limited to, rapes, homicides, robberies, gang violence, drug possession and sales, carjacking, auto theft, etc. The proposed project will enable the OCDA to significantly expand its DNA collection and processing efforts. Funds would provide for three DNA mobile collection vehicles that would travel to the five branch courts in Orange County to collect DNA on site from offenders and volunteers. Funds would also provide for related equipment, supplies and DNA processing. By catching criminals with the evidence they leave behind in volume crimes, the OCDA will be preventing a series of undetected or unsolved crimes in our com-

munities. The Orange County District Attorney anticipates significant contributions from the county towards the establishment of the project, and when fully funded funds will be used for the following:

DNA mobile collection vehicles (3 @ \$300,000/each)—\$900,000

DNA equipment, supplies and analysis—\$1,000,000

Includes DNA kits, DNA processing and local data base populating—\$1,900,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Virtual Interactive Training Center

Account: Department of Justice, OJP Byrne Discretionary Grants—

Legal Name of Requesting Entity: Golden West College

Address of Requesting Entity: 15744 Golden West Street, Huntington Beach, CA 92672

Description of Request: I received \$500,000 for Golden West College's Virtual Interactive Training Center. Funds will be used to purchase a virtual training facility for regional law enforcement. In particular, the Virtual Interactive Combat Environment provides a system well suited to Orange County's needs. This system enables team-based tactics, techniques, and procedures training that closely reflect live training, but at a much lower cost to departments over time. The simulator offers a cost-effective approach by creating an engaging virtual training solution. The system immerses the trainee in a realistic 3-D environment, with the sense of immersion being enhanced both by the high-fidelity situational rendering and by the ease of navigating through the environment using simple controls mounted on the tether-free simulated weapons. Golden West College will be contributing \$240,000 toward the project. Fully funded, funds will be used as follows:

For the system hardware, software and simulated weapons—\$463,432

For the trailer classroom—\$252,221

Truck with towing package—\$66,623

Training of instructors on virtual training system—\$58,513

Twelve training databases and scenarios—\$109,211

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Ground Water Replenishment System

Account: Bureau of Reclamation, Water and Related Resources—Title XVI

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA 92708

Description of Request: I received \$558,000 for the Orange County Water District's Ground Water Replenishment System. The Groundwater Replenishment (GWR) System is a jointly funded project of the Orange County Water District (OCWD) and the Orange County Sanitation District. This historic joint project is the

culmination of OCWD's 75 years of experience managing the groundwater basin under north and central Orange County that supplies water to 21 cities and water agencies, and OCSD's longtime mission to protect the environment by safely treating the wastewater of over 2.5 million residents. The GWR System takes 70 million gallons of treated sewer water per day from OCSD, and puts it through an advanced purification process at OCWD which is comprised of three major components: (1) Micro-filtration; (2) Reverse Osmosis; and (3) ultraviolet light and hydrogen peroxide treatment. Once purified to levels which exceed drinking water standards, the GWR System water is either pumped through a pipeline to percolation ponds, where it naturally filters into the aquifer and blends with the groundwater, or is injected into the seawater intrusion barrier along the coast. While the groundwater basin currently provides approximately 70 percent of all water used within north and central Orange County, the GWR System will produce enough new water for over half-a-million residents, further lessening Orange County's dependence on imported waters from the Delta and the Colorado River. The GWR System is an effective response to meeting the federal mandate to decrease California's dependency on imported waters from the Colorado River, by creating a "new" source of water to serve an additional 560,000 residents a year in northern and central Orange County. The current method of moving water through the Delta to the pumps of the California State Water Project and Central Valley Projects is in jeopardy due to recent environmental rulings. The GWR System diminishes the region's reliance on uncertain imported water supplies. In addition to creating a reliable water source, the project creates new wastewater treatment capacity, reducing the amount of outfall during storms to the Pacific Ocean, preserving the country's vital coast, and provides all these benefits with fewer gas emissions than when importing water from the California State Water Project. Funds will be used for the Ground Water Replenishment Process Control System. It is my understanding that the following institutions plan to contribute to the project in the given amounts, State of California Department of Water Resources and Proposition 13 Grants, 2002 and 2000, \$67,000,000 was funded. California State Water Resources Control Board, 2001, \$5,000,000 was funded. U.S. Environmental Protection Agency, 2000, \$500,000 was funded. Orange County Water District's contribution is \$196,750,000 (40.5% of the total project cost) Orange County Sanitation District's contribution is \$196,750,000 (40.5% of the total project cost). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Project EHR in OC

Account: DHHS, Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: AltaMed Health Services Corporation

Address of Requesting Entity: 500 Citadel Drive, Suite 490, Los Angeles, CA 90040

Description of Request: I received \$95,000 for AltaMed's Electronic Health Records project. The project is designed to build the infrastructure for two clinic sites in the 46th Congressional District. The clinics will enhance quality of care through the installation of electronic health records, video conference, and advanced patient management systems. These installations will promote patient safety and higher quality services from more efficient clinic operations. Project HER in OC fulfills the federal mandate on Uniform Health Information Technology which requires all healthcare providers receiving federal funds to adopt quality measurement tools and uniform information technology standards for measuring and reporting treatment outcomes, registering patients, reporting lab results, writing prescriptions and providing secure electronic communications between patient and doctors. Funds will be used to cover the purchase and installation of video conferencing, advanced patient management, and electronic health records systems at two clinics in the 46th district of California. AltaMed has provided a total of \$1,033,000 to the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: I-405 Widening Project

Account: Federal Highway Administration (FHWA), IM—Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA 92868

Description of Request: I received \$380,000 for Orange County Transit Authority's I-405 widening project. OCTA has successfully completed a major investment study (MIS) for the Interstate 405 (I-405) Freeway. Funding is requested to support capacity improvements in each direction of the facility, adding up to two lanes from Euclid Street in Fountain Valley to Interstate 605 (I-605) near the Orange County/Los Angeles County border. Prior federal funding has fully supported the environmental phase of this project, which is currently being initiated by OCTA. This request is to secure the necessary funding for the next phase, which is the final design of the project. The project is considered for other funding sources including State Transportation Improvement Program (STIP) and Measure M (local sales tax). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Long Beach Desalination Project

Account: Bureau of Reclamation, Water and Related Resources—Title XVI

Legal Name of Requesting Entity: Long Beach, CA Board of Water Commissioners

Address of Requesting Entity: 1800 E. Wardlow Road, Long Beach, Ca 90807

Description of Request: I received \$1,057,000 for the Long Beach Water Commissioners' Long Beach Desalination Project.

Long Beach desalination represents the federal government's national interest in making desalination of seawater a viable, cost-effective and environmentally responsive option for supply reliability along the coast of California. Seawater desalination will not be seen by The Congress, the California State Legislature, regulatory agencies, private sector interests or the public as a viable, cost effective and environmentally responsive option for municipal water supply reliability in the United States until advances are made and existing processes optimized in on-going research and development, funded through programs like the Long Beach Desalination Project. The project is a constructed, large-scale, fully operational seawater desalination research and development facility located in urban/coastal Southern California. The research conducted at this facility is the most important and advanced, large-scale analysis being conducted anywhere in the nation at this time, to include facility design and construction, permitting, operations, water quality, distribution system integration and alternative intake and outfall systems. If fully funded, funds will be used in the following manner:

\$100,000—US Bureau of Reclamation
\$600,000—UV & C12 Research
\$1,000,000—Post Treatment Corrosives Testing

\$1,050,000—Under Ocean Floor Intake Demonstration System Construction

It is my understanding the following amounts will be contributed to the total cost of the project.

State of California, Department of Water Resources, Proposition 50—\$3,000,000; Long Beach Water—\$4,000,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Long Beach Water Reuse Project

Account: Bureau of Reclamation, Water and Related Resources—Title XVI

Legal Name of Requesting Entity: Long Beach, CA Board of Water Commissioners

Address of Requesting Entity: 1800 E. Wardlow Road, Long Beach, Ca 90807

Description of Request: I received \$634,000 for the Long Beach Board of Water Commissioners' Long Beach Water Reuse Project. Funds would go to construction of Phase 2 of a 4 phased reclaimed water expansion project moving use of reclaimed water from 4,585a/f to 16,677 a/f per year; extending reclaimed water service to the Alamitos Seawater Barrier and to two of the largest power generation plants in Southern California. Dependable water supplies for Southern California are becoming more difficult to develop and maintain. Continued reliability of traditional imported water sources such as the Colorado River and northern California is unclear. These sources cannot provide urban water supply agencies the certainty they must have in order to maintain a clean, reliable and affordable supply of water for its customers. Continued population growth within the Colorado River Basin is reducing the amount of water that has historically been available to populated areas like

southern California. The necessity for southwestern regions in the United States to develop new sources and to fully utilize existing sources, and conservation, is very evident. This includes fully developing and expanding use of reclaimed water supply systems. Under a funding agreement signed in 2000, the Bureau of Reclamation will fund up to 25 percent (with a cap of \$20,000,000) of the Long Beach Water Reuse Expansion Project's total cost of \$35,200,000. To date, not including this request, the Long Beach Water Department has received a total of \$4,000,000 under this funding agreement, for its reclaimed water system expansion. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Santa Ana River Mainstem Project

Account: Corps of Engineers, Construction
Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received \$14,000,000 for the Orange County Santa Ana River Mainstem Project. The Santa Ana River Mainstem Project including Prado Dam (Project) was authorized under the Water Resources Development Act (WRDA) of 1986, and Section 309 of WRDA, 1996. The Project involves construction, acquisition of property rights, relocations, environmental mitigation and enhancement in Orange, Riverside, and San Bernardino counties. The flood control districts of these counties are the Local Sponsors who are responsible, with the Department of the Army, for implementing the Project. The Corps considered the Santa Ana River as the worst flood threat west of the Mississippi River. In 1980's, the Corps estimated that 3 million people and 110,000 acres would be impacted, with potential loss of 3,000 lives and \$15 billion in economic losses (1987-8 price level.) Estimated impacts and loss (without the Project being constructed) would be much greater with current population growth and value of land and structures. In addition to protecting a large, highly populated and rapidly growing area of Southern California, the Project has and will improve protection of major transportation corridors. The Local Sponsors and State of California Flood Subvention Fund will provide other matching funds as follows. Non-Federal Total Contribution: Per Corps 2/2007 Report: Local Sponsor Share \$599,000,000 (33.9%). If State reimburses 70% of Local Sponsor cost, then State contribution would be \$419,300,000 (23.8%) and Local Sponsors net contribution would be \$179,700,000 (10.1%) of Total Project Cost. Non-Federal Contribution in 2009:OCFCD Est. Contribution=\$75,000,000 (4.2%). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Huntington Beach Senior Center

Account: Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Huntington Beach, CA

Address of Requesting Entity: 2000 Main Street, Huntington Beach, CA 92648

Description of Request: I received \$142,500 for the city of Huntington Beach's Senior Center project. The City of Huntington Beach's existing senior center is located at 17th Street and Palm Avenue. Due to the City's expanding senior population, the current facility is overcrowded and too small to meet the needs of the growing population. To this end, a larger facility is needed to address the future growth of the senior population in Huntington Beach. The City plans to build the facility to meet Leadership in Energy Efficiency Design (LEED) with environmentally "Green" building material, furnishings and equipment. Funds will be used for the preparation of plans and specifications needed to create environmentally "Green" or LEED certified elements to the senior center. \$80,000 has been received from a private donation which will be used for the construction phase of the project or to help furnish the completed building. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Smart Timer Irrigation Controllers

Account: Natural Resources Conservation Services, Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 18700 Ward Street, PO Box 20895, Fountain Valley, CA. 92728

Description of Request: I received \$134,000 for the Municipal Water District of Orange County's Smart Timer Irrigation Controllers system. "Smart" Irrigation Controller Technology assists customers in delivering the appropriate amount of water to landscapes based on soil, slope, type of landscape and changing weather conditions. Funding will be used to expand an existing \$2.2 million program launched in 2004 (FY05) to distribute an additional 5,500 Smart Irrigation Controllers by the end of 2011 to the highest water using residential and commercial properties in the County. Overall program funding goes towards providing a rebate administrator to market the program in conjunction with MWDOC staff time and for hire of the Mission Resource Conservation District to assist with the program implementation and installation verification. Some of the funding may go towards purchasing the irrigation timers to allow acceleration of the installation program. The expected costs for expanding the program by about 1800 controllers over the next year would cost:

Rebate Administrator costs: \$1,350,000

Resource Conservation Districts \$240,000

Printing mailing: \$50,000

Total: \$1,640,000

The Municipal Water District of Orange County will contribute \$900,000 to the project. Other local agencies will contribute \$180,000,

and site owners and participants \$60,000. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Surfside, Sunset, Newport Beaches

Account: Corps of Engineers, Operations & Maintenance (O&M)

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received \$546,000 for Orange County's Surfside, Sunset, and Newport Beach program. The project extends along the Orange County coast 17 miles from San Gabriel River mouth down coast to Newport Bay Harbor entrance. Eleven stages of construction have been completed including groins and beach fill. Periodic beach nourishment with no time limit on Federal aid was authorized by Public Law 87-874, as recommended by House document 602. The feeder beach at Surfside-Sunset receives approximately 1.8 million cubic yards of sand every 5 years. This is an on-going project by the U.S. Army Corps of Engineers to mitigate damage to Orange County coastline caused by construction of Federal navigation and flood control works in Long Beach and Anaheim Bay. Severe shoreline erosion resulted from storms in 1980, 1981, 1982, 1995 and 1998. Other funding sources towards the total cost of the project are anticipated as follows:

State of California Department of Boating and Waterways 24.5%

City of Newport Beach 2%

City of Huntington Beach 1%

Surfside Colony 0.5%

County of Orange 5%

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Vanguard University Academic Center for Science, Nursing, and Technology.

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626-

Description of Request: I received \$238,000 for Vanguard University's Academic Center for Science, Nursing, and Technology. Vanguard University is developing an Academic Center for Science, Nursing, and technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math, and technology that will prepare students for teaching careers in science and math. It is my understanding the University will provide the balance of funding through endowments and

other major gifts. It is also my understanding funds will be used consistent with the following.

Site work: \$407,500
 Shell & Minimal Core \$4,087,000
 Core & Systems \$1,911,000
 Basement Premium \$232,500
 500 SF total @ 132.66/SF
 Total \$6,638,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Vanguard University Academic Center for Science, Nursing, and Technology.

Account: DHHS, Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Vanguard University

Address of Requesting Entity: 55 Fair Drive, Costa Mesa, CA 92626

Description of Request: I received \$95,000 for Vanguard University's Academic Center for Science, Nursing, and Technology. Vanguard University is developing an Academic Center for Science, Nursing, and technology which will help address the significant problems facing California by training teachers in science and math, and by developing a Nursing School with an accelerated RN to Bachelor of Science in Nursing Degree Program to help address the nursing crisis. The center will include the development of smart classrooms, the nursing school, and research laboratories to train existing teachers and nurses, and will deliver the study of science, math, and technology that will prepare students for teaching careers in science and math. It is my understanding the University will provide the balance of funding through endowments and other major gifts. It is also my understanding funds will be used consistent with the following.

Site work: \$407,500
 Shell & Minimal Core \$4,087,000
 Core & Systems \$1,911,000
 Basement Premium \$232,500
 500 SF total @ 132.66/SF
 Total \$6,638,000

I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: HR 1105, the Consolidated Appropriations Act for Fiscal Year 2009.

Name of Project: Westminster (East Garden Grove) Watershed, CA

Account: Corps of Engineers, General Investigations

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received \$860,000 for Orange County's Westminster (East Garden Grove) Watershed project. Flood damages along the East Garden Grove-Wintersburg Channel affect residential, commercial, and industrial development located in an 81 square mile watershed, impacting eleven cities in Orange County. Over 20,000 property owners are currently required to partici-

pate in the National Flood Insurance Program, while aging levees jeopardize thousands of additional property owners. The study will investigate innovative methods to provide flood protection in combination with improved ecosystem functioning and water quality. Over 20,000 property owners are currently mandated by the Federal government to pay flood insurance because of inadequate flood protection in this watershed. Taxpayer funds are used to rebuild private property and public infrastructure every year that flood damages occur. This comprehensive study is developing innovative, sustainable solutions to flooding, water quality, and environmental problems in this watershed. Those solutions will provide more cost-effective approaches than currently exist, and contribute to the National Economic Development as well as National Ecosystem Restoration Plan. It is the mission of the Army Corps of Engineers (Corps) to provide flood protection, navigation, and ecosystem restoration in meeting these criteria. It is my understanding the County of Orange, CA will contribute \$1,740,000 to the project. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

DIVISION A: AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Fire Blight Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$500,000 for fire blight research at Michigan State University. Approximately, \$148,000 is for the salaries of laboratory and field research personnel; and \$36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$52,500 in FY09.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Armillaria Root Rot Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$150,000 for research of Armillaria Root Rot. Approximately, \$110,000 is for the salaries of laboratory researchers; \$19,000 is for operating costs; \$1000 is for travel to field sites; and \$20,000 is for equipment necessary.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Bovine Tuberculosis Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$356,000 for research of Bovine Tuberculosis. Approximately, \$274,252 is for Salaries and support for 3 graduate students; \$72,978 is for Laboratory supplies; and \$8,770 for research related travel. Michigan State University will provide \$127,500 in-kind funding.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Improved Fruit Practices

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$212,000 to improve fruit practices for sugar beets and dry beans. Approximately, \$131,440 is for salaries and expenses and \$80,560 is for lab maintenance and equipment. In addition to the federal funds provided by this grant, this research is supported by personnel, equipment, and facilities funded by the Michigan Agricultural Experiment Station and Michigan State University Extension.

Requesting Member: MIKE ROGERS (MI)

Bill: H.R. 1105

Michigan State University, Sustainable Agriculture

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$387,000 to enhance the environmental sustainability of food and agricultural systems under research at Michigan State University. Approximately, \$385,000 is for salaries of 11 researchers; \$15,000 is for travel expenses; \$10,000 is for farmer stipends; \$25,000 is for materials and supplies; and \$65,000 is for communication and outreach. Michigan State University expects to leverage at least \$150,000 in state, local, and private funds to expand the impacts of the special grant.

Requesting Member: MIKE ROGERS (MI)
 Bill: H.R. 1105
 Michigan State University, Wood Utilization
 Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$6,850,000 for wood utilization with Michigan's share being—\$728,545. The requested funds will be used for salaries of key personnel and graduate students. Grant funds will also be used to purchase equipment, materials and supplies needed. Michigan State University provides in excess of \$500,000 in support of this project annually through use of lab space, equipment, and personnel assigned to the project.

Requesting Member: MIKE ROGERS (MI)
 Bill: H.R. 1105

Michigan State University, Cellulose Conversion Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$625,000 for detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Grant funds will be used for salaries, materials and supplies and for equipment purchases and travel costs.

Requesting Member: MIKE ROGERS (MI)
 Bill: H.R. 1105

Michigan State University, Soil Erosion Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Natural Resources Conservation

Address of Requesting Entity: 2805 S. Industrial Hwy, Suite 100, Ann Arbor, MI 48104

Description of Request: Provide funding of \$404,000 for reducing soil erosion and controlling sediment. Grant funds will be used for salaries, materials and supplies and for equipment purchases and travel costs.

Requesting Member: MIKE ROGERS (MI)
 Bill: H.R. 1105

Michigan State University, Phytophthora Research

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide \$346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of

the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension.

DIVISION B—COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

City of Lansing—Law Enforcement Technology

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Lansing

Address of Requesting Entity: 124 W. Michigan Avenue, 9th Floor, Lansing, MI 48933

Description of Request: To provide \$3,125,000 to enable the procurement of crime-fighting technology critical to the safety of the community. Approximately 35% for a Fiber Optic Communications Network; 25% for an In-Car Video Camera System; 20% for a Public Video Surveillance System; 10% for a Patrol Vehicle Laptop Workstation Replacement; and 10% for a Detention Camera Replacement. This request is consistent with the intended and authorized purpose of the COPS Law Enforcement Technology account. At least \$500,000 in local City of Lansing funds will be provided as matching funds. Lansing public safety capabilities lag current standards in law enforcement, and require upgrading in order to best secure the jurisdiction. Through support requested of the federal government, the City of Lansing would be able to realize significant integrated upgrades.

DIVISION C—ENERGY AND WATER DEVELOPMENT

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency
 Legal Name of Requesting Entity: The City of Mason

Address of Requesting Entity: 201 West Ash Street, Mason, Michigan, 48854

Description of Request: Provide \$500,000 to construct a water treatment plant for the City of Mason to enable them to reach the federal water compliance requirements. Total estimated cost of the project \$8,900,000. The amount requested was \$2,000,000. This project has never previously received federal funds. The City of Mason will provide a minimum of a 50/50 cost share and this funding will come directly from the City.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Environmental Protection Agency's Science and Technology Account

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology Research

Address of Requesting Entity: P.O. Box 20634, St. Simons Island, GA 31522

Description of Request: Provide \$750,000 for research and commercialization for clean energy, national energy security, and a cleaner environment. Approximately, 7.4% for peer reviewed competitions and 92.6% is for re-

search projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Department of Energy's Solar and Renewable Energy Account

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology Research

Address of Requesting Entity: P.O. Box 20634, St. Simons Island, GA 31522

Description of Request: Provide \$3,806,000 for research and commercialization for clean energy, national energy security, and a cleaner environment. Approximately, 7.4% for peer reviewed competitions and 92.6% is for research projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Department of Energy

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI, 48824-9190

Description of Request: Provide \$475,750 for detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Funds will cover salaries; materials and supplies; and equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers

Legal Name of Requesting Entity: The City of Lansing

Address of Requesting Entity: 124 W. Michigan Ave, Lansing, MI 48933

Description of Request: Provide \$500,000 for Grand River Waterfront Restoration—next phase planning activities based on 2004 Corps Pre-Planning Reconnaissance Study for Grand River shoreline and habitat restoration, including potential modifications to Moores and North Lansing Dams.

DIVISION D: FINANCIAL SERVICES AND GENERAL GOVERNMENT

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account:

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: To provide \$100,000 for the development of a Micro Business Incubator at Cleary University in Howell,

Michigan. Approximately \$80,000 of the funding will go toward the acquisition of a suitable adjacent building, \$11,000 of the funding will go toward renovations and \$9,000 will go toward office equipment.

DIVISION E—INTERIOR, ENVIRONMENT AND RELATED AGENCIES:

City of Mason Water Treatment Plant
Requesting Member: Congressman MIKE ROGERS (MI)
Bill Number H.R. 1105
Account: STAG Water and Wastewater Infrastructure
Legal Name of Requesting Entity: City of Mason, Michigan
Street Address of Requesting Entity: 201 West Ash St. Mason, MI 48854
Description of Request: City of Mason Water Treatment Plant \$500,000.00 The purpose of this project is to construct a water treatment plant for use by the City of Mason. The Water Treatment facility is necessary to comply with federal water safety regulations.

The Consortium for Plant Biotechnology Research
Requesting Member: MIKE ROGERS (MI)
Bill Number H.R. 1105
Account: Science and Technology
Legal Name of Requesting Entity: The Consortium for Plant Biotechnology
Mailing Address: PO Box 20634 St. Simons Island, GA 31522

Description of Request: \$750,000 for research and commercialization of clean energy technologies. Approximately, 7.4% for peer reviewed competitions and 92.6% is for research projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

SUBTITLE F: LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

Lansing Community College—Military Medic Transition Program
Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105
Account: Fund to Improve Post-Secondary Education
Legal Name of Requesting Entity: Lansing Community College
Address of Requesting Entity: 210 W Shiawassee St, Lansing, MI 48933

Description of Request: To provide \$450,000 to create a Military Medic Transition Program to allow military medics to transition first to civilian paramedic certification and then through a fast-track nursing program. Approximately \$200,000 for curriculum development; \$200,000 for personnel; and \$50,000 for recruiting and marketing. This request is consistent with the intended and authorized purpose of the Fund to Improve Post-Secondary Education account. In a short period of time, this innovative program has the ability to provide fast-track training to job seekers and assistance to hospitals and first responders in filling their vacancies. The potential impact of this program has been recognized by the State of Michigan Department of Labor and Economic Growth, Primia Civitas Foundation, Sparrow Health Care Systems, Capitol Health

Care Employment Council, and Delhi Township Fire Department; all whom have indicated their support for this initiative.

Oakland Community College—Emerging Sectors Consortium

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 1105
Account: Employment and Training Administration

Legal Name of Requesting Entity: Oakland Community College

Address of Requesting Entity: 2480 Opdyke Road, Bloomfield Hills, MI 48304-2266

Description of Request: To provide \$425,000 for an educational consortium to support the economic transformation in Michigan from manufacturing to knowledge-based. Approximately \$200,000 is for Salaries, Wages and Benefits; \$50,000 for consulting services; \$100,000 for Consortium Sub-contracts; \$35,000 for supplies and materials; \$30,000 for technology and equipment; and \$10,000 for communication and printing. The focus of the project in 2009 will be expanding the consortium from supporting Oakland County's "Emerging Sectors" initiative to supporting workforce and economic development initiatives throughout southeast Michigan. This request is consistent with the intended and authorized purpose of the Employment and Training Administration account. The project is a continuation and expansion of an FY2008 appropriation. The project is supported by the Education and Workforce Committee of the Oakland County Business Roundtable, Oakland County government, local and state economic development entities and the Workforce Development system. The Oakland County Michigan Works! Agency is underwriting the cost of a skills assessment inventory—a critical foundational piece for the Educational Consortium—at cost of \$280,000.

Cleary University—Distance Learning Technology

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 1105
Account: Fund for the Improvement of Post-secondary Education

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: To provide \$600,000 for technological infrastructure improvements for its Distance Learning Model. Approximately \$150,000 for a virtual classroom; \$135,000 for mobile computer labs and equipment; \$120,000 for a multimedia production studio; \$85,000 for faculty training; \$80,000 for computer servers; and \$30,000 for software licenses. This request is consistent with the intended and authorized purpose of the Fund for the Improvement of Postsecondary Education account. By expanding and extending Cleary's services and programs throughout the region, the University can continue to educate area adults seeking a fresh start in a different industry or profession. The enhancement and extension of Cleary's distance delivery model has tremendous support from current as well as prospective students.

SUBTITLE I: TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES

Widening of Baldwin Road, Orion Township Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: IM

Legal Name of Requesting Entity: The Road Commission of Oakland County

Address of Requesting Entity: 31001 Lahser Road, Beverly Hills, Michigan 48025

Description of Request: Provide funding of \$237,000 for the purchase of right of ways necessary to complete the widening of Baldwin Road from two lanes to a four lane boulevard between Brown Road and Waldon Road, a distance of 2.0 miles as access to the I-75 interchange. This project P.E. is funded with previous congressional budget appropriations and High Priority Program funds from SAFETEA-LU.

Latson Road Interchange, City of Howell Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: IM

Legal Name of Requesting Entity: The Michigan Department of Transportation

Address of Requesting Entity: Michigan Department of Transportation, 425 W. Ottawa St. Lansing, MI 48909

Description of Request: Provide funding of \$570,000 for the purchase of right of ways necessary to complete the construction of an interchange and overpass at the interchange of Interstate 96 and Latson Road.

Commuter Bus Purchase, Capital Area Transportation Authority, Lansing, Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: 5309

Legal Name of Requesting Entity: The Capital Area Transportation Authority

Address of Requesting Entity: 4615 Tranter Street, Lansing, MI 48910

Description of Request: Provide funding of \$1,900,000 for the purchase of approximately 3 40 foot hybrid buses, 2 60 foot hybrid buses, 2 small buses, 2 rural service buses and 7 Mini-Hybrid fan systems.

Bus Storage Facility Construction Purchase, Capital Area Transportation Authority, Lansing, Michigan

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 1105

Account: 5309

Legal Name of Requesting Entity: The Capital Area Transportation Authority

Address of Requesting Entity: 4615 Tranter Street, Lansing, MI 48910

Description of Request: Provide funding of \$712,000 for the renovation and expansion of the existing bus storage facility. The funding will be distributed such that 50% will pay for renovations and 50% for expansion construction that will extend the useful life of the facility.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: National Forest Service

Legal Name of Requesting Entity: Land Between the Lake National Recreation Area

Address of Requesting Entity: 100 Van Morgan Drive Golden Pond, KY 42211

Description of Request: The Land Between the Lake National Recreation Area is a premier tourist attraction in Kentucky which continues to thrive under Forest Service management. It has been managed in concert with the provisions of the original LBL Protection Act. This money (\$8,200,000) will be used for much needed maintenance at the facility, especially debris cleanup after the recent ice storm through the Commonwealth. The Forest Service will be receiving this money to be used at the Land Between the Lakes National Recreation Area. The total amount will be used for scheduled maintenance at the recreation area. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: OJP-Byrne Discretionary Grants

Legal Name of Requesting Entity: Pennyriale Narcotic Task Force

Address of Requesting Entity: 511 South Main Street, Hopkinsville, KY 42240

Description of Request: The Pennyriale Narcotics Task Force (PNTF) covers a 20 county area. Based in Hopkinsville, Kentucky, it is a law enforcement organization dedicated to fighting the spread of drugs and, in particular, methamphetamine production, trafficking, and abuse. According to the El Paso Intelligence Center (EPIC), Kentucky currently ranks sixth nationally in the number of law enforcement responses to meth-related incidents. These funds (\$500,000) will allow the task force to purchase materials and pay for manpower to educate people in the school systems, health departments, law enforcement agencies, and civic organizations on the dangers of methamphetamine. These funds are vital to eliminating the threat of illegal drugs in Kentucky's First Congressional District. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Investigations

Legal Name of Requesting Entity: City of Paducah

Address of Requesting Entity: 300 South 5th Street, Paducah, KY

Description of Request: This money (\$143,000) will be used for rehabilitation of the current flood control system involving repair and replacement of pumping station equipment, corrugated pipes, concrete, and other appurtenant features. This is considered a levee safety issue in this City and is in dire need of repair. The entity receiving the money is the City of Paducah in Kentucky. The total amount will be used in FY 2009. The City has already committed \$2 million to the project. I

certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Construction

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 1070 Nashville, TN 37202-1070

Description of Request: The Kentucky Lock and Dam Addition project consists of constructing a completely new lock and dam structure and was authorized in the 1996 Water Resources Development Act. The amount appropriated (\$22,300,000) will be specifically spent on the superstructure to facilitate traffic over the Tennessee River. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Construction

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 1070 Nashville, TN 37202-1070

Description of Request: The Wolf Creek Dam Rehabilitation project is to rehabilitate the Dam that is failing on the Cumberland River. This project was one of six dams across the nation that was identified by the Army Corps of Engineers that is in dire need of rehabilitation. The earmark (\$54,554,000) will be used to further the rehabilitation. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Construction

Legal Name of Requesting Entity: Louisville Army Corps of Engineers

Address of Requesting Entity: 600 Martin Luther King Place Louisville, Kentucky 40202

Description of Request: The project consists of twin 110 foot wide by 1200 foot long dock chambers, five tainter gates and boat operated wicket navigable pass that can be raised or lowered for navigation purposes. This project was authorized in the 1989 Water Resources Development Act and the funding in the bill was for FY 2009 is \$109,194,000. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Uranium Enrichment Decontamination and Decommissioning Fund

Legal Name of Requesting Entity: Department of Energy

Address of Requesting Entity: Washington, D.C.

Description of Request: The funds (\$116,446,000) will be used to accelerate the removal of over 50 years of legacy waste and contamination stemming from the production of enriched uranium. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Other Defense Activities—Health, Safety, and Security

Legal Name of Requesting Entity: Department of Energy

Address of Requesting Entity: Former Worker Screening Programs in the Office of Health, Safety, and Security located in Washington, D.C.

Description of Request: The Department of Energy will receive this money (\$999,075) and it will be used to assess the health of former DOE workers in order to detect selected occupational illnesses at an early stage. The total amount of the money will be used by DOE to ensure the welfare of employees at the plant. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Breathitt Veterinary Center (BVC)

Address of Requesting Entity: 715 North Drive in Hopkinsville, KY 42241

Description of Request: The entity receiving this money (\$95,000) is Murray State University Breathitt Veterinary Center (BVC) located in Hopkinsville, Kentucky. The funds will be used to upgrade and expand research technology and allow for acquisition of equipment and supplies to facilitate teaching capacity at the BVC. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Museums & Library

Legal Name of Requesting Entity: Livingston County Library Board

Address of Requesting Entity: P.O. Box 70, Smithland, KY 42081

Description of Request: The entity receiving the money (\$190,000) is the Livingston County Library Board. The funds will be used to purchase books, equipment, and update technology at a new library center. Funding to construct or purchase the facility will be provided by government at the local or state level. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Kentucky Transportation Cabinet

Address of Requesting Entity: 200 Metro Street in Frankfort, Kentucky 40622

Description of Request: The entity receiving the money (\$2,280,000) is the Kentucky Transportation Cabinet in Frankfort, Kentucky, but the money will be used between Hopkinsville, Kentucky and the Interstate 24 connection near the Kentucky/Tennessee border. The Pennyriale Parkway Extension project will provide a critical missing link in the highway system of Western Kentucky. By connecting the Pennyriale Parkway, a National Highway System route, with Interstate 24 near Fort Campbell, both routine regional travel and special national defense deployment needs can be better accommodated. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Adair County, Kentucky

Address of Requesting Entity: 424 Public Square in Columbia, Kentucky 42728

Description of Request: The entity receiving the money (\$166,250) is Adair County, Kentucky. The funds will be used to establish a City of Columbia/Adair County Community Senior Wellness Center to serve the needs of the elderly community to further enhance the quality of life in the rural community at the Senior Center. The center will serve as a facility to enable seniors to facilitate health and educational services in the community. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Metcalfe County, Kentucky

Address of Requesting Entity: 100 East Stockton Street in Edmonton, Kentucky

Description of Request: The entity receiving the money (\$95,000) is Metcalfe County. The funds will be used to expand the current facility to meet the increasing needs of the community by relocating to a larger building already owned by the County to accommodate the needs of a successful operation already in place. In preparing for those needs, the day care center applied for a license to operate as a medical model day care center facility and recently received that license. Currently, the day care center is only able to serve 6 to 7 clients per day, but direly needs to expand. These funds will allow that expansion for the community to serve medical, educational, and day care services needs. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Casey County, Kentucky

Address of Requesting Entity: 768 South Wallace Wilkinson Blvd in Liberty, Kentucky

Description of Request: The entity receiving the money (\$190,000) is Casey County, Kentucky. The funds will be used to finish the parking area and lighting at the Casey County Agriculture Exposition Center. These funds will complete the project that received funding in 2004. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Murray-Calloway Transit Authority

Address of Requesting Entity: 607 Poplar Street Suite B in Murray, KY 42071

Description of Request: The entity receiving the money (\$1,496,250) is the Murray

Calloway Transit Authority in Murray, Kentucky. The funds will be used to design a Route System Project to be a more convenient service for many transit-dependent riders, which will allow for more flexibility for transit services. This project has been nationally recognized. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2009 Omnibus

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Fulton County Transit Authority

Address of Requesting Entity: 300 Eastwood Dr in Fulton, KY 42041

Description of Request: The entity receiving the money (\$237,500) is the Fulton County Transit Authority located in Fulton, Kentucky. The funds will be used for radios and Wheelchair Vans, Mini Vans, Sedans, and passenger vans, as well as GPS units for their vehicles. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act.

GREAT LAKES WATER EDUCATION STEM PROJECT

Account: NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Great Lakes Science Center

Address of Requesting Entity: 601 Erieside Avenue, Cleveland, Ohio 44114 USA

Description of Request: Provide an earmark of \$500,000 for the development, hosting, and educational programming for Water: H2O Equals Life to provide STEM education to K–12 school children. The program will provide overnight educational camp-ins, teacher professional development, outreach, and quarterly day-camps that teach global water policy. Approximately, \$250,000 is for the development of the Water Exhibition partnership at the Great Lakes Science Center; \$250,000 is for design and content development. The Great Lakes Science Center is committed to contributing \$250,000 to this project.

OHIO ENVIRONMENTAL INFRASTRUCTURE, AUSTINBURG TOWNSHIP

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Ashtabula County Department of Environmental Services

Address of Requesting Entity: 25 West Jefferson St., Jefferson, Ohio 44047 USA

Description of Request: Provide an earmark of \$700,000 for construction of a wastewater collection system in central Austinburg Township, Ashtabula County, Ohio, extending north, south, east and west from the intersection of SR 307 and SR 45. The Ohio EPA ordered the township to construct a public sanitary sewer collection system to eliminate unsanitary conditions followed by a County Health

Department study that revealed numerous failed sewage disposal systems and high concentrations of fecal coli form bacteria in storm drains that flow into the Grand River, a major watershed of Lake Erie. Approximately, \$10,500 is for wetland delineation; \$616,000 is for installation of the collection system; \$70,000 is for construction management, and \$3,500 is for environmental review.

OHIO ENVIRONMENTAL INFRASTRUCTURE, MADISON

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Madison Township

Address of Requesting Entity: 2065 Hubbard Road, Madison, Ohio 44057 USA

Description of Request: Provide an earmark of \$200,000 to extend a primary water line to replace wells that have water quality issues. The service area currently runs seasonably dry. Approximately, \$200,000 is for construction of the water line at McMackin Road. Local resident assessments are committed to a 25 percent match.

OHIO ENVIRONMENTAL INFRASTRUCTURE, THOMPSON SEWERAGE PROJECT

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Geauga County Department of Water Resource

Address of Requesting Entity: 470 Center Street, Building 3, Chardon, Ohio 44024 USA

Description of Request: Provide an earmark of \$300,000 for collecting and transporting generated waste water to a waste water treatment plant. The project was prompted by failing septic systems that are posing health risk to residents and violating environmental laws stemming from the Clean Water Act. The project is supported by the Ohio EPA. Approximately, \$145,000 is for engineering and \$155,000 is for construction.

HATTIE LARLHAM RESEARCH INSTITUTE

Account: Elementary and Secondary Education

Legal Name of Requesting Entity: Hattie Larlham Autism Preschool

Address of Requesting Entity: 9772 Diagonal Road, Mantua, Ohio 44255 USA

Description of Request: Provide an earmark of \$238,000 for evidence-based services for preschool-aged children with a primary diagnosis of autism. The intensive, early intervention services aim to provide personal independence and social responsibility for autistic children to enable a successful transition to kindergarten with minimal support needs. Support services are strained in the State as 1 out of every 150 American children is diagnosed with an Autism Spectrum Disorder, according to 2007 data by the CDC. Approximately, \$198,000 is for occupational and speech therapy services; \$40,000 is for equipment, classroom space and teaching supplies.

LAKELAND COMMUNITY COLLEGE REGIONAL HEALTH WORKFORCE DEVELOPMENT

Account: Higher Education

Legal Name of Requesting Entity: Lakeland Community College

Address of Requesting Entity: 7700 Clocktower Drive, Kirtland, Ohio 44094 USA

Description of Request: Provide an earmark of \$333,000 for supporting construction of new classrooms and labs, equipment, and development of a Health Information Technology Associates Degree program. This project will

have a positive impact on workforce development and healthcare cost-containment in Lake and surrounding counties by creating a pipeline of new skilled workers in nursing and allied health students with a focus on emerging technologies that train new and existing healthcare workers to use health state-of-the-art medical technologies. Approximately, \$276,000 is for nursing and paramedic lab and classroom space and \$57,000 is for equipment. Lakeland Community College will contribute a 1:1 nonfederal dollar match.

GLENBEIGH HOSPITAL OF ROCK CREEK

Account: Substance Abuse and Mental Health Services Administration—Substance Abuse Treatment

Legal Name of Requesting Entity: Glenbeigh Hospital of Rock Creek

Address of Requesting Entity: 2863 Route 45, Rock Creek, Ohio 44084 USA

Description of Request: Provide an earmark of \$190,000 for expanding the capacity for extended care at the Rock Creek campus. Current program spaces for this counseling-based model that provides patients with the opportunity to regain independent living skills while continuing to benefit from counseling and recovery programs, is very limited. Approximately, \$190,000 is for doubling the capacity in both the men's and women's residential recovery programs.

LAKE METROPARKS GREENWAY CORRIDOR OVERHEAD CROSSING OF NORFOLK AND SOUTHERN RAILROAD

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Lake Metroparks

Address of Requesting Entity: 11211 Spear Road, Concord Township, Ohio 44077 USA

Description of Request: Provide an earmark of \$570,000 for constructing an overhead crossing over the Norfolk & Southern Railroad tracks located west of Liberty Street in Painesville, OH. The crossing will create a safer and more appropriately linked trail facility which in turn will increase usage of this section of the facility given its proximity to new schools in the City of Painesville. Approximately, \$500,000 is for construction; \$60,000 is for engineering and design, and \$10,000 is for right of way permits.

PEDESTRIAN AND ROADWAY IMPROVEMENTS TO THE NORTH, MILL, AND CLEVELAND STREETS CORRIDOR

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Village of Chagrin Falls

Address of Requesting Entity: 21 West Washington Street, Chagrin Falls, Ohio 44022 USA

Description of Request: Provide an earmark of \$380,000 for pedestrian and roadway improvements to the North Street, Mill Street, and Cleveland Street corridor. This roadway network will connect the north and south sides of the Village, providing safe access and links to existing public sidewalks to the public schools, businesses, churches and nature preserve. Approximately, \$380,000 is for construction, including repair and resurfacing of existing asphalt pavement; repair and/or replacement of existing brick roadway; alignment of a storm drainage system, and construction of new sidewalks as needed.

TRAFFIC SIGNAL PREEMPTION SYSTEM (TSPS)

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: City of Willoughby

Address of Requesting Entity: 37000 Euclid Avenue, Willoughby, Ohio 44094 USA

Description of Request: Provide an earmark of \$85,500 for providing intersection right-of-way to authorized emergency vehicles. The current TSPS are so outdated that equipment is not available to make repairs. The requested TSPS locations are all located on major routes to a large acute care hospital, LakeWest Hospital. Approximately, \$45,500 is for equipment and \$40,000 is for installation.

METROPARKS SERVING SUMMIT COUNTY, AKRON, OH

Account: Economic Development Initiatives
Legal Name of Requesting Entity: Metro Parks Serving Summit County

Address of Requesting Entity: 975 Treaty Line Road, Akron, Ohio 44313 USA

Description of Request: Provide an earmark of \$142,500 for purchasing the 54-acre Summit Bike and Hike Trail Preserve. The property is approximately 30% wetlands. It is bordered by Silver Springs Park and a 20-acre wetland complex, both owned by the City of Stow. Acquisition of the Summit Bike and Hike Trail Preserve will create a 354-acre block of publicly owned land to conserve and manage natural resources and provide the public with safe, outdoor recreational and educational opportunities, while improving water quality within the Cuyahoga River watershed. The project meets the goals of Ohio's Draft Coastal & Estuarine Land Conservation Program. Approximately, \$142,500 is for acquiring fee title to the property.

GEAUGA PARK DISTRICT, CHARDON, OH

Account: Economic Development Initiatives
Legal Name of Requesting Entity: Geauga Park District

Address of Requesting Entity: 9160 Robinson Road, Chardon, Ohio 44024 USA

Description of Request: Provide an earmark of \$285,000 for acquiring the 237-acre Orchard Hills property located in Chester Township, Geauga County, and the City of Kirtland. The western portion of the property contains 4,500 linear feet of Caves Creek, which the Ohio EPA has designated as high quality coldwater habitat. Preserving this property will help maintain the water quality of this Chagrin River tributary, part of the Lake Erie Basin. The Chagrin River is a State-designated Scenic River. Approximately, \$285,000 is to acquire fee title to the property.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Conservation Operations

Amount: \$282,000

Legal Name of Requesting Entity: Hungry Canyons Alliance

Address of Requesting Entity: 712 S. Hwy. 6 & 59, Oakland, Iowa 51560

Description of Request: Funds are made available to counties to protect infrastructure and farmland from the erosive powers of stream degradation. For every \$1 invested in Hungry Canyons Project streambed stabilization structures, more than \$4.25 of property value and an average of 1.05 tons of sediment are protected.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Watershed/Flood Prevention Operations

Amount: \$1,146,000

Legal Name of Requesting Entity: Natural Resources Conservation Service of Iowa

Address of Requesting Entity: 693 Federal Building, Des Moines, IA 50309

Description of Request: The funding would be used to continue the implementation of the Little Sioux Flood Prevention Project. This project continues to reduce flood damage, gully erosion damage, stream channel degradation, and improve water quality within the Little Sioux River Watershed of western Iowa. This will assist about 85 landowners and five communities that need assistance in installing soil and water conservation practices to slow water runoff and reduce erosion damage to agricultural land, public infrastructure including roads and bridges, and to reduce sediment and associated agricultural nutrients and pesticides being delivered to streams and rivers.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Conservation Operations

Amount: \$288,000

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: Iowa Soybean Association's Certified Environmental Management Systems for Agriculture (CEMSA) program's overarching goal is to develop and disseminate a means for farmers to assess and improve their environmental performance, while improving agronomic and economic performance, using an adaptive management tool based on ISO 14001 and NRCS's 9-step planning process. This adaptive management system employs science-based applied evaluation tools to give each farmer baseline data, in the first year, then performance data in subsequent years giving them real feedback from their own operation on which to make management decisions regarding nutrients, soil, pests, energy uses and sources, wildlife habitat, greenhouse gas emissions (GHGE) and other atmospheric resources he or she may prioritize. ISA staff train and oversee contracted Certified Crop Advisors who provide technical assistance to producers in developing and maintaining their CEMSA plan. Cost and profit data is also plugged into the plan to

guide the producer in determining the economic sustainability of environmental performance.

The public now demands from crop producers both increased production of food, fiber, fuel, and other biobased product feedstocks and increased, documented environmental performance to conserve soils, sequester carbon, improve water quality, reduce greenhouse gas emissions, improve energy efficiency and increase wildlife habitat. As independent business persons, farmers in the Upper Mississippi River (UMR) Basin and across the country need management systems to help them incorporate the best tools of science and business to measure and improve both agronomic and environmental performance while sustaining profitability. This program has developed and piloted the basic management system and the technical assistance model producers in Iowa, the UMR Basin, and other agricultural regions need to meet these 21st Century demands. Expanding the scale of CEMSA in FY09, integrating individual planning with watershed planning, linking performance reporting to NRCS's system, and establishing recognized certification have significant implications in transferability of CEMSA throughout the UMR Basin and nationally. CEMSA is one of the ISA programs recognized by the National Academy of Sciences National Research Council's study on the Mississippi River Water Quality and the Clean Water Act as exemplary of the performance-based, public-private partnership projects that should be expanded throughout the UMR Basin.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Natural Resources Conservation Service, Conservation Operations
Amount: \$134,000

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th Street, Urbandale, IA 50322

Description of Request: The Iowa Soybean Association's Watershed Management and Demonstration Program is a continuing project that links public and private resources and expertise to provide technical assistance to individual farmers, groups of farmers, and other stakeholders in Iowa watersheds for the purpose of improving agriculture's environmental performance and watershed health.

The project supports expert staff to assist watershed organizations and groups of farmers in developing and maintaining adaptive management plans and in measuring and reporting performance in optimizing fertilizer use efficiency, remediating agricultural pollutants, decreasing soil erosion, building soil carbon, improving on-farm energy efficiency, reducing greenhouse gas emissions, enhancing wildlife habitat, and maintaining or increasing yield and profitability.

Private-public partnerships among agencies, private industry, producers, environmental groups, all levels of government, water utilities, and the university are fundamental to the design of this project, and those functioning partnerships to achieve the above project objectives are a measure of the project's suc-

cess. This project also enables farmers to engage in watershed leadership and planning, employing their expertise and motivating more effective environmental management practices.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Meth

Amount: \$500,000

Legal Name of Requesting Entity: Sioux City Police Department

Address of Requesting Entity: 601 Douglas St., Sioux City, IA 51101

Description of Request: National Meth Training Center—An informal poll of Police Chiefs and Sheriffs in the region conducted by the Sioux City Police Department, revealed that most rural communities had received little or no training in drug identification, investigative methods, intelligence gathering, search warrant preparation and execution or in the hazards of clandestine methamphetamine laboratories prior to the inception of the training center. The Sioux City Police Department National Training Center maintains a vision of providing the most current and relevant training in the area of narcotics law enforcement. The training center's mission is to support the overall effort to control and reduce methamphetamine production, trafficking and distribution on the local, regional and national level. The Sioux City Police Department is providing the leadership in developing training now and for the future. To that end the NTC strives to:

Provide the most current and relevant training in all areas of narcotics law enforcement provided by the most highly skilled instructors available. Provide skills based training through the use of simulation and scenario based practicals. Provide a central clearinghouse for the organization, coordination, research and curriculum development targeted towards the continued education of those in the law enforcement profession. Provide current situational awareness regarding the connections between narcotics trafficking and terrorist activities.

The NTC is in a unique position at this time to assist law enforcement professionals across the nation in their fight against illegal drugs. Officers and administrators from 40 states have attended training at our facility. Instructors and students who have attended training in Sioux City have also spread the word about the unique training opportunities available at the NTC. Students from as far away as Alaska, California, New York and Florida have attended training at the NTC. Officers have come from as far away as Oklahoma using their own vacation time just to attend the training provided by the training center because that same training would otherwise be unavailable to them.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP—Byrne Discretionary Grants

Amount: \$600,000

Legal Name of Requesting Entity: Heartland Family Services, Inc.

Address of Requesting Entity: 515 East Broadway, Council Bluffs, IA 51503

Description of Request: Heartland Family Services Residential Methamphetamine Treatment in Southwest Iowa—The need for the Southwest Iowa Methamphetamine Treatment Program centers around the epidemic of methamphetamine use. One in three child protective investigations in the Council Bluffs area involves this drug. Some babies are born with methamphetamine in their system, and children are exposed to use of the drug in their home. Some children live in homes where methamphetamine is being manufactured.

This project will be a collaborative effort between Heartland Family Services, the Iowa Department of Human Services, the courts, and other social service agencies. It is a clinically managed low-intensity residential service for substance abuse patients, using Heartland Family Service's established residential treatment and counseling facilities. The program offers women an interim residential treatment service, and at the same time allows them to continue parenting their children. Treatment is directed toward applying recovery skills, preventing relapse, promoting personal responsibility and reintegrating the patient into work, education and family life. Services include individual, group and family therapy.

This level of care is a missing piece in the substance abuse treatment continuum of care in Southwest Iowa. Patients who complete residential programming ordinarily go directly home and receive outpatient treatment. To prevent relapse, many of these patients would benefit from a monitored interim treatment setting. Each patient has clinical oversight by a professional counselor who assesses the psychosocial history of a substance abuser to determine the most appropriate treatment plan.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Section 206

Amount: \$0—It is a named project

Legal Name of Requesting Entity: Iowa Department of Natural Resources

Address of Requesting Entity: 502 East Ninth Street, Des Moines, IA 50319

Description of Request: Little Storm Lake Aquatic 206 Restoration Project—This joint project between the local Storm Lake Improvement Group, the US Army COE and the IDNR has as an objective to improve the aquatic species habitat in the Storm Lake watershed and to restore the wetland function of Little Storm Lake. Any funding made available to this project will be used to continue design and construction of the Little Storm Lake Aquatic 206 Restoration Project critical to improve aquatic species habitat and restore wetland function.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Bureau of Reclamation, Water and Related Resources

Amount: \$27,000,000

Legal Name of Requesting Entity: Lewis and Clark Regional Water System

Address of Requesting Entity: 401 E 8th Street, Suite 306, Sioux Falls, SD 57103

Description of Request: When completed, Lewis & Clark Regional Water System will be a wholesale supplier of treated water to 20 cities and rural water systems in northwest Iowa, southeast South Dakota and southwest Minnesota (an area the size of Connecticut). Over 300,000 people in the tri-state region will benefit from the project. Iowa members include Hull, Rock Rapids, Sheldon, Sibley and Sioux Center. L&C will have an immense impact on the quality of life and economic development of the tri-state region. The project is a unique cooperative agreement among the federal government, three states and 20 local governments. This type of cooperation and consolidation, which in L&C's case involves 20 cities and rural water cities banding together to address common water needs, is a model of efficiency that the federal government is encouraging.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project

Amount: \$150,000

Legal Name of Requesting Entity: The City of Spencer, Iowa

Address of Requesting Entity: 418 2nd Ave. West, Spencer, Iowa 51301

Description of Request: To continue design and construction of the Combined Sewer Separation Projects critical to eliminate the overflow of sewage into the basements of City of Spencer citizens during major thunderstorms. The City of Spencer continues to dedicate significant funding toward separating storm and sanitary sewers over 100 years old, which serves one-third of City of Spencer residents. Since 1990, five projects have been completed towards this goal.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Amount: \$476,000

Legal Name of Requesting Entity: Iowa Western Community College

Address of Requesting Entity: 2700 College Road, Council Bluffs, IA 51502

Description of Request: Iowa Western Nursing Center of Excellence—Iowa Western Community College in Council Bluffs will use these funds to increase the number of highly skilled nurses in the state of Iowa. Since 2003, 100% of Iowa Western Community College's graduates have passed the state nursing certification test on the first attempt, which is better than many of the state's, as well as the region's, four-year institutions. Because Iowa Western Community College currently graduates many of the state's top dental assistants, dental hygienists, practical nurses, registered nurses, surgical technologists, medical assistants and emergency medical technicians, enrollment could be greatly increased to meet demand if the college had the necessary equipment and expanded faculties. Therefore, Iowa Western Community College proposes a new Iowa Western Nursing Center of Excel-

lence, with multiple laboratories and high-tech equipment on which to train thousands of future nurses within the next decade. The college, community and private donors have recently committed at least \$10,000,000 to the Center's construction. The new laboratories and equipment will strongly enhance substantial job creation within Iowa, improve access to health care for Iowans and expand the creation of a scientifically qualified workforce in the medical and health services arena. By greatly enhancing the teaching environment, as well as the physical learning space and equipment, Iowa Western Community College will alleviate the region's nurse shortage and double the number of nurses it trains annually by 2012.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Department of Health and Human Services, Health Resources and Services Administration—Health Facilities and Services

Amount: \$428,000

Legal Name of Requesting Entity: Northwestern College

Address of Requesting Entity: 101 7th St SW, Orange City, IA 51041

Description of Request: Northwestern College's Health and Healing Nursing Project is designed to meet the needs of its growing Bachelor of Science in Nursing (BSN) program; the staff educational needs of the Orange City Area Health System (OCAHS); and continued collaboration between OCAHS and Northwestern. Funding is requested for equipment for the nursing arts laboratory that is being built as part of the College's Health and Healing Nursing Project. Operating collaboratively with the Orange City Area Health System, the project will directly address the nation's impending nursing shortage by providing excellent new BSN nurses in a particularly rural area, while also providing for the ongoing educational and assessment needs of the hospital. Western Iowa will gain a critical opportunity to educate new nurses at an advanced level, as the need for advanced nursing education in rural western Iowa is well documented.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Transportation, Community, and System Preservation

Amount: \$570,000

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: Requested funding will be used to continue construction of four-lane US 20 in northwest Iowa from the county line of Sac and Calhoun counties in Iowa to Movable, Iowa. The Iowa Department of Transportation continues to dedicate significant funding toward completing the final 90 miles of this expansion project. Activity ranging from grading to environmental study and design is taking place on each of the 90 miles with 45.5 miles in the DOT's Five Year Plan in the construction phase. The funding will assist in this critical project to increase traveler safety, eco-

nomie development and stem population loss in one of the state's most productive regions.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Transportation, Community, and System Preservation

Amount: \$237,500

Legal Name of Requesting Entity: City of Council Bluffs

Address of Requesting Entity: 209 Pearl Street, Council Bluffs, IA 51503

Description of Request: The funding will be used to reconstruct 24th St from I-80 to 23rd Ave in order to accommodate traffic volumes, improve safety, and provide alternate routes for I-80 traffic. The 24th St interchange with I-80 directs more than 11 million annual visitors to the city's entertainment corridor.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Economic Development Initiatives

Amount: \$475,000

Legal Name of Requesting Entity: City of Council Bluffs

Address of Requesting Entity: 209 Pearl Street, Council Bluffs, IA 51503

Description of Request: The funding will be used to implement a targeted program of single family rehabilitation and new construction, acquisition/rehabilitation of single family properties and blight removal and site development in the Playland Park neighborhood. The significance of this project will be felt not only locally but regionally as well. The project's location is highly visible and is a gateway into Council Bluffs. It will complement a sizeable ongoing "Rivers Edge" project estimated at \$50 million.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Transportation, Community, and System Preservation

Amount: \$427,500

Legal Name of Requesting Entity: Iowa Department of Transportation

Address of Requesting Entity: 800 Lincoln Way, Ames, IA 50010

Description of Request: The funding will be used for the planning and construction of the U.S. 34 bridge in Mills County, Iowa. The project begins at Interstate 29/US 34 interchange west of Glenwood, Iowa. From that point it curves northwesterly crossing the Missouri River north of the confluence with the Platte River. The relocated US 34 alignment intersects with US 75 (Kennedy Expressway) south of Bellevue, NE.

Requesting Member: Congressman STEVE KING

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account: Interstate Maintenance Discretionary

Amount: \$1,092,500

Legal Name of Requesting Entity: City of Sioux City

Address of Requesting Entity: 405 6th Street PO Box 447 Sioux City, IA 51102

Description of Request: Interstate 29 Utility Relocation Project in Sioux City, IA—The Iowa

Department of Transportation has included the much needed reconstruction of Interstate 29 through Sioux City in their 2008–2012 Highway Program. The project currently has \$87 million committed for interstate reconstruction in fiscal years 2009–2012. With reconstruction begun in calendar 2008, the City of Sioux City must relocate utilities existing within the Interstate 29 right-of-way. The funding will be used for design, construction, and contract administration costs of the utilities move.

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. FALLIN. Madam Speaker, pursuant to the House Republican standards on federally funded projects, I, Congresswoman MARY FALLIN, am submitting the following information for publication in the CONGRESSIONAL RECORD regarding federally funded projects I received as part of H.R. 1105—Omnibus Appropriations Act, 2009.

Under Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 I, Congresswoman MARY FALLIN, requested and received through the Department of Justice under its OJP—Byrne Discretionary Account the amount of \$150,000 for the University of Central Oklahoma located in Edmond, Oklahoma. The requesting entity for this funding was the University of Central Oklahoma located at 100 North University Drive, Edmond, OK 73034. The University of Central Oklahoma combined with the new \$35 million Oklahoma State Bureau of Investigation Forensic Institution and has established a major forensic education/laboratory program serving the entire southwest. The Program has been expanded to 48 graduates a year. This funding will be used to provide laboratory infrastructure and equipment to significantly expand the services available to the training programs and to state and local law enforcement officers.

Under Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 I, Congresswoman MARY FALLIN, requested and received through the Department of Justice under its COPS Law Enforcement Technology Account the amount of \$200,000 for the Oklahoma Department of Safety located in Oklahoma City, OK. The requesting entity for this funding was the Oklahoma Bureau of Investigations located at 6600 N. Harvey, Oklahoma City, OK 73116. Provide \$200,000 to replace the state's aging communication system and to provide comprehensive radio and data communications capabilities for all emergency response agency units in Oklahoma. Out of this \$200,000, the amount of \$150,000 [75% of the total] will be used for the replacement of a 800 MHz base station and associated repeater equipment at a major transmission site in Chickasha, OK which is ten years old and is now frequently failing, creating a safety issue for the public safety personnel that depend on that location. Additionally, the amount of \$50,000 [25% of the total] will be used to replace and upgrade a

dispatcher console in Muskogee, OK in order that it can handle low band and 800 MHz radio frequencies. The current communications capabilities of the Oklahoma Highway Patrol and other law enforcement agencies are inadequate, unsafe, and antiquated. Deployment of this communications system will patch geographical gaps in the state, link all the types of the first responders and support personnel and enable Oklahoma state and local public safety agencies to quickly transmit critical information on potential threats. A statewide 800-megahertz communications system was approved in 1982 but has never been completed due to budget constraints.

Under Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009 I, Congresswoman MARY FALLIN, requested and received through the Department of Justice under its COPS Law Enforcement Technology Account the amount of \$300,000 for the Oklahoma State Bureau of Investigations located in Oklahoma City, OK. The requesting entity for this funding was the Oklahoma Bureau of Investigations located at 6600 N. Harvey, Oklahoma City, OK 73116. The Oklahoma Mobile Analysis Center is a self-contained vehicle equipped with secure computer hardware/software and communication-networking systems that will allow trained criminal analysts to receive, analyze, and disseminate raw intelligence data necessary to state and national homeland security efforts. Information generated by the MAC unit will be turned into actionable knowledge that supports the ability to detect, investigate, prevent, and respond to criminal and terrorist activity.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Corps of Engineers under its Investigations Account the amount of \$311,000 for the Southeast Oklahoma Water Resource Study. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. The output of this multi-year study will be a Southeast Oklahoma Watershed Management Plan that identifies solutions to water resources problems with the study area, including a systems approach to collaboratively develop pertinent existing, forecasted and strategic information for the Oklahoma Comprehensive Water Plan.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Corps of Engineers under its Investigations Account the amount of \$191,000 for the Washita River Basin. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. The output of this multi-year study will be a Washita River Watershed Management Plan that identifies solutions to water resource problems within the study area, including a systems approach to collaboratively develop pertinent existing, forecasted and strategic information for the Oklahoma Comprehensive Water Plan. The project covers the Washita River Watershed and adjacent counties in southwest Oklahoma.—

Under Division C—Energy and Water Development and Related Agencies Appropriations

Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Corps of Engineers under its Investigations—PAS Account the amount of \$100,000 for the PAS: Oklahoma Comprehensive Water Plan. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. This Multi-year study to provide technical assistance to the state of Oklahoma in updating the Oklahoma Comprehensive Water Plan. The OWRB envisions that, combined with federal cost-shared funds, the OWRB could work with local water suppliers in evaluating their system conditions, long-term needs, and develop a strategy to meet their needs over a 50-year time horizon. The plan would also address the long-term needs of other water use sectors.

Under Division C—Energy and Water Development and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN, requested and received through the Bureau of Reclamation under its Water and Related Sources Account the amount of \$65,000 for the Oklahoma Investigations Program, Oklahoma Comprehensive Water Plan. The requesting entity for this funding was the Oklahoma Water Resources Board located at 3800 N. Classen Blvd., OKC, OK 73118. This project provides technical assistance and funds to assist the State of Oklahoma in updating the Oklahoma State Comprehensive Water Plan. FY2009 funds are being requested to complete modernization of the OWRB database management system, migration of existing data and appropriate training.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Department of Health and Human Services under its Health Resources and Services—Health Facilities and Services Account the amount of \$333,000 for Oklahoma Medical Research Foundation located at 825 N.E. 13th Street Oklahoma City, Oklahoma 73104. These funds will be used for a mass spectrometer. Mass Spectrometry is a highly effective type of advanced technical analysis and has become a critical technique in biomedical research. In a field such as cardiovascular disease research, mass spectrometry is giving scientists new abilities ranging from experiments attempting to understand fundamental processes. Mass spectrometers have fundamentally changed research and are now considered a key tool for research organizations. In the entire State of Oklahoma there is no such instrument.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Department of Health and Human Services Account under its Health Resources and Services—Health Facilities and Services the amount of \$285,000 for Oklahoma State University Center for Health Sciences located at 1111 West 17th, Tulsa, OK 74101. These funds will be used for the purchase of equipment to update the facility.

Under Division F—Departments of Labor, Health and Human Services, and Education,

and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Department of Health and Human Services under its Health Resources and Services—Health Facilities and Services Account the amount of \$333,000 for Oklahoma State University Center for Health Sciences located at 1111 West 17th, Tulsa, OK 74101. These funds will be used for the purchase of equipment.

Under Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Institute of Museum and Library Services under its Museums and Libraries Account the amount of \$285,000 for the Native American Cultural and Educational Authority located in Oklahoma City, Oklahoma. The requesting entity for this funding was the City of Oklahoma City located at 200 North Walker Street, Oklahoma City, OK 73102. Oklahoma has a unique story and a history that differentiates us from any other state in the nation. Nowhere else in the United States can a visitor hear first-hand accounts from 39 different American Indian Tribal Nations regarding their journey from ancestral homelands, or discover how Native peoples have contributed and woven their identities into the fabric of contemporary Oklahoma. The American Indian Cultural Center will be a “living cultural space” featuring modern-day expressions of 39 Tribal Nations. It will provide visitors a rare opportunity to be immersed in traditional celebrations, contemporary events, and activities both inside the Cultural Center and across a 300-acre Cultural Park. These funds will be used to complete the education and cultural exhibits construction within the cultural center.

Under Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Buses and Facilities Account the amount of \$712,000 for the Central Oklahoma Transportation and Parking Authority located at 300 S.W. 7th St., Oklahoma City, Oklahoma 73109. These funds will be used for an Automated Vehicle Location systems provide real time bus information to management and bus patrons and include automated enunciation system to automatically announce bus stops in order to assist individuals with vision problems.

Under Division I—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009, I, Congresswoman MARY FALLIN requested and received through the Buses and Facilities Account the amount of \$1,330,000 for Oklahoma City Bus Replacement. The requesting entity for this funding was the Central Oklahoma Transportation and Parking Authority located at 300 S.W. 7th St., Oklahoma City, Oklahoma 73109. These funds will be used to replace buses that have reached the end of their useful lives.

EARMARK DECLARATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SESSIONS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication regarding earmarks I received as part of H.R. 1105 FY 2009 Omnibus Appropriations Act.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Justice, OJP Byrne Discretionary Grants

Legal Name of Requesting Entity: Phoenix House

Address of Requesting Entity: 2345 Regan Street, Dallas, Texas, 75219

Description of Request: I have received an earmark of \$500,000 to expand the service delivery system for the increasing number of Dallas area adolescents who are seeking drug treatment. Dallas has been identified by the Office of National Drug Control Policy (ONDCP) as one of the communities hit hardest by the problem of drug abuse among our nation's youth, and the ONDCP has recognized Dallas as a High Intensity Drug Trafficking Area. The impact of alcohol and drug abuse has been well documented in terms of financial costs to federal, state, and local governments. North Texas, especially Dallas, is experiencing an epidemic of the use of ‘cheese,’ a mixture of black tar heroin and over-the-counter drugs a very dangerous and highly addictive combination.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Dallas County Sheriff's Department

Address of Requesting Entity: 133 North Industrial Blvd., Dallas, Texas 75207

Description of Request: I have received an earmark of \$100,000 to update the AFIS system for the Dallas County Sheriff's Department. The Dallas County Sheriff's Department books approximately 400 people every 24 hours. The current system is slow and is susceptible to error and misidentifications. A biometric “2-fingerlook-up system” is needed in order to process arrestees accurately and effectively. Dallas County Sheriff's Department needs to update its AFIS system, AFIX Tracker. These upgrades will provide each of the surrounding agencies the ability to search the Dallas County database. Dallas County will also have the ability to search databases maintained in the surrounding counties, including Parker County, Collin County and Denton County. The outcome of this regional database approach will be to dramatically increase the efficiency and hit rate of the Dallas County Sheriff's Department's AFIX Tracker AFIS system.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Dallas

Address of Requesting Entity: 1500 Manila 4EN, Dallas, Texas 75201

Description of Request: I have received an earmark of \$13,000,000 for the Dallas Floodway Extension (DFE). This request is for continuation construction funding of the Dallas Floodway Extension (DFE). It is a joint effort between the City of Dallas and the Army Corps of Engineers consisting of a “chain of wetlands” and a system of protective levees. The flood control improvements will reduce flooding for 12,500 structures in the Central Business District and area neighborhoods permitting balanced growth. The DFE builds on prior flood protection efforts undertaken by the City to protect low-income neighborhoods and the primary wastewater treatment plant that serves 75% of Dallas's needs. The proposed improvements will increase the level of protection of the Dallas Floodway levee system to the Standard Project Flood or 800-year event. Features will include 5.5 miles of levee construction, 170 acres of wetlands development and 1,179 acres of land preservation. The main objective of this project is to provide improved flood protection for the full length of the Trinity River Corridor in Dallas in a way that supports the achievement of environmental, recreational, mobility and economic development goals.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Energy, Office of Science

Legal Name of Requesting Entity: Southern Methodist University

Address of Requesting Entity: 6425 Boaz, Room 205, Dallas, Texas 75275

Description of Request: I received an earmark of \$951,500 for the Advanced Parallel Processing Center (APPC) at Southern Methodist University. The Advanced Parallel Processing Center (APPC) is a “super computer” that will allow significant contribution in computationally intensive areas of research at SMU and other north Texas academic institutions. This center will allow the North Texas university community to access state of the art parallel computing resources. SMU is participating in the ATLAS experiment at the CERN Large Hadron Collider. The APPC will allow SMU to analyze the data collected from ATLAS. APPC will benefit the study of high energy physics, statistical modeling of functional MRI data collected from veterans suffering from Gulf War Syndrome, problems in cancer chemotherapy, logistics for the banking industry, network design for the telecommunications industry, and applications of energy conservation and nanotechnology. The United States must continue to lead the world in science research in order to remain globally competitive and to attract the best and the brightest scholars.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Federal Highway Administration, TCSP

Legal Name of Requesting Entity: City of Irving

Address of Requesting Entity: 825 West Irving Blvd. Irving, Texas 75060

Description of Request: I received an earmark for \$380,000 for the City of Irving's Irving Boulevard Corridor Enhancement Project, which includes Story Road and Irving Boulevard, Highway 356. The Corridor is in need of structural enhancements that include a bridge and the enclosure of an open drainage channel for pedestrian and vehicle traffic. These enhancements will reduce congestion and make multi-functional use of space. The corridor is of critical importance to the region because it runs east to west and connects to the Dallas Fort Worth Airport.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: Southern Methodist University, Southwestern Consortium for Anti-Infectives and Virological Research

Address of Requesting Entity: 6425 Boaz, Room 205, Dallas, TX 75275

Description of Request: I received an earmark of \$381,000 for Southern Methodist University who is teaming with several other Texas universities and medical centers to establish a premiere collaborative Center of Excellence that would unite leading regional HIV/AIDS and infectious disease researchers and clinical scientists for the development of new therapies against drug-resistant viral infections of high medical and socioeconomic importance. One of the goals of this consortium in developing new therapies against drug-resistant viral infections is to expand the role of viral-based gene therapy in modern molecular medicine for the treatment of terminal health disparities, such as malignant CNS tumors in children. The requested support would be to provide state-of-the-art infrastructure for NIH-supported research programs in the Southwest (TX-NM) with national and international collaborations.

Requesting Member: Congressman PETE SESSIONS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, National Institute of Health

Legal Name of Requesting Entity: The University of Texas Systems, Brain Health and Repair Project

Address of Requesting Entity: 2200 West Mockingbird Lane, Dallas TX 75325

Description of Request: I received an earmark of \$381,000 for the Brain Health and Repair Project at the University of Texas at Dallas which involves a unique multi-disciplinary collaboration among a talented team of scientists with expertise ranging from cognitive neuroscience, neurology, biomedical engineering, brain imaging, to those advancing brain repair treatments. The Brain Health and Repair Project takes a comprehensive approach to address some of the most pressing public health issues related to brain health. New evidence from brain science reveals that more can be done to prevent and detect injuries, as well as to repair the brain than modern medicine thought possible only a few years ago. UT Dallas has the largest number of cognitive brain scientists in Texas with specific expertise focused on advancing sensitive measurements

of lasting impact of Traumatic Brain Injury on cognition, social, and brain function and developing effective methods to repair the brain given appropriate type, levels and intensity of stimulation.

MRS. IRENE DAY-COMER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to take this time to remember one of Northwest Indiana's most talented and most admired citizens, Irene Day-Comer. An extraordinary soloist, Irene's serene vocals touched the hearts and lifted the spirits of countless residents of Northwest Indiana and beyond, and through her remarkable gift, she served her community in a way that very few people can. Unfortunately, Mrs. Day-Comer passed away on Monday, February 2, 2009, at the age of 86, but her music will forever remain in the hearts and spirits of those fortunate enough to have heard her sing.

Born in the rural farming community of Marks, Mississippi, Irene's family, like many African American families at the time, fled the South in search of better opportunities in more industrialized areas of the country. After arriving in Northwest Indiana, Irene's family made their home in East Chicago, Indiana. Born into a family of deep spiritual faith and religious conviction, it was at Antioch Baptist Church in East Chicago where Mrs. Day-Comer's extraordinary gift and love for sacred music would emerge. At Antioch, she was a member of the Junior Red Circle and Baptist Training Circle and was active in various choirs and ensembles. During her younger years, Irene attended Columbus Elementary School and Washington High School, where she was a member of the highly esteemed Paul Robeson Glee Club. Encouraged by her mentor and pastor, the late Dr. Vincent McCutcheon, Mrs. Day-Comer went on to study at the Moody Bible Institute and the American Baptist Theological Seminary Extension in Chicago.

By the age of eight years old, Irene's passion for music and unquestionable talent was already clear to those who heard her pristine voice. This passion would carry on to her adult life, where she would continue to serve her community through her songs of faith, hope, and inspiration. She gained acclaim from the likes of Oprah Winfrey, who heard her sing after speaking at Antioch in 1981. After this, Reverend McCutcheon and a group of local churches were able to raise enough funds for Irene and pianist, Marilyn Hairston, to record her historic debut album, *Irene Day—He's Everywhere*, in 1982. This outstanding compilation of sacred songs allowed even more people the joyous opportunity to hear her exceptional voice, and after being re-released in 2002 in the wake of the tragedy of September 11, an entirely new generation was introduced to her uplifting spirit.

A woman whose life and talent spread far beyond the borders of Northwest Indiana, Mrs. Day-Comer received many accolades for her artistry and her service to the community. In

1982, Irene was honored by the City of East Chicago for her contributions to the community, and July 8 was proclaimed Irene Day Day. In 1985, she was recipient of the prestigious Monroe-Master Dedication Commission Award bestowed by the African Methodist Episcopal Church for her efforts to aid and inspire others. Irene was also honored nationally in 1982 following the release of her album with commendations from the Congressional Black Caucus, the late Congressman Adam Benjamin, Jr., Senator Richard Lugar, and former Vice President Dan Quayle.

Madam Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring a great American artist and citizen, Mrs. Irene Day-Comer, for sharing her outstanding talents with the people of Indiana's First Congressional District and beyond. Irene Day-Comer's remarkable gift brought joy and hope to all who listened to her songs, and I ask that you join me in remembering her today.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105, Omnibus Appropriations Act, 2009.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Energy and Water—Department of Energy

Account: Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to provide an earmark of \$951,500 to the Clemson University Cellulosic Biofuel Plant project. Cellulosic ethanol comes from breaking down the lignin and hemicellulose shell in order to access plant sugars for fermentation into renewable fuel. It is estimated that cellulose conversion to ethanol can produce 800–1000 gallons of ethanol per acre (compared to 416/acre for corn). Capturing 20% of the state's gasoline fuel market through bio-ethanol would build a \$1Bn industry. In order to accomplish that goal, South Carolina must have the capacity to produce 700M gallons of ethanol/year. Based on recent studies of the economic impact of corn ethanol plans in the Midwest, 700M gal/year of bio-ethanol capacity could lead to \$1.5Bn in capital investments, create 10,000 new jobs, add \$2Bn to the local economy and increase local and state taxes by \$20M. Approximately \$50,000 (5%) will go towards site utilities/grading; \$680,000 (71%) will go towards building structure; and the remaining \$228,000 (24%) will go towards process equipment, support utility systems and construction fees; with multiple funding sources in subsequent years completing the project.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Energy and Water—Department of Energy

Account: Science

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to provide an earmark of \$1,427,250 to The Clemson University Cyberinstitute (CUCI) project which will assist research universities around the State of South Carolina to perform scientific research in nanotechnology, bioinformatics/computational biology, environment/ecology and global climate change. The project links South Carolina to a nation-wide backbone of world-class university research, industry partners and cutting-edge technology entrepreneurs. CUCI will serve as a conduit for a virtual research campus that brings together cyber resources and strengths from each of South Carolina's research institutions, including Clemson University, the Medical University of South Carolina, and the University of South Carolina. Approximately \$250,000 (18%) will go towards network connectivity; \$200,000 (14%) will go towards network redundancy; \$250,000 (18%) will go towards high performance computing; \$250,000 (18%) will go towards data storage; \$200,000 (14%) will go towards visualization resources and \$250,000 (18%) for personnel management support, with multiple funding sources in subsequent years completing the project.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Financial Services and General Government—Small Business Administration

Account: Salaries and Expenses

Legal Name of Requesting Entity: City of Union, Mayor Bruce Morgan

Address of Requesting Entity: 101 Sharpe Avenue, Union, South Carolina 29379

Description of Request: The purpose of the request is to provide an earmark of \$100,000 to build a facility for world-class robotics training that would serve manufacturing facilities in the surrounding counties. The project will provide significant technical training in a state, local and private partnership to meet the needs of an existing and growing robotics industry. It is a critical focus in an economically distressed area to diversify from a shrinking textile employment toward higher paying, higher skilled technical jobs. The facility would offer specific training (hydraulics, pneumatics, electronics, robotic software and diagnostics) for the automotive, aerospace, rail, and super precision industries. The building will be divided between Union County, the University of South Carolina-Union, and Spartanburg Community College for the specific programs. The entire amount will go towards laboratory equipment for training purposes.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Interior and Environment—U.S. Forest Service

Account: Capital Improvement and Maintenance (construction)

Legal Name of Requesting Entity: U.S. Forest Service, Sumter National Forest

Address of Requesting Entity: 3557 Whitmire Highway, Union, South Carolina 29379

Description of Request: The purpose of the request is to provide an earmark of \$250,000 to improve multi-use access to Sumter National Forest resources according to the Forest Service adaptive management plan. The U.S. Forest Service will repair and upgrade facilities along the Broad, Tyger and Enoree Rivers in Union County, SC and improve signage and mapping to allow better access for visitors. Approximately \$20,000 (8%) will go towards finalizing the adaptive waterways/river management strategy; \$100,000 (40%) will go towards a river feasibility study; \$10,000 (4%) will go towards Enoree & Tyger River trail maintenance; \$20,000 (8%) will go towards stabilizing erosion problems occurring at access points; \$40,000 (16%) will go towards river maps and signage; \$10,000 (4%) will go towards closing off illegal river access areas; and \$50,000 (20%) will go towards constructing a jetty to prevent silt deposits.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—State, Foreign Operations

Account: Global Health and Child Survival

Legal Name of Requesting Entity: Christian Blind Mission International

Address of Requesting Entity: 450 E Park Avenue, Greenville, South Carolina 29601

Description of Request: Of the funding provided for vulnerable children, \$2,000,000 is provided for child blindness programs. USAID should consider the work of Christian Blind Mission (CBM) which acts upon the needs and rights of people with disabilities; 18 million people worldwide benefit from CBM's support. 1.5 million children are currently blind, and another 7 million suffer from poor vision. CBM's eye care programs focus on four preventable and reversible sources of blindness: cataract, river blindness, vitamin A deficiency and trachoma.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Transportation, HUD

Account: Interstate Maintenance Discretionary

Legal Name of Requesting Entity: South Carolina Department of Transportation

Address of Requesting Entity: 955 Park Street Suite 341, Columbia, South Carolina 29202

Description of Request: The purpose of the request is to provide an earmark of \$475,000 to the statewide Interstate Rehabilitation Program which is in need of funding for the main thoroughfares across the state. Funding would allow interstates to be preserved, reconstructed, or rehabilitated. These routes are ranked in priority order based on daily traffic (ADT) volumes, length of the project, and the condition of the road (PQI rating). Approximately \$190,000 (40%) will go towards interstate maintenance projects located in Greenville county, \$285,000 (60%) will go towards interstate maintenance projects located in Spartanburg county.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Transportation, HUD

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: South Carolina Department of Transportation

Address of Requesting Entity: 955 Park Street Suite 341, Columbia, South Carolina 29202

Description of Request: The purpose of the request is to provide an earmark of \$285,000 to the SC 9 Interchange Improvements in Spartanburg, SC project which will include the widening of 4.3 miles of SC 9 from the existing two to three lane ditch section to a five lane curb and gutter sections. This also includes pedestrian and bicycle facilities and enhancements. The entire amount will go towards Right of Way acquisition.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 1105 FY2009 Omnibus Appropriations Act—Transportation, HUD

Account: Transportation & Community & System Preservation

Legal Name of Requesting Entity: South Carolina Department of Transportation

Address of Requesting Entity: 955 Park Street Suite 341, Columbia, South Carolina 29202

Description of Request: The purpose of the request is to provide an earmark of \$95,000 to the Salter's Road expansion project which will widen Salter's Road from Verdae Boulevard over I-85 to Millennium Drive, and provide the necessary infrastructure support for the ICAR/ Millennium Park and Verdae developments. This area is becoming a growing business and commercial nucleus for the Upstate of South Carolina, requiring more adequate transportation and infrastructure. This project is listed as a top priority on the approved Greenville-Pickens Area Transportation Study Long Range Transportation Improvement Plan. The entire amount will go towards the development of final construction plans, and environmental requirements.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. COLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: East Central University

Address of Requesting Entity: 1100 East 14th Street; Ada Oklahoma 74820

Description of Request: Provide an addition of \$476,000 for curriculum development at the Economic Development Training and Education Center, including purchase of equipment. Of the \$476,000, 15% will be used for

curriculum development supplies, 20% will be used for personnel, and 65% for equipment and classroom needs.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: Mid-America Christian University

Address of Requesting Entity: 3500 West 119th Street; Oklahoma City, OK 73170

Description of Request: Provide an addition of \$285,000 for a teacher training initiative at Mid-America Christian University. Of the \$285,000, 9.5% will be used for program coordination, 43% will be used for personnel (faculty), 28% will be used for student support services, 10.5% will be used for curriculum development/accelerated, and 9% for alternative certification development.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Health, Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Norman Regional Health System

Address of Requesting Entity: 901 North Porter Street; Norman, OK 73071

Description of Request: Provide an addition of \$381,000 for an electronic medical records initiative. Of the \$381,000, \$181,000 will be used for data set expansion and labor and data mining conversion, \$66,000 for physician connection (hardware, software and training), \$135,000 hospital interfaces.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Museums and Libraries

Legal Name of Requesting Entity: Native American Cultural & Educational Authority

Address of Requesting Entity: 900 North Stiles Avenue; Oklahoma City, OK 73104

Description of Request: Provide an addition of \$285,000 to develop educational and cultural exhibits. Of the \$285,000, 20% will be used for wayfinding, identity and graphics, 60% will be used for content development and exhibition design development, and 20% will be used for educational program development.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "Oklahoma Department of Safety"

Address of Requesting Entity: PO Box 11415 Oklahoma City, OK USA

Description of Request: Provide an addition of \$200,000 to replace the state's aging communication system and to provide comprehensive radio and data communications capabilities for all emergency response agency units in Oklahoma. Out of this \$200,000, the amount of \$150,000 [75% of the total] will be used for the replacement of a 800 MHz base station and associated repeater equipment at a major transmission site in Chickasha, OK which is ten years old and is now frequently failing, creating a safety issue for the public safety personnel that depend on that location. Additionally, the amount of \$50,000 [25% of

the total] will be used to replace and upgrade a dispatcher console in Muskogee, OK in order that it can handle low band and 800 MHz radio frequencies. The current communications capabilities of the Oklahoma Highway Patrol and other law enforcement agencies are inadequate, unsafe, and antiquated. Deployment of this communications system will patch geographical gaps in the state, link all the types of the first responders and support personnel and enable Oklahoma state and local public safety agencies to quickly transmit critical information on potential threats. A statewide 800-megahertz communications system was approved in 1982 but has never been completed due to budget constraints.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Legal Name of Requesting Entity: "The University of Oklahoma"

Address of Requesting Entity: 100 E. Boyd St, Room 1110, Norman, OK 73019 USA

Description of Request: Provide an addition of \$350,000 to support research and development of phased array weather radar technology using the National Weather Radar Testbed, which is operated by the National Severe Storms Labs in Norman, OK. Approximately, \$100,000 is for dual-polarimetric phased array studies; \$150,000 is for adaptive algorithm development; \$100,000 is for rapid scanning optimization. The Phased Array Radar Research, with its multi-function applications will allow potential savings to the taxpayer of \$2 billion in acquisition costs and an additional \$3 billion in operations and maintenance costs over a 30-year period by utilizing one multi-function radar network that can provide the same coverage available today from several weather and aircraft surveillance networks, but with 40% fewer radars.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "City of Norman, Oklahoma"

Address of Requesting Entity: 201 West Gray, PO Box 370, Norman OK USA

Description of Request: Provide an addition of \$150,000 to replace the state's current networking system for Computer Aided Dispatch, record management, mobile data access, mapping, and other software tools critical to disaster response. All \$150,000 would be used to replace the Computer Aided Dispatch System (CAD). This replacement project includes the needed software, conversion of data, and training necessary to operate the new system. This system is needed to decrease response times and increase interoperable data sharing between local, state, and federal public safety responders. The City's present system does not provide effective integration of these services and causes critical delays in disaster response. The City of Norman will provide a minimum of a 50/50 cost share and this funding will come directly from the City.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Core of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 E. Avenue Tulsa, OK 74128

Description of Request: Provide an addition of \$311,000, of which 100% of the appropriated funds will be used to conduct a multi-year study that identifies solutions to water resources problems with the study area, including a systems approach to collaboratively develop pertinent existing, forecasted and strategic information for the Oklahoma Comprehensive Water Plan.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, Investigations

Legal Name of Requesting Entity: Oklahoma Water Resources Board

Address of Requesting Entity: 3801 N. Classen Blvd, Oklahoma City, OK 73118

Description of Request: Provide an addition of \$191,000, of which 100% of the appropriated funds will be used for feasibility level studies to solve the water resource problems within the study area (including systems approach to collaboratively develop a Washita River Watershed management Plan that provides pertinent existing, forecasted, and strategic information) for the Oklahoma Comprehensive Water Plan (OCWP). The Oklahoma Water Resources Board is the non-Federal sponsor. Also collaborating on this effort are the Oklahoma Water Resources Research Institute, U.S. Geological Survey, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, Natural Resources Conservation Service and other stakeholders. Output will be a Watershed Management Plan which becomes an integral part of the Oklahoma Comprehensive Water Plan.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, O & M

Legal Name of Requesting Entity: U.S. Army Core of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 E. Avenue Tulsa, OK 74128

Description of Request: Provide an addition of \$6,164,000 for Denison Dam which will be executed in the following way: 57% Recreation—Park Rangers, operating the recreation sites, general service items likes cutting grass, trash pick-up; 26% Flood Risk Management for maintaining the dam and outlet structures, for engineers to determine daily flows through the dam for hydropower, and managing the lake levels during high water levels, 17% Environmental Stewardship—for land management of the Federal property around the lake for ecosystem enhancement.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Army Core of Engineers, O & M

Legal Name of Requesting Entity: U.S. Army Core of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 E. Avenue Tulsa, OK 74128

Description of Request: Provide an addition of \$1,014,000 for Waurika Lake to be used in

the following way: 55% Recreation—Park Rangers, operating the recreation sites, general service items like cutting grass, trash pick-up; 35% Flood Risk Management for maintaining the dam and outlet structures, for engineers to determine daily flows through the dam for hydropower, and managing the lake levels during high water levels; 10% Environmental Stewardship for land management of the Federal property around the lake for ecosystem enhancement.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Bureau of Reclamation, Water & Related Resources

Legal Name of Requesting Entity: Oklahoma Water Resources Board

Address of Requesting Entity: 3801 N. Classen Blvd, Oklahoma City, OK 73118

Description of Request: Provide an addition of \$65,000 of which 100% will be used to assist the State of Oklahoma in updating the Oklahoma State Comprehensive Water Plan, including water management planning, implementation of conservation measures, acquisition of hydrologic data, modernization of the OWRB database management system and other water plan related projects.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: EPA, State and Tribal Assistance Grants, Infrastructure Grants

Legal Name of Requesting Entity: "Ada Public Works Authority"

Address of Requesting Entity: 231 S. Townsend, Ada, OK, 74820

Description of Request: Provide an addition of \$500,000. Consistent with 33 U.S.C. 1301 and project authorization by Congress in P.L. 110-114, I received an addition of \$500,000 to help replace a failing wastewater lift station to meet the requirements of a new Indian Hospital and local business and residential expansion. Specifically, \$350,000 will be used to purchase lift station equipment and \$150,000 will be used to improve the grit removal process at the treatment plant. This represents 26 percent of total project costs with 74 percent to be provided by local, state and tribal funds.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Transportation, Surface Transportation Priorities

Legal Name of Requesting Entity: Lawton Ft. Sill Chamber of Commerce and Industry

Address of Requesting Entity: 629 SW C Avenue, Suite A, Lawton OK 73501

Description of Request: Provide an addition of \$95,000 of which 100% of the appropriated dollars for the Lawton Downtown Revitalization will be used for historic preservation.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Transportation, Surface Transportation Priorities

Legal Name of Requesting Entity: City of Midwest City, Oklahoma

Address of Requesting Entity: 100 N. Midwest Blvd., Midwest City, OK 73110

Description of Request: Provide an addition of \$450,000 of which 53% will be used to construct masonry welcome signage and landscaping along Interstate 40 through Midwest City, 47% of the appropriation will be used for the replacement of a 17,231 foot deteriorating chain link fence in Midwest City.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Ada Public Works Authority

Address of Requesting Entity: 231 S. Townsend, Ada, OK 74820

Description of Request: Provide an addition of \$190,000. Consistent with 33 USC 1301 and project authorization by Congress in P.L. 110-114, I received an addition of \$190,000 to construct a water tower to satisfy fire flow requirements and improve business opportunities in this community with a poverty rate 5 percent higher than the national average. Specifically, \$190,000 will be used for construction of the water tower. This represents less than 10 percent of total project costs with a cumulative non-federal match of 78 percent.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Ardmore Development Authority

Address of Requesting Entity: 410 West Main, Ardmore, OK, 73401

Description of Request: Provide an addition of \$190,000. Consistent with 33 USC 1301 and project authorization by Congress in P.L. 110-114, I received an addition of \$190,000 for infrastructure improvements necessary to develop the Ardmore Technology Park and improve business opportunities in this community with a poverty rate 4 percent higher than the national average. Specifically, \$190,000 will be used to install an 8-inch water main, 10-inch sewer line, and 7 manholes. This represents less than 10 percent of total Ardmore Technology Park construction costs with a non-federal match in excess of 90 percent.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Energy, EERE

Legal Name of Requesting Entity: University of Oklahoma, College of Engineering

Address of Requesting Entity: 202 W. Boyd St., Room 107, Norman OK 73019

Description of Request: I obtained an addition of \$713,625 to be used as follows: approximately \$170,615 for catalyst synthesis, characterization and activity measurement for conversion of pyrolysis oil intermediates into fungible fuel compounds; \$110,000 for studies of emulsion processing for energy-efficient and selective conversion of pyrolysis oil and/or solvolysis oil fractions; \$105,000 for pyrolysis/fractionation of switchgrass and other lignocellulosic materials; \$93,000 for catalyst synthesis, characterization and activity measurement for conversion of algae- or vegetable oil-based fatty acid methyl esters to fungible fuels and chemicals; \$60,000 for development of quantitative structure-property relationships

to enable prediction of fuel properties for biomass-based components and mixtures; \$175,000 for combustion and engine studies to characterize new biomass-based fuel components and blends.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 1105

Account: Department of Energy, Science
Legal Name of Requesting Entity: University of Oklahoma

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: I obtained an addition of \$951,500 to be used as follows: approximately \$131,500 for production of single-walled carbon nanotubes meeting quality and quantity requirements of projects; \$490,000 for studies, analysis and characterization testing of properties for priority applications; \$105,000 for photodynamic cancer therapies; \$120,000 for enzymatic biofuels cells; \$105,000 for fundamental studies of applications in polymers.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LUCAS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of FY 2009 Omnibus.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$209,000 for the Pilot Technology Transfer project. This funding will be used to provide technology transfer services and engineering assistance to small, rural manufacturers with the goal of improving their profitability and enhancing the economy in rural communities.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$274,000 for the Animal Waste Management project. This funding will be used to develop sustainable, environmentally safe, and ecologically healthy animal waste management practices in semiarid ecosystems that contribute to economic development in rural communities.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$839,000 for the Biomass-based Energy Research project. This funding will be used to find and alternative to traditional fuel sources, and to enhance rural economic development through the use of plant materials. A consortium of three universities (Oklahoma State University, Oklahoma University, and Mississippi State University) is working to refine and commercialize a unique gasification-fermentation process utilizing biomass to produce liquid fuel.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$223,000 for the Expanded Wheat Pasture project. This funding will be used to develop science and technologies, uniquely adapted wheat varieties, decision-support economic models, and extension education programs to increase profitability of the many dual-purpose wheat enterprises.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$382,000 for the Food Safety project. This funding will be used to conduct research and testing to develop rapid and efficient methods for detecting and controlling food borne pathogens throughout the food chain from point of origin to consumption.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$177,000 for the Integrated Production Systems project. This funding will be used to conduct research to develop and refine crop management techniques that enable environmentally sound and economically feasible production of alternative crops that will best utilize natural resources as they produce organically grown vegetable crops and crops for the bio-fuel industry.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$174,000 for the Preservation and Processing Research project. This funding will be used to emphasize research, development and implementation of integrated cropping, harvesting, storage and processing systems to facilitate new crop endeavors and assist new business development, to maintain and improve profitability for horticulture.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Corps of Engineers, MRT-Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 441 G Street, NW, Washington, District of Columbia, USA

Description of Request: I received \$2,201,000 for the Red River Chloride Control Project. The project is designed to control natural chloride brine emissions as three major source areas to improve water quality for municipal, industrial, and agricultural use. This funding will be used in area VI to implement structural measures to improve the quality of water in the Red River Basin in and above Lake Texoma. Area VI is located on the Elm Fork of the North Fork of the Red River in Harmon County, OK.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Department of Energy, EERE—Biomass and Biorefinery System R&D.

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I received \$285,450 for the Alternative Crops and Biofuel Production project. This funding will be used to further research the economic feasibility and logistics of processing agriculture commodities and animal fats into biofuel.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus—

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Beckham County Sheriff's Department

Address of Requesting Entity: 108 S. 3rd St, Sayre, Oklahoma, USA

Description of Request: I received \$500,000 for the Western Oklahoma Law Enforcement Alliance. This request is to purchase and implement a wireless mobile data network in Beckham, Roger Mills, and Washita counties. It will provide for in car computers and other necessary hardware. This project fits within the core mission of the COPS program to acquire and deploy cutting-edge crime-fighting technologies and develop and test innovative policing strategies.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Higher Education (includes FIPSE) Legal Name of Requesting Entity: Western Oklahoma State College

Address of Requesting Entity: 2801 North Main Street, Altus, Oklahoma, USA

Description of Requesting Entity: I received \$190,000 for Western Oklahoma State College for equipment upgrades in nursing skills labs and the radiologic technology labs at the college. This request is specifically for the following equipment; the METI Human Patient Simulator/METI Man, the Laredal SimMan, and the Kodak CR 500 system.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University Center for Health Sciences

Address of Requesting Entity: 1111 West 17th Street, Tulsa, Oklahoma, USA

Description of Requesting Entity: I received \$333,000 for equipment for Oklahoma State Electronic Health Information, Telemedicine, and Distance Learning Network. This request will be used to develop and operate a health information network that includes telemedicine/distance learning and electronic medical records system to improve access to health care for rural Oklahoma and other medically underserved people throughout the state.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University Center for Health Sciences

Address of Requesting Entity: 1111 West 17th Street, Tulsa, Oklahoma, USA

Description of Requesting Entity: I received \$285,000 for equipment for a Oklahoma State Mobile Clinic and Medical Response System. The request will be used to construct and operate a a mobile health clinic system that improves access to health care in rural Oklahoma and for deployment in the case of a regional or national disaster requiring medical interventions.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Altus

Address of Requesting Entity: 300 East Commerce, Altus, Oklahoma, USA

Description of Request: I received \$427,500 to extend this project from Park Lane to Veterans Drive, which is directly opposite the main entrance to Altus Air Force Base.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: HUD—Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Woodward Industrial Foundation

Address of Requesting Entity: 1006 Oklahoma Avenue, Woodward, Oklahoma, USA

Description of Request: I received \$190,000 for the Woodward Community Campus to construct a campus style, multi-purpose conference center in Woodward, OK.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: HUD—Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 314 Edmond Rd. NW, Piedmont, Oklahoma, USA

Description of Request: I received \$95,000 for the development of Piedmont's comprehensive Community development planning process.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: FY 2009 Omnibus

Account: HUD—Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Redlands Community College

Address of Requesting Entity: 1300 S. Country Club Road, El Reno, Oklahoma, USA

Description of Request: I received \$95,000 for the Darlington Conference Center and Royse Ranch. The request is for renovation, remodeling, and new construction projects at the Darlington Center. It is my understanding that the Oklahoma State Regents for Higher Education have provided \$270,000 and will provide a match.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of the FY 2009 Omnibus.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants

Legal Name of Requesting Entity: Jefferson County Sheriff's Department

Address of Requesting Entity: 2200 8th Ave North, Birmingham, AL 35203

Description of Request: Provide \$200,000 to continue the Records Management Systems upgrade for the Jefferson County Sheriff's Department. The upgrade will update equipment in patrol cars so that they have the ability to remotely access criminal and vice databases, quickly check criminal records and outstanding warrants and submit reports from remote locations. The project's total budget is \$500,000. Specifically within the budget, \$250,000 will go toward the final completion of Records Management System (RMS) and JMS system which includes the purchase of remaining software licenses as needed and training on the new system, \$100,000 toward criminal and vice case management software modules, and \$150,000 toward remaining Mobile Data Ter-

minal (MDT) units for patrol cars. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants account. The Jefferson County Sheriff's Department will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Law Enforcement Technology Upgrades

Legal Name of Requesting Entity: City of Leeds

Address of Requesting Entity: 3873 First Ave, Leeds, AL 35094

Description of Request: Provide \$100,000 to update the communication technology within the police department in Leeds, Alabama. The funding will go toward the acquisition of the Computer-Aided Dispatch (CAD) and electronic Records Management Systems (RMS) software; installation, management and training necessary to start the program; and 1-year support for CAD, Application Management System (AMS), and Dispatch Map Interface as well as RMS fees and licenses. The project's total budget is \$102,516. Specifically within the budget, \$49,800 for CAD software, \$21,232 for RMS software, \$11,226 for CAD installation, training and management, \$7,108 for RMS installation, training and management, \$9,450 for CAD 1-year support, and \$3,700 for RMS 1-year support. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Community Oriented Policing Services Law Enforcement Technology Upgrades account. The City of Leeds will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Funds

Legal Name of Requesting Entity: Jefferson County Commission

Address of Requesting Entity: 716 Richard Arrington Jr Blvd North, Suite 220, Birmingham AL 35203

Description of Request: Provide \$300,000 for communication equipment for the Combined E-911 Communications Center to be constructed in Jefferson County. The Combined E-911 Communications Center will be a shared facility housing both 9-1-1/dispatch and emergency management operations and will provide both functions with state of the art communications equipment and infrastructures, as well as improve the opportunities for inter-jurisdictional cooperation and coordination. The Jefferson County Combined E-911 Communications Center will serve over 16 municipalities throughout Jefferson County with others joining once the center is operational. The Center will handle over 2.5 million emergency and non-emergency calls annually by a combined staff of 250 emergency communications and emergency management personnel located in the same facility. The provided funding will go toward the purchase of

communication equipment. The project's total budget is \$23.45 million. Specifically within the budget, \$750,000 for land acquisition provided by the county, \$2.45 million for design and engineering costs, \$12.25 million for construction of the center, and \$8.0 million for communications equipment and training. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Byrne Discretionary Funds account. The Jefferson County Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Jefferson State Community College

Address of Requesting Entity: 4600 Valleydale Road, Birmingham, AL 35242

Description of Request: Provide \$100,000 for campus safety improvements to all five campuses within the Jefferson State Community College system. The funding will go toward a video surveillance network coupled with a central monitoring station that is staffed 24 hours a day, seven days a week. The project's total budget is \$500,000. Specifically within the budget, \$250,000 will go toward equipment and the other \$250,000 is for personnel and consulting for the monitoring and surveillance system. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Byrne Discretionary Funds account. Jefferson State Community College will meet or exceed all statutory requirements for match funding where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency (EPA), State and Tribal Grant Program (STAG) Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: St. Clair County Commission

Address of Requesting Entity: 165 5th Ave, Suite 100, Asheville, AL 35953

Description of Request: Provide \$224,000 to extend water service to an area of St. Clair County known as Baker Mountain Road. The project's total budget is \$406,200. Specifically within the budget, \$348,000 will go toward equipment and construction, \$28,600 for engineering, and \$29,600 would go toward observation, permits, surveying, and other fees. This request is consistent with the intended and authorized purpose of the Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project account. The St. Clair County Commission will meet or exceed the 45% non-federal requirements for matching funds.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Army Corps of Engineers, Construction General Account

Legal Name of Requesting Entity: Alabama State Port Authority

Address of Requesting Entity: 250 North Water Street, Suite 300, Mobile, AL 36602

Description of Request: Provide \$4.785 million to construct the Mobile Harbor Turning Basin project. The total project cost estimate stands at \$21,400,000. Approximately, \$10,000 [or .0004%] is for land; \$25,000 [or .0011%] for aids to navigation; \$25,000 [or .0011%] for removal of existing concrete debris; \$850,000 [or .0397%] for mobilization, preparation and demobilization of a 26 CY Bucket Dredge; \$900,000 [or .0420%] for mobilization, preparation and demobilization of a 30 inch Pipeline Dredge; \$14,437,000 [or .67%] for the removal of and placement in designated dredge disposal areas approx. 2,699,232 cubic yards of dredged material; \$1,140,000 [or .0532%] of planning, engineering and design work; \$520,000 [or .0242%] for construction management; \$2,690,000 [or .1257%] in project construction contingency; and \$820,000 [or .0383%] in project escalation. The Army Corps of Engineers The U.S. Army Corps of Engineers conducted an Environmental Assessment in accordance with Engineer Regulation (ER) 200-2-2, Procedures for Implementing the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing Procedural Provisions of the National Environmental Policy Act (40 Code of Federal Regulations (CFR) Pts. 1500-1508) resulting in a FINDING OF NO SIGNIFICANT IMPACT (FONSI). Construction of the authorized turning basin has been evaluated by the U.S. Army Corps of Engineers through the Corps General Reevaluation Report (GRR) to alleviate harbor delays and improve safety conditions, and reflects a benefit-to-cost ratio of 3.46 to 1. This project is permitted. This request is consistent with the intended and authorized purpose of U.S. Army Corps of Engineers General Construction account and is intended and authorized by Congress in the Water Resources Development Act of 1986 (PL 99-662 Ninety-ninth Congress, Second Session). This is the last year funding will be needed to complete the construction of the Mobile Harbor Turning Basin. The Alabama State Port Authority is the federally designated local sponsor for the Port of Mobile Harbor and will provide the 25% cost share for the Mobile Harbor Turning Basin project. The Alabama State Port Authority's 25% cost share funding is secured.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Fish and Wildlife Service, Construction

Legal Name of Requesting Entity: US Fish and Wildlife Service

Address of Requesting Entity: PO Box 5087, Fort McClellan, AL 36205.

Description of Request: Provide \$300,000 to fund construction of a new visitors' center in the Cahaba River National Wildlife Refuge. The funding will go toward site selection, soil testing, engineering, architectural plans, and environmental site assessment. This project's budget is \$1.3 million and will be used to construct an L-shaped building with 7700 square feet including about 8 office spaces approximately 12'x13', a 14 person conference room, a 1000 sq foot auditorium, an exhibit hall, and various utility rooms. This request is consistent with the intended and authorized purpose of the Fish and Wildlife Service, Construction.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Small Business Administration

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: 201 Rose Administration Building, Box 870117, Tuscaloosa, AL 35487-0117

Description of Request: Provide \$100,000 to help establish entrepreneurial research centers in nine additional rural Alabama counties and to augment the resources of existing centers through the Alabama Entrepreneurial Research Network (AERN). The total project budget is \$675,000. The AERN provides an entrepreneurial toolkit that includes computers and peripheral equipment, business software, and other business research resources. Chambers of commerce, industrial development agencies, or other nonprofit organizations, whose mission includes business development in very rural, low income portions of Alabama, house the centers. These resources allow persons and local agencies to develop and expand businesses. This project will expand the network to additional counties and will upgrade and enhance the resources available to the existing partners. The AERN vision is to create a decentralized technology and resources network and bring cutting edge entrepreneurial computing tools and training directly to underserved, low income, rural communities in Alabama. Within the first year of the project, \$120,000 is for staff salaries, \$30,000 is for benefits, and \$200,000 is for supplies and services. In the second and third years of the project, \$120,000 is for staff salaries, \$30,000 is for benefits, and \$175,000 is for supplies and services. This request is consistent with the intended and authorized purpose of the Small Business Administration. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Health & Human Services, Health Resources and Services Administration, Health Facilities and Services Account

Legal Name of Requesting Entity: Town of Harpersville

Address of Requesting Entity: P.O. Box 370, Harpersville, AL 35078

Description of Request: Provide \$190,000 for the construction of a community and senior center in Harpersville, AL. This project's total budget is \$200,000. Specifically within the budget, \$50,000 will go toward Engineering and Design, \$25,000 toward the Environmental Assessment, \$30,000 toward Site Preparation, \$75,000 toward Construction, and \$20,000 toward Geotechnical Investigations. This request is consistent with the intended and authorized purpose of the Department of Health & Human Services, Health Resources and Services Administration, Health Facilities and Services Account. The Town of Harpersville will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Education, Elementary & Secondary Education Account
Legal Name of Requesting Entity: Mitchell's Place, Inc.

Address of Requesting Entity: 4778 Overton Road, Birmingham, AL 35210

Description of Request: Provide \$250,000 to support expansion of the Mitchell's Place program. Mitchell's Place is a comprehensive center for children with autism. The Early Learning Program at Mitchell's Place is for children between the ages of two to six. The staff at Mitchell's Place consists of four Masters Level lead teachers, one Educational Director and nine special education graduate assistants. The student teacher ratio is 3 to 1 which gives each child the opportunity to learn and grow so they will be ready to start kindergarten. Each child also receives Speech Therapy and Occupational Therapy as part of the program. This funding will enable Mitchell's Place to expand the program and bring in more of the 35 children we currently have waiting to enter our program. This request is consistent with the intended and authorized purpose of the Department of Education, Elementary & Secondary Education Account. Mitchell's Place will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account
Legal Name of Requesting Entity: Alabama Historic Ironworks Commission

Address of Requesting Entity: 12632 Confederate Parkway, McCalla, AL 35111

Description of Request: Provide \$142,500 to construct a welcome center at the Brierfield Ironworks State Park. Currently the park has no visitors/welcome center where information can be easily disseminated to visitors. At present that function is being done in the country store, a site that is not really suited to welcoming area visitors in a historical and educational setting. This proposed educational visitors/welcome center will house a reception area, a display area telling the story of the ironworks and its relationship with the community during the mid and late 19th century, restroom facilities and a park office. The center will be located near the primary entrance to the park so that all visitors will be able to readily take advantage of the area upon their arrival at the park. The budget for the project is \$295,000. Specifically within the budget, \$20,000 will go toward site preparation, \$10,000 toward the design and plans, and \$265,000 toward building construction. This request is consistent with the intended and authorized purpose of the Housing and Urban Development, Economic Development Initiatives Account. The Alabama Historic Ironworks Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Transportation, Buses and Bus Facilities Account
Legal Name of Requesting Entity: Birmingham-Jefferson County Transit Authority

Address of Requesting Entity: 1535 Morris Avenue, Birmingham, AL 35202

Description of Request: Provide \$1,425,000 to acquire new and replacement buses and vans to expand service for the Birmingham-Jefferson County Transit Authority. This project's total budget is \$33,800,000, which includes the acquisition of 100 replacement buses and 30 paratransit vans. This project will provide more reliable transit services in the Birmingham metropolitan area, including expanded service in the city center and urban core. This request will also assist with the ongoing need to replace buses for the BJCTA Fleet Replacement Plan. This request is consistent with the intended and authorized purpose of the Department of Transportation, Buses and Bus Facilities Account. The Birmingham-Jefferson County Transit Authority will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: City of Clay

Address of Requesting Entity: 6757 Old Springville Road, Pinson, AL 35126

Description of Request: Provide \$118,750 for necessary amenities for Cosby Lake Park. The City of Clay recently purchased Cosby Lake in the City for use as a public park. Walking trails, lighting, landscaping, a pavilion, parking and other amenities are necessary to make it useful for the public. The budget for the project is \$150,000, all of which will go towards engineering and development. This request is consistent with the intended and authorized purpose of the Transportation, Housing and Urban Development, Economic Development Initiatives Account. The City of Clay will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: City of Northport

Address of Requesting Entity: 3500 McFarland Blvd., P.O. Box 569, Northport, AL 35476

Description of Request: Provide \$95,000 to help revitalize downtown Northport. The purpose of this project is to upgrade existing infrastructure and install new infrastructure to support and encourage economic development and housing in downtown Northport. Infrastructure improvements may include but are not limited to: sewer, water, street improvements, drainage, pedestrian access and parking. The total budget for the project is \$2,516,000. Specifically within the budget, \$1,716,032 will go toward general construction and supplies, \$163,000 toward engineering design, \$129,000 toward construction engineering and inspection, \$257,400 toward contingencies, and \$250,000 toward moving overhead power to underground. This request is consistent with the intended and authorized purpose of the Housing and Urban Development, Economic Development Initiatives Account. The City of Northport will meet or ex-

ceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Transportation & Community & System Preservation Account

Legal Name of Requesting Entity: St. Clair County Commission

Address of Requesting Entity: 165 5th Avenue, Suite 100 Ashville, AL 35953

Description of Request: Provide \$475,000 for construction of an access road to the Pell City Medical Campus. When completed, this road will provide access to a medical and educational campus that will become an economic catalyst for the region and will provide improved health care for constituents of St. Clair County and surrounding areas. This roadway will also create a connector road from Highway 231 to Wolf Creek Road. This new road will help alleviate congestion on Highway 231 and allow more access to the underdeveloped Wolf Creek Road. The project's total budget is \$795,000. Specifically within the budget, \$430,000 will go toward grading, draining, and basing, \$292,000 toward paving, striping, and traffic control markers, and \$73,000 toward engineering and inspection. This request is consistent with the intended and authorized purpose of the Federal Highway Administration, Transportation & Community & System Preservation Account. The St. Clair County Commission will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives Account

Legal Name of Requesting Entity: Shelby County Arts Council

Address of Requesting Entity: PO Box 624, Columbiana, AL 35051

Description of Request: Provide \$95,000 to develop architectural plans for the construction of a performing arts facility in Columbiana, AL. The proposed 25,000-square-foot Arts Center will be a community arts education and performance facility. It will be located on approximately one acre of a seven-acre site on the corner of West College Street and Mill Street just one block from the revitalized downtown main street of Columbiana. This Center will provide multiple spaces for performance, education and exhibits and both indoor and outdoor gathering and event venues. These spaces will be open to the public as well as available for private income earning events for the Arts Center. The funding will be used to pay architectural fees associated with drawings for a new performing arts and education center located in Columbiana, Alabama. This request is consistent with the intended and authorized purpose of the Housing and Urban Development, Economic Development Initiatives Account. The Shelby County Arts Council will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants

Legal Name of Requesting Entity: City of Calera

Address of Requesting Entity: 10947 Highway 25, Calera, Alabama 35040

Description of Request: Provide \$200,000 for technology upgrades, improvements and add-ons for the Calera Police Department. As the population of Calera continues to grow, these technological advances will aid in providing more effective police protection. The department will be able to better utilize its officers in the field, reduce error in reporting, verify information in a more timely fashion, identify misbehavior by officers and citizens, and become as well equipped as other police forces around the nation who cover similar sized jurisdictions. The project's total budget is \$499,600. Specifically within the budget, \$162,000 will go toward Tough Book in-car MDTs, \$16,200 toward in-car computer mounts, \$13,500 toward e-ticket stripe readers, \$10,800 toward thermal mobile printers, \$4,500 toward printer mounts, \$30,000 toward radio comm voter towers, \$30,000 toward wireless radio voter transmitters, \$162,000 toward in-car digital video cameras, \$21,600 of officer safety mini cams, \$4,000 toward dispatch wireless head sets, \$6,000 toward investigator surveillance cameras, \$10,000 toward a jail camera system, \$14,000 toward desk top computers, and \$15,000 toward mobile radios. This request is consistent with the intended and authorized purpose of the Department of Justice, Office of Justice Programs, Community Oriented Policing Services (COPS) Technology Grants. The City of Calera will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: FY 2009 Omnibus

Account: National Aeronautics and Space Administration, Cross Agency Support Account

Legal Name of Requesting Entity: McWane Science Center

Address of Requesting Entity: 200 19th Street, North, Birmingham, AL 35203

Description of Request: Provide \$400,000 to advance science, technology, engineering and math education initiatives for McWane Science Center. The main objectives are to expand educational opportunities for students in these areas and to serve as a quality teacher training facility that will focus on inquiry-based education in the classroom. The center's desire is to specifically target schools that do not have the resources to provide these programs on their own. The project's total budget is \$500,000. Specifically within the budget, \$80,000 will go toward staff salaries/benefits, \$100,000 toward teacher trainings/workshops—2,000 teachers, \$150,000 toward Access—free educational field trips—15,000 students, \$50,000 toward Outreach—200 classroom education programs, \$75,000 toward Celebrate Science—statewide science fair, and \$45,000 toward equipment and supplies. This request is consistent with the intended and authorized purpose of the National Aeronautics and Space Administration, Cross Agency Support Account. The McWane Science Center will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CULBERSON. Madam Speaker, as a Member of the Appropriations Committee, my highest priority is cutting wasteful government spending and balancing the budget. That is why I rejected over \$338 million in project requests that were brought to my office. My answer for spending requests is always "no" unless the project is cost effective and serves a legitimate government purpose. I wholly support medical and scientific research, reducing congestion and travel time, and critical flood control projects. Those priorities are reflected in the projects that I support.

Each Member should be held accountable for the project requests they submit. Since becoming a Member of the Appropriations Committee, I have held myself accountable by posting my project request letters on my congressional website at www.culberson.house.gov. Additionally, pursuant to the Republican Leadership standards, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding projects I secured as part of H.R. 1105, the FY2009 Omnibus Appropriations bill:

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; Byrne Public Safety and Protection Program

Legal Name of Requesting Entity: Texas Border Sheriff's Coalition

Address of Requesting Entity: 4141 Pin-nacle Street #213, El Paso, Texas

Description of Request: Provides \$4,500,000 to the Texas Border Sheriff Coalition to pay for overtime, hire additional deputies, and purchase equipment. This request is consistent with the intended and authorized purpose of the Department of Justice, Byrne Public Safety and Protection Program account. This project supports Operation Linebacker, an initiative by the Texas Border Sheriff's Coalition to stop drug and human trafficking along the U.S.-Mexico border. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; Byrne Public Safety and Protection Program

Legal Name of Requesting Entity: Memorial Hermann Healthcare System

Address of Requesting Entity: 9401 Southwest Freeway, Houston, Texas

Description of Request: Provides \$300,000 to the Memorial Hermann Healthcare System to purchase interoperable communications equipment for the Life Flight Operations Center, the premier air ambulance service in the country serving a 150 mile radius around Houston, TX. This request is consistent with the intended and authorized purpose of the Department of Justice, Byrne Public Safety and Protection Program account. This projects

will enable state-of-the art dispatching, flight and weather monitoring, and data collection to enhance patient care and save lives. Memorial Hermann has already allocated \$39.25 million in nonfederal money for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; Byrne Public Safety and Protection Program

Legal Name of Requesting Entity: Texas Medical Center

Address of Requesting Entity: 2450 Holcombe Boulevard Suite 1, Houston, Texas

Description of Request: Provides \$400,000 to purchase emergency communications equipment for the Emergency Communications and Mobility Center which serves as a coordinator for police and security information, emergency preparedness, emergency communications, emergency logistical support, and traffic mobility for the 46 member institutions of the Texas Medical Center. This request is consistent with the intended and authorized purpose of the Department of Justice, Byrne Public Safety and Protection Program account. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Justice; COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Houston

Address of Requesting Entity: 900 Bagby, 2nd Floor, Houston, Texas

Description of Request: Provides \$1,000,000 for the Houston interoperability initiative, to purchase communications equipment so the City's first responders, bomb squad, and SWAT team can communicate with other regional law enforcement agencies. This request is consistent with the intended and authorized purpose of the Department of Justice, COPS Law Enforcement Technology account. This project has received funding from the COPS account in the past and the State of Texas has also contributed funding for this program. The City of Houston will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation; Airport Improvement Program

Legal Name of Requesting Entity: West Houston Airport

Address of Requesting Entity: 18000 Groeschke Road, Houston, Texas

Description of Request: Provides \$142,500 to the West Houston Airport to purchase an Automatic Weather Observation Station to provide critical weather information to aircraft. This request is consistent with the intended and authorized purpose of the Department of Transportation, Airport Improvement Program account. This improvement project fits in line

with the FAA's mission to enhance airport safety. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation; Buses and Bus Facilities

Legal Name of Requesting Entity: Houston METRO

Address of Requesting Entity: 1900 Main Street, PO Box 61429, Houston, Texas

Description of Request: Provides \$475,000 for Houston METRO to purchase hybrid buses to replace the aging fleet and to continue expansion of the Park and Ride commuter bus system. This request is consistent with the intended and authorized purpose of the Department of Transportation, Buses and Bus Facilities account. Houston METRO will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation, Capital Investment Grants

Legal Name of Requesting Entity: Houston METRO

Address of Requesting Entity: 1900 Main Street, PO Box 61429, Houston, Texas

Description of Request: Provides \$15,000,000 for the Advanced Transit Program/METRO Solutions Phase 2 for light rail projects along the North and Southeast corridors only and to study commuter rail lines along the US 90A, US 290 and Westpark corridors. This request is consistent with the intended and authorized purpose of the Department of Transportation, Capital Investment Grants account. Houston METRO will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Transportation, Buses and Bus Facilities

Legal Name of Requesting Entity: Houston Galveston Area Council

Address of Requesting Entity: 3555 Timmons, Houston, Texas

Description of Request: Provides \$950,000 for the Houston Galveston Area Council to purchase buses to improve mobility in the Texas Medical Center. This request is consistent with the intended and authorized purpose of the Department of Transportation, Buses and Bus Facilities account. This funding will purchase two buses and a limited number of vans for an internal transportation system to cut down on congestion and pollution in the Texas Medical Center. The Houston Galveston Area Council will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Harris County Hospital District

Address of Requesting Entity: 2525 Holly Hall, Houston, Texas, 77054

Description of Request: Provides \$143,000 for new video endoscopic equipment, which is needed to provide diagnostic and treatment services to its indigent patient base and to handle the needs of a level one Trauma Center at Ben Taub Hospital. This funding will ensure continued access to the latest technology and treatment techniques for patients of this level one Trauma Hospital. It will also contribute to the health of the community, state and nation by contributing to the training of the next generation of health professionals. The Harris County Hospital District will contribute \$2,000,000 to this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: M.D. Anderson Cancer Center

Address of Requesting Entity: 1515 Holcombe Blvd., Unit 422, Houston, TX, 77030

Description of Request: Provides \$533,000 to support research involving the clinical study of new forms of cancer treatment. The study will bring together the research activities of all clinical divisions, departments, care centers, clinical trial programs and translational research centers at the requesting institution. M.D. Anderson Cancer Center will provide additional project funding. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: University of Houston

Address of Requesting Entity: 4800 Calhoun Road, Houston, TX, 77004

Description of Request: Provides \$143,000 for research to develop new methods to control proliferating catastrophic diseases like cancer, stroke, and diabetes, as well as non-proliferating circumstances such as trauma. Funding will be used specifically for outfitting labs in the newly constructed University of Houston Science and Engineering Research Building; gene sequencing equipment; additional wet and dry clean room fabrication facilities; cell culture facilities and purification equipment; genetic synthesis equipment; tissue culture facilities; and high performance computing and data storage facilities for computational biology. An additional \$5.4 million

worth of grants will be provided: \$900,000 from the Cullen Foundation; \$500,000 from the M.D. Anderson Foundation; \$2,000,000 from the Keck Foundation; and \$2,000,000 from the Greater Houston Partnership. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Houston Baptist University

Address of Requesting Entity: 7502 Fondren Road, Houston, TX, 77074

Description of Request: Provides \$95,000 to renovate Houston Baptist University's Skilled Nursing Lab to increase the number of students trained in nursing each year. Funds will be used to purchase equipment to provide "real life patient care scenarios" for students while several computer workstations with interactive CD programs will help students gain skills with clinical situations they will face in actual health care settings. Houston Baptist University will contribute \$105,648 to this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Texas Children's Hospital

Address of Requesting Entity: 6621 Fannin Street, Houston, TX, 77030

Description of Request: Provides \$190,000 for the Texas Children's Hospital (TCH) Neurological Research Institute for the purpose of treating diseases in very definitive ways so that the children can live normal lives. Scheduled for completion in 2010, the Neurological Research Institute will be a new model of excellence as the first dedicated facility in the United States to use a multidisciplinary research approach to understand the unique issues of a child's brain structure, development patterns and related diseases. The 370,000 square foot building will be home to more than 170 researchers who will bring new promise to those afflicted with neurological diseases as they look for new treatments for common pediatric neurological disorders like autism, epilepsy, Rhett syndrome, cerebral palsy and learning disorders. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Department of Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: University of Texas Health Science Center at Houston

Address of Requesting Entity: 7000 Fannin, Suite 600, Houston, TX, 77030

Description of Request: Provides \$238,000 for equipment and faculty recruitment, which will advance breakthroughs in the understanding, prevention and treatment of developmental and neurodegenerative diseases including autism, Alzheimer's and brain injury; accelerated exploration and clinical testing of new pharmacological agents and new neurological and behavioral interventions with a reduced need for animal and human testing; and investment opportunities as technologies are developed and tested. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Harris County Flood Control District

Address of Requesting Entity: 9900 Northwest Freeway, Suite 220, Houston, Texas

Description of Request: Provides \$5,011,000 to continue critical detention excavation and channel construction along Brays Bayou, Houston, Texas. Harris County Flood Control District will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Harris County Flood Control District

Address of Requesting Entity: 9900 Northwest Freeway, Suite 220, Houston, Texas

Description of Request: Provides an earmark of \$96,000 to continue the feasibility study for flood mitigation of Buffalo Bayou and Tributaries, White Oak Bayou, Texas. Harris County Flood Control District will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Harris County Flood Control District

Address of Requesting Entity: 9900 Northwest Freeway, Suite 220, Houston, Texas

Description of Request: Provides \$96,000 to continue a general reevaluation study to obtain an endorsement from the Army Corps of a recommended project for flood control along Buffalo Bayou and Tributaries, Main Stem. Harris County Flood Control District will provide the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Port Authority of Houston

Address of Requesting Entity: PO Box 2562, Houston, Texas

Description of Request: Provides \$20,766,000 for construction of the Houston portion of the Houston-Galveston Navigation Channels, near Beltway 8. The dredged material produced by the project is being used to create 4,250 acres of marshland over the 50-year economic life of the project and to rebuild historical islands that have been eroded over the years by storms and subsidence. The blended local cost share is 26%. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Port Authority of Houston

Address of Requesting Entity: PO Box 2562, Houston, Texas

Description of Request: Provides \$478,000 for construction of the Houston portion of the Houston-Galveston Navigation Channels, near Beltway 8. These funds were needed following Hurricane Ike damage to the port. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Port Authority of Houston

Address of Requesting Entity: Port Authority of Houston, PO Box 2562, Houston, Texas

Description of Request: Provides \$13,788,000 for operations and maintenance of the following areas in the Houston Ship Channel: Bayport Channel; Greens Bayou Channel; Houston Ship Channel from Sims Bayou to the Turning Basin; Houston Ship Channel from Morgan's Point to Exxon; Houston Ship Channel from Carpenter's Bayou; East/West Clinton Placement Area Levee Work and work in the Barbour's Cut Channel. The Port of Houston Authority, as the local sponsor will contribute the required match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JOHN CULBERSON

Bill Number: H.R. 1105, the FY2009 Omnibus Appropriations bill

Account: Agriculture Research Service, Salaries and Expenses

Legal Name of Requesting Entity: Baylor College of Medicine

Address of Requesting Entity: 1 Baylor Plaza, Houston, Texas

Description of Request: Provides \$254,000 for the design and implementation of a human study to identify the facilitators and barriers that affect adherence of children to the Dietary Guidelines for Americans, a research question that was specifically highlighted by the 2005 Dietary Guidelines Advisory Committee. The local and state agency will provide a match of

\$250,000. I certify that neither I nor my spouse has any financial interest in this project.

A TRIBUTE TO LEO V. STIMMLER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Leo V. Stimmler, who after 34 years of service to the NYC Health and Hospitals Corporation has decided to retire.

A native of Philadelphia, Pennsylvania, Mr. Stimmler graduated from Fordham University's School of Social Work. Shortly thereafter he joined the New York City Health and Hospitals Corporation. Hired by Earl Deane, chief psychiatric social worker at the Kings County Hospital's Bedford-Stuyvesant Addiction Treatment Center, Mr. Stimmler began a long career working with those dealing with addiction. In 1976, Mr. Stimmler was promoted to social work supervisor and, eventually, the head of the social work department.

In 1985, Mr. Stimmler was hired by Wayne C. Wiltshire and Arthur Wright to administer the HHC drug and alcohol treatment program at a sister HHC facility, the Cumberland Diagnostic and Treatment Center. With Phil Garrett, CASAC, they wrote successful grant applications for adolescent treatment, homeless families, acupuncture, women services, parolees and homeless veterans. In 1988, some of the homeless patients complained to Mr. Stimmler that it was difficult attending treatment at Cumberland during the day to then return to the shelter at night, to a drill floor with 700 beds in an armory facility pervaded by drugs and alcohol. Mr. Stimmler asked Holly Argent-Tariq, Cumberland's senior administrator, to help him convince Frank Gonzalez, the director of the Atlantic Mens Shelter, to set aside a separate room for 10 patients living in the shelter who were simultaneously attending alcohol and drug treatment programs. Mr. Gonzalez agreed, on the condition that the shelter resident supply proof of enrollment in a treatment program and make a pledge of abstinence. On April 22, 1989, Sara Rimer's article in the New York Times described the history and success of the first drug free dorm in a city shelter.

Within six years the outpatient clinic census at Cumberland went from 12,000 annual outpatient visits to 48,000. According to the New York City Bureau of Health Statistics, between January 1, 1988 and December 31, 1991, the number of deaths from drug abuse in Fort Greene, Brooklyn dropped from 30 percent to 10 percent.

In 1982, in response to difficulties retaining addiction counselors due to the lack of a career ladder, Mr. Stimmler asked the HHC Office of Behavioral Health to add senior addiction counselor to the corporate plan of titles. After working on the project for more than ten years with Brenda Ballenger and the addiction counselors of Cumberland, Woodhull and Kings County Hospitals, a new assignment level for the addiction counselor position was created. On January 29, 1993, Rosa Maria

Gil, DSW, HHC Senior Vice President for Mental Health and Chemical Dependency Services, announced the creation of the titles of senior addiction counselor I and II.

In 1998 Mr. Stimmler was assigned responsibility for administering the Woodhull Chemical Dependency Program as well as Cumberland's.

Mr. Stimmler is married to Kathleen, whom he met 36 years ago at the Fordham School of Social Work; she is in charge of psychiatric social work at the Nassau University Medical Center. They have two children, Colin, who works for the City of New York's Department of Homeless Services as an Emergency Planner, and Chad, a data analyst, is employed by the Memorial Sloan-Kettering Cancer Center.

SAFE DRUG DISPOSAL ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. INSLEE. Madam Speaker, I am proud to announce the introduction of the Safe Drug Disposal Act of 2009. This important bill allows states the opportunity to continue their outstanding work to clean up our streets and waterways from unused pharmaceuticals, including both controlled and uncontrolled substances. It is my hope that Congress will give as much attention to this bill as it deserves.

In 1970, the Controlled Substances Act was enacted into law under title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970. This valuable act was designed to protect the American public from recreational use of controlled substances by creating a closed loop system, which restricts the movement of controlled substances to individuals designated to handle such substances. Unfortunately, as we learn more about the high risks of controlled substances on our streets and in our water ways, the Controlled Substances Act has inadvertently established a barrier between safe and unsafe disposal methods of unused or unwanted controlled substances. Without amending this law, controlled substance abuse on our streets and prescription drug pollution of our water ways will continue to rise.

In 2007, a study conducted by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services found that, while cocaine and methamphetamine use among young adults dropped significantly, prescription drug abuse increased. Among young adults ages 18 to 25, the level of current nonmedical use of prescription pain relievers has risen 12 percent. Further, results of a separate study of seventh through twelfth grade students released on April 21, 2005 by the Partnership for a Drug-Free America indicated that teenagers are more likely to have abused a prescription pain medication to get high than they are to have experimented with a variety of illicit drugs including ecstasy, cocaine, crack, and LSD. During this study, one in five teenagers reported using the controlled substance Vicodin without a prescription; approximately ten percent reported using the controlled substance

OxyContin without a prescription; and ten percent reported having used prescription stimulants, Ritalin and/or Adderall, without a prescription.

One reason why pharmaceutical drug diversion has increased over the last few years is the availability of unused prescription drugs. Among teenagers surveyed in the April 21, 2005 study administered by the Partnership for a Drug-Free America, fifty percent indicated that prescription drugs are widely available, one-third indicated that prescription drugs were easy to purchase over the Internet, and sixty-three percent said they could easily obtain prescription opiates and painkillers from their own home. Family medicine cabinets all across America have turned into the drug dealers of today.

It is not irresponsibility that has driven the abundance of pharmaceuticals in households across America. Americans have their hands tied when they look to dispose of unused pharmaceuticals. The choice to either throw them in the trash or flush them down the toilet is environmentally unacceptable. Recent reports indicate traces of common medicines such as acetaminophen, hormones, blood pressure medications, codeine and antibiotics in very low concentrations in 80 percent of samples taken from 139 streams across 30 states. Researchers are continuously finding diluted concentrations of pharmaceutical residues harm fish, frogs and other aquatic species in the wild and impair the workings of human cells in laboratories.

Many Americans understand the need for appropriate disposal methods in their communities. Just last year, Local Hazardous Waste Management Program in King County, WA collected over 1,100 lbs of uncontrolled substances per month during their Safe Medicine Return Pilot program. It is programs like these that will provide a safe means of disposal to take prescription drugs off the streets and out of our water.

I am pleased to introduce the Safe Drug Disposal Act of 2009. It is my hope that Congress will consider this important piece legislation to keep our communities and waterways free from waste pharmaceuticals.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, The Omnibus Appropriations Act, 2009:

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: NOAA—Operations, Research and Facilities, Title: Delaware River Enhanced Flood Warning System, Legal Name of Requesting Entity: Delaware River Basin, Commission Address of Requesting Entity: 25 State Police Drive, PO Box 7360, West Trenton, NJ 08628, Description of Request: To assist the Delaware River Basin

Commission, in conjunction with NOAA/NWS, USGS and the U.S. Army Corps of Engineers, with the enhancement of the basin's flood warning system. This enhancement will include the evaluation and improvement of existing precipitation and stream gage networks, development of additional NOAA flood forecast points in both non-tidal and tidal stream reaches, and merger of GIS and Doppler radar technology to improve flash flood warning capabilities for smaller watersheds.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: NOAA—Operations, Research and Facilities, Title: Flood Awareness and Emergency Preparedness Education Campaign Legal Name of Requesting Entity: Nurture Nature Foundation, Address of Requesting Entity: 400 Northampton Street, Easton, PA 18042, Description of Request: The project will support a flood awareness and emergency preparedness education campaign for citizens of flood-prone areas. The campaign will be initiated in the recently flooded regions along the Delaware River, in the four basin states of Pennsylvania, New Jersey, Delaware and New York, but the materials will be applicable nationwide.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: COPS Law Enforcement Technology, Title: Lehigh Valley Regional Crime Center Technology Infrastructure, Legal Name of Requesting Entity: Allentown Police Department, Address of Requesting Entity: 435 Hamilton Street, Allentown, PA 18101, Description of Request: The Lehigh Valley Regional Crime Center Technology Infrastructure project will enhance the effectiveness of a bi-county Regional Crime Center by making necessary improvements to the facility's technology infrastructure. This will enable the development of a comprehensive database that integrates information from 53 local law enforcement agencies, and provides agents with new, critical analysis capabilities. Providing local law enforcement agencies the ability to share and search information will dramatically improve efforts to fight crime throughout the region.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: OJP—Byrne Discretionary Grants, Title: Anti-Gang Youth Initiative, Legal Name of Requesting Entity: City of Allentown and ALERT Partnership, Address of Requesting Entity: 435 Hamilton Street, Allentown, PA 18101 and 17th and Chew Streets, P.O. Box 7017, Allentown, PA 18105, Description of Request: The project will enhance and sustain model programs developed through the Allentown Anti-Gang Task Force. This task force was created through the Route 222 Corridor Anti-Gang Initiative, which was funded in 2007 by a Department of Justice grant. The project will allow the task force to slow the recruitment of youth into the gang lifestyle and develop multi-faceted strategies for early intervention to remove young people and teens from gangs. Additionally, the project will strengthen partnerships between local grassroots and faith-based groups working to combat crime and violence.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division B: Commerce, Justice, Science, and Related Agencies Appropriations Act, Account: OJP—Byrne Discretionary Grants, Title: Gang and Youth Violence Security Initiative, Legal Name of Requesting Entity: School District of the City of Allentown, Address of Requesting Entity: 31 South Penn Street, PO Box 328, Allentown, PA 18105, Description of Request: For the past three years the Allentown School District has seen an increase in the amount of critical incidents involving violent behavior. Recently, national gangs have penetrated the region and brought with them a more organized and better supported system to augment local gang activity. This has increased the number of adjudicated youth in the area, and has increased the severity and number of disciplinary issues in Allentown's schools. This initiative will enhance security training and equipment to provide for a safer Allentown School District. The additional security measures will help the district get a better handle on the activities occurring in and around its schools.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Corps of Engineers, Investigations—FPMS, Title: FPMS: Southeastern, PA, Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Philadelphia District (NAP), Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107, Description of Request: This funding will allow the Army Corps of Engineers to provide local communities planning tools that could help reduce damages from future flooding in southeastern Pennsylvania. Devastating flooding in 2004, 2005 and 2006 caused tremendous damages in the region. Providing flood mapping, flood warning, and other non-structural measures could help to reduce future damages and even help save lives.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Corps of Engineers, Investigations, Title: Delaware River Comprehensive, NY, NJ, PA & DE, Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Philadelphia District (NAP), Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107, Description of Request: This funding will provide for an interim feasibility study by the Army Corps of Engineers with the Delaware River Basin Commission (DRBC) that will be used to develop a flood analysis model and watershed flood management plan, and evaluate and enhance the Delaware River Basin's existing flood warning system.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Corps of Engineers, Expenses, Title: Mid-Atlantic River Commissions, Legal Name of Requesting Entity: Delaware River Basin Commission (DRBC), Address of Requesting Entity: 25 State Police Drive, P.O. Box 7360, West Trenton, NJ 08628, Description of Request: This funding will fulfill the federal obligation established in the Delaware River Basin Compact (P.L. 87–328, Article 13, Section 13.3c) to

support the Delaware River Basin Commission. Activities to be funded include water quality protection, water supply allocation, flood loss reduction, drought management, watershed planning, permitting, and water conservation.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Advanced Power Batteries for Renewable Energy Applications, Legal Name of Requesting Entity: East Penn Manufacturing, Address of Requesting Entity: Deka Road, Lyon Station, PA 19536, Description of Request: Funding will provide for the design, testing, and fabrication of new advanced lead acid battery energy storage technology that could be used to balance the fluctuating generation of electricity in current wind and solar power systems. This technology would produce larger, safer, cleaner, and more affordable energy storage options than are currently available. This project, conducted with Sandia National Laboratories and the Bonneville Power Administration, will lead to a new advanced lead acid battery that will serve as a longer lasting, cleaner, more affordable, American-made solution to the load leveling challenge plaguing several renewable energy systems.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Clean Technology Commercialization Initiative, Legal Name of Requesting Entity: Ben Franklin Technology Partners Corporation, Address of Requesting Entity: 125 Goodman Drive, Bethlehem, PA 18015, Description of Request: This funding will support clean/alternative energy technology development and commercialization activities to encourage the development and growth of energy-related technologies and companies in Pennsylvania. The initiative will enable the Commonwealth to strategically invest in one of its most competitive sectors, leverage additional public and private investment, create high-wage jobs and help enable sound environmental practices.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Fuel Cell Optimization and Scale-Up, Legal Name of Requesting Entity: Dynalene, Inc, Address of Requesting Entity: 5250 West Coplay Street, Whitehall, PA 18052, Description of Request: Funding will provide for the development and optimization of methods to scale-up production of a new patented fuel cell coolant which is already available in sample quantities (1 to 3 gallons). This technology uses a base liquid mixture and an additive package. The base mixture is designed to have a freezing point below -40°C , thermo-physical properties similar to the current automotive antifreeze, and possesses no flash point. The additive package in the coolant has been designed to maintain very low electrical conductivity, a critical requirement for cooling fuel cells. No other coolant available today can do this job by itself.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Energy Efficiency and Renewable Energy (EERE), Title: Lehigh Valley Hospital Photovoltaic Panel Installation, Legal Name of Requesting Entity: Lehigh Valley Hospital, Address of Requesting Entity: Cedar Crest and I-78, P.O. Box 689, Allentown, PA 18105, Description of Request: This funding will enable the installation of 300 kW of photovoltaic (solar) panels on the roofs of multiple buildings at the Lehigh Valley Hospital campus in the City of Allentown, PA and the Lehigh Valley Hospital Muhlenberg campus in the City of Bethlehem, PA. These photovoltaic panels will produce a percentage of the total electricity required for the operation of the hospital buildings.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division C: Energy and Water Development and Related Agencies Appropriations Act, Account: Fossil Energy R&D, Title: ITM Reaction-Driven Ceramic Membrane Systems, Legal Name of Requesting Entity: Air Products and Chemicals, Inc., Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195, Description of Request: This funding will support the development of ITM Oxygen technology for industrial-scale oxygen production and ITM Syngas technology for production of synthesis gas (hydrogen and carbon monoxide) from natural gas. The development of ITM Reaction-Driven ceramic membrane systems will synergistically utilize the technology developed in both the ITM Oxygen and ITM Syngas projects. ITM Reaction-Driven membranes can be integrated into a state-of-the-art gasification system to produce synthesis gas to generate advanced electric power, hydrogen, or other clean fuels. This versatile technology can be applied in a cost-effective and environmentally responsible manner to a broad list of energy sources, including coal, natural gas, liquid hydrocarbons, biomaterials, and waste materials.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division D: Financial Services and General Government Appropriations Act, Account: SBA, Title: Northampton Community College Electrotechnology Applications Center, Legal Name of Requesting Entity: Northampton Community College, Address of Requesting Entity: 3835 Green Pond Road, Bethlehem, PA 18020, Description of Request: The Northampton Community College Electrotechnology Applications Center (ETAC) provides confidential assistance to businesses and manufacturers to help them increase productivity, improve energy efficiency, and achieve and maintain environmental compliance. Specifically, ETAC helps small businesses gain a competitive advantage by applying alternative technologies to improve heating, drying, coating and curing processes. This project addresses a statewide initiative to provide support for proactively reducing emissions from the manufacturing sector. Funding will be used to continue the Center's small business program which helps manufacturers reduce green house gas (GHG), volatile organic compound (VOC), and hazardous air pollutant (HAP) emissions. The ETAC identifies opportunities to quantify and reduce GHG, VOC and HAP emissions by pro-actively mar-

keting grant services, presenting workshops and seminars to raise awareness, and conducting the necessary training programs to implement solutions. Additionally, ETAC staff perform site visits to evaluate businesses' processes, equipment and facilities, and provide an unbiased assessment of emissions reduction opportunities.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, Account: Save America's Treasures, Title: State Theatre Historic Façade, Legal Name of Requesting Entity: State Theatre Center for the Arts, Inc., Address of Requesting Entity: 453 Northampton Street, Easton, PA 18042, Description of Request: The project will facilitate significant façade repair and preservation, specifically windows and a restored marquee for the State Theatre in Easton, PA. These improvements will help enhance and preserve the Theatre which has been a key component of efforts to revitalize Easton's Historic District.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, Account: STAG Water and Wastewater Infrastructure Project, Title: Salford Township, Tylersport Sewer Improvements, Legal Name of Requesting Entity: Salford Township, Address of Requesting Entity: P.O. Box 54, Ridge Road, Tylersport, PA 18971, Description of Request: The project will support the implementation of a public sewer system in the Tylersport area. The total project cost is estimated at \$2,200,000. Tylersport Village, located in Salford Township, currently has a significantly high percentage rate of failing on-lot septic systems. This funding will allow for approximately 108 village homes to be connected to a public sewer system that is being built to accommodate a new development of 190 homes in close proximity to the village.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division E: Department of the Interior, Environment, and Related Agencies Appropriations Act, Account: STAG Water and Wastewater Infrastructure Project, Title: Lower Milford Township in Lehigh County for wastewater treatment plant construction project, Legal Name of Requesting Entity: Lower Milford Township, Address of Requesting Entity: 7607 Chestnut Hill Church Road, Coopersburg, PA 18036, Description of Request: The project will assist with the construction and installation of a municipal sewage treatment plant in Lower Milford Township. The plant will provide critically needed infrastructure to reach compliance with the Pennsylvania Sewage Facilities Act and the Clean Streams Law. Due to the need for public sewage within the village, no additional businesses have located in Limeport and no expansion of the existing businesses can occur. With the construction of a municipal sewer plant, the village of Limeport can experience economic growth by attracting new and expanded businesses, tourism and the addition of jobs within the community.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Higher Education, Title:

Cedar Crest College, Allentown, PA for nursing curriculum development, including purchase of equipment, Legal Name of Requesting Entity: Cedar Crest College, Address of Requesting Entity: 100 College Drive, Allentown, PA 18104, Description of Request: Funding will be used to develop and implement a community-based, direct-care fall prevention program to reduce the risk of falling among the elderly population and prolong the time in which program participants are able to reside in independent living, senior-housing facilities in the Lehigh Valley region of Pennsylvania. Funding will be used to redesign a bachelor's-level nursing gerontology course, including simulation technology; to fully integrate a gerontological thread across the new Master of Science in Nursing program; to pay for salaries and faculty release-time needed to establish the program; and to provide portable equipment needed to assess and educate senior-citizen participants in their homes.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Higher Education, Title: Lehigh Career & Technical Institute, Schnecksville, PA for purchase of equipment, Legal Name of Requesting Entity: Lehigh Career and Technical Institute, Address of Requesting Entity: 4500 Education Park Drive, Schnecksville, PA 18078, Description of Request: This initiative will address the critical workforce shortage of diesel technicians and tractor trailer drivers by enhancing the Lehigh Career & Technical Institute's technological and instructional capabilities. Digital instructional technology investments will enhance distance learning opportunities, interactive simulator training, and vehicle repair and driver training. This initiative will allow LCTI to develop their technological capabilities to include high speed network connections to facilitate distance learning, thin client servers and computer stations, category six network cable, digital web cameras, wireless connectivity, monitors, interactive whiteboards and software. Additionally, the funding will allow secondary and postsecondary instructors at LCTI to learn the most recent repair procedures and logistics operations.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Title: HCSC Blood Center, Bethlehem, PA for facilities and equipment, Legal Name of Requesting Entity: HCSC (Miller-Keystone) Blood Center, Address of Requesting Entity: 1465 Valley Center Parkway, Bethlehem, PA 18017, Description of Request: Funding will support renovations of the Miller-Keystone Blood Center's main laboratory and collection facility. The Miller-Keystone Blood Center is the only supplier of blood products to the hospitals in Berks, Carbon, Lehigh, Northampton, Southern Luzerne, Upper Bucks and Upper Montgomery (PA), and Warren (NJ) counties. Donated blood is tested for safety and efficacy and processed into blood products for patient care at the laboratory prior to being transported to

17 local hospitals and other health care providers.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Title: Sacred Heart Hospital, Allentown, PA for purchase of equipment, Legal Name of Requesting Entity: Sacred Heart Hospital of Allentown, Address of Requesting Entity: 421 Chew Street, Allentown, PA 18102, Description of Request: This project will support the purchase of operating room equipment essential for treatment and service for Hospital patients. Specifically, funding will be used to purchase an eye microscope for cataract surgeries, a micro drill for orthopedic cases, an ECT monitor for treatment of clinical depression, two electric operating room beds, and a Glidescope for anesthesia for intubations on children and older adults. Sacred Heart Hospital is a 226-bed, acute care teaching hospital in the City of Allentown.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services, Title: St. Luke's Hospital and Health Network, Allentown, PA for purchase of equipment, Legal Name of Requesting Entity: St. Luke's Hospital and Health Network, Address of Requesting Entity: 1736 Hamilton Street, Allentown, PA 18104, Description of Request: Funding will be used to purchase equipment for a new technologically advanced Operating Suite that is part of a \$75 million hospital expansion project in the City of Allentown. The Operating Suite is part of an expansion project to increase hospital services that will allow St. Luke's to meet growing patient needs and improve support service areas.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division F: Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, Account: Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment, Title: Treatment Trends, Inc., Allentown, PA for a substance abuse treatment initiative, Legal Name of Requesting Entity: Treatment Trends, Inc., Address of Requesting Entity: 18-22 South Sixth Street, Allentown, PA 18101, Description of Request: The project will enable the implementation of a community-based drug and alcohol addiction and PTSD treatment center dedicated to serving Veterans and their families. Unfortunately, Veterans returning from combat are at great risk to abuse drugs and alcohol as a means to cope with their experiences. Additionally, many Veterans suffer from the effects of PTSD, which are compounded by substance abuse. The program is designed to provide long-term addiction treatment, specialize in the treatment of PTSD, and assist Veterans and their families by intervening in periods of acute distress.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transpor-

tation, Housing and Urban Development, and Related Agencies, Account: Buses and Bus Facilities, Title: Bus Purchase, LANTA, PA, Legal Name of Requesting Entity: Lehigh and Northampton Transportation Authority, Address of Requesting Entity: 1060 Lehigh Street, Allentown, PA 18103, Description of Request: The project will support the purchase of five heavy-duty transit buses, which will improve and expand public transportation services throughout the Lehigh Valley region. The Authority's existing fleet of 78 buses must be expanded to continue LANTA's successful development efforts, which has recently seen a 65 percent increase in transit usage.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Surface Transportation Priorities, Title: Realignment and Intersection Improvements on PA Route 248, Bath, PA, Legal Name of Requesting Entity: Pennsylvania Department of Transportation, Address of Requesting Entity: 1002 Hamilton Street, Allentown, PA 18101, Description of Request: This project will provide realignment and intersection improvements on PA Route 248 in the Borough of Bath, PA. This project will better align existing streets in the Borough with PA Route 248 and PA Route 512, which have become major thoroughfares for the area's growing population. These improvements will help alleviate congestion and enhance safety on increasingly critical roads.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Transportation, Community and System Preservation, Title: Old Allentown Streetscape Improvements, PA, Legal Name of Requesting Entity: City of Allentown, Address of Requesting Entity: 435 Hamilton Street, Allentown, PA 18101, Description of Request: The project will provide streetscape improvements for an urban historic district within the City of Allentown that is experiencing infrastructure deterioration. Improvements will include curbing and sidewalk replacement and the installation of decorative street lighting, trees, new ADA compliant handicap ramps, and street pace for improved safety at busy crosswalks.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Economic Development Initiative, Title: Renovation of a warehouse into a modern facility that will provide services in health, education, social services and community development, Legal Name of Requesting Entity: Casa Guadalupe Center, Address of Requesting Entity: 143 Linden Street, Allentown, PA 18101, Description of Request: The project will revitalize a neighborhood warehouse into a modern facility that will provide services in health, education, social services and community development. The renovated warehouse will become a community building that will combine recreation, community activities, employment training for young adults and a health clinic for uninsured or underinsured individuals.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and

Related Agencies, Account: Economic Development Initiative, Title: Establishment of a facility designed to offer specialized therapy and counseling services to children and their families, Legal Name of Requesting Entity: Children's Home of Easton, Address of Requesting Entity: 2000 South 25th Street, Easton, PA 18042, Description of Request: The project will allow for the construction of a 1,600 square foot facility designed to offer specialized therapy and counseling services to youth ages 9 to 21 and their families. This will facilitate the Children's Home of Easton's effort to consolidate various locations into one centralized site while expanding services. The Center will include 2 therapy rooms for clinical staff, a family lounge, an activity area and a landscaped courtyard.

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009—Division I: Transportation, Housing and Urban Development, and Related Agencies, Account: Economic Development Initiative, Title: Renovation of the Bethlehem YMCA's dormitory, Legal Name of Requesting Entity: YMCA of Bethlehem, Address of Requesting Entity: 430 East Broad Street, Bethlehem, PA 18018, Description of Request: The project will renovate the Bethlehem YMCA's 60-year-old dormitory creating Bethlehem YMCA Affordable Housing, LLP. This facility will provide safe and affordable housing for low-income, homeless and the working poor men and women. Additionally, the Bethlehem YMCA project will create a blend of single room occupancy units and efficiency apartments, employ an onsite case manager and provide both on and off site services geared towards enriching the lives of its residents by not only providing a place to stay but means to achieve greater independence.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act:

DIVISION B

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Claremont, CA

Address of Requesting Entity: 207 Harvard Avenue, Claremont, CA 91711

Description of Request: Provide an earmark of \$1.8 million to acquire necessary equipment for the Claremont police station and emergency operations center (EOC). The activities and use of Federal funds for this are consistent with the language authorized by PL 107-273, 116 Stat. 1758. This is the last year funding will be needed to complete this aspect

of the program. The City of Claremont will provide \$500,000 (22%) for the local cost share.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Los Angeles Sheriff's Department

Address of Requesting Entity: 47 Ramona Boulevard, Monterey Park, CA 91754

Description of Request: Provide an earmark of \$300,000 to help create "Gang-Coplink," an artificial intelligence based software application, to enable Federal, State, and local law enforcement agencies to more effectively share, integrate, search, and analyze information relating to gangs. Coplink is already utilized county-wide by all law enforcement agencies and provides accurate and timely crime information and crime analysis. Gang-Coplink will import the Los Angeles area Cal-Gang database for a new countywide gang intelligence analytical information system and will interact with the Regional Terrorism Information and Integration System (RTIIS) Coplink. The RTIIS also contains the record management system (RMS) data from the other police departments in the County as well as Federal law enforcement agencies, such as the FBI, ATF, DEA, U.S. Marshals Service, and Bureau of Prisons. \$200,000 or 2/3 of the funding will be applied to storage hardware and \$100,000 or 1/3 will be utilized for server hardware. This is consistent with the intended and authorized purpose of the OJP Byrne Discretionary grants.

DIVISION C

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, CA 91710

Description of Request: Provide an earmark of \$5,000,000 for the Inland Empire Regional Water Recycling Project with 50% for purple pipe and 50% for storage tanks to produce 100,000 acre feet of new recycled water annually. The project is authorized in P.L. 108-361, Title 1, Section 103 (d)(3) and additional specific authorization is provided in P.L. 110-161, Sec. 210. The total project cost is \$226 million. As is consistent with law, the federal share is capped at \$20 million, which is less than 10% of the total cost of the project.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: San Gabriel Basin Water Quality Authority

Address of Requesting Entity: 1720 West Cameron Ave., Suite #100, West Covina, California, 91790

Description of Request: Provide an earmark of \$3,500,000 for the San Gabriel Basin Restoration Fund to continue the design, construc-

tion, and operation of water projects to contain and treat the spreading groundwater contamination in the San Gabriel and Central Water Basins. The San Gabriel Basin Water Quality Authority was established by California State law under SB1679 in 1993 to develop, finance and implement groundwater treatment programs in the San Gabriel Basin and act as a clearing house for federal funds that have been appropriated for these programs. The project is authorized in P.L. 106-554 and this request is consistent with the intended and authorized purpose of the Bureau of Reclamations Water and Related Resources account. The current authorization ceiling for the Restoration Fund has yet to be reached, with roughly \$7,000,000 yet to be appropriated. The San Gabriel Basin Water Quality Authority will provide a minimum of a 35% cost share which will come directly from the Water Quality Authority.

DIVISION D

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Small Business Administration

Legal Name of Requesting Entity: Fairplex

Address of Requesting Entity: 1101 West McKinley Avenue, Pomona, CA 91768

Description of Request: Provide an earmark of \$300,000 for the construction of the Fairplex Trade and Conference Center, an 85,000 square foot, state-of-the-art conference and exhibition center, complete with broadband connectivity, campus-wide wireless integration as well as satellite two-way communications geared to attracting and benefiting small businesses. The project is sited in the country's third largest non-port Foreign Trade Zone (FTZ) and will provide the ability to display and demonstrate goods and services to international markets via established channels with the local economic council and the areas universities. 100 % of the funds will be utilized for ongoing construction of the center. The majority of the total cost of the project is from non-federal sources including Fairplex (a non-profit organization), the City of Pomona, Los Angeles County, private donations and competitive grants. This project is consistent with the mission of the Small Business Administration.

DIVISION E

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: EPA STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Arcadia, California

Address of Requesting Entity: 240 West Huntington Drive, Arcadia, CA 91066

Description of Request: Provide an earmark of \$500,000 for the cities of Arcadia and Sierra Madre for their Joint Water Infrastructure Projects. Arcadia's project will provide for the finalization of the design and a share of the construction cost for the Baldwin Reservoir Rehabilitation Project. Approximately, \$50,000 is for design finalization; and the remaining \$200,000 for a portion of the construction cost of the project. For Sierra Madre's projects, approximately \$150,000 will be for the design of

a Water Supply Well to replace an existing well with a new high capacity well, and \$100,000 for the replacement of undersized water transmission and distribution pipelines to improve water reliability. Each city will provide a 45% local match to the 55% EPA STAG funding, as required.

DIVISION F

Requesting member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of requesting entity: San Antonio Community Hospital

Address of requesting Entity: 999 San Bernardino Road, Upland, CA 91786

Description of request: Provide an earmark of \$761,000 to create a new cardiac catheterization laboratory using digital imaging for cardiac and vascular diagnosis and intervention. The cost of three new cardiac catheterization and cardiovascular imaging and intervention machines is approximately \$2.8 million. 100% of the funding will help purchase one of the new machines, which costs \$989,895. San Antonio Community Hospital will provide the remaining 24% of the cost of this machine. These funds will be generated from community support through donations and from operating income. This request is consistent with the intended and authorized purpose of the Health Resources and Services Administration account.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Methodist Hospital of Southern California

Address of Requesting Entity: 300 W. Huntington Drive, Arcadia, CA 91007

Description of Request: Provide an earmark of \$904,000 for construction of the new patient tower project. Approximately \$768,000 will be used for equipment and IT, including \$335,000 for ultrasound machines, \$114,000 for MRSA detection, \$106,000 for IT hardware and software and \$213,000 for IT equipment. The remaining \$136,000 will be used for construction. Hospital reserves and debt financing will fund \$125 million of the patient tower project. The build-out and equipping of the Emergency Department depends on grants and philanthropic support from the community. A fundraising campaign to raise \$25 million was launched with \$24 million in gifts and pledges received to date. This request is consistent with the intended and authorized purpose of the Health Resources and Services Administration account.

DIVISION I

Requesting Member: Congressman DAVID DREIER

Bill Number: HR 1105, FY09 Omnibus Appropriations Act

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: City of Monrovia, CA

Address of Requesting Entity: 415 S. Ivy Avenue, Monrovia, CA 91016

Description of Request: Provide an earmark of \$237,000 for the Station Square Transit Village bus layover and park and ride project. 100% of the funds will be used to acquire property for the bus layover facility and prepare plans for its construction as well as providing adequate pedestrian access to the site. This request is consistent with the intended and authorized purpose of Buses and Bus Facilities funds. The City of Monrovia will provide the 20% local match for this project.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Interstate Maintenance Account

Legal Name of Requesting Entity: City of Rancho Cucamonga, CA

Address of Requesting Entity: 10500 Civic Center Drive, Rancho Cucamonga, CA 91730

Description of Request: Provide an earmark of \$712,500 for the construction of the I-15/ Base Line Road Interchange improvements project. 100% of the funding will be used for construction of the interchange which includes two new bridge structures for the southbound on/off ramps, a loop ramp for westbound Base Line Road to southbound I-15, and the widening of the on and off ramps on the east side. The project also improves East Avenue to provide curb, gutter, and sidewalks, as well as the widening of the Base Line Road to provide two left turn lanes for eastbound Base Line Road to the northbound I-15. This request is consistent with the intended and authorized purpose of the Federal Highway Administration Interstate Maintenance Discretionary Program. The City of Rancho Cucamonga is providing over 70% of the total cost of the project, as a local match, through the following funding sources: \$9,800,000 from Development Impact Fees; \$9,200,000 from the Rancho Cucamonga Redevelopment Agency; \$9,800,000 from Measure I Funds and \$4,600,000 from the City of Fontana.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Foothill Transit

Address of Requesting Entity: 100 S. Vincent Street, Suite 200, West Covina, CA 91790

Description of Request: Provide an earmark of \$1,187,500 to replace diesel buses with cleaner burning compressed natural gas (CNG) buses, and continue Foothill Transit's efforts to convert its entire 314-bus fleet to CNG. 100% of the funds will be used for CNG bus procurement. The total budget for this project is \$20.6 million, of which approximately 25% will derive from state and local funding sources, including MOSIP (Municipal Operator Service Improvement Program) and Prop 1B (both local), and STA (State Transit Assistance).

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Surface Transportation Priorities, Grade Crossings on Designated High Speed Rail Corridors

Legal Name of Requesting Entity: Alameda Corridor-East Construction Authority

Address of Requesting Entity: 4900 Rivergrade Road, Suite A120, Irwindale, CA 91706

Description of Request: Provide an earmark of \$1,235,000 for the construction of a two-mile railroad trench to grade separate four rail/highway crossings in the City of San Gabriel, CA (San Gabriel Trench Project). 100% of the funding will be used for the construction of the San Gabriel Trench. This federal funding provides the match for the approximately \$388,564,000 (70% of Total Project Cost) in California State and Local funding already committed to the Project. In addition, provide an earmark of \$570,000 to be used to support the construction of the San Gabriel Trench Project and other Alameda Corridor-East grade separation projects by the Alameda Corridor-East Construction Authority. 100% of the funding will be used to support the construction of the aforementioned projects.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Act

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: Metro Gold Line Foothill Extension Construction Authority

Address of Requesting Entity: 406 E. Huntington Drive, Suite 202, Monrovia, CA 91016

Description of Request: Provide an earmark of \$237,500 to complete an assessment of Transit Oriented Development (TOD) along Phase II of the Gold Line Foothill Extension. Approximately, \$100,000 or 42% is for economic analysis; \$100,000 or 42% for engineering; and \$37,500 or 16% for environmental assessment. This request is consistent with the intended and authorized purpose of the Surface Transportation Priorities account. This funding will complete the TOD study. The Metro Gold Line Foothill Extension Construction Authority will provide a minimum of a 20% local cost share with local funds.

NATIONAL PEACE CORPS WEEK

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the efforts of our nation's Peace Corps volunteers in honor of National Peace Corps Week. Since the establishment of the Peace Corps by President John F. Kennedy in 1961, more than 195,000 U.S. Citizens have served their country in the cause of peace by living and working in 139 countries throughout the world. Each Volunteer sent out into the field represents another opportunity to dispel myths about the United States, to help people of interested countries meet their need for trained men and women, and to create lasting bonds of friendship with host country citizens. Volunteers are currently providing expertise and development assistance to 76 countries and are working to find common ways to address global challenges. These Volunteers share their time and talent

serving as teachers, business advisors, information technology consultants, agriculture and environmental specialists, and health and HIV/AIDS educators. The Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grassroots level in the developing world.

I would like to commend our proud nation's Peace Corps volunteers for their service, particularly those 58 men and women of the Eleventh Congressional District of Virginia who are currently serving as volunteers: Lauryn Alleva, Alfred Baldwin, Anne Berwick, Albert Bond, Erica Brouillette, Casey Burke, Daniel Cassiday, Alexander Chidakel, Kelly Connors, Rhiannon Cooper, David Coscia, Eric Crowder, Kevin Dansereau, Ryan Dickriede, David Doane, Scott Estep, Brian Fries, Evan Gay, Jeffrey Gillo, Nathan Graham, Nathan Hernandez, Michaela Hoffman, Thomas Holian, Rachel Kavanagh, Matthew Keenan, Dianne Kim, Shinhee Kim, Melissa Ko, Rachel Kramer, Phuong-Thuy Le, Hye Lee, Laara Manier, Katherine Mariska, Paul Mastin, Alona Mays, Kelly McCormack, Russell McDaniel, John McGrath, Jonathan Mellor, Theresa Milstein, Matthew Mozingo, Karine Nankam, Trevor Perrier, Jessica Pic, Jennifer Polasek, Mathis Pollock, Jonathan Seiden, Hanna Simering, Jonathan Styron, Mary Thur, Rachel Vanderburg, Amy Vaughters, Christine Wahle, Joshua Wayland, Jessica West, Clemens Weygandt, Courtney Wong, and Dale Yurovich. I consider it a great honor to represent these noble men and women, who travel great distances and make great sacrifices to help reaffirm our country's commitment to helping people help themselves throughout the world.

Madam Speaker, I ask my colleagues to join with me today to acknowledge the thousands of Americans who serve and have served as Peace Corps Volunteers. They are a great credit to our country, and we should applaud them.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community, and System Preservation (TCSP) program account.

Legal Name of Requesting Entity: Santa Rosa County, Florida

Address of Requesting Entity: 6495 Caroline St., Suite M, Milton, FL 32570

Description of Request: \$475,000—Four Lane-PD&E Study, State Road 87 in Santa Rosa County, Florida. I requested these funds to expand the Project Development and Envi-

ronmental (PD&E) study phase for SR 87. The study would include a triangular study area defined by the following three points: 1) north of Clear Creek Bridge on SR 87 near NAS Whiting Field, 2) the intersection of US 90/Glover Lane, and 3) the intersection of US 90/SR 87 South. The justification is fivefold: 1) to complete a 4-lane regional corridor from the Gulf Coast to the Alabama State Line with an ultimate goal to connect to I-65 in Alabama; 2) to provide four lanes of capacity for South Santa Rosa hurricane evacuation and recovery along the only road which is open when the US 98, US 90, I-10, and SR 281 bridges are impassable; 3) to provide for economic development among existing and planned industrial/commercial facilities and tourism attractions that lie along SR 87; 4) to support the Hurlburt Field and Eglin Air Force Base military missions of national significance; and 5) to solve the issue of additional capacity needed through or around the City of Milton which has local and regional implications. In FY 06, this project received \$4 million in SAFETEA-LU, High Priority Projects account. Last year, the project received \$492,000 in the TCSP Account. I requested funding from the Transportation, Community, and System Preservation (TCSP) program account.

The entity to receive funding for this project is Santa Rosa County, Florida located at 6495 Caroline St, Suite M, Milton, FL 32570. The funding would be used to complete the PD&E study phase and design for the project. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community and System Preservation (TCSP) Program

Legal Name of Requesting Entity: Okaloosa County, Florida

Address of Requesting Entity: 1804 Lewis Turner Boulevard, Suite 400, Fort Walton Beach, FL 32547

Description of Request: \$95,000—Okaloosa County Improvements to Fairchild Road and Hare Street, Florida. I requested funding from the FHWA Transportation, Community and System Preservation (TCSP) Program. This funding would help provide for construction and upgrading of these roadways. Both roads serve as an ingress/egress into an industrial airport/airport/military contractor complex. The roads are in need of paving, drainage improvements, and widening.

The entity to receive funding for this project is Okaloosa County, Florida, located at 1804 Lewis Turner Boulevard, Suite 400, Fort Walton Beach, FL 32547. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Con-

gress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community and System Preservation (TCSP) Program

Legal Name of Requesting Entity: Walton County, Florida

Address of Requesting Entity: 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435

Description of Request: \$95,000—Choctawhatchee Bay Bridge Widening. I requested funding in the FHWA Transportation, Community and System Preservation (TCSP) Program account FY09. Funding will support additional design, right of way and construction to provide enhancements to the Choctawhatchee Bay Bridge in order to allow for additional capacity for evacuation purposes and regional economic development. The bridge and US Highway 331 are the county's major evacuation route and have a 30 hour evacuation time. The Preliminary Design and Engineering Study was done in 1995 and 60 percent of the design has been completed.

The entity to receive funding for this project is Walton County, Florida, located at 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: FHWA Transportation, Community and System Preservation (TCSP) Program

Legal Name of Requesting Entity: Walton County, Florida

Address of Requesting Entity: 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435

Description of Request: \$237,500—Highway 331 Bridge Replacement in Walton County, Florida. I requested funding in the FHWA Transportation, Community and System Preservation (TCSP) Program account FY09. Funding would be used for design and construction purposes in order to expand U.S. 331 to four lanes. The widening would allow an evacuation route for residents and visitors of south Walton to evacuate in a timely manner in case of hurricanes or other natural disasters. Currently, U.S. 331 is the sole evacuation route out of south Walton with a 30 hour evacuation time. It would also allow a safer transportation corridor for workers from north Walton who support the tourism industry in south Walton. Upon completion, this project will link Alabama to the Gulf of Mexico and U.S. Highway 98 in Florida. The total cost of the project is \$69,408,000. The Florida DOT has

funded the segment from the Choctawhatchee Bay Bridge to State Road 20 at \$41,791,000 for right-of-way acquisition. I requested funding for Highway 331 widening in Walton County, Florida in fiscal year 2009. The entity to receive funding for this project is Walton County, Florida, located at 117 Montgomery Circle, P.O. Box 1355, DeFuniak Springs, FL 32435. The funding would be used for design and construction purpose to expand US 331 to four lanes. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Army Corps of Engineers General Investigations Account.

Legal Name of Requesting Entity: Okaloosa County, Florida

Address of Requesting Entity: 302 N. Wilson St., Suite 302, Crestview, FL 32536

Description of Request: \$96,000—Shoreline Protection Project, Okaloosa County, Florida. I requested these funds to allow the Army Corps of Engineers to conduct a Reconnaissance Study of the Okaloosa County shoreline. The Florida Department of Environment Protection's Critically Eroded Beaches in Florida report identifies 6.5 miles of county beaches and .8 miles of inlet shoreline as "critically eroded." The House Transportation and Infrastructure Committee authorized the project in June 2006 (Docket 2758). I requested funds from the Army Corps of Engineers General Investigations account.

The entity to receive funding for this project is Okaloosa County, Florida located at 302 N. Wilson St, Suite 302, Crestview, FL 32536. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice Law Enforcement Technology

Legal Name of Requesting Entity: Okaloosa County

Address of Requesting Entity: 1804 Lewis Turner Blvd., Ft. Walton Beach, FL 32547

Description of Request: \$500,000—Okaloosa County Public Safety Communications Interoperability Project. I requested these funds to be used to purchase new radio equipment and join the established Florida Statewide Law Enforcement Radio System, which is a multi-jurisdictional, multi-interoperable system. The county's current public safety sys-

tems are working on outdated technologies and must be replaced in order to be updated to FCC mandates and emergency responder needs. Decreased radio communication coverage maps have also placed emergency responders and property owners at risk. I requested funding for this project in the Department of Justice Law Enforcement Technology account.

The entity to receive this funding is Okaloosa County, located at 1804 Lewis Turner Blvd., Ft. Walton Beach, FL 32547. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Small Business Administration Office of Disaster Assistance

Legal Name of Requesting Entity: University of West Florida

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida 32504

Description of Request: \$100,000—Florida Business Continuity and Risk Management Center, University of West Florida, Pensacola, Florida. I requested funding to provide enhanced statewide services of the Business Continuity and Risk Management Center (BCRMC) program that operates through the existing Florida network of 35 Small Business Development Centers associated with seven universities. Funds provide for permanent staffing to assist the BCRMC to respond to a reliance on contracts with out-of-state companies/subcontractors, keeping dollars and jobs in Florida. This project is of great assistance to a large number of business owners who need technical assistance with business planning, loan application assistance, continuity planning, and assistance in identifying potential insurance risks and assessments in the wake and aftermath of natural disasters. In FY2008 they received \$500,000. I requested funds from the Small Business Administration, Office of Disaster Assistance account.

The entity to receive funding for this project is the University of West Florida, located at 11000 University Parkway, Pensacola, Florida 32504. I certify that neither I nor my spouse has any financial interest in this project.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, Elementary & Secondary Education (includes Funds for the Improvement of Education aka FIE)

Legal Name of Requesting Entity: The National Flight Academy

Address of Requesting Entity: 1750 Radford Blvd. Suite C, NAS Pensacola, FL 32508

Description of Request: \$190,000—Distance Learning program for science, technology, engineering and mathematics curriculum. I requested these funds from the Department of Education FIE account for a distance learning program at the National Flight Academy. This program would implement a Distance Learning Program to teach 7th through 12th grade students the relevance of math and science in their daily lives through aviation. It will spur their interest in avionics and help produce a pipeline of qualified STEM students. The National Flight Academy centers on a week-long in-residence school program. The Academy has the potential to reach up to 100 million students and their parents, as well as more than two million math and science teachers in the nation through this program. To date, Florida has provided \$1 million in funding. Last year the Academy received \$145,000 in federal funds.

The entity to receive funding for this project is The National Flight Academy, located at 1750 Radford Blvd. Suite C, NAS Pensacola, FL 32508. The funding would be used to provide the wiring and hardware components necessary to provide a distance learning capability throughout the National Flight Academy complex. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

Requesting Member: Congressman JEFF MILLER

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Labor, Employment and Training Administration (ETA)—Training and Employment Services (TES)

Legal Name of Requesting Entity: The University of West Florida

Address of Requesting Entity: 11000 University Parkway Pensacola, FL 32514

Description of Request: \$333,000—Veterans' training and Employment program. I requested these funds from the Department of Labor ETA and TES account for veterans' training and Employment programs. This program assists veterans with necessary job training and employment skill building.

The entity to receive funding for this project is The University of West Florida, located at 11000 University Parkway Pensacola, FL 32514. The funding would be used to provide training and employment counseling to veterans. I certify that neither I nor my spouse has any financial interest in this project. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BLUNT. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 1105—Omnibus Appropriations Act, 2009.

Account: Natural Resources Conservation Service—Watershed/flood prevention operations

Legal Name of Requesting Entity: Southwest Missouri Resource Conservation and Development, Inc., at Natural Resources Conservation Service.

Address of Requesting Entity: 601 Business Loop 70 West Columbia, Missouri 65203

Description of Request: \$287,000 is provided for the Upper White River Basin to provide additional conservation technical assistance to support the South Missouri Water Quality Project staff for a water quality program in southern Missouri. Technical assistance includes forestry conservation, urban nutrient management and storm water planning, farm nutrient planning for confined animal feeding operations, cartography map products, watershed planning and assessment, and water quality information and education activities. The use of taxpayer funds is justified because this watershed has experienced tremendous population growth in the last decade that has resulted in an increase in nonpoint source pollution pressure. The funding provides

Account: DOJ—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Greene County, MO

Address of Requesting Entity: 933 N. Robberson Springfield, MO 65802

Description of Request: \$800,000 is included for the Greene County Emergency Operations Center. It is my understanding this funding is to be used for the necessary equipment of the emergency operations center. The equipment will include computers, software, televisions, video conference equipment and other specialized equipment for the facility. The use of taxpayer funds is justified as this equipment is necessary for the operation of the EOC. The total equipment required is for interoperability of all agencies in the event of a disaster.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Springfield, MO

Address of Requesting Entity: 840 N. Boonville, Springfield, MO

Description of Request: \$700,000 will be used to help fund replacement of the existing Police Department records management system and automated field reporting software, hardware and servers. The use of taxpayer funds is justified because the funding will enable continuous operations and eliminate periods when records are not accessible and field reports created by mobile data units are disrupted. The technology will enable the sharing of law enforcement information with other agencies.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Taney County, MO

Address of Requesting Entity: 127 Main St., Forsyth, MO, 65653

Description of Request: \$400,000 will help Taney County, MO to purchase and implement a county wide, multi-jurisdiction public safety mobile data network as well as a criminal justice information sharing system. The use of taxpayer funds is justified because this project will greatly enhance overall investigations and increase officer safety by enabling them instant access to critical time sensitive information on the street, when they need it most.

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Webb City, MO

Address of Requesting Entity: 200 S. Main St., Webb City, MO 64870

Description of Request: \$150,000 will help to fund provide law enforcement technology for Webb City, Missouri. Webb City needs to purchase portable radios and mobile vehicle radios of 800 MHz. The use of taxpayer funds is justified because the current radios utilize a 150 MHz frequency that has gaps throughout the city and is very limited outside of the city limits. This prevents a seamless channel of communication in times of disaster.

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Springfield, MO

Address of Requesting Entity: 840 N. Boonville, Springfield, MO

Description of Request: \$478,000 will be used to help complete the feasibility study and begin pre-construction engineering and design of Jordan Creek. The use of taxpayer funds is justified because the Army Corps of Engineers study looks at a range of alternatives to the water resource needs in the area including non-structural flood damage measures, development of environmental and floodplain buffer zones along the river, and creation of floodplain overflow wetlands.

Account: Department of Energy—EERE—Solar Energy

Legal Name of Requesting Entity: Crowder College

Address of Requesting Entity: 601 Laclede Avenue, Neosho, MO 64850

Description of Request: \$951,500 will be used to fund programs and services at the Missouri Alternative Renewable Energy Technology Center. The use of taxpayer funds is justified because the funding will be used in part to fund the new center which will be for delivery of new business and incubator services and education and training programs in constructions technologies and renewable energy. The facility will serve as a living laboratory, modeling the best practices known for solar and thermodynamics energy systems and striving for zero energy consumption and serve as a regional center for renewable energy.

Account: Department of Energy—EERE—Other

Legal Name of Requesting Entity: Greene County, MO

Address of Requesting Entity: 933 N. Robberson, Springfield, MO 65802

Description of Request: \$475,750 will be used to help fund a portion of the renovations of the Greene County courthouse. Greene County would like to add a green roof to the courthouse. The use of taxpayer funds is justified because the roof would serve as an environmentally friendly way to insulate the building and control storm water. This project is to assist Greene County in our effort to truly be green citizens. The energy efficiency of the project and the storm water control of the project are the largest benefits to Greene County.

Account: Army Corps of Engineers—O&M
Legal Name of Requesting Entity: Army Corps of Engineers—Little Rock

Address of Requesting Entity: 700 W Capitol Ave # 7340, Little Rock, AR 72201

Description of Request: \$6,667,000 will be used by the Corps of Engineers for operational and maintenance items at Table Rock Lake including rehabilitation of head gates and rehabilitation of powerhouse station service units. This request was made by the Administration and is the entire operations and maintenance budget for Table Rock Lake. The use of taxpayer funds is justified because Table Rock Lake provides vital flood control on the White River and is a significant source of peak hydropower.

Account: Department of Interior—EPA—STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: McDonald County, Missouri

Address of Requesting Entity: P.O. 345 Pineville, MO 64856

Description of Request: \$500,000 will be used by Public Water Supply District (PWSD) #1 for the second phase of a wastewater expansion project to augment recently constructed infrastructure financed from PWSD funds. The proposed project will supply the Village of Jane with needed sewer service. The Village of Jane is a small but rapidly growing community in south-central McDonald County on the bank of Little Sugar Creek, a 303d impaired waterway. In addition to the benefits of improved water quality within the Little Sugar Creek watershed and encouraging additional commercial and residential development in the area, the proposed project will also provide needed wastewater service to properties recently purchased by the McDonald County R-1 School District and Crowder College to house a second high school campus and a community college campus respectively.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Ozark Tri-County Health Care Consortium

Address of Requesting Entity: 4301 Doniphan Drive, Neosho, MO 64850

Description of Request: \$476,000 would be used to construct a new Federally Qualified Health Center in Cassville, Missouri. The use of taxpayer funds is justified because the Health Center will increase medical capacity and add full dental services to serve all of Barry County by moving from the current leased facility that provides only medical services.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Missouri Southern State University

Address of Requesting Entity: 3950 E. Newman Road, Joplin, MO, 64801

Description of Request: \$381,000 would be used for patient simulation equipment for education and training of all nursing and allied healthcare students. These simulators will allow students to become proficient in assessing patients, making decisions and implementing care in a real-life setting all without jeopardizing the health and safety of real patients. The use of taxpayer funds is justified because patient safety and outcome are critically dependent on the competence of healthcare personnel.

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65804

Description of Request: \$143,000 would be used for the Missouri Innovation Academy, an on-campus summer program for high school sophomores and juniors from low-income backgrounds. Students will live on the Missouri State University campus during the duration of the Academy. The use of taxpayer funds is justified because innovation will be the key to economic growth in the future and will involve the creation and application of technology to treat serious illness, address energy needs and other environmental challenges, increase national security, and introduce other inventions to improve the quality of life and stay competitive at the global level.

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: City of Springfield

Address of Requesting Entity: 840 N. Boonville, Springfield, MO 65802

Description of Request: \$571,000 would be used for Ready to Learn, which is a partnership with the highly utilized Springfield/Greene County WIC (Women, Infants, and Children) Clinic, Shady Dell Public Preschool and a collaboration of service providers. The use of taxpayer funds is justified because this program creates pre-kindergarten academic, reading readiness and social and emotional skill development to the client population 0 to under 7 years (Missouri preschool age) and their families.

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Joplin Public Schools

Address of Requesting Entity: PO Box 128, Joplin, MO 64802

Description of Request: \$143,000 would be used for Enhancing Joplin's Opportunities by Preparing and Leading Instructional Networking, or eJOPLIN, which seeks to transform classrooms for all learners through high quality teaching powered by technology. The use of taxpayer funds is justified because the funding would be used to provide elementary school students the opportunity to be in either an eMINTS classroom or an eJOPLIN classroom. These classrooms will include one com-

puter for every four students, an LCD projector, a laptop computer for the teacher, a Smart Board, educational software and a networked printer.

Account: Museums & Libraries

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65804

Description of Request: \$143,000 would be used for the Digital Archives Initiative: Phase II, which will continue Missouri State University's efforts to develop high quality, accessible digital collections. The use of taxpayer funds is justified because people in Southwest Missouri will have access to larger collections with additional important links to Ozarks related people, places, and events. To date, grant funds have enabled the department to establish and implement a digital imaging program that focuses on important regional collections.

Account: Federal Highway Administration—(TCSP) Transportation & Community & System Preservation

Legal Name of Requesting Entity: Ozarks Transportation Organization

Address of Requesting Entity: 117 Park Central Square, Springfield, MO 65801

Description of Request: \$237,500 will be used for construction of Interchange Improvements at 60/65 including flyover ramps and a grade separated railroad crossing. Use of taxpayer funds is justified as this is the one of the most important interchanges in the region. There is a history of severe accidents and high traffic volumes. The current interchange configuration was not intended for the traffic volumes that are present.

Account: Federal Highway Administration—Interstate Maintenance

Legal Name of Requesting Entity: City of Joplin, Missouri

Address of Requesting Entity: 602 S. Main St. Joplin, MO 64801

Description of Request: \$152,000 will be used to study the most effective way to provide improved access to I-44. The use of taxpayer funds is justified because this project will provide access to I-44 for the commercial district. The commercial district would become enhanced and further developed, which would increase jobs and reduce vacancies and blight. The study for purpose and need as well as feasibility and location will provide the first step toward constructing this project.

Account: Federal Highway Administration—(TCSP) Transportation Community & System Preservation

Legal Name of Requesting Entity: Taney County, Missouri

Address of Requesting Entity: 127 Main Street, Forsyth, MO 65653

Description of Request: \$427,000 will fund rehabilitation of the Route 76 bridge over Lake Taneycomo and a roundabout at the Route 76/Business Route 65 Interchange in Hollister. The use of taxpayer funds is justified as this project will address congestion relief, safety and infrastructure maintenance.

Account: Federal Highway Administration—(TCSP) Transportation & Community System Preservation

Legal Name of Requesting Entity: Ozarks Transportation Organization

Address of Requesting Entity: 117 Park Central Square, Springfield, MO 65801

Description of Request: \$1,187,500 will be used to fund safety and capacity improvements to the Route 60 Bridge over the James River in Greene County Missouri. Changing geological conditions have resulted in increased unforeseen costs for the project. Use of taxpayer funds is justified as this project is a project of regional significance on the statewide system. The bridge is being replaced in conjunction with the US60/US65 interchange improvement project, which is the number one priority within the Springfield region for both the OTO and MoDOT. This project already appears in the STIP and is ready to begin in early 2009.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the Congressional Record regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This \$280,000 request is for a Crime Lab Scanning Electron Microscope with Energy Dispersive Spectroscopy (EDS) detector and X-Ray Fluorescence capabilities. The EDS detector can identify the major elemental composition of most materials examined as evidence in crimes. It is currently the only tool in the laboratory for such examinations. The addition of X-Ray Fluorescence capabilities increases the analysis sensitivity 10 to 100 times. This will support the Ventura County Sheriff's Regional Crime Lab, the only laboratory in Ventura County doing DNA profiling and analysis.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Methamphetamine Enforcement

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of \$350,000 is for the purpose of providing funds for two California Multi-jurisdictional Methamphetamine investigators. The Ventura County Combined Agency Task Force (VCAT) is a collaborative effort with city, county, state and federal law enforcement agencies working toward the disruption, dismantlement, apprehension, and arrest of narcotic offenders and drug trafficking organizations. Funding would

be used for two Senior Deputy investigators that will be utilized to specifically target mid to large-scale methamphetamine dealers and manufacturers and will assist in funding vehicle costs and miscellaneous safety equipment for these two positions. These investigators will be assigned to the Special Services Division, Special Investigations Unit.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Lompoc

Address of Requesting Entity: 100 Civic Center Plaza, Lompoc, CA 93438

Description of Request: This request of \$825,000 is for the City of Lompoc's Gang Activity Surveillance Program (GASP), which aims to target early involvement in gang-related activities by Lompoc youth. The Lompoc Police Department does not have the necessary equipment and manpower to tackle this problem alone. GASP will require the purchase of a surveillance vehicle and surveillance cameras with wireless capability that can be interfaced with the City of Lompoc's existing infrastructure to monitor areas prone to gang activity.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity:

Calleguas Municipal Water District

Address of Requesting Entity: 2100 Olson Road, Thousand Oaks, CA 91360

Description of Request: The Calleguas Municipal Water District Recycling Plant will provide critical support to the mission of providing safe and reliable drinking water to the 600,000 people living in the District's service area. Each year, the District imports over 110,000 acre-feet of water through the California Water Project, and imports constitute 100 percent of Calleguas' supply. The \$2 million requested through the Bureau of Reclamation would provide the 25 percent Federal share to continue construction of a facility that will reclaim and reuse over 50,000 acre-feet of water annually. This recycled resource will replace water that otherwise would have to be imported, with the added benefit of water supply in case of delivery interruptions due to natural disasters or attacks on the imported water infrastructure. The funding for this project, authorized by P.L. 104-266, section 1616, will be used for development of a pipeline system that would collect and convey brackish groundwater and recycled water for direct use, stretching local water supplies. The project will facilitate the development of up to 50,000 acre feet of water, per year, for municipal and agricultural uses thereby reducing the need to import water to the region from Northern California.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Construction
Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: Matilija Dam is the largest dam in the country targeted for removal. The project, authorized in P.L. 110-114, section 1001(10), will restore the ecosystem of the Ventura River, remove an obstacle preventing the endangered steelhead trout from migrating upstream to spawn and restore the natural flow of sand and sediment from the mountains to the beaches. The \$15 million requested will enable the U.S. Army Corps of Engineers to complete the project engineering, design and construction work required to move the Matilija Dam Ecosystem Restoration Project towards the next stage of completion. Federal interest in this project and project cost-benefit ratios are documented in the conclusion section of the joint federal-local Matilija Dam Ecosystem Restoration Project Feasibility Study, completed in 2004 with an estimated total project cost of \$130 million. Project costs will be shared 65/35 between the U.S. Army Corps of Engineers and the Ventura County Watershed Protection District.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Construction
Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: During flooding in 2005, large volumes of alluvium eroded from the banks of Santa Paula Creek and were transported downstream and deposited in the U.S. Army Corps of Engineers (USACE) fish ladder, damaging the facility and further impairing fish passage. This \$4 million funding request would be used by the USACE to fulfill their responsibility to clear the debris and make repairs to the fish ladder and other facilities in the affected area.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Investigations
Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: Encompassing more than 1,600 square miles, the Santa Clara River watershed is the largest in Southern California and is divided into two almost equal parts by the Los Angeles-Ventura County line. Since 1991, a group of more than twenty-six stakeholders has been developing the Santa Clara River Enhancement and Management Plan (SCREMP) for the 100-year floodplain. Recognizing the continued pressure of urbanization in both Los Angeles and Ventura Counties that may affect the floodplain and environmental resources in the Santa Clara River Watershed, the Ventura County Watershed Protection District, Los Angeles County, and the U.S. Army Corps of Engineers (USACE) agreed to cooperate in expanding the SCREMP to complete a feasibility study for the Santa Clara River Watershed Protection Plan. This request of \$2 million would represent the USACE's 50% share.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Santa Maria

Address of Requesting Entity: 110 E. Cook Street, Santa Maria, CA 93454

Description of Request: In order to protect the City of Santa Maria and the fertile Santa Maria River basin, the U.S. Army Corps of Engineers (USACE) built the 26-mile Santa Maria River levee between 1959 and 1963 at a cost of roughly \$5.5 million. In 1998 a 600-foot breach occurred west of Santa Maria and flooded agricultural lands. Fortunately, the urban areas were not impacted. The USACE spent just under \$1 million at the time to close the breach and built four small groins that attempt to slow the current along that section of the levee. In changing its course, the Santa Maria River now attacks a portion of the levee directly opposite a large residential development. The USACE has stated that they will not provide 100-year flood certification, leaving the citizens of Santa Maria vulnerable. This request of \$8.5 million would provide funding to allow the U.S. Army Corps of Engineers to restore and certify the levee thereby saving the residents of Santa Maria from having to purchase expensive flood insurance. Santa Barbara County has estimated that it will cost roughly \$26 million to protect northern Santa Barbara County from flood damage.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health

Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of \$230,000 is for the Ventura County Crisis Intervention Team (CIT) Training Program. The CIT is comprised of specially trained law enforcement officers and communications specialists trained to respond to mentally ill persons in crisis. The goal of this program is to safely de-escalate crisis situations involving the mentally ill, reduce the use of incarceration to deal with mentally ill persons, and decrease recidivism by referring these persons to appropriate treatment. In addition to the coordination and teaching of a 40-hours of training, program activities include providing information to the local mental health department about police contacts with mentally ill individuals, carrying out quarterly mental health update trainings at Sheriff stations and police departments in Ventura County, conducting 8-hour mini-mental health trainings, and educating various community organizations about the CIT program and training.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, Higher Education (includes FIPSE)

Legal Name of Requesting Entity: California State University, Channel Islands

Address of Requesting Entity: One University Drive, Camarillo, CA 93012

Description of Request: The \$500,000 request is for the continued development of the Regional Clinical Simulation Technology Laboratory at California State University, Channel

Islands (CSUCI), currently the only four-year public institution of higher education in Ventura County. CSUCI is preparing to offer a much-needed registered nurse licensure program and a bachelor of science in nursing degree program. In order to address the need for more nurses, CSUCI will need a patient simulation laboratory as a way for students to participate in a wide variety of patient scenarios and receive critique in a safe environment where repetition and reinforcement do not jeopardize patient safety. The initiative has support throughout the region, where this will be a one-of-a-kind facility.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Transportation, Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Thousand Oaks

Address of Requesting Entity: 2100 Thousand Oaks Blvd., Thousand Oaks, CA 91362

Description of Request: This request of \$5 million is for the widening of the US-101 and SR-23 Interchange from the Los Angeles/Ventura County line to Moorpark Road (US-101) and Hillcrest Drive (SR-23). The proposed improvements include the extension of existing auxiliary lanes in both directions, conversion of auxiliary lanes to mixed-flow lanes, addition of a northbound lane, realignment and widening of ramps at the interchange, and the construction of soundwalls and retaining walls. The improvements are necessary to relieve congestion along the 101 and 23 Freeways in the City of Thousand Oaks. CalTrans recently began the three-year project to widen the Route 23 Freeway connecting to the 101/23 Interchange. Completion of the improvements is crucial to achieve the congestion benefits of the project. The Ventura County Transportation Commission considers both improvements as integral parts of a single congestion relief project. Since the widening of the freeway is now underway, the interchange improvement needs to move forward without delay.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: County of Santa Barbara

Address of Requesting Entity: 105 East Anapamu Street, Santa Barbara, CA 93101

Description of Request: The Lompoc Veterans Memorial Building is owned by the County of Santa Barbara and serves as a community resource for the area's veterans, non-profit groups and other residents. Constructed in 1936, the building is home to several veterans groups. It is comprised of multiple offices, a large commercial kitchen, and two large halls that are able to accommodate hundreds of people. This request of \$865,000 is for a number of upgrades that would help bring the building up to code. They include improvements to make the building more accessible for people with disabilities, enhance safety features such as installation of fire rated doors and a fire alarm and sprinkler system,

heating and plumbing improvements, asbestos and lead paint abatement, and the replacement of electric circuitry and the re-wiring of the building.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: City of Santa Paula

Address of Requesting Entity: 970 Ventura Street, Santa Paula, CA 93060

Description of Request: This request for \$1.5 million is for the City of Santa Paula to assist with its plan to repair and expand public athletic facilities and gathering areas at Teague Park. The park, initially constructed in 1976, has served as the primary recreation area for the City of Santa Paula. Teague Park is the primary recreation and gathering site for the majority of Santa Paula residents. Santa Paula's rapid population growth has resulted in a significant strain on the park's resources and facilities. This heavy use has left the park dilapidated and unsafe. The improvements will provide safer sports facilities, along with safer, more accessible park amenities for non-sport uses.

TRIBUTE TO JACK POLLOCK

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to remember a fellow Nebraskan who made our state proud in so many ways. Jack Pollock, from the town of Ogallala, Nebraska, was long a fixture in the Nebraska newspaper industry and an inductee to the Nebraska Journalism Hall of Fame.

Unfortunately, Jack passed away earlier this week. My heart goes out to his wife, Beverly, and his family.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

This year, Jack was selected to receive the WagonMaster Award, which recognizes citizens for their leadership in causes which benefit our state or nation, and who have set a tremendous example to others. This was an honor which was richly deserved, and I can think of no one better.

Jack's dedication to his craft, his profession, and his community truly sets the bar high for the rest of us. He will be missed, but he will continue to set an example for others to follow.

NATIONAL PEACE CORPS WEEK

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MORAN of Virginia. Madam Speaker, I would like to take a minute to recognize an

enduring legacy of John F. Kennedy—the Peace Corps—in recognition of its 48th anniversary this year and to commend 48 constituents from Northern Virginia currently serving in 35 countries around the world. It is an honor to represent these young people, as well as to serve with colleagues in both the House and Senate who have served our country in the enhancement of citizen diplomacy. I hope all Americans will join us in supporting and expanding this enduring commitment to convey our values as a nation.

A year ago, Fareed Zakaria wrote that after last November's election, "America will have to move on and restore its place in the world. To do this we must first tackle the consequences of our foreign policy of fear. Having spooked ourselves into believing that we have no option but to act fast, alone, unilaterally and preemptively, we have managed in six years to destroy decades of international good will, alienate allies, embolden enemies and yet solve few of the major international problems we face."

The London Financial Times last year reported that the U.S. has suffered a significant loss of power and prestige around the world in the years since the beginning of this century, limiting our ability to influence international crises, according to an annual survey from a well regarded British security think-tank. The 2007 Strategic Survey of the non-partisan International Institute for Strategic Studies picked the decline of U.S. authority as one of the most important security developments of the past year—but suggested the fading of American prestige began earlier, largely due to our failings in Iraq.

One of our most special and effective citizen agencies of public diplomacy is the Peace Corps. Think of this—more than 195,000 volunteers have served this venerable legacy of former President Kennedy, serving in 139 countries—where they bring our values to other peoples, and bring understanding and appreciation of other cultures back home.

The greatest gift of the Peace Corps and other civilian programs is not just that ordinary Americans share their values and our culture with other peoples, but also that when volunteers return, they bring greater understanding and appreciation of other cultures.

Foreign policy is not just what we do, but also who we are. America as a place has often been the great antidote to U.S. foreign policy—and it should be again. Again, as Mr. Zakaria wrote: "When American actions across the world have seemed harsh, misguided or unfair, America itself has always been open, welcoming and tolerant . . ."

At the end of the day, our openness is our greatest foreign policy. We have succeeded not because of the ingenuity of our government, but rather because of efforts like this unique program to keep ourselves open to the world—to sending our people out across the countries of the world to share our unique culture, our goods and services, our ideas and inventions, our people and cultures. This openness, this civilian diplomacy, has allowed us to make friends across boundaries. It will be central to our place as a nation in the future.

This week, as we celebrate National Peace Corps Week, we honor volunteers old and

young who have served in developing countries since President Kennedy's call to service in 1961 in places as diverse as China, Mali, Azerbaijan, Macedonia, El Salvador, and Namibia. This can be lonely and demanding service, but service that can create enduring friendships and values that transcend boundaries and cultures.

Today, more than 8,000 Peace Corps volunteers around the world are currently providing training and education in 76 countries. These volunteers each donate their time and skills for over two years, in order to make a difference in the world and to promote understanding between cultures. By offering their valuable skills and showing a passion for helping others, they show the world that Americans value learning and cross-cultural exchange.

Volunteers work in areas of education, health and HIV/AIDS, business development, environment, agriculture and youth, and must often be creative and flexible when living and working in new cultures and learning new languages. The resulting experience is rewarding for all involved, and it highlights the importance of cooperation and involvement between cultures around the globe.

When volunteers return home and share their overseas experiences with their communities, the Peace Corps helps Americans as much as the people in developing countries. From recent college graduates to doctors with decades of experience, volunteers choose to use their valuable skills and education to help people all over the world, but their work affects their lives and our place in the hearts of friends around the globe long after returning home.

This week we remember the dedication and passion of Peace Corps volunteers, young and old, current and returned. We thank them for their service, and encourage more Americans to volunteer with the Peace Corps.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. TIM MURPHY of Pennsylvania. Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Greensburg Police Department

Address of Requesting Entity: 416 South Main Street, Greensburg, Pennsylvania, 15601

Description of Request: Appropriation in the amount of \$435,000 for the City of Greensburg Police Department Emergency Communications Interoperability System and Upgrades will allow for the purchase and installation of a dual 800 MHZ Interoperable Radio

System for the police department. This system will permit an upgrade of the Department's communications system and provide interoperability communications with other departments and first responders within Westmoreland County. The City of Greensburg Police Department provides dispatching service to the City of Greensburg, Southwest Greensburg, South Greensburg and Seton Hill University; therefore, this communications system is essential to allowing uninterrupted communications with all Westmoreland County Police and Fire Departments.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Heidelberg Police Department

Address of Requesting Entity: 1631 East Railroad Street, Carnegie, Pennsylvania, 15106

Description of Request: Appropriation in the amount of \$10,000 for Technology Upgrades and Navigational Systems. Heidelberg Borough Police Department Technology Upgrades are necessary for the purchase of shared technology, police mobile data terminals and navigational systems. These technology upgrades will allow for faster and safer response during police stops and investigation detentions. These upgrades will assist with officer safety and information sharing and bring the Department into the 21st century.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: Washington County District Attorney

Address of Requesting Entity: Washington County Courthouse, Washington, Pennsylvania, 15301

Description of Request: Appropriation in the amount of \$220,000 for the Washington County District Attorney's Drug Task Force Equipment and Technology Improvement Initiative. The Drug Task Force Equipment and Technology Improvement Initiative aims to benefit the Washington County District Attorney's Drug Task Force (WCDA-DTF) in their combined goal to fight the drug problems in the area. The WCDA-DTF is comprised of 45 officers, a majority of whom work for the 14 municipal police departments in the 18th Congressional District. Funding will provide the Drug Task Force and officers with the tools to fight, neutralize, and defeat the scourge of drugs in Washington County. The equipment will help the Drug Task Force and the District Attorney's office communicate, build cases, conduct undercover surveillance, coordinate activity, observe criminal activity, and prosecute drug crime.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Justice, OJP, Juvenile Justice Account

Legal Name of Requesting Entity: West Jefferson Hills School District

Address of Requesting Entity: 835 Old Clairton Road, Jefferson Hills, Pennsylvania, 15025
Description of Request: Appropriation in the amount of \$500,000 for the Alternative Education Program. Funding will be used for the establishment of a District Alternative Education program that will provide quality services for students who have been identified as students "at risk" and have not been able to comply with the established rules and regulations of the traditional classroom/school. Students who attend this program will be afforded the opportunity to have access to a quality education designed to meet individual needs.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Energy and Water, Corps of Engineers, Construction Account

Legal Name of Requesting Entity: Locks and Dams 2, 3 and 4, Monongahela River, PA
Address of Requesting Entity: Pittsburgh District at the Wm. S. Moorehead Federal Bldg. 100 Liberty Avenue, Room 1828, Pittsburgh, PA 15222

Description of Request: Appropriation in the amount of \$15,900,000 for the Lower Monongahela River Project is located in Southwestern Pennsylvania and was authorized for construction by the Water Resources Development Act (WRDA) of 1992. This project addresses the deteriorated condition of the navigation facilities along the Lower Monongahela River. The project is to build a new dam at 2 (Braddock), new locks at 4 (Charleroi) and then to remove the Locks and Dam at 3 (Elizabeth), creating a single 30 mile pool. The dam at 2 is now complete but the old dam 3 cannot be removed until the locks are completed at 4. Specific concerns were the very real risks of navigation system failure related to the poor structural condition of Locks & Dam 3, and the fact that industry must continue to rely on a single chamber at Locks 4 on the Monongahela River. Ground was broken in 1994 and the project was to be completed in 2004 or in 10 years. However, the slow pace of funding forced inefficient decisions, which now mean the best schedule for total project completion, now 2016, provided that the project continues to receive optimal funding. The funding delays created greater than normal maintenance problems. The condition and sustained operability of Locks and Dam 3, and Locks 4 is a significant and growing concern. The 100-year-old Locks and Dam 3 are among the oldest structures operating on the inland navigation system, and the most structurally deficient navigation facility on the Monongahela River. The larger locks will afford industry a 27% savings in economy scale. The challenge is to put the Lower Monongahela River Project on an efficient funding schedule.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Energy and Water, Corps of Engineers, Investigations Account

Legal Name of Requesting Entity: Upper Ohio Navigation Study

Address of Requesting Entity: Pittsburgh District at the Wm. S. Moorehead Federal

Bldg. 100 Liberty Avenue, Room 1828 Pittsburgh, PA 15222

Description of Request: Appropriation in the amount of \$4,015,000 for the Upper Ohio River, defined as Emsworth, Dashields, and Montgomery (EDM) Locks and Dams, is a multi-year feasibility investigation to determine the best navigation improvement project. EDM are the three oldest locks on the Ohio River navigation system. Two major problems associated with the locks are: 1) their structural condition; and 2) the lock chamber sizes are too small to efficiently accommodate modern tow configurations.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Energy and Water, Corps of Engineers, Section 206 Account

Legal Name of Requesting Entity: Canonsburg Lake Ecosystem Restoration

Address of Requesting Entity: Pittsburgh District at the Wm. S. Moorehead Federal Bldg. 100 Liberty Avenue, Room 1828 Pittsburgh, PA 15222

Description of Request: Appropriation in the amount of \$0 for the Canonsburg Lake Aquatic Restoration. This project will implement a Corps of Engineers Section 206 Aquatic Restoration Feasibility Study. Restoring the aquatic ecosystem of the lake that has been severely degraded by sediment deposition. Dredging the sediment from the lake is proposed to enhance the ecosystem for fish species and other aquatic life, restore adequate water levels and create additional wetlands on site.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Interior, EPA, STAG Water & Wastewater Infrastructure Project

Legal Name of Requesting Entity: Borough of Dormont

Address of Requesting Entity: 1444 Hillsdale Avenue, Pittsburgh, Pennsylvania, 15216

Description of Request: Appropriation in the amount of \$138,000 for the Mattern Avenue Storm Sewer Project. The Mattern Avenue storm sewers in Dormont borough are flawed in their design and need to be replaced. Runoff from a nearby hill is not being carried into the sewer and the runoff water is lying in the basin. The original storm sewer design was flawed. During the winter months, a sheet of ice between six to twelve inches thick develops over the storm sewers and along Mattern Avenue, a high mileage road. This creates a major safety concern. In order to remedy this problem, the existing storm sewers will need to be replaced along Mattern Avenue and two additional storm sewers will need to be added at the basin. This will ensure that runoff is being collected and carried into the storm sewers.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Transportation, Transportation, Community & System Preservation

Legal Name of Requesting Entity: Allegheny County Department of Economic Development

Address of Requesting Entity: Regional Enterprise Tower, Suite 800, 425 Sixth Avenue, Pittsburgh, PA 15219

Description of Request: Appropriation in the amount of \$570,000 for the Grove Road Bridge Replacement. Castle Shannon Bridge over Saw Mill Run in Castle Shannon is functionally obsolete and borderline structurally deficient. The bridge is heavily travelled with a large volume of traffic daily which presents a number of safety concerns for motorists. The bridge is also a link in access to a large Port Authority Park and Ride serving the T-line.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Transportation, Transportation, Community & System Preservation

Legal Name of Requesting Entity: Moon Transportation Authority

Address of Requesting Entity: 1000 Beaver Grade Road, Moon Township, PA 15108

Description of Request: Appropriation in the amount of \$95,000 for the Thorn Run Interchange Upgrade. This project will alleviate congestion, improve mobility, and protect motorists by reconfiguring and signalizing the intersections at the Thorn Run Road Interchange. Currently, motorists navigate broad and un-signalized intersections with a higher than average frequency of accidents. The proposed improvements mainly consist of four traffic signals, sidewalks, roadway widening, new concrete shoulders, and a culvert extension.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing & Urban Development, Economic Development Initiative Account

Legal Name of Requesting Entity: Borough of Bridgeville, PA

Address of Requesting Entity: 425 Bower Hill Road, Bridgeville, Pennsylvania, 15017

Description of Request: Appropriation in the amount of \$228,000 for the Borough of Bridgeville Streetscape Project along Washington Avenue. Funds will be used to remove and replace raised sidewalk slabs and aged trees along Washington Avenue in Bridgeville Borough. The current sidewalk slabs are raised and causing dangerous conditions for pedestrians. In addition, funds will be used to install tree gates and boxes for overall aesthetic and safety enhancements.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Housing & Urban Development, Economic Development Initiative Account

Legal Name of Requesting Entity: Washington County Council on Economic Development

Address of Requesting Entity: 40 South Main Street, Lower Level, Washington, PA 15301

Description of Request: Appropriation in the amount of \$199,500 for the Starpointe Business Industrial Park, Washington County

Council on Economic Development. Funding will be used for redevelopment of a 148-acre coal stripped site at the intersection of Routes 18 and 22. This project is the first phase of a 1,153 development in the Pittsburgh International Airport Market Area. Funding will be used to develop an additional 50 acres of the site and complete the remainder of the project. The total capital investment upon completion of this project will be \$69,000,000. In addition this project will add approximately 150 jobs to the development.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, Elementary & Secondary Education Account

Legal Name of Requesting Entity: Pittsburgh Symphony Orchestra

Address of Requesting Entity: 600 Penn Avenue, Pittsburgh, Pennsylvania, 15222

Description of Request: Appropriation in the amount of \$238,000 for the Pittsburgh Symphony Orchestra for curriculum development. Funding will be used to partially finance the Education & Community Engagement program. Whether engaging infants and toddlers through the Early Childhood Program, performing for thousands of schoolchildren through Schooltime and Tiny Tots concerts at Heinz Hall, raising money for community projects through Community Engagement concerts or participating in other education or community projects, Pittsburgh Symphony Orchestra (PSO) musicians have immersed themselves in the greater Pittsburgh community. Nearly 100,000 schoolchildren, adults and seniors are reached through a broad array of programs. Education programs fill the gaps of music program budget cuts in the schools as musicians join educators and PSO staff to plan, implement and evaluate programs that target the very young through high school-aged students. Programs take place in the schools and at Heinz Hall. Community Engagement programs connect audiences throughout the Pittsburgh region with the PSO using a variety of innovative outlets. Most community Engagement concerts raise money for community causes as 100% of ticket proceeds of these performances stay in the community. In 2005–2006 over \$50,000 was raised for community projects in seven different communities.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health & Human Services, Administration for Children & Families, Social Services Account

Legal Name of Requesting Entity: AAdvantage Foundation Inc.

Address of Requesting Entity: 201 South Johnson Road, Foxpointe Centre, Suite 200, North Strabane, Pennsylvania, 15342

Description of Request: Appropriation in the amount of \$95,000 for The Arc of Washington County, AAdvantage Foundation Inc. The Arc of Washington County would provide a much needed resource for individuals with disabilities in Washington County, Pennsylvania. The creation of The Arc of Washington County will enable AAdvantage, as an agency, to work

collaboratively with The Arc of the United States to improve systems of supports and services, to connect families, to inspire communities and to influence public policy. It is also the agency's intent that the programs established will assist in early identification of disabilities, thus decreasing the long-term dependence on national resources. The funding being requested will be used for costs associated with the development of The Arc of Washington County to assist in enhancing the health and well-being of individuals with disabilities.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health & Human Services, Health Resources & Services Administration, Health Facilities & Services Account

Legal Name of Requesting Entity: Excelsa Health Westmoreland Hospital

Address of Requesting Entity: 532 West Pittsburgh Street, Greensburg, Pennsylvania, 15601

Description of Request: Appropriation in the amount of \$381,000 for facilities and equipment, Mercy Jeannette Hospital will become a campus of Excelsa Health Westmoreland Hospital, joining Excelsa Health's network of care to better serve the Western Pennsylvania community. To reflect the changes, the hospital is to be renamed Excelsa Health Westmoreland Hospital at Jeannette. To strengthen the quality of care offered in the Jeannette community and provide much needed capital for facility and equipment enhancements, Excelsa Health will invest approximately \$10 million in capital over the next five years. The federal funds asked for are just the first step in a larger project to make the facility serving Jeannette and surrounding communities viable for the future. This phase includes updating the radiology equipment, dietary, outpatient areas in addition to needed infrastructure repairs and upgrades. Excelsa Health will be doing an on-going evaluation of the kinds of services that best meet the needs of this community including the possible addition of a Federally Qualifies Health Center for this medically underserved area.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Health & Human Services, Health Resources & Services Administration, Health Facilities & Services Account

Legal Name of Requesting Entity: Western Pennsylvania Hospital, Forbes Regional Campus

Address of Requesting Entity: 2570 Haymaker Road, Monroeville, Pennsylvania, 15146

Description of Request: Appropriation in the amount of \$476,000 for the purchase of equipment. Funding will be used to purchase patient lifting devices to be used for patients who require assistance with mobilization. Hospital patients will benefit from this project as efforts to move a patient without adequate assistance can result in patient harm. Hospital staff will benefit from this project as improper lifting can

result in staff injuries. In the past three years the hospital has had total estimated losses of \$180,000 resulting from lifting and transfer related injuries

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Labor, Employment & Training Administration, Training & Employment Services Account

Legal Name of Requesting Entity: Plumbers Local Union 27 & Steamfitters Local Union 449

Address of Requesting Entity: Plumbers Local Union 27 and the Steamfitters Local Union 449 at 1040 Montour West Industrial Park, Coraopolis, Pennsylvania, 15108 and 1517 Woodruff Street, Pittsburgh, Pennsylvania, 15220

Description of Request: Appropriation in the amount of \$190,000 for the Western Pennsylvania Pipe Trades Regional Training Project. The members of the Steamfitters Local Union no. 449 and the Plumbers Local Union No. 27 are professionals that work together to meet difficult schedules and solve unusual mechanical requirements and applications in today's competitive marketplace. Both unions address the need for more skilled workers by providing a comprehensive, extensive training program for those entering the pipe trades industry. The Plumbers Local Union No. 27 Apprenticeship Program focuses on teaching students about codes, drainage and water supply. This program offers training for commercial work on commercial and industrial buildings larger than three stories, including the installation of the water and gas systems in large multipurpose dwellings, such as apartment buildings or major nursing and assisted living homes. Their work in hospitals is particularly important, as they install the systems that distribute oxygen and other essential medical gases to operating, recovery and patient rooms. The Steamfitters Local Union No. 449 Apprenticeship Program focuses on areas such as refrigeration, steam heating and welding. The program offers instruction on the installation and maintenance of the pipes that carry hot water, steam, air or other liquids or gases needed for manufacturing or other industrial purposes. The Steamfitters Local 449 and The Plumbers Local 27 are feeling the pinch for more trained apprentices for the construction, high tech, and manufacturing industries in the Western Pennsylvania area. In addition, there is a shortage of proficient welders now and in the near future. Due to the decline in economy, unemployed pipe trade union workers need to be retrained in order for them to be proficient in the pipe welding and plumbing maintenance to help keep the above mentioned buildings running efficiently. In addition to retraining unemployed union workers, new apprentices need to go through the proper classes and gain the best education in order to master the required skill.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act for Fiscal Year 2009.

Member requesting: Congressman GUS M. BILIRAKIS

Bill number: H.R. 1105

Account: COPS Law Enforcement Technology

Name of requesting entity: Hillsborough Community College

Address of requesting entity: 39 Columbia Drive, Tampa, Florida 33606

Description: The \$200,000 will be used to help HCC obtain a state-of-the-art firearms training simulator for its Public Safety Training Center. This funding is justified because the COPS law enforcement technology program is designed to help incorporate new technology in crime-fighting efforts.

Bill number: H.R. 1105

Account: COPS Law Enforcement Technology

Name of requesting entity: City of Plant City
Address of requesting entity: 502 West Reynolds Street, Plant City, Florida 33563

Description: The \$300,000 will be used to help the Plant City Police Department obtain a fully-functional mobile incident command post. This funding is justified because the COPS law enforcement technology program is designed to help incorporate new technology in crime-fighting efforts.

Bill number: H.R. 1105

Account: Operations and Maintenance
Name of requesting entity: Tampa Port Authority

Address of requesting entity: 1101 Channelside Drive, Tampa, Florida 33602

Description: The \$4,224,000 will be used for needed periodic dredging in the 70 miles of federal channel of Tampa Harbor. This funding is justified because of federal interests in maintaining the safety and navigability of federal waterways.

Bill number: H.R. 1105

Account: HRSA Health Facilities and Services

Name of requesting entity: BayCare Health System

Address of requesting entity: 16331 Bay Vista Drive, Clearwater, FL 33760

Description: The \$523,000 will be used to develop a medication point-of-entry for physicians in support of BayCare's electronic health record initiative. This funding is justified because HRSA health facility and service funds are designated for health care and construction programs to improve the delivery of health care services.

Bill number: H.R. 1105

Account: HRSA Health Facilities and Services

Name of requesting entity: University Community Hospital/Pepin Heart Hospital

Address of requesting entity: 3100 East Fletcher Avenue, Tampa, Florida 33613

Description: The \$238,000 will be used to obtain a magnetic navigation system to help improve patient care, physician training, and clinical research within its cardiovascular center. This funding is justified because HRSA health facility and service funds are designated for health care and construction programs to improve the delivery of health care services.

Bill number: H.R. 1105

Account: HRSA Health Facilities and Services

Name of requesting entity: University of South Florida College of Education

Address of requesting entity: 4202 East Fowler Avenue, Tampa, Florida 33620

Description: The \$190,000 will be used to provide continuing education and a database for the public on available cancer clinical trials to improve patient outcomes. This funding is justified because HRSA health facility and service funds are designated for health care and construction programs to improve the delivery of health care services.

Bill number: H.R. 1105

Account: Economic Development Initiatives

Name of requesting entity: City of Clearwater, Florida

Address of requesting entity: 112 South Osceola Avenue, Clearwater, Florida 33756

Description: The \$237,500 will be used for infrastructure improvements to revitalize downtown Clearwater. This funding is justified because HUD economic development funds are specified to help local governments improve public infrastructure and increase economic development.

Bill number: H.R. 1105

Account: Transportation and Community and System Preservation

Name of requesting entity: City of Tarpon Springs, Florida

Address of requesting entity: 324 East Pine Street, Tarpon Springs, Florida 34689

Description: The \$380,000 will be used to provide street reconstruction and enhancements along Lemon Street and increase residential and commercial development. This funding is justified because Federal Highway Administration Transportation, Community, and System Preservation program is designed to provide funds to local governments to implement strategies to improve the efficiency of their transportation systems and encourage private sector development.

CARIBBEAN ECONOMIC CRISIS—IMPORTANCE OF THE UNITED STATES SUPPORT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RANGEL. Madam Speaker, I stand before you today to acknowledge the importance of the United States' presence in the Caribbean during these difficult economic times and to enter into the record an editorial from the Carib News by Basil Wilson entitled "Jamaica and the World Economy."

As the world deals with the difficult economic challenges, there needs to be a re-

newed economic commitment to the Caribbean nations, who are also suffering from the spiraling effect of the weakened world economy.

For many years, the United States has cultivated a relationship with the Caribbean that involved a strong history of generous remittances and a prospering reciprocal trade relationship. As a result, both the U.S. and the Caribbean have benefited.

The United States must continue to uphold strong trading ties with the Caribbean islands to make certain their Gross Domestic Product is not greatly compromised. This is also not the time to decrease our level of relief efforts in the Caribbean community. We must understand that an economic decline in the First World results in an economic catastrophe in these Caribbean areas.

As the world tries to gain control of the warring economic calamity, let us not forget that our neighbors and friends in the Western Hemisphere are also dealing with the adverse effects of the global economy. It is especially during these times when there is a greater reliance on the Caribbean Diaspora's kindness and compassion to sustain the economic viability of their families. The U.S. government needs to be aware of the needs of the governments in the region for assistance in providing a necessary social safety net.

TRIBUTE TO HANS SMITH

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the life of Hans Smith of Fresno, California who passed away at the age of 66 years old. Hans is survived by his wife Janet and his sons Chris and Esben along with their families.

Hans was born on February 16, 1942 in Sacramento, California to Frank and Josephine Smith. Hans grew up in Sacramento and attended local schools graduating from Sacramento High School in 1959. He next graduated from Fresno State University with a degree in Industrial Technology. Upon graduating he went to work for IBM in San Jose, California. While at Fresno State he met his future wife, Janet. Following Janet's graduation, they married and made their home in Los Gatos, California. While living in Los Gatos, Hans and Janet had their two sons, Chris and Esben. Wanting to raise their children in a less stressful environment, Hans and Janet moved to Raisin City, California in 1975. Hans became a farmer when he and Janet bought 40 acres of prunes.

Hans worked for his father-in-law, who was also a farmer, while getting his own farm started. Hans' farm was truly a family farm. Hans and his wife and sons could often be found working together in the orchard. Hans joined Sunsweet Growers in 1975. He remained a loyal Sunsweet grower for the next 33 years. Hans planted another 80 acres of prunes in 1980. When the new orchard came into production, Hans was able to stop working for his father-in-law. The farm was still a family affair

with Hans and his sons taking care of most of the work.

Hans was elected to the Board of Directors of Sunsweet Growers in 1985. He served on the board for the next 23 years, until his death. Hans was a tireless promoter for the prune industry and Sunsweet in particular. He was always available to any grower who had questions about prunes. He gave help and advice to many growers when they entered into the prune industry. Beginning in 1998, Hans diversified into the raisin and almond industries. He farmed 180 acres at the time of his death.

It goes without saying that Mr. Hans Smith was an honorable man with a commitment to family, friends and Sunsweet that will forever live in the lives of the people he so graciously touched. I am honored and humbled to join his family in celebrating the life of this amazing man who will never be forgotten.

INTRODUCTION OF THE MENTORING FOR ALL ACT OF 2009

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the Mentoring for All Act of 2009 to support and greatly enhance youth mentoring efforts in the United States.

We currently face a mentoring deficit in our country. An estimated 15 million children could benefit from a healthy mentoring relationship, but no responsible adult mentor is available. We would see amazing results by reducing this deficit.

In fact, studies show the benefits of youth mentoring on our children. Those who have a healthy mentoring relationship are more likely to graduate from high school and go to college. They are less likely to turn to drugs or substance abuse. Children who grow up with a caring mentor are more likely to live full and productive lives.

The Mentoring for All Act will increase the number of children who will benefit from a responsible mentor and improve the quality of our mentoring programs nationwide.

Specifically, "Mentoring Partnerships" are the central entity providing assistance and guidance to the youth mentoring organizations within a state or region. This legislation will strengthen mentoring programs on both the local and state levels by supporting Mentoring Partnerships.

A Mentoring Partnership provides training and technical assistance, recruits mentors, engages statewide leadership, and advances research and knowledge for successful mentoring. That is, the partnerships support local organizations that operate mentoring programs and provide in most cases a state-wide infrastructure network to coordinate success. The partnerships have led to stronger mentoring programs and more children in healthy mentoring relationships.

This legislation will provide grants to Mentoring Partnerships and sub-grants to local mentoring organizations to directly support youth mentoring. In addition, the legislation will

connect individual state Mentoring Partnerships to a central location through the Corporation for National and Community Service, increasing communication and information sharing nationwide for successful outcomes.

Madam Speaker, investing in youth mentoring programs is a worthy endeavor. It is time we acted to provide a mentor to our children in need of a responsible role model. Thank you very much for considering this legislation.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

1) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Energy and Water Development, Bureau of Reclamation, Water and Related Resources Account

Entity Requesting: Rancho California Water District (RCWD), 42135 Winchester Road, Temecula, CA 92590

Description of Earmark:

RCWD's project will substantially expand use of recycled and raw water in Riverside County, free up treated water to serve 70,000 new households in Southern California by converting agricultural demands from treated to recycled and raw water, shifting 144 cfs peak demand off MWD's treated water system, providing for additional recycled water reuse of 16,000 AF/year, relieving pressure from the Bay Delta and Colorado River, increasing annual storage by 10,000 AF/year, reducing carbon emissions by 4.9 million pounds/year. RCWD completed a feasibility study, which ensured viability of the project and was approved by Bureau of Reclamation (2007).

RCWD's Fiscal Year 2009 \$50,000 allocation will go toward design and construction—already underway this year—of a 48-inch pipeline to expand local recycled and raw water resources.

Spending Plan:

Project Expenditures—

RCWD's Fiscal Year 2009 \$50,000 amount will go toward design and construction—already underway this year—of a 48-inch pipeline to expand local recycled and raw water resources. The total cost for this phase of the project is estimated at \$28,000,000. The federal funding allocation will receive a non-federal/local match of \$26,000,000, or 92 percent. The non-federal funding match is provided by RCWD. Federal funds will be used for final design and beginning construction of the 48-inch pipeline to transport raw water from MWD's aqueduct for storage in Vail Lake.

2) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Energy and Water Development, Corps of Engineers, Construction Account

Entity Requesting: Eastern Municipal Water District, 2270 Trumble Road, P.O. Box 8300, Perris, CA 92572-8300

Description of Earmark:

\$946,000 is provided for a project that will produce potable water from an otherwise unusable groundwater resource through the construction of a three million-gallon per day (MGD) reverse osmosis desalter, feed-water pipelines, and brackish water wells in the Perris South sub-basin. In addition to reducing future demand for imported water from the Sacramento-San Joaquin Delta and the Colorado River, project benefits include salinity management for expanded water recycling and protection of high-quality groundwater in basins adjacent to the South Perris Basin.

The Perris II Desalter is a vital component of Eastern Municipal Water District's (EMWD) desalination program which will ultimately generate up to 12,000 acre-feet per year of potable water and remove 50,000 tons of salt out of the basin every year. Projects such as this will move EMWD toward its goal of drought-proofing its region and providing reliability and flexibility to its water supply. EMWD has received funding authorization under P.L. 106-554, Div. B, Sec. 108 (d)(52) for implementation of the desalination program.

Spending Plan

Project Expenditures:

Total Project Cost	\$30,000,000
Total State/Local Contribution	\$7,500,000
FY09 State/Local Contribution	\$500,000
FY09 Federal Funding	\$946,000

3) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Energy and Water Development, Corps of Engineers, Investigations Account

Entity Requesting: Riverside County Flood Control & Water Conservation District, 1995 Market Street, Riverside, CA 92501

Description of Earmark:

\$215,000 is provided for the Heacock and Cactus Channels project that will provide flood control through the widening and deepening of the channels, as well as construction of facilities designed to safely convey the tributary flows to a currently existing ultimate outlet downstream. A reduction in flooding will not only benefit the local community whose drains back up during storms, but it would also allow March Air Reserve Base to better safeguard its equipment and infrastructure from flood waters and ensure that the military's readiness for overseas deployment at this facility is not adversely affected.

Funds will be used to award and construct the project. At this time, the Corps has already completed an Initial Appraisal Report and Project Management Plan under its Section 205 Program, as well as executed a Feasibility Cost Sharing Agreement that would take into account the federal benefits that would accrue as a result of this project, which have been estimated to be as much as 75 percent.

Spending Plan

Project Expenditures:

Total Project Cost	\$30,000,000
Federal Share	\$28,400,000
Non-Federal Share	\$1,600,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Energy and Water Development, Corps of Engineers, Construction Account

Entity Requesting: Riverside County Flood Control & Water Conservation District, 1995 Market Street, Riverside, CA 92501

Description of Earmark:

\$3,349,000 is provided and will be used to award and construct the project's entire Phase II reach, which includes protection for Old Town Temecula, as well as to complete the Design Documentation Report and the preparation of plans and specifications for Phase III's Multi-Purpose Detention Basin.

The Murrieta Creek Flood Control Project will provide 100-year flood control, environmental restoration and recreation benefits to the cities of Murrieta and Temecula. The project, which will be constructed in four distinct phases, will include a 250 acre detention basin to attenuate flows from the over 150 square mile watershed and which, once completed, will reduce citizens' and businesses' exposure that requires many of them to carry flood insurance. The project will also create seven miles of soft earthen channelization that will result in the development of a riparian habitat corridor throughout the length of the project, which can become a safe home for several listed endangered species that have already been found to exist nearby. This channel will not only facilitate species movement and connectivity to existing wildlife preserves, but will also create an extensive natural wetlands system that can efficiently remove contaminants from stream flows and help ensure improved water quality for local residents and soldiers stationed at the Camp Pendleton Marine Base.

The project covers the Murrieta Creek and surrounding region beginning just upstream from Old Town Murrieta to Vineyard Parkway-Tenaja Road (Phase IV) and running downstream south of Old Town Temecula, including Old Town Front and Pujol Streets (Phase I). Flood protection and ecosystem restoration will cover areas in between these two points that include the Santa Rosa Water Reclamation Facility, the region's commerce center near US-15 and Historic Old Town Temecula.

Spending Plan

Project Expenditures:

Total Project Cost	\$117,000,000
Federal Share	\$75,270,000
Non-Federal Share	\$41,730,000

5) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Interior and Environment, Bureau of Land Management, Land Acquisition Account

Entity Requesting: Coachella Valley Mountains Conservancy and the Friends of the Desert, 45480 Portola Ave, Palm Desert, CA 92260

Description of Earmark:

\$1,300,000 is provided for acquisition of 612 acres (a 544 acre property, and two 40 acre parcels) by BLM to protect important lands in the Santa Rosa and San Jacinto Mountains National Monument. The 544 acre parcel is bounded by BLM land to the north and east. The property abuts the existing Andreas Hills residential development and is located within the City of Palm Springs. The property contains portions of two trails proposed as year-round trails in the Coachella Valley Multiple

Species Habitat Conservation Plan (MSHCP); thus, providing recreation opportunities in the Monument. It also contains a palm oasis. The two 40 acre parcels are also largely surrounded by existing BLM land, and provide habitat for the bighorn sheep.

Spending Plan:

Project Expenditures—

The acquisition cost is \$1,305,000 for all three properties.

6) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Interior and Environment, Bureau of Land Management, STAG Water and Wastewater Infrastructure Project

Entity Requesting: The City of Hemet, 445 E. Florida Avenue, Hemet, CA 92543

Description of Earmark:

\$275,000 is provided for this project that will encompass improvements that include artificial recharge facilities, over 35 acres with a raw water capacity of 7500 acre feet per year, piping, valving and the construction of ponds in the San Jacinto River bed.

Spending Plan:

Project Expenditures—

Funding will be used for environmental studies, planning, and engineering. The entire cost of Phase I will cost \$19 million. The project will be completed in approximately 4 years once the funding has been secured. The project partners are the City of Hemet, Eastern Municipal Water District (EMWD), the City of San Jacinto, and Lake Hemet Municipal Water District (LHMWD).

7) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Interior and Environment, Bureau of Land Management, Capital Improvement and Maintenance (construction)

Entity Requesting: United States Forest Service, Keenwild Helitack Base, 28500 Highway 243, Mountain Center, CA 92541

Description of Earmark:

\$600,000 is provided for the Keenwild Helitack Base. The Keenwild location in southern California is strategic to initial attack fire-fighting on the San Jacinto Ranger District and the Santa Rosa and San Jacinto Mountains National Monument. Intense fires in California have, in recent years, included the Gilman Fire and Esperanza Fire near Palm Springs in my district, where sadly five brave United States Forest Service firefighters lost their lives. The fires throughout San Diego County and other parts of southern California were a stark reminder to place priorities on preparedness.

The Keenwild Helibase has been submitted twice for reconstruction in recent years through normal Region 5 Forest Service procedures. The current facilities are clearly outdated given the important role the workers play.

Spending Plan:

Project Expenditures—

The U.S. Forest Service recently committed \$450,000 to the project, but the \$600,000 will go to helping the building project reach the amount needed for completion.

8) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Department of Education, Higher Education Account

Entity Requesting: California State University San Bernardino—Palm Desert Campus, c/o CSUSB main campus, 5500 University Parkway, San Bernardino, CA 92407

Description of Earmark:

\$190,000 is provided to equip a nursing lab for the school's nursing and science education program. The need for nursing and health science education has been voiced throughout the Coachella Valley.

Spending Plan:

Project Expenditures—

The funds will be spent for outfitting the simulation lab of the Health Sciences building, which provides necessary real-life experience needed by nursing students. The lab provides a computer-model-driven, full sized simulator for students to practice their patient care skills.

9) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Department of Health and Human Services, Health Resources and Services Administration (HRSA)—Health Facilities and Services Account

Entity Requesting: County of Riverside, Riverside County Medical Center, 26520 Cactus Avenue, Moreno Valley, CA 92555

Description of Earmark:

\$523,000 is provided in order for the Medical Center to be able to adequately fulfill its role as the primary first responder hospital for emergency, trauma and disaster. There is great need for expansion of the trauma room, as the Medical Center is the Emergency First Responder for the County of Riverside with a population of 1.75 million. Currently, the RCRMC Trauma Unit is equipped with one undersized trauma room with a limited 168 sq ft of space. This room is much too small to meet any critical needs of the patient population. The absence of an adequately sized trauma unit can result in extensive delays in crucial, life saving treatment, in multi-casualty situations.

Spending Plan:

Project Expenditures—

All funds will be dedicated to expanding the trauma room at the Riverside County Medical Center.

10) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment Account

Entity Requesting: Operation SafeHouse: SafeHouse of the Desert, 72710 East Lynn Street, Thousand Palms, CA 92276

Description of Earmark:

\$95,000 is provided to expand the existing substance abuse services and counseling to the youth who utilize the SafeHouse of the Desert facility. This unique program provides services to at-risk youth in the Coachella Valley, and consists of an in-house and Aftercare programs.

Spending Plan:

Project Expenditures—

\$95,000 will be used for the expansion of the substance abuse office/counseling center and for operational program costs. Nearly 50% of the total project costs will be provided through private funds.

11) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Labor, Health and Human Services, Education, Institute of Museum & Library Services, Museum and Library Services

Entity Requesting: The National Autry Center, 4700 Western Heritage Way, Los Angeles, CA 90027

Description of Earmark: \$167,000 is provided for the Autry National Center's new facilities in Griffith Park.

Spending Plan:

Project Expenditures—

The funds will be used to support the design, fabrication, and installation of educational immersion environments and visible collections storage.

12) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Terminal Air Traffic Control Facilities Replacement

Entity Requesting: City of Palm Springs, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262

Description of Earmark:

\$800,000 on behalf of the City of Palm Springs, California, for the replacement of the Palm Springs Air Traffic Control Tower Facility. Funding for FY09 will be used for construction of the new tower facility to improve air traffic efficiency and help expand air service. The Coachella Valley is one of the fastest growing regions in the State of California. Therefore, it is critical that we provide the residents and visitors who fly in and out of Palm Springs International Airport (PSP) with the expanded air service that meets their needs. Expanding the airport will better serve airline passengers at PSP, while relieving congestion at Los Angeles Airport (LAX) and other strained airports.

Spending Plan:

Project Expenditures—

This is a recurring expenditure and the monies are expected to be spent in the Spring of fiscal year 2010 for the construction of the Air Traffic Control Tower (ACTC) at Palm Springs International Airport (PSP).

13) Requesting Member: MARY BONO MACK

Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Buses and Bus Facilities

Entity Requesting: SunLine Transit Agency, 32-505 Harry Oliver Trail, Thousand Palms, CA 92276

Description of Earmark:

\$475,000 is provided for SunLine Transit Agency. SunLine Transit Agency is the transit provider in the Coachella Valley, serving more than 35 million people per year in California's fastest growing communities. Recently, SunLine completed an analysis of existing services in order to evaluate the need for new service routes and better transit choices. This requested funding would be used to increase the span of service and improve access for residents, as well as purchase new buses to meet the needs of disabled persons who require the transportation for reasons such as medical appointments.

Spending Plan:

Project Expenditures—

The total projected cost for SunLine is \$593,750 for FY 2009. The Federal share of

funding will be \$470,000, and SunLine's matching share will be \$118,750. In addition, SunLine has already committed \$86,025 of the Agency's local funds toward the on-going efforts via funding in the current Short Range Transit Plan. The funds received will be used to augment funding awarded to SunLine through the Congestion Mitigation Air Quality Program toward the planning, development and construction of a transit hub in conjunction with SunLine's proposed Administrative, Operations and Maintenance Building in Thousand Palms.

14) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Interstate Maintenance Discretionary

Entity Requesting: Coachella Valley Association of Governments (CVAG), California 73–710 Fred Waring Drive, Suite #200, Palm Desert, CA 92260

Description of Earmark:

The earmark provides for \$475,000 for improvements to Interstate 10/Ramon Road/Bob Hope out of the Federal Highway Administration's Interstate Maintenance, Corridors and Borders program. As this project is critical to alleviating traffic congestion in the Valley, funding for the project is being sought in cooperation with the Coachella Valley Association of Governments (CVAG). The existing road facility at this location was constructed approximately 46 years ago. This interchange provides primary cross freeway access between the north and the south sides of the Valley as well as area connectivity with the Interstate Highway System.

Spending Plan:

Project Expenditures—

The estimated cost of this project is \$46,774,044, so the federal contribution will be supplemented with other monies to reach this total.

15) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Surface Transportation Priorities

Entity Requesting: Riverside County Transportation Commission (RCTC), 4080 Lemon Street, 3rd Floor, Riverside, CA 92502–2208

Description of Earmark:

The earmark provides for \$570,000 for the Alameda Corridor Grade separation. The Alameda Corridor Grade separation remains a high priority of the Riverside County Transportation Commission, and state and local government. More than 68 million tons of freight pass through Riverside County to the rest of the country, but very little of this freight originates or ends in the County. Traffic and trains are halted at a number of crossings throughout the Coachella Valley. This grade separation would allow the flow of traffic, reduce congestion and delays, cut down on the air pollution, and increase efficiency of freight transportation. Money was appropriated for FY 2008, FY 2006 and FY 2005 grade separation projects. This year's requested funding would continue to aid the Coachella Valley's effort to streamline the traffic flow at these various crossings.

Spending Plan:

Project Expenditures—

The total projected cost for Alameda Corridor East in Riverside County is \$980,500,000, with an unfunded balance of \$565,500,000. Currently, local matching funds are \$179,500,000. The State is matching funds of \$152,700,000. Two grade separations in Riverside County have been completed (including one in the Coachella Valley), two are under construction, and two more could be under construction in the later part of FY 2009 if sufficient funds are available.

16) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Surface Transportation Priorities

Entity Requesting: City of Coachella, 1515 Sixth Street, Coachella, CA 92236–1713

Description of Earmark:

The earmark provides for \$380,000 for the City of Coachella, California, for the first phase of an overpass and interchange project. The completion of the overpass and interchange on 86S Expressway at Avenue 52 is critical to the safety of passengers traveling on roads in this area. State Highway 86 used to be a rural 2-lane road, but as a result of rapid population growth in the region and new road developments, traffic traveling 65 miles/hr must come to a full stop at the Expressway and Avenue 52 intersection. This requires a drastic adjustment in speed to allow for traffic to access the Expressway. This is usually a contributing factor to traffic accidents that occur in this area and, for this reason, addressing the problem has become a priority of Federal, state and local government. The funding requested will assist in the project approval, environmental documentation and preliminary engineering needed to complete this critical overpass and interchange project.

Spending Plan:

Project Expenditures—

The funding requested will assist in the project approval, environmental documentation and preliminary engineering needed to complete this critical overpass and interchange project.

17) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Division I—Transportation, Housing, Urban Development and Related Agencies—Economic Development Initiatives

Entity Requesting: City of Indio, 100 Civic Center Mall, Indio, California 92201

Description of Earmark:

The earmark provides for \$142,500 for the City of Indio for the development of a local community center. As an ongoing effort to revitalize the City of Indio and accommodate its fast-growing population, the City has repaved roads, renovated parks and museums, and enhanced water systems. As a part of this ongoing community development project, the requested funding will be used by the City of Indio to develop a community center in which the local youth can participate in a variety of sports and activities.

Spending Plan:

Project Expenditures—

\$142,000 will be devoted to the construction costs or equipment costs associated with the local community center.

18) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Department of Justice, OJP—Juvenile Justice

Entity Requesting: Olive Crest, 2130 E. 4th St., Ste. 200, Santa Ana, CA 92705

Description of Earmark:

\$100,000 is provided for Olive Crest Independent Living Skills (ILS) Program. Olive Crest Homes and Services for Abused Children provides care for abused, abandoned and severely neglected children. Olive Crest is dedicated to preventing child abuse, to Treating and Educating at-risk children and to Preserving the family. Serving 5,000 children and families annually, Olive Crest provides services in Southern California, Nevada and the Pacific Northwest. The ILS program, provided by Olive Crest, is a program that helps youth to formulate this individual plan to build their skills in: Attainment of Educational goals, Income Maintenance, Vocational Goal Achievement, Daily Living Skills and Interpersonal Skills. Over 200 youth participate in the Independent Living Program a year. With additional funding the program will be expanded to offer additional individualized services to all at-risk youth that Olive Crest serves.

Spending Plan:

Project Expenditures—

Olive Crest currently invests \$2,650,000 in the Inland Empire, California to provide services to more than 100 Olive Crest at-risk youth. Olive Crest invests \$525,000.00 to support Independent Living Support (ILS) program. Olive Crest provides an on-going private match of dollars and in-kind services of at least 10%. Last year, the match was \$260,000. The \$100,000 appropriation will be used to fund Olive Crest Independent Living Skills program.

19) Requesting Member: MARY BONO MACK
Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Entity Requesting: City of Cathedral City, 68700 Avenida Lalo Guerrero, Cathedral City, CA 92234

Description of Earmark:

\$400,000 is provided for Eastern Riverside County Interoperability Communication Authority (ERICA). The ERICA involves a regional collaboration among the cities of Cathedral City, Desert Hot Springs, Indio, Palm Springs, La Quinta, and Coachella. Recent Federal mandates highlight the urgency to upgrade radio communication to digital, interoperable 800 MHz frequency and be Project 25 compliant for agencies in Congressional Districts 41 and 45. The Federal funding for ERICA would be used to purchase equipment, hardware, software, facilities, engineering and labor to build an 800 MHz, trunked, P-25 compliant, digital, regional radio system. It should also be noted that in total, the cities, county, and tribal governments participating in ERICA have agreed to invest \$23,000,000 in this initiative.

Spending Plan:

Project Expenditures—

The dollars appropriated for Cathedral City in CJS, under the project title of Eastern Riverside County Interoperability Communication Authority (ERICA), will be used for equipment costs to support the ERICA system.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Fiscal Year 2009 Omnibus Appropriations Act.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Johnson County, Indiana

Address of Requesting Entity: Johnson County, 86 West Court Street, Franklin, Indiana, 46131

Description of Request: Provide an earmark of \$850,000 to allow Johnson County to install an additional radio tower for its public safety communications system, thereby eliminating areas of the County without coverage. The funding will also provide for the upgrading of the public communications system to allow for simultaneous communications among public safety officials.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Indiana Teen Challenge

Address of Requesting Entity: Indiana Teen Challenge, 1015 North Lebanon Street, Post Office Box 564, Lebanon, Indiana, 46052

Description of Request: Provide an earmark of \$50,000 to Indiana Teen Challenge to be used to expand the organization's substance abuse prevention outreach program in Lebanon, Indiana. The funding will be used to expand the program into a full-time effort for a dedicated staff member who would nearly quadruple the organization's outreach in the community. The goal of the program is to prevent experimentation and use of drugs before adolescents need treatment.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Clarian Health Partners, Inc.

Address of Requesting Entity: Clarian Healthcare, 1701 North Senate Boulevard, Executive Office—B107, Indianapolis, IN 46202

Description of Request: Provide an earmark of \$381,000 to expand and renovate the thirty year old children's burn unit. The expanded unit will offer private patient rooms, a family waiting area, and additional support and storage areas for supplies and equipment. The burn unit serves the entire State of Indiana.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: St. Elizabeth Regional Health

Address of Requesting Entity: St. Elizabeth Regional Health, 1501 Hartford Street, Lafayette, IN 47904

Description of Request: Provide an earmark of \$143,000 to renovate hospital space originally designed for an acute inpatient unit to accommodate a new psychiatry services unit. The new unit will provide twenty patient beds, and renovations are necessary to ensure the safety and security of the patients and staff within the facility.

Bill Number: H.R. 1105

Account: Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment

Legal Name of Requesting Entity: Indiana Teen Challenge

Address of Requesting Entity: Indiana Teen Challenge, 1015 North Lebanon Street, Post Office Box 564, Lebanon, IN, 46052

Description of Request: Provide an earmark of \$143,000 to offset Indiana Teen Challenge's costs in providing addiction treatment services to adolescent girls aged thirteen to seventeen at no cost or discounted rates. The funding will be applied toward salaries and benefits, supplies, equipment, travel, contractual, and other costs.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Employment and Training Administration (ETA)—Training and Employment Services (TES)

Legal Name of Requesting Entity: Indiana State University

Address of Requesting Entity: Indiana State University, Office of the President, Condit House, Terre Haute, IN 47809

Description of Request: Provide an earmark of \$190,000 to the Indiana State University in order to expanding the Lawrence County Sycamore Community Learning Center to meet the needs of the community by providing additional education and training services that will afford more local citizens the skills and credentials valued in the local labor market.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers General Investigations

Legal Name of Requesting Entity: Tippecanoe County, Indiana

Address of Requesting Entity: 200 North 2nd Street Lafayette, Indiana 47901

Description of Request: Provide an earmark of \$96,000 to conduct a reconnaissance study of the Wabash River Corridor in Tippecanoe County, IN. The project will incorporate information and data from ACOE- PAS FY 06 and 07 Wabash River Hydraulic Study and the in-progress PAS FY 08 corridor master plan project to develop an overall corridor master plan to guide future growth in Lafayette-West Lafayette, Tippecanoe County. The Project will examine the level of federal interest in participating in a project to implement flood reduction management, initiate ecosystem restoration, and enhance recreation.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Federal Transit Administration Sec. 5309

Legal Name of Requesting Entity: Greater Lafayette Public Transportation Corp. (GLPTC, CityBus)

Address of Requesting Entity: 1250 Canal Rd., P.O. Box 588 Lafayette, IN 47902

Description of Request: Provide an earmark of \$2,945,000 from the FTA section 5309 account. City Bus will provide a 20% match totaling \$525,000. The funds will be spent towards increasing the hybrid bus fleet. The engines are manufactured in Indiana (Cummins and GM Allison Transmission).

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Transportation Community and System Preservation

Legal Name of Requesting Entity: Boone County, IN

Address of Requesting Entity: 212 Courthouse Square, Lebanon IN 46052

Description of Request: Provide an earmark of \$855,000 for the extension of the 146th Street Corridor. As part of an overall highway plan involving four project centered on the I-65/SR267 interchange in Boone County, the County is pursuing the extension of the 146th Street Corridor from the Hamilton County line to I-65. Hamilton County has begun the design of their portion of 146th Street, and will ultimately result in a four lane parkway from the Boone County line to Spring Mill Road.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Transportation Community and System Preservation

Legal Name of Requesting Entity: Hendricks County, IN

Address of Requesting Entity: 355 S. Washington Street Danville, IN 46122

Description of Request: Provide an earmark of \$570,000 to continue the Ronald Reagan Parkway construction, which ultimately connects I-70 and the Indianapolis International Airport to I-65 in Boone County, Indiana. With the original northern and southern segments of the project completed or underway, this project will focus on the construction of the middle segment from US 36 to CR100S over the Avon CSX rail yards, and the design of the adjoining segment from CR100S to CR200S, completing the southern linkage of the road.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 1105

Account: Transportation and Community and System Preservation Program

Legal Name of Requesting Entity: Johnson County, IN

Address of Requesting Entity: 86 West Court Street, Franklin, IN 46131

Description of Request: Provide an earmark of \$237,500 for construction of an interchange at the intersection of I-65 and County Road 750 North (a.k.a. Worthsville Road) in Johnson County, Indiana. This Project will ultimately increase connectivity between major north-south corridors on the south-side of Indianapolis by providing a specific route for through-traffic traveling between these north-south roads.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd. Sarasota, FL 34236

Description of Request: I secured \$190,000 for a Health Facility in Englewood, Florida. Sarasota County is seeking to construct a new health facility in the community of Englewood. The facility will be located in the southern most portion of Sarasota County and will serve the residents of both Sarasota and Charlotte counties. The facility will improve access to health care and a variety of human and social services programs for residents.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corp of Engineers—Investigations

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity: 1565 First Street, Sarasota, FL 34236

Description of Request: I secured \$150,000 for Lido Key beach re-nourishment. The middle portion of Lido Key Beach is the most seriously eroded segment. This section of beach is generally very narrow due to the ongoing erosion problem, which has been accelerated by several storms from 1982 to the present. As a result, the damage to Lido Key Beach and adjacent structures from even moderate storms has increased and greater losses can be expected from future storms. The beach loses an average of almost 11 feet of width each year.

In a Reconnaissance study report approved by the U.S. Army Corps of Engineers in May of 1997, the Corps found that the Lido Key Beach Nourishment project "is technically sound, economically justified, and socially and environmentally acceptable." The U.S. Army Corps of Engineers has recommended the nourishment of 1.56 miles of shoreline. Ratios in excess of 1 to 1 are required for the Corps to find that a proposed shoreline protection project meets its national economic benefit test.

The project was fully authorized by Section 364 of the Water Resources Development Act of 1999, P.L. 106-53.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Manatee County

Address of Requesting Entity: 1112 Manatee Ave W. Bradenton, FL 34205

Description of Request: I secured \$3,828,000 for Wares Creek Flood and Coastal Storm Damage Project. The Wares Creek Project involves dredging approximately three miles of the waterway for flood control purposes. It seeks to extinguish "muck and sediment" from the mouth of the creek. The project was initially authorized in the Water Resources Development Act of 1996 and is endorsed by the Manatee County Commissioners. It received \$4.7 million in funds last year from the Omnibus Appropriation bill.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Operations & Maintenance

Legal Name of Requesting Entity: West Coast Inland Navigational District

Address of Requesting Entity: 200 East Miami Avenue, Venice, FL 34285

Description of Request: I secured \$2,076,000 for the West Coast Inland Navigation District (WCIND) under the Army Corps of Engineers, Operation and Maintenance account for maintenance dredging of the Gulf Intracoastal Waterway (GIWW), (a.k.a. Intracoastal Waterway, Caloosahatchee River to Anclote River), Florida.

The areas in need of maintenance dredging include Longboat Pass (Manatee County), Venice Inlet (Sarasota County), mouth of Caloosahatchee River (Miserable Mile in Lee County), and the Boca Grande Bayou area (Miller's Marina in Lee County) of the GICW. With the Committee's help, Congress appropriated \$1.4 million (FY'04 & FY'05 combined) for the required design, engineering, permitting, and initial dredging for these projects.

In 1945, in the Rivers and Harbors Act, Congress authorized the GICW to be maintained at a width of 100-feet, and a depth of nine-feet between the mouth of the Caloosahatchee River, near Ft. Myers, and the Anclote River, north of Tampa. The GICW channel runs through six counties (Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, and Lee) and links natural deep-water sections of bays through a series of man-made channels, thereby providing for the safe passage of commercial goods, and access to commercial fishing grounds. Dredging of the GICW commenced in 1960 and was completed in 1967, at which time the WCIND began maintenance activities.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. McKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 1105, the "Omnibus Appropriations Act of 2009."

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Justice, Juvenile Justice Programs

Legal Name of Requesting Entity: The City of Victorville

Address of Requesting Entity: 14343 Civic Drive, PO Box 5001, Victorville, CA 92393

Description of Request: I requested and received a Member priority request totaling \$82,500 to assist with the Uturn Gang Prevention Program evaluation and assessment component. Uturn Gang Prevention Program will focus on elementary school age at-risk youth, along with their immediate families. The focal point will be three areas of accountability: home, school and community. The Uturn program aims to work with at-risk families willing to make a two-year commitment to involvement in services. The goal is to develop at risk children's full personal potential so that they will not be attracted to gang involvement.

The City of Victorville will contract evaluation and assessment services through California State University San Bernardino, College of Social and Behavioral Sciences, Department of Social Work. Evaluation and assessment services will track participants' behavioral changes, school attendance, communication skills, academic trends, family involvement, and communication skill sets.

Ultimately this program will evaluate and assess the individual and collective development of the youth and families. This program will enhance the family structure and strengthen values. The progress of the program participants will be tracked every 6 months for a two year period insuring behavioral, emotional and family stability. The success of the program insuring gang life will be less attractive and irrelevant to the youth.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Justice, Law Enforcement and Interoperable Program (COPS Technology)

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling \$100,000 for the City of Palmdale's Technology Acquisition for Joint Law Enforcement Emergency Operations Center. The City of Palmdale is vulnerable to earthquake and fire disasters, which have been identified in the City's local hazard mitigation plan. While the City has an emergency operations center, it is currently inadequate to accommodate a full-scale deployment of staffing to respond to a catastrophic event.

Additionally, the City's contract law enforcement agency, the Los Angeles County Sheriff's Department, does not currently have a departmental operations center that is adequate to service their needs in a disaster. The new site will allow the City flexibility in its response, a larger facility to accommodate joint operations between the City of Palmdale, the Los Angeles County Fire Department and Los Angeles County Sheriff's Department. This project will allow the City of Palmdale to better respond to natural or man-made disasters. It will provide an alternate facility to be jointly used by the City, law, and fire branches.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009 Account: Department of Justice, Juvenile Justice

Legal Name of Requesting Entity: CASA of Los Angeles County

Address of Requesting Entity: CASA of Los Angeles County, Lancaster office, 1040 West Avenue J, Room 1130 Lancaster, CA 93534-3329

Description of Request: I requested and received a Member priority request totaling \$300,000 for the Court Appointed Special Advocates (CASA) of Los Angeles County Lancaster program. The funding is specifically to recruit and train additional CASA volunteers to provide advocacy services to 120 additional abused and neglected foster children in the Antelope Valley area. CASA of Los Angeles County will provide any required match for this program.

CASA of Los Angeles services the needs of abused and neglected children in the foster care system through the recruitment, training, supervision and support of community volunteers who investigate the circumstances of each child, facilitate the provisions of services, monitor compliance with the orders of the court and advocate for the best interests of the child.

Requesting Member: Congressman Howard P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: The City of Barstow

Address of Requesting Entity: 220 East Mountain View Street, Suite A, Barstow, CA 92311

Description of Request: I requested and received a Member priority request totaling \$500,000 to assist with the City of Barstow Sewer Master Plan Implementation, Phase II. This project involves constructing de-nitrification facilities at the City's wastewater reclamation facility (WRF) to reduce effluent nitrate levels and expand and upgrade the WRF from a secondary to a tertiary treatment facility. This project is critical to reducing the amount of nitrate pollution generated by the City's WRF and mitigating the overdraft of the Mojave River basin, the Southern California High Desert Region's sole natural source of water. In FY08, the City of Barstow received \$500,000 to partially fund the de-nitrification facility construction. The FY09 funding will be used to fund the balance of the construction of the de-nitrification facility. The City of Barstow will provide a minimum of a 50/50 cost share for the remaining funding.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: USDA Forest Service, Land and Water Conservation Fund (LWCF)

Legal Name of Requesting Entity: Pacific Crest Trail Association

Address of Requesting Entity: 5325 Elkhorn Blvd., PMB 256, Sacramento, CA 95842

Description of Request: I requested and received a Member priority request totaling \$500,000 to assist the Pacific Crest Trail Association (PCTA) with land acquisition to pro-

tect public access to the The Pacific Crest Trail (PCT). Land acquisition would occur in the following areas: Agua Dulce/Soledad Canyon, CA to relocate the trail off dangerous roadway, Pilot Rock, OR to acquire privately owned parcels from willing sellers within the Cascade Siskiyou National Monument that include the PCT, Plum Creek Timberlands, WA to protect the trail corridor from development pressures, Tejon Ranch, CA to reroute the trail from the temporary Mojave Desert route to the originally proposed crest route, and for program administration.

The Pacific Crest Trail (PCT) is the western treasure of America's scenic trails, spanning 2,650 miles from Mexico to Canada through California, Oregon and Washington. Thousands of hikers and equestrians enjoy this national treasure each year. The need for federal assistance is apparent as the PCT crosses or is near 26 National Forests, 7 National Parks, 5 State Parks, 4 Bureau of Land Management resource areas, and several state and county parks and has been a part of the National Trail System since October 2, 1968.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Health and Human Services, Healthcare Resources Service Agency

Legal Name of Requesting Entity: Henry Mayo Newhall Memorial Hospital

Address of Requesting Entity: 23845 McBean Parkway, Valencia, CA 91355

Description of Request: I requested and received a Member priority request totaling \$333,000 to assist Henry Mayo Hospital with the design and construction of a helipad at the hospital necessary to provide emergency care for over 680 square miles of the diverse geography of north Los Angeles County, which is one of the fastest growing communities in the nation. Funding will allow the hospital to maintain its relationship with L.A. County trauma system also assist with flight safety and efficiency upgrades to existing infrastructure.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Education, Higher Education Account (FIPSE)

Legal Name of Requesting Entity: College of the Canyons

Address of Requesting Entity: 26455 Rockwell Canyon Road, Santa Clarita, CA 91355, USA

Description of Request: I requested and received a Member priority request totaling \$238,000 to increase access to higher education and advanced training through The College of the Canyons University Center Consortium. The Consortium will support economic development by providing advanced education and training for the local work force, making the State of California a more competitive and stable area. Single parents and working adults who must commute to other areas in which universities are located, often experience barriers to pursuing education including childcare, work schedules and geographic barriers.

The University Center Consortium was created to create model programs to remove

these barriers. The consortium is requesting funding to increase the number of bachelor's, master's, and doctoral programs available in participating communities by 50 within 3 years, increase the number of students pursuing their higher education degree to more than 1,000 annually within 3 years, disseminate specific information on the University Center model including evaluation of best practices to at least 100 colleges annually, further development of University Centers at College of the Canyons, Cañada College, and Shasta College, develop model agreements, handbooks, and planning documents that can be shared with any interested college statewide and nationally, evaluate characteristics of successful university centers within the context of local community needs and disseminate information about successful practices through the Web, an annual conference for colleges with existing programs as well as colleges interested in developing new programs, and University Center Briefs highlighting challenges, experiences and best practices.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Health and Human Services, Healthcare Resources Service Agency

Legal Name of Requesting Entity: Victor Valley Community Hospital

Address of Requesting Entity: 15248 11th St. Victorville, CA 92395

Description of Request: I requested and received a Member priority request totaling \$143,000 to assist Victor Valley Community Hospital with a Healthcare Modernization and Technical Advancements program. Specifically funding will purchase MRI Equipment, CT Scan equipment, and help cover Integration and Implementation, personnel, and training costs. Furthermore, the funding would be used for advanced services such as arthritis care, behavioral health and counseling, community wellness programs, poison control, and senior health services.

The hospital would like to improve access to state-of-the-art healthcare for members of the community. As such, modernization and advancement is required to ensure the residents of the Victor Valley receive quality medical treatment in a timely fashion.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Surface Transportation Projects

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling \$475,000 to help the City of Palmdale, CA complete Phase I of the Rancho Vista Boulevard (Avenue P) project, which is a regionally significant transportation corridor that provides primary access to Palmdale Regional Airport and U.S. Air Force Plant 42. The City of Palmdale will use the federal funds for construction to increase safety and capacity of a

2.7-mile section of Rancho Vista Boulevard between SR-14 and 20th Street East; specifically the highly congested 3/4-mile section between 3rd Street East and 10th Street East. Project is in the RTIP/FTIP. Federal funds have been used in design, and additional Federal funds, in the amount of \$2.8 million (SAFETEA-LU), have already been secured for construction of Phase One. In addition, Phase I local funds include approximately \$240,000 in Local funds and approximately \$343,000 in STP-L (State Transportation Program—Local federal-aid funds), from FFY 2002–03 through FFY 2006–07, with additional \$400,000 programmed in FFY 07–08, will be expended in design, environmental documentation, right-of-way acquisition, utility relocation and railroad coordination.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Transportation and Community and Systems Preservation

Legal Name of Requesting Entity: The City of Barstow

Address of Requesting Entity: 220 East Mountain View Street, Suite A, Barstow, CA 92311

Description of Request: I requested and received a Member priority request totaling \$237,500 to assist with the City of Barstow Lenwood Road Grade Separation Project. This \$23 million multi-year project involves the design and construction of a grade-separated railroad crossing to eliminate time delays experienced by vehicular traffic. The Lenwood Road Grade Separation project is a key component of the Alameda Corridor East Grade Separation Project, a national goods movement plan for the movement of goods from the Ports of Los Angeles and Long Beach. The funding received in FY09 will be used to start up the preliminary engineering and environmental assessment components of the project, totaling \$1.6 million. The City of Barstow will provide a minimum of a 50/50 cost share for the remaining \$23 million, and this funding will come directly from the City, San Bernardino County, and other local government agencies.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling \$380,000 for the City of Palmdale's Transportation Center to expand the train platform to accommodate the need for additional Metrolink train cars. The project provides for an extension of the existing Metrolink platform by 170 feet, from 510 feet to 680 feet, to conform to current Metrolink standards, which were adopted after construction of the center. Construction of 170 feet of platform would also include shelters, lighting, signage and drain-

age. Since 2005, the number of visitors has increased dramatically, especially Metrolink train riders. It is estimated that the train riders occupy 80% of the available parking spaces at the Center (approximately 600 of the 730 spaces).

Metrolink estimates that there are 6,100 riders during the weekday and that number is anticipated to grow 6–8% each year, necessitating additional train cars. Currently the train platform can only accommodate 6 Metrolink train cars (which is the current configuration for this line), while the latest standards call for a train platform to accommodate 8 train cars (the platform was constructed to Metrolink's standards in effect at the time). Local funding for the project includes: \$5.64 million from Metropolitan Transportation Authority (Metro); \$320,000 from Antelope Valley Air Quality District; \$208,000 from Antelope Valley Transit Authority; \$200,000 from Los Angeles County; and \$129,000 from Antelope Valley Union High School District.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Labor, Employment and Training Administration, Training and Employment Services

Legal Name of Requesting Entity: City of Palmdale, California

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling \$238,000 for the City of Palmdale and the South Valley WorkSource Center (SVWC) to further develop and fully implement the second year of the Business Resource Network. In early 2008, the City of Palmdale was notified of being awarded \$147,000 (\$360,000 was requested) toward the first year start-up of this program. It is an economic development support program that will connect area small businesses to organized public and private business resources offered by the South Valley WorkSource, Business Advisory Board, private sector partners, business and economic development organizations, educational institutions, City Government Business Outreach Department, and Department of Rehabilitation. This project will address the need to increase and augment business recruitment and retention of small businesses (1 to 25 employees) in the City of Palmdale and surrounding areas. The project will enhance connections between area firms and available public and private business resources, which are designed to increase worker skills preparedness, reduce the potential for employee lay-offs and business closures, and promote continuing local economic development and growth.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of the Interior, Environmental Protection Agency, State and Tribal Assistant Grants, Training and Employment Services

Legal Name of Requesting Entity: County of Los Angeles Department of Public Works

Address of Requesting Entity: 900 South Fremont Avenue, Alhambra, CA 91803–1331

Description of Request: I requested and received a Member priority request totaling \$900,000 for the County of Los Angeles Department of Public Works consisting to construct Phase 1B of the North Los Angeles County Regional Recycled Water Project (Regional Project). Approximately 8.5 miles of 24-inch-diameter recycled water pipeline, a 1.5 million-gallon storage reservoir, and a pump station will be constructed to add to Phase 1A of the Regional Project that was previously constructed cooperatively by the City of Lancaster and Los Angeles County Waterworks District No. 40, Antelope Valley (District). Phase 1B will add a recycled water pipeline that runs along Division Street to Avenue K, along Sierra Highway to Rancho Vista Boulevard, and along Rancho Vista Boulevard to 10th Street West. The storage reservoir will be constructed at an existing tank site near Rancho Vista Boulevard and 10th Street West, and the pump station will be constructed near Avenue E and Division Street.

Phase 1B represents a critical component of the estimated \$120 million Regional Project to construct a recycled water backbone distribution system to serve the cities of Lancaster, Palmdale, and surrounding unincorporated communities in the Antelope Valley. Phase 1B includes the necessary infrastructure to serve recycled water to customers with identified uses for 2 billion gallons of recycled water per year. The beneficial use of recycled water will increase the reliability of the Antelope Valley's limited water supplies, decrease reliance on imported water and local groundwater supplies, and provide a viable means for reusing treated wastewater.

The County's request for the project will be matched by \$17.5 million in non-Federal funds.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Castaic Lake Water Agency (CLWA)

Address of Requesting Entity: 27234 Bouquet Canyon Road, Santa Clarita, CA 91350

Description of Request: I requested and received a Member priority request totaling \$1.148 million to implement the cleanup of perchlorate groundwater contamination at the former Whittaker-Bermite site in the City of Santa Clarita. Characterization studies and treatment system design have been completed by December 2008 and commencement of operations to clean up the contaminated groundwater from the wells is anticipated to start by January 2009. CLWA will provide in-kind services amounting to at least \$2,156,000. This project was authorized as part of H.R. 1495, the Water Resources Development Act of 2007, and has received a total of \$10,651,000 from FY 2001–FY 2008.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: The City of Santa Clarita

Address of Requesting Entity: 23920 Valencia Blvd. #300 Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling \$239,000 to continue with the initial Project Management Plan component of the Feasibility Phase of the Santa Clara River Study being conducted with the Army Corps of Engineers. Work being funded would include a groundwater characterization study, public outreach and partnership formation with key community groups, development of baseline data, and environmental studies. In November 2002, the Army Corps of Engineers approved the Santa Clara River Reconnaissance Study. The study's focus includes potential habitat restoration, flood protection and ancillary recreation opportunities for the Santa Clara River, located in Southern California.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Transportation and Community and Systems Preservation

Legal Name of Requesting Entity: The City of Santa Clarita

Address of Requesting Entity: 23920 Valencia Blvd. #300 Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling \$570,000 to complete the last remaining section of the Cross Valley Connector. The last portion of this vital highway project consists of an 1100-foot bridge over the Santa Clara River. The bridge recently completed an environmental review and construction commenced in the fall of 2008 with completion expected in early 2010. This request is consistent with the intended purposes and authorization of the Federal highway Administration as it fulfills local transportation planning. The project will provide much needed regional congestive relief as well as provide additional capacity.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Department of Transportation, Federal Highway Administration, Transportation and Community and Systems Preservation

Legal Name of Requesting Entity: The Autry National Center for the American West

Address of Requesting Entity: 23920 Valencia Blvd. #300 Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling \$167,000 for the Autry National Center for the American West. This funding would assist with the construction of a new Southwest Museum facility at the Museum's Griffith Park campus.

Support will allow the design and creation of new facilities along with planning, design, and public programming of educational immersion environments and visible collections storage. These interactive spaces will allow the Autry to teach local, national, and international visitors about the many diverse cultures who have shaped the American West.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. PUTNAM. Madam Speaker, I submit the following:

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Buses and Bus Facilities

Project Funding Amount: \$285,000

Legal Name of Requesting Entity: Polk County Transit System

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: To continue to provide vital transportation bus service to several regional locations, funding is needed to replace, update and repair outdated buses, as well provide for facility upgrades and maintenance services.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: The Cooperative State Research Extension and Education Service (CSREES)

Project Funding Amount: \$6,677,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: The T-STAR program conducts research and education for interdiction, eradication, and suppression of invasive plants, animals, insects and disease. The objective of this critical initiative is to develop strategies and tactics to stem the influx of invasive species into the United States to protect American agriculture.

To more effectively safeguard the U. S. agricultural industry, there is an urgent need to undertake research on the most pressing and destructive invasives pests and disease to 1) determine common avenues of introduction, 2) develop techniques for early detection, and 3) identify effective economic and environmentally acceptable methods for eradication, containment and regulatory protocols.

The T-STAR is administered by the University of Florida and the University of Hawaii, authorized by P.L. 89-106 and is funded as a special research initiative within the Cooperative State Research, Education and Extension Service (CSREES) of the U.S. Department of Agriculture.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account:

Project Funding Amount: \$285,000

Legal Name of Requesting Entity: Polk County, Florida

Address of Requesting Entity: 300 West Church Street, Bartow, FL 33831

Description of Request: Funding is requested for needed renovation improvements to the Polk County Agricultural Center. Originally constructed in 1948, the facility plays a

central role in the Polk County community at large. It provides a central meeting and event location for a wide range of activities important to the community, contributing to the region's economic strength and well-being. Renovations are needed to the Polk County Agricultural Center to meet fire and safety standards, enabling its continued benefit to the area.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: State and Tribal Assistance Grant Project Funding Amount: \$500,000

Legal Name of Requesting Entity: South-west Florida Water Management

Address of Requesting Entity: 2379 Broad Street, Brooksville, FL 34604-6899

Description of Request: To restore minimum flows and water quality to the upper Peace River and Lake Wales Ridge. Includes water resource development projects, such as restoring storage in headwater lakes in the Peace River watershed, are underway and will result in perennial flow to the upper Peace River.

The project includes Ridge Lakes Restoration Initiative to treat storm water runoff in lakes in Highlands and Polk counties; the Upper Peace River and Peace Creek Canal projects to restore surface water storage and flows and water quality and meet the long-term needs of Polk County and the surrounding area.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: The Cooperative State Research Extension and Education Service (CSREES)

Project Funding Amount: \$1,217,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: Citrus Canker and Citrus Greening pose severe threats to the future of the citrus industry, in Florida and other citrus-growing regions of the nation. Citrus Greening, recently manifested widely within the state of Florida, is a particularly devastating disease which can cause the death of a healthy citrus tree within months of infestation. According to U.S. Department of Agriculture, scientific research on this deadly disease is at the present time extremely minimal and preliminary. In addition, continued research is needed on Citrus Canker to preserve the capacity to market and ship fruit domestically and for export. Scientific research is essential on both of these diseases in order to prevent their spread to other citrus growing regions of the country.

For the critical continuation and expansion of vital Citrus Canker and Greening research by the University of Florida (UF) Institute of Food and Agriculture Sciences (IFAS), through the Cooperative State Research Extension and Education Service (CSREES) to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating diseases.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Buses and Bus Facilities

Project Funding Amount: \$285,000

Legal Name of Requesting Entity: Lakeland Area Mass Transit Authority Address of Requesting Entity: 1248 George Jenkins Blvd., Lakeland, FL 33815.

Description of Request: To continue to provide vital transportation bus service to several regional locations, funding is needed to replace, update and repair outdated buses, as well provide for facility upgrades and maintenance services.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account:

Project Funding Amount: \$4,224,000

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 701 San Marco Blvd, Jacksonville, FL.

Description of Request: Army Corps of Engineers, annual Operation and Maintenance (O&M) funds are needed for periodic dredging in the 70 miles of federal channels in the Tampa Harbor.

The Tampa Harbor is a major shipping channel both for domestic and international trade, and of importance to national commerce. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons.

For FY 2009, the Army Corps estimated capability is \$4.5 million to maintain various sections of the Tampa Harbor project, with an emphasis on the upper harbor. The Fiscal Year 2009 Army Corps of Engineers budget includes O&M for Tampa Harbor within the Eastern Gulf Coast System.

The Tampa Harbor is a federally authorized channel and the statutory authorization for requested project is Section 4 of the Rivers and Harbors Act of 1922.

Requesting Member: Representative ADAM H. PUTNAM

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Energy Efficiency and Renewable Energy, Biomass Account

Project Funding Amount: \$713,625

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: Promotes the development of new energy technologies, bioenergy fuel sources, and improvement of existing energy efficiencies. Will decrease U.S. dependence on imported energy through the creation of new renewable energy technologies coordinated by the University of Florida's Florida Center for Renewable Chemicals and Fuel.

The University of Florida, Renewable Energy Program promotes the development and production of bioenergy fuel sources to assist in the development of new energy tech-

nologies and improve existing energy efficiencies, through the Department of Energy's Energy Efficiency and Renewable Energy, Biomass Account. The overall goal of this project is to decrease U.S. dependence on imported energy through the creation of renewable fuel sources, and is coordinated by the University of Florida's Florida Center for Renewable Chemicals and Fuel.

TRIBUTE TO MRS. ANGELA E. RANDALL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SERRANO. Madam Speaker, in recognition of Black History Month 2009, I rise to honor a woman of great stature in our community, Mrs. Angela E. Randall. For nearly sixty years Mrs. Randall has called the South Bronx home; most of that time, thirty-seven years to be precise, she spent in the service of young people. Thousands knew her growing up as a caregiver, a mentor, an educator, and a role model. She has touched the lives of so many that if we knew nothing else about her besides her deep and lasting commitment to our children, it would be enough to know that this is a woman of exceptional character. But we are fortunate to know much more about her than that: a community activist in the truest and noblest sense, Angela Randall has spent a lifetime trying to make this community strong from the ground up, and for that she deserves to be commended.

Angela E. Randall was born in 1928 in New Orleans, Louisiana. She received a Bachelor's Degree from Southern University in Baton Rouge and a Master's Degree from Teacher's College at Columbia University. Academically gifted and not content to stop there, Mrs. Randall further advanced her education at the New School for Social Research and later at Lehman College, where she studied Social Organization and Management. Then in 1968, after working as an Assistant Actuary at Teacher's Retirement System, Mrs. Randall took a position for which she is perhaps best known in the South Bronx: Program Director of the Hunts Point Multi-Service Center, Inc., directing the robust Family Day Care Program. She was the first person to hold this position, and it was there that over the next thirty-seven years Mrs. Randall provided quality, affordable day care to thousands of children in the Bronx, as well as created jobs for hundreds of women in the community by training them to become licensed caregivers.

Mrs. Randall's work with children and mothers is but one aspect of an exceptionally active, well-rounded life. She has belonged to the same place of worship for over a half century, St. Anselm's Catholic Church in the Bronx. There she serves as a Eucharistic Minister and Lecturer, and is also a member of the Parish Council. In addition, Mrs. Randall is Chairperson of the Lincoln Medical and Mental Health Center Auxiliary Board, which she joined in 1976, and acts as Secretary of the Lincoln Hospital Community Advisory Board. She belongs to a number of professional as-

sociations including: the Bronx Chapter of the NAACP, the National Council of Negro Women, and is a past Vice President of the Downtown Bronx Democratic Club. Moreover, she has also been the recipient of numerous awards over the years. In 1972 she received the First Puerto Rican Conference Award in recognition of her work with youth, day care, housing and seniors; in 1984 she received the New York State Outstanding Achievement Award from the Bronx Life Members Guild; in 1992 an apartment building on Trinity Avenue in the Bronx was named in her honor the Angela Randall Apartments; and in 2003 she was named Woman of the Year by Lincoln Hospital, just to name a few.

Madam Speaker, Angela Randall owns a full and deeply impactful life. Her compassion and love for young people is known by many, and her influence stretches further than can be measured. For example, how many children did she help to raise and nurture over the past three decades? How many young minds did she help to enrich at a critical stage of development? And more: where are these young people now as a result of her efforts? How many have gone on to become fathers and mothers, find gainful employment, or otherwise assume positions of leadership and responsibility? Angela Randall is someone whose reach has long exceeded her grasp, and because we know her to be a person of integrity, empathy, and faith, we also know that all those whose lives she has touched have been warmed by her spirit, and benefited from her wisdom. Madam Speaker, I ask that my colleagues join me in recognizing a model citizen, and a living testament to selfless devotion to others, Mrs. Angela E. Randall.

TRIBUTE TO MONTFORD POINT MARINES

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to pay tribute to the Montford Point Marines, the first black Marines.

As Marines, they fought the enemy, integrated the Armed Services and changed their country. On the land and on the sea, the Marines have led the way. At home, the fight was within the Corps, however, the Barriers soon fell because of a few good men.

Today's generation of Marines serve in a fully integrated Corps where one-fifth of the strength of the Corps are African Americans. African-American officers, noncommissioned officers, and privates are spread throughout the Corps and their service often escapes special notice.

The fact that there was a time when there were no Blacks allowed in the Marines should not be overlooked.

At the urging of his wife, Eleanor, and threats by civil rights activist, A. Philip Randolph with a march on Washington, President Franklin Delano Roosevelt signed Executive Order 8802 establishing the Fair Employment Practice Commission. The commission prohibited racial discrimination by any government agency.

With the stroke of his pen on June 25, 1941, President Roosevelt's Executive Order allowed Blacks to serve as Marines and marked the beginning of the end of officially sanctioned segregation in America.

On August 26, 1942 Howard P. Perry of Charlotte, North Carolina was the first African-American recruit to arrive at Montford Point. From August 1942 throughout the end of World War II, 20,000 black men were trained at Montford Point and inducted into the Marine Corps.

Although black troops were trained to be Marines they were kept separate from the white troops. Even after they were shipped off to battle zones, they still served in exclusively all black units. African-Americans continued to serve in segregated units until the Fall of 1949 when an executive order from President Harry S. Truman established a policy of full integration.

That same year, the first African American women, Annie E. Graham of Detroit, Michigan, Ann E. Lamb of New York City, and Annie L. Grimes of Chicago, Illinois, enlisted into the Marines, respectively.

Madam Speaker, today I rise today to pay tribute to some of America's unsung heroes. To all of the Annie Grahams, Ann Lambs, Annie Grimes, Edgar Huffs, Frederick Branches, Gilbert "Hashmark" Johnsons, James Ferrens, Frank Petersens, and Thomas McPhatters of this world, I say Thank you.

Thank you for your service to our country and we will never forget your sacrifice.

HONORING HARALSON COUNTY COMMISSION CHAIR ALLEN POOLE

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community.

Today, I rise to honor Allen Poole of Buchanan, Georgia in Haralson County. Allen Poole has selflessly served his community and the State of Georgia throughout his life. For more than 18 years, Allen Poole served and protected his community as a Georgia State Patrol Officer. While with the Georgia State Patrol, Allen was assigned to the Honor Guard and also served on special security details for governors and presidential nominees.

After retiring from the State Patrol, Allen became the first African American ever elected to the Haralson County Board of Commissioners, where he has been appointed Chairman. Currently serving his second term as Commission Chair, Allen continues to work to improve his community while serving as a wonderful example of a dedicated public servant.

Madam Speaker, I ask that my colleagues join me in thanking Chairman Allen Poole for his leadership and service to the people of Haralson County and his commitment to the betterment of his community.

TRIBUTE TO MASON COUNTY SCHOOL DISTRICT SUPER- INTENDENT TIM MOORE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to congratulate one of my constituents, Mason County School District Superintendent Tim Moore of Maysville, Kentucky. On January 31st, Superintendent Moore received the F.L. Dupree Outstanding Superintendent Award from the Kentucky School Board Association.

The Dupree Award was created by Kentucky School Board Association and the family of the late F. L. Dupree, Jr., who was a member of the former London Independent Board of Education and a lifelong supporter and promoter of public education in Kentucky.

Superintendent Moore was chosen to receive the Dupree Award for his outstanding service to Kentucky's youth and to the communities of Mason County. Since becoming Superintendent in 1997, he has helped the school district improve its academic rankings, and meet all the goals outlined by the No Child Left Behind program. Additionally, he has fostered better relationships between students, faculty, parents and staff and helped the district rebound from debt by bringing the general fund balance up to \$4 million.

Last year, former U.S. Secretary of Education Margaret Spellings and I traveled to the Mason County School District to learn about the innovative ways Superintendent Moore has dealt with the challenges faced by rural schools. During the visit, Superintendent Moore helped lead roundtable discussions with the Secretary, teachers, students and parents to discuss the local impact of federal education law in Kentucky and the improvements that can be made. Secretary Spellings and I were very impressed with Superintendent Moore's commitment to the students and to improving the learning environment in Mason County.

Superintendent Moore has inspired countless children and has been an exceptional leader in the Fourth District.

Madam Speaker, I ask you to join me in commending Superintendent Tim Moore for his achievements.

INTRODUCTION OF THE GREEN STREETS ACT OF 2009

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CARNAHAN. Madam Speaker, I rise today to introduce the Green Streets Act of 2009. Cities and States across the country are having a hard time affording the asphalt needed to repair their crumbling streets due to increasing cost of asphalt. This increase in the cost has been caused by many refineries forgoing asphalt production to instead produce more profitable products. As a result, commu-

nities in my district and across the country are postponing roadwork until transportation departments can better allocate funds without breaking their budgets.

To provide cash strapped cities and States the much need break in asphalt costs, I have introduced the Green Streets Act, which would promote the research of alternative asphalt binders made from biomass. In my home State of Missouri there is a company that is researching the use of swine manure to replace petroleum as an asphalt binder.

Not only could this potentially cut street repair costs for communities across the country, but would also reduce our greenhouse gas emissions by reducing the amount of biomass left to give off carbon dioxide. I urge my colleagues to join me in supporting the Green Streets Act of 2009.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the nine earmarks I secured as part of H.R. 1105, Omnibus Appropriations Act, 2009. H.R. 1105 is a compilation of nine regular non-security related Fiscal Year 2009 appropriations bills that are each separated into their own divisions.

In Division B, covering the Department of Justice, the Office of the Sheriff in Stephenson County, Illinois will receive \$225,000 under the Community Oriented Policing Services Law Enforcement Technology account to place forward-looking infrared (FLIR) equipment on their Bell OH58 police helicopter for use throughout northern Illinois. The Office of the Sheriff of Stephenson County is located at 15 North Galena Avenue in Freeport, Illinois, 61032. Mr. David Snyders is the Sheriff of Stephenson County. The purpose of this funding is to assist Stephenson County with their search capabilities. The FLIR mounts under the helicopter and combines a highly sensitive digital thermal imaging camera with a color video camera inside a single housing. With this unit, the Sheriff's Office of Stephenson County will be able to locate missing persons or felons attempting to hide by their heat signature, regardless of time of day or weather conditions. The helicopter is available at no cost to any local, state, or federal law enforcement agency in northern Illinois, in addition to local fire departments. The Stephenson County Sheriff's Office is a member of the Illinois Law Enforcement Alarm System (ILEAS) in Region 2, which is comprised of 18 counties making it the largest ILEAS region in the state covering a widely dispersed population in rural Illinois.

In Division C, covering the Army Corps of Engineers, the City of Rockford, Illinois will receive \$526,000 under the Corps' Investigations account, to continue to conduct the Keith Creek Flood Control feasibility study for the Alpine Dam in the City of Rockford, Illinois in partnership with the Army Corps of Engineers.

The Office of the City of Rockford, Illinois is located at 425 East State Street in Rockford, Illinois, 61104. Mr. James Ryan is the City Administrator of Rockford, Illinois. Currently, the Alpine Dam does not provide reliable flood protection and is at risk of failure, threatening 11,000 residents and businesses along Keith Creek in Rockford, Illinois. The study is necessary for the Army Corps of Engineers of Rock Island District to determine the cost and environmental impact of remedying the threat posed by the Alpine Dam. This was a joint request with Senator RICHARD DURBIN.

In Division D, covering the Small Business Administration (SBA), the Chicago/Rockford International Airport will receive \$300,000 from the SBA account to support the operations of a Manufacturing Research and Development/Education Center in partnership with Embry-Riddle Aeronautical University, Northern Illinois University (NIU), Rock Valley College (RVC), and other small business incubator programs in the community. The Greater Rockford Airport Authority is located at 60 Airport Drive in Rockford, Illinois, 61109. Mr. Bob O'Brien is the Executive Director of the Rockford Airport. The center will house classrooms as well as R&D facilities for local small businesses. The new center will support the development of new aerospace small business in the region and host a number of new aerospace related manufacturing companies at a small business incubator. The center will also provide training for the workforce required in these new endeavors.

In Division E, covering the Environmental Protection Agency (EPA), the Village of Mt. Morris will receive \$500,000 from the State and Tribal Assistance Grants (STAG) Water and Wastewater Infrastructure Project account. The Village of Mt. Morris is located at 105 West Lincoln Street in Mt. Morris, Illinois, 60154. The Honorable Gregory Unger is the Village President of Mt. Morris. The Village of Mt. Morris is planning to design and build a new wastewater treatment plant that will replace the current facility, which is approximately 125 years old. The Illinois EPA has also imposed new operating requirements that will not be met by the current physical condition of the present system. The total estimated cost of the new system to meet 50 year growth projections is approximately \$7.5 million. Federal funding is a critical component of the funding package needed to help get this project designed, and moving forward to construction.

In Division F, covering the Departments of Education and Health and Human Services (HHS), I secured three separate earmarks. First, under the Higher Education account, Rockford College will receive \$238,000 to equip classrooms and science laboratories with technology to significantly enhance student learning. Rockford College is located at 5050 East State Street in Rockford, Illinois, 61108. Mr. John McNamara is the Vice President of College Development. Federal funding is critical to help upgrade nine antiquated classrooms and two laboratories at Rockford College and convert them to modern smart learning centers. This is a joint request with Senator RICHARD DURBIN.

Second, under the Health Resources and Services Administration account, the Crusader

Clinic in Rockford, Illinois, will receive \$238,000 to help fund a new electronic health records (EHR) system. The Crusader Clinic is located at 1200 West State Street in Rockford, Illinois 61102. Mr. Gordon Eggers, Jr., is the President and CEO. The Crusader Clinic is a community health center that serves multiple counties in northern Illinois and provides care to over 40,000 low-income, uninsured, and underinsured patients annually in the region. Because of the growing patient caseload and new federal requirements, this community health clinic now has a great need to implement an EHR system throughout their clinics at an estimated cost of \$1 million. This funding will help improve the delivery of medical care to those who would otherwise use the emergency room at local hospitals. This is also a joint request with Senator RICHARD DURBIN.

Third, also under the Health Resources and Services Administration account, the University of Illinois' College of Medicine in Rockford, Illinois will receive \$238,000 to help build the National Center for Rural Health Professions. The Rockford campus is located at 1601 Parkview Avenue in Rockford, Illinois, 61107. Dr. Martin Lipsky is the Dean of the Rockford campus of the U of I College of Medicine. The Center will conduct research, develop curricula, implement and evaluate rural medical and health care education models, provide consultation to other medical colleges, and study trends in rural health related to health professional training needs. Medical colleges throughout the U.S. can use the research findings and curriculum models to implement training for rural health professionals to practice in medically under-served rural areas in their respective states. The College of Medicine has raised \$4 million in private funds toward this \$32 million expansion project. Another \$14 million has been committed by the University of Illinois, and the university is also seeking state funding to complete the project.

In Division I, covering the Departments of Housing and Urban Development (HUD) and Transportation, I secured two separate earmarks. First, under the Economic Development Initiatives account at HUD, the City of Freeport, Illinois will receive \$237,500 for various public infrastructure improvements. The City of Freeport is located at 230 West Stephenson Street in Freeport, Illinois, 61032. The Honorable George Gaulrapp is the Mayor of Freeport. Freeport wants to make improvements to public infrastructure in the downtown area to promote and support expansion of manufacturing facilities. The funds would be used for a variety of infrastructure improvements, including replacing a water main, upgrading and "undergrounding" above-ground power lines, and various roadway and streetscape upgrades in downtown Freeport to make it a more attractive place to live and work.

Second, McHenry County, Illinois will receive \$570,000 under the Transportation, Community, and System Preservation account to widen Rakow Road. The County of McHenry is located at 2200 Seminary Avenue in Woodstock, Illinois. Mr. Peter Austin is the County Administrator of McHenry County. This road project will help relieve traffic congestion and improve safety by increasing capacity to Rakow Road from Ackman Road to Illinois

Route 31 by adding two or three through lanes in each direction and adequate turn lanes at the intersections. In 2004 and 2005, there were 566 accidents (71 percent were rear-end collisions) and 171 injuries at this three mile stretch of highway that desperately needs improvement. This request also begins to implement the \$5.72 million authorization for this project that I secured as part of the 2005 Surface Transportation Reauthorization Act (Public Law 109-59).

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the respective leadership of the six Appropriations subcommittees for working with me in a bipartisan manner to include these nine requests in this spending bill. I also want to thank Senator RICHARD DURBIN, the senior Senator from Illinois, for joining with me on three of these requests.

RECOGNIZING THE THIRD ANNUAL CESAR CHAVEZ MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KILDEE. Madam Speaker, I rise today to recognize the 22nd anniversary of the naming of Chavez Drive in my hometown of Flint, Michigan. To honor this occasion, and to celebrate the 82nd anniversary of Cesar Chavez's birthday, the Hispanic Latino Collaborative of Genesee County is sponsoring a Citizens March on March 28th along Chavez Drive. The march will be followed by a reception and luncheon on the campus of the University of Michigan-Flint.

After his family lost their farm during the Great Depression, Cesar Chavez spent his childhood as a migrant worker following the crops across the Southwest. After serving in the United States Navy during World War II, Cesar returned to farm work and began his lifelong quest to bring justice, equality and dignity to migrant workers throughout our Nation. He adopted the nonviolent philosophy of Gandhi and founded the United Farm Workers of America. In the face of formidable odds he persevered and after a 5 year struggle against California grape growers, Cesar Chavez won the first union contract for migrant workers and brought about respect for the workers toiling in our fields.

The Presidential Medal of Freedom is awarded to persons that have served democracy and advanced the universal interests of humanity. The list of recipients is an honor roll of individuals that have struggled against adversity for the common good. In 1994, as he posthumously awarded the Presidential Medal of Freedom to Cesar Chavez, President Clinton said, "He was for his own people a Moses figure." Cesar Chavez exemplified compassion, dedication and advocacy for farm workers everywhere. He passed away 1 year earlier leaving our world better than he found it.

Madam Speaker, Flint Michigan was the first community in our Nation to honor this great

humanitarian by naming a street after Cesar Chavez. I ask the House of Representatives to join me in congratulating the Hispanic Latino Collaborative for honoring the memory of Cesar Chavez and his legacy to the American people.

NATIONAL PEACE CORPS WEEK

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. WOOLSEY. Madam Speaker, I rise today during National Peace Corps week to honor the immeasurable contributions of the more than 195,000 Americans who have volunteered to serve in 139 countries in the cause of peace since 1961. Through mutual respect and understanding, these men and women have committed themselves to improving our country's relationships with the rest of the world, and I applaud their dedication to communities around the globe.

When President John F. Kennedy created the Peace Corps 48 years ago, he set out to provide ordinary men and women with an opportunity to strengthen developing countries devastated by the effects of poverty, disease, and war. Volunteers have come from all walks of life, some with years of experience and some just out of college.

Peace Corps volunteers have mobilized to combat some of the world's most urgent humanitarian crises, including providing crucial assistance to communities in need of post-conflict relief and reconstruction as well as countries overwhelmed by natural disasters. These men and women have helped economically depressed communities develop new business plans, struggling farmers improve their crop production, and families devastated by HIV/AIDS receive the care they need.

Currently, volunteers are serving in 76 countries, providing development assistance while fostering new bonds of friendship and seeking common ways to address global challenges. Over 400 men and women have volunteered from California's Sixth District, including the following current volunteers: Samantha Atkins, Gail Bachman, Tracey Bloch, Jamie Bowen, Catherine Carlton, John Cervetto, Rebecca Como, Jed D'Abravanel, Fionah Dominis, Jillian Geissler, Emilie Greenhalgh Stam, Daniel Grinnell, Alexis Guild, James Gurney, Amy Howland, Larissa Hsia-Wong, David Hughes, Frank Lester, Ryan Loughlin, Alisha Mayer, Reid Miller, Ryan Reichert, NurAliyya Shelley, Robin Smith, Jessica Souza, and Jessica Wright.

Madam Speaker, the 48th anniversary of the establishment of the Peace Corps is an achievement that we should all commemorate. I celebrate the leadership and accomplishments of these compassionate Americans who have committed themselves to promoting global peace, diplomacy, and understanding.

FEMA INDEPENDENCE ACT OF 2009

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. OBERSTAR. Madam Speaker, I am proud today to introduce H.R. 1174, the "FEMA Independence Act of 2009", a bill to re-establish the Federal Emergency Management Agency ("FEMA") as an independent, cabinet-level agency reporting directly to the President.

This bill restores FEMA's ability to be a nimble and effective response agency, re-instates FEMA's role in building basic emergency management capability around the country, and removes FEMA from the large bureaucracy within the Department of Homeland Security ("DHS") that has hindered the agency's disaster response and recovery efforts for six years.

On March 1, 2003, President Bush delegated to the Secretary of the Department of Homeland Security the responsibility for administering the Federal Government's assistance to States and local governments whose citizens and communities are affected by disasters, and subsumed the Federal Emergency Management Agency into the newly-created Department of Homeland Security.

Since 2003, FEMA has failed the American people. Hurricane Katrina remains foremost in our minds. It is shameful that, to this day, many citizens and communities in Louisiana have still not recovered from the disaster. Beyond Hurricane Katrina, FEMA's performance has continued to be deficient, such as in the agency's inadequate response to the discovery of formaldehyde in FEMA trailers, a serious threat to public health. More recently, residents in Texas experienced significant shortcomings in the delivery of recovery assistance, including debris removal and housing, in the aftermath of Hurricane Ike. Today, the Subcommittee on Economic Development, Emergency Management, and Public Buildings is holding yet another hearing on the status of recovery efforts in Louisiana, Mississippi, and Texas from these hurricanes. The fact that there are still individuals and communities in need demonstrates that dramatic improvements that can and must be made to the Federal government's provision of disaster assistance and leadership in emergency management.

Oversight hearings since 2003 held by the Committee on Transportation and Infrastructure have shown a clear correlation between the absorption of FEMA into DHS and the deterioration of FEMA's effectiveness. One reason for this trend is that since becoming a part of DHS, FEMA's emergency management mission has been distorted by a focus on terrorism. Key Federal grant programs that previously helped build basic emergency management and fire fighting capability in communities around the country are now made available only if applicants can show a nexus to terrorism. In the last six years, the Federal Government has spent ten times more on terrorism preparedness (nearly \$15 billion) than on core emergency management preparedness (\$1.5 billion). Yet since 2000, the Presi-

dent has declared only two disasters because of terrorist attacks, but nearly 500 disasters due to natural hazards.

Further, quick decision-making and the flexibility to shift course as events change are two fundamental hallmarks of successful emergency management. Within DHS, FEMA officials have had to run all decisions through the Secretary of Homeland Security. FEMA has also had to work through the Secretary to access non-FEMA Federal resources in a response effort. These additional layers, which did not exist when FEMA was an independent agency, cause delays, impact the speed and flexibility of services that are provided to citizens and communities, and add unnecessary obstacles following a disaster. Being subsumed in a DHS bureaucracy has impaired FEMA's ability to carry out its mission quickly and effectively.

Since 2003, DHS has centralized disaster response and recovery capabilities at the Federal level, which has shut out FEMA's partnerships with State and local governments, and undermined the emergency management system. DHS has also created separate functions under the direct control of the Secretary to perform functions that by law are the sole responsibility of FEMA, such as pre-designation of individuals to serve as Principal Federal Officials ("PFOs") for disasters during the 2008 Hurricane season. Since its incorporation into DHS, FEMA has also had to rely increasingly on support from contractors, due to a loss of experienced FEMA personnel and a reduction of emergency management capacity at the State and local level as the focus of emergency management grant funding has shifted to terrorism-preparedness programs.

For these reasons, I have long opposed the incorporation of FEMA into DHS. During House consideration of the Homeland Security Act of 2002, I said:

This is July 2002. Let us fast forward to July 2003. The majority has prevailed. FEMA is a box in the mammoth bureaucracy of the Department of Homeland Security. Flood waters are swirling around your city. You call for help. You get the Department of Homeland Security. The switchboard sends your call to the Under Secretary's office which looks up "disaster" on their organizational chart and sends you to the Congressional Liaison Office, which then promises to get a message back to you in 24 hours. Eventually, they find FEMA, by which time you are stranded on the roof of your house waving a white handkerchief and screaming for help. FEMA, the word comes back, sorry, is looking for suspected terrorists some place and will get back to you as soon as we can.

Unfortunately, we have seen these predictions come true. Unless FEMA is re-established as an independent, cabinet-level agency, I expect this history to repeat itself.

After Hurricanes Katrina and Rita, Congress enacted changes to try to fix the problems plaguing FEMA by enhancing the agency's authority within the Department of Homeland Security. Unfortunately, these changes have done little to restore the type of robust emergency management agency that is needed at the Federal level. Tinkering around the edges will not work; fixing this flawed system requires fundamental change. This bill takes the

most important and necessary first step to fix the problem—re-instating FEMA as an independent agency.

Specifically, H.R. 1174 affirms FEMA's mission to reduce the loss of life and property and protect the United States from all hazards, by leading and supporting a comprehensive emergency management system of preparedness, response, recovery, and mitigation.

As prescribed by the bill, an independent FEMA will be led by an Administrator and a Deputy Administrator with extensive experience in emergency preparedness, response, recovery, and mitigation from hazards. The bill maintains and strengthens FEMA's regional structure of ten regional offices and three area offices. Each regional office will be lead by a Regional Administrator with a demonstrated ability in and knowledge of emergency management.

The bill provides for the transfer of core emergency management programs and functions to the newly independent FEMA, including: FEMA's disaster assistance programs authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act; the National Flood Insurance Program; the Earthquake Hazards Reduction Program; the National Dam Safety Program; the U.S. Fire Administration; the Emergency Food and Shelter Program; and FEMA's programs for Continuity of Operations and Continuity of Government.

The bill does not transfer any grant programs, currently administered by FEMA, that are specific to terrorism, such as the Urban Area Security Initiative and the State Homeland Security Grant Program. This will ensure that the Department of Homeland Security will continue to lead our Nation's efforts to prevent and protect against terrorist incidents and attacks.

The bill further requires the FEMA Administrator to maintain the National Advisory Council and to retain a Disability Coordinator within the newly-established entity; continues the authorization of the National Integration Center within FEMA; and ensures that FEMA will proceed on the development of standards for credentialing and typing in collaboration with the administrators of the Emergency Management Assistance Compact and other State, local, and tribal entities. Each of these activities is currently authorized and being implemented by FEMA.

The transfer of all functions relegated to FEMA by the bill must be completed within 120 days of enactment of the bill.

This matter is far too important, and impacts directly the lives of too many of our nation's citizens, to delay any further. We must act quickly to restore FEMA's autonomy and effectiveness.

I urge my colleagues to join me in supporting H.R. 1174, the "FEMA Independence Act of 2009".

CONGRATULATIONS TO RON HULL

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to offer my hearty congratulations to

Ron Hull on his reception of the Pioneer Award from the NEBRASKAland Foundation for his efforts to portray the spirit of Nebraska's heritage through his good works.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

Nothing sums up the spirit and values of Nebraska more than a person's willingness to reach out to friends, neighbors, and even strangers to help make our world a better place. Ron's dedication to tourism, historical leadership, and his career in public broadcasting is an inspiration.

I thank Ron for his dedication and his service.

PRIMARY CARE VOLUNTEER INCENTIVE ACT

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. CASTOR of Florida. Madam Speaker, America is facing a troubling physician shortage. It is estimated that the U.S. could be short 200,000 physicians by next year, while the number of patients is expected to increase by 24 percent. Furthermore, most medical school students incur more than \$100,000 in student debt and primary care doctors are becoming scarce. New physicians are entering more lucrative specialties that better assist in their student debt payoff.

To join efforts that are underway across the country to address health care workforce shortages, today I will introduce the Primary Care Volunteer Incentive Act. This legislation will create a volunteer program for primary care physicians that will allow them to receive medical school loan repayment for their dedication to a community health center with high needs.

The Primary Care Volunteer Incentive Act will implement a program for doctors who specialize in family medicine, general pediatrics and general internal medicine. This program will request a five year volunteer commitment that will help doctors to develop a strong and longstanding relationship with their patients and communities. The program will build on the current National Health Service Corps program by allowing doctors to volunteer only part-time at a community health center in an area with a large primary care physician shortage.

This legislation is a vital step in closing the gaps that exist for medically disenfranchised Americans. Fifty-two percent of uninsured Americans do not have a primary care provider and at least two in five residents in Alabama, Alaska, Florida, Kansas, Mississippi, Missouri, Oregon, South Carolina and Utah have inadequate access to routine health services. We know that lack of access to a primary care provider means that patients are not receiving preventive care, which helps people to lead healthier lives and keeps them out of emergency rooms for preventable and manageable conditions.

Too many of our neighbors are without basic care. Ensuring access and affordable health care should be our top priority. I have seen first hand the positive impact that access to community health care has given my district in the Tampa Bay area, and today my bill will help to see that communities will not continue to suffer losses in primary care providers that cannot be afforded.

INTRODUCTION OF THE PART-TIME FEDERAL EMPLOYEES EQUITY ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to introduce legislation that will correct an inequity in the computation of retirement annuities for some federal employees. The Part-Time Federal Employees Equity Act is intended to help support the federal government's ability to retain current employees in the face of the oncoming wave of retirement that will hit the federal workforce in less than a decade.

I am proud to represent more than 98,000 Virginians who have served our country within the ranks of the federal civil service. Protecting the quality of life of these beneficiaries and ensuring the future strength of the federal retirement system are two of the most important issues to my district. It is essential that Congress support efforts that maintain the integrity, quality and vitality of the federal workforce.

It has been well documented that over the next ten years, the federal workforce will undergo significant demographic changes that threaten the federal government's strength and effectiveness. As the baby-boom generation, which makes up a disproportionately large part of the overall workforce, nears retirement age, federal agencies will face a crisis in manpower, especially within its senior executives and management ranks. Information from OPM shows that approximately "60 percent of the government's 1.6 million white-collar employees and 90 percent of about 6,000 Federal executives will be eligible for retirement within the next ten years."

This likely wave of retirement threatens to drain the federal workforce of its most experienced and talented employees at a pace that will be difficult to replace with a well-qualified, trained workforce. Congress, in coordination with the Executive Branch, must develop an overall strategy with specific policy solutions so that the potential "brain drain" doesn't threaten the efficient delivery of government services.

One leading factor that influences the retention of senior personnel is the retirement package offered by the federal government. As currently structured, the federal retirement system for some workers actually penalizes employees that wish to extend their careers by working part-time. As the federal workforce faces the prospect of losing an unprecedented number of employees over the next 10 years, many of the anticipated shortages can be met

with part-time employees. One of the greatest impediments to allowing part-time work are disincentives and restrictions imposed by the federal pension system.

I have introduced the Part-Time Federal Employees Equity Act to address the annuity computations of federal employees retiring under the Civil Servant Retirement System (CSRS). I believe that this legislation can serve the dual purpose of correcting a long-standing inequity for retiring federal employees, as well as offering employees nearing retirement the option for continued part-time service without negatively impacting their retirement benefits.

Over 10 years ago, the 100th Congress included a provision in the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 (P.L. 99-272) that amended the civil service retirement law for federal workers with part-time service. Section 15204 prevented part-time employees from being credited with the same number of years of service as those who worked full-time over the same period. Before the law's passage, an individual who had worked part-time for most of his or her career could switch to full-time work the last three years of his or her career and receive the same retirement benefits as someone who worked full-time throughout the same period.

As the Subcommittee knows, federal annuities are calculated by multiplying the average three highest continuous years of salary, times years of service, by an accrual rate. The new methodology determines the proportion of a full-time career that a part-time employee works and scales annuities accordingly. Under the formula, a part-time salary is calculated on a full-time equivalent basis (FTE) for retirement purposes. Thus, a worker's "high-three salary" could occur during a period of part-time service. This often happens when a senior-level worker cuts back on his or her hours. The disproportionate share of these workers appears to be women, who leave the federal service to care for others.

The problem with the new formula is that it has negative consequences for workers hired before 1986. First, it fails to provide the accrued full year of credit for each year of part-time service of workers who, before 1986, had completed part-time service for which they had understood they would receive full-time credit. Second, the formula can have a negative impact on retirees' annuity if the computation of the "high-three salary" occurs during part-time service. Specifically, the formula incorrectly minimizes full-time employment before 1986, which hurts agencies' ability to retain experienced federal workers by offering part-time employment. Finally, this complex formula can lead to computational errors involving annuities with part-time service. There are possibly thousands of civil servants who are eligible under CSRS that may be impacted by the inequity in this law.

My legislative proposal will restore full credit for part-time work performed before 1986, eliminate the adverse effect of part-time service performed late in an employee's career, and provide a simplified annuity computation in cases involving part-time service. Though it is important to eliminate the inequity for future retirees, it is perhaps more important to tear down the artificial barrier to part-time service at the end of an employee's career.

Madam Speaker, I believe that this proposal will correct a long-standing obstacle to part-time service and may help agencies retain qualified federal employees nearing retirement for part-time service.

CELEBRATING THE 50TH ANNIVERSARY OF MR. AND MRS. LARSON

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. COSTA. Madam Speaker, I rise today to congratulate Mr. and Mrs. John Philip Larson on the celebration of their 50th wedding anniversary. Phil and Joyce Larson were married 50 years ago on March 21, 1959 in Kingsburg, California. They raised two children and have three grandchildren.

Phil Larson was born on September 5, 1933 in San Francisco, California. His parents moved to the Central Valley where he was raised in the beautiful Fresno County countryside near the town of Kerman, California. Phil graduated a proud Kerman High School Lion in 1951. He joined the U.S. Marine Corps in 1953 and was deployed to Korea on December 22, 1953. In 1956, he was honorably discharged from the U.S. Marine Corps and remained in the U.S.M.C. Reserves until 1961. After serving his country, Phil returned to the family farm. While continuing to farm with his father, he joined the Wilbur-Ellis Company in 1963, and after 38 years he retired in 2000. In 2001, Phil won the seat for District 1 Fresno County Board of Supervisors. Now serving his second term, he is a very influential leader for San Joaquin Valley agriculture. Phil is a true and exemplary public servant to his constituents and the Central Valley.

Joyce Larson was born on May 16, 1935 in the "Raisin Capital of the World," Selma, California. She grew up in the nearby town of Parlier. Joyce graduated a proud Selma Bear in June 1953. She attended California State University, Fresno and graduated in 1957 with a Bachelor's Degree in Home Economics. She taught Home Economics in Fresno at Roosevelt High School between the years of 1957 and 1962 and then taught another year at McLane High School. After raising her children she spent 13 years at Tranquility High School as a Special Education teacher. Joyce also received her Master's Degree in Special Education from Fresno Pacific University in 1994. She retired in 2000.

Phil and Joyce met through their church, which has been a foundation for their love and family. Phil proposed to Joyce in August of 1958 and they were joined in marriage on March 21, 1959. They have lived and raised their children near Kerman, California for the past 50 years. They were instrumental in the founding of the Kerman Covenant Church in 1970. The highlight of their marriage has been their two children, Timothy John and Lisa Renae, who have blessed them with three grandchildren, Lindsey Goodell, Tanner Torrano and Haylee Torrano.

Nothing has been more important than their sense of family and putting God first in their marriage. The love and respect Phil and Joyce

have shared has been a tremendous example to everyone who has known them. They are highly esteemed in the communities where they have lived and served, helping many in need.

Congratulations again to Phil and Joyce Larson. Their story is reflective of the American Dream, working hard and playing by the rules to create better lives for themselves and their children. As a result, they have made their community, their church, and the Central Valley a better place to live for future generations.

RECOGNIZING WILLIAM R. KEITH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KILDEE. Madam Speaker, I rise today in remembrance of William Raymond Keith, who passed away on January 30, 2009. Bill was born in Jackson, MI on October 24, 1929 to Ruth Arlene Young and Raymond Joseph Keith. Bill graduated from Detroit's Wilbur High School in 1948 and the University of Michigan's School of Banking in 1963.

Bill served in the U.S. Army in Germany in 1950-51, singing vocals with the 82nd Army Band. Employed by Manufacturers National Bank for 19 years, he worked his way up from messenger to branch manager and bank officer. Bill was well respected and admired for his 22 years serving in the Michigan House of Representatives. He chaired the House Education, Colleges & Universities, and Banking and Finance Committees. He was a champion for public education, always fighting to enhance learning opportunities for children. His long years of service took him to many international locations including China, Japan, Korea, France and Germany. The German President awarded him the Officer's Cross of Merit (the highest honor that can be given to a non-German citizen). Bill has received numerous awards for his work in public service. In 1991, he was inducted into the Michigan Education Hall of Fame. During his retirement, he volunteered as a docent at the Michigan Capitol Building, enjoying sharing that beautiful treasure with schoolchildren from around the state.

Bill also loved music and singing. Starting in high school when he sang with the Don Large Chorus on WJR, performing with big bands in the Detroit area, and more recently singing with his wife Phyllis in their church choir, at nursing homes, senior residences and local events, Bill loved to revive classic songs of the 40's and 50's. Many people over the years were touched by his music. Bill had an amazing sense of humor, and was always waiting to greet you with a new joke. Most of all, he treasured his family, including his wife, kids, grand-kids and his dogs. He was a kind, generous and gentle man with a great strength of character and wisdom.

Bill is survived by his loving wife, Phyllis Keith, and his six children: Brian W. Keith of Lansing, MI; David R. Keith of DeLand, FL; April M. Keith of Lake Orion, MI; Betty Keith Pomerantz of Newbury Park, CA; Robyn S. Hubbard of Grand Rapids, MI; and Ryan E.

Zaiser of Bloomingdale, GA. He is also survived by 10 grandchildren and 3 great-grandchildren.

Madam Speaker and colleagues, please join me in celebrating the life of William Raymond Keith—an accomplished legislator, great leader and endearing family man.

HONORING TONY BROWN

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the accomplishments of Tony Brown as he receives the 2009 Cecil Scaife Visionary Award at the Musicians Hall of Fame in Nashville.

Simply stated, Tony Brown is a legend in the Nashville music business. As the driving force behind MCA Nashville, Tony has been instrumental in the success of country music superstars from George Strait and Reba McEntire to Wynonna Judd, Trisha Yearwood, Vince Gill and Brooks & Dunn. Tony Brown's efforts have helped artists such as these create what is in essence a soundtrack for America.

But the overwhelming success of these artists is only part of Tony Brown's legacy. He is equally respected for his efforts to broaden the definition of what country music can be by signing and nurturing artists who defy easy categorization. He helped create space in the music business for people like Steve Earle, Lyle Lovett, Rodney Crowell, Kelly Willis and other artists who challenge the boundaries of country music.

Madam Speaker, I ask my colleagues to join me in congratulating Tony Brown as he receives this distinguished award. Please join me in congratulating Tony for his efforts to ensure that Nashville, Tennessee will always be one of the musical and cultural treasures of our country.

earmark declaration

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Labor, Health and Human Services, and Education Appropriations Act found in H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Department of Education (DOE)—Arkansas City Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$120,000 for Arkansas City Public Schools, Arkansas City, KS for the purchase of equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Arkansas City Schools, Unified School District 470, at 2545 Greenway, Arkansas City, KS 67005.

This funding will help the schools reach their Five-Year Strategic Plan objective of devel-

oping career technology. It will provide additional computers and support hardware, including printers and storage devices, and facilitate a workplace environment to help students develop technology-based job skills concurrent with classroom learning objectives.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Coffeyville Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$167,000 for Coffeyville School District, Coffeyville, KS for purchase of equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Coffeyville School District at 615 Ellis, Coffeyville, KS 67337.

Coffeyville, KS was hit by severe flooding in July 2007, which has significantly impacted the finances of the region. This funding would assist USD 445 in providing access to technology for students who would otherwise be financially unable to do so.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Independence Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$238,000 for Independence Public Schools, Independence, KS for purchase of equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Independence Unified School District 446, at PO Drawer 487, 517 N 10th, Independence, KS 67301.

This funding will assist USD 446 in providing additional technology for language arts and mathematics teachers to use in their classrooms, and to train the teachers in the use of new and existing technology.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Valley Center Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$442,000 for Valley Center Public Schools, Independence, KS for curriculum development, to include the purchase of technology and equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Valley Center Public Schools at 132 S Park Ave., Valley Center, KS 67147.

This funding will assist USD 262 in developing on the job training and staff development, purchasing technological tools and resources for classroom use, and curriculum to use the technology in the classroom.

No matching funds are required for this Department of Education project.

Department of Education (DOE)—Coffeyville Public Schools: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$213,000 for Winfield Public Schools, Winfield, KS for curriculum development, to include the purchase of technology and equipment in the Fund for the Improvement of Education (FIE) Account. The entity to receive funding for this project is Winfield, Kansas, Public Schools, Unified School District 465 at 1407 Wheat Road, Winfield, KS 67156.

This funding will help facilitate a greater understanding of technology through training for middle and high school teachers, and allow for greater integration of technology in the classroom through curriculum development.

No matching funds are required for this Department of Education project.

Department of Health and Human Services (HHS)—Sedgwick County, KS: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$428,000 for Sedgwick County Government, Wichita, KS for prenatal education and outreach programs, in the Centers for Disease Control and Prevention (CDC) Account. The entity to receive funding for this project is Sedgwick County (KS) Government at 525 N. Main, Suite 243, Wichita, KS 67203.

The Sedgwick County Healthy Babies program utilizes evidence-based practices and innovative community-driven interventions (outreach, health education, case management, utilization of prenatal/postnatal care) to improve the quality of and access to health care for women and infants at both service and system levels. This funding will allow Sedgwick County Healthy Babies to continue its critical outreach programs.

No matching funds are required for this Department of Health and Human Services project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act found in H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Department of Agriculture—National Agriculture Biosecurity Center, Kansas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$259,000 for the National Agriculture Biosecurity Center, Kansas, in the Animal and Plant Health Inspection Service's Salaries and Expenses account. The entity to receive funding for this project is The Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to implement international linkages for food animal and food crop disease surveillance, to expand animal health diagnostic screening capabilities in Kansas and the region, and to further develop a GIS-tracking system for pathogen monitoring.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Grain Sorghum, Kansas, Texas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$515,000 for Grain Sorghum, Kansas and Texas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand existing research and education programs, particularly in genetic improvement and sorghum utilization.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Water Conservation, Kansas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$69,000 for Water Conservation, Kansas in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this

project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to study ways to stop and reverse the depletion of the Ogallala Aquifer in Kansas.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Wheat Genetic Research, Kansas: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$240,000 for Wheat Genetic Research, Kansas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach.

No matching funds are required for this Department of Agriculture project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105.

Water system improvements, City of Derby, Kansas: The Department of the Interior, Environment and Other Related Agencies Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$1,000,000 for the City of Derby, Water and Wastewater System Improvements. The entity to receive funding for this project is the City of Derby, 611 N. Mulberry, Derby, Kansas, 67037-3533.

The funds will be used to upgrade its municipal wastewater treatment plant in 2009. The Derby Wastewater Treatment Plant presently treats about 1.8 to 2.0 million gallons of wastewater per day. The sludge-handling portion of the treatment process is near its designed capacity, and the treatment plant master plan calls for adding sludge handling capacity. Design goals are to reduce staff hours necessary for the sludge handling process, improve efficiency and reliability, increase flexibility in plant operation, and reduce odors, while maintaining compliance to all regulatory requirements. The City of Derby will also use the funds to help extend the municipal sewer system in the Spring Creek watershed area in 2009.

The City of Derby will provide matching funds as required.

Law Enforcement Technology, City of Wichita, Kansas: The Fiscal Year 2009 Commerce, Justice, Science Appropriations Act found in H.R. 1105 contains \$1,675,000 for the Southern Kansas Multi-Jurisdictional SWAT. The entity to receive funding for this project is the City of Wellington, 110 East 10th Street, Wellington, KS 67152.

The funds will be used to procure a Pictometry Visual Intelligence Tool. Pictometry allows federal, state and local agencies to have a common tool to jointly manage emergencies. It captures every square foot of an area from as many as twelve directions. This system captures images that consist of orthogonal (straight down) images like ordinary aerial

imaging and images that are oblique (taken from angles) so that features can be easily seen in their entirety. These images reveal the front, back, and sides of objects of interest rather than just their tops. Within seconds, a law enforcement officer can literally view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device. Southern Kansas encompasses a large area of responsibility, and the police and sheriff's departments are low on manpower and equipment. Federal, state, and local agencies will have a common tool to jointly manage emergencies. The Southern Kansas Multi-Jurisdictional SWAT will administer the program for the four selected counties from the 4th Congressional District. The included counties are Cowley, Greenwood, Montgomery and Sumner.

No matching funds are required for this Department of Justice project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Energy and Water Appropriations Act found in H.R. 1105, the FY 2009 Omnibus Appropriations Act:

Department of Interior—Wichita Project, Equus Beds Division: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$1,500,000 for the Wichita Project—Equus Beds Division in the Bureau of Reclamation Water and Related Resources Account. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding would be used for funding the design on Phase II of the Equus Beds Aquifer Storage and Recovery project. The project involves taking excess flood water from the Little Arkansas River (called above base flow) and depositing that water into the underground aquifer through water supply wells. This project was authorized in 2006 (P.L. 109-299).

This project is authorized for 25% federal matching and will be matched by the city.

Department of Interior—El Dorado Lake, KS: H.R. 1105, the FY 2009 Omnibus Appropriations Act contains \$619,000 for El Dorado Lake, Kansas, in the Army Corps of Engineers' Operation and Maintenance Account. The entity to receive funding for this project is the United States Army Corps of Engineers, Tulsa District located at 1645 S. 101 East Ave., Tulsa, OK 74128.

The additional funds will be used to replace tainter gate stems, dam gate trash racks, seal concrete surfaces, and paint bridge steel. The additional funds will also be used to undertake repairs to project recreation areas that were damaged during the record floods of 2007.

No matching funds are required for this Army Corps of Engineers project.

In accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to the Fiscal Year 2009 Omnibus Appropriations Act found in H.R. 1105:

I-235/US 54 and I-235/Central Ave Interchange, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$380,000 for funding for reconstruction of two interchanges

on I-235, Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

This project will provide for preliminary engineering and right-of-way costs for the reconstruction of the Kellogg (US-54) and Central interchanges on I-235 in western Wichita. The project also involves PE for the reconstruction of the facility to expand it to 6 lanes between the interchanges, a distance of 1.5 miles. The project on I-235 is in the area of Wichita that is experiencing significant population and commercial growth.

The City of Wichita will provide matching funds as required.

Redesign and Reconstruction of I-235 and Kellogg Interchange, Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$950,000 for the redesign and reconstruction of the interchange at I-235 and Kellogg in Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding used to redesign and make the necessary improvements to this interchange will improve the safety of those citizens traveling through the area and improve the traffic flow. The connection to highway I-235 from Kellogg or U.S. 54 is one of the most dangerous in the county. A shared entering and exiting merge lane onto Kellogg congests traffic as a result of its short length. The steep cover leaf curves to access and exit I-235 require a significant reduction in speed and prove to be especially treacherous when roads are wet, icy or snow-packed.

The City of Wichita will provide matching funds as required.

Advanced Materials Performance Research, National Institute for Aviation Research, Wichita State University, Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$2,375,000 for facilities and equipment at the National Institute for Aviation Research at Wichita State University. The entity to receive funding for this project is Wichita State University, located at 1845 Fairmount St, Wichita, Kansas 67260.

The funding will be used to purchase new equipment, hire technical personnel, and conduct research in the areas of metallic and composite structures, crash worthiness, and aging aircraft effects. It will expand and enhance ongoing FAA research regarding flight safety at NIAR.

No matching funds are required for this Federal Aviation Administration project.

21st Street North Railroad Overpass (Broadway to I-135), Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$380,000 for the 21st Street Railroad Overpass, Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

Funding to create an elevated roadway overpass along 21st Street North from Broadway to I-135 in order to eliminate the lengthy vehicular traffic delays and vehicle entrapment issues associated with multiple at-grade rail

crossings located along this segment of a busy east-west arterial city street. This project also connects the 21st Street Redevelopment District to the freeway system in Wichita.

The City of Wichita will provide matching funds as required.

Noise Abatement Along K96, I-235 and Meridian Avenue, Wichita, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$237,500 for the Noise Abatement K96, on I-235 project, in Wichita, Kansas. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding will be used to erect noise barriers that will lessen the adverse impact of excessive highway traffic noise in the Sherwood Glen and Meridian Gardens neighborhoods.

This project has \$1.6 million in local matching funds.

National Institute for Aviation Research (NAIR) at Wichita State University, KS: The Department of Transportation Fiscal Year 2009 Appropriations Act found in H.R. 1105 contains \$950,000 for research at the National Institute for Aviation Research at Wichita State University. The entity to receive funding for this project is Wichita State University, located at 1845 Fairmount St, Wichita, Kansas 67260.

This funding will support research, technical personnel, facilities and equipment to investigate the implementation of child restraint systems for pre-school age children traveling in public transportation systems at Wichita State's National Institute for Aviation Research (NIAR) facility.

No matching funds are required for this Federal Aviation Administration project.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. UPTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of HR 1105, the Omnibus spending bill for Fiscal Year 2009.

Requesting Member: Congressman FRED UPTON

1. Dredging of St. Joseph Harbor
Department: Army Corps of Engineers
Account: Operations & Maintenance
Legal Name of Requesting Entity: Berrien County, Michigan

Address of Requesting Entity: Berrien County Administration Center 701 Main St., St. Joseph, MI 49085

Description of Request: This request is for securing funds for dredging both the inner and outer harbor of St. Joseph, Michigan. The inner harbor is a key port for raw materials such as limestone, sand and gravel for state highways. Road and building construction projects in the area receive a majority of their aggregate materials through the three commercial docks located in this harbor. Additionally, it is a major hub for recreational boaters,

with over 1,600 boat slips. This project has been authorized through many WRDA acts, is vital to the economic viability of Southwest Michigan, and has the support of the entire community. This project is consistent with the mission of the U.S. Army Corps of Engineers, and has been authorized through multiple WRDA Acts. Maintaining commerce in St. Joseph Harbor is vital to the economic well-being of Southwest Michigan.

Amount: \$793,000

Financial Breakdown: The entirety of this funding will go towards Dredging to 21 feet in the entrance and inner channel of the harbor and 18 feet in the inner river channel and turning basin. Supplemental funds will be provided by Berrien County and local municipalities.

2. Western Michigan University Geological Carbon Sequestration Research and Education Program

Department: Energy

Account: Office of Science Biological and Educational Research Account Legal Name of Requesting Entity: Western Michigan University Address of Requesting Entity: Michigan Avenue, Kalamazoo, MI 49008

Description of Request: This request is for MICHARB, a Geological Carbon Sequestration Research and Education Program for Michigan. The program will develop partnerships with Michigan industry, energy utility companies and State and local governments to create and present educational and research programs to help government decision makers and industry leaders identify and evaluate local and regional potential for Geological Carbon Sequestration in deep Michigan geological formations. There is a national need to remain competitive in a global marketplace by motivating and training geosciences professionals skilled in the area of carbon sequestration. Our nation needs to explore all options to reduce our dependence on foreign sources of energy, and the work being done at the MGRRE is an important step toward that goal.

Amount: \$618,475

Financial Breakdown: Faculty, post doctorate, student and professional staff, 36%; materials and supplies for public outreach and K-12 classrooms, 13.6%; travel for public outreach and K-12, 5%; research analytical services and supplies, 13.6%; piggyback drilling, analysis and testing in wells, 31.8%.

3. Benton Harbor Workforce Transformation Program

Department: Labor

Account: Employment and Training Administration Training and Employment Services

Legal Name of Requesting Entity: Michigan Works Benton Harbor, MI

Address of Requesting Entity: Michigan Works, 499 W. Main St., Benton Harbor, MI 49022

Description of Request: Michigan Works, a state-supported job recruitment and training organization, is starting a job-training program designed to work in tandem with the upcoming \$500 million Harbor Shores mixed-use economic development project being undertaken by Benton Harbor. The basic workforce transformation program, which would be funded by the monies requested here, includes at least three core elements: basic skills training, including workforce literacy remediation; skills

training for in-demand, high-growth occupations; and transitional job services. All activities will be based on proven programs administered by workforce training professionals as part of the region's existing and ongoing workforce development activities. All programs will be designed to reduce the unemployment rate, increase the local labor participation rate, increase job readiness, place people into jobs, and increase per capita income. These funds are consistent with the mission of the Employment and Training Administration. Benton Harbor, Michigan is the poorest city in one of the most economically challenged states in America. The magnitude of Benton Harbor's problems is stunning—a workforce with an average 6th grade literacy level and an 80% high school dropout rate by young males. In Benton Harbor 42% of the available workers are out of the workforce, a fact exacerbated by the lack of basic skills needed to maintain employment which has only served as a barrier to attract new employers into the area.

Amount: \$381,000

Financial Breakdown: The majority of this funding (around 70%) will go to staffing services, stipends for program participants, as well as literacy remediation services. The remainder of the funding will be provided for training scholarships, community outreach, participant assessments and support services. Michigan Works will provide supplemental funds.

4. Kalamazoo Community Mental Health & Substance Abuse Services Nursing Distance Learning Initiative

Department: Health

Account: Health Resources and Services Administration—Health Facilities and Services Legal Name of Requesting Entity: Kalamazoo Community Mental Health & Substance Abuse Services Address of Requesting Entity: 3299 Gull Rd., Kalamazoo, MI 49048

Description of Request: The Kalamazoo Community Mental Health and Substance Abuse Services agency will partner with Wayne State University's School of Nursing, the only nursing school in Michigan offering an Advanced Psychiatric and Community Public Health Nurse Practitioner degree program, to bring the opportunity through the use of distance learning technology for nurses in Kalamazoo and surrounding communities to participate in this three-year program right in their home communities, rather than have to travel all the way across the State to Detroit. The plan would provide scholarships to local nurses who wish to participate in exchange for a commitment to remain in and serve their Southwest Michigan communities. Southwest Michigan is a medically underserved area, with a shortage of nurses, and a particularly acute shortage of nurses with advanced training to meet community mental health needs. The Kalamazoo Community Mental Health and Substance Abuse Services Nursing Distance Learning proposal promises to be an innovative and successful way to address this pressing need.

Amount: \$285,000

Financial Breakdown: The majority of funding for this project (around 60%) will go to nursing faculty, with supplemental funding going to polycom and video conferencing equipment, as well as scholarships for nursing students.

5. Kalamazoo/Battle Creek International Airport Terminal Improvement Project
Department: Transportation
Account: FAA—Airport Improvement Program

Legal Name of Requesting Entity: Kalamazoo Aeronautics Board of Trustees Address of Requesting Entity: 5235 Portage Road, Kalamazoo, MI 49002

Description of Request: Kalamazoo/Battle Creek International Airport is undergoing the initial planning and design phases for the construction of a new terminal building. The existing terminal, built in 1958, has undergone three expansion projects during its lifetime and is still over capacity and continues to grow. Expansion of terminal capacity and enplanement levels is critical for the airport to be able to continue to provide efficient service. Additionally, the new terminal will be a "green" building, and as such, will lower operating costs for businesses that utilize it. This request is consistent with the mission of the FAA's Airport Improvement Program. The terminal has been in the works for years, and will provide much needed economic development for Kalamazoo.

Amount: \$1,615,000

Financial Breakdown: This funding will go toward costs associated with construction of the terminal, which is a project totaling \$34,000,000. A portion of matching funds will be contributed by the Airport in the form of bonds; Airport capital; PFC funds; and State of Michigan funds.

6. Kalamazoo Metropolitan Transit Authority Facility Expansion

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: City of Kalamazoo

Address of Requesting Entity: 530 N. Rose St. Kalamazoo, MI 49007

Description of Request: The Kalamazoo Metro Transit Authority is undertaking a facility expansion to accommodate their consolidation of all mass transit in the county. The expanded facility will allow the new transit authority to more efficiently serve its riders. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: \$950,000

Financial Breakdown: Proposal includes administrative office expansion and vehicle storage for countywide demand/response program currently offered by Kalamazoo Metro Transit. Kalamazoo is providing their required matching funds.

7. St. Joseph County Bus Replacement and Software Purchase

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: St. Joseph County Transportation Authority

Address of Requesting Entity: 810 Webber Avenue, St. Joseph, MI 49093

Description of Request: The St. Joseph County Transportation Authority is seeking to replace one medium-duty bus that has met its useful life and is in need of replacement. They will also use a small part of the request for the purchase of new routing software to improve the efficiency of scheduling and bus routing. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: \$142,500

Financial Breakdown: Most of the money (\$115,000) will be used to purchase one medium duty bus. The rest of the money will be used for upgraded routing software. St. Joseph County will be providing their required matching funds.

8. Van Buren County Bus Replacement and Routing Software Purchase

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: Van Buren County Public Transit

Address of Requesting Entity: 610 David Walton Dr., Bangor, MI 49079

Description of Request: The Van Buren County Transportation Authority is seeking to replace one medium-duty bus that has met its useful life and is in need of replacement. They will also use a small part of the request for the purchase of new routing software to improve the efficiency of scheduling and bus routing. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: \$142,500

Financial Breakdown: Most of the money (\$115,000) will be used to purchase one medium duty bus. The rest of the money will be used for upgraded routing software. Van Buren County will be providing their required matching funds.

9. Niles Dial-a-Ride Bus Acquisition

Department: Transportation

Account: FTA—Bus and Bus Facilities

Legal Name of Requesting Entity: City of Niles

Address of Requesting Entity: 623 N. Second St., Niles, MI 49120

Description of Request: The City of Niles is seeking to purchase two medium-sized busses to accommodate a new route that will stop at all major retail centers between Niles, MI and South Bend, IN. This request is consistent with the mission of the FTA's Bus and Bus Facilities account.

Amount: \$228,000

Financial Breakdown: The entirety of this money will be used to purchase two medium-sized busses. The city of Niles will be providing their required matching funds.

10. Apple Fire Blight

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Fire Blight is a major threat to Michigan's apple trees and has reduced apple acreage in Michigan by an astounding 24%. Michigan and New York researchers are taking aggressive measures against fire blight including development of blight-resistant varieties and new, environmentally responsible control strategies. Finding ways to control and curb fire blight is of critical importance to apple growers in my district and elsewhere. This research is very promising, and its results will help apple growers significantly increase their yields.

Amount: \$346,000

Financial Breakdown: Approximately, \$148,000 is for the salaries of laboratory and field research personnel; and \$36,000 is for materials and supplies. Michigan State University

has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$52,500 in FY09.

12. Phytophthora Research

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Researchers at Michigan State University are leaders in the fight to control *Phytophthora capsici*, a fungal-like pathogen that lives in the soil and causes numerous plants to rot. *Phytophthora* management has been complicated by its longevity in soils (10 or more years), its ability to spread in water, its resistance to a key fungicides and lack of disease resistant varieties. Michigan State University has developed new techniques for control and resistant varieties. However, losses caused by *Phytophthora* have become so large throughout the nation in recent years that the economic viability of the vegetable industries in many states is at risk, and more research is necessary. Since 1996, researchers have leveraged private, state and federal funds to significantly advance disease management. The widespread crop loss caused by *Phytophthora capsici* will be lessened, keeping family farms and their communities viable. Spread of *Phytophthora* to new sites will be stopped. Ways to remediate/treat infested ground and water sources will be identified. Integrated management strategies that emphasize cultural methods and environmentally friendly practices will be developed.

Amount: \$346,000

Financial Breakdown: This money will provide 346,000 in funding for *Phytophthora* research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for *Phytophthora* research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension Service.

NATIONAL LINK AWARENESS MONTH

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce legislation to bring awareness to the link between animal cruelty and other forms of societal violence by designating the month of May 2009 as National Link Awareness Month.

This resolution would highlight the need for more attention and resources to be focused on how violence toward animals is indicative of other violent tendencies. By investigating the link further, information could be gathered that will help mitigate societal violence.

Psychological, sociological, and criminological studies have shown that violent offenders frequently had a history of abusing

animals during their childhood and adolescence. The FBI has recognized the connection since the 1970s, when its analysis of the lives of serial killers suggested that most had killed or tortured animals as children. Research has also shown patterns of animal cruelty among perpetrators of child abuse, spousal abuse, and elder abuse. In fact, the American Psychiatric Association considers animal cruelty one of the diagnostic criteria of conduct disorder.

The link between animal abuse and domestic violence is a recognized fact. Each year, defenseless pets face the sad and disturbing reality that they will be victims of cruelty and abuse. Domestic abusers commonly torture or kill family pets as a method of exerting control and ensuring submission. This causes victims, children and adults alike, to remain in violent households in order to ensure their beloved pets are not harmed further.

Research indicates that children who are exposed to domestic violence are nearly three times more likely to mistreat animals than children who are not exposed to such violence. Tragically, this behavior is often symptomatic of future abuse toward other animals or human beings. Significant research documents a relationship between childhood histories of animal cruelty and patterns of chronic interpersonal aggression.

Due to the correlation between animal abuse and other forms of family and community violence, animal abuse must be taken very seriously. Human services, animal services, and law enforcement agencies must share resources and expertise to address animal and human related violence in communities. By effectively and comprehensively addressing the link between violence toward animals and other forms of societal violence, we can learn information that will help stop violence in the home as well as the community at large.

Madam Speaker, I urge my colleagues to support the designation of May 2009 as National Link Awareness Month so that more awareness will be brought to the link between animal cruelty and other forms of violence in society.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Operations & Maintenance

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured \$2,483,000 for Maintenance Dredging at Port Manatee.

Funding will be used to perform maintenance dredging as needed (generally not every year). The funds being requested are appropriated in the Corps of Engineers' O&M Account but are entirely derived from the Harbor Maintenance Trust Fund (HMTF). The Trust Fund is financed by a Harbor Maintenance Tax of 1/8 of one percent of the value of imports and domestic traffic and this generates considerably more than the amount actually appropriated by Congress each year for the navigation projects. The requested funds are needed to restore full project dimension of the Phases I and II work.

The Fiscal Year 2009 federal budget for the Army Corps of Engineers includes \$2.6 million for Manatee Harbor O&M.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured \$478,000 for a General Reevaluation Report (GRR) on Tampa Harbor.

The GRR is studying the need for improvements to the Tampa Harbor in order to meet projected increases in international commerce. As Florida's largest port (in tonnage), Tampa Port handles in excess of 50 million tons of cargo annually and is West Central Florida's largest economic engine contributing billions of dollars annually to the 7 county region surrounding Tampa Bay. Port Manatee supports 22,000 jobs and has a total economic impact of \$2.3 billion. As changes in the global shipping market evolve, both Tampa and Manatee Ports must be able to accommodate modern international vessel fleets which require deeper draft. The GRR will determine the national economic feasibility of further improvements to the Tampa main federal channel.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Florida Hospital—Wauchula

Address of Requesting Entity: 533 West Carlton Street, Wauchula, FL 33873

Description of Request: I secured \$95,000 to support the expansion and renovation of the emergency department. This initiative is vital to the health care infrastructure and clinical services available to Hardee County and the surrounding communities.

Florida Hospital Wauchula is a 25 bed facility specializing in emergency, outpatient and transitional care. In 2000, we became the first Critical Access Hospital in the state of Florida in an effort to enhance the health care services provided to our rural service area. The hospital employs 91 full-time staff, including 5 physicians on General Medical Staff. In addition to our 7-bed emergency department, Wauchula offers diagnostic imaging and lab services and a transitional care unit with short-term skilled nursing and rehabilitation services.

As a rural community with limited medical resources, Hardee County relies on Florida

Hospital Wauchula to provide high quality health care. The emergency department handles over 12,000 visits per year; a volume that taxes the facilities capacity to its limit.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Energy—EERE

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd., Sarasota, FL 34236

Description of Request: I secured \$951,500 for a Renewable/Alternative Energy Center in Sarasota County.

Sarasota County is an established national leader in energy efficient practices as evidenced by its green building and sustainability policies, as well as its private sector and develop alternative energy and green building initiatives. The County will commit its resources to partner with the federal and state governments, universities and the private sector to construct a zero-energy LEED Platinum certified green building to house the Center. This collaboration will promote the application of alternative energy technologies to protect the public safety and welfare of our citizens and communities and contribute to the future sustainability of our state and nation.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Bradenton

Address of Requesting Entity: 100 10th Street West, Bradenton, FL 34205

Description of Request: I secured \$200,000 for the City of Bradenton Police Cruiser In-Car Video System.

The City of Bradenton proposes to install in-car video systems for every police cruiser in its fleet. This project not only protects the officer but assists the State's Attorney's Office in case prosecution as evidence collection will be enhanced.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 1105:

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Interior and Environment; Fish and Wildlife Service; Land Acquisition (LWCF)

Legal Name of Requesting Entity: New Jersey Audubon Society

Address of Requesting Entity: 142 West State Street, 4th Floor, Trenton, NJ 08608

Description of Request: \$1.5 million towards the purchase of 80 acres, known as the Sinnickson Tract, adjacent to Supawna Meadows National Wildlife Refuge from existing willing sellers. The tract is located on Block 4701,

Lot 23 in Pennsville, Salem County, New Jersey.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Interior and Environment; National Park Service; Save America's Treasures
Legal Name of Requesting Entity: Mid-Atlantic Center for the Arts

Address of Requesting Entity: 1048 Washington Street, P.O. Box 340, Cape May, NJ 08204

Description of Request: \$100,000 to create a new, major impact heritage tourism product for the New Jersey Cape by restoring and opening to the public the World War II coastal artillery lookout tower, Fire Control Tower No. 23, located on Sunset Boulevard near Cape May Point. The Tower was listed on the New Jersey Register of Historic Places on May 29, 2003 and on the National Register on Nov. 17, 2003.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Labor, HHS, Education; Department of Education; Higher Education (includes FIPSE)

Legal Name of Requesting Entity: Atlantic Cape Community College

Address of Requesting Entity: 5100 Black Horse Pike Mays Landing, NJ 08330

Description of Request: \$381,000 to be used for the purchase of equipment and technology for the Science Technology Engineering and Math (STEM) Center to be constructed on the campus. The STEM Center will house programming for allied health, food science, life and physical science.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Labor, HHS, Education; Department of Health and Human Services; Health Resources and Services Administration (HRSA); Health Facilities and Services

Legal Name of Requesting Entity: The Children's Hospital of Philadelphia, Atlantic County Specialty Care Center in Mays Landing, New Jersey

Address of Requesting Entity: The Children's Hospital of Philadelphia, 2535 Market Street, Suite 1300, Philadelphia, PA 19104

Description of Request: \$95,000 to be used to provide safety/communications, medical and educational equipment for the hospital's Children's Intensive Emotional and Behavioral Program (CIEBP). This program is a full day partial hospital program that integrates schooling, rehabilitation services, and psychiatric treatment for preschool and school aged children. It is the only psychiatric partial hospital program for children 5-12 with severe emotional and behavioral disorders in the Atlantic and Cape May county region.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science; Department of Commerce; NOAA—National Marine Fisheries Service Operations, Research and Facilities

Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science (PMAFS)—Recreational Fishing Alliance

Address of Requesting Entity: P.O. Box 3080, New Gretna, NJ 08224

Description of Request: \$1 million for a Summer Flounder Initiative which will utilize academic, recreational and commercial fisheries resources to address the management of summer flounder in the Mid-Atlantic region. This Initiative will address science issues relevant to the improved understanding of summer flounder recruitment, population demographics and discard mortality.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science; Department of Justice; OJP—Juvenile Justice

Legal Name of Requesting Entity: Police Athletic League (PAL) of New Jersey

Address of Requesting Entity: 180 South Street, Freehold, NJ 07728

Description of Request: \$1,500,000 to fund a statewide afterschool program consisting of athletics, recreation, education and cultural awareness for youth age 8 to 16 with the goal of deterring juvenile crime.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science; Department of Justice; OJP—Juvenile Justice

Legal Name of Requesting Entity: Drug Abuse Resistance Education (DARE) New Jersey

Address of Requesting Entity: 292 Prospect Plains Road, Cranbury, NJ 08512

Description of Request: \$200,000 to fund in-the-classroom programs led by police officers to educate students to avoid drugs, gangs and violence.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$2,967,000 for ongoing construction of the Great Egg Harbor to Peck Beach Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$1,914,000 for ongoing construction of the Absecon Island Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$2,297,000 for ongoing construction of the Cape May Inlet to Lower Township Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$1,340,000 for ongoing construction of the Townsends Inlet to Cape May Inlet Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Description of Request: \$239,000 for construction of the Great Egg Harbor to Townsends Inlet Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Description of Request: \$77,000 for ongoing construction of the Brigantine Island Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Description of Request: \$144,000 for ongoing construction of the Lower Cape May Meadows Environmental Restoration project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02) Bill Number: HR 1105

Account: Army Corps; Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building 100 Penn Square East Philadelphia, PA 19107-3390

Description of Request: \$2,967,000 for ongoing construction of the Great Egg Harbor to Peck Beach Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Army Corps; CAP

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: Authority to continue construction of the Pennsville small flood control project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; CAP

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: Authority to continue construction of the Pine Mount Creek project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$96,000 for ongoing study of the Hereford Inlet to Cape May Inlet Shore Protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; Investigation

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$96,000 for ongoing study of the New Jersey Shoreline Alternative Long Term Nourishment project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$226,000 for maintenance dredging of the Cold Spring Inlet.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$65,000 for maintenance dredging of the Salem River.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$124,000 for maintenance dredging of Absecon Inlet.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Army Corps; O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107-3390

Description of Request: \$888,000 for maintenance dredging of the New Jersey Intercoastal Waterway.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: Small Business Administration, Salaries and Expenses Legal Name of Requesting Entity: Richard Stockton College

Address of Requesting Entity: PO Box 195, Pomona, NJ 08240

Description of Request: \$100,000 to attract small and disadvantage business to the Aviation Research and Technology Park.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: HUD, EDI

Legal Name of Requesting Entity: Atlantic County

Address of Requesting Entity: 1333 Atlantic Ave., Atlantic City, NJ 08401

Description of Request: \$142,500 to construct facilities at the Aviation Research and Technology Park.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: HUD, EDI

Legal Name of Requesting Entity: Covenant House New Jersey

Address of Requesting Entity: 929 Atlantic Ave., Atlantic City, NJ 08401

Description of Request: \$118,750 to assist in the construction of the Nancy's Place project, a facility to house and treat at-risk youth with mental illnesses.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: FRA, Rail Line Relocation and Improvement

Legal Name of Requesting Entity: Salem County

Address of Requesting Entity: 94 Market Street, Salem, NJ 08079

Description of Request: \$950,000 to assist in the rehabilitation of the county owned short rail line.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: FAA, AIP

Legal Name of Requesting Entity: Atlantic City International Airport

Address of Requesting Entity: 101 Atlantic City Intl Airport, Suite 106, Egg Harbor Twp, NJ 08234

Description of Request: \$712,500 to assist in the relocation and consolidation of the fire rescue and dispatch operations center.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: FHWA, TCSP

Legal Name of Requesting Entity: South Jersey Economic Development District

Address of Requesting Entity: 226 N. High Street, Suite A, Millville, NJ 08332

Description of Request: \$237,500 to assist in the construction of the Egg Harbor City Transit Hub.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: HR 1105

Account: USDA, CSREES

Legal Name of Requesting Entity: Rutgers University

Address of Requesting Entity: Marucci Center, 125A Lake Oswego Road, Chatsworth, NJ 08019

Description of Request: \$451,000 for ongoing research into cranberry and blueberry breeding and disease resistance.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SULLIVAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations act of 2009.

Bill Number: H.R. 1105

Account: Department of Energy/Science/Biological and Environmental Research

Legal Name of Requesting Entity: The University of Tulsa

Address of Requesting Entity: 800 South Tucker Drive, Tulsa Oklahoma 74104

Description of Request: Provide an earmark of \$713,625 to develop national energy policy recommendations and to support research devoted to determining the most cost effective means of reducing dependence on foreign energy. Matching funding is not applicable to this project as it is a state institution of higher learning. However, there is already \$500,000 in state funds and at least \$500,000 in funds contributed by the George Kaiser Family Foundation to the overall project.

Bill Number: H.R. 1105

Account: Department of Justice/Juvenile Justice Programs Part E—Demonstration Projects

Legal Name of Requesting Entity: Tulsa Public Schools.

Address of Requesting Entity: 3027 South New Haven, Tulsa Oklahoma 74114

Description of Request: Provide an earmark of \$500,000 to help establish a Tulsa Public Schools police force to reduce incidents of on campus violent offenses, drug use, gang activity and gun possession. Matching funding is not applicable to this project as it is a public school.

Bill Number: H.R. 1105

Account: Department of Education/Elementary and Secondary Education

Legal Name of Requesting Entity: Tulsa Public Schools.

Address of Requesting Entity: 3027 South New Haven, Tulsa Oklahoma 74114

Description of Request: Provide an earmark of \$285,000 to help establish a comprehensive education plan for at-risk students in the Tulsa Public School System. Matching funding is not applicable to this project as it is a public school.

Bill Number: H.R. 1105

Account: Department of Education/Elementary and Secondary Education

Legal Name of Requesting Entity: Jenks Public School System

Address of Requesting Entity: 205 East B Street, Jenks Oklahoma 74037

Description of Request: Provide an earmark of \$190,000 to implement a reading initiative program for at-risk students in the Jenks Public School System. Matching funding is not applicable to this project as it is a public school.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration/Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University-Center for Health Sciences
Address of Requesting Entity: 1111 West 17th Street Tulsa, Oklahoma 74107

Description of Request: Provide an earmark of \$285,000 to develop a system of mobile clinics that will bring health care access to some of Oklahoma's most remote areas. Matching funding is not applicable to this project as it is a state institution of higher learning.

Bill Number: H.R. 1105

Account: Health Resources and Services Administration/Health Facilities and Services

Legal Name of Requesting Entity: Oklahoma State University-Center for Health Sciences
Address of Requesting Entity: 1111 West 17th Street Tulsa, Oklahoma 74107

Description of Request: Provide an earmark of \$333,000 to bring the latest telemedicine technology infrastructure to all areas of the state, and ensure access to quality health care. Matching funding is not applicable to this project as it is a state institution of higher learning.

Bill Number: H.R. 1105

Account: Transportation, Community and System Preservation

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 North East 21st Street, Oklahoma City, Oklahoma 73105

Description of Request: Provide an earmark of \$380,000 to reconstruct the I-244 Bridge over the Arkansas River in Downtown Tulsa, Oklahoma. Matching funding is not applicable to this project as it is a unit of state government.

Bill Number: H.R. 1105

Account: Transportation, Community and System Preservation

Legal Name of Requesting Entity: Oklahoma Department of Transportation

Address of Requesting Entity: 200 North East 21st Street, Oklahoma City, Oklahoma 73105

Description of Request: Provide an earmark of \$570,000 to reconstruct the I-44 Bridge and interchange in Tulsa, Oklahoma. Matching funding is not applicable to this project as it is a unit of state government.

Bill Number: H.R. 1105

Account: Buses and Facilities

Legal Name of Requesting Entity: Metropolitan Tulsa Transit Authority

Address of Requesting Entity: P.O. Box 52488 Tulsa, Oklahoma 74152

Description of Request: Provide an earmark of \$712,500 for public transit vehicles and equipment and expansion of service for Tulsa Transit in Tulsa, Oklahoma. Matching funding is not applicable to this project as it is a unit of local government.

Bill Number: H.R. 1105

Account: Surface Transportation Priorities

Legal Name of Requesting Entity: City of Owasso, Oklahoma

Address of Requesting Entity: P.O. Box 180, Owasso, Oklahoma 74055

Description of Request: Provide an earmark of \$ 1,045,000 for continued funding for the U.S. Highway 169 widening project in Owasso, Oklahoma. Matching funding is not applicable to this project as it is a unit of local government.

HONORING LOU HERWALDT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Lou Herwaldt upon being awarded with the "2009 Leon S. Peters Award." Mr. Herwaldt was honored at a luncheon held by the Greater Fresno Area Chamber of Commerce on February 18, 2009.

The Herwaldt name has had a lasting significance in the Fresno community. For almost sixty years Lou Herwaldt has been providing vehicles, service and employment to the residents of the Central Valley. In 1955, Mr. Herwaldt went to work for Frank J. Saunders dealership and after nearly twenty years he decided to establish his own firm. In 1969, Mr. Herwaldt opened Sierra-Chrysler Plymouth. In forty years, his dealerships have represented ten auto models, including Oldsmobile, Mercedes Benz, Subaru and Saturn. Throughout his career, he has excelled at all levels and was even named to serve on the General Motors President's Council; he served in the group that developed the new "Saturn" brand for General Motors.

Mr. Herwaldt has also been an active member in the Fresno community. He served thirteen years on the Board of Fresno Community Hospital, including seven years as Chairman. He was instrumental to the formation of the present multi-campus Community Regional Medical Center. He has been a member of the North Fresno Rotary Club for forty years and served as president. Mr. Herwaldt has chaired the boards for the Fresno Leadership Foundation and Fresno Youth for Christ. He has served on the boards of the Fresno Better Business Bureau and Master's College in Castaic, California. Finally, Mr. Herwaldt is a board member of the Fansler Foundation and founded the Herwaldt Foundation, primarily supporting faith-based charitable organizations. He has received many accolades for his contributions including being named the 2002 St. Agnes Hospital Benefactor of the Year.

Madam Speaker, I rise today to honor the accomplishments of Lou Herwaldt. I invite my colleagues to join me in honoring his accomplishments and wishing him the best in future endeavors.

TRIBUTE TO THE WOODS FAMILY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to offer my congratulations to the

entire Woods family for their selection as recipients of the NEBRASKAland Foundation's Distinguished Nebraskalander Award for their service to our state's historical, cultural, and economic well-being.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

The multi-faceted accomplishments the Woods family have achieved and contributed through seven generations of private business, humanities, leadership and philanthropy is to be commended. Nebraska's cultural history is something we should be proud of, and I thank the Woods family for their dedication.

Their example should inspire us, and we owe them a debt of gratitude for their dedication and sacrifice.

TRIBUTE TO DR. JOHN GROBMYER TEDFORD

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend, Dr. John Grobmyer Tedford. His successes are many, but it is his outstanding service to the field of medicine that demands recognition. I am proud to honor Dr. Tedford for his lifetime of service to his patients, his community and our country.

Dr. Tedford was born in Little Rock, Arkansas in 1941 to William L. Tedford and Dorothy Grobmyer Tedford. Aside from his time in college and serving our country in Vietnam, he spent his entire life in Little Rock. He attended Hall High School but graduated from Forrest City High School after Governor Orval Faubus closed Little Rock's high schools in 1958-59 during the school integration struggle. He later went to college to study pre-med at the University of Arkansas at Fayetteville. At the age of 20, he went to the University of Arkansas School of Medicine and received his medical degree in 1966. After meeting through some mutual friends, Tedford married Judy Stoltz on October 28, 1993.

Dr. Tedford was a simple man who avoided fancy material possessions. Instead, he preferred to go to his favorite place, which was a cedar house his family built for him and spend time with nature. He especially enjoyed bass fishing and turkey and duck hunting. In addition, he enjoyed playing doubles tennis with his wife.

Although Tedford enjoyed sports and hunting, his patients were always his first priority. For example, in 1968 he joined the Navy and asked to be sent to Vietnam with the Marines to serve as a doctor, taking care of sick and injured troops. While in Vietnam, Tedford and his battalion were struck by a bomb. Despite his severe injuries, he refused to be evacuated and continued to treat the injured soldiers until he lost consciousness from internal bleeding. For his valiant efforts he was awarded the Bronze Star and a Purple Heart.

Dr. Tedford embodies the old fashioned values of service, leadership and commitment to

his community that has made our State and our Nation great. He has dedicated his life to serving people and we are grateful for the impact he left on the lives of all he touched. He will be greatly missed.

EARMARK DECLARATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROYCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Office of Justice Programs—Byrne Discretionary Grants Account

Legal Name Requesting Entity: The City of Westminster

Address of Requesting Entity: 8200 Westminster Blvd, Westminster, CA 92683

Description of Request: Provide \$312,200 in FY 2009 to be used for the Criminal Enterprise Initiative, following the Year 1 federal funding provided in 2008. The detectives assigned to the Little Saigon Substation are already in operation, specifically focusing on identifying, investigating and dismantling criminal enterprises, having both national and international implications, within the Little Saigon area. Under this project, the Westminster Police Department's Crimes Against Public Unit occupies office space within the Little Saigon district of Westminster, placing a powerful "investigative engine" into the heart of the area where Asian Criminal Enterprises operate. The total cost of project is \$1,061,181 (local match of \$748,981). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange, California, Watershed and Coastal Resources Division

Address of Requesting Entity: 300 North Flower Street, Santa Ana, CA 92702

Description of Request: Provide \$2,612,500 to complete the restoration of the Upper Newport Bay being conducted by the U.S. Army Corps of Engineers. The funding will be used for dredging costs. The ecosystem restoration project has started with the \$14.7 million of federal funding received for the project through the U.S. Army Corps of Engineers since FY03. The project includes dredging 2.3 million cubic yards total, dredging sediments basins and side channels, restoring estuarine and other habitats, and creating a new Least Tern island. The Upper Newport Bay is one of the last remaining coastal wetlands in Southern California, and continues to play a significant role in providing critical habitat for a vari-

ety of migratory waterfowl, shorebirds and many threatened and federally endangered species. It will improve the bay's water quality by reducing sediment inflows and algal blooms, and will preserve Federal navigation channels. The project has significant support at the local, state, and national level, including the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The project was authorized by Congress in the Water Resources Development Act of 2000 (P.L. 106-541, Section 101), and is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction Account. The County of Orange, CA has already made available the 35 percent local cost share required for the project. The County received a \$13,000,000 Coastal Conservancy Grant, which it has front-loaded for the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Higher Education FIPSE

Legal Name of Requesting Entity: Cal State University, Fullerton

Address of Requesting Entity: 800 North State College Blvd, Fullerton, CA 92834

Description of Request: Provide \$238,000 in FY 2009 to establish the Center for the Advancement of Teaching and Learning in Mathematics and Science (CATLMS). The proposed center addresses a national problem. One of the core drivers of innovation in the U.S. is its strength in STEM disciplines. Yet, in an increasingly interconnected world, the U.S. has not been keeping pace with its economic competitors. Federal investment would be used for the initial phase to carry out research studies, pursue external funding, and develop collaborations with private sector parties, educational institutions, and governmental agencies. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative ED ROYCE

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Higher Education FIPSE

Legal Name of Requesting Entity: Cal State University, Fullerton

Address of Requesting Entity: 800 North State College Blvd, Fullerton, CA 92834

Description of Request: Provide \$238,000 in FY 2009 to build upon existing intermediate level language courses to develop a full Bachelor's Degree program, a Minor, and an International Business Sequence in Vietnamese Language and Culture designed to prepare a new generation of Vietnamese Americans and others to take advantage of the rapidly growing business and professional opportunities resulting from trade between the United States and Vietnam. Project Funding details included: Faculty salaries \$237,594; Graduate assistants—20 hrs/week/term \$70,862; Materials—resource & language lab/library \$162,519; Internships \$137,500; and Facilities & Administration (IDC) \$91,525. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Representative Ed Royce

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Federal Transit Administration (FTA) Bus & Bus Facilities

Legal Name of Requesting Entity: The City of Anaheim

Address of Requesting Entity: 200 S. Anaheim Blvd, Ste 733, Anaheim, CA 92805

Description of Request: Provide an earmark of \$2,612,500 in FY 2009 to be used toward the completion of the Anaheim Regional Transportation Intermodal Center (ARTIC). ARTIC will be the premier transportation hub serving international tourist destinations that are major contributors to the state and national economies. In 2006, Orange County Transportation Authority (OCTA) acquired the necessary property with \$32 million in local funds and launched the master planning effort for the site with the City of Anaheim, which contributed \$6 million of city-owned property located adjacent to the ARTIC. In addition, a recent voter-approved sales tax extension assures that OCTA will be able to direct a \$2 billion, 30-year revenue stream for improved rail service serving ARTIC. The federal funding requested for FY 2009 will support preliminary engineering and environmental study. This request is consistent with the intended and authorized purpose of the FTA Bus & Bus Facilities Account. The total project cost is estimated at \$245 million. The City of Anaheim has previously received \$600,000 in the FY 2008 Transportation Appropriations bill and will provide a minimum 20% local cost share toward the project's cost. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE FIRST GRADUATING CLASS OF THE RIVERS CORRECTIONAL INSTITUTION RESIDENTIAL DRUG ABUSE PROGRAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. NORTON. Madam Speaker, I rise to ask the House to join me in congratulating the first graduating class of the Rivers Correctional Institution Residential Drug Abuse Program for meeting the high standards required for graduation. I am delighted at your success. I targeted the admission of District of Columbia residents to the drug treatment program as the highest priority at our first hearing since DC residents were transferred to the Bureau of Prisons (BOP) facilities. The reason drug treatment has been the priority issue is because drug abuse is a core reason many residents go to prison in the first place, and drug abuse is a primary reason why many return to prison.

As today's graduates know, many BOP inmates who need the drug treatment you have received cannot be accommodated under the BOP's existing appropriations. You have been fortunate to be accepted into the program, and you have shown yourselves to be worthy of admission by being the first DC residents to graduate from Rivers' new program. Because

you have benefitted while many others could not, our expectations of you are great. In return for being among the few who have been admitted to the program, we ask you to remain drug free and to resolve to never see the inside of a prison again. You can do it now.

We know, of course, that you will come home at a time when people without felony records are being laid off and when we in the Congress are still working to find a solution to today's unprecedented economic crisis. Finding work and staying clean may be harder when you come home than when you left. But as pioneers and achievers, I believe in you, and I believe that you will set the example for others who need the program by fighting with determination to surmount any obstacles you may find.

Your own families and close friends are perhaps the only people who, I believe, will be more pleased than I will be to see you when you return. I hope that each of you will stop by my office here in the Rayburn House Office Building at some point to receive my personal congratulations and to have your picture taken with me, especially since, regrettably, I cannot be present in person to see you graduate. Please know that I am proud of the important achievement which you mark with today's graduation ceremony. It is one of the most important milestones of your life so far. Your graduation from the program is so important to me and to the District of Columbia that I will commemorate today's ceremony and your graduation by placing these congratulatory remarks in the Congressional RECORD when Congress returns from its week-long recess that began last Friday.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform among House Republicans, I am committed to honoring House Republican rules that provide for greater transparency. H.R. 1105 The Fiscal Year 2009 Omnibus Appropriations contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: COPS—Methamphetamine Enforcement and Clean-up Grants

Legal Name Requesting Entity: Tennessee Bureau of Investigation—Tennessee Methamphetamine Task Force

Address: 901 R.S. Gass Blvd., Nashville, TN 37216—2369 c/o: 1110 Market Street, Suite 332, Chattanooga, TN 37402

Description of Request: The Tennessee Bureau of Investigations and the Tennessee Methamphetamine Task Force requested funding for the comprehensive effort to operate a state-wide methamphetamine task force system in Tennessee and received \$2.4 million. The Tennessee Methamphetamine Task Force will train and equip local law enforcement officers throughout the State of Tennessee as a cooperative effort to combat this growing problem. Over the past several years, the use, production, and distribution of meth-

amphetamine has proliferated throughout the State of Tennessee. Due to lack of funding, law enforcement has been frustrated in its efforts to adequately address this problem. The program is designed to reduce the manufacture, distribution and use of methamphetamine both domestic and foreign in Tennessee. The intelligence programs provided by the Meth Task Force allow the limited resources of federal, state and local law enforcement agencies to strategically identify and dismantle or destroy the most significant offenders and their organizations. The emphasis will remain on providing 24 hour response to state and local law enforcement agencies fighting the methamphetamine epidemic. The Tennessee Meth Task Force has earned a reputation as one of the most active and innovative task forces operating in the country.

Distribution of funding:

Supplies—21%

Personnel—15%

Travel—20%

Equipment—12%

Training/Communications/Staffing—32%

Requesting Member: Rep. ZACH WAMP

Account: Department of Justice Byrne Discretionary Grant Program

Legal Name Requesting Entity: City of Chattanooga

Address: 101 East 11th Street, Chattanooga, TN 37402

Description of Request: The City Council of Chattanooga and the Mayor of Chattanooga requested funding to assist in offsetting the expense associated with relocating the local law enforcement firing range and received \$550,000. In 2003, President Bush signed legislation establishing Moccasin Bend National Archeological District on Moccasin Bend. The formation of the national park on Moccasin Bend and the planned interpretive visitor's center requires that the local law enforcement's firing range be moved to another site. The firing range has been in use by local law enforcement agencies for decades for training. The cost of such a move will be born by local governments.

Distribution of funding:

Target systems and portable steel armory—50%

Modular rifle and sniper training platform with protection package—22%

Specialty weapons and ammunition—20%

Training supplies—8%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: FAA, Airport Improvement Program

Legal Name Requesting Entity: Chattanooga Metropolitan Airport Authority

Address: 1001 Airport Rd., Suite 14, Chattanooga, TN

Description of Request: The Chattanooga Metropolitan Airport Authority and Board of Directors requested funds that will be used to relocate and reconstruct Taxiways Alpha, Bravo and Charlie to meet current safety requirements and will receive \$1,187,500 for this project. The Chattanooga Airport runway pavement is more than 30 years old, exceeding the 20–25 year life span for which it was intended. As a result, Taxiway Alpha does not meet Federal Aviation Administration design requirements. These funds will significantly im-

prove the safety of the Chattanooga Airport so that it can remain an asset to regional economic development.

Distribution of funding:

Engineering—13%

Lighting—10%

Site Work—23%

Horizontal Work—52%

Paint Marking—2%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: FTA, 5309 Federal Bus and Bus Facilities

Legal Name Requesting Entity: East Tennessee Human Resource Agency

Address: 9111 Cross Park Drive, Suite D—100, Knoxville, TN

Description of Request: The East Tennessee Human Resource Agency (ETHRA) Policy Council requested funds to purchase new wheelchair accessible vehicles to replace an aging fleet. ETHRA will receive \$1,425,000 with a \$170,000 match in state and local funds for this project. Currently, the East Tennessee Human Resource Agency has a fleet of 125 vehicles, of which 40 have over 300,000 miles and are in need of replacement. ETHRA manages a rural transportation program for 16 East Tennessee counties which transports disabled citizens to life sustaining services such as medical appointments and procedures. These new vehicles will serve as a lifeline for disabled citizens to live independently, meeting a critical need in East Tennessee communities.

Distribution of funding:

Purchase of wheelchair accessible vehicles—100%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: FHWA: Surface Transportation

Legal Name Requesting Entity: The Enterprise Center

Address: 1250 Market Street, Suite 3020, Chattanooga, TN

Description of Request: The City of Chattanooga's center for economic development initiatives, The Enterprise Center, requested funds for completion of the High-Speed Ground Transportation/Maglev Feasibility Study in the Chattanooga-Nashville Corridor that has already been approved by Congress and will receive \$570,000 for this project. These funds will be used to coordinate with the U.S. Federal Railroad Administration and Volpe National Transportation Research Center to complete all elements of the study which include further engineering in relation to high speed rail ascending the Cumberland Plateau, development of more detailed ridership and revenue information that will provide a basis for development of a financial plan for the project, and supplemental outreach to the state and in the corridor for public/private partnerships potential. Funds will also be used to begin work on an Environmental Impact Statement for the corridor. The Chattanooga-Nashville Corridor will be an extension of the Atlanta-Chattanooga corridor creating a seamless corridor between Atlanta and Nashville to address airport capacity issues in the region. Chattanooga's Lovell Field currently has unused capacity for additional enplanements, while Atlanta's Hartsfield-Jackson Airport is overcrowded as the nation's busiest air hub.

High-speed connections between the Atlanta, Chattanooga and Nashville airports are necessary, as recommended by the State of Georgia's Joint Study Committee on Transportation Funding.

Distribution Funding:

Salaries, wages, benefits and taxes—23.51%

Professional Fee/Contractors—57.33%

Office Supplies and maintenance—3.29%

Travel/Conferences and Meetings—9.53%

Indirect Costs—6.34%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name Requesting Entity: City of Oak Ridge

Address: 200 South Tulane, Oak Ridge, TN
Description of Request: The Oak Ridge City Council and Oak Ridge Mayor Torn Beehan requested funds to support the Oak Ridge Community Development Initiative in bringing economic development to the Highland View neighborhood and will receive \$237,500 for this project. This neighborhood is one of the most economically depressed areas in the city. The housing was built over 50 years ago and was originally intended to be temporary housing. Funds will be used to construct new housing, assess structural integrity of housing units and provide a city-run grant program for neighborhood residents to renovate their WWII-era homes.

Distribution of funding:

Land Acquisition—21%

Relocation—18%

Demolition—2%

Construction—51%

Administration and Overhead—8%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name Requesting Entity: Hamilton County

Address: Hamilton County Government Room 208 Courthouse, Chattanooga, TN

Description of Request: Hamilton County Mayor Claude Ramsey and the County Commission requested funding to construct a workforce training center that will support industries locating at the Enterprise South Industrial Park. Hamilton County will receive \$380,000 for this project. The Center for Advanced Manufacturing Technology will deliver hands on training in industry specific, high technology manufacturing skills to area residents that are critical to the 21st century workforce.

Distribution of Funds:

Site preparation—20%

Architectural and engineering—15%

Construction management—10%

Materials and labor—35%

Utilities—10%

Fixtures, furnishings, and equipment—10%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: The Enterprise Center

Address of Requesting Entity: 1250 Market Street, Suite 3020, Chattanooga, TN 37402

Description of Request: The City of Chattanooga's center for economic development

initiatives, The Enterprise Center, requested funds to promote the Enterprise Center's Technology Development and Transfer initiatives focusing on advanced transportation and alternative energy. The Enterprise Center will receive \$700,000 to allow the Center to continue to strengthen efforts to connect advanced technology developed within the Department of Energy National Laboratory system with public and private sector organizations, as well as other innovative technology transfer initiatives to promote additional jobs and economic growth in the Tennessee Valley Corridor. The Enterprise Center Technology Development and Transfer Office serves an important role in the local, state, regional, and national economy in mining technologies, innovations, and patents at resource institutions and transferring these innovations to the public.

Distribution of funding:

Direct Program Expenses—85%

Indirect Costs—15%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Education, FIPSE

Legal Name of Requesting Entity: Cleveland State Community College

Address of Requesting Entity: 3535 Adkisson Drive, Cleveland, TN 37320

Description of Request: Cleveland State Community College, a public college, requested funds to support workforce development for the energy efficiency construction industry and to promote economic growth in the region. Cleveland State Community College will receive \$328,000 for curriculum development and purchase of equipment to expand energy efficiency concepts and training by including other forms of alternative energy, such as biofuels. In 2005 Cleveland State Community College developed an Energy Efficient Residential Construction program, which trains students in the proper uses of materials and technologies, including installing and operating photovoltaic (PV) solar panel systems.

Distribution of funding:

Program Management and Curriculum—62.5%

Demonstrations and Equipment—18.36%

Outreach—19.13%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), Research and Demonstration

Legal Name of Requesting Entity: Medical Foundation of Chattanooga

Address of Requesting Entity: 1917 East Third Street, Chattanooga, TN 37404

Description of Request: The Medical Foundation of Chattanooga, a non-profit foundation, requested funds for the Project Access initiative to provide health care services to uninsured residents of Hamilton County, Tennessee. The Medical Foundation of Chattanooga will receive \$190,000 and matching funds of 5% will be dedicated to the project. Project Access staff and volunteer physicians provide essential health care services, including both primary and specialty care to these uninsured individuals to allow them to continue working and supporting their families.

Distribution of funding:

Personnel—75%

MIS Systems Expansion/Upgrade—6.25%

Other Operational Costs—18.75%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: St. Mary's Jefferson Memorial Hospital

Address of Requesting Entity: 120 Hospital Drive, Jefferson City, TN 37760

Description of Request: Jefferson County Mayor Alan Palmieri and the Board of St. Mary's Jefferson Memorial Hospital, a non-profit hospital, requested funds to upgrade the hospital's emergency facilities and to purchase equipment. St. Mary's Jefferson Memorial Hospital will receive \$523,000 and matching funds of 5% will be dedicated to the project. St. Mary's Jefferson Memorial Hospital is the sole community hospital for Jefferson County, Tennessee. Expanded emergency and other critical equipment are greatly needed to provide essential health care services in the county.

Distribution of funding:

Emergency Department Equipment—52%

Intensive Care Unit Equipment—48%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Department of Health and Human Services—Health Resources and Services Administration

Legal Name of Requesting Entity: Lincoln Memorial University

Address of Requesting Entity: 6965 Cumberland Gap Parkway, Harrogate, TN 37752

Description of Request: The Board of Lincoln Memorial University, a private, non-profit university, requested funds to support the acquisition of medical simulation technology and for the training of faculty members in the use of that simulation technology. Lincoln Memorial University will receive \$433,000 and matching funds of 5% will be dedicated to the project. The Lincoln Memorial University nurse anesthesia program will play a critical role in strengthening the competencies of community hospitals and healthcare providers in our region.

Distribution of funding:

Human Patient Simulators—56%

Technology and hardware to support simulation capabilities—17%

Other equipment and technology costs—27%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: National Park Service, Construction

Legal Name of Entity Receiving Funds: Moccasin Bend National Archeological District (a unit of Chickamauga and Chattanooga National Military Park)

Address of Entity Receiving Funds: Moccasin Bend Road, Chattanooga, TN 37405

Description of Request: Moccasin Bend National Archeological District, a unit of the Chickamauga and Chattanooga National Military Park, will receive \$500,000 to support design and development of visitor facilities to promote education and awareness of the archeological district. With evidence of human occupation dating back to the earliest human cultures in North America, Moccasin Bend has

a rich and varied cultural history. Moccasin Bend was designated as a unit of the National Park Service to preserve the area's rich heritage for future generations. Currently no major facilities are in place on Moccasin Bend to support public enjoyment of these nationally significant resources.

Distribution of funding:

Design Development—100%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: Environmental Protection Agency, STAG

Legal Name of Requesting Entity: East Tennessee Development District

Address of Requesting Entity: 216 Corporate Place, Alcoa, TN 37701

Description of Request: Mayor of Anderson County Rex Lynch, Mayor of Union County Larry Lay, and the East Tennessee Development District have requested funds to improve the water system in Anderson and Union counties to address problems with bacteriological contamination in the current drinking water supply in the area and to promote economic development in the East Tennessee region. East Tennessee Development District will receive \$500,000 and matching funds of 45% will be dedicated to the project.

Distribution of funding:

Anderson County water system improvements—\$275,000 (55%)

Union County water system improvements—\$225,000 (45%)

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: USDA, Agricultural Research Service

Legal Name of Requesting Entity: University of Tennessee Institute of Agriculture

Address of Requesting Entity: 101 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996

Description of Request: University of Tennessee Institute of Agriculture requested funds for molecular genetics technologies used to develop better crop varieties to improve cropping systems in the region and will receive \$254,000 for this project. Crops such as soybeans produced in West Tennessee and the North Delta Region are subjected to diseases and environmental conditions that are different from other cropping regions of the United States. Thus, there is a need for regional research on developing new varieties and cropping systems that will improve disease resistance, enhance value of the crop and protect the regional soil and water resources.

Distribution of funding:

Salaries—43.5%

Supplies—10%

Travel—1%

Research Support Agreement—5%

Equipment—17%

Extramural Research—13.5%

Indirect Research Costs—10%

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 1105

Account: USDA, CSREES, Special Research Grants

Legal Name of Requesting Entity: University of Tennessee Institute of Agriculture

Address of Requesting Entity: 101 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996

Description of Request: University of Tennessee Institute of Agriculture requested funds

to provide research and development within biotechnology and photonics to produce crop plants that can be used directly as early-warning sentinels for the detection of plant diseases. University of Tennessee Institute of Agriculture will receive \$700,000 for this project. This research will greatly enhance farmers' ability to detect and treat crop diseases, at minimal costs, before the diseases can destroy entire harvests. In addition to the early detection of plant diseases, the research will develop precision agriculture phytosensors for the monitoring of field fertility and water stress. The ability to monitor field fertility and water stress aids in environmental stewardship of natural resources, and benefits growers in economic farm management.

Distribution of funding:

Salaries, Wages and Fringe—54%

Grad Student Fees—2%

Equipment—23%

Materials and Supplies—8%

Travel—1%

Subcontracts—13%

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Energy and Water section of the FY09 Omnibus Appropriations Act, Army Corps of Engineers, General Investigations Account for the Intracoastal Waterway, Jacksonville to Miami, FL.

I have received \$4.019 million in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, FL 33477. The FY 2009 funding will be used for the maintenance dredging of the IWW in portions of the IWW in St. Johns, Duval, St. Lucie, Martin and Indian River Counties.

The Intracoastal Waterway in Florida annually: transports over 1.7 million tons of commercial cargo and over 500,000 recreational vessels; increases property values by \$38.4 billion, and; provides \$18 billion in economic output which includes \$6 billion in personal wages and 203,519 jobs. Studies have shown that these benefits would be reduced by over 50% if the waterway is not properly maintained.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Buses and Bus Facilities for the Seminole County, Florida.

I have received \$1,425,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Seminole County, 1101 East First St., Sanford, FL

32771. The FY 2009 funding will be used to construct bus stations in Seminole County, Florida in the cities of Altamonte, Lake Mary, Longwood and Sanford. The cities have received the necessary environmental clearances to move forward with land acquisition. This project is eligible under SAFETEA-LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Highway Administration Account for TCSP-Transportation and Community and System Preservation for Flagler County.

I have received \$237,500 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Flagler County, 1769 East Moody Blvd., Bunnell, FL 32110. The FY 2009 funding will be used for the construction of the Colbert Lane to Belle Terre segment of the Lehigh Trail in Flagler County, Florida. No previous federal funding, eligible for funds under SAFETEA-LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Highway Administration Account for the Central Winds Park Water Taxi Project, Winter Springs, Florida.

I have received \$190,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the City of Winter Springs, 1126 East State Road 434, Winter Springs, FL 32708. The FY 2009 funding will be used for the design, permitting and construction for a water taxi launch site to provide transportation between communities located on Lake Jesup in Seminole County.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Central Florida Commuter Rail System Project.

I have received \$13 million in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the Florida Department of Transportation, 605 Suwannee St., Tallahassee, FL 32399. The FY 2009 funding will support purchasing right of way for the station properties and conduct final design for Phase 1.

The project is a 61-mile, 17-station commuter rail system being built on existing right-of-way from the DeLand Amtrak Station in Volusia County to Poinciana Industrial Park in Osceola County, through downtown Orlando, Florida. The project was approved by the Federal Transit Administration to enter preliminary engineering in March 2007 and anticipates beginning revenue operations in 2011 (Phase 1) and 2013 (Phase 2). The Central Florida Commuter Rail System is authorized under SAFETEA-LU (P.L. 109-59), Section 3043(b)(3).

Pursuant to the Republican Leadership standards on earmarks, I am submitting the

following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Winter Park Intermodal Facility Project.

I have received \$950,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is City of Winter Park, FL 150 W. Morse Blvd., Winter Park, FL 32789. The FY 2009 funding will be used for construction and facility improvements to the Amtrak Station in Winter Park, Florida to accommodate additional public transit and the Central Florida Commuter Rail system due to start in 2010. This project is eligible under SAFETEA-LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Transportation, HUD section of the FY09 Omnibus Appropriations Act, Federal Transit Administration Account for the Buses and Bus Facilities for the St Johns County Council on Aging.

I have received \$1,472,500 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is St Johns County, 180 Marine St., St. Augustine, FL 32084. The FY 2009 funding will be used for the construction of new transit facilities and fleet replacement in St Johns County, Florida. This project has received federal funding in FY04, FY05 and FY06 and is eligible under SAFETEA-LU program authorization.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Labor, HHS, Education section of the FY09 Omnibus Appropriations Act, Department of Health and Human Services, Health Resources and Administration Account for the Catholic Charities of Central Florida Mobile Health Unit.

I have received \$190,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Catholic Charities of Central Florida, 1771 N. Sermoran Blvd., Orlando, FL 32807. The FY 2009 funding will be used toward the purchase and equip a Mobile Health Unit (MHU) to serve the most vulnerable uninsured residents in Central Florida. A medically equipped 35 ft. MHU is a critical tool that will provide immediate basic health to the uninsured men, women and children with the most urgent needs who lack access to transportation, child care, inability of working poor to take time off from their jobs and at-risk seniors without Medicare Part B in underserved communities. The Mobile Health Unit will serve an estimated 4,000 people per year equaling a taxpayer/hospital savings of \$1,980,000 in indigent care costs.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Labor, HHS, Education section of the FY09 Omnibus Appropriations Act, Department of Health and Human Services, Health Resources and Administration Account for the School of Nursing at the Bethune-Cookman University.

I have received \$330,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Bethune-Cookman University, 640 Dr. Mary McCleod Bethune Blvd., Daytona Beach, FL 32114-3099. The FY 2009 funding will be used for toward the completion of the \$3.5 million renovation of a 37,000 sq. ft. facility to house the expansion of the School of Nursing. The building will include Smart Classrooms, Simulation and Skills Laboratories, a Lecture Hall, Seminar and Conference Rooms, Administrative and Faculty Offices and the innovative, community focused Wellness Center. The University received federal funding for this project in FY08 in the HUD account.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Interior and Environment FY09 Omnibus Appropriations Act, Environmental Protection Agency, STAG Water and Wastewater Infrastructure Account for the Volusia County Integrated Water Resources Project.

I have received \$500,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the St. Johns River Water Management District, 4049 Reid Street Palatka, FL 32178-1429. The FY 2009 funding will be used to integrate alternative water supplies in Volusia County, to serve the collective water supply needs of the local governments. These alternative supplies will reduce the projected regional groundwater deficits. This project will develop up to 30 million gallons per day of additional water supply from the St. Johns River and potentially other alternative water sources.

This funding is needed in order to ensure the availability of an affordable supply of water for use by public water supply and possibly by wastewater utility customers in the Volusia County area, to avoid competition among users of traditional groundwater sources for the limited groundwater supplies in the project area and to reduce the significant threat to water resources and related natural systems that would result if withdrawals of groundwater were allowed to occur beyond their sustainable limits.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Interior and Environment FY09 Omnibus Appropriations Act, Environmental Protection Agency, STAG Water and Wastewater Infrastructure Account for the Potable Water System Improvement Project, City of Crescent City, Florida.

I have received \$500,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is the City of Crescent City, Florida, 3 N. Summit St., Crescent City, FL 32112. The FY 2009 funding will be used for the replacement of asbestos cement lines with PVC water lines, existing asbestos cement lines have been cracking and corroding and adversely effect water service to local residents.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the

CONGRESSIONAL RECORD regarding earmarks I received as part of the Energy and Water section of the FY09 Omnibus Appropriations Act, Army Corps of Engineers, General Investigations Account for the Flagler Beach Shoreline Protection Project.

I have received \$263,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Flagler County, 1769 East Moody Blvd, Bunnell, FL 32110. The FY 2009 funding will complete the feasibility study of the Flagler County shoreline which was begun with funding provided in FY 2004.

The shoreline of the City of Flagler Beach has experienced critical erosion that threatens State Road A1A, which serves as an emergency evacuation route. For example, A1A was closed in Flagler Beach for the month of January, 2006 as the road was completely washed away due to erosion. The erosion also has caused a severe loss of public recreation opportunities and a degradation of environmental habitat. The beach is so narrow that the high tide line extends into the existing revetment, making it unsuitable as nesting habitat for sea turtles and almost unusable for recreational purposes. The City believes that restoration of the beach is a primary component of preserving safe passage along A1A while also providing public recreational opportunities and environmental habitat.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Commerce, Justice, Science section of the FY09 Omnibus Appropriations Act, Department of Justice, OJP-Byrne Discretionary Grants Account for Putnam County for the Children's Advocacy Center.

I have received \$330,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is Putnam County, PO Box 758, Palatka, FL 32178. The FY 2009 funding will assist Putnam County, FL to renovate and equip a new 2500 sq. ft facility to address child abuse cases in this affected area. This new facility will provide children, their families, case workers, detectives and advocates a safe central location where they can meet in a nonthreatening environment. This project has not received federal funding previously, but is authorized under P.L. 109-162—the Edward Byrne Memorial Justice Assistance Grant Program.

The purpose of the Children's Advocacy Center in Putnam County provides an environment for multiple agencies to interview, examine, investigate and treat cases of child abuse in Putnam County. These funds will be used to renovate and staff a new 2500 sq. ft facility. This new facility will provide children, their families, case workers, detectives and advocates a safe central location where they can meet in a non-threatening environment. Providing this space for concurrent interviewing and interagency conferencing enhances the communication between agencies on mutual cases.

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Commerce, Justice,

Science section of the FY09 Omnibus Appropriations Act, Department of Justice, COPS Law Enforcement Technology for the City of Maitland. I have received \$170,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is City of Maitland, 1776 Independence Ln, Maitland, FL 32751. The FY 2009 funding will assist the City of Maitland in the purchase of an upgraded computer aided dispatch system that will better coordinate law enforcement and of first responders. This project has not received federal funding previously, but is authorized under P.L. 109-162—the Edward Byrne Memorial Justice Assistance Grant Program.

The funding will form a multi-agency radio interoperability system comprised of the City of Maitland, City of Orlando and the University of Central Florida, and for critical technology upgrades for the Maitland Police and Fire Department. Funding is for Maitland's portion of the multi-agency radio interoperability system. Additionally, the need for timely records, Drivers License, Criminal History, and photo identification information is critical for public safety. Mobile Data Terminals (MDT) provide immediate access to this critical information and funding will allow for their full provision to Police, Public Safety (Fire EMS), and connection to the Public Safety Records Management System (RMS).

Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of the Energy and Water section of the FY09 Omnibus Appropriations Act, Army Corps of Engineers, General Investigations Account for the St. Johns County Shore Erosion Control Project.

I have received \$263,000 in the FY09 Omnibus Appropriations Act. The entity to receive funding for this project is St. Johns County, 4020 Lewis Speedway, St. Augustine, FL 32084. The FY 2009 funding will allow the Army Corps of Engineers to lessen down drift shoreline impacts caused by the federal navigation channel at St. Augustine Inlet, and to provide storm damage protection to the shore.

St. Johns County is located on the East Coast of Florida, approximately 30 miles south of Jacksonville and 200 miles north of Miami. The ocean shoreline of St. Johns County is approximately 42 miles long. Due to tropical storms and major hurricanes, particularly Hurricane Floyd of 1999, the shorelines of St. Johns County have been subject to significant erosion prompting a request to the federal government for assistance. The feasibility study area will include all of St. Johns County, including the South Ponte Vedra Beach area.

EARMARK DECLARATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GOODLATTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: USDA, Animal and Plant Health Inspection Service

Legal Name of Requesting Entity: USDA Animal and Plant Health Inspection Service—Wildlife Service

Address of Requesting Entity: 105 B Pondersosa Drive, Christiansburg, VA 24073

Description of Request: \$140,000. Increasing coyote population poses a direct threat to producers due to livestock losses. This funding will allow the Wildlife Service to administer a livestock protection program to protect animals from coyote predation in western Virginia.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: EPA, State and Tribal Assistance Grants

Legal Name of Requesting Entity: City of Lynchburg, Virginia

Address of Requesting Entity: 900 Church Street, Lynchburg, VA 24504

Description of Request: \$500,000. Combined Sewer Overflow (CSO) occurs when older sewer pipes carry both water and sanitary sewer. During storms, the system capacity is reached and overflows raw, untreated sewage into the nearest stream, creek or backyard. The City of Lynchburg began implementing a long term CSO Control Plan in 1993 when a Special Order, sought by the Environmental Protection Agency, was signed, requiring the City of Lynchburg to address its CSO problem. This funding helps accelerate the program's completion.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: Corps of Engineers, Construction—General

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, City of Roanoke, Virginia

Address of Requesting Entity: City of Roanoke, 215 Church Street, Roanoke, VA 24011

Description of Request \$1,029,000. When completed, the project will provide flood damage reduction to industrial, commercial, and residential property.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Virginia Polytechnic Institute and State University

Address of Requesting Entity: 219 Burruss Hall, Blacksburg, VA 24061

Description of Request: \$868,000. Funds for the Biodesign and Processing Research Center (BPRC) at Virginia Polytechnic Institute and State University will enable the BPRC to continue conducting research for the conversion of agricultural crops and agriculture/animal wastes to value-added products such as fuels, bio-oils, fertilizers, and other industrial products.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 1105

Account: USDA, National Resources Conservation Service

Legal Name of Requesting Entity: USDA Natural Resources Conservation Services

Address of Requesting Entity: 1606 Santa Rosa Drive, Suite 206, Richmond, VA 23229

Description of Request: \$160,000. The Buena Vista Watershed Plan will ensure that the NRCS has necessary resources to maintain its flood protection initiative along the Maury River in Rockbridge County, Virginia. This plan is an effort to prevent flooding on interior streams and stream bank erosion. This project is necessary to protect homes and businesses in Buena Vista and minimize long-term environmental degradation to the entire watershed area.

EARMARK DECLARATION

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BILBRAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: CDC, Public Health Improvement and Leadership

Legal Name of Requesting Entity: County of San Diego, Public Health Services

Address of Requesting Entity: 1700 Pacific Highway, San Diego, CA 92101

Description of Request: I received an earmark of \$476,000 to implement a management system to allow the County of San Diego to track medications, vaccines, supplies, equipment and people used during a health emergency response. The County is vulnerable and at high risk for such incidents due to its status as a border community and military town. The Emergency Preparedness and Public Health Management System (EPPHMS) will provide real-time visibility in the day-to-day and emergency management of pharmaceuticals, vaccines, consumable and capital assets, materiel and human resources, program management and patient tracking. Many County and local programs and agencies will use this management system concurrently for daily and emergency management in single-site, multi-site or mobile facilities, while integrating with the County's main Emergency Operations Center. This HIPAA- and PHIN-compliant system will mitigate a gap in County readiness and infrastructure, as identified by the Center for Disease Control and Prevention in 2007.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Highway Administration, Transportation, Community, and System Preservation Program

Legal Name of Requesting Entity: City of Carlsbad, California

Address of Requesting Entity: 1200 Carlsbad Village Drive, Carlsbad, California 92008

Description of Request: I received an earmark of \$237,500 to proceed with the design work to construct a replacement for the Encinas Creek Bridge. This is a critical section of the historic route Coast Highway 101 and it is the regional road alternative to Interstate 5. CALTRANS has indicated in two major reviews that this bridge must be replaced as soon as possible to meet seismic standards and repair the failing support structure. Bridge lanes have already been rerouted temporarily for public safety. This stretch of Coast Highway provides direct access to public beach parking, pedestrian access, coastal bicycle trails, state campgrounds, and several tourist serving commercial facilities. Public funding to support this very heavily utilized public road is vital to ensure traffic flow, safety, and the economic development of the region. 20% of funding will come from local or state sources, and this project is part of the State of California's transportation improvement plan and has been identified as an eligible project critical to the region.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: COPS Technology

Legal Name of Requesting Entity: County of San Diego, Sheriff's Department

Address of Requesting Entity: 9621 Ridgehaven Court, San Diego, CA 92123

Description of Request: Per my request, San Diego County has received \$1.35 million for the ongoing upgrade of the San Diego County Sheriff's Department's Regional Communications System (RCS). This funding will be used for Phase 1 of migration to P25 capacity, which will move the County and its cities forward in the implementation of an effective, efficient regional interoperable communications system. This system will be critical both in terms of daily, routine communications and during disaster emergencies and other events that demand that all public safety agencies be able to communicate effectively. It will benefit California and other States and Federal agencies by providing voice radio interoperability with those entering into the region providing mutual aid. Ultimately, it will enable San Diego County public safety agencies to seamlessly integrate with surrounding Counties as it is built out to a "network of networks."

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, General Investigations, Miscellaneous

Legal Name of Requesting Entity: Scripps Institution of Oceanography, UC San Diego

Address of Requesting Entity: 9500 Gilman Drive, La Jolla, CA 92093

Description of Request: I received \$500,000 for the Coastal Data Information Program/Southern California Beach Processes Study within the Army Corps of Engineers. Through this program, high-resolution wave data and forecasts are disseminated in real time via the internet to the National Weather Service and to tens of thousands of diverse users each

day. Sea state and surf warnings are issued based on this information for the protection of life and property. In addition, beach elevations are monitored and analyzed, and this information is provided to coastal communities online where local governments and engineers use it for making educated policy decisions for protecting and enhancing local beaches. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, which has the federal responsibility for shoreline protection and uses this data for coastal dredging and construction projects. This program is critical to marine safety and operations for the coastal United States and there are no competitive funding sources available.

Requesting Member: Congressman BRIAN BILBRAY

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: The City of Solana Beach

Address of Requesting Entity: 635 South Highway 101, Solana Beach, CA, USA 92075

Description of Request: I received \$375,000 to complete the feasibility study for the Solana Beach-Encinitas Shoreline Protection Project. The protective beaches throughout the Solana Beach area are severely eroded, leaving residences, portions of Highway 101, and public access points susceptible to dangerous wave attacks and beachgoers subject to falling rocks as bluffs are destabilized by erosion. This Shore Protection Project will build up the protective beaches along the coast, preserving public access, recreational areas, and as well as public infrastructure and private homes.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, FY 2009 Omnibus Appropriations Act:

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Institute of Museum & Library Services: Museums & Libraries

Legal Name of Requesting Entity: Adirondack Museum

Address of Requesting Entity: Route 28N & 30, P.O. Box 99 Blue Mountain Lake, NY 12812.

Description: Provide an earmark of \$95,000 to the Adirondack Museum for the construction of an exhibit to highlight and preserve the history and impact of the mining industry on the Adirondack region.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services

Legal Name of Requesting Entity: Samaritan Medical Center

Address of Requesting Entity: 830 Washington Street, NY 13601.

Description: Provide an earmark in the amount of \$190,000 for the construction and renovation of a new healthcare facility to better meet the needs of the nearby fast growing military and civilian population.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services
Legal Name of Requesting Entity: Oneida Healthcare Center

Address of Requesting Entity: 321 Genesee Street, Oneida, NY 13421

Description: Provide an earmark in the amount of \$285,000 for the demolition and renovation of a new acute care facility, and to help fund the purchase of movable equipment at the Oneida Healthcare Center.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services
Legal Name of Requesting Entity: Carthage Family Wellness Clinic

Address of Requesting Entity: 120 South Mechanic Street, Carthage, NY 13619.

Description: Provide an earmark in the amount of \$190,000 for the construction of a medical office building.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services
Legal Name of Requesting Entity: Canton-Potsdam Hospital

Address of Requesting Entity: 50 Leroy Street, Potsdam, NY 13676.

Description: Provide an earmark in the amount of \$143,000 for the expansion of the current hospital complex to accommodate a new Intensive Care Unit.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Department of Health & Human Services: HRSA Health Facilities and Services
Legal Name of Requesting Entity: Elizabethtown Community Hospital

Address of Requesting Entity: 75 Park Street, Elizabethtown, NY 12932.

Description: Provide an earmark in the amount of \$190,000 for the purchase of telemedicine equipment and radiology and mammography equipment.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Department of Education: Higher Education

Legal Name of Requesting Entity: State University of New York at Canton

Address of Requesting Entity: 34 Cornell Drive, Canton, NY 13617.

Description: Provide an earmark in the amount of \$143,000 the purchase of laboratory equipment for the purposes of distance learning and experimentation.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105
Account: Department of Justice: OJP Juvenile Justice

Legal Name of Requesting Entity: Youth Advocate Programs, Inc.

Address of Requesting Entity: 2007 North Third Street, Harrisburg, PA

Description: Provide an earmark in the amount of \$150,000 for the establishment of two centers in New York State to provide assistance to at-risk youth.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Justice: OJP Byrne Discretionary Grants

Legal Name of Requesting Entity: Franklin County District Attorney's Office

Address of Requesting Entity: 355 W. Main Street, Malone, NY 12953.

Description: Provide an earmark in the amount of \$350,000 for the construction and deployment of a wireless video-based surveillance system with video analysis for use by multiple law enforcement agencies.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Environmental Protection Agency: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Village of Canastota

Address of Requesting Entity: 205 Peterboro Street, Canastota, New York 13032

Description: Provide an earmark in the amount of \$500,000 for the construction of an upgraded Village combined sewer system.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Save America's Treasures

Legal Name of Requesting Entity: Frederick Remington Art Museum

Address of Requesting Entity: 303 Washington Street, Ogdensburg, NY 13699

Description: Provide an earmark in the amount of \$150,000 for the restoration of the historic Parish Mansion which houses the Frederick Remington Museum.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Economic Development Initiatives
Legal Name of Requesting Entity: Village of Rouses Point, NY

Address of Requesting Entity: 139 Lake Street, Rouses Point, NY

Description: Provide an earmark in the amount of \$95,000 for the restoration and preservation of a rail station.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Economic Development Initiatives

Legal Name of Requesting Entity: Points North Housing Coalition of Jefferson, Lewis and St. Lawrence Counties

Address of Requesting Entity: 129 Kiwassa Road, Saranac, NY 12983

Description: Provide an earmark in the amount of \$166,250 for the support and development affordable housing in Jefferson, Lewis, and St. Lawrence Counties.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Surface Transportation Priorities

Legal Name of Requesting Entity: Operation Oswego County, Inc.

Address of Requesting Entity: 44 West Bridge Street, Oswego, NY 13126

Description: Provide an earmark in the amount of \$237,500 for improvement of road and rail connections at the Port of Oswego.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: National Park Service: Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: New York State Department of Transportation

Address of Requesting Entity: 50 Wolf Road, Albany, NY 12232

Description: Provide an earmark in the amount of \$1,425,000 for the construction of a 4-lane road from Interstate 81 to the main gate at Fort Drum in order to enhance the viability of the Fort and improve safety in the region.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Energy: EERE
Legal Name of Requesting Entity: Town of Mexico, NY

Address of Requesting Entity: 3226 Main Street, Mexico, NY

Description: Provide an earmark in the amount of \$142,500 for the construction of a town hall that makes use of energy efficient geothermal technologies for climate control.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Energy: EERE
Legal Name of Requesting Entity: Catalyst Renewables Corporation, c/o Lyonsdale Biomass

Address of Requesting Entity: 3823 Marmon Road, Lyons Falls, NY 13368

Description: Provide an earmark in the amount of \$475,750 for the commercialization of willow biomass crops as part of the mix of woody biomass feedstocks for bioenergy.

Requesting Member: Congressman JOHN MCHUGH

Bill Number: H.R. 1105

Account: Department of Energy: EERE
Legal Name of Requesting Entity: State University of New York at Morrisville

Address of Requesting Entity: 90 Eaton Street, Morrisville, NY 13408

Description: Provide an earmark in the amount of \$475,750 to construct an algae-based renewable energy efficiency project.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the fol-

lowing information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Agricultural Research Service, Salaries and Expenses

Legal Name of Requesting Entities: ARS Manhattan Unit and Kansas State University

Address of Requesting Entities: 1515 College Ave, Room 101, Manhattan, KS 66502 and 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$508,000 for Karnal Bunt (KB which is a disease of wheat that is caused by the fungus *Tilletia indica*. Although total deregulation of KB is scientifically justified, international quarantine deregulation is a slow and complex process. Past funded breeding programs have been successful and developed an array of resistant breeding lines. These lines are now in final stages of testing prior to variety release. As Karnal bunt research is completed, we request these h d s be transitioned to address new, more critical disease threats, such as cereal rust diseases. Since 2001, other serious challenges to wheat crop health have emerged, including new virulent races of stripe and leaf rust and the African stem rust race Ug99 and its variants. Resources are needed to address these critical disease issues and vulnerabilities in U.S. cereal production. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Animal and Plant Health Inspection Service, Salaries and Expenses
Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$259,000 for The National Agricultural Biosecurity Center (NABC) at Kansas State University. NABC was established to help protect the U.S. agricultural infrastructure and economy from endemic and emerging biological threats. There has been progress made with Phase I and Phase II funding, but more work is necessary. The NABC requires Phase III continuation funding to implement international linkages for food animal and food crop disease surveillance, to expand animal health diagnostic screening capabilities in Kansas and the region, to further develop a GLS-based tracking system for pathogen monitoring, and to populate a lessons learned agrosecurity archive. To address these national security needs, funding is also required for enhanced Internet connectivity, on-line training materials, and data mining tools. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG
Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$515,000 Great Plains Sorghum Improvement and Utilization Center. Kansas State University along with Texas Tech University and Texas A&M University initiated the Great Plains Sorghum Improvement and Utilization Center (GPSIUC). The focus of the center is on genetic improvement, production systems to enhance water and nutrient use, innovative strategies to provide improved weed control. Utilization of sorghum in human food products, animal feed, and as a bioenergy and industrial feedstock, plus marketing, and policy analysis in support of the US sorghum industry. Increased funding for FY09 will permit GPSIUC to expand existing research and education programs, particularly in genetic improvement and sorghum utilization. Sorghum is one of the most drought tolerant crops in the world, offering many potential advantages as a food, feed and bioenergy crop, and could be a key to sustaining viable rural economies in the Great Plains. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG
Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$142,000 for Preharvest Food Safety and Security program. Currently, Kansas State University has an ongoing USDA special project on the ecology of *E. coli* 0157:H7 in beef cattle and the environment. This bacterial organism is a major cause of food-borne illnesses in humans. The university plans to expand its investigations into (1) the ecology of *Salmonella* in beef cattle, (2) antimicrobial resistance in cattle, and (3) agroinformatics and animal health diagnostics. These four areas of research have great overlap and synergy and will allow Kansas State University to better identify emerging threats of food-borne and zoonotic diseases associated with food-producing animals. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG
Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$69,000 to study water conservation in the Ogallala Region of Kansas. This effort is critical to the economic viability of western Kansas. In many parts of western Kansas, freshwater from both surface and groundwater is increasingly in short supply. Drought, aquifer and surface water depletion, and population shifts have stretched community and regional water supplies to their limits. As groundwater supplies decline or become cost prohibitive, better management of water through conservation, recycling, and treatment of poor quality water for use becomes even more im-

portant. The goals of this project are to help: 1) agricultural producers, both crop and livestock; 2) rural communities in water-short areas; and 3) state agencies to implement economical technologies and policies that will result in water conservation and prolonged life of the Ogallala aquifer in the face of increasing competition for declining aquifers and over-allocated surface waters. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG
Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$240,000 for Wheat Genetic Research. Wheat is the world's most important grain for human nutrition, but genomics and biotechnology research has lagged behind. WGGRC is leading an international effort to map and sequence the wheat genome. The WGGRC gene bank currently maintains 12,000 lines and these collections are continuously expanding as the Center acquires, develops, and distributes new genetic and genomic resources to facilitate wheat genetics, genomics, and breeding research. Kansas State University has already made an investment of almost \$1.0 million towards the purchase of a DNA sequencer and a robot for arraying and printing of DNA filters. This request will collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Emporia Police Department

Address of Requesting Entity: 518 Mechanic Street, Emporia, KS 66801

Description of Project: I have secured \$150,000 for the City of Emporia Police Department.

The City of Emporia police department has had problems maintaining the pace of the replacement of equipment and staffing critical to the safety of the officers and members of the community. In the development of a five year capital improvement project, there were only four of the nearly 20 items that were new. Funding is requested for the purchase of Communication and Surveillance Equipment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Garden City Police Department

Address of Requesting Entity: 304 N. 9th Street, Garden City, KS 67846

Description of Project: I have secured \$150,000 for the Garden City Police Department. The Garden City Police Department is always looking for ways to be progressive and adding equipment which would help us monitor gang activity and prevent, or resolve graffiti and gang crime is sorely needed. Gang crime and graffiti have become problematic and public expectations for safety and prevention are high. Video monitoring equipment and accompanying computers and software that officers can access in their patrol vehicles would be of immense assistance to the Garden City Police Department for immediate response and intervention, especially in high crime areas. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Junction City Police Department

Address of Requesting Entity: 210 East Ninth Street, Junction City, KS 66441

Description of Project: I have secured \$150,000 for the Junction City Police Department. Junction City Police Department is a 52 officer department located in Central Kansas next to Fort Riley military base. The unprecedented growth in the community is experiencing has magnified downfalls in their current technology and has identified the need for additional technology. The Junction City Police Department needs key technology components to merge their systems together making a more user friendly environment accessible to the entire law enforcement team rather than a limited number of educated individuals. Funding would be used to purchase additional technology, such as surveillance enhancements, GIS improvements and crime mapping technology to analyze crime trends and to ensure the proper application of department resources and manpower. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOJ, OJP-Juvenile Justice
Legal Name of Requesting Entity: Youthville

Address of Requesting Entity: 11200 Lariat Way PO Box 1394, Dodge City, KS 67801

Description of Project: I have secured \$50,000 for the Youthville Training Institute for Foster Families. Youthville will provide comprehensive training to future foster families across Kansas, preparing them for the challenges of caring for a traumatized child. The Training Institute for Foster and Adoptive Families will recruit and train families interested in foster parenting and adopting at-risk children. These families will be prepared for adopting an at-risk child who has experienced severe emotional, physical, and/or sexual abuse. The Training Institute will consist of staff that is highly trained in helping the families build their skills in managing trauma-based behaviors in children. The families and children themselves will also receive training that is intensive and ongoing. Families who have previously adopted will also be eligible for the Training Institute. The overall goal of the program is to assist these children in becoming productive

members of our society by placing them in families prepared to deal with foreseeable challenges. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Corps of Engineers, Section 205

Legal Name of Requesting Entity: City of Concordia

Address of Requesting Entity: 701 Washington Street, Concordia, KS 66901

Description of Project: I have secured language for the Army Corps of Engineers to provide assistance to The Concordia project which is located on an unnamed tributary on the south side of the City of Concordia. An existing embankment on that stream serves as a detention dam during heavy rainfall events and protects a residential and commercial development immediately downstream. This embankment breached as a result of heavy rainfall in 1950 and flood waters devastated the downtown business district. The embankment was restored, but not designed to current or any acceptable engineering standards, and its condition makes the risk of flooding to the housing and business district immediately downstream very high. The project will develop a plan to construct a safe and reliable flood protection project in partnership with the City of Concordia. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$713,625 for the Kansas State University Center for Sustainable Energy. Kansas State University request funding to establish and sustain programs at the Center for Sustainable Energy (CSE). Through KSU's strengths in the requisite science and technology elements, it will foster collaborations with 30+ entities including other educational institutions, public and private research centers, private industries and public organizations with strategic interests in the sustainable energy. This diverse group of stakeholders will ensure a Center structure that fosters research collaborations, technology transfer, and commercialization.

To address the grand challenges and produce "game-changing" innovations, the CSE will draw upon expertise from five major research-specialty groups: biomass design, biomass production, biomass conversion to fuels and chemicals, biofuel/product utilization, and the socioeconomic impacts of sustainable energy. A critical mass of diverse investigators from academia, industry, and national laboratories plans and carries out broad ranging research that will produce a continuous outflow of sustainable processes for technology transfer, business development, and commercialization. Commercialization activities will include market assessment, policy review and

legal issues, intellectual property generation and management, facilitating collaborations and creation of investment vehicles. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$713,625 for the Kansas Wind Energy Consortium. A consortium (KWECC) of researchers from Kansas State University, Wichita State University, and the University of Kansas request funding to dramatically increase the penetration of wind energy via distributed wind power generation. KWECC aims to find technical and economic solutions to enable widespread implementation of distributed renewable energy resources that would apply to wind. The outcome will make Kansas and the nation more energy and environmentally secure. Additionally, with growing emphasis on renewable energy worldwide, success of this research would have global impact. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Small Business Administration

Legal Name of Requesting Entity: The University of Kansas

Address of Requesting Entity: 1450 Jayhawk Boulevard, Room 230, Lawrence, KS 66045

Description of Project: I have secured \$100,000 for the KU Center for Trade and Agribusiness. The University of Kansas School of Law is nationally recognized for its international trade and international finance coursework and legal analysis. The proposed center at the University of Kansas School of Law would provide law students and faculty the ability to distribute legal expertise into the field of trade which is crucial to the continued economic success of Kansas and the Great Plains. Agriculture trade makes up the majority of state economies like Kansas and increasing and expediting trade will grow these economies. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: EPA, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Lindsborg

Address of Requesting Entity: 101 S. Main P.O. Box 70, Lindsborg, KS 67456

Description of Project: I have secured \$500,000 for the City of Lindsborg's wastewater treatment plant upgrade. The City of Lindsborg engaged an engineering consultant in January of 2007 to conduct an assessment of the Lindsborg wastewater treatment plant (WWTP). The three primary drivers for the assessment were safety of the wetwell, the ex-

ration of the current NPDES permit in 2009 and the age of the facility. The wetwell receives the raw sewage into the plant for treatment. It is a highly corrosive environment due to sewer gases and the different types of waste that enters. The current wetwell is a safety hazard because it is a confined space with poor ventilation. The regular cleaning of the wetwell is a major safety issue for wastewater treatment plant employees.

The WWTP is regulated by both EPA and the Kansas Department of Health & Environment (KDHE). On September 30, 2009, the NPDES permit for the wastewater treatment plant is up for renewal. As part of the study, a mock permit was requested from the KDHE. The purpose of the mock permit was to determine what the compliance requirements would be for the renewal permit. The results of the mock permit said that any upgrade or expansion must provide for a full reduction of nitrogen by nitrification and denitrification processes. There is also the possibility of more stringent effluent limits for phosphorus that may be applied.

The current recommended upgrades to the WWTP are at an estimated construction cost of \$4,534,600. Of this estimated cost, 76% of the cost (\$3,446,296) is due to meeting regulatory, code, safety, age and efficiency issues. The remaining costs of improvements (\$1,088,304) are due to capacity and biosolids handling needs. These improvements are needed to ensure the safety of employees, rivers/streams and public health. The costs of the upgrades to comply and ensure safety are burdensome on a small community. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: EPA, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Salina

Address of Requesting Entity: 300 West Ash St., Salina, KS 67402

Description of Project: I have secured \$250,000 for the City of Salina. The City of Salina, together with the Salina Area Chamber of Commerce are working to address a key issue that slows the opportunity for job creation and economic development.

The community is developing an innovative approach to housing development to address workforce development issues and to stimulate job creation and the investment of private sector capital. The shortage of homes in selected price ranges is causing supply/demand inflation that prices many buyers out of the housing market or forces them into much more debt than they should incur.

Funds will be leveraged from both public and private sources to reduce the infrastructure development costs that make it challenging to develop affordable housing. A multi-phase housing subdivision will be built. The first phase will be approximately 100 lots and be sold to the public and/or direct to builders. The homes will be limited in size to ensure construction of homes that are in short supply for current and future employees.

Federal funds for this project will be used for water line extensions and sewer lines and

improvements to the new development. I certify that neither I nor my spouse has any financial interest in this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Education, Higher Education

Legal Name of Requesting Entity: Emporia State University

Address of Requesting Entity: 1200 Commercial Street, Emporia, KS 66801

Description of Project: I have secured \$190,000 for Emporia State University. Biosciences capability for instruction and research at Emporia State University (ESU) exists in the departments of biology and chemistry. The Biochemistry and Molecular Biology (BMB) major and the other existing bachelors and master's degree programs in biology and chemistry produce graduates who have contributed and will continue to contribute to the technical workforce necessary for the biosciences initiatives envisioned by the Kansas Economic Growth Act. To meet the current and long-term challenges for a successful Kansas bioscience enterprise, funding is requested to purchase various equipment that would greatly contribute to Emporia State University's Bioscience Department. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Department of Education, Higher Education

Legal Name of Requesting Entity: Hutchinson Community College

Address of Requesting Entity: 1300 N. Plum Street, Hutchinson, KS 67501

Description of Project: I have secured \$238,000 for Hutchinson Community College. In March of 2008 Hutchinson Community College will break ground on an expansion and renovation of its 40-year old science building into a Physical and Biotechnology Science Center. Donations from private donors and state and local public sources will pay for the necessary remodeling and facility expansion. Federal dollars are being requested to equip the building with required safety, communication, and technical equipment and furnishings appropriate to learning environments.

HCC's enrollment in science courses increased 33% over five years, leveling off only due to physical space limitations. Credit hour generation in science courses constitutes 12% of total college hours. During the 2006-2007 academic year, 2,717 students were enrolled in science coursework generating 11,267 credit hours. Approximately 40% of these students are pursuing careers in Allied Health. Other students are preparing for transfer to four-year baccalaureate institutions and more advanced scientific study. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: McPherson Opera House Company

Address of Requesting Entity: 219 South Main Street, McPherson, KS 67460

Description of Project: The McPherson Opera House was built in 1888 and for a number of years was the cultural, entertainment and civic center for McPherson County. The advent of movies, and to a greater extent television, negatively impacted audiences at the Opera House, and the auditorium, which had become a movie house, closed its doors in 1965.

Approximately \$3,000,000 has been raised and spent on the building's rehabilitation, which has included the exterior and the west commercial portion of the building. What remains to be done is the renovation of the auditorium and the construction of the Arts Center beneath the auditorium. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: DOT, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Kansas Department of Transportation

Address of Requesting Entity: 700 S.W. Harrison Street, Topeka, KS 66603

Description of Project: I have secured \$1,520,000 for county road construction and improvements for US-54. In order to provide adequate access to a new ethanol plant approximately 5 miles northeast of the City of Liberal on US-54, the Kansas Department of Transportation will be constructing a new, paved county road. Access to the existing unpaved county road off US-54 is dangerous as there are no turning lanes on the highway which is a High Priority Corridor and the heaviest traveled highway in the Liberal area. A large number of semi-trucks will be entering and exiting the county road which is expected to cause significant delays on US-54 as well as major safety concerns. In addition to constructing the new county road, improvements will be made with the US-54 intersection. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: City of Salina

Address of Requesting Entity: 300 West Ash St., Salina, KS 67402

Description of Project: I have secured \$118,750 for the Salina Workforce Housing Project. Funds will be leveraged from both public and private sources to reduce the infrastructure development costs that make it challenging to develop affordable housing. A multi-phase housing subdivision will be built. The first phase will be approximately 100 lots and be sold to the public and/or direct to builders. The homes will be limited in size to ensure construction of homes that are in short supply for current and future employees.

This project will address two housing shortages that impact worker availability and economic development at once. The primary tar-

get is to develop homes that are appropriate for households with 110 to 130 percent of median income in Salina. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information regarding the earmark I received as part of H.R. 1105—Omnibus Appropriations Act, 2009.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Labor, Health and Human Services bill, FIPSE account

Legal Name of Requesting Entity: Tuskegee University, Tuskegee, Alabama

Address of Requesting Entity:

Description of Request: It is my understanding that the funding would be used to develop and implement curriculum and research for graduate level alternative energy research in the areas of solar, biofuels, fuels, and batteries energy.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Labor, Health and Human Services bill, FIPSE account

Legal Name of Requesting Entity: Alabama Institute for the Deaf and Blind

Address of Requesting Entity: 205 East South Street Talladega, Alabama 35160

Description of Request: It is my understanding that the funding would be used to develop and implement a collaborative employer training and job development program on behalf of the most significantly disabled citizens of Alabama. The Employer Education and Employment Development Program will target individuals who are deaf, blind and deaf-blind, as well as individuals who have developmental disabilities in conjunction with sensory impairment. Likewise, the Program will educate employers, statewide, on the benefits of hiring persons with disabilities. Assistive technology will also be a key dimension of the program for both the employer and employees—used to level the professional and educational playing field for persons with disabilities and enhance long term job performance and stability. This program will be part of a comprehensive worker credentialing program that will incorporate WorkKeys assessments and a standardized curriculum for basic workplace skills. WorkKeys, developed by ACT, is a national system for documenting and improving workplace skills. The program consists of three primary components: Job Profiling, Assessments and instructional support. Currently AIDB is the only known entity in Alabama providing this nationally recognized program to individuals with disabilities.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105
Account: Labor, Health and Human Services bill, ACF account

Legal Name of Requesting Entity: Cherokee County Commission, Alabama
Address of Requesting Entity: 100 Main Street Room 100 Centre, AL 35960

Description of Request: It is my understanding that the funding would be used to provide a central location where citizens can access information and community services that will empower, strengthen, improve the quality of life, and promote self-sufficiency by striving to meet the physical, emotional, developmental, and personal needs of all family members.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, International Trade Administration account

Legal Name of Requesting Entity: Auburn University, Auburn, Alabama

Address of Requesting Entity: 102 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used to acquire state-of-the-art equipment for polymer characterization and processing. Faculty will conduct research on the use of novel polymeric materials in transportation, structure, construction, and other applications, including nanotechnology. Focus will be on development of antimicrobial fibers and films for use in the medical industry and personal protective clothing.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, COPS Tech account

Legal Name of Requesting Entity: City of Auburn, Alabama

Address of Requesting Entity: 144 Tichenor Avenue, Suite 1 Auburn, AL 36830

Description of Request: It is my understanding that the funding would be used for a mobile data system for Auburn's Police Division. This consists of in-car computers and associated equipment (routers, wireless networking, e.g.) to equip all of our police vehicles.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, COPS Tech account

Legal Name of Requesting Entity: City and County of Montgomery, Alabama

Address of Requesting Entity: P. O. Box 1111, Montgomery, AL 36101 and P. O. Box 1667, Montgomery, AL 36102

Description of Request: It is my understanding that the funding would be used to implement an in-car digital video and server solution for City of Montgomery police vehicles and Montgomery County sheriff vehicles. This system will replace outdated VHS systems that are currently in police and sheriff vehicles and provide new installations in vehicles that are currently without a system. The ultimate goal is to have one upgradeable digital in-car system for the entire fleet and a central depository that will provide video evidence for courtroom presentation.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, Byrne account

Legal Name of Requesting Entity: Auburn University, Auburn, Alabama

Address of Requesting Entity: 102 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used in support of a program to provide local Law Enforcement Organizations with state-of-the-art detector-dog team training for enhancing public safety. The detector-dog and handler team remain the most capable tool for the interdiction of explosive materials and illicit drugs. The capability of such teams is entirely dependent upon the quality of the dog, the dog's training, and instruction of its handler. Auburn University will develop protocols for proper training and conditioning of dog-handler teams, evaluate capabilities of canines and teams, and additionally provide trained teams for local law enforcement in Alabama as a model for national training standards.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, COPS Tech account

Legal Name of Requesting Entity: Alabama Department of Corrections, Montgomery, Alabama

Address of Requesting Entity: 301 South Ripley Street, Montgomery, Alabama 36104

Description of Request: It is my understanding that the funding would be used for 3D virtual training for officers in high-risk maximum security facilities.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, Byrne account

Legal Name of Requesting Entity: Alexander City, Alabama

Address of Requesting Entity: P.O. Box 552, Alexander City, AL 35011-0552

Description of Request: It is my understanding that the funding would be used for security upgrades for the old Courthouse building to become a functional Police/Judicial Courtroom/Jail facility while still maintaining the facility's historic integrity.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Commerce, Justice, Science, Byrne account

Legal Name of Requesting Entity: Montgomery County Commission, Alabama

Address of Requesting Entity: 100 South Lawrence St., Montgomery, AL 36104 P.O. Box 1667, Montgomery, AL 36102-1667

Description of Request: It is my understanding that the funding would be used for the installation of security cameras and security card readers at Courthouse and Annexes, and connection of Annex facilities to central monitoring. Sheriff's Office vehicles will be outfitted with upgradeable digital in-car video system to provide video evidence for courtroom presentation.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Financial Service, SBA account

Legal Name of Requesting Entity: Jacksonville State University, Jacksonville, Alabama

Address of Requesting Entity: Bibb Graves Hall 700 Pelham Road, North Jacksonville, AL 36256

Description of Request: It is my understanding that the funding would be used to significantly improve the technology infrastructure that is used for teaching and research on the Jacksonville State University (JSU) main campus and remote campus locations, and for delivery of courses to distance education students that otherwise would not have access to university courses. The project will include initiatives to: implement improvements to the campus network infrastructure (switches, cabling, network appliances, fiber backbone); enhance internet connectivity—increase bandwidth available to students, faculty and staff for internet access; evaluate capabilities of the 2.5 gigahertz frequency channels licensed to JSU by the Federal Communications Commission (FCC); acquire hardware and software to develop applications that utilize the city-wide fiber network to implement collaborative initiatives with local K-12 school systems; and acquire and install components to expand the wireless network and internet connectivity throughout the campus, to remote campus locations and area schools.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Agricultural Research Service, Salaries and Expenses account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for ongoing cooperative research between USDA, Agriculture Research Service (ARS) and the Department of Fisheries and Allied Aquacultures, Auburn University will develop genomic information. The virulence factors and genomic dissection of resistance genes for various diseases are very important for the resolution of disease problems. The development of a genomic map will provide researchers with a road map to development of more disease resistant catfish and vaccines that are more effective. The role of Auburn University will be to provide assistance, conduct laboratory and field tests at its catfish ponds and farms in Alabama. Auburn University has extensive catfish ponds and expertise in working with Alabama catfish producers on fish health problems.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Agricultural Research Service, Salaries and Expenses account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for an ongoing statewide initiative that is coordinated

by USDA-ARS and the funds are shared with ARS, Auburn University (Agronomy and Soils Department & Plant Pathology), Tuskegee University and Alabama A&M. The funds to AU, Tuskegee, and A&M support cooperative projects working on integration of conservation tillage, precision agriculture and management of poultry litter. The AU funding is also used to maintain a state of the art soil testing lab and web based access information system for producers and homeowners throughout Alabama. Increased request for this year is to expand reniform nematode research throughout the state, develop more intense mature management research and expand research on the development of alternative substrates for nursery crop production and biofuel production. Results and future plans are made available to commodity groups and discussed at formal commodity meetings each fall.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Agricultural Research Service, Salaries and Expenses account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for ongoing cooperative research between USDA, Agriculture Research Service (ARS) and the Department of Fisheries and Allied Aquacultures, Auburn University will develop multivalent vaccines against three major concurrent diseases of catfish. Vaccine formulations will be developed and laboratory and field tested for the absence of inference between the different vaccine components, and to be safe and effective against all three diseases. The role of Auburn University will be to provide assistance in vaccine formulation, conduct laboratory and field tests at its catfish ponds and farms in Alabama. Auburn University has extensive catfish ponds and expertise in working with Alabama catfish producers on fish health problems and vaccination.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Cooperative State Research Education and Extension Service, Research and education account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for the Auburn University Research Center on Detection and Food Safety. The ARC vision is to improve the safety of the U.S. food system by developing the science and engineering required to rapidly identify, pinpoint and characterize, through an integration of sensor and information technology, problems that arise in the food supply chain.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Cooperative State Research Education and Ex-

tension Service, Research and education account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used in developing geospatial tools to allow more site specific management of forests, agriculture, and natural resources. This project utilizes geospatial technologies (GPS and GIS) developed by the military and aerospace industries to improve the profitability and efficiency of the forest products industry, agriculture, and other natural resource based enterprises. The project will build on ongoing work in Precision Agriculture.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Agriculture Appropriations bill, Cooperative State Research Education and Extension Service, Research and education account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used for the Tri-State Peanut Research to develop data needed to accomplish the desired impacts, field trials were established in Alabama, Florida and Georgia. Each location conducts similar trials, but decisions concerning best management practices vary with soil types and required baseline data is collected from each location. Six major research sites have been established, two at Auburn's Wiregrass Research Center in Headland, Alabama. One is a farm scale 52 acre irrigated field and the other is a small replicated experimental site. At the University of Georgia's Coastal Plain Experiment Station, Tifton, a 12 acre irrigated experimental plot and a 5 acre experimental site were established. Three sites were established in Florida, two at the North Florida Research and Education Center—a 12 acre site in Quincy and a 150 acre site in Marianna. Another 120 acre site was established on a grower's field.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Energy and Water Appropriations bill, Corps of Engineers, section 206 account
Legal Name of Requesting Entity: City of Phenix City, AL

Address of Requesting Entity: 601 12th Street Phenix City, AL 36867

Description of Request: It is my understanding that the funding would be used to fund the Fall Line Ecosystem Restoration Project to remove two small and underutilized dams to restore fish habitat.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Energy and Water Appropriations bill, Department of Energy, EERE biomass and biorefinery systems R&D account

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 202 Samford Hall Auburn, AL 36849

Description of Request: It is my understanding that the funding would be used by Auburn scientists and engineers to perform integrated investigations of the entire biomass to an energy processing system using thermochemical approaches. Agricultural and forest researchers will optimize the biomass supply chain by testing new methods for harvesting, transporting, and processing forest and agricultural biomass in preparation for gasification. Scientists and engineers will also investigate gasification processes to determine optimal gasification configurations and the corresponding operating parameters. Another component of this research program will focus on the development of cost effective hot gas cleanup technologies necessary for production of high quality synthesis gases suitable for power generation and liquid fuel production.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Interior and Environment Appropriations bill, National Park Service, Save America's Treasures account

Legal Name of Requesting Entity: Jackson-Community house Historic Foundation

Address of Requesting Entity: 409 South Union Street, Montgomery, AL 36104

Description of Request: It is my understanding that the funding would be used to complete the third phase of the restoration project of the 155 year old Jackson-Community house including landscaping, lighting, driveways, plants, and window treatments.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Interior and Environment Appropriations bill, Environmental Protection Agency, STAG water and wastewater infrastructure project account

Legal Name of Requesting Entity: City of Alexander City, AL

Address of Requesting Entity: P.O. Box 552, Alexander City, AL 35011

Description of Request: It is my understanding that the funding would be used to provide connector transmission water mains to provide potable water to rapidly developing lakefront areas in south Tallapoosa and north Elmore counties that are currently unserved or underserved.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Interior and Environment Appropriations bill, Environmental Protection Agency, STAG water and wastewater infrastructure project account

Legal Name of Requesting Entity: City of Opelika, AL

Address of Requesting Entity: P.O. Box 390, Opelika, AL 36803

Description of Request: It is my understanding that the funding would be used for construction of a package treatment plant to serve existing and future industrial development. This facility will provide the needed sewer capabilities at the Industrial Park and other areas around 1-85. This will increase overall capacity in the City and ensure that new industry has the infrastructure it needs immediately upon choosing the Opelika Park.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Highway Administration, Transportation & Community & System Preservation account

Legal Name of Requesting Entity: Jacksonville State University

Address of Requesting Entity: Bibb Graves Hall 700 Pelham Rd, North, Jacksonville, AL 36256

Description of Request: It is my understanding that the funding will be used for design and construction of a pedestrian bridge on HWY 21. Highway 21 is a major north-south corridor with excessive vehicle and truck traffic coupled with student, faculty and other local traffic. Pedestrian safety is paramount on a University campus. The design and construction of a pedestrian overpass system across State Highway 21 to improve and ensure student safety is an integral part of Jacksonville State University's Master Campus Plan that includes a safe pedestrian student pathway artery linking major campus destinations. The design and construction of a pedestrian overpass system will greatly protect the students of Jacksonville State University and improve traffic flow through the city of Jacksonville. Funding would be spent in two phases: 1) on design and 2) actual construction of the overpass system.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Housing and Urban Development, Economic Development Initiatives account

Legal Name of Requesting Entity: Pike Road, AL

Address of Requesting Entity: 4902 Old Pike Road, Pike Road, AL 36064

Description of Request: It is my understanding that the funding will be used for the Town of Pike Road to conduct economic, community, transportation, and infrastructure planning, including a study on light rail using existing rail lines between Pike Road and Gunter and Maxwell Air Force bases. The Town of Pike Road has developed a four-part strategic outline that its citizens endorsed at a town hall meeting. The plan calls for: (a) visionary community and economic planning; (b) excellence in public education; (c) recreation that fits the natural resources of the area; and (d) public safety and services that maintain a high quality of life.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Housing and Urban Development, Economic Development Initiatives accounts

Legal Name of Requesting Entity: Valley, Alabama

Address of Requesting Entity: P.O. 186 Valley, Alabama 36854

Description of Request: It is my understanding that the funding would be used for installation of elevator to increase access of the Sportsplex to the elderly and disabled population.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Highway Administration, Interstate Maintenance Discretionary account

Legal Name of Requesting Entity: City of Auburn, AL

Address of Requesting Entity: 144 Tichenor Avenue, Suite 1, Auburn AL 36803

Description of Request: It is my understanding that the funding would be used for the development of a 430-acre Auburn Technology Park West, including land acquisition and infrastructure construction, both on-site and off-site. Specifically, federal funding is requested for the construction of an extension of West Veterans Boulevard and part of the Outer Loop road to connect with the Technology Park. This road connection would provide a western connection between the City, the Technology Park and a new 1-85 interchange currently being designed. To this end, the City has provided \$11,300,000 to fund the development of the West Technology Park, but we still need additional resources to provide the road connectivity needed for access between the Technology Park, the City, and the interstate.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Highway Administration, Transportation & Community & System Preservation account

Legal Name of Requesting Entity: City of Opelika, AL

Address of Requesting Entity: P.O. Box 390, Opelika, AL 36803

Description of Request: It is my understanding that the funding would be used to plan and design a perimeter or northern transportation corridor in Opelika. A northern perimeter is needed due to tremendous population growth primarily in the northern sector of Opelika resulting from strong economic growth in every sector-residential, commercial, and industrial. The corridor would ultimately connect US Highway 280 in northeast Opelika with Interstate 85 in northwest Opelika improving highway safety, reducing congestion on inner city streets, and connect new population centers with the growth of employment opportunities in the Northeast Industrial Park.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 1105

Account: Transportation, HUD Appropriations bill, Federal Aviation Administration, Facilities and Equipment account

Legal Name of Requesting Entity: Montgomery Airport Authority

Address of Requesting Entity: 4445 Selma Highway, Montgomery, AL 36108

Description of Request: It is my understanding that the funding would be used to preserve valuable airport infrastructure. It consists of rehabilitation of the pavement structure of the airport's primary runway, Runway 10/28, whose condition is beginning to deteriorate. This runway is showing signs of advanced deterioration at this time and will not last beyond another year or two without major rehabilitation. Since airport runways do not receive the level of activity that keeps roadways fresh by constantly flexing the asphalt, they tend to oxidize and crack over a period of 10-12 years. This runway has not been rehabilitated since 1996.

REMEMBERING THE LIFE OF
JORDI REYES-MONTBLANC

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RANGEL. Madam Speaker, I rise with great sadness as I pay tribute to my dear friend Jordi Reyes-Montblanc who recently passed away. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable man who, over his many years as an outstanding advocate for the West Harlem community, fought strongly and passionately for his ideals regardless of how popular the issue.

Jordi was a larger-than-life figure in the West Harlem community. For decades he was one of the area's most energetic activists, fighting for safe streets and cleaner parks, and especially championing the cause of affordable housing and homeownership for New Yorkers of modest means. Jordi delighted in his many contradictions. He was staunchly proud of his Cuban heritage. He was a fierce opponent of Communism who nonetheless fought for not-so-Capitalistic affordable housing policies.

Jordi's story was the stuff of novels. He fled his native Cuba as a young adult in 1958, escaping the winds of communism that eventually swept the island. He joined the U.S. Marines, where he engaged in covert operations in Southeast Asia. Though, he never spoke much about his past to those outside of his closest circle of friends. He was an avid hunter who often demonstrating his trademark frankness.

Jordi was a pioneer in the movement to allow low- and middle-income families to purchase their own apartments through the city's Housing Development Fund Corporation program, and in 1993 he led the conversion of his own building to a limited-equity co-op.

This activism on housing issues secured his appointment to Community Board 9 in the mid-1990s. It was during that period when he developed a close bond to Councilman Stan Michels, another significant local leader who passed away late last year. As Chair of Community Board 9, Jordi was fearless in speaking his mind on local issues, regardless of who he might offend. That quality could have earned him nothing but detractors on the Board, but instead the reverse happened: he was almost universally respected for his even-handedness and devotion to the community.

Columbia University's plan to expand to a new campus in Manhattanville defined Jordi's tenure as Chair of the local community board. While maintaining that he wasn't opposed to the expansion per se, he became a vocal critic of the displacement of local residents and businesses which would result from the specific plan Columbia was advancing. Jordi thrust his community board into the center of the fight on this issue, and he became a fixture in the city's media as an outspoken critic of the expansion.

In his blog you can still find his thoughts on what he felt he was about. He states, "I don't lead, I don't follow and I do the things my

heart and conscience tells me are right for me to do, any one is welcome to stand shoulder-to-shoulder with me freely."

Jordi Reyes-Montblanc will be long remembered for his extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which won the admiration of all who were privileged to come to know and work with him. I consider myself fortunate to have had the opportunity to observe and experience his example as a personal inspiration.

Madam Speaker, rather than mourn his passing, I hope that my colleagues will join me in celebrating the life of Jordi by remembering that he exemplified greatness in every way.

JUDGE TOM ELLINGTON AND "WE THE PEOPLE"

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of Municipal Court Judge Thomas Ellington in Washington State who received the annual William Nevins Award from the Washington Judges' Foundation for working tirelessly to educate youth about the judicial branch of government. Judge Ellington has spent the entirety of his judicial career working on behalf of "We the People," a high school program that competes on the knowledge of the U.S. Constitution and what role students play as citizens.

For more than two decades, dating back to his law school days, Judge Ellington has worked to help students understand how to properly engage in democracy and recognize the Constitution as an incredibly influential historic document.

Not only has Judge Ellington played a 'facilitator' role for the "We the People" program, but he improved it with innovative ideas: instead of heading into individual classrooms, Judge Ellington brought teachers and students in Washington State to him in the form of voluntary workshops. Whether serving as "We the People" advisory board president or simply volunteering his time and knowledge, Judge Ellington employs the heart of a servant.

Such a high and prestigious honor such as the Williams Nevins Award must be awarded to someone in the legal profession who goes above and beyond the call of duty; Judge Thomas Ellington is that person. I want to congratulate for the recognition, thank him for his service to the State of Washington and the Nation and encourage him to continue on his path of leadership and selfless service.

CONGRATULATIONS TO REPRESENTATIVE DOUG BEREUTER

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise today to offer my warmest congratulations

to former Representative Doug Bereuter for receiving the 2009 Trailblazer Award from the NEBRASKAland Foundation.

Each year, the NEBRASKAland Foundation celebrates Nebraska's entrance into the union. During this event, the Foundation honors distinguished Nebraskans for the impressive contributions to the State of Nebraska.

I can think of no one who sums up the spirit of this award better than Representative Bereuter. His 26 years in Congress is a testament to his long-standing dedication to all Nebraskans. When I look at everything he accomplished during his tenure here in Congress, I am both humbled and inspired. He has truly set a tremendous example for others.

Once again, I offer my congratulations to Representative Bereuter and I thank him for his public service, his leadership, and his friendship.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding funding included in H.R. 1105, the Omnibus Appropriations Act of 2009.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants
Legal Name of Recipient: Operation UNITE
Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide \$4,450,000 in directed funding to Operation UNITE, a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. Operation UNITE has arrested 2,939 drug dealers and removed over \$8.4 million worth of drugs off the street, including 83,426 prescription pills, 450 pounds of marijuana, 14 pounds of meth and 20 pounds of cocaine. Over 1,890 non-violent offenders have participated in UNITE-funded drug courts, and more than 1,360 individuals grappling with addiction have received vouchers for treatment. Funding in FY09 will be used to continue vital enforcement activities, effective treatment programs partnered with local governments, community organizations and faith-based groups, as well as expand an intensive education program to warn school children of the dangers of drug abuse.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: NOAA—Operations, Research and Facilities

Legal Name of Recipient: Eastern Kentucky PRIDE, Inc.

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide \$1,000,000 in directed funding for Eastern Kentucky PRIDE, Inc., the first initiative specifically created to solve severe environmental degradation problems in southern and eastern Kentucky. PRIDE, a non-profit organization, unites citizens with the resources of federal, state and local governments in order to improve water quality in the region, clean up illegal trash dumps and other solid waste, and promote environmental awareness and education to break the cycle of pollution. To date, PRIDE has recruited more than 262,000 volunteers, provided 28,089 homes with access to sanitary wastewater treatment, and cleaned up 131,408 tons of trash.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology
Legal Name of Recipient: Pulaski County Sheriff's Department

Address of Recipient: P.O. Box 752, Somerset, KY 42502

Description of Request: Provide \$50,000 in directed funding for the Pulaski County Sheriff's Department, which currently owns a 1972 OH58 Bell 4-seater helicopter for law enforcement and other emergency service requests within a 100-mile radius in southern and eastern Kentucky. The coverage area requires sound communications operating equipment with a service area that includes mountainous terrain, expansive Lake Cumberland and the Daniel Boone National Forest. The helicopter's land-based on-board communications equipment is outdated and often fails to function properly, creating problems during search and rescue, law enforcement activities and surveillance. This funding will support equipment upgrades that will eliminate existing communications barriers between the helicopter and local/emergency service organizations and ensure timely and effective response to law enforcement and medical emergencies in the region.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants
Legal Name of Recipient: National Crime Prevention Council

Address of Recipient: 2345 Crystal Drive, Suite 500, Arlington, VA 22202

Description of Request: Provide directed funding of \$500,000 for the National Crime Prevention Council (NCPC) to continue valuable crime prevention activities which directly benefit the Kentucky Crime Prevention Coalition based in Erlanger, Ky. Authorized under Section 626 of P.L. 109-248, NCPC's Crime Prevention Campaign aims to respond to traditional crime, emerging crime trends and changing crime prevention needs in communities around the country, including south-eastern Kentucky. NCPC works to help people keep themselves, their families and their communities safe from crime by producing tools that communities can use to learn crime prevention strategies, engage community members, and coordinate with local law enforcement agencies. FY09 funding will be utilized to continue these important activities.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs—Byrne Discretionary Grants
Legal Name of Recipient: SEARCH, National Consortium for Justice Information Statistics

Address of Recipient: 7311 Greenhaven Drive, Suite 145, Sacramento, CA 95831

Description of Request: Provide directed funding of \$500,000 for the National Consortium for Justice Information Statistics, which is authorized through P.L. 109–162. SEARCH's National Training and Technical Assistance Program is the only no-cost service for small- and medium-sized criminal justice agencies, providing assistance with: 1) enhancing and upgrading information systems; 2) building integrated information systems; and 3) ensuring compatibility between local systems with state, regional and national systems. In Kentucky, public safety agencies have participated in a specialized SEARCH training course that provides practical, hands-on instruction in cybercrime investigation techniques, as well as utilized SEARCH's technical, computer forensics and criminal history improvement assistance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Construction, General (Section 202)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington & Nashville Districts

Address of Recipient: 502 Eighth Street, Huntington, WV 25701 P.O. Box 1070, Nashville, TN 37202

Description of Request: As authorized in Section 202 of P.L. 96–367, as amended, provide directed funding of \$9,000,000 for the U.S. Army Corps of Engineers to continue structural and non-structural flood damage reduction efforts in several flood-prone communities in southern and eastern Kentucky. These important flood damage reduction projects mitigate hundreds of millions of dollars in potential damages. Without Section 202 projects, taxpayers in Appalachian Kentucky would be burdened by an additional \$847 million in flood insurance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Construction, General (Section 531)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington District

Address of Recipient: 502 Eighth Street, Huntington, WV 25701

Description of Request: As authorized in Section 531 of P.L. 104–303, provide \$2,000,000 in directed funding for the U.S. Army Corps of Engineers to execute its environmental infrastructure program in southern and eastern Kentucky. The Environmental Protection Agency estimates this region has over \$300 million in unmet infrastructure needs. The U.S. Army Corps of Engineers therefore works closely with regional non-profits to determine priority water quality projects. Over 50 innovative regional projects for sewer and water improvements are currently underway or have been completed. Through this program, the U.S. Army Corps of Engineers has helped serve 20,861 homes with sewer

improvement projects. FY09 funding for Section 531 projects will continue these important efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Construction, General

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide \$54,547,000 in directed funding for continued design, preparation and construction to stabilize Wolf Creek Dam, which impounds Lake Cumberland. The lake mitigates possible flooding to several Kentucky and Tennessee communities, and it is estimated that Wolf Creek Dam has prevented more than \$1.3 billion in damages and prevented major loss of life from flood events. The dam also supports a \$150 million tourism industry in the region. A \$341 million contract for the construction of a 4200-foot concrete barrier wall to eliminate seepage at Wolf Creek Dam was let in July 2008. The project is among the Corps' top dam safety projects in the nation.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Army Corps of Engineers—Operations & Maintenance

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District—Lake Cumberland

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide directed funding of \$314,000 for the U.S. Army Corps of Engineers to perform needed improvements to degraded Lake Cumberland structures and facilities. These operation and maintenance funds may be used for needed refurbishments around the lake.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Energy—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of \$3,805,000 for the Consortium of Plant Biotechnology Research (CPBR), a non-profit organization whose membership includes 43 leading U.S. research universities and 39 agribusiness companies and trade associations. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Energy—Fossil Fuels Research and Development

Legal Name of Recipient: The University of Kentucky—Center for Applied Energy Research

Address of Recipient: 2540 Research Park Drive, Lexington, KY 40511

Description of Request: Provide directed funding of \$1,379,675 for the University of Kentucky's Center for Applied Energy Research (CAER) to continue important research regarding the development of strategic coal-based liquid transportation fuels. Rising petroleum prices, national security concerns and limited domestic oil reserves require a serious look at alternative sources of transportation fuels. With this funding, CAER will continue its work towards the production of coal-derived liquid transportation fuels (diesel, aviation fuel, etc.).

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Energy—Science
Legal Name of Recipient: The University of the Cumberlands

Address of Recipient: 6191 College Station Drive, Williamsburg, KY 40769

Description of Request: Provide directed funding of \$951,500 to the University of the Cumberlands for the development of a science and technology complex. The University currently has 394 students majoring or minoring in mathematics, physics, biology, chemistry, pre-med, pre-pharmacy, pre-dentistry, pre-optometry, pre-physical therapy and pre-veterinary medicine. The facility will provide students with technological training in the medical field, providing increased access to healthcare expertise in an area of southern and eastern Kentucky critically underserved by the medical community. The funding will be used to expand the existing facility to accommodate increased demands.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of the Interior—National Park Service—Land Acquisition

Legal Name of Recipient: Cumberland Gap National Historic Park

Address of Recipient: US 25E S, P.O. Box 1848, Middlesboro, KY 40965

Description of Request: Provide directed funding of \$1,150,000 for Cumberland Gap National Historic Park. P.L. 108–07 gave the National Park Service authority to acquire the historic and pristine Fern Lake and surrounding 4500 acre watershed incorporating this area into Cumberland Gap National Historic Park. Fern Lake will eventually serve as a clean and reliable water source for the city of Middlesboro, Kentucky as well as enhance recreational opportunities at Cumberland Gap. Phase 1 of the project has been completed, and Phase 2 acquisition, funded in the FY08 Omnibus Appropriations Act, is underway.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency—Science & Technology

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of \$750,000 for the Consortium of Plant Biotechnology Research, a non-profit organization whose membership includes 43

leading U.S. research universities and 39 agribusiness companies and trade associations. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency—Environmental Programs and Management—National Programs

Legal Name of Recipient: Rural Communities Assistance Partnership

Address of Recipient: 1522 K Street, NW Suite 400, Washington DC 20005

Description of Request: Provide directed funding of \$2,500,000 for the Rural Communities Assistance Partnership with the EPA. RCAP service providers work with federal and state agencies to help small communities address their drinking water and wastewater treatment concerns. While small, rural communities are home to less than 25% of the nation's population, they account for over 85% of the nation's community water systems. Problems with EPA clean water compliance may arise when small communities lack the oversight capacity and technical expertise to deal with the complexities of maintaining a safe and clean supply of water, and communities with fewer than 10,000 residents are more than twice as likely to violate drinking water standards as are larger systems. Each year, the RCAP network delivers services to more than 2,000 rural communities, 90% of which have populations of 2,500 or fewer, while leveraging an average of \$25 in additional funding for every \$1 in federal investment. FY09 funding will be equally divided between technical assistance activities related to drinking water and clean water compliance.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Environmental Protection Agency—STAG Water & Wastewater Infrastructure

Legal Name of Recipient: Breathitt County Water District

Address of Recipient: 1137 Main Street, Suite 305, Jackson, KY 41339

Description of Request: Provide directed funding of \$500,000 for the Breathitt County Water District to extend water service to approximately 380 new customers, including the NOAA Weather Station in Jackson, KY. Additional funds are being provided through the Kentucky coal severance program and the U.S.D.A. Rural Development program. This project is vital to providing public water service in an area of our nation suffering from a lack of safe, potable water. The NOAA Weather Service Office in Jackson currently does not have access to safe drinking water and must rely on bottled water to meet daily needs.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: U.S. Forest Service—Forest Systems

Legal Name of Recipient: Daniel Boone National Forest

Address of Recipient: 1700 Bypass Road, Winchester, KY 40391

Description of Request: Provide directed funding of \$886,000 for law enforcement activities within the Daniel Boone National Forest. Drug trafficking and production in eastern Kentucky continues to plague the development of our communities, discourage investment and harm our young people. Last year, law enforcement officials eradicated 1,365 plots in the Daniel Boone National Forest, totaling 104,684 marijuana plants. This funding is vital to continuing these important efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—Buses and Bus Facilities

Legal Name of Recipient: LKLP Community Action Council—Hazard, KY.

Address of Recipient: 398 Roy Campbell Drive, Hazard, KY 41701

Description of Request: Through the Kentucky Transportation Cabinet's Office of Transportation Delivery, provide funding of \$237,500 for planning and construction of an intermodal transit facility in Hazard, KY. The facility will eventually assist the Leslie, Knott, Letcher, and Pike (LKLP) counties Community Action Council in delivering federal and state assistance services to underserved populations in these counties. LKLP operates a number of federal Public Transportation programs including Section 5311, Section 5310, Section 5316 and Section 5317.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—FAA—Facilities & Equipment

Legal Name of Recipient: Hazard-Perry County Airport Board—Wendell H. Ford Regional Airport

Address of Recipient: P.O. Box 420, Hazard, KY 41701

Description of Request: Provides directed funding of \$142,500 for an Instrument Landing System (ILS) at Wendell H. Ford Regional Airport in Hazard, KY for precision azimuth and elevation guidance signals to aircraft. For the 12-month period ending September 21, 2006, the airport had 10,200 aircraft operations, an average of 27 per day: 85% general aviation, 14% air taxi and 2% military. This project will make a more secure environment for military and civilian operations and provide safer landings at this regional airport.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—Interstate Maintenance—Discretionary

Legal Name of Recipient: Kentucky Transportation Cabinet

Address of Recipient: 200 Mero Street, Frankfort, KY 40622

Description of Request: Provide directed funding of \$712,500 for the widening of Interstate 75 in Rockcastle County, KY. Interstate 75 is a crucial part of the Interstate Highway System. Widening of I-75 will continue important ongoing work to address traffic congestion and safety issues along this important national corridor of highway. Several stretches of I-75 have been widened to six lanes in recent

years. Long term state highway plans are to widen all of I-75 in Kentucky to at least six lanes.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Transportation—Federal Highway Administration—Surface Transportation Priorities

Legal Name of Recipient: Morehead Rowan County Economic Development Council

Address of Recipient: 100 Lake Park Drive, Morehead, KY 40351

Description of Request: Provide directed funding of \$902,500 for the Morehead/Rowan County Airport Access Road. This access road project provides a critically needed road to a newly constructed regional airport. The access road, approximately 2 miles long, provides access to both the airport and a new 65-acre business park. The project will provide 35 full-time jobs and \$3.7 million in economic impact to the county.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Housing & Urban Development—Economic Development Initiatives

Legal Name of Recipient: Kentucky Communities Economic Opportunity Council (Gray, KY.)

Address of Recipient: 5448 US 25 East, Gray, KY 40734

Description of Request: Provide directed funding of \$285,000 to the Kentucky Communities Economic Opportunity Council, a non-profit community agency that has been serving the residents of southeastern Kentucky since 1964. This project involves the demolition of the vacant and seriously dilapidated Southeastern Kentucky Baptist Hospital building located in Corbin, KY, and provides for a brownfield-style re-development of a multi-functional public-private housing development for low- to middle-income residents in the City of Corbin. FY09 funding will be used for the architectural, engineering and initial site development work that is required prior to the housing unit construction. The Commonwealth of Kentucky and the Appalachian Regional Commission have provided \$660,000 that will be used to remove all hazardous materials from the old hospital facility and demolish the facility once those materials have been removed. The new facility will have 75 units of mixed-style affordable housing.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Housing & Urban Development—Economic Development Initiatives

Legal Name of Recipient: The University of the Cumberlands

Address of Recipient: 6191 College Station Drive, Williamsburg, KY 40769

Description of Request: Provide directed funding of \$285,000 to the University of the Cumberlands to construct and equip a community health and wellness facility for utilization by the southern Kentucky community. The new facility will bring together the Campus Center, Student Health Center, Recreational Sports Program, Intramural Sports Program

and the Community Program to provide educational resources, environmental stewardship instruction and service opportunities, including exercise, public health and wellness training.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Financial Services, SBA

Legal Name of Recipient: SEKTDA

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$700,000 for economic and small business development in southern and eastern Kentucky. SEKTDA is a non-profit, region-wide initiative created to attract travelers and tour industry businesses to the area. SEKTDA's 47 county region is in one of the most depressed areas in the United States and economic and small business development is essential. These funds will contribute to the economic growth of the region.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Financial Services, ONDCP

Legal Name of Recipient: National Alliance for Model State Drug Laws

Address of Recipient: 700 North Fairfax Street, Alexandria, VA 22314

Description of Request: Provides \$1,250,000 in directed funding to assist states with their efforts to address diversion of, abuse of, misuse of, and addiction to prescription drugs. The National Alliance for Model State Drug Laws (NAMSDL) is non-profit organization that serves as a resource for governors, state legislators, drug and alcohol professionals, community leaders, and others striving for comprehensive and effective state drug and alcohol laws, policies and programs. NAMSDL's national network of drug and alcohol experts researches and analyzes model drug and alcohol laws, and facilitates working relationships among state and community leaders and drug and alcohol professionals. The proliferation of addictive pain-relief prescription drugs in Kentucky and across the country necessitates continued funding of NAMSDL programs.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Health and Human Services, SAMHSA

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$714,000 for a substance abuse treatment and voucher program through Operation UNITE. Operation UNITE is a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. Operation UNITE has arrested 2,939 drug dealers and removed over \$8.4 million worth of drugs off the street, including 83,426 prescription pills, 450 pounds of marijuana, 14 pounds of meth and 20 pounds of cocaine. Over 1,890 non-violent offenders have participated in UNITE-funded drug courts, and more than 1,360 individuals grappling with addiction have received vouchers for treatment. This

funding will be utilized to provide a one-time payment for residential substance abuse treatment for eligible individuals who cannot afford treatment.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Health and Human Services, SAMHSA

Legal Name of Recipient: Operation UNITE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$618,000 for a multi-school substance abuse counseling and curriculum development program through Operation UNITE. Operation UNITE is a comprehensive program to combat the scourge of drug abuse in southern and eastern Kentucky by coordinating federal, state and local efforts in law enforcement, treatment and education. From the 2004-2008 school years, 35 counselors served 44 school districts in the region. In addition, nearly 65,000 individual and group counseling sessions were provided, and 3,949 referrals to treatment were made. This funding will provide prevention, intervention, and treatment through drug counselors in the local school system.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Manchester Memorial Hospital

Address of Recipient: 210 Marie Langdon Drive, Manchester, KY 40962

Description of Request: Provide directed funding of \$95,000 to purchase medical imaging technology at Manchester Memorial Hospital. The equipment includes two ultrasound units, a digital mammography unit, and a C-ARM. Manchester Memorial Hospital is a 63-bed, not-for-profit facility that serves more than 4,000 residents in rural Kentucky. Manchester Memorial Hospital has committed to provide additional funds to complete this project.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Morehead State University

Address of Recipient: 150 University Boulevard, Morehead, KY 40351

Description of Request: Provide directed funding of \$238,000 to conduct a health outreach demonstration program in eastern Kentucky. The region has some of the highest rates of diabetes, obesity, and heart disease in the country. This is a targeted and comprehensive project to improve rural health and rural communities. The funds will be used for program development, supplies, health information resources, physician and professional support, and promotional/awareness efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: Pikeville Medical Center

Address of Recipient: 911 Bypass Road, Pikeville, KY 41501

Description of Request: Provide directed funding of \$95,000 to establish a paperless, all digital hospital. Pikeville Medical Center is a not-for-profit hospital located in the Appalachian Mountains where a significant portion of the population is isolated from access to quality medical care. Implementing health information technology will allow Pikeville Medical Center to increase patient safety and healthcare quality while reducing operational costs. The funds will be used for the purchase of equipment and training programs to establish a digital hospital. Over the past three years, Pikeville Medical Center has invested \$9 million in information technology to advance healthcare in the region.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: HR. 1105

Account: Department of Health and Human Services, HRSA

Legal Name of Recipient: University of Kentucky Research Foundation

Address of Recipient: 103 Kinkead Hall, Lexington, KY 40506

Description of Request: Provide directed funding of \$190,000 for the Marty Driesler Cancer Project, a lethal cancers early detection and awareness program. The program was created in 2004 and the University of Kentucky continues to oversee its application at several regional healthcare centers in rural southeastern Kentucky. The goal of the project is to establish a state-of-the-art early detection and outreach program for people suffering from lung, liver, and esophageal cancer. Funding supports continued collaboration with community partners currently involved in accruing and managing the lung cancer study in the Fifth Congressional District.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Education, FIE

Legal Name of Recipient: Eastern Kentucky PRIDE

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$190,000 for environmental education and awareness to students through the Eastern Kentucky PRIDE program. PRIDE is the first initiative specifically created to solve severe environmental degradation problems in the region. PRIDE, a non-profit organization, unites citizens with the resources of federal, state and local governments in order to improve water quality in the region, clean up illegal trash dumps and other solid waste, and promote environmental awareness and education to break the cycle of pollution. This funding supports initiatives in local elementary, middle, and high schools to engage students in environmental stewardship.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Education, FIE

Legal Name of Recipient: The Center for Rural Development

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$238,000 for the continuation of

Forward in the Fifth, a civic literacy program in southern and eastern Kentucky. Begun in 1986, the organization serves 44 Appalachian counties by placing a high priority on literacy education. In addition, Forward in the Fifth has developed and implemented a variety of programs to improve school attendance, enhance science and math instruction, reduce dropout rates, train parents in computer-based education platforms, and increase the number of residents attending college. The program works with local schools, teachers, parents, and the community.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Agriculture, Natural Resources Conservation Service

Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide \$545,000 in directed funding for conservation technical assistance grants to the Kentucky Soil Conservation Districts. This locally-led program promotes Kentucky's natural resource priorities and assists in the implementation of various Farm Bill conservation programs on small family farms.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 1105

Account: Department of Agriculture, Natural Resources Conservation Service

Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide \$724,000 for conservation technical assistance to the Kentucky Soil Erosion Control Cost Share Program. The Kentucky Cost Share Program is implemented in coordination with the Environmental Quality Incentives Program to address Kentucky's natural resource concerns. The funds will be used for engineering, designing, installing, and certification of systems/facilities in order to meet national conservation standards.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 1105, the Consolidated Appropriations for Fiscal Year 2009.

Project Name: Bois Brule Drainage and Levee District, MO Bill Number: H.R. 1105

Account: Construction

Legal Name of Requesting Entity: Bois Brule Levee and Drainage District of Perry County, MO

Address of Requesting Entity: P.O. Box 347, Perryville, MO 63775

Description of Request: Provide an earmark of \$2,130,000 to continue work on a flood damage reduction and deficiency correction

project conducted by the U.S. Army Corps of Engineers. Approximately \$160,000 is for construction management and engineering for contracts awarding in FY2008; \$1,970,000 to award a contract for the Missouri Chute pump station. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General account.

Project Name: Cape Girardeau, Missouri Floodwall

Bill Number: H.R. 1105

Account: Construction

Legal Name of Requesting Entity: City of Cape Girardeau, Missouri

Address of Requesting Entity: 401 Independence Street, Cape Girardeau, MO 63703

Description of Request: Provide an earmark of \$2,575,000 to continue work on a flood damage reduction project conducted by the U.S. Army Corps of Engineers. Approximately, \$1,910,000 is for pump station work; \$665,000 for soil stabilization. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General account.

Project Name: Caruthersville Harbor, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: Pemiscot County Port Authority

Address of Requesting Entity: 619 Ward Avenue, Caruthersville, MO 63830

Description of Request: Provide an earmark of \$483,000 for Caruthersville Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately \$483,000 is for dredging the harbor to authorized levels. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: Clearwater Lake, Missouri (Seepage Control)

Bill Number: H.R. 1105

Account: Construction

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of \$23,924,000 for Clearwater Major Rehabilitation Project to continue work on a flood control project conducted by the U.S. Army Corps of Engineers. Approximately \$1,000,000 is for continuation of seismic and hydrologic studies and the implementation of interim risk reduction measures not completed in Fiscal Year 2008. Additionally, \$22,924,000 will be used to fund on-going Phase II construction. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General account.

Project Name: Clearwater Lake, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of Piedmont, Missouri

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of \$2,622,000 for Operation and Maintenance of Clearwater Lake. This request is consistent with the intended and authorized purpose of

the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: Little River Diversion, Dutchtown, Missouri

Bill Number: H.R. 1105

Account: Section 205

Legal Name of Requesting Entity: Little River Drainage District

Address of Requesting Entity: P.O. Box 159 Cape Girardeau, MO 63702

Description of Request: The Little River Diversion project will be funded at the discretion of the U.S. Army Corps of Engineers, through Section 205 funds. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Section 205 account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN; New Madrid Levee Closure & MO PED Activities

Bill Number: H.R. 1105

Account: MRT—Construction

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of \$3,800,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. Approximately \$1,800,000 is for planning, engineering and design for levee construction work in Luxora and Osceola; \$500,000 for New Madrid Levee Closure and Box Culvert; \$500,000 for Big Oak Tree water supply; \$500,000 for mitigation and flowage easements; and \$500,000 for planning, engineering and design activities. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Construction account.

Project Name: New Madrid Harbor, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: New Madrid County Port Authority

Address of Requesting Entity: 435 Main Street, New Madrid, MO 63869

Description of Request: Provide an earmark of \$257,000 for the New Madrid County Harbor for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately \$40,000 is for surveying; \$186,300 for dredging the harbor; and \$31,000 for scour repairs on the harbor bank. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: New Madrid Harbor (Mile 889), Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of New Madrid, Missouri

Address of Requesting Entity: P.O. Box 96, New Madrid, MO 63869

Description of Request: Provide an earmark of \$141,000 for the New Madrid Harbor Mile 889 for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. Approximately, \$141,000 will be used to completely dredge the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of

Engineers, Operations and Maintenance account.

Project Name: Southeast Missouri Port, Mississippi River, Missouri

Bill Number: H.R. 1105

Account: Operations and Maintenance

Legal Name of Requesting Entity: Southeast Missouri Regional Port Authority

Address of Requesting Entity: 10 Bill Bess Drive, Scott City, MO 63780

Description of Request: Provide an earmark of \$8,000 for the Southeast Missouri Port for annual maintenance of the navigation channel conducted by the U.S. Army Corps of Engineers. The Southeast Missouri Port will use the \$8,000 for dredging at the harbor. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Operations and Maintenance account.

Project Name: St. Francis Basin, AR & MO

Bill Number: H.R. 1105

Account: MRT—Construction

Legal Name of Requesting Entity: The Little River Drainage District

Address of Requesting Entity: 1440 Kurre Lane, Cape Girardeau, MO 63701

Description of Request: Provide an earmark of \$7,856,000 for St. Francis River and Tributaries, AR & MO Maintenance. This funding will be used for land and damages, cultural resources, engineering, design, construction management and operate and maintain two pumping stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Maintenance account.

Project Name: St. John's Bayou and New Madrid Floodway, Missouri

Bill Number: H.R. 1105

Account: MRT—Construction

Legal Name of Requesting Entity: St. John's Levee and Drainage District of Missouri

Address of Requesting Entity: P.O. Box 40, New Madrid, MO 63869

Description of Request: Provide an earmark of \$200,000 for Construction in the St. Johns Bayou and New Madrid Floodway. This funding will be used for preparations necessary to re-advertise and updating plans and specifications to reflect current conditions. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Construction account.

Project Name: Wappapello Lake, Missouri

Bill Number: H.R. 1105

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: City of Poplar Bluff, Missouri

Address of Requesting Entity: 101 Oak St. Poplar Bluff, Missouri 63901

Description of Request: Provide an earmark of \$9,567,000 for Wappapello Lake, MO MR&T Operations and Maintenance. This funding is for routine operation and maintenance, as well as work on U.S. Highway 67. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Operations and Maintenance account.

Project Name: Vitis Gene Discovery Program

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service; RE/FA

Legal Name of Requesting Entity: Missouri State University

Address of Requesting Entity: 901 S. National, Springfield, MO 65897

Description of Request: Provide an earmark for \$422,000 for scientific research at Missouri State University to explore the genetic resources in wild grapevines for securing the profitability and sustainability of the grape and wine industry. The project also provides an educational base for training students in a modern, interdisciplinary approach using state-of-the-art technology. The funding is budgeted \$239,031 for personnel; \$71,054 for materials, supplies and other direct costs; \$209,971 for facilities and administration. The University is providing annual operating funds for the Mountain Grove Research Campus, as well as in-kind contributions for roughly 33 percent of the project cost.

Project Name: Crop and Aquaculture Loss in Southeast Missouri

Bill Number: H.R. 1105

Account: APHIS; Salaries and expenses

Legal Name of Requesting Entity: Bootheel Resource Conservation and Development, Inc.

Address of Requesting Entity: 18450 Ridgeview Lane, Dexter, MO 63841

Description of Request: Provide an earmark for \$207,000 to fund the USDA-APHIS-Wildlife Services in Southeast Missouri. \$128,340 is budgeted for salaries and benefits; \$41,400 for program support; \$20,700 for vehicle maintenance and fuel; \$16,560 for supplies and field equipment. USDA-APHIS Wildlife Services provides direct control and technical assistance with wildlife damage issues in Southeast Missouri. The funding is consistent with the intended and authorized purpose of the USDA-APHIS-Wildlife Services. Local municipalities, colleges and universities and commodity groups along with other government funding have contributed \$73,100 to this effort.

Project Name: Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program

Bill Number: H.R. 1105

Account: General Provision

Legal Name of Requesting Entity: The Congressional Hunger Center

Address of Requesting Entity: 400 North Capitol Street, NW Suite G100, Washington, D.C. 20001

Description of Request: Provide an earmark of \$2,347,000 to fund the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program. The Emerson/Leland Fellowships are a leadership development program for individuals interested in assisting vulnerable children, low income families and populations to overcome the challenges presented by hunger and poverty in 16 countries on 4 continents. The 20 Bill Emerson Fellows have 6 month field placements in 10 U.S. States and 5 month policy placements in Washington, DC. Emerson Fellows work with faith-based groups, anti-hunger organizations, food banks and community food security organizations on Food Stamp outreach projects, increasing the use of farmers' markets, and making school breakfast and summer meal programs available to those in need. Leland Fellows work on humanitarian relief, food and nutrition projects with CARE, Catholic Relief Services, Mercy Corp. and the World Food Program.

For the year ending September 30, 2008 the Congressional Hunger Center's expenditures in administering the Bill Emerson National Hunger Fellowships included: Salaries \$743,438; Benefits \$95,965; Postage and printing \$16,669; Travel and meetings \$122,483; Professional services \$70,887; Telephone \$6,288; Supplies and office expenses \$100,107; Program costs \$173,601; Allocation of General and Administration Expenses \$187,677; Total program/support expenses \$1,517,115. For the year ending September 30, 2008 the Congressional Hunger Center's expenditures in administering the Mickey Leland International Hunger Fellowships included Salaries \$732,089; Benefits \$85,484; Postage and printing \$11,222; Travel and meetings \$117,415; Professional services \$70,887; Telephone \$5,649; Supplies and office expenses \$98,072; Program costs \$164,045; Allocation of General and Administration expenses \$181,384; Total program/support expenses \$1,466,247. The expenditures for Fiscal Year 2009 are anticipated to be similar.

Project Name: Agriculture in the Classroom

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Missouri Farm Bureau

Address of Requesting Entity: 701 South Country Club Drive, Jefferson City, MO 65102

Description of Request: Provide an earmark for \$553,000 for the Agriculture in the Classroom Project (AIRC). AIRC served nearly 5 million students and 120,000 educators through workshops, conferences, field trips, farm tours, in-service and pre-service training and other educational activities. AIRC programs include working with the state AIRC programs to leverage \$13 million in program support and enhance the efforts of program nationwide. \$44,147 is budgeted for administrative costs; \$173,315 for salaries; \$120,000 for technology; \$115,000 for infrastructure; \$65,538 for instructional innovative grants and projects; \$35,000 for national events.

Project Name: Soybean Cyst Nematode, MO

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of \$556,000 for soybean cyst nematode (SCN) research at the University of Missouri. Approximately \$455,000 is for salary, wages and fringe benefits for one post-doctoral associate, six research associates, and six hourly technicians; \$12,000 is for travel from offices to field research plots and meetings to present research results to other researchers; \$70,000 is for supplies to maintain field research plots and to conduct laboratory analysis; \$4,000 is for publication of research results in refereed scientific journals; and \$15,000 is for winter nursery plots. The soybean cyst nematode has been and remains the most serious pest of soybeans in the U.S.; it suppressed U.S. soybean production by 171.9 million bushels

in 2008. The requested funds will enable the University of Missouri SCN research team to continue their path-breaking research and development of SCN-resistant soybean varieties. This team has attained national prominence for their SCN research, and the results of their research impact soybean production in all states where soybeans are grown.

Project Name: Beef Technology Transfer

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of \$243,000 to continue research studying the effects of selection for metabolic efficiency in beef cattle on forage intake, nutrient requirements and progeny productivity being conducted at the University of Missouri Southwest Center. Approximately \$37,000 is for laboratory supplies needed to conduct the research, \$36,000 is for facilities use charges and feed needed for progeny testing, \$40,000 is for pasture renovation, \$20,000 is for cowherd maintenance costs and feed, \$7,000 is for travel, and \$103,000 is for salary and fringe benefits charges. This research is to continue the project studying methods to improve feed efficiency and reduce waste excretion and gaseous emissions by beef cattle by the University of Missouri.

Project Name: Center for Agroforestry, Booneville, Arkansas

Bill Number: H.R. 1105

Account: Agricultural Research Service; Salaries and expenses

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For the Center for Agroforestry, Booneville, AR (ARS)—[University of Missouri (MU) Center for Agroforestry, Columbia, MO, and Dale Bumpers Small Farm Research Center (DBSFR), Booneville, AR], to provide an earmark of \$660,000 to support research on viable alternative production and protection options to help revitalize the economic and environmental health of rural farms and communities in Missouri and surrounding states. Approximately, \$438,882 [or 66%] is for salary and fringe to support professional track faculty, research associates, field research specialists, graduate and undergraduate students; \$201,981 [or 31%] for materials and supplies in support of laboratory and field-based research on campus and at five MU farms and centers; \$19,137 [or 3%] for travel. This is year 4 of a 5 year project to continue groundbreaking MU Center for Agroforestry lead research to develop novel, science-based, market-driven alternatives for the family farm in collaboration with DBSFR in Booneville, AR.

Project Name: Endophyte Research, Booneville, AR

Bill Number: H.R. 1105

Account: Agricultural Research Services; Salaries and Expenses

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For Endophyte Research, Booneville, AR (Fescue Toxicosis), to provide \$287,550 for the University of Missouri, College of Agriculture, Food, and Natural Resources portion of the ARS Cooperative agreement that include the University of Arkansas and Oregon State University to develop effective management techniques for reduction of challenges associated with fescue toxicosis. Approximately \$165,785 will be used for salary and fringe benefits; \$102,496 for supplies such as animals, fescue seed, and analytical material; \$15,269 for travel to scientific meetings to present the results of these studies; and \$4,000 for publication of the results of these studies. These funds are only for the University of Missouri and allow researchers at these 3 institutions to collaborate with ARS scientists to develop both plant and animal alternatives to ameliorate the annual impact on animals that have consumed tall fescue infected with a common endophytic fungus. The University of Missouri will provide a minimum of 50/50 cost share.

Project Name: Food and Agriculture Policy Research Institute, IA, MO, WI, NV

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of \$1,139,000 for the Food and Agriculture Policy Research Institute to provide objective, quantitative economic analysis of agricultural policy alternatives. Approximately \$188,000 or 17% is to continue a cooperative agreement with the University of Wisconsin relating to dairy policy; \$140,000 or 12% is to conduct analysis of rangeland, cattle and hay with the University of Nevada—Reno; \$811,000 or 71% is to be divided between the University of Missouri and Iowa State University to provide a ten-year baseline and policy analysis for U.S. and world agriculture.

Project Name: Mid-West/Mid-South Irrigation, Columbia, MO

Bill Number: H.R. 1105

Account: Agricultural Research Service; Salaries and Expenses

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of \$645,000 to conduct research on irrigation in the Midwest/Mid-South (Mw/MS), the region experiencing the highest increase in irrigated acreage in the USA. Irrigation research had traditionally been done in dry parts of the country. However, results from these arid studies from areas where it is continuously dry are not always appropriate to the Mw/MS conditions, which can experience droughty periods followed by heavy rains, has hard pan soils, and disease pressure from high humidity. Since the Mw/MS is a historically underserved area in regards irrigation research, its farmers were not as able to grow irrigated crops as profitably as they could. It is impera-

tive that research be conducted to answer the question of how best to irrigate in a semi-humid area. Research is being done on crop response to water logging, on scheduling irrigation using sensors, on row configurations, on conserving energy, on managing field variability, and growing rice more profitably. The project is a cooperative effort between USDA/ARS and the University of Missouri. Approximately, 80% is for salary and benefits, 12% for supplies, 7% for domestic travel, and 1% for soil and plant tissue testing. The data gathered from these studies have already made a difference in the financial situation of area farmers. Approximately 20% of the irrigators are using scientific irrigation scheduling, which is a much higher rate than most other regions of the USA. This has led to increases in yield that are worth about \$13,000,000 annually. The trend line of the regional averaged yield for irrigated crops is increasing at a higher rate than is the trend line for dryland yields. This is an excellent indication that irrigators are becoming more proficient, due in large part to the Midwest/Mid-South Irrigation Project.

Project Name: Rice Agronomy, MO

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For Rice Agronomy, MO (CSREES), provide an earmark of \$174,000 to complete a rice agronomy project being conducted at the Delta Research Center. Approximately, \$139,200 [or 80%] is for salaries and \$34,800 [or 20%] is for supplies. The specific objective of the MU Rice Project is to develop production practices adapted to the Upper Mississippi Delta to maximize yield while protecting the environment. The project is being administered through the Delta Center by University of Missouri—Extension.

Project Name: Rural Policies Institute, IA, MO, NE

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES)

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: For Rural Policy Research Institute (RUPRI), University of Missouri, to provide an earmark of \$835,000 to support the ongoing activities of the Rural Policy Research Institute (RUPRI). Of the \$835,000, \$773,060 is for salaries and fringe and \$61,940 is for operating costs. Of the \$773,060 for salaries and fringe, \$379,159 (49%) is for national policy programs, including the Washington DC staff; \$212,834 (28%) is for the core staff in Columbia, MO; and \$181,067 (23%) is to support rural entrepreneurship, human services, and analytical programs. The approval of the earmark will unlock a further \$298,000 in commitments from Federal, foundation, and university sources.

Project Name: Regionalized Implications of Farm Programs, MO, TX

Bill Number: H.R. 1105

Account: Cooperative State Research, Education, and Extension Service (CSREES); SRG

Legal Name of Requesting Entity: Curators of the University of Missouri

Address of Requesting Entity: 316 University Hall, Columbia, MO 65211

Description of Request: Provide an earmark of \$595,000 for the Food and Agriculture Policy Research Institute (FAPRI) and the Agricultural and Food Policy Center (AFPC) for Regionalized Implications of Farm Programs to provide Congress with information regarding farm financial risk and farm structure and the impacts of alternative agricultural policies on these factors. Approximately \$244,000 or 41% is for FAPRI at the University of Missouri to provide stochastic and deterministic baseline and policy scenarios and \$351,000 or 59% is for AFPC at Texas A&M University to provide representative farm analysis.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Earmark: Arkansas Research and Technology Park, \$100,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Salaries & Expenses

Agency: Small Business Administration (SBA)

Name/Address: University of Arkansas Technology Development Foundation, 535 Research Center Blvd, Fayetteville, AR 72701

Description: The funding will be used to develop a new research facility at the Arkansas Research and Technology Park

Earmark: Arkansas School Resource Officer Program, \$500,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: OJP-Byrne Discretionary Grants

Agency: Department of Justice

Name/Address: Criminal Justice Institute (CJI) at the University of Arkansas, 7723 Colonel Glen Road, Little Rock, AR 72204

Description: The funding will be used by CJI's School Violence Resource Center to develop a program to provide education and training for school resource officers and school officials, provide safe school on-site assessments of Arkansas schools, and provide safe school crisis intervention and management.

Earmark: Arkansas Methamphetamine Education and Training Project, \$500,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: COPS Meth

Agency: Department of Justice

Name/Address: Criminal Justice Institute (CJI) at the University of Arkansas, 7723 Colonel Glen Road, Little Rock, AR 72204

Description: The funding will be used to provide the Arkansas law enforcement community with methamphetamine-focused courses that emphasize officer awareness and safety, effective management and investigation of methamphetamine-related cases, and the identification and rescue of Arkansas's methamphetamine-affected children.

Earmark: National Child Protection Training Center: Southern Region, \$500,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: OJP-Byrne Discretionary Grants

Agency: Department of Justice

Name/Address: North West Arkansas Community College, One College Drive, Bentonville, AR 72712

Description: The funding will be used to establish a national training center for the Southern region of the U.S. for the purpose of reducing cases of child abuse and improving support for victims of child abuse

Earmark: City of Fayetteville's Simulcast System for Public Safety Communication, \$500,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: COPS Law Enforcement Technology

Agency: Department of Justice

Name/Address: City of Fayetteville, AR, 113 W. Mountain, Fayetteville, AR 72701

Description: The funding will be used for the purchase, installation and implementation of a three site ASTRO 25 LE simulcast radio system for emergency preparedness.

Earmark: City of Fayetteville wastewater system improvements, \$300,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: STAG Water and Wastewater Infrastructure Project

Agency: Environmental Protection Agency

Name/Address: City of Fayetteville, AR, 113 W. Mountain, Fayetteville, AR 72701

Description: The funding will be used to continue the existing initiative of rehabilitation of the regional wastewater system and for infrastructure reconstruction.

Earmark: May Branch Flood Control Project, \$109,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Investigations

Agency: Corps of Engineers

Name/Address: City of Fort Smith, AR, P.O. Box 1908, Fort Smith, AR 72902

Description: The funding will be used to make improvements to the May Branch drainage way for flood damage reduction

Earmark: Pine Mountain Dam, Arkansas, \$478,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Investigations

Agency: Corps of Engineers

Name/Address: River Valley Regional Water District, 811 Fayetteville Avenue, Alma, AR 72921

Description: The funding will be used to complete the general reevaluation study and continue work on the EIS for construction of a lake for flood control, water supply, fish and wildlife enhancement and recreation.

Earmark: Ozark-Jeta Taylor Powerhouse, \$16,555,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Construction

Agency: Corps of Engineers

Name/Address: Corps of Engineers, 700 West Capitol Street, Little Rock, AR 72201

Description: The funding will be used to replace turbines with a new design to correct flaws that are causing extensive outages.

Earmark: White River Minimum Flows, \$5,000,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Construction

Agency: Corps of Engineers

Name/Address: Arkansas Game & Fish Commission, 2 Natural Resources Drive, Little Rock, AR 72205

Description: The funding will be used to continue work toward the implementation of Minimum Flows at Bull Shoals and Norfolk Dams on the White River pursuant to Section 132 of the FY2006 Energy and Water Resources Development Act (P.L. 109-103).

Earmark: Sparks Regional Medical Center Cancer Treatment Center, \$1,189,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: HRSA-Health Facilities & Services

Agency: Department of Health and Human Services

Name/Address: Sparks Regional Medical Center, 1001 Towson Ave, Fort Smith, AR 72917.

Description: The funding will be used to relocate and expand radiation therapy and oncology services to a central cancer center

Earmark: University of Arkansas Medical School (UAMS) IT Project, \$95,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: HRSA-Health Facilities & Services

Agency: Department of Health and Human Services

Name/Address: UAMS, 4301 W. Markham, Little Rock, AR 72205

Description: The funding will be used to purchase the equipment that will allow for both distance education for the Northwest Arkansas

satellite campus, as well as telehealth in rural areas.

Earmark: North Arkansas College Health Science Facility, \$190,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Higher Education (includes FIPSE)

Agency: Department of Education

Name/Address: North Arkansas College, 1515 Pioneer Drive, Harrison, AR 72601

Description: The funding will be used to purchase equipment for the new allied health facilities at the South Campus.

Earmark: Razorback Transit System, Fayetteville, AR, \$570,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Buses and Bus Facilities

Agency: Federal Transit Administration

Name/Address: University of Arkansas, Transit and Parking Department, 155 Razorback Road, Fayetteville, AR 72701

Description: The funding will be used for environmental, security and bus upgrades.

Earmark: Statewide Bus and Bus Facilities, \$950,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Buses and Bus Facilities

Agency: Federal Transit Administration

Name/Address: State of Arkansas, Arkansas Highway and Transit Department, 10324 Interstate 30, Little Rock, AR 72203

Description: The funding will be used to supplement the State's current buses and bus facilities, as well as assist in the procurement of ADA vans and small buses for 250 community human service organizations.

Earmark: I-540 Interchange Improvements, Washington and Benton Counties, \$1,900,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Interstate Maintenance Discretionary

Agency: Federal Highway Administration

Name/Address: State of Arkansas, Arkansas Highway and Transit Department, 10324 Interstate 30, Little Rock, AR 72203

Description: The funding will be used to make improvements along I-540, including adding lanes at on and off ramps and adding capacity to cross streets to allow for the traffic coming from and going to the Interstate.

Earmark: Bella Vista Bypass, \$380,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Surface Transportation Priorities

Agency: Federal Highway Administration

Name/Address: State of Arkansas, Arkansas Highway and Transit Department, 10324 Interstate 30, Little Rock, AR 72203

Description: The funding will be used to continue work on the Bella Vista Bypass, which is a critical link to the completion of I-49.

Earmark: Rail Trolley Extension, Fort Smith, AR, \$237,500

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Surface Transportation Priorities

Agency: Federal Highway Administration

Name/Address: City of Fort Smith, P.O. Box 1908, Fort Smith, AR 72902

Description: The funding will be used for design and engineering for the western and eastern extensions of the existing electric trolley rail system, which will provide direct links with the Convention Center, Trolley Museum, Fort Smith Museum of History and the new U.S. Marshals Museum.

Earmark: Endophyte Research, \$994,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Salaries & Expenses

Agency: Agricultural Research Service

Name/Address: University of Arkansas Division of Agriculture, ALTH 214, University of Arkansas, Fayetteville, AR 72704

Description: The funding will be used for the continuation of University of Arkansas Division of Agriculture Endophyte research programs.

Earmark: National Center for Agricultural Law, \$654,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Salaries & Expenses

Agency: Agricultural Research Service

Name/Address: National Center for Agricultural Law, 107 Waterman Hall, University of Arkansas, Fayetteville, AR 72701

Description: The funding will be used to continue programs at the National Center for Agricultural Law, the leading source of objective, scholarly and authoritative agricultural and food law research and information.

Earmark: Animal Science Food Safety Consortium, \$939,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas Division of Agriculture, E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description: The funding will be used for the continuation of cutting edge research into all areas of poultry, beef and pork meat production from the farm to the consumer's table, including providing solutions for current priorities and long term anticipated needs.

Earmark: Geographic Information System, \$1,248,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas, JBFIT 304, Fayetteville, AR 72701

Description: The funding will be used for the continuation of the University's participation in the National Consortium for Rural Geospatial Innovations in America (RGIS), which is comprised of eight sites across the country that helps bring the benefits of geographic information systems and related spatial information technologies to rural and tribal America.

Earmark: Institute for Food Science Engineering, \$775,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas Division of Agriculture 1FSE, E212 AFLS Building, Fayetteville, AR 72701

Description: The funding will be used to carry out IFSE's research on value added processing, safety, nutritional value, packaging storage and distribution of food products.

Earmark: Appropriate Technology Transfer for Rural Areas, \$2,582,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: Rural cooperative development grants

Agency: Rural Business-Cooperative Service

Name/Address: National Center for Appropriate Technology, 207 W. Center Street, Fayetteville, AR 72702

Description: The funding will be used for the continued operation of the ATTRA national program, which provides free technical assistance to farmers, ranchers and others in all 50 states seeking information on sustainable agriculture technologies, farm energy and information for marketing and adding value to farm products.

Earmark: Enhancing Agricultural Profitability through Specialty Crops, \$164,000

Requesting Member: Congressman JOHN BOOZMAN (AR-03)

Bill Number: H.R. 1105, the Omnibus Appropriations Act, 2009

Account: SRG

Agency: Cooperative State Research Education and Extension Service

Name/Address: University of Arkansas Division of Agriculture, E212 AFLS Building, Fayetteville, AR 72701

Description: The funding will be used to provide profitable production and processing systems new, innovative and transitioning agricultural producers and processors.

HONORING LEE RHYANT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community.

Today, I rise to honor Lee Rhyant of Marietta, Georgia. For the past nine years, Lee has served as the Vice President and Site Manager for one of Marietta's most important and largest employers—Lockheed Martin. During his tenure at Lockheed, the company has continued to prosper—providing thousands of jobs for 11th District residents.

In addition to his success in the business world, we should all strive to emulate Lee Rhyant's thirst for education and learning. Lee holds a Bachelor of Science Degree from Bethune-Cookman College, an MBA from Indiana University, and has attended London School of Business, MIT, Harvard, General Motors Institute, and the University of Michigan.

Lee and his wife, Evelyn Ingram Rhyant, have raised two wonderful sons—twins actually—who have followed their parent's example of hard work and have both become fine physicians.

Given his involvement in the business community of Cobb County and his active role as a wonderful father and family man, it is hard to believe that Lee has much time to devote to anything else.

However, despite his busy schedule, I could stand here on the House Floor for hours listing the different organizations to which Lee generously donates his time—including the United Way of Cobb County, the Atlanta Area Boy Scouts Council, the Board of Directors of Bethune-Cookman College, and the Safe America Foundation to name a few. Lee Rhyant is truly community service personified.

I ask that my colleagues join me in commending Lee Rhyant for his hard work and dedication to improving the lives of the people of his community.

HONORING THE DISTRICT OF COLUMBIA STUDENTS WHO PARTICIPATED IN THE "WE THE PEOPLE" MIDDLE SCHOOL SHOWCASE COMPETITION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Ms. NORTON. Madam Speaker, I rise to ask the House to join me in congratulating the remarkable students from The SEED Public Charter School and DC Preparatory Academy. Students from these schools participated in We the People: The Citizen and the Constitution Middle School Showcase on January 7, 2009 for the District of Columbia at the Charles Sumner School Museum and Archives and demonstrated a remarkable understanding of the fundamental principles of our nation.

The students participated in a simulated congressional hearing where they responded to questions on the U.S. Constitution and Bill of Rights from a panel of adult judges. They responded to questions about English philosopher John Locke's view of the purposes of government, the principles embedded in the Declaration of Independence, the compromises made at the Philadelphia Convention, how the Constitution protects our most basic rights, and rights and responsibilities of citizenship.

The We the People: The Citizen and the Constitution is administered by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the U.S. Congress. It is one of the best programs in the nation to promote a deep understanding of the U.S. Constitution, the Bill of Rights, and the principles they embody.

I would also like to congratulate teachers LaTonya Davis at DC Preparatory Academy and Ian Milne at The SEED Public Charter School who did an exceptional job preparing these young students. I also wish to commend Justin Rydstrom, the state coordinator for the We the People program in the District of Columbia. Special recognition should be given to the National Capital Lawyer's Auxiliary who provided volunteers to make the event a success.

Madam Speaker, I am pleased to submit the names of these young "constitutional experts" for special recognition by our colleagues in the House of Representatives and wish them the best of luck as they develop into the future leaders of our nation.

The SEED School: Dymond Andrews, Roshae Ball, Chandler Connelly, Ashley DaCosta, Jevian Gudger, Makayla Head, Joseph Johnson, Loria Pate, Janell Proctor, Michael Moore, Shamari Pratt, Latiece Smith, Daa'Jah Wallace, and Chardae Walter.

DC Prep: Tawfiq Abdul-Karim, Saqwan Adams, Rashawn Alexander, Hakeem Bello, Kyleisha Byrd, Deshaun Cannady, Jennifer Carter, Marc Childs, Carl Costley, William Delaney, Desmond Dixon, Jade Dixon, Shaquille Hall, Tony Hansford, DeVante Hendren, London Hudgens, Aleia Johnson, Keith Kelly, Martin Marshall, Denzel Mitchell, Kenny Montague, Ken Mutamba, Ryan Perkins, Melissa Reid, Jessica Robinson, Renita Robinson, Jonnae Spann, Ricardo McCrary Steward, Wesley Tebo, Brianna Thomas, Eddie Vann, Jada Vereene, Taurus White, and Mari Roe Wills.

TRIBUTE TO DR. NEVILLE A. PARKER, Ph.D.

HON. JOSÉ E. SERRANO

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. SERRANO. Madam Speaker, as our nation celebrates Black History Month and its theme "The Quest for Black Citizenship in the Americas," it is with great pleasure that I rise to honor Dr. Neville A. Parker, Ph.D., an African-American who has devoted himself to the advancement of science and to broadening the participation of under-represented minorities in the fields of mathematics, technology and engineering. Dr. Parker enjoys a distinguished career in international transportation and has demonstrated an unwavering commitment to professionals in developing countries.

Dr. Parker's academic training in engineering began in 1965, when he received a B.E. in Civil Engineering from the City University of New York. He later received an M.E. in Transportation Engineering and a Ph.D. in Systems Engineering from Cornell University in 1966

and 1971, respectively. Dr. Parker is a Registered Professional Engineer in both the United States and the United Republic of Tanzania.

After receiving his Ph.D., Dr. Parker began his illustrious professional career by teaching Civil Engineering at Howard University. He remained in this post until 1979, the last three years of which he spent at the University of Dar Es Salaam in Tanzania as a Senior Fulbright Scholar. Dr. Parker's talents and leadership were immediately recognized, and soon after arriving he became the Head of the Department of Civil Engineering. Dr. Parker's work on engineering capacity building in Tanzania and East and South Africa began with the delivery of a keynote address at the Sixth Pan-African Conference in 1974. Over the subsequent twelve years, Dr. Parker founded and coordinated several highly regarded professional associations, and authored policy documents, studies, and proposals that drew much needed funding to Africa and transformed the field.

In 1989, Dr. Parker returned to the City College of New York as the Herbert G. Kayser Professor of Civil Engineering and the Director of the City University of New York (CUNY) Institute for Transportation Systems. In this capacity, Dr. Parker set the bar for innovative work with professionals in developing countries through the implementation of training programs and collaborations. From 1987 to 1998, Dr. Parker served as Chief Coordinator for the International Road Federation's annual Executive Conferences on Road Asset Management, attracting over three hundred executive level transportation professionals from more than sixty countries across the globe.

Dr. Parker is widely published in international journals and is the co-author of a foundational textbook on highway engineering challenges in Africa. His multiple leadership roles in national and international professional associations are a testament to the respect that so many of Dr. Parker's peers have for him.

Notwithstanding a demanding travel and research schedule, Dr. Parker has retained a steadfast commitment to the education of CUNY students. His transportation infrastructure management courses and supervision of Masters projects and doctoral dissertations are creating a new generation of scholars and practitioners that, following in Dr. Parker's footsteps, will make their own unique contributions for the betterment of our society. Throughout his professional career, Dr. Parker has worked tirelessly to increase minority participation in the sciences. He was Project Director of the Research Careers for Minority Scholars program at City College from 1989–1997 and is the current Director of the New York City Louis Stokes Alliance for Minority Participation program.

Dr. Parker has admirably extended his expertise, resources, and commitment to a myriad of efforts to improve his local Harlem community. A vital member of the Manhattan Borough President Office's Go Green East Harlem Steering Committee, Dr. Parker is currently developing a simulation model to evaluate the public health impacts of transportation, particularly truck and bus operations, in a larger effort to improve air quality. He previously

served as the Co-Chair of the Transportation and Economic Development Committee for the Empowerment Zone application, and is recognized for his research on public empowerment in transportation decision-making processes.

Well-respected among his peers, Dr. Parker has received numerous awards including: the Black Engineer of the Year—Outstanding Educator Award (1994); the Giant in Science Award (1996); and the Outstanding Achievement in Education Award (2003). He was recognized in 2006 as one of the top 25 African Americans in education, science and medicine by New York's Who's Who.

Madam Speaker, Dr. Parker is a role model and an inspiration to us all. His passion for the progress of science and his commitment to expanding opportunities in this field to under-represented communities is commendable. I ask my colleagues to join me in honoring Dr. Neville A. Parker.

SHARING THE CARIBBEAN'S APPRECIATION FOR PRESIDENT OBAMA'S INAUGURATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. RANGEL. Madam Speaker, I rise today to share the optimism of the Caribbean people in response to the historic inauguration of Barack Obama on January 20th, 2009. The New York CARIB News has deemed the 44th presidency "a watershed, a significant departure from where we once were as a nation." What a great feeling it is to know that when Mr. Obama put his hand on the Bible used by Lincoln to vow to uphold the nation's constitution, it was well received by people of the Caribbean and around the world. I share the sentiment expressed by the reporters of New York CARIB that it was a moment to savor. A news article in the publication titled, "U.S./Caribbean-Relations: On the Verge of a new Chapter in America and World History," makes the case.

[From the New York CARIB News, Jan. 20, 2009]

ON THE VERGE OF A NEW CHAPTER IN AMERICA AND WORLD HISTORY

As a soldier in the civil rights movement of almost half a century ago, a person on the front line of the battle for equality has lived through and has helped to break down the barriers that have opened the flood gates to next week's historic event.

Naturally, John Lewis, a Congressman from Georgia and a sharecropper's son who shared the stage of the "March on Washington" in 1963 with Dr. Martin Luther King Jr., quite clearly understands the monumental significance of the official swearing in Washington on January 20th, the inauguration of Barack Hussein Obama as the 44th President of the United States and the nation's first Black Commander-in-Chief. It has been a long time in coming. The road to the inauguration was soaked in the blood, sweat, and tears of millions, both Black and white, who like John Lewis, Marcus Garvey, Dr. Martin Luther King Jr., Malcolm X, Roger Wilkins, and a long list of thousands of major iconic figures in American history,

had a vision of what was possible in a country in which race was at the core of public policy.

"Without the Emancipation Proclamation, the sit-ins, the Freedom Rides, the march on Washington, there may not be a Barack Obama," was the way John Lewis summed up the set of building blocks, which have placed us on the cusp of a new chapter in America's history. It signals the promise of more than a new way of thinking but a fresh and inclusive approach to decision-making in a nation whose influence affects almost every corner of the globe.

"It's the pinnacle," said Roger Wilkins, a former university history professor in Washington, as he reflected on the impact of Obama's November 4th victory at the polls. It stands to reason, therefore, that as we look forward to Tuesday's momentous step we cast our minds back to the days when in 1857 the U.S. Supreme Court in the landmark Dred Scott case decided that Blacks "had no rights which any white man was bound to respect." Next, it took President Abraham Lincoln to issue the Emancipation Proclamation on January 1, 1863 to free all slaves in Confederate States.

Just in case, you think we are delving into ancient history to prove a point, just remember that it was about 50 years ago, George Wallace, Alabama's most notorious segregationist Governor, vowed "segregation today . . . segregation forever."

Less than 20 years before that, African American servicemen and women defended this country during the Second World War fighting or serving in segregated units. Who could have imaged back then that we would have lived to see the day when Colin Powell, a Black man with Caribbean family roots, would in less than 40 years, become the Chairman of the Joint Chiefs of State and much later the U.S. Secretary of State.

And it was during Obama's lifetime, when he was two years old that the Civil Rights Act of 1964 became the law of the land, officially removing the stain of racial prejudice from our lives. It would take decades and scores of legal tests at the highest levels of our state and federal judicial systems to ensure that the Act was accepted by most Americans.

Small wonder, then, that President Bill Clinton once described racism as "America's curse."

That's why when Chief Justice Roberts administers the presidential oath of office and Obama puts his hand on the Bible once used by Lincoln to vow to uphold the nation's constitution that people everywhere, not simply in the 50 states and in the U.S. territories would fully appreciate how far we have traveled and where the country is heading.

But his mere presence in the White House wouldn't be enough to make the nation what we hope and dreamed it would be: a place where all persons would be judged on their merits and not on the color of their skins.

Undeniably, America is not the same. Obama's election and his inauguration are like a watershed, a significant departure from where we once were as a nation. As a matter of fact, he couldn't have captured the presidency without the support of four of every 10 white voters who cast their ballots for him, alongside the 95 per cent of Blacks and the more than 60 per cent of Hispanics.

On Tuesday, people of all ethnic groups, sizes and shapes, not only in the United States but around the world will savor the moment and thank God, Allah, Jesus, you name the supreme being, that they have lived long enough to see it.

It's a feeling like no other.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GINGREY of Georgia. Madam Speaker, in accordance with House Republican Conference standards, and Clause 9 of Rule XXI, I submit the following member requests for the record. These projects were appropriated funds through H.R. 1105, the FY2009 Omnibus Appropriations Act.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Agriculture/Cooperative State Research Education and Extension Service/Education & Research

Legal Name of Requesting Entity: University of Georgia

Address of Requesting Entity: P.O. Box 1464 Perry, GA 31069

Description of request: This bill includes \$346,000 in funding for the Georgia Cotton Commission to continue funding of its CSREES special research grant, which was funded at \$494,000 in FY 2006 and \$371,000 in FY 2008. The special research grant will fund valuable research on cotton insect management in the Southeast, where cotton pests are one of the primary causes of cotton yield loss and quality damage. Investing in this innovative research will help further protect our cotton crops, the environment, and our farmers' investment.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: CJS/DOJ/COPS Law Enforcement Technology

Legal Name of Requesting Entity: Cobb County Government

Address of Requesting Entity: 100 Cherokee Street, Suite 450; Marietta, GA 30090

Description of request: This bill includes \$675,000 for Cobb County, GA to establish an interoperable communications system. Cobb County has been actively working to establish regional interoperability to improve communications and responses to natural or man-made disasters, including threats from terrorism.

Funds for this project will be used to establish microwave connectivity, link systems together and upgrade the radio system's operating platform so that all systems are functioning at the same system level. A wide area network will enable responders from numerous agencies in the metro Atlanta region to coordinate responses and assist with major crises and disasters, both natural and man-made, including small plane crashes, multiple vehicle accidents, chemical spills, tornadoes, and acts of terrorism.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: CJS/DOJ/OJP/Edward Byrne Discretionary Grants

Legal Name of Requesting Entity: Inner Harbour

Address of Requesting Entity: 4685 Dorsett Shoals Road; Douglasville, GA 30135

Description of request: This bill includes \$100,000 in funding for the Inner Harbor EXCEL Program. This request will help fund the EXCEL Program which emphasizes experiential education, structured team building and outdoor leadership as the methods by which residents develop self-discipline, communication, and socialization skills. The program reduces present costs to the state for juvenile detention, and its low recidivism rates have the potential to save additional funds that would otherwise be used to incarcerate at risk youth in their adulthood.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: CJS/OJP/Edward Byrne Discretionary Grants

Legal Name of Requesting Entity: National Center for State Courts

Address of Requesting Entity: 300 Newport Avenue; Williamsburg, VA 23185

Description of request: This bill includes \$100,000 for the National Center for State Courts' Knowledge Information Services (KIS). KIS serves as a library and clearinghouse for Congress, federal agencies, and state court constituents, identifying and disseminating best practices on all matters related to court administration and state courts. Funding would help meet increased demand as courts are faced with greater federal requirements. This funding will help with education and technical assistance including education programs (both in-person and via distance learning) will be developed for judges and court personnel as they implement federal policy in areas such as court security, sexual predators and stalkers, child welfare, human trafficking, data exchange and criminal history information sharing, court interpretation, complex litigation. The National Center for State Courts will research and distribute information needed to implement federal policy and respond to major issues currently facing state courts as identified by the Conference of Chief Justices, the Conference of State Court Administrators and other key court personnel such as immigration, terrorism, healthcare, emergency preparedness, global epidemics or pandemics, and court security.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Construction

Legal Name of Requesting Entity: City of Atlanta, Georgia

Address of Requesting Entity: 55 Trinity Avenue, SW Atlanta, GA 30303

Description of request: This bill includes \$1,818,000 for Atlanta environmental infrastructure upgrades. This project would improve surface water quality by providing combined sewer capacity relief to capture more storm water and sewage flows that will provide as needed flood relief in the City. The relief system would allow the flow volume, stored on surface streets, to enter the collection system. Excess flow volume would be diverted and captured in a deep tunnel system for later treatment and release. The overall project budget is \$3.9 billion and 100% of these funds

federally appropriated would be obligated directly to sewer repair. To date, two different bond initiatives have been put in place—one for \$865 million and one for \$600 million.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes \$6,680,000 for the normal operation and maintenance of the Corps of Engineers' Project at Lake Allatoona. This project includes a dam, hydroelectric powerhouse, gated spillway, reservoir, 27 Corps of Engineers recreation areas and 54 non-federal recreation areas. The lake is an important source of storage for the Atlanta Area's water supply. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes \$7,150,000 for the normal operation and maintenance of the Corps of Engineers' Project at Carter's Lake. This project includes a dam, hydroelectric powerhouse, gated spillway, reservoir, and recreational areas. This reservoir also serves as a source of storage for North Georgia's water supply. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes \$3,173,000 for the normal operation and maintenance of the Corps of Engineers' Project on the Apalachicola, Chattahoochee & Flint Rivers. This operation and maintenance project is critical to the interstate water needs of Georgia, Florida, and Alabama. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes \$7,376,000 for the normal operation and main-

tenance of the Corps of Engineers' Project at Lake Syndey Lanier and Buford Dam. This project includes a dam, reservoir, and recreational areas. This reservoir also serves as an important storage supply for Metropolitan Atlanta and Northeast Georgia. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Energy & Water/Corps of Engineers/Operations and Maintenance

Legal Name of Requesting Entity: United States Army Corps of Engineers—Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, AL 36628

Description of request: This bill includes \$6,912,000 for the normal operation and maintenance of the Corps of Engineers' Project at West Point Dam and Lake. This project includes a dam, reservoir, and recreational areas. This is a federally authorized and maintained Corps of Engineers project.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Interior/EPA/STAG

Legal Name of Requesting Entity: City of Atlanta, Georgia

Address of Requesting Entity: 55 Trinity Avenue, SW Atlanta, GA 30303

Description of request: This bill includes \$300,000 to provide quality water and sewer services to the residents of Atlanta and South Fulton County, GA. This project includes inspection and repair of 2,200 miles of sanitary sewers throughout the City of Atlanta to improve surface water quality and capture. The overall project budget is \$3.9 billion and 100% of these federally appropriated funds would be obligated directly to sewer repair.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: Health & Human Services/HRSA

Legal Name of Requesting Entity: Cobb County Board of Commissioners

Address of Requesting Entity: 100 Cherokee Street, Suite 300 Marietta, GA 30090

Description of request: This bill includes \$476,000 for use in the construction of a new 22,000 sq. ft. state-of-the-art Multipurpose Senior Health Center in Marietta for seniors in underserved parts of the County. The Center will offer a variety of programs and services designed to meet the physical, mental, educational, and social needs and interests of its users, both "well" seniors and "frail" seniors. 100% of these funds will be used for renovation of an existing structure.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: HUD/EDI

Legal Name of Requesting Entity: Paulding County

Address of Requesting Entity: 166 Confederate Avenue, Dallas, GA 30132

Description of request: This bill includes \$190,000 to be used for site preparation for the Paulding County Airport and Business Technology Park. This business park will encourage balanced, sustainable growth in this

fast-growing county, focusing on economic development efforts for recruiting new business and balancing its thriving new-home building industry with sustainable jobs and businesses. 100% of these funds will be used for dirt removal and site preparation so that construction can begin.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: HUD/EDI

Legal Name of Requesting Entity: City of Kennesaw, GA

Address of Requesting Entity: 2529 J. O. Stephenson Ave., Kennesaw, GA 30144

Description of request: This bill includes \$71,250 for use in the construction of a downtown plaza and amphitheater as part of a greater redevelopment of the central public venue in the downtown area. This \$71,250 will be applied to the over \$2,000,000 required to construct the downtown plaza and amphitheater. This downtown area currently sits across from the Southern Museum of Civil War and Locomotive History.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: DOT/FHWA/Interchange Maintenance

Legal Name of Requesting Entity: Georgia Department of Transportation

Address of Requesting Entity: #2 Capitol Square, Atlanta, GA 30334

Description of request: This bill includes \$712,500 for the construction of a fully directional interchange on I-75 near Third Army Road and US Highway 41. The proposed project will reconstruct Third Army Road north of the existing roadway from the interchange to US Highway 41. The existing Third Army Road would remain in order to facilitate local access to residential properties in the area. The interstate ramps would extend along I-75 approximately 1,500 feet. The project will serve northwest Cobb, northeast Paulding, and southeast Bartow, an area that has been experiencing high residential growth over the past few years. 100% of this funding will be used for the initial preliminary engineering phase.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 1105

Account: DOT/FHWA/TCSP

Legal Name of Requesting Entity: Georgia Department of Transportation

Address of Requesting Entity: #2 Capitol Square, Atlanta, GA 30334

Description of request: This bill includes \$190,000 to relocate and widen SR 113 in Bartow County, GA to four lanes for one mile, from Old Alabama Road to SR 61 south of Cartersville. This new connection will reduce congestion and improve safety. 100% of this funding will be used to the ongoing construction phase of this project.

EARMARK DECLARATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mrs. MYRICK. Madam Speaker, I submit the following:

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Subcommittee on Commerce, Justice and Science, International Trade Administration

Legal Name of Requesting Entity: North Carolina State University and [TCY]

Address of Requesting Entity: Contracts and Grants, Administrative Services Building III, Raleigh, NC 27695; and 211 Gregson Drive, Cary, NC 27511

Description of Request: The final bill provides \$100,000 to the National Textile Center and Textile/Clothing Technology Corporation [TC]² for textile research programs through the International Trade Administration (ITA). The National Textile Center was established to develop new materials; to provide trained personnel, industrial partnerships and technology transfer mechanisms; and to strengthen the nation's textile research and education efforts. [TC]² is a consortium of fiber, fabric and apparel producers, organized labor groups, retailers, academic institutions and government agencies focused mainly on improving textile and apparel production techniques.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Subcommittee on Commerce, Justice and Science, OJP—Byrne Discretionary Grants account

Legal Name of Requesting Entity: Central Piedmont Community College

Address of Requesting Entity: P.O. Box 35009, Charlotte, NC 28235

Description of Request: The final bill provides \$500,000 to allow Central Piedmont Community College to leverage its computer forensics expertise to further develop a specialized computer forensics curriculum for law enforcement, integrating cyber security business sector training. This funding will further expand the audience of the American Academy for Applied Forensics and provide state-of-the-art crime scene prevention and investigation training or retraining to over 750 participants per year, including law enforcement officers and investigators, banking and financial services technicians, crime laboratory personnel, public school resource officers, probation officers and social services professionals. Federal funding for this project will be used to develop new Computer Forensic/Cyber Crime coursework for law enforcement and private sector training, purchase emerging technology and equipment for instructional purposes, and implement state-of-the-art training for the region.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies, New Starts/Fixed Guideway account

Legal Name of Requesting Entity: Charlotte Rapid Transit Extension, Charlotte, NC

Address of Requesting Entity: 600 East Fourth Street, Charlotte, NC 28202

Description of Request: The final bill provides \$20,500,000 to support The Northeast Corridor Light Rail Project. One of Charlotte's six transit corridors, the project extends 11 miles from Center City Charlotte through the

North Davidson Street and University City areas to I-485 northeast of UNCC. The dual track system will be considered an extension of the South Corridor with 14 proposed stations. Although the exact alignment has not been finalized, it will operate generally within the existing railroad right of way from Center City to North Davidson and then remain within the North Tryon (US 29) right of way from Sugar Creek to I-485 north of UNCC.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies, Transportation Planning, Research, and Development account

Legal Name of Requesting Entity: North Carolina Department of Transportation

Address of Requesting Entity: 1 South Wilmington Street, Raleigh, NC 27601

Description of Request: The final bill provides \$237,500 to construct the US 74 Monroe Bypass and Bypass Connector.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies, Economic Development Initiatives account

Legal Name of Requesting Entity: Town of Huntersville

Address of Requesting Entity: P.O. Box 664, 101 Huntersville-Concord Road, Huntersville, NC 28070

Description of Request: The final bill provides \$142,500 to support engineering, construction, and restoration along the "Gilead Road Corridor." This includes the creation of a civic plaza adjacent to town hall, construction of a multi-purpose town hall complex, including municipal offices, public safety offices, and creation of the Discovery Place Kids Museum in the town center and within walking distance to Huntersville Elementary School; development of an arts and cultural center, improved public streets, improved and additional streetscape along Gilead Road, and pedestrian walkways and bicycle lanes. The Project is associated with the overall plan of improved access and attractiveness for new and expanded retail and commercial business in the Town, as well as access to education resources and local government services. Upon completion, the Project will provide increased access (vehicular and pedestrian) to town merchants in a manner designed to increase commerce, improve safety, create jobs, and relieve traffic congestion presently experienced on State Highway 115.

Requesting Member: Congresswoman SUE MYRICK

Bill Number: H.R. 1105

Account: Transportation, Housing, and Urban Development, and Related Agencies Appropriations bill

Legal Name of Requesting Entity: Gaston County, NC

Address of Requesting Entity: 128 W. Main Ave., Gastonia, NC 28053

Description of Request: The final bill provides \$380,000 to begin preliminary engineering related to the Parkway following January 2009 completion of the planning and environmental studies currently underway.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Corona Police Department

Address of Requesting Entity: 849 W. Sixth Street, Corona, California, 92882

Description of Request: I have secured \$330,000 for the City of Corona Police Department for Interoperability Equipment. The funding would be used to replace outdated communication technology through the purchase of new equipment including new microwave dishes, control station antennas, and new local base station radio equipment. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Corona Police Department

Address of Requesting Entity: 849 W. Sixth Street, Corona, California, 92882

Description of Request: I have secured \$325,000 for the City of Corona Police Department for the Public Safety Wireless Network. The funding would be used to complete work on a high speed wireless network to allow mobile access by Police Officers and Firefighters to the City wireless network and other resources available through the internet. The funding would be used to purchase approximately 10 to 12 base station/repeaters with a mobile device to be installed in each City police and fire vehicle. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Office of the Orange County District Attorney

Address of Requesting Entity: 401 Civic Center Drive West, Santa Ana, California, 92701

Description of Request: I have secured \$500,000 for the Office of the Orange County District Attorney for the DNA Expansion Project. The funding would be used to purchase DNA mobile collection vehicles and related equipment, supplies and DNA processing. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Riverside County Probation Department

Address of Requesting Entity: 3801 University Avenue, Suite 400 Riverside, California, 92501

Description of Request: I have secured \$500,000 for the Riverside County Probation Department for an Automated Kiosk Reporting System. The funding would be used to purchase 15 automated kiosk reporting systems to be placed at government buildings throughout the county at where offenders would report on a regular basis as directed by their probation officer. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: San Bernardino and Riverside Counties, CA

Address of Requesting Entity: Riverside County Sheriff's Department—4095 Lemon Street, Riverside, California 92501, San Bernardino County Sheriff's Department—655 East Third Street, San Bernardino, California 92415

Description of Request: I have secured \$1,925,000 for San Bernardino and Riverside Counties for the joint Regional Fingerprint Identification Project. The funding would be used for ongoing product development, research and pilot programs of the identification project which provides fingerprint, photo and DNA services to all public safety agencies including local police departments, district attorney, school districts, coroner and Sheriffs' Departments in Riverside and San Bernardino counties. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: DOJ, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Riverside

Address of Requesting Entity: 3900 Main Street, Riverside, California, 92522

Description of Request: I have secured \$895,000 for the City of Riverside for the Public Safety Interoperability System. The funding would be used for the purchase of satellite phones as well as the acquisition, installation, and first year maintenance of Internet Protocol (IP) based radio "gateways" and Mobile Satellite WLAN/IP Broadband to achieve interoperability. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Education (FIE) account

Legal Name of Requesting Entity: Riverside Unified School District

Address of Requesting Entity: 3380 14th Street, Riverside, California 92501

Description of Request: I have secured \$238,000 for the Riverside Unified School Dis-

trict Virtual School Program. The funding will be used to provide additional curricular content for the online education program. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Education (FIE) account

Legal Name of Requesting Entity: Riverside County Office of Education

Address of Requesting Entity: 3939 13th Street, Riverside California 92501

Description of Request: I have secured \$476,000 for the Riverside County Office of Education School Dropout Prevention and Student Success Initiative. The funding will be used to conduct research and implement reforms to address the origins of students dropping out and to devise solutions to keep students in school and promote their academic success. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Postsecondary Education (FIPSE) account

Legal Name of Requesting Entity: California Baptist University

Address of Requesting Entity: 8432 Magnolia Avenue, Riverside, California 92504

Description of Request: I have secured \$238,000 for the California Baptist University Equipment Modernization and Health Care Training Initiative. The funding will be used to purchase specialized equipment for the School of Engineering and the School of Nursing. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Education, Fund for the Improvement of Postsecondary Education (FIPSE) account

Legal Name of Requesting Entity: La Sierra University

Address of Requesting Entity: 4500 Riverwalk Parkway, Riverside, California 92515

Description of Request: I have secured \$143,000 for the La Sierra University Integrated Biological and Physical Science Laboratory. The funding will be used to purchase equipment for an integrated biological and physical science laboratory. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Labor, Health and Human Services, Health Resources and Services Administration (HRSA) account

Legal Name of Requesting Entity: Riverside Community College District

Address of Requesting Entity: 4800 Magnolia Avenue, Riverside, California 92506

Description of Request: I have secured \$333,000 for the Riverside Community College

District Allied Health Sciences Program. The funding will be used to purchase equipment for the Allied Health Sciences Program. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Department of Labor, Health and Human Services, Health Resources and Services Administration (HRSA) account

Legal Name of Requesting Entity: Riverside County Regional Medical Center

Address of Requesting Entity: 26520 Cactus Avenue, Riverside, California 92555

Description of Request: I have secured \$523,000 for the Riverside County Regional Medical Center Facilities and Equipment Funding. The funding will be used to expand and renovate the trauma unit at the Riverside County Regional Medical Center. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Natural Resources Conservation Service, Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 10500 Ellis Avenue, Fountain Valley, CA 92728.

Description of Request: I secured \$134,000 for the Municipal Water District of Orange County for Efficient Irrigation. The funding would be used to continue the installation of a smart irrigation controller system that uses cutting edge technology to regulate the amount of water that is delivered based on weather conditions, soil, slope, and type of landscape. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Natural Resources Conservation Service, Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of California, Division of Agriculture and Natural Resources

Address of Requesting Entity: 1111 Franklin Street, 6th Floor, Oakland, CA 94607

Description of Request: I secured \$1,531,000 for the Pierce's Disease Research Program. The requested funding will allow the University of California to conduct competitive research projects for Pierce's Disease focusing on wine-grape growing regions and counties as well as for Invasive Species emphasizing on high priority introductions. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$369,000 for the Aliso Creek, CA project. The funding would be used for the Aliso Creek, CA watershed project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$215,000 for the Heacock and Cactus Channels, CA project. The funding would be used for the Heacock and Cactus Channels flood control project in southern California. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$339,000 for the Riverside County Special Area Management Plan (SAMP), CA. The funding would be used to complete work on the Riverside County SAMP for the San Jacinto and Santa Margarita River Watersheds in Riverside County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$382,000 for the San Clemente Shoreline, CA project. The funding would be used for a shoreline protection project in San Clemente, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, General Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$717,000 for the San Juan Creek, South Orange County, CA project. The funding would be used for the San Juan Creek flood control project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$3,349,000 for the Murrieta Creek, CA project. The funding would be used for the Murrieta Creek, CA flood control project in Riverside County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$14,000,000 for the Santa Ana River Mainstem, CA project. The funding would be used for the Santa Ana River Mainstem flood control project in southern California. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$946,000 for the South Perris, CA project. The funding would be used to produce potable water from an otherwise unusable groundwater resource through the construction of a three million-gallon per day reverse osmosis desalter, feed-water pipelines, and brackish water wells in the Perris South sub-basin. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: U.S. Army Corps of Engineers, Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Receiving Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: I secured \$2,871,000 for the Upper Newport Bay, CA project. The funding would be used for the Upper Newport Bay ecosystem restoration project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, CA 91710

Description of Request: I secured \$5,000,000 for the Inland Empire Regional Water Recycling project. The funding would be for continued construction of the Inland Empire Regional Water Recycling Project in California. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 10500 Ellis Avenue, Fountain Valley, CA 92708

Description of Request: I secured \$540,000 for the Orange County Regional Water Reclamation Project. The funding would be used for the completion of the Orange County Regional Water Reclamation Project in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Western Municipal Water District

Address of Requesting Entity: 450 Alessandro Boulevard, Riverside, CA, 92508

Description of Request: I secured \$100,000 for the Riverside-Corona Feeder. The funding would continue the feasibility study for the Riverside-Corona Feeder project. The project proposes to manage the ground water levels by the construction of ground water wells and pumping capacity to deliver the pumped ground water supply to water users. A new water conveyance pipeline is also proposed that will serve western Riverside County. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: City of Norco

Address of Requesting Entity: 2870 Clarke Avenue, Norco, CA 92860

Description of Request: I secured \$500,000 for the City of Norco, Norco Water Treatment Plant Improvements. It is my understanding that the funding would be used for water treatment facilities in the City of Norco, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: Orange County Sanitation District

Address of Requesting Entity: 10844 Ellis Avenue, Fountain Valley, CA 92646

Description of Request: I secured \$300,000 for the Orange County Sanitation District Sec-

ondary Treatment Upgrades. It is my understanding that the funding would be used for construction of upgraded wastewater treatment facilities in Orange County, CA. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Environmental Protection Agency, State and Tribal Assistance Grants

Legal Name of Requesting Entity: Association of Metropolitan Water Agencies

Address of Requesting Entity: 1620 I Street, NW, Suite 500, Washington, DC, 20006

Description of Request: I secured \$2,000,000 for the Water Information Sharing and Analysis Center (WaterISAC). It is my understanding that the funding would be used for intelligence collection and analysis in support of state drinking water agencies, the Environmental Protection Agency, and the Department of Homeland Security. WaterISAC shares intelligence and security threat information with general managers and security managers of public water agencies throughout the nation. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Transit Agency, Bus and Bus Facilities

Legal Name of Requesting Entity: Riverside Transit Agency

Address of Requesting Entity: 1825 Third Street, Riverside, CA, 92507

Description of Request: I secured \$950,000 for the Riverside and Corona Transit Centers. The funding would be for the construction of transit centers in cities of Riverside and Corona, CA. On June 18, 2008, I received guidance from the Committee on Standards of Official Conduct that confirmed my belief that I do not have a financial interest in seeking funding in the Fiscal Year 2009 Transportation and Housing and Urban Development Appropriations bill for the Riverside and Corona Transit Centers project.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Interstate Maintenance

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA, 92863

Description of Request: I secured \$237,000 for San Diego Freeway (I-5) Widening and Improvement. It is my understanding that the funding would be used to add additional freeway capacity along Interstate 5 in south Orange County with consideration for a potential connection with planned San Diego County high occupancy vehicle lanes on Interstate 5. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Riverside County Transportation Commission

Address of Requesting Entity: 4080 Lemon Street, 3rd Floor, Riverside, CA 92501

Description of Request: I secured \$570,000 for the Alameda Corridor East Grade Separations in Riverside County. It is my understanding that the funding would be used to construct grade separations in Riverside County. The Riverside County Transportation Commission would use the funds to address the 61 at-grade highway-rail crossings on the mainline of the Union Pacific and Burlington Northern Santa Fe railroad lines in Riverside County. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA 92868

Description of Request: I secured \$475,000 for SR-91 Improvements, Orange and Riverside Counties, CA. It is my understanding that the funding would be used to make improvements along SR-91, including the SR-91/SR-55 interchange, SR-241 interchange and adding one lane in each direction along the SR-91 from the SR-241 to the Orange and Riverside County line. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

Requesting Member: Congressman KEN CALVERT

Bill Number: FY 2009 Omnibus

Account: Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: City of San Clemente

Address of Requesting Entity: 1000 Avenida Presidio, San Clemente, CA, 92672

Description of Request: I secured \$285,000 for the San Clemente Coastal Trail. The funding would be for the construction of the San Clemente Coastal Trail. I certify that this project does not have a direct and foreseeable effect on any of my pecuniary interests.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: Operation and Management

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Tulsa District and City of Denison.

Address of Requesting Entity: 1645 101 East Avenue, Tulsa, OK 74128

Description of Request: I have secured \$238,000 for the City of Denison. The funding will be used to approve access to the water for this project that the entire Lake Texoma Shoreline Management Plan. According to the U.S. Army Corps of Engineers, the Lake Texoma Shoreline Management Plan was opened for a 30-day review in November, 2004, which resulted in the conclusion that a Final Environmental Impact Statement would be required. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: Science

Legal Name of Requesting Entity: Texas A&M University-Commerce

Address of Requesting Entity: 2600 South Neal Street, Commerce, TX 75428

Description of Request: I have secured \$380,600 for Texas A&M University-Commerce. Funding would be used to implement and operate a high-powered computing grid (a virtual computing environment) that will facilitate the solution of interdisciplinary computational and engineering models, and to develop a computational model of complex electromagnetic wave transmission, propagation, and reception, and analyze that model using new Computational Science methods within the virtual computing environment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: MRT Construction

Legal Name of Requesting Entity: Red River Valley Association

Address of Requesting Entity: P.O. Box 709, Shreveport, LA 71162

Description of Request: I have secured \$2,201,000 for the Red River Chloride Project, TX & OK. This project is designed to control natural chloride brine emissions at three major source areas to improve water quality for municipal, industrial, and agricultural use. Funding would be used to improve construction of low flow dams, pump stations, and diversion pipelines to Truscott Brine Dam. This project is a select major water strategy of the 2007 Texas Water Plan for the region and recently the state of Oklahoma expressed a renewed interest in the Area VI element of the project and supports the Area VI reevaluation efforts underway. Area VI is located on the Elm Fork of the North Fork of the Red River in Harmon County, Oklahoma. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: Museums and Libraries

Legal Name of Requesting Entity: University of Texas—Center for American History

Address of Requesting Entity: SRH2.101, 1 University Station D1100, Austin, TX 78712

Description of Request: I have secured \$285,000 for the Sam Rayburn Library and Museum located in Bonham, Texas, one of five divisions of the University's Center for American History. The funding would be used

to expand educational and program services to more people, area educational organizations and traditionally underserved populations to meet the public education mission of the University of Texas at Austin and the Center for American History. The National Historic Landmark is the creation of the man who served as Speaker of the United States House of Representatives longer than any other person: Sam Taliaferro Rayburn (1882–1961). Known affectionately as “Mr. Sam” by his friends and colleagues, Rayburn established the library and museum in 1957 as a tribute to the people of his district and for future generations. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: Elementary and Secondary Education (includes FIE)

Legal Name of Requesting Entity: Communities in Schools of Northeast Texas

Address of Requesting Entity: 2886 FM 1734 Chapel Hill Rd, Mount Pleasant, TX 75455.

Description of Request: I have secured \$143,000 for Communities in Schools of Northeast Texas in Mount Pleasant. Funding would be used to continue the recognized prevention program and would be used for program maintenance, expansion of current programs and replication in areas where no CIS is located. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of McKinney

Address of Requesting Entity: 222 N Tennessee, McKinney, TX 75070

Description of Request: I have secured \$300,000 for the City of McKinney. Funding for this project would be used to replace its current analog system with digital technology that ensures interoperability capabilities, eliminates coverage deficiencies, and accommodates future growth. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: National Aeronautics and Space Administration

Legal Name of Requesting Entity: Space Engineering Institute at Texas A&M University

Address of Requesting Entity: 301 Wisenbaker Engineering Bizzell Street, College, Station, TX 77843

Description of Request: I have secured \$500,000 for the Space Engineering Institute at Texas A&M University. Funding for this project will be used to involve undergraduate students in research projects in conjunction with Johnson Space Center. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus

Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Greenville

Address of Requesting Entity: 2821 Washington Street, Greenville, TX 75403.

Description of Request: I have secured \$570,000 for the City of Greenville. Funding will be used to provide safe transportation of goods, correct federal highway IH-30 and SH-34 bridge repairs and complete the Monty Stratton Parkway Interchange at IH-30 and Monty Stratton. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: University of Texas—Center for American History

Address of Requesting Entity: SRH2.101, 1 University Station D1100, Austin, TX 78712

Description of Request: I have secured \$142,500 for the Sam Rayburn Library and Museum located in Bonham, Texas. Funding will be used for the emergency repair and renovation of the Sam Rayburn Library and Museum. Renovations will address structural renovations to the building that will protect the valuable collections and improve the access to an important national historic landmark. The Sam Rayburn Library and Museum, is one of five divisions of the University's Center for American History. The National Historic Landmark is the creation of the man who served as Speaker of the United States House of Representatives longer than any other person: Sam Taliaferro Rayburn (1882–1961). Known affectionately as “Mr. Sam” by his friends and colleagues, Rayburn established the library and museum in 1957 as a tribute to the people of his district and for future generations. The building serves to preserve materials relating to the forty-eight year political career of Sam Rayburn. The museum and exhibits provide a rare collection of Congressional and Presidential papers for students, researchers and visitors. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Interstate 69 Texas Alliance

Address of Requesting Entity: 125 East 11th Street, Austin, TX 78701

Description of Request: I have secured \$617,500 for the improvement of I-69. Funding will be used to provide direct access to the Port of Houston and relieve congestion for the communities all along the route, providing the most direct route from Mexico and Canada for major commercial centers in the U.S., easing traffic on I-35. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: North East Texas Rural Rail Transportation District (NETEX)

Address of Requesting Entity: 2821 Washington, Greenville, TX 75401

Description of Request: I have secured \$95,000 for the City of Greenville. Funding for this project will be used to support track, bridge, and other rail related infrastructure improvements to bring the existing rail line to Class 2 conditions. According to a recent TxDOT valuation and assessment report, the rail line requires extensive maintenance and/or total replacement of infrastructure to support existing and future operations. The proposed improvements will allow rail operations to run from 10 miles per hour to 25 miles per hour as originally intended. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 1105, FY 2009 Omnibus Account: TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Sulphur River Regional Mobility Authority (SRRMA)

Address of Requesting Entity: 1125 Bonham Street, Paris, TX 75460.

Description of Request: I have secured \$95,000 for the Hwy—24, Commerce through Cooper 4-lane completion in Delta, Hopkins, Hunt and Lamar Counties. Funding for this project will be used to keep engineering/development phase of the project on schedule without disrupting the project momentum at Texas DOT. The completion of this transportation project embraces the following five goals; reduce traffic congestion, enhance safety, expand economic opportunities, improve air quality, and increase the value of transportation assets. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. AKIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY2009 Omnibus.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health and Facilities Services

Legal Name of Requesting Entity: SSM St. Clare Health Center

Address of Requesting Entity: 1015 Bowles Avenue, Fenton, Missouri 63026

Description of Request: Provide an earmark of \$167,000 for the development and manufacturing of a medication distribution system for St. Clare to reduce the risk of medication errors. Essential elements of the system include: medications for each patient which will be kept in the patient's room, medications will

be double locked and entry will be tracked by computer for security and narcotic tracking, and there will be a bar code system and a medication administration record on the computer in the room for additional safety and documentation. Associated costs with this request include development and software and hardware costs.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Thrive St. Louis

Address of Requesting Entity: 4331 Lindell Blvd., St. Louis, Missouri 63108

Description of Request: Provide an earmark of \$143,000 to expand pregnancy resource services by expanding the facility in which they operate. Expanding physical space by an additional 1,130 square feet will allow Thrive St. Louis to offer one-on-one counseling for clients and provide a second exam room which could be used for STD testing. The expansion will also give space for volunteers and staff to serve clients effectively, and conduct administrative work and phone counseling. Funding for this request will go towards facility construction, technology and equipment, furnishings and operations.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Missouri Department of Transportation, District 6

Address of Requesting Entity: 1590 Woodlake Drive, Chesterfield, MO 63017

Description of Request: Provide an earmark of \$237,500 to upgrade and partially relocate MO Route 141 in St. Louis County, MO and help complete a 33-mile four and six lane north-south connector that will run between I-55 in Jefferson County and MO Rt 370 in north St. Louis County. This project will provide traffic mitigation locally and regionally by serving as a reliever for overloaded I-270, provide safety improvements by diverting traffic away from the entrances to a high school and middle school eliminate two major at-grade crossings (one which floods intermittently) and promote regional business and employment growth. This project received \$800,000 in FY05 Appropriations, \$2.88M in SAFETEA-LU and \$250,000 in the FY08 Omnibus Appropriations Act. The Missouri Department of Transportation will provide a local cost share of 20 percent. This project is also part of the State's transportation improvement plan, is eligible under the account request according to the Missouri Department of Transportation and considered by the State and/or regional transportation official to be critical to their needs.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Missouri Department of Transportation, NE District

Address of Requesting Entity: PO Box 1067, South Route 61, Hannibal, MO 63401

Description of Request: Provide an earmark of \$190,000 to conduct a study and engineering plan for Route 61 in Lincoln and St. Charles Counties, Missouri. This project will look at what must be done in Lincoln and northern St. Charles Counties to improve a four-lane highway to a limited access expressway with outer roads slip ramps and new interchanges. Vigorous regional growth has resulted in an accident rate twice the state average along the corridor particularly at intersections. The Missouri Department of Transportation will provide a local cost share of 20 percent. This project is also part of the State's transportation improvement plan, is eligible under the account request according to the Missouri Department of Transportation and considered by the State and/or regional transportation official to be critical to their needs.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Federal Highway Administration, Surface Transportation Priorities

Legal Name of Requesting Entity: Missouri Department of Transportation

Address of Requesting Entity: 1590 Woodlake Drive, Chesterfield, MO 63017

Description of Request: Provide an earmark of \$1.14 Million to Page Avenue Extension, Phase II in St. Charles County Missouri. This is the second of three phases needed to connect US 40/61 (I-40) in St. Charles County with I-270 in St. Louis County 20 miles east. When the overall project is finished, this will extended Route 364 will be on the NHS and serve as a relief corridor for I-70 to the north and I-64 to the south. Phase I is finished. Phase II will upgrade a 4.6 mile section of MO Route 94 to interstate standards for traffic mitigation, business continuation and development along the corridor and for increased safety by eliminating 6 major at-grade crossings. Phase II receive \$1 million in FY05 Appropriations and \$34.6 million in SAFETEA-LU. It received another \$250,000 in FY08 Appropriations. The Missouri Department of Transportation will provide a local cost share of 20 percent. This project is also part of the State's transportation improvement plan, is eligible under the account request according to the Missouri Department of Transportation and considered by the State and/or regional transportation official to be critical to their needs.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Saints Joachim and Ann Care Service

Address of Requesting Entity: 4112 McClay Road, St. Charles, MO 63304

Description of Request: Provide an earmark of \$142,500 for the acquisition and renovation of a building for use as a Tri-County Outreach Center. Saints Joachim and Ann supports families in crisis in Lincoln, Warren and St. Charles counties. The current lack of space impedes the case manager's ability to provide necessary family assistance and requires the use of other locations to meet with families including personal vehicles, city parks, hotels

and shelters. Renovation of the building is required to provide interview rooms, expanded food pantry, case manager work areas and space for other agencies to provide family social service support.

Requesting Member: Congressman W. TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Monarch-Chesterfield Levee District

Address of Requesting Entity: c/o Mr. William S. Kirchhoff, Treasurer, MCLD, 17627 Wildhorse Creek Rd, Chesterfield, MO 63005 USA

Description of Request: Provide an earmark of \$3.349 million to complete construction of closure structures and pump stations. Funding from this request could be used to construct the Baxter Road closure structure and initiate design of the Walnut Grove flood wall at Long Road. These structures will augment completed earth works that provide 500-year protection to over 700 businesses. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account and has previously been authorized by the Water Resources Development Act (WRDA) of 2000, Section 101(b)(18). The Monarch-Chesterfield Levee District will provide its cost share in accordance with Federal cost-sharing requirements for Federal flood protection projects, 65 percent Federal, 35 percent non-Federal, and the non-Federal funding will come directly from the Levee District.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, St. Louis District

Address of Requesting Entity: 1222 Spruce Street, St. Louis, MO 63103

Description of Request: Provides an earmark of \$19.027 million for current year operation and maintenance on an aging system of locks and dams. Basic operation and maintenance will provide a nine-foot navigation channel, regulating works, dike and revetment, dredging, environmental compliance and environmental stewardship. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account and has previously been authorized by the Overton Act of 1936 and the Flood Control Act of 1944. This funding category is 100 percent Federal and has no local entities that are subject to cost share requirements.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District
Address of Requesting Entity: Clock Tower Bldg, PO Box 2004, Rock Island, IL 61204

Description of Request: Provides an earmark of \$8.604 million for the first phases of construction of new 1,200 foot lock chambers at L/Ds 20,21,22,24,25, LaGrange and Peoria;

for implementing small-scale navigation aids; and beginning ecosystem restoration projects along the Mississippi River and Illinois Waterway. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Investigations account and has previously been authorized by P.L. 99-662 and P.L. 110-280 Sec. 8001-8005. This project is 100 percent Federal and has no local entities that are subject to cost share requirements.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District
Address of Requesting Entity: Clock Tower Bldg, PO Box 2004, Rock Island, IL 61204

Description of Request: Provides an earmark of \$17.713 million for addressing the adverse impacts to the aquatic ecosystem caused by maintenance of the river's navigation channel. This includes habitat rehabilitation and measures to determine if enhancement projects are effectively preserving and improving fish and wildlife habitat on the river. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account and has previously been authorized by P.L. 99-662 Sec. 1103 as amended. This project is 100 percent Federal and has no local entities that are subject to cost share requirements.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership Standards on Earmarks, I am submitting the following information regarding earmarks I received as part of the FY2009 Omnibus.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: \$2,010,000 to the Army Corps to complete the reformulation study and continue monitoring a project to protect Long Island's south shore from beach erosion and storm damage. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: Town of Babylon

Address of Requesting Entity: 200 East Sunrise Highway, Lindenhurst, NY 11757

Description of Request: \$465,000 for the dredging of a federal channel and placement of appx. 1 million cubic yards of sand along

the shoreline for erosion control at Gilgo Beach and Robert Moses State Park. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Investigations)

Legal Name of Requesting Entity: Village of Bayville

Address of Requesting Entity: 34 School Street, Bayville, NY 11709

Description of Request: \$96,000 to complete the feasibility phase of the benefits of a storm damage protection project in Bayville. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Suffolk County Volunteer Firefighter Burn Center Fund

Address of Requesting Entity: P.O. Box 765 Smithtown, NY 11787

Description of Request: \$285,000 for a living skin bank clean room (equipment). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Christa House

Address of Requesting Entity: 720 Albin Avenue, West Babylon, NY 11704

Description of Request: \$176,000 for hospice care for the poor (physical repairs, administrative costs, and insurance). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Capital Investment Grants

Legal Name of Requesting Entity: New York City Metro Transit Authority

Address of Requesting Entity: 347 Madison Avenue, New York, New York 10017

Description of Request: \$209,623,898 for the development of Long Island Rail Road East Side Access. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—NOAA (Operations, Research & Facilities)

Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science

Address of Requesting Entity: 526 Bay Avenue Point Pleasant Beach, NJ 08742

Description of Request: \$1,000,000 for a multi-state research initiative in New York and New Jersey to address data limitations restricting management of summer flounder in the Mid-Atlantic. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: U.S.-Ireland Alliance

Address of Requesting Entity: 2800 Clarendon Boulevard Arlington, VA 22201

Description of Request: \$500,000 for the George Mitchell Scholarship Program a nationally competitive scholarship award for 12 US college graduates to do a year of post-graduate study at universities in Ireland and Northern Ireland. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Transportation, Community, & System Preservation

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$570,000 for the design, engineering, and construction of the Glen Cove Connector Road. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD (Buses and Bus Facility)

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$950,000 for the design, engineering, and construction of the Glen Cove Connector Multi-Modal Parking Hub. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Ferry Boats & Terminal Facilities

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$950,000 for engineering and construction of the Glen Cove Ferry Terminal. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$120,000 for the Glen Cove Police Department for equipment and technology upgrades, surveillance equipment, and public safety improvements to respond more effectively to emerging threats such as MS-13 and other gang activity. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Economic Development Initiatives

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$142,500 for renovations and streetscape improvements to the city of Glen Cove. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: Hofstra University

Address of Requesting Entity: 101 Hofstra University Hempstead, NY 11549

Description of Request: This report language would allow Hofstra University to apply for funding for its Center for Strategic Language training which will specialize in Middle Eastern and Central Asian languages such as Arabic and Persian, as well as Punjabi, Urdu, and Hindi. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Coalition Against Domestic Violence

Address of Requesting Entity: 250 Fulton Avenue, Suite 300, Hempstead, NY 11550

Description of Request: \$350,000 to create a legal resource network of pro-bono attorneys to provide critical legal services for low-income and indigent victims of domestic violence, rape/sexual assault, and elder abuse. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Police Department

Address of Requesting Entity: 1490 Franklin Avenue Mineola, NY 11501

Description of Request: \$380,000 for an initiative to reduce gun and gang violence through increased surveillance, debriefings, investigations, and undercover work. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Interior & Environment—EPA (STAG Water and Wastewater Infrastructure Project)

Legal Name of Requesting Entity: Suffolk County Department of Works

Address of Requesting Entity: 335 Yaphank Avenue Yaphank, NY 11980

Description of Request: \$500,000 for the planning, design, and replacement of a deteriorated existing bay outfall pipe. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (FUSRAP)

Legal Name of Requesting Entity: Verizon

Address of Requesting Entity: 140 West Street, New York, NY 10007

Description of Request: Report language to initiate the cleanup of the former Sylvania nu-

clear fuel site in Hicksville, NY. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Commerce; NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Bowling Green State University

Address of Requesting Entity: 106 University Hall, Bowling Green, OH 43403

Description of Request: \$355,000 for monitoring of Lake Erie water quality with remote sensing for Bowling Green State University and Heidelberg College, in partnership with the consortium partners of OhioView and the Great Lakes Environmental Research Laboratory (GLERL). The funding will be used to continue the project of monitoring algal blooms in Lake Erie with LANDSAT TM satellite data. This will allow for real-time, continuous monitoring and assessment of harmful algal blooms and coliform in Lake Erie and its Southern-shore tributaries. This research is authorized by the Harmful Algal Bloom and Hypoxia Act of 2003. The funds will be used to develop the systems for determining cyanobacteria in Lake Erie and in local water supplies and to continue to collect data for analyzing and further study. This project began in 2006 and provides continuous monitoring from the satellite data of the potentially harmful algal blooms. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: DOJ; OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Defiance College

Address of Requesting Entity: 701 N. Clinton Street, Defiance, OH 43512

Description of Request: \$145,000 for genetic analysis equipment for Defiance College's Forensic Science program. Due to the critical need for trained forensic scientists, the requested funds will be used to expand the capability of Defiance College's dedicated forensic science lab to include an Applied Biosystems 3130 Genetic Analyzer. This crucial piece of equipment is found in all professional forensic science labs and it is important for students to be trained with this equipment to prepare them for the workforce. It is my understanding that Defiance College is providing the remaining share towards the project. I certify

that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: U.S. Department of Energy; Energy Efficiency and Renewable Energy account

Legal Name of Requesting Entity: Bowling Green State University

Address of Requesting Entity: 106 University Hall, Bowling Green, OH 43403

Description of Request: \$951,500 for the Coastal Ohio Wind Project: Collaborative Research Effort in Onshore/Offshore Wind Energy Development. Funding would be used for project expansion by its partnership with the University of Toledo to include advance remote sensing research for off-shore applications and to gather site data with a temporary tower on the Firelands campus, ultimately to test new wind turbine technologies. The project will promote the use of renewable energy by conducting research and testing wind power and developing wind energy for the region. The partners in the projects have committed to match the federal funding at the required level. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: US Army Corps of Engineers; Investigations

Legal Name of Requesting Entity: The Northwest Ohio Flood Mitigation Partnership

Address of Requesting Entity: 101 West Sandusky Street, Findlay, OH 45840

Description of Request: \$119,000 for the U.S. Army Corps of Engineers for funding regarding the Western Lake Erie, Blanchard River Watershed. Funding would be used to perform a comprehensive Flood Damage Reduction and Ecosystem Restoration study, and related activities. The U.S. Army Corps of Engineers has completed a preliminary feasibility study of the entire Blanchard River Watershed, and recommended a further flood control feasibility study. The partners in the projects have committed to match the federal funding at the required level. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: US Army Corps of Engineers; Construction

Legal Name of Requesting Entity: City of Fremont

Address of Requesting Entity: 323 South Front Street, Fremont, OH 43420

Description of Request: \$500,000 for the Off-Stream Water Supply Reservoir project in regards to Ohio Environmental Infrastructure. Funding would be used for construction of a new off-stream water supply reservoir to replace an existing reservoir impounded by the Ballville Dam on the Sandusky River. The new reservoir will provide drinking water to approximately 22,000 people in the City of Fremont

and surrounding area. The new reservoir is necessary to eliminate nitrate maximum contamination level (MCL) in the City's drinking water. There will be two phases of the project, with Phase I consisting of building the reservoir and Phase H consisting of the raw water intake, pumping station and water mains to and from the reservoir. It is my understanding that the state and local share will be \$14.5 million of the cost share. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: US Army Corps of Engineers; Section 205

Legal Name of Requesting Entity: The Village of Ottawa

Address of Requesting Entity: 136 North Oak Street, Ottawa, OH 45875

Description of Request: \$252,000 for the U.S. Army Corps of Engineers for funding regarding the Village of Ottawa Flood Control and Mitigation Reconnaissance and Feasibility Studies. Funding would be used for a Section 205 Feasibility Study of flood risk management plans for the Blanchard River at Ottawa, Ohio. The funding would fulfill the Federal share needed to complete the Feasibility Study. The Village of Ottawa has allocated \$250,000 to fulfill the required non-Federal match. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Defiance

Address of Requesting Entity: 631 Perry Street, Defiance, OH 43512

Description of Request: \$300,000 for the Defiance Combined Sewer Overflow Elimination project. The funding would be used for engineering for three subprojects and construction for three other subprojects. The wastewater infrastructure of Defiance, Ohio is in need of improvement. The city's 44 combined sewers have been divided into 20 subprojects. There will continually be one project in sanitary sewer evaluation survey, one project in engineering design, and one project in construction. These projects will separate virtually all the combined sewers in Defiance and will eliminate discharge of untreated/partially treated sewage into the Auglaize River, the Maumee River, and Lake Erie. The City of Defiance will provide at least the local matching funds in the amount of 45%. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: Putnam County Educational Service Center

Address of Requesting Entity: 124 Putnam Parkway, Ottawa, OH 45875

Description of Request: \$238,000 for the Putnam County Education Service Center (ESC). The funding would be used for Project MORE: Mentoring in Ohio for Reading Excellence. The MORE program is a volunteer reading mentoring project designed for students with disabilities. Through the program children with disabilities receive one-on-one structured, volunteer reading mentoring 3-4 days per week. These funds will be used to start 30 additional Project MORE programs in Ohio, as well as outside Ohio. The project is intended to create awareness to expand the use of the volunteer reading mentoring program throughout the nation. The remaining funds for the project will be supplemented by local partners in the program. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman Robert E. Latta

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)-Health Facilities and Services Legal Name of

Requesting Entity: Visiting Nurse Association Healthcare Partners of Ohio

Address of Requesting Entity: 2500 East 22nd Street, Cleveland, OH 44115

Description of Request: \$95,000 for the Visiting Nurse Association Healthcare Partners of Ohio. The funding would be used to purchase daily tele-monitoring equipment for the Tele-care Program for Chronically Ill Seniors. This program provides daily monitoring via a small, clock-like device that "talks" to the patient and collects essential baseline vital signs. Data is wirelessly or telephone transmitted to the central receiving station at the home health agency office. It is my understanding that besides the requested appropriation amount, the state of Ohio and program partners are providing the local cost share. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Health Resources and Services Administration (HRSA)-Health Facilities and Services Legal Name of

Requesting Entity: Memorial Hospital

Address of Requesting Entity: 715 S. Taft Avenue, Fremont, OH 43420

Description of Request: \$190,000 for Memorial Hospital in Fremont, Ohio. The funding will be used for the Herbert-Perna Center for Physical Health Expansion project. This 29,000 square foot building houses Memorial Hospital's physical, speech, and occupational therapies as well as HealthLink, the region's largest occupational health provider. HealthLink provides services to many companies in the region and saves significant dollars by providing overall wellness programs. The funds will be used to finish the construction of the Center and therefore offering X-ray services in the Center. This will allow workers to continue to rely on the program and return to work quicker. It is my understanding that the hospital is contributing \$5,350,000 towards the project, with an additional \$950,000 being provided through local and community support. I

certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Commerce-Justice-Science, OJP Byrne JAG discretionary grants

Legal Name of Requesting Entity: City of Suffolk, Virginia

Address of Requesting Entity: 441 Market Street, Suffolk, Virginia 23434

Description of Request: Provides \$200,000 for the Suffolk Initiative on Youth (SIY) Crime Prevention Plan, which is a comprehensive effort to address youth crime and gang involvement in the City of Suffolk, Virginia. Over the last five years, the City of Suffolk has witnessed a significant rise in youth crime and violence, including assaults, burglary, property crimes, and homicide. In 2006, the Suffolk City Council appointed a task force of over 30 representatives of city agencies, local law enforcement, youth service providers, business leaders, faith-based organizations, teachers, parents, and youth to develop recommendations for developing positive alternatives to crime for Suffolk's youth. Among the recommendations is the creation of an Office on Youth, youth workforce development initiatives, new afterschool programs, and gang prevention awareness.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Commerce-Justice-Science, COPS law enforcement technology

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832

Description of Request: Provides \$300,000 to purchase a variety of technology related projects to upgrade outdated systems and improve operations. These projects include installing cameras, portable interoperability radio bridge system, watch tower, driving simulator and other law enforcement projects.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Commerce-Justice-Science, OJP Byrne JAG discretionary grants

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$100,000 for a Gang Coordinator within the Police Department and community prosecutor program to develop a comprehensive prevention, suppression and intervention strategies related to

gangs and gang-related crimes. The City's law enforcement efforts need to be supplemented with front and back-end deterrence efforts. The Chesapeake Police Department estimates in 2006 that there were 26 identified gangs in Chesapeake, with an estimated 2,000 members. This number represents a significant increase from 15 identified gangs with 1,300 estimated members in 2005. In recent years, there has been an observed increase in the presence of all-female and Hispanic gangs, with four of each now identified. The Police Department's Intelligence Unit has identified numerous major gangs and their affiliates operating throughout all five precincts within the City. In response to the identification of major gang activity, in May 2006 the Mayor and City Council appointed the Mayor's Task Force for the Prevention of Gangs. The Task Force is comprised of community leaders representing major stakeholder organizations.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Operations and Maintenance

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Supports \$1,692,000 in the President's budget request for the Albemarle and Chesapeake Canal (ACC), on the Atlantic Intracoastal Waterway, which is a naturally protected navigation route between the Southern Branch of the Elizabeth River and the VA-NC state line in the North Landing River, a distance of 27 miles. The ACC is of critical importance to transportation, especially to the U.S. Navy which transported over 55 million gallons of jet fuel yearly from the Craney Island to Oceana Naval Air Station in Virginia Beach. Failure to fund the ACC will result in the Navy being unable to meet the fuel demand of the Oceana Naval Station. The Navy has stated that trucking this much fuel would not be feasible on a long-term basis. In addition, commercial and recreation vessels travel the ACC in lieu of the Atlantic Ocean to prevent entry into the dangerous waters off Cape Hatteras. An average of over 1,000,000 tons of commerce passed through the Great Bridge Lock yearly. Funds will be used to continue to operate the navigation lock, swing bridge, and canal.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Operations and Maintenance

Legal Name of Requesting Entity: Petersburg, Virginia

Address of Requesting Entity: Petersburg, Virginia

Description of Request Provides \$527,000 for the Army Corps of Engineers to dredge the Appomattox River to restore the River's navigability. The dredging of the Navigation Channel will be of benefit to the region in that it will: (1) restore the Appomattox River to the free-flowing, fully navigable river that it was until the late 1970's; (2) reconnect the City's harbor to the navigable portions of the Appomattox River; (3) serve as a catalyst for the commercial and residential revitalization of historic

downtown Petersburg; (4) enhance local and regional tourism and recreational opportunities; and (5) improve the environmental condition of the Appomattox River.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations
Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$59,000 for the Dismal Swamp and Dismal Swamp Canal. The remnants of Hurricane Floyd (13 September 1999) caused significant flooding in the city of Chesapeake and the surrounding region. The Dismal Swamp is maintained as a swamp by fixed weirs across the drainage ditches to restrict the flow of water out of the swamp and inward to Lake Drummond in the middle of the Dismal Swamp. The water exiting Lake Drummond through a feeder ditch is used to maintain the level of water in the Dismal Swamp Canal, a portion of the Atlantic Intracoastal Waterway. When Lake Drummond spilled from its banks due to heavy rains, it inundated areas of the City. The public perceives that the Corps may have prevented or minimized the flooding by diverting the floodwaters from Lake Drummond through the navigation locks at Deep Creek, Virginia, and at South Mills, North Carolina. The feasibility study will address these concerns as well as opportunities to provide for environmental restoration.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations
Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$478,000 for the Atlantic Intracoastal Waterway Bridge at Deep Creek, Virginia. The bridge, constructed in 1934, is a federally owned and operated facility and assists in navigation. The bridge passes over the Dismal Swamp Canal where U.S. Route 17 crosses in the city of Chesapeake. The city of Chesapeake requested the need to modify or replace the bridge. In October 1996, the approved Initial Appraisal concluded that the bridge is functionally obsolete because of its narrow roadway and poor alignment with the connecting roads, compounded by increasing traffic volumes. Nine pieces of fire apparatus are currently allowed to cross the bridge only during emergency situations. The preliminary plan is to replace the bridge with a five lane, split leaf pit bascule bridge. The City of Chesapeake (local sponsor) will assume ownership and OM&R responsibilities of the new bridge.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations
Legal Name of Requesting Entity: City of Franklin, Virginia

Address of Requesting Entity: City of Franklin, Virginia

Description of Request: Provides \$96,000 for the Chowan River Basin. There are no federal flood control projects in the Chowan River

Basin. In many locations within the basin, six of the top 10 historical high water marks have occurred from 1998 forward, including the flood of record (Hurricane Floyd in 1999), October 2006 cold core upper level low (second highest), and Hurricane Isabel in 2003 (5th highest). Damages from these storm events have ranged from \$10M to over \$100M (February 2008 dollars). The reconnaissance study will evaluate the Federal interest in ways to protect the water resources of this highly productive basin with particular emphasis on restoring wetlands and forested buffers lost from erosion and flooding, reducing flood damages throughout the basin, and improving navigation and to determine the Federal interest in conducting a more detailed feasibility study.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Operations and Maintenance

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$898,000 to support the President's budget request for the Dismal Swamp Canal. The Dismal Swamp Canal on the Atlantic Intracoastal Waterway is a naturally protected navigation route that parallels the Atlantic coast. The canal is the oldest operating artificial waterway in the United States. The DSC was placed on the National Register of Historical Places and registered as an ASCE Landmark in 1988 and in 2004 it was included in the National Park Service's Underground Railroad Network to Freedom Program. The authorized depth of the canal is 10 foot; however, the project is currently maintained at 6–7 feet. The DSC provides navigation needs for vessels to travel the protected waterways of the AIWW in lieu of traveling through the Currituck Sound. The project also consists of one highway drawbridge and navigation lock, one highway drawbridge and navigation lock, and three water control structures. Funds will be used to continue to operate the low level water control structures, navigation locks, bridges, and canal and perform some critical backlog maintenance.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Energy and Water, Investigations

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$93,000 to support the President's budget request for the Elizabeth River. The study area encompasses the entire Elizabeth River Basin. Urban, rural, industrial, and residential areas blend together along the Elizabeth River and its branches. More than 13,000 vessels use the Elizabeth River annually, many while navigating the Atlantic Intracoastal Waterway. Three hundred years of industry and commerce have made the river one of the nation's most contaminated waterways. Only limited wetlands in the 20-mile reach remain to support wildlife and filter pollution. This sub-estuary of the Chesapeake Bay provides spawning grounds for fish, habitat for rare terns, peregrine falcons

and great egrets, and mud flats for shellfish. In 1993 the Chesapeake Bay Program identified the Elizabeth River as a "Region of Concern"—targeting it as one of three sites in the Bay watershed where contaminants pose the greatest threat to natural resources. Phase I consists of the sediment remediation for the Scuffletown Creek site.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Interior & Environment, National Park Service, Save America's Treasures

Legal Name of Requesting Entity: City of Petersburg, Virginia

Address of Requesting Entity: 135 N. Union Street, Room 202, Petersburg, Virginia 23803

Description of Request: Provides \$150,000 for the rehabilitation, stabilization and preservation of the former home of Colonel John Banister, member of the Continental Congress and framer of the Articles of the Confederation, for future use as a museum and historical tour site. Constructed in 1768 as the suburban villa of Col. Banister, Battersea has been recognized as nationally significant by the Department of the Interior, National Register of Historic Places. The City of Petersburg purchased the house with nearly 40 acres surrounding it in 1985 in order to preserve the structure because of nationally important architectural significance, and will use funds to perform conservation analysis and immediate conservation treatment for water penetration in the foundation of the building.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Labor, HHS, Education, Department of Health & Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA)—Mental Health

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832

Description of Request: Provides \$143,000 for a Dual Treatment Track (DTT), a pretrial diversion program for non-violent defendants that suffer from both a mental illness and substance abuse addiction. Funding would assist in expanding the population served and conducting a comprehensive analysis of the program in order to establish a research based practice that can be replicated across the nation. The program uses "best practices" models to divert individuals from the local jail who are of minimal threat to the community, yet in serious need of both substance abuse and mental health services. The DTT program provides benefits for everyone involved in the criminal justice and mental health systems. It reduces the burden of specialized care that the jail is forced to provide. It gives the court a new tool in dealing with a population that is traditionally difficult to effectively sentence. This program enhances the quality of life in Chesterfield County by creating more accountability and effective service delivery for the specific population of dually diagnosed individuals who criminally offend. Most importantly, it creates change in the lives of the offenders and their families, as they lead more productive, healthy and responsible lives.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation, HUD, Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: U.S. Army

Address of Requesting Entity: Fort Lee, Virginia

Description of Request: Provides \$1,425,000 for an Entry Access Control project to construct standard design permanent access control facilities at Lee Avenue Gate and Sisisky Boulevard Gate, two primary entrance points into the cantonment area. The existing Access Control Points do not meet Army standards. Due to the increased incidents of terrorist activities it has become imperative that this installation have the ability to close the post to unauthorized traffic. Fort Lee has six Access Control Points. Installations' Access Control Points must be upgraded with facilities and equipment necessary to achieve appropriate levels of security enhancements and risk reductions.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation, HUD, Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$237,500 for the Gilmerton Bridge, which serves as the crossing of the Southern Branch of the Elizabeth River for U.S. Route 13/Military Highway. The Gilmerton Bridge is a narrow, four-lane bridge designed to accommodate 15,000 vehicles per day. The Gilmerton Bridge currently handles approximately 30,000 vehicles per day—twice its design capacity. The existing bridge has exceeded the expected design life and is now functionally obsolete. Due to structural deterioration, weight restrictions for heavy truck and commercial traffic have been imposed. With the anticipated growth in this area, it is projected that the traffic volume will increase to approximately 41,000 vehicles per day by the year 2021. Funding would be used to construct a new four-lane bridge with 12' shoulders that can be converted to additional travel lanes in the future.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation

Legal Name of Requesting Entity: Chesterfield County, Virginia

Address of Requesting Entity: 9901 Lori Road, Chesterfield, Virginia 23832

Description of Request: Provides \$475,000 for a project involving construction of an interchange on I-295 at the intersection of Meadowville Road. The area surrounding Rt. 10/I-295 is growing into a large industrial hub for the region, and the interchange will provide necessary access to accommodate freight access into and out of the area. The project is included in the Richmond Region MPO's Long Range Transportation Plan.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105 Account Transportation

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$237,500 for Dominion Boulevard, which connects Interstates 64 and 464 with U.S. Route 17 South. This project would replace the existing two-lane drawbridge over the Atlantic Intracoastal Waterway with a high rise, fixed span bridge, and would also widen the existing road section to four lanes. The roadway is also part of the National Highway System and is included in Virginia Department of Transportation Six-Year plan.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 1105

Account: Transportation, HUD, Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Chesapeake, Virginia

Address of Requesting Entity: 306 Cedar Road, Chesapeake, Virginia 23322

Description of Request: Provides \$142,500 for a visitor center to preserve the historical site of the Battle of Great Bridge, a pivotal moment in the Revolutionary War. The visitor center will be located along the Albemarle and Chesapeake Canal in Chesapeake, Virginia. The center will draw tourists and visitors to the region who will find permanent and changing exhibits and programs at the center. The economic and cultural contributions of the center will benefit the Hampton Roads area. The center will receive both marine and vehicular traffic, provide resources for historical research, meeting spaces and a 100 seat theater. The park will contain interpretive signage, reconstructions of the historic causeway and will be ideal for events and re-enactments.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act of 2009.

Project Name—Lower Saddle River, Bergen County, NJ

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Army Corps of Engineers Investigations

Requesting Entity—U.S. Army Corps of Engineers—New York District Programs and Project Management Division, 26 Federal Plaza, New York, New York 10278-0090

Description of the Project—Funds will be used to continue the Limited Reevaluation Report (LRR) for this study. This project was authorized in WRDA 1986, and a full project was

designed in the early 1990s, but was never built. Because the designs are somewhat now out-of-date, and many of the existing conditions have changed, the Corps is forced go back and reexamine portions of the original Feasibility Report.

Description of the Spending Plan—(\$526,000)

Engineering Redesign With Project Hydrology and Hydraulic

Continued Coordination with State and Federal Agencies for NEPA Compliance Plan Formulation Analysis with Economics Update Limited Project Management and Coordination Costs

Total \$526,000

Project Name—Hackettstown Community Hospital Cancer Center

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Health and Human Services Health Resources and Services Administration (HRSA), Health Facilities and Services

Requesting Entity—Hackettstown Community Hospital, 651 Willow Grove Street, Hackettstown, NJ 07840

Description of the Project—The project's goal is to add a dedicated Outpatient Infusion Center, located within the Joan Knechel Cancer Center (Radiation Oncology). The addition of this service will help fulfill the goal to have a truly Comprehensive Cancer Treatment Center at Hackettstown Regional Medical Center. The funds will be used to purchase and install the specialized medical equipment and furnishings for these new services.

Description of the Spending Plan—(\$238,000)

*Federal Funds earmarked for Hackettstown Community Hospital (dba Hackettstown Regional Medical Center) FY2009 will be utilized for the interior build out of the existing space to become the new Infusion Therapy Center as part of our Comprehensive Cancer Center. Specifically, the funds will be used for the following purposes:

Permit Fees: \$6,105

Contractor Supervision and Layout of Work Space: \$33,855

Casework and Carpentry: \$82,221

Roofing Work: \$2,220

Doors, Frames and Hardware: \$33,061

Aluminum Storefront and Glazing: \$19,145

Acrylic Panels: \$9,990

Painting: \$16,117

Flooring & Ceramic Tile: \$46,842

Fire Extinguishers and Cabinets (for Storage): \$444 Total

Total \$238,000

Project Name—Ramapo College Nurse

Training

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Health and Human Services, Health Resources and Services Administration (HRSA) Health Facilities and Services

Requesting Entity—Ramapo College of New Jersey, 505 Ramapo Valley Road, Mahwah, NJ 07430

Description of the Project—Funds will be used to purchase laboratory equipment related

to Ramapo College's nursing program, which will be supported in their new academic building. Specifically, federal funding will be used toward purchasing nursing lab equipment, academic tutoring and nursing career mentoring programs.

Description of the Spending Plan—(\$190,000)

Nursing Lab Equipment (4 bed room with withal relayed equipment) \$95,000

Nursing Lab Technology (4 Simulators) \$95,000

Total \$190,000

Project Name—Life Safety and Security Improvements

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Housing and Urban Development

Economic Development Initiative

Requesting Entity—Christian Health Care Center

301 Sicomac Avenue

Wyckoff, NJ 07481

Description of the Project—These funds will go to improving Christian Health Care Center's life safety and security infrastructure which will serve the elderly and children who reside within and visit our campus every day. These upgrades will also serve local first responders, neighbors and our staff in the event of a true emergency.

Description of the Spending Plan—(\$142,500)

Lightning risk mitigation

(upgraded fire panels and installation of fiber optic cabling) \$75,000

System upgrade to addressable capabilities (wiring replacement between upgraded panels and patient rooms) \$67,500

Total \$142,500

Project Name—Intermodal Transit Improvements

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Transportation

Bus and Bus Facilities

Requesting Entity—New Jersey Transit; Penn Plaza East,

Newark, NJ 07105-2246

Description of the Project—The funds requested in this application will support the efforts of NJ TRANSIT to improve intermodal transit facilities throughout the northwestern part of the state.

Description of the Spending Plan (\$712,500)

Environmental work: \$7,000

Design-in house work: \$200,000

Design services: \$30,000

Project Administration: \$35,000

Insurance: \$6,800

Construction: \$433,700

Total \$712,500

Project Name—Life Safety and Security Improvements

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Justice COPS Law Enforcement Technology

Requesting Entity—Warren County Department of Public Safety 1024 Route 57 Washington, NJ 07882

Description of the Project—This project encompasses an upgrade to the radio network for all municipal police departments and county law enforcement agencies throughout Warren County. The county will be installing a new UHF infrastructure for those agencies within Warren County. This will enhance law enforcement officer safety and security and also improve interoperability with other state and out of state law enforcement agencies. This request will cover the cost of mobile and portable radios in each vehicle and for each officer throughout Warren County.

Description of the Spending Plan—(\$1,250,000)

Portable Radios \$100,000

Mobiles \$25,000

Total \$1,250,000

Project Name—Delaware Water Gap Land Acquisition

Requesting Member—SCOTT GARRETT

Bill Number H.R. 1105—Omnibus Appropriations Act of 2009

Account—Department of Interior

NPS Land Acquisition

Requesting Entity—The Nature Conservancy

200 Pottersville Road

Chester, NJ 07930

Description of the Project—Funds will be used to acquire and preserve a 91.5-acre tract of land within the Delaware Water Gap National Recreation Area (DWGNRA). This property is a primary target for preservation within the DWGNRA

Description of the Spending Plan—(\$1,000,000)

Cost of Land \$900,000 (Appraisal, Hazards Assessment, Title and other closing costs) \$100,000

Total \$1,000,000

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

DIVISION A: AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Account: Special Research Grants

Legal Name of Requesting Entity: Rutgers University, the State University of New Jersey, The Marucci Center for Blueberry and Cranberry Research and Extension 9

Address of Requesting Entity: 125A Lake Oswego Road, Chatsworth, New Jersey 0801

Description of Request: H.R. 1105 includes \$451,000, requested by multiple members of Congress, to support vital ongoing research on natural products with beneficial health properties. New Jersey is the nation's second largest producer of highbush blueberries and the nation's third largest producer of cranberries. In 2007, New Jersey-grown blueberries and cranberries brought in over \$110 million in farm sales with significant benefit to

the state's economy. This funding will support ongoing work at a University Research Center that addresses farm and environmental interests, at the state and national levels, by providing the advanced technology for the future sustainability of both crop industries, ensuring the competitiveness of growers in New Jersey and nationally. The project meets the agency's mission of providing sustainable nutritious food crops and enhancing farm sustainability.

DIVISION B: COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

The 11th Congressional District was directly impacted by the events of 9/11 and it is critical to continue to make direct investments to improve first responder communications and for other necessary technology and equipment upgrades.

Account: Community Oriented Policing Services

Legal Name of Entity: Morris County Office of Emergency Management

Address of Requesting Entity: P.O. Box 900, Morristown, New Jersey 07963-0900

Description of Request: H.R. 1105 includes \$1,000,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Entity: Somerset County Office of Emergency Management

Address of Requesting Entity: 20 Grove Street, P.O. Box 3000, Somerville, NJ 08876

Description of Request: H.R. 1105 includes \$1,000,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Entity: Sussex County Office of Emergency Management

Address of Requesting Entity: 39 High Street, Newton, New Jersey 07860

Description of Request: H.R. 1105 includes \$950,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Entity: Essex County Office of Emergency Management

Address of Requesting Entity: 50 Nelson Place-2nd Floor, New Courts Building, Newark, New Jersey 07102.

Description of Request: H.R. 1105 includes \$900,000 for police communication equipment upgrades and interoperability technology enhancements.

Account: Community Oriented Policing Services

Legal Name of Requesting Entity: Township of Bridgewater

Address of Requesting Entity: P.O. Box 6300, Bridgewater, New Jersey 08807

Description of Request: H.R. 1105 includes \$150,000 for traffic safety improvements.

Account: National Aeronautics and Space Administration, Cross-Agency Support Programs

Legal Name of Entity: County College of Morris

Address of Requesting Entity: Route 10 and Center Grove Road, Randolph, New Jersey 07869

Description of Request: H.R. 1105 includes \$200,000 to refurbish the planetarium and upgrade necessary equipment.

Account: National Aeronautics and Space Administration, Cross-Agency Support Programs

Legal Name of Entity: Drew University

Address of Requesting Entity: 36 Madison Avenue in Madison, New Jersey 07940

Description of Request: H.R. 1105 includes \$1,100,000 toward Drew University's Environmental Sciences Initiative which is a \$4.6 million, multi-year effort that will yield significant educational benefits both within and outside the Drew University community by upgrading science research facilities, bolstering faculty expertise on critical areas of interest such as climate change, and extending educational opportunities both for students at Drew University as well as local, state and regional K-12 schools.

Account: Department of Justice, Edward Byrne Memorial Justice Assistance Grant Programs

Legal Name of Entity: Fairleigh Dickinson University

Address of Requesting Entity: 285 Madison Avenue, Madison, NJ 07940

Description of Request: H.R. 1105 includes \$300,000 for Fairleigh Dickinson University's Law Enforcement Distance Education Project to develop online educational courses for delivery to state, county and local law enforcement.

Account: Department of Justice, Edward Byrne Memorial Justice Assistance Grant Programs

Legal Name of Entity: New Jersey Crime Victims' Law

Address of Requesting Entity: 33 Woodport Road in Sparta, New Jersey.

Description of Request: H.R. 1105 includes \$150,000 for pro bono legal assistance to crime victims.

DIVISION C: ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

Account: Office of Science, Department of Energy

Legal Name and Address of Requesting Entity: College of St. Elizabeth located at 2 Convent Station, Morristown, New Jersey 07960

Description of Request: H.R. 1105 includes \$475,750 for the Science, Math, and Technology Education Initiative at the College of St. Elizabeth. The funding would be used by the College of Saint Elizabeth to undertake initial planning, design, and construction associated with the renovation of Henderson Hall. This construction will provide significantly improved educational opportunities for women to aid them in the fields of science, math, and technology.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: H.R. 1105 includes \$1,000,000 for the Passaic River Basin Flood Management project. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department

of Environmental Protection. The funding would be used for the continued acquisition of homes and removal from the State defined Floodway that have been plagued by frequent flood damage along the Passaic River. The flooding has long been a problem in the Passaic River Basin resulting in significant losses, notably the loss of lives.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: H.R. 1105 includes \$10,000,000 for the Raritan River Basin, Green Brook Sub-basin project. This project is authorized by Congress and funding was requested by the Administration. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used finish the levee system in Bound Brook, New Jersey. Specifically, these dollars will be used for completion of the R2 Levee which will help protect the Township of Bound Brook. The Green Brook Sub-basin is continually subject to severe and sometimes devastating flood damage which has resulted in the loss of lives.

Account: Corps of Engineers, Continuing Authorities Program Section 205

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: H.R. 1105 lists Jackson Brook under the Section 205 CAP Program. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers and the County of Morris, New Jersey. The funding would be for completion of design, execution of a Production Cooperation Agreement and initiation of construction. Flood damages have occurred to the homes and property located on the lower part of the Jackson Brook Watershed and the public park facilities. Flooding has caused siltation in Hedden Pond.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: H.R. 1105 includes \$11,700,000 for the Barnegat Inlet to Little Egg Harbor project. This project is authorized by Congress and funding was requested by the Administration. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used for the continuation of beachfill and dune construction for the purpose of coastal storm damage reduction. This storm protection project will cover 18 miles of coastline and protect human life and property for residents, communities and tens of thousands of visitors to one of the most populated destinations along the Atlantic coastline.

Account: Corps of Engineers, Continuing Authorities Program Section 205

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, New York, NY 10278-0090.

Description of Request: H.R. 1105 lists the Upper Passaic River and Tributaries, Long Hill project. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers, the New Jersey Department of Environmental Protection, and the Township of Long Hill. The funding would be for completion of design, execution of a Production Cooperation Agreement and initiation of construction. Flooding has caused extensive damage to businesses, residences, and infrastructure in and around Valley Road, the major thoroughfare in Long Hill Township.

Account: Corps of Engineers, Investigations

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278-0090.

Description of Request: H.R. 1105 includes \$717,000 for the Hudson—Raritan, Lower Passaic River study. This project is authorized by Congress and funding was requested by the Administration. Today the Passaic River is one of the most toxic waterways in America. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Transportation. The funding would be used for evaluating what potential Interim Remedial Measures could be implemented prior to the anticipated date of completion of the full feasibility study.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278-0090.

Description of Request: H.R. 1105 includes \$86,127,000 for the New York and New Jersey Harbor project. This project is authorized by Congress and funding was requested by the Administration. The increased and continued growth of the international maritime trade at the Port of New York and New Jersey represents a tremendous opportunity for the region—to create new jobs, generate higher incomes, reduce the cost of doing business and to raise the standard of living in the region. The actual design and construction will be executed by the Army Corps of Engineers and the Port Authority of New York and New Jersey. The funding would continue the 50-foot deepening project of the New York and New Jersey Harbor, including dredging of the Anchorage channel, the Kill Van Kull channel and the Ambrose Channel. Current channels within the Harbor range in depths from 30 to 45 feet, which are inadequate to provide access to the new, larger cargo ships that are being increasingly utilized for shipping, which require water drafts of 48 feet and more.

Account: Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive the funding for this

project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278-0090.

Description of Request: H.R. 1105 includes \$4,806,000 for Passaic River Preservation of Natural Storage Areas. This project is authorized by Congress. The actual design and construction will be executed by the Army Corps of Engineers and the New Jersey Department of Environmental Protection. The funding would be used for the continuation of natural flood storage property acquisitions along the Passaic River. Flooding has long been a problem in the Passaic River Basin resulting in significant losses, notably the loss of lives.

DIVISION E: INTERIOR, ENVIRONMENT, AND RELATED AGENCIES:

Account: STAG Water and Wastewater Infrastructure

Legal Name and Address of Requesting Entity: Borough of Hopatcong located at 111 Styx Road, Hopatcong, New Jersey 07843.

Description of Request: H.R. 1105 includes \$500,000 for the Borough of Hopatcong's Elba Point Water Restoration Project. The funding will be used to reactivate an existing community supply well to provide safe drinking water to the residents of the Borough. The water quality from the existing supply is poor due to a direct influence of the surface water into the well. In order to reactivate the well, the installation of a surface water treatment plant is required.

Account: Land Acquisition (LWCF)

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Great Swamp National Wildlife Refuge located at 241 Pleasant Plains Road, Basking Ridge, New Jersey 07920.

Description of Request: H.R. 1105 includes \$750,000 for the Great Swamp National Wildlife Refuge, a component of Fish and Wildlife Service. The Great Swamp Refuge is located in Morris County, New Jersey, about 26 miles west of Manhattan's Times Square. The refuge was established by an act of Congress on November 3, 1960. The protection of this gem of wilderness in the heart of dense suburban development is one of the success stories of our National Wilderness Preservation System. The funding would be used to acquire an 18.31 acre parcel of land, known as the Great Brook Property, adjacent to the Great Swamp National Wildlife Refuge, which provides critical habitat for numerous rare species.

DIVISION F: DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

These projects are consistent with national health and education policies, including unique doctoral education programs, reducing cardiac disease, enhancing health information technology and increasing patient care to underserved areas of the community.

Account: Higher Education

Legal Name of Requesting Entity: Caldwell College

Address of Requesting Entity: 9 Ryerson Avenue, Caldwell, New Jersey 07006

Description of Request: H.R. 1105 includes \$238,000 to establish a Ph.D. program in Applied Behavior Analysis (ABA) geared to preparing individuals for leadership roles in developmental services, special education and

mental health. Caldwell College is the only college in New Jersey with a Master's Program in Applied Behavior Analysis (ABA), and the only Special Education Master's with a concentration in autism and ABA. Caldwell College has been increasingly sought out by schools and school districts that are seeking to hire teachers and administrators trained at the highest levels of ABA.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services Section

Legal Name of Requesting Entity: Atlantic Health System

Address of Requesting Entity: 475 South Street, Morristown, New Jersey 07960

Description of Request: H.R. 1105 includes \$476,000 to implement a multi-year comprehensive cardiac initiative expanding and upgrading services to reflect capacity strain, the growing demand for cardiac care and the technological changes in the industry. These services will aid patients with necessary care for the finest diagnosis and treatment of cardiovascular disease. Atlantic Health System is currently finishing construction of a dedicated heart hospital on the Morristown Memorial campus. This 223,000 square foot facility will include all inpatient and outpatient services.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services Section

Legal Name of Requesting Entity: Somerset Medical Center

Address of Requesting Entity: 110 Rehill Avenue, Somerville, NJ 08876

Description of Request: H.R. 1105 includes \$476,000 to help improve patient safety through its information technology initiatives. Somerset Medical Center is a pioneer among hospitals nationwide in the implementation of electronic medical records. Over the past seven years, the medical center has spent more than \$36 million to implement an electronic health record system in order to become more efficient, reduce the cost of patient care, enhance patient safety and improve the overall health of the community it serves.

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services Section

Legal Name of Requesting Entity: Zuffall Health Center

Address of Requesting Entity: 17 N. Warren Street, Dover, New Jersey 07801

Description of Request: H.R. 1105 includes \$209,000 to help to purchase medical equipment for their new larger facility. Purchasing equipment for exam and dental rooms will allow Zuffall Health Center to increase the number of patients they are able to provide care for. Moreover, the planned project will allow the Health Center to provide comprehensive prenatal services to more than 300 women on-site.

Division I: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009

Account: Department of Housing and Development, Economic Development Initiatives

Legal Name of Entity: Family Services of Morris County

Address of Requesting Entity: 4 Division Avenue, Madison, New Jersey 07940

Description of Request: H.R. 1105 includes \$190,000 to renovate, repair and rehabilitate

40-year-old facilities used for adult care Senior citizens eighty years of age and older represent the fastest growing population in Morris County and the facility is in need of significant renovation and expansion to continue to accommodate the seniors' needs. This funding will be provided directly to Family Service of Morris County.

Account: Department of Transportation, Surface Transportation Initiatives

Legal Name of Entity: Somerset County

Address of Requesting Entity: 20 Grove Street, Somerville, NJ 08876

Description of Request: H.R. 1105 includes \$570,000 for an authorized project under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users that would be used to relieve current and projected traffic congestion, improve vehicular and pedestrian safety and integrate access to mass transit in one of the fastest growing regions in New Jersey. This area is currently the site of extremely dangerous accident "hot spots," and this funding will greatly improve in roadway and pedestrian safety. Further, it has been estimated by the county that drivers are subjected to over 100 hours of transit delays per year in Somerset County.

Account: Department of Transportation, Bus and Bus Facilities

Legal Name of Entity: New Jersey Transit Corporation

Address of Requesting Entity: One Penn Plaza, Newark, New Jersey 07105

Description of Request: H.R. 1105 includes \$950,000 for intermodal improvements along the Morristown and Montclair-Boonton commuter rail lines in Northern New Jersey. Ridership on public transportation is at all time highs and it is critical to ensure that our public transportation system operates smoothly and can handle this increased demand.

Account: Department of Transportation, Capital Investment Grants

Legal Name of Entity: New Jersey Transit Corporation

Address of Requesting Entity: One Penn Plaza, Newark, New Jersey 07105

Description of Request: H.R. 1105 includes \$48,000,000 for an authorized project under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users that would be used to construct a new two-track commuter rail tunnel beneath the Hudson River from New Jersey to midtown Manhattan, including a new station at 34th Street, six new platforms, rail storage facilities, and direct access to the New York City Subway system and the Penn Station complex. Ridership on public transportation is at all time highs and it is critical to ensure that our public transportation system operates smoothly and can handle this increased demand. This tunnel is a high-priority, long-term project for the State of New Jersey, designed to significantly increase rail access and overall trans-Hudson capacity between New Jersey and New York—and safeguard the overall mobility and economic vitality of the region.

HONORING THE ELECTION OF JUDY RAMEY

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 2009

Mr. CHILDERS. Madam Speaker, I rise today to recognize Mrs. Judy Ramey; who recently was elected as President of the Commissioners Group in Mississippi, which is composed of Commissioners representing all 82 Counties in my home State of Mississippi. In addition to the office she will be taking now, Mrs. Ramey has been the three-term mayor of Marietta, a Chief Nursing Officer, and an Assistant Hospital Administrator in my hometown of Boonville, in Prentiss County, Mississippi.

Mrs. Ramey has been an active member in the Commissioners Group for the past ten years, and in 2008 she acted as the Group's Vice-President. In that time she earned the respect of her coworkers. Her colleagues had such faith in her leadership that she was unanimously voted into her position. I am confident that her hard work will be to the benefit of the people in Mississippi. I would like to take this time to thank her for her public service, and commend her for the example that she is giving for others.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 26, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 3

9:30 a.m.

Armed Services

To hold hearings to examine acquisition of major weapons systems by the Department of Defense.

SH-216

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine consumer protections in financial services.

SD-538

Budget To hold hearings to examine economic and budget challenges for the short and long term. SD-608	10:30 a.m. Agriculture, Nutrition, and Forestry To hold hearings to examine improving nutrition for America's children in difficult economic times. SH-216	10:30 a.m. Foreign Relations To hold hearings to examine United States strategy regarding Iran. SD-419
Energy and Natural Resources To hold an oversight hearing to examine the progress on smart grid initiatives authorized in the Energy Independence and Security Act of 2007, and funded in the stimulus bill, and opportunities and impediments in installation of smart grid technologies. SD-366	2:30 p.m. Foreign Relations To hold closed briefing to examine Iran status report, focusing on nuclear and political issues. SVC-217 Homeland Security and Governmental Affairs Investigations Subcommittee To hold hearings to examine tax haven banks and United States tax compliance, focusing on obtaining names of United States clients with Swiss Accounts. SD-342	2:30 p.m. Intelligence To hold closed hearings to examine intelligence matters, receiving testimony from officials of the intelligence community. SH-219
Foreign Relations To hold hearings to examine Iranian political and nuclear realities and United States policy options. SD-419		MARCH 10 9:30 a.m. Veterans' Affairs To hold an oversight hearing to examine budget for veterans programs for fiscal year 2010. SR-418
2:30 p.m. Intelligence To hold closed hearings to examine intelligence matters, receiving testimony from officials of the intelligence community. SH-219	MARCH 5 9:30 a.m. Energy and Natural Resources To hold an oversight hearing to examine future directions of energy research and development, and to identify key scientific and technological hurdles. SD-366	MARCH 12 9:30 a.m. Veterans' Affairs To hold joint hearings to examine legislative presentations of veterans' service organizations. SD-106
MARCH 4 9 a.m. Homeland Security and Governmental Affairs To hold hearings to examine systemic risk and breakdown of financial governance. SD-342	Veterans' Affairs To hold joint hearings to examine the legislative presentations of veterans' service organizations. SD-106	MARCH 18 9:30 a.m. Veterans' Affairs To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars. 334, Cannon Building
9:30 a.m. Budget To hold hearings to examine the President's proposed budget for fiscal year 2010. SD-608	10 a.m. Banking, Housing, and Urban Affairs To hold hearings to examine American International Group, focusing on government intervention and implications for future regulation. SD-538	MARCH 25 9:30 a.m. Veterans' Affairs To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery. SR-418
10 a.m. Judiciary To hold hearings to examine getting to the truth through a nonpartisan commission of inquiry. SD-226	Homeland Security and Governmental Affairs To hold hearings to examine transparency and accountability for recovery and reinvestment spending. SD-342	

SENATE—Thursday, February 26, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Dr. Charles W. Starks, district superintendent of the Wytheville, VA, district of the United Methodist Church.

The guest Chaplain offered the following prayer:

Let us pray.

As we pray, we remember the wisdom of Proverbs 24:10, "If you falter in times of adversity, your strength is too small."

O loving and eternal God, we are humbled and grateful for the privilege of gathering here in Your presence. We lift up to You our President, Barack Obama, and Vice President, JOE BIDEN. We lift to you, O God, each elected, appointed, and employed public servant at each level of government across these United States.

And this day, O God, we particularly intercede on behalf of the women and men of this Senate. We pray for these Senators to stand in unity of purpose, like great and sturdy trees in the face of the swirling and perilous storms of this day. We ask for the roots of their strength, courage, and wisdom to be nourished in Your abundant grace, even the grace of Jesus, who reminds us to treat others in the same manner we desire to be treated. From that rich grace, O God, allow these Senators the privilege of bearing good fruit which will be a blessing to the people of this great land and Your entire good Earth.

O God, we lift this prayer to You, our Creator, Redeemer, and Sustainer who loves us this day and for all times. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the District of Columbia House Voting Rights Act. At 10:30, the Senate will proceed to a rollcall vote in relation to the Kyl amendment regarding retrocession. Additional rollcall votes are expected to occur throughout the day.

Last night, I filed cloture on the bill. If we are unable to complete action on the bill today, the cloture vote will occur tomorrow. Under rule XXII, the cloture rule, the filing deadline for germane first-degree amendments is 1 o'clock today.

MEASURES PLACED ON THE CALENDAR—S. 478, S. 482, H.R. 1105

Mr. REID. Mr. President, I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 478) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

A bill (S. 482) to require Senate candidates to file designations, statements, and reports in electronic form.

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 160, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 160) to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

Pending:

Ensign amendment No. 575, to restore second amendment rights in the District of Columbia.

Coburn amendment No. 576 (to amendment No. 575), of a perfecting nature.

Thune amendment No. 579, to amend chapter 44 of title 18, U.S. Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia.

Kyl amendment No. 585, to provide for the retrocession of the District of Columbia to the State of Maryland.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 will be equally divided and controlled between the Senator from Arizona, Mr. KYL, and the Senator from Connecticut, Mr. LIEBERMAN, or their designees.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, under the previous order, the Senate will now move to the Kyl amendment, I believe, on retrocession, not to be confused with retrogression, although there may be some similarity between the two.

I am looking at the Senator from Maryland, who will rise to the defense in a moment.

As my colleagues know, last night the majority leader filed a cloture motion on this bill, S. 160, the District of Columbia House Voting Rights Act. We made some progress yesterday. There are a few amendments still pending. Obviously, it is our hope that we will be able to complete the bill today and hopefully not have to go to the cloture vote. But that depends on our colleagues.

So I would yield on the pending Kyl amendment to the distinguished Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

AMENDMENT NO. 585

Mr. CARDIN. I thank my friend from Connecticut for his leadership on this issue. Let me tell my colleagues, I think this is a major human rights issue. I have the opportunity of representing this body as the chairman of the Helsinki Commission. The Helsinki Commission deals internationally with issues of human rights. It is interesting that the United States has taken the leadership on protecting the rights of individuals to vote and to be able to determine their own government. So we have invested a lot of resources in the Helsinki Commission to protect steps to monitor elections around Europe and central Asia and to fight for minority communities to have the right to vote and to have open and honest voting.

Let me tell you, last year there was a resolution filed in our Parliamentary Assembly of the CSCE to encourage America to give the people of the District of Columbia the right to vote. The international community understands that we are out of compliance with basic international norms on giving our citizens the right to participate in their parliament.

So I look at this bill first as a basic right, that every American should be able to have their voice heard here in the Congress of the United States. I support this bill because it moves us in the right direction. But I must tell you, I believe the people of the District should have two Members of this body, two U.S. Senators, and a voting Member of Congress, and I know we tried to do that in the 1970s with a constitutional amendment. I was proud at that time to be a State legislator in Maryland as speaker of the Maryland House. We passed and ratified that constitutional amendment because we thought it was the right thing for the District to have full representation in this body and to have a voting representative in the House of Representatives.

So this legislation, as I said, moves in the right direction. It gives the people of the District a voting Representative in the House of Representatives. That, we should do. And then it even goes further, recognizing the political sensitivity of having another Congressman who may represent one political party. Since the District registration is heavily Democratic, the compromise is to give another Representative to the State of Utah because they are the closest to having been able to obtain another Representative and the registration in Utah is heavily Republican. So it balances it from a political point of view. I understand that is how the system works here. I think this is a fair compromise. What I do not understand is why we are getting all of these other amendments on this bill as an effort to try to kill the underlying

bill. Let's have an up-or-down vote on it.

The people of the District have been waiting a long time. I think it is the right thing for us to do to say: Let's give them a vote. Let's get rid of these amendments because these amendments are not aimed at trying to solve the problem, they are aimed at trying to defeat the bill, which brings me to the amendment offered by Senator KYL that is currently pending.

I find this amendment somewhat surprising. Let me tell you why. It would cede the District back to the State of Maryland. It would change the border of my State that I represent in this body. Now, I would have thought—maybe I am naive about this—that if a Senator was introducing an amendment which would change the border of a particular State, that he would talk to the Senators from that State, he would talk to the Governor from that State, he would try to work with the Representatives from that State because if this amendment were adopted, it would affect every single person in Maryland. Our formulas for aid to our counties and Baltimore City are based upon population. If all of a sudden Maryland grows by a couple hundred thousand people, it affects the way our counties operate essential services. Yet there was no effort made by the author of this amendment to consult with the political leadership of my State.

I do not know how another Senator would feel if I introduced an amendment—and I am glad to see Senator KYL has returned to the floor. I don't know how Senator KYL would feel if I introduced an amendment that said, perhaps, Arizona's borders should change a little bit because it makes more sense to do it that way, and there is no need to talk to the Senators from Arizona about it or the government of Arizona, we are just going to do it. I do not think that is the right thing to do.

So I am somewhat puzzled. I must tell you, to me, it is a matter of an unfunded mandate on my State. It is a matter of what federalism is about. It is a matter of States rights, and it is a matter of common decency.

Now, I read the amendment coming over, and I am not sure how these lines were drawn, but I would have thought, if Maryland were to get the District, we would at least get the Kennedy Center. But it looks as if they took the Kennedy Center out, for reasons I cannot explain. I do not know how these lines were drawn. So perhaps my friend will help me understand this better and understand whether the courtesies of the Senate mean you can put legislation in affecting the borders of one State or another without even having the courtesy to talk to the Members of that State.

I can tell you that Maryland very much works very closely with the Mayor of Washington and the people of

the District. We have a wonderful regional governmental organization. We work cooperatively on providing services to the people of this region. We have an excellent relationship. We support giving the people of the District representation in Congress because it is the right thing to do, and we want them to have their own Representatives here. We think it is a wrong suggestion to now say: Oh, we can solve this problem by changing the borders of the State of Maryland for that.

I urge my colleagues to reject the KYL amendment and let us get on with passing this very important bill for Americans who have been denied a voice in the Congress of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, if the Senator from Maryland has a moment, I would be very happy to respond to some of the concerns he raised. They are all legitimate questions, I acknowledge up front. No State should have territory foisted upon it. That is absolutely true. And the questions raised here were good questions.

First of all, the amendment before us is an amendment that has frequently been offered in the House of Representatives. It has been vetted over there for a long time. So this is not something new.

Secondly, it is absolutely clear from section 6 of the amendment that nothing happens with regard to retrocession unless the State of Maryland agrees. The effectiveness provision reads as follows:

Not later than 30 days after the State of Maryland enacts legislation accepting the retrocession described in section 1(a), the President shall issue a proclamation announcing such acceptance.

Unless the State of Maryland affirmatively, through an act of the people's representatives of that State, vote to do this, there is no retrocession to the State of Maryland.

That answers the question of States rights.

Mr. CARDIN. Will the Senator yield?

Mr. KYL. Of course.

Mr. CARDIN. Does he believe it is fair to say to the people of the District of Columbia that their right to have a voice in the House of Representatives depends upon the will of the people of Maryland?

Mr. KYL. I say to my colleague, the first point he made was that the State of Maryland should have a say in this, and it should be a definitive say. If the State of Maryland doesn't want the residents of the District of Columbia to be part of the State, that informs our decision about what the people of the State of Maryland want. I wouldn't force that decision upon them any more than the Senator suggests should

be the case. The State of Maryland should have that say. If the Senator is saying: I can tell you right now Marylanders don't want these folks from the District as part of their State, we ought to know that by a definitive process rather than assuming it to be the case going into the debate. That would be my response.

Mr. CARDIN. Will my colleague yield further?

Mr. KYL. I am happy to engage in a colloquy.

Mr. CARDIN. I am wondering how my colleague would feel if legislation was introduced here by a Senator not from Arizona saying: I understand what the people of Arizona want better than the Senator does. I want to introduce a bill affecting land rights or property rights or anything in the State of Arizona, and I will make it subject to the vote of the people of Arizona. It will change the border area a little bit, and I know you don't want this, but I am going to do it anyway. I am curious how the Senator would respond if such legislation was introduced and the Senator who introduced it said: I am allowing your Governor to take it to the people. I know there will be a lot of pressure building up on that. But it is not relevant to the Senators from Arizona.

Mr. KYL. Mr. President, my colleague makes a good point. I will respond in two ways. First, I appreciate the sentiment and would hope that when western land issues are dealt with in this body, our eastern colleagues would apply that same principle. Frequently, there is a sense that folks in the east know best about what we should be doing with Federal lands in the west. I certainly respect that sentiment. Obviously, in some respects, that is not as important as the fundamental political jurisdictional issue we are facing here. The question of retrocession is a fundamental issue, and it has to do with a fundamental right the District of Columbia residents would have to participate in State government. I recognize there are some differences, but I offer that first response.

Second, I am not presupposing anything with the amendment. The question will always be before the Maryland electorate whether they want to do this. I don't know whether the Maryland electorate wants to do this. I presume there would be a debate. The result of that debate, decided by the people of Maryland or their elected representatives, would be dispositive on the question. Nobody is foisting anything on anyone. I would be the first to say: If the people of Maryland don't want the residents of the District to be part of the State of Maryland, then the Congress would have to be informed by that decision. I would think it would be dispositive.

Could I respond to a couple other points first and then I will be happy to engage in a further colloquy.

On the matter of the way the lines were drawn, the history of this is that the so-called national areas, the areas where the Federal buildings, various Government departments are located, the Mall, the monuments and those sorts of things, would not be part of the retrocession. The bulk of the bill draws those lines. I can't tell my colleague exactly what the philosophy was with respect to each of those areas. Any question about what should or should not be in, be it the Kennedy Center or anything else, is a legitimate subject of discussion. It could be the subject of amendment. This has been a matter that has been not frequently but not infrequently debated in the House of Representatives. So there is some history of the rationale behind the line drawing. But with respect to where any of these particular lines are drawn, obviously, the Senators from Maryland should be key in helping us to decide where those lines would be. There is nothing locked in stone here that could not be considered the subject of an amendment.

Finally, with respect to the unfunded mandate part, I am not sure it wouldn't work the other way around. I cited a couple days ago the statistics about the money that the Government provides for the District of Columbia. Some of that money has to do with the running of these Government departments, the construction of buildings, maintenance of the buildings, and so on, but much of it does not. Much of it has to do with what the Constitution provides as to the general welfare of the people within the District. I suspect that under any scenario, the money that has been provided to the District of Columbia would still be far in excess of the money returned to any of the several States. And because of the unique nature of the District and the history and traditions, much of that funding would naturally carry over to future years. There is no way the Federal Government is not going to fund all of the national areas that are retained in this legislation.

As the District's Delegate NORTON said in a press release recently, much of the money in the stimulus bill that is going to refurbish or construct office buildings that are Federal Government buildings provides employment opportunities for the residents of the District. While we should obviously be sensitive to any issues of transfer, if the State of Maryland were to accept the residents of the District of Columbia, it is a very legitimate point, and all of those things are appropriate for discussion.

On the matter of the unfunded mandate, it would probably work the other way around, that Maryland would receive a lot of money from the Federal Government. In any event, the Federal national areas that would be receiving the amount of money that they natu-

rally do would certainly help the residents who work here in what is now the District of Columbia.

There is nothing in this amendment that is intended to jam anything down the throats of the people of Maryland. They have the final and ultimate say of what is done. I wouldn't propose anything different from that.

Mr. CARDIN. Will the Senator yield?

Mr. KYL. Absolutely.

Mr. CARDIN. Let me make a brief comment with regard to the mandate on Maryland. Maryland would be under tremendous pressure to change funding formulas consistent with what aid the District currently receives. It would have a major impact on the ability of our State to carry out its fundamental aid formulas to local governments, considering how significant the District would be, the population, relative to the State of Maryland.

The second point is, I can tell you how the people of Maryland feel. They believe the residents of the District of Columbia should have their voting representative in the House of Representatives. That is how the members of our congressional delegation have acted. That is how Senators are acting. We know that is what the District wants. We agree with that. I hope we can get an up-or-down vote on this bill and let's move forward.

I thank the Senator for yielding.

Mr. KYL. If I may make one other point, we will have an up-or-down vote on this amendment at 10:30 and on the bill, of course. I want to conclude my comments to the Senator, because he, obviously, has a good sense of what the people of Maryland want. I concede that. Again, I concede the premise of his point which is that the people of Maryland should have a say before this is done. The reason for the amendment is simply this: We believe it is unconstitutional for the Congress to simply provide a congressional district without an amendment to the Constitution. I personally think the residents of the District should be represented in the House. The only other way to do that, for those of us who believe it is unconstitutional to pass the legislation pending before us, and a court will in relatively short order make a determination on whether that is true, and let's assume that the court says, you can't do it, Congress, by simple legislation, then short of a constitutional amendment, this is the only other way to achieve the objective. It is presented in good faith. It is presented as the only other logical alternative for the residents of the District of Columbia to have their own congressional district. Because of the number of people who live in the District, something over 600,000, and because the representation from House congressional districts today is approximately a shade over 600,000, the fact is that the residents of the District could have a district of

their own or essentially exactly as the District is configured today without presumably modifying the lines of other Maryland districts. Of course, that would be up to the State of Maryland in the way that it sets its congressional district lines.

Mr. CARDIN. Will the Senator yield on that point?

Mr. KYL. I am happy to.

Mr. CARDIN. Having served in the House and also going through redistricting, the courts are now requiring an exact number of equality. So it would be improbable that the lines would remain the same.

Mr. KYL. I said that is why it would be "almost." You might have to include a few residents of what are now Maryland within the District, and I acknowledge that to be the case. In any event, I accept the fundamental premise of the Senator. Our amendment addresses that specifically. My hope would be that if the courts should declare that we cannot by legislation do what this bill attempts, then the people of Maryland would strongly consider whether the next best alternative is to provide for the retrocession we have in this amendment as the next best way to provide a vote for the residents of the District of Columbia.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Arizona and the Senator from Maryland for a thoughtful discussion. I rise to oppose amendment No. 585, offered by the Senator from Arizona. Unlike some of the other amendments pending, this one goes to the heart of what the underlying bill that came out of committee is all about, which is how do we give voting rights in Congress to 600,000 Americans who happen to live in our Nation's Capital who don't have such representation now. I disagree with the method, but I appreciate the fact that this is not germane in a parliamentary sense, but it is directly relevant to the underlying injustice and inequity. But for the reasons that the Senator from Maryland made clear, this is not a practical solution to the problem before us, the longstanding injustice.

It requires the consent of the people of Maryland, and all their leaders tell us that the people will not support it. So it may be a solution on paper, but it is not going to be a solution and a fix to the problem in fact. It is also full of complications that would ensue.

For instance, section 2 of the amendment would automatically transfer all pending legal actions in the District of Columbia to an "appropriate Maryland court." We can only imagine the legal and political tangle that could create given that Maryland and the District actually have distinct legal structures, rules, and precedents. Section 3 of the amendment describes at some length

the boundaries of a small but still sizable national capital service area that would continue to be controlled by Congress and which would consist of key Federal buildings and monuments. There are complications there too. Who would police and maintain those streets and otherwise administer this large swath of downtown Washington?

As has been said, it would require a constitutional amendment to repeal amendment XXIII which granted the District of Columbia three electoral votes in Presidential elections. If amendment XXIII were not repealed, presumably the effect would be to grant a disproportionately large role in Presidential elections to a relatively small population that would continue to reside in that national capital service area and that would remain under congressional control. In fact, the amendment recognizes this and, therefore, would not become effective until such a repeal amendment to the Constitution is ratified.

As I have said, this is an alternative solution to the problem. I appreciate it in that it would, if it overcame the obstacles, actually be a remedy, but it is not the right or realistic remedy to the injustice of nonvoting representation in Congress for residents of the District. The right and reasonable and realistic solution is the underlying bill before us, S. 160. That is why I oppose the amendment and urge the passage of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, let me respond to two points my colleague made, and they are both legitimate questions. The first is some of the technical problems. I am sure there are a lot of technical problems we have not even thought about that would attend. This is a big change. Whether you adopt the underlying legislation or you go through a process such as retrocession, there will have to be a lot of adjustments and accommodations, to be sure.

But on questions such as, for example, policing the Mall and so on, those things are already well understood and resolved. For example, I have spoken recently with Capitol Police and asked them about the overlapping jurisdiction: Where, for example, does the Capitol Police jurisdiction end and where does the DC Police jurisdiction begin, and so on? They have all these things worked out. I do not think there is any difficulty with those kinds of technical issues. But there will be, undoubtedly, others that will have to be addressed as well.

Secondly, my colleague is correct, in order to avoid the anomalous situation where a few people who might be technically residents downtown and not have other residence downtown—being in the Federal areas or national areas as described in this legislation—we

would have to eliminate the twenty-third amendment to make sure those people would not have three electoral votes for the Presidency. I cannot imagine that if retrocession did occur the citizens of the country would not follow through on that essentially technical issue and approve the retrocession of the twenty-third amendment. But it is one of the things that will have to be done. That is absolutely true.

Again, I will conclude by saying, for those of us who believe it would be preferable for the residents of the District to have their own representative in the House of Representatives and, in fact, to be able to vote for Senators, and have that representation as well, if they are part of a State—if, in fact, the underlying legislation is unconstitutional, as many of us believe it is—then this amendment offers a constructive way to achieve the same result, I would suggest, with very little in the way of adjustment, but with some adjustment that would have to occur—again, subject solely to the approval of the people of the State of Maryland.

I say to our colleagues, this vote is scheduled for 10:30, so if there are people who want to discuss other amendments or other matters, or to further debate this amendment, this would be a good time to do so.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. He is absolutely right. I have been informed that the senior Senator from Delaware is on his way to the floor to speak on this amendment. But I echo what Senator KYL has said, that we have some other pending amendments. The floor is open until the vote at 10:30, and I urge our colleagues to come and take advantage of that opening.

With that, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, yesterday morning, at about 8 o'clock, down in, I think, S. 115, there was a prayer breakfast. Actually, that happens about every week. And for many weeks in the last year or two, our Acting President pro tempore was one of two Members—one a Democrat and one a Republican—who brought people together for an hour of fellowship. They would have breakfast together and sing a hymn—or at least try to sing a hymn—or a song of some kind, and they would share their story, if you will, their spiritual journey with one another.

I usually do not get to go to those; I am on a train coming down from Wilmington, DE. But I have been a time or

two, and I find it very uplifting. There is a smaller gathering that will occur today a little after noon, right here off the Senate floor, and it will be a group convened by our Chaplain, Barry Black, who is a retired Navy rear admiral. He used to be Chief of Chaplains for the Navy and the Marine Corps.

What we have is a little bit like an adult Sunday school class. There are people of different faiths who show up. Sometimes we may have five or six or seven or eight or nine people there, Democrats and Republicans.

I always like to tell the story that happened about a couple years ago, when we were having orientation for new Senators—something our Acting President pro tempore has been a part of establishing—but we had a last session of orientation for new Senators—I think it was about 2004, right after the election—a last session where John Breaux, a Democrat, was leaving and Don Nickles, a Republican, was leaving the Senate, and they both were talking to our new Senators and their spouses about bridging the partisan divide.

Don Nickles talked—he has a great sense of humor; so does John Breaux, as we know—and Senator Nickles was about to leave the Senate. He was talking to the Democrats and Republicans who had just arrived, and their spouses, and he said: You all ought to think about going to this Bible study group. It is uplifting. It is inspiring. It is refreshing. You get to know your colleagues better. It does not take that much time every week. He said: You ought to try to do it. TOM CARPER and I go to that Bible study group. He is a Democrat and I am a Republican.

He said: Week after week, month after month, you sit together, you read Scriptures together, you talk and share with one another your thoughts and problems and what you are facing in your life. You pray for each other. He said: You know, after I do that, it is hard to walk out on the Senate floor and stab TOM CARPER in the back. He said: It is not impossible, but it is hard.

One of the other things that is hard is for us to actually figure out how our faith should guide us in the decisions we make here. I am always inspired by the depth of conviction of the floor manager, the chief sponsor of this bill, Senator LIEBERMAN, and how his faith guides him in the work we do here.

But Barry Black, our Chaplain, often challenges us in the Senate—Democrats and Republicans—and not just there, but, later today, in our Bible study class, and also at the Wednesday morning prayer breakfast, and throughout the week—he is always challenging us: How should we use our faith to help guide us in the decisions we make?

The other thing he is good at doing is reminding us, about every other week, of the two great Commandments in the New Testament. The first: Love Thy

Lord Thy God with all thy heart, all thy soul, all thy mind. And the second one is: To love thy neighbor as thyself—which we also call the Golden Rule: Treat others the way we want to be treated. Chaplain Black likes to say the “CliffsNotes” of the New Testament is the Golden Rule: Treat other people the way we want to be treated.

When I run into great leaders in my life, in this country and in other countries, a lot of times the good leaders are those who actually internalize the Golden Rule, who do try to treat others the way they want to be treated. I am pleased to say that the two Senators who are here on the floor right now certainly embody that rule too.

How does that pertain to the legislation before us? Well, I think it pertains to the legislation before us because there are about 600,000 people who live in the District of Columbia. Some of them actually work here with us, but they live here in the District of Columbia and they pay taxes. They pay Federal taxes. They don't get to vote. They don't have a vote here in the Senate. They don't have a Representative, if you will, who can vote for them and for their interests and concerns in the House of Representatives.

Delaware has about 850,000 people, so we have a few more people than the District of Columbia. There are some other States that have fewer people than we do. There is actually probably a State or two that has fewer people living in it than does the District of Columbia. I won't call out those States here this morning. They are pretty big in geography but not so big in population. They have two Senators and at least one U.S. Representative. Whether the issue is foreclosures, budget, or stimulus package, they have somebody here to vote, to represent them, to speak on the floor and to offer legislation, amend legislation, and to vote on legislation. We saw in the stimulus package how critical one or two votes can be. The District of Columbia has nobody here and they have nobody voting for them in the House. They have a delegate—a very good one—who can vote in committee, offer legislation, offer amendments, and introduce bills, but can't actually vote when the time comes. There is something about that that seems unfair to me. It seems unfair to me. I think it certainly seems unfair to the sponsor of the bill, Senator LIEBERMAN, and to a lot of people who cosponsored the legislation, as have I.

None of us is suggesting that there ought to be two Senators representing folks from the District of Columbia. In allowing the delegate to become sort of a full-fledged U.S. Representative over in the House, there is a trade that—we would expect that person to be a Democrat, at least initially; maybe someday Republican—but the idea would be to provide an additional Republican rep-

resentative, in this case from the State of Utah. That seat may become a Democratic seat. I wouldn't want to bet my paycheck on it, but it might. So we are trying to come up with an equitable, a fair, a reasonable compromise. Isn't politics the art of compromise? This is a compromise.

There are some who have suggested that is unconstitutional. I am not a constitutional expert. I know a lot of smart people have considered it. We will have an opportunity—if this legislation is passed and signed by the President, there will be an opportunity for an expedited process and the Federal courts, the appropriate courts will determine whether this measure, this statute actually is constitutionally sound. My hope is it will be. A lot of forethought has gone into this issue already.

In closing, let me say in the minute or so that is left on our side, I wish to thank Senator LIEBERMAN for his steadfast leadership on this issue and for making it not just a bipartisan issue but a tripartisan issue, by making sure we have both Republicans and Democrats and Independents such as himself and BERNIE SANDERS to weigh in and to support this legislation; not just to offer the bill but actually to stand up and call on the rest of us to do what we know in our hearts is fair and just, and to put ourselves in the shoes of the folks who live here in Washington, DC and who work and pay their taxes and who deserve a full-fledged vote, at least in the House of Representatives. We will wait another day to take up that battle here in the Senate.

That having been said, I yield back my time.

The ACTING PRESIDENT pro tempore. The time for the majority has expired.

Mr. LIEBERMAN. Mr. President, seeing no one on the other side in the Chamber, I ask unanimous consent to speak for no more than 5 minutes, probably less.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. I will yield if anyone on the other side comes in.

I thank my friend from Delaware for his very eloquent and thoughtful statement. The pending amendment is on retrocession. As the Senator began his remarks about the Bible study and prayer groups, I thought he was going to talk about redemption and not retrocession, but he got to the point. I must say, if I may continue the argument the Senator from Delaware made very eloquently in two ways, S. 160, the underlying bill, does provide—please allow me some license here for a kind of political redemption—for the voters of the District of Columbia who up until this time have been denied a voting representative in Congress. The

whole premise of our Government is that we govern with the consent of the governed, but here we have 600,000 Americans who, through historical anomalies and maybe more recently partisan disagreements, don't get to consent or object to anything we do to them or even for them.

The second—and I thank my friend from Delaware for making this point about the Golden Rule. I hope all of our colleagues in the Senate will apply that fundamental ethical human principle to this vote and think about how we would feel if we were the District's Delegate in the House of Representatives. ELEANOR HOLMES NORTON is a gifted and wonderful person. I have known her—I won't state the year because I don't want to compromise the privacy of her age; mine has already been compromised this week. We were at law school together. She is an extraordinarily gifted person and a very diligent and passionate and aggressive advocate for the people of the District of Columbia. Imagine how we would feel if we were occupying the seat she occupies in the House of Representatives. She gets to debate issues. She gets to talk. But when the roll is called, imagine how we would feel—my friend from Delaware and our dear friend from Arkansas who occupies the Chair at the moment, myself—if there were a major item here in the Senate and we could debate it, but then the roll is called and it is as if our mouths are stifled, muffled. We couldn't vote. That is what Delegate NORTON goes through in the House of Representatives. If we think about it that way, in the terms the Senator from Delaware stated, to treat others as we would like to be treated ourselves, it seems only fair, reasonable, human to give Delegate NORTON and the 600,000 people she represents the right to vote on the floor.

So I thank my friend for taking the time to come over and speak as eloquently and convincingly as he has.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 585.

Mr. KYL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—30

Alexander
Barrasso
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Cornyn

Crapo
DeMint
Enzi
Graham
Grassley
Hatch
Hutchison
Inhofe
Isakson
Johnson

Kyl
Martinez
McCain
McConnell
Risch
Roberts
Shelby
Thune
Vitter
Wicker

NAYS—67

Akaka
Baucus
Bayh
Begich
Bennet
Bingaman
Boxer
Brown
Brownback
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein

Gillibrand
Gregg
Hagan
Harkin
Inouye
Johanns
Kaufman
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCaskill
Menendez
Merkley
Mikulski
Murkowski
Murray

Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Sessions
Shaheen
Snowe
Specter
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Corker

Kennedy

The amendment (No. 585) was rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Madam President, I believe two of our colleagues wish to speak as in morning business at this time. After that, our intention is to pick up the amendment offered by the Senator from South Carolina, Mr. DEMINT, on the fairness doctrine, and then Senator DURBIN also will be offering a matter on the fairness doctrine as well.

With that in mind, I yield the floor to one of the two Senators to my right, and they may joust as to who goes first.

Mr. BOND. Madam President, I thank my colleague from Connecticut, with whom I worked so closely last fall and at the end of January, for allowing us to go forward. I ask unanimous consent to speak as in morning business, and my colleague, the Senator from Iowa, I

believe, wishes to speak as in morning business after that, as indicated by the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND and Mr. GRASSLEY are printed in today's RECORD under "Morning Business.")

Mr. ENSIGN. Madam President, I ask unanimous consent that the pending amendment be set aside to call up the amendment No. 587.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, it is my understanding that the Senator from Nevada wishes to call up the amendment and speak very briefly—he mentioned to me 2 minutes. I believe I am in the line to speak and I wish to speak on this amendment.

Is that the agreement?

Mr. ENSIGN. Madam President, I ask unanimous consent that I be allowed to call up my amendment, get it pending, and speak on it for 2 minutes.

Mrs. FEINSTEIN. Is the subject of this amendment vouchers?

Mr. ENSIGN. Yes.

Mrs. FEINSTEIN. No problem.

AMENDMENT NO. 587

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 587.

Mr. ENSIGN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reauthorize the DC School Choice Incentive Act of 2003 for fiscal year 2010)

At the end, add the following:

SEC. ____ REAUTHORIZATION OF THE DC SCHOOL CHOICE INCENTIVE ACT OF 2003.

(a) REAUTHORIZATION.—Section 313 of the DC School Choice Incentive Act of 2003 (title III of division C of Public Law 108–199, 118 Stat. 134) is amended by striking "fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years" and inserting "fiscal year 2010".

(b) SEVERABILITY.—Notwithstanding section 7, if any provision of this Act (other than this section), and amendment made by this Act (other than by this section), or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section, the amendment made by this section, and the application of such to any person or circumstance shall not be affected thereby.

Mr. ENSIGN. Madam President, I rise to offer a DC voucher program for low-income children at or below 185 percent of the Federal Poverty Line. Children would be eligible to receive up to \$7,500 to attend a private school in the District.

It has been said that education, especially K–12 education is a civil right. I

believe it is. In Washington, DC, public schools are failing too many of our kids—especially our low-income kids. These children are trapped in schools that are failing.

About half the kids in Washington, DC, public schools do not graduate, and this is not because of money. The District spends perhaps the most in the country, on education. They spend almost \$15,000 a year per student per year in public schools. That is almost three times the amount we spend per student per year in Nevada. Yet the performance of the public schools in the District is pathetic. There are very few Members of Congress who would allow their kids to go to these failing schools.

The reason I am offering my amendment today, which would reauthorize, for 1 year, a very valuable voucher program, is because the upcoming Omnibus appropriations bill basically guts the program. We need to make sure this program is in place in time for parents to plan for their children's education in the fall.

This is an important amendment. This is a civil rights amendment. We are talking about the right to a DC Representative voting here, we should care enough about our children to give them the right to a good education. That is what this amendment is about. Now, we are going to try to work this out. We may not be offering this amendment if we can get an agreement from the majority leader for time on the floor sometime this spring to be able to debate a full bill. That is what I would hope we could be able to do. If not, then we will hope for a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, if I may very briefly respond to my friend from Nevada, I appreciate the statement he has made. Personally, I agree with him on this DC scholarship program which I supported in past years. The authorization is running out.

The Homeland Security and Governmental Affairs Committee, as my friend knows, actually still possesses jurisdiction over matters related to the District of Columbia. So we would be the proper committee to consider an authorization bill.

As I have said to my friend, I do not know what I would support. I do not know what the outcome of the committee would be. But I appreciate the spirit in which he has presented this amendment. I agree with him totally that we ought to be reauthorizing this program, and we will work together to see, with the majority leader, whether we can get an agreement that there will be floor time with a time limit given to a debate and an attempt to reauthorize the program when it expires,

which I believe is in this fiscal year, meaning that it would affect the school year that begins in September.

So I will pursue that with the leader and will continue our conversations. I thank him for offering the amendment.

I now yield the floor to our distinguished colleague from California.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 575

Mrs. FEINSTEIN. Madam President, I thank the manager of the bill. I rise today to speak in strong opposition to amendment No. 575 offered by Senator ENSIGN. This amendment is not the instant amendment that he just spoke about; it is the amendment that essentially would repeal all commonsense gun laws in the District of Columbia.

I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence on the streets of our Nation's Capital. It will endanger the citizens of the District, the Government employees who work here, our elected officials, and those who visit this great American Capitol. And, of course, if successful, it will be the first new step in a march to remove all commonsense gun regulations all over this land.

The Ensign amendment repeals gun laws promoting public safety, including DC laws that the U.S. Supreme Court indicated were permissible under the second amendment in the Heller decision. I strongly disagree with the Supreme Court decision in Heller that the second amendment gives individuals a right to possess weapons for private purposes not related to State militias, and that the Constitution does not permit a general ban on handguns in the home. But that is the law. It has been adjudicated. It has gone up to the highest Court, and I am one who believes if we do not like the law, we should try to make changes through the proper legal channels. However, it is important to note that Heller also stands for the proposition that reasonable, commonsense gun regulations are entirely permissible.

As the author of the original assault weapons ban that was enacted in 1994, I know commonsense gun regulations do make our communities safer, while at the same time respecting the rights of sportsmen and others to keep and bear arms.

Just yesterday, the Department of Justice announced the arrest of 52 people in California, Minnesota, and Maryland. In addition to seizing 12,000 kilograms of cocaine and more than 16,000 pounds of marijuana, the DEA also seized 169 illegal firearms from members of the Sinoloa Cartel.

Where did they get those guns? It would be interesting to find out because this cartel is one of several that law enforcement believes is responsible for kidnappings and murders within the United States in addition to engaging in violent gun crimes.

In talking about the Sinoloa Cartel yesterday, Attorney General Holder noted that reinstituting the assault weapons ban would benefit the United States, as well as help stop the flood of weapons being sent from the United States to Mexico for use by drug cartels to cause violence on both sides of the border.

I am prepared to wage the assault weapons battle again and intend to do so. I have been quiet about this because there are many pressing needs of this Nation. But with the help of the President, the administration, and the people of this great country, we do need to fight back against these kinds of amendments.

Justice Scalia wrote in the majority opinion on the Heller case that a wide variety of gun laws are "presumptively lawful," including the laws "forbidding the carrying of firearms in sensitive places" and regulations governing "the conditions and qualifications of the commercial sale of arms."

I cannot think of any place more sensitive than the District of Columbia. Even bans on "dangerous and unusual weapons" are completely appropriate under the Heller decision. So it is interesting to me that you have this decision, and then you have the Senate moving even to obliterate what is allowable under the decision.

Senator ENSIGN's amendment completely ignores Heller's language and takes the approach that all guns for all people at all times is called for by Heller. It is not.

We have all seen the tragic consequences of gun violence: the massacre of students at Virginia Tech University in 2007, the murders at Columbine High School in Colorado, the North Hollywood shootout where bank robbers carrying automatic weapons and shooting armor-piercing bullets shot 10 Los Angeles Police Department SWAT officers and seven civilians before being stopped.

We have seen criminal street gangs able to buy weapons at gun shows and out of the back seats or the trunks of automobiles. We have seen their bullets kill hundreds, if not thousands of people across this great land—men, women, and children.

I remember one case in the San Francisco Bay area not long ago where a youngster taking a piano lesson in a home had a bullet from a gang member pierce the wall of the home, cut his spine, and today he is a paraplegic. It is unbelievable for me to think of the ease with which people can buy weapons.

As Senator SCHUMER said, if this amendment becomes law, even if you cannot see, even if you cannot pass a sight test, you can have access to firearms. That is not what this Nation should encourage. Those incidents and the gun violence that occurs every day across this country show us that we

should be doing more, not less, to keep guns out of the hands of criminals and the mentally ill and not give them unfettered access to firearms.

It is worth noting just how far this amendment goes in repealing DC law and just how unsafe it will make the streets of this Capitol. Here is what it would do: It would repeal DC's ban on semiautomatic weapons, including assault weapons. If this amendment becomes law, military-style assault weapons with high-capacity magazines will be allowed to be stockpiled in homes and businesses in the District, even near Federal buildings such as the White House and the Capitol. Even the .50 caliber sniper rifle, with a range of over 1 mile, will be allowed in DC under this amendment. This is a weapon capable of firing rounds that can penetrate concrete and armor plating. And at least one model of the .50 caliber sniper rifle is easily concealed and transported. One gun manufacturer describes this model as a "lightweight and tactical" weapon and capable of being collapsed and carried in "a very small inconspicuous package."

Is this what we want to do? There is simply no good reason anyone needs semiautomatic, military-style assault weapons in an urban community. It is unfathomable to me that the same high-powered sniper rifle used by our Armed Forces will be permitted in the Nation's Capital. Yet this is exactly what the amendment would allow if passed by the Senate.

Next, the amendment would repeal existing Federal anti-gun trafficking laws. For years, Federal law has banned gun dealers from selling handguns directly to out-of-State buyers who are not licensed firearms dealers. This has helped substantially in the fight against illegal interstate gun trafficking, and it has prevented criminals from traveling to other States to buy guns.

Senator ENSIGN's amendment repeals this longstanding Federal law and allows DC residents to cross State lines to buy handguns in neighboring States. Illegal gun traffickers will be able to easily obtain large quantities of firearms outside of DC and then distribute those guns to criminals in DC and in surrounding States.

And no one should be so naive as to say that this amendment will not do this. It will. The amendment repeals DC law restricting the ability of dangerous and unqualified people to obtain guns. The amendment also repeals many of the gun regulations that the Supreme Court said were completely appropriate after Heller.

So all of those who will vote for this amendment should not do so thinking they are just complying with the Heller decision. This is part of a march forward by gun lobby interests in this country to begin to remove all commonsense regulations, and no one should think it is anything else.

This would repeal the DC prohibition on persons under the age of 21 from possessing firearms, and it repeals all age limits for the possession of long guns, including assault weapons.

Do we really want that? I think of the story of an 11-year-old who had a reduced barrel shotgun and just recently killed somebody with it. Is this what we want to see all over this country, the ability of virtually anyone to obtain a firearm regardless of their age? I don't think so.

The amendment even repeals the DC law prohibiting gun possession by people who have poor vision. I heard Senator SCHUMER speak about this yesterday afternoon. Unbelievably, under this amendment, the District would be barred from having any vision requirement for gun use, even if someone is blind. Is this the kind of public policy we want to make for our Nation? Is this how co-opted this body is to the National Rifle Association and others? I hope not.

One of the reasons we have 6-year terms is to allow us to make difficult decisions. There is no higher charge than protecting our public safety. We should protect individuals. The way we protect individuals is by enacting public policy that is prudent, reasonable, and subject to common sense. This amendment does none of the above.

I ask my colleagues to think carefully about this amendment, because if it succeeds, trust me, the march for similar legislation will be on. I introduced the assault weapons legislation. I survived. I had an election in 1994, just after I had introduced it. I survived. The people of my State want commonsense gun control. They don't want local jurisdictions stripped of any ability to enact prudent regulation.

The Presiding Officer is in the chair. The husband of one of her colleagues, going home on the Long Island train, was shot and killed by someone who never should have had a weapon. How many of these incidents do we have to have? How many businesses employing people who are mentally ill have to suffer when they have a grudge against an employee, and kill 6, 7, 8, 9, or 10 people? How many schools do we have to have where aggrieved students go out and acquire the most powerful weapons and come into cafeterias, libraries, or classrooms and mow down students? A vote for this amendment, any way we look at it, makes this easier to happen.

I believe passionately about this. I will never forget, many years ago, before I was mayor, walking into the robbery of a corner grocery store. When people die of gunshot wounds, it is not the way it is on television or in the movies. I saw brain matter all over the walls. I saw the husband, a proprietor, the wife, a proprietor. This individual who came in even shot the dog. People are capable of terrible criminality. We should not encourage that criminality

by making their access to weapons so very easy.

As I say, this is the first step in a march to see that there is no ability to enact prudent gun regulation throughout the United States.

I ask every colleague, before they vote for this, to think about the people they represent and whether society is going to be safer because of their vote. How deep have we sunk in catering to these interests? For shame.

The amendment before the Senate repeals all firearm registration requirements in the District, making it even more difficult for law enforcement to trace guns used in crimes and track down the registered owner. The amendment repeals all existing safe-storage laws and prohibits the District from enacting any additional safe-storage laws. After the Heller decision, the District passed emergency legislation to allow guns to be unlocked for self-defense, but requiring that they otherwise be kept locked to keep guns out of the hands of children and criminals. We all ought to want that. The Ensign amendment repeals even this modest limitation and prevents the District of Columbia City Council from enacting any law that discourages—whatever that means—gun ownership or requiring the safe storage of firearms. How can we, in the Capital of the United States where we have had so many tragic events, possibly do this? This is simply ridiculous and goes well beyond the Supreme Court's ruling in Heller.

Think about what this means. Consider that every major gun manufacturer recommends that guns be kept unloaded, locked, and kept in a safe place. Under this amendment, the District could not enact any legislation requiring that guns be stored in a safe place, even in homes with children. How can anyone believe this broad-brush amendment is the right thing to do? How can any of us believe it provides protection for the people we represent?

Let me make one other point. The American people clearly do not agree with this amendment. Last fall, when a virtually identical bill was being considered in the House of Representatives, a national poll found that 69 percent of Americans opposed Congress passing a law to eliminate the District's gun laws—69 percent. That is about as good as we get on any controversial issue. Additionally, 60 percent of Americans believe Washington will become less safe if Congress takes this step. Is this what we want? Do we want the Capital of the United States to become less safe? I don't think so. Today, if this amendment passes in the Senate, it will be directly against the wishes of the American people. It will not pass because it is good public policy—it will only be passed to placate the National Rifle Association. I say for shame.

As a former mayor who saw firsthand what happens when guns fall into the hands of criminals, juveniles, and the mentally ill, I believe this amendment places the families of the District of Columbia in great jeopardy. The amendment puts innocent lives at stake. It is an affront to the public safety of the District. It is an affront to local home rule. This isn't just a bad amendment; it is a very dangerous one. I very strongly urge Senators to join me in opposing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate the debate on several key amendments. I also want to recognize my colleague from California and her strong support—indeed, key position—on the voucher program, the DC scholarship program that she has been one of the primary architects of and wants to get measurables on it. It is in the subcommittee on appropriations on which I serve, and she has been a key person on that. It is my hope we can work that out, whether it is going to be at a later time for reauthorization or if we can pass it here today. It is a key program, and I want to recognize what my colleague has done on that historically. That is what I come to the floor to talk about, as well as a couple of other things that are coming up but particularly the DC scholarship program. It is an amendment. We have it appropriated in the appropriations bill, but it is required for reauthorization. It needs to be reauthorized. My hope is that the majority leader will say, yes, we will bring this up for reauthorization and give us floor time to do that. I understand the manager of this bill has said he would bring it up in his committee and do a markup in committee.

I have worked for this program for some period of time. I have worked with the students and parents in this program. They love it. They appreciate the chance to succeed in a failed school system. The DC Opportunity Scholarship Program has received applications from over 7,000 low-income students, has served over 2,600 of these children. We have far more applicants than we do slots. When these students entered the program, they had average math and reading test scores in the bottom third of all test takers. Recent evaluation by the U.S. Department of Education—this goes back to last year—affirms academic gains among scholarship students less than 2 years after receiving a scholarship. Last year, after less than 1 year in the program, two subgroups of students, representing 83 percent of participating students, showed positive results in math, and both years showed overwhelming parental satisfaction. Parents like it. Students are doing better. It is working.

I certainly wish to salute Mayor Fenty and DC school chancellor Michelle Rhee for making education reform and support for this program something important in the District. They made this a high priority.

Certainly, we have to get the schools functioning in the District of Columbia. This is a piece of it that is working for 1,700 students. We need it reauthorized to be able to continue to move it forward. It would be heartless for us not to do it.

I recognize a number of people have a problem with it on this bill. I understand that. If there is a chance we can get an agreement that the reauthorization would take place later, that would be a wise route to go, and then follow through regular order. But this one is working and is working well. It is being well received by parents and students. It has an odd sort of support base where it has both left and right. It has a lot of people in a low-income situation supporting it. It is one of those pieces of legislation that have a broad base of support ideologically and practically. People want to see it moving forward and have it succeed as an overall program. I am very hopeful this Congress can do that.

Two other quick points. One is coming up on the fairness doctrine that will be considered. The fairness doctrine, to educate my colleagues—I am sure everybody is familiar with it—was promulgated by the FCC in 1949 to ensure that contrasting viewpoints would be presented on radio and television.

In 1985, the FCC began the process of repealing the doctrine after concluding that it actually resulted in broadcasters limiting coverage of controversial issues of public importance.

Now we are hearing from some voices saying this doctrine should be put back in place. I urge colleagues to not do that. This isn't the way for us to get a good discussion going in the public marketplace. Indeed, the results in the past, and I believe today, would be that the doctrine would actually result in less, not more, broadcasting of important issues to the public. Airing controversial issues would subject broadcasters to regulatory burdens and potentially severe liabilities. They simply would say: We will not put anything on.

Just think about the changing landscape in broadcast radio and television that has taken place since 1949. These numbers are startling. In 1949, there were 51 television stations in the country and 2,500 radio stations. Maybe a lot of people wish we would go back to that era of less media, but we will not. In 1958, there were 1,200 television stations and 9,800 radio stations. Today, there are 1,800 television stations and 14,000 radio stations. There is simply no scarcity to justify content mandates such as the fairness doctrine that would be a regulatory nightmare for

radio and television stations. Plus, we have all the new media, social networking, and individual citizen access to information on the Internet that does not warrant this being put back into place.

Finally, to comment on the second amendment rights, the Supreme Court, in a historic ruling, has found that second amendment rights apply to the individual, and that applies to individuals across the country, that applies to individuals in the District of Columbia. I think those should be continued and guaranteed and supported by this body as well. I think it would be appropriate for us to support that and support that in this legislation.

Madam President, in conclusion, I would like to have printed in the RECORD two editorials in agreement from two publications that frequently do not agree. One is from the Wall Street Journal and the other is from the Washington Post. Both are in support of the DC voucher program, saying it works—it works for kids, it works for parents—and is something that should be continued. I have never had printed in the RECORD before editorials from those two publications at the same time agreeing on the same topic, particularly in education. I think what it says is that this one is working and should be continued.

So I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 25, 2009]
OBAMA'S SCHOOL CHOICE

President Obama made education a big part of his speech Tuesday night, complete with a stirring call for reform. So we'll be curious to see how he handles the dismaying attempt by Democrats in Congress to crush education choice for 1,700 poor kids in the District of Columbia.

The omnibus spending bill now moving through the house includes language designed to kill the Opportunity Scholarship Program offering vouchers for poor students to opt out of rotten public schools. The legislation says no federal funds can be used on the program beyond 2010 unless Congress and the D.C. City Council reauthorize it. Given that Democrats control both bodies—and that their union backers hate school choice—this amounts to a death sentence.

Republicans passed the program in 2004, with help from Democratic Senator Dianne Feinstein, and it has been extremely popular. Families receive up to \$7,500 a year to attend the school of their choice. That's a real bargain, given that D.C. public schools spend \$14,400 per pupil on average, among the most in the country.

To qualify, a student's household income must be at or below 185% of the poverty level. Some 99% of the participants are minority, and the average annual income is \$23,000 for a family of four. A 2008 Department of Education evaluation found that participants had higher reading scores than their peers who didn't receive a scholarship, and there are four applicants for each voucher.

Vouchers also currently exist in Arizona, Florida, Georgia, Ohio, Louisiana, Utah and

Wisconsin. And school choice continues to proliferate elsewhere in the form of tax credits and charter schools. The District's is the only federally funded initiative, however, and local officials from former Mayor Anthony Williams to current Mayor Adrian Fenty and Schools Chancellor Michelle Rhee support its continuation. As Ms. Rhee put it in a December 2007 interview with the *Journal*, "I would never, as long as I am in this role, do anything to limit another parent's ability to make a choice for their child. Ever."

Ms. Rhee is working to reform all D.C. public schools, which in 2007 ranked last in math and second-to-last in reading among all U.S. urban school systems on the federal National Assessment of Educational Progress. Without the vouchers, more than 80% of the 1,700 kids would have to attend public schools that haven't made "adequate yearly progress" under No Child Left Behind. Remember all of those Members of Congress standing and applauding on Tuesday as Mr. Obama called for every American child to get some education beyond high school? These are the same Members who protect and defend a D.C. system in which about half of all students fail even to graduate from high school.

On Tuesday, Mr. Obama spoke of the "historic investment in education" in the stimulus bill, which included a staggering, few-strings-attached \$140 billion to the Department of Education over two years. But he also noted that "our schools don't just need more resources; they need more reform," and he expressed support for charter schools and other policies that "open doors of opportunity for our children."

If he means what he says, Mr. Obama won't let his fellow Democrats consign 1,700 more poor kids to failing schools he'd never dream of letting his own daughters attend.

[From the Washington Post, Feb. 25, 2009]

VOUCHER SUBTERFUGE

Congressional Democrats want to mandate that the District's unique school voucher program be reauthorized before more federal money can be allocated for it. It is a seemingly innocuous requirement. In truth it is an ill-disguised bid to kill a program that gives some poor parents a choice regarding where their children go to school. Many of the Democrats have never liked vouchers, and it seems they won't let fairness or the interests of low-income, minority children stand in the way of their politics. But it also seems they're too ashamed—and with good reason—to admit to what they're doing.

At issue is a provision in the 2009 omnibus spending bill making its way through Congress. The \$410 billion package provides funds for the 2009–10 school year to the D.C. Opportunity Scholarship Program, a pioneering effort that awards scholarships of up to \$7,500 a year for low-income students to attend private schools. But language inserted by Democrats into the bill stipulates that any future appropriations will require the reauthorization of the program by Congress and approval from the D.C. Council.

We have no problem with Congress taking a careful look at this initiative and weighing its benefits. After all, it was approved in 2004 as a pilot program, subject to study. In fact, this is the rare experimental program that has been carefully designed to produce comparative results. But the proposed Democratic provision would short-circuit this study. Results are not due until June, and an additional year of testing is planned. Operators of the program need to accept applica-

tions this fall for the 2010–11 school year, and reauthorizations are complicated, time-consuming affairs. Indeed, staff members on various House and Senate committees scoffed yesterday when we asked about the chances of getting such a program reauthorized in less than a year. Legislation seeking reauthorization has not even been introduced.

If the Democratic leadership is so worried about process, it might want to review a recent report from the Congressional Budget Office listing the hundreds of millions of dollars that have been appropriated to programs whose authorizations have expired. Many of these programs get far more than the \$14 million allocated to the Opportunity Scholarships. House Minority Leader John A. Boehner (R-Ohio) was right to call out the Democrats for this back-door attempt to kill the voucher program. The attention should embarrass congressional Democrats into doing the right thing. If not, city leaders, including D.C. Mayor Adrian M. Fenty (D), need to let President Obama know that some 1,800 poor children are likely to have their educations disrupted.

Mr. BROWNBACK. Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate now debate concurrently the DURBIN amendment No. 591 and the DEMINT amendment No. 573; that no amendments be in order to either amendment prior to a vote in relation to the amendment; with the time equally divided and controlled between Senators DURBIN and DEMINT or their designees; that at 2 p.m. today, the Senate proceed to vote in relation to the Durbin amendment No. 591, to be followed by a vote in relation to the DeMint amendment No. 573; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form, and the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

Mr. DEMINT. Madam President, reserving the right to object—and I will not object—will the time be equally divided between now and 2 o'clock?

Mr. LIEBERMAN. That was my understanding. As a point of clarification, it actually is as I suggested earlier, which is that the floor is open for debate from now until 2 and that the time is equally divided. Obviously, if others want to come to the floor and speak about something else, they can ask unanimous consent to do that.

Mr. DEMINT. Madam President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 573

Mr. DEMINT. Madam President, I ask unanimous consent to set aside the pending amendment and call up DeMint amendment No. 573.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 573.

Mr. DEMINT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the Federal Communications Commission from repromulgating the fairness doctrine)

At the end of the bill add the following:

SEC. 9. FAIRNESS DOCTRINE PROHIBITED.

(a) LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

"SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

"Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

"(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

"(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance."

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

Mr. DEMINT. Madam President, I ask unanimous consent to add as cosponsors to my amendment Senators VITTER, INHOFE, WICKER, BOND, BENNETT, ENZI, BARRASSO, BROWNBACK, and ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Thank you, Madam President.

This has been a good debate, not just about DC voting rights but constitutional rights in our country, and if we are going to go by our own opinions and good intentions or are we going to follow the Constitution. Clearly, a lot of us wish to give fair representation to everyone who lives in the District of Columbia. But our oath of office is not to our good intentions, it is to protect and defend the Constitution of the United States.

The Constitution is very clear that Congressmen and Senators are allocated only to States. The District of

Columbia was set up as a neutral entity, certainly where people will live and work associated with the business of the Federal Government, but there is nothing in the Constitution that would give a Congressman or Senators to this Federal District of Columbia. So we are talking about a constitutional issue.

We have had other constitutional issues, such as the Bill of Rights guarantee to bear arms, and there will be an amendment to that effect with the bill. I wish to bring up another constitutional issue, which is the right of free speech and the freedom of the press.

A number of Members of Congress have been talking about the annoyance of having radio talk show hosts talk about what we are doing here. I do not blame the other side for being annoyed when a radio talk show host actually describes what is in a bill, since we have gotten in the habit of not actually reading them ourselves. When we have radio talk show hosts all around the country going through page by page, contradicting what is actually being said here, I can understand that people wish to muzzle those radio talk show hosts. That could be the opinion of some of those in Congress today, but it happens to go against the Constitution when we try to decide what people can say and what they believe.

There is actually a doctrine that was mentioned by the Senator from Kansas called the fairness doctrine that is one of those political doublespeak titles that is radio censorship that actually tries to control what radio talk show hosts could say. That doctrine was dispensed with by Reagan, and since then we have thousands of radio talk shows with wide varieties of opinion. But many are starting to talk about bringing back this radio censorship idea to try to force radio stations to present alternative opinions every time a radio talk show host presents an opinion of their own.

What this would do is create a dysfunctional situation where no radio station could afford to have a talk show host express an opinion of any kind if they had to go out and find someone to express the opposite opinion and in the meantime face lawsuit after lawsuit from the ACLU and others. Because whose opinion is going to determine what is fair, what is balanced, what is diverse? But the whole implication here is that the Federal Government and the Federal Communications Commission are somehow going to decide for us what is fair and what is balanced and what is diverse.

The amendment I am offering today, which we call the Broadcaster Freedom Act, would prohibit the Federal Communications Commission from reestablishing any part of what is called the "fairness doctrine" into their regulatory structure today.

Plain and simple, most people here have said they do not want it to come

back. President Obama said last week he is against the fairness doctrine. So who could oppose us making it a law that some bureaucrat over at the Federal Communications Commission could not write into regulations all or parts of this censorship of radio talk shows across the country?

It is a pretty simple amendment, but I have a feeling it is getting ready to sound lot more complicated when the other side starts presenting what is in it. We have found in this body that the facts, the truths, sometimes do not make a lot of difference. But anyone who votes against my amendment, the Broadcaster Freedom Act, is voting against the Constitution. They are voting against the freedom of the press. They are voting against the freedom of speech in this country.

The one hope we have to turn this Government around, to stop this spending, and the intervention in all areas of our life, is a free press that can tell people the truth about what is going on. More and more, we have the radio talk show hosts and the bloggers and some cable news that every day are telling Americans more about what we are doing, and Americans are getting more informed, they are getting more engaged and increasingly more outraged about what we are doing.

I encourage my colleagues to support my amendment and to vote against this side by side that is being presented by the Democratic majority. What we are seeing in this side by side is the real intention of the Democratic majority as far as dealing with this fairness doctrine. They are going to propose that we as a Congress direct the Federal Communications Commission—that we are going to say: "shall take actions to encourage and promote diversity in communication media ownership."

Now, they are not just saying radio here. This is "communication." This includes the Web, the Internet, the blogs, blogisphere, television, newspapers. This language would direct the Federal Communications Commission to take action to enforce diversity in communication. This is Soviet-style language that you are going to get some rosy picture of in a minute. But it is so open and so vague that about every communication outlet in this country is going to be faced with accusations that their ownership is not diverse.

What does "diverse" mean? Does it mean "white and black"? What they are after is what they believe, what their opinions are. If this were applied to our offices here in the Senate, we could not say anything, I could not express my opinion today without being obligated by law to go find somebody to say something completely opposite of what I am saying. This is not freedom. Anyone who votes for this alternative is voting to repress the freedom

of speech in this country, the freedom of media.

The second part of what they have after "promote diversity in communication media"—all media; only the lawyers and the bureaucrats are going to tell us what that means—is "to ensure that broadcast station licenses are used in the public interest." That is already a law, and that is good, and television and radio stations that use the public airwaves all over the country are held accountable by current law to do things in the public interest, and many of them are very good at that, and it is very helpful in our communities.

But I will ask my colleagues not to let this distraction confuse them about the real intention. If we pass the broadcaster freedom amendment today, we are going to close the front door to taking away the freedom of speech in this country. But this alternative opens the backdoor to what the Democratic majority is after; that is, to muzzle this annoyance of people on the radio who are telling the truth about what is going on in this Congress.

If they can go out and threaten a station that they are not diverse in their ownership, and some judge or some bureaucrat is going to decide whether they are diverse—and who knows what that means—we are going to create such risk and such liability and such intimidation that this will not even look like America in a few years.

This is dangerous material that is being offered on the other side. I will encourage my colleagues to remember our oath of office. It has nothing to do with enforcing our opinions or some judge's opinion on some radio station out there that is trying to give its opinion to the American people. We are dangerously close to the enslavement of socialism in this country with the expansion of Government on every front.

This is intolerable. Do not let the pretty language you are getting ready to hear confuse you because this is against everything we swear an oath to in this Congress. I encourage my colleagues to vote against the Durbin amendment, vote for the Broadcaster Freedom Act, and I would appreciate their support.

Thank you, Madam President, and I reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 591

MR. DURBIN. Madam President, I am beginning to believe the Senator from South Carolina opposes my amendment. He has called it unconstitutional, Communist, socialistic, enslavement, and he is just getting started. So I wish to explain what the debate is all about.

It is a fundamental question, and it is one I have reflected on. The fairness doctrine is the idea that broadcasters

should cover issues important to local viewers and should cover these issues fairly; in other words, allow for different viewpoints to be heard and allow those ideas to be presented in a way that is balanced or, as one of the networks say, fair and balanced.

The fairness doctrine isn't a new idea; it is one that has been around in some shape or form since the 1920s, and it was formally adopted by the Federal Communications Commission as a standard in 1949—60 years ago. Back then, though, the world was a lot different. Television was in its infancy. It was just starting. In the 1950s, of course, there emerged three major television networks—NBC, ABC, and CBS. Congress and the FCC had a legitimate concern that these three networks and their local stations could abuse their power, because when you broadcast to radio and television consumers, you are not using something you own, you are using the public airways. We own it. All of us collectively as Americans own it. We license those who use it and say: You are allowed to broadcast your television signal or your radio signal and you have to do it under certain rules and regulations. Listening to the Senator from South Carolina, he is basically saying: Government, step aside. If a private entity wants to get involved in broadcasting, that is an exercise of free speech.

Well, historically, the courts have not agreed with my friend from South Carolina. They have said that you can impose reasonable obligations on those who have licenses to use the airwaves. They don't own the airwaves; the public owns the airwaves, and there is a public interest in reaching certain goals in those airwaves. One of those public interests was expressed and defined for many years as the fairness doctrine. The fairness doctrine basically said Americans are entitled to hear both sides of the story so there is balance and fairness in the news and in the expressions of ideas on these radio and TV stations. The fairness doctrine was clearly I think American, not Communist; constitutional—no one struck it as unconstitutional during the period of time it was in effect—and I don't know about the enslavement of socialism; I will have to reflect on that for a minute. But the fact is, it was the law of the land. The mightiest broadcast stations, radio and TV stations that could have gone to court, I say to my friend from South Carolina, and challenge that idea as unconstitutional were not successful in doing so. It is hard to imagine we would restrict their broadcasting and they wouldn't challenge it if it was unconstitutional. Well, that is a fact. Facts sometimes are hard to deal with in debates such as this, but that was the reality.

That was then and this is now. The world has changed. The world of broadcasting has changed. We still have the

major networks—ABC, NBC, and CBS—but we also have CNN, FOX News, MSNBC, and hundreds of other channels on cable TV. We have public broadcasting. We have more than 14,000 AM and FM radio stations, hundreds of satellite radio stations, and we have the Internet. It is clear that technology has changed dramatically since 1949 and the institution of the fairness doctrine. There are more ways now than ever to hear a variety of perspectives on a number of issues.

So when the fairness doctrine was repealed in 1987, many of us objected. The basic argument: Americans have the right to hear both sides of the story; television and radio stations should still hold themselves to that standard. Let the American people decide. Don't let one major network jam through a political viewpoint over the public airwaves that the American people, frankly, have to take or leave. I thought that was the right position then in 1987, but I will tell my colleagues the world has changed.

President Obama has said while on the campaign trail and in the White House that he doesn't support reinstating the fairness doctrine, and neither do I. You will find no mention of the fairness doctrine on the White House Web site; you will find no effort to reinstitute the fairness doctrine in my amendment. Because, quite honestly, now it isn't a question of NBC giving me one point of view and I have to take it or leave it. We all know what happens when you go home with the remote control; you have more choices than you know what to do with. That gives a variety of opinions an opportunity to be expressed on television—the same thing is true on radio—for Americans to hear a different point of view. If they want to switch from Rachel Maddow to Bill O'Reilly, they will hear a much different view of the world. It is there. It reflects the reality of technology and media today.

So I think it is interesting that the Senator from South Carolina still bangs away at this notion that some people on the floor want to reinstate the fairness doctrine. I don't. There may be others who do. My amendment has nothing to do with that.

The amendment Senator DEMINT has written was not carefully written. I don't know if he understands some of the language he included. I call his attention to a paragraph in his amendment, paragraph 2 of section 303A. It seems like a very general statement that shouldn't cause any trouble, but I am afraid it does, because after he goes after eliminating the fairness doctrine, he also includes any similar requirement that broadcasters meet program and quotas or guidelines for issues of public importance. Now, that is a problem. I don't know if he understands it is a problem, but it is. This amendment does more than ban the FCC from

doing something it wasn't going to do anyway. Incidentally, nobody is talking about reinstating the fairness doctrine. This is the "bloody shirt." That term is a political term that came about after the Civil War when people would come to the floor and try to inflame passions, and they said: You are waving the bloody shirt of the war; stop that. Let's have a rational conversation.

Well, the rightwing broadcasters on their side, conservative broadcasters, have been waving this bloody shirt of the fairness doctrine for months. They love this. They have set up this kind of false choice that you are going to take away the right of free speech and they are trying to impose the fairness doctrine. It hasn't happened, it isn't going to happen, and I am not trying to make it happen.

The DeMint amendment also contains a provision which I read to my colleagues that seriously cripples the FCC's ability to ensure responsible broadcasting. Remember: Public airwaves that the radio and TV station owners apply for a license from the Government to use to make money. The public airwaves truly are the property of the American people. We say to broadcasters that in return for a license to use those airwaves, your Government is going to ask that you use them in the public interest. Now, what does it mean to say we use the airwaves in the public interest? According to Senator DEMINT, it is the enslavement of socialism. Well, here are the 14 major elements listed by the FCC when it comes to defining the public interest: Opportunity for local self-expression, development and use of local talent, programs for children, religious programs, educational programs, public affairs programs, editorialization by licensees, political broadcasts, agricultural programs, news programs, weather and market services, sports programs, service to minority groups, and entertainment programming.

Senator DEMINT's amendment—that second paragraph I read which has not been carefully written—goes way beyond stopping the fairness doctrine; it undermines the FCC's ability to make sure broadcasters meet these public interest obligations. So what. What if the public interest requirement disappeared tomorrow? What difference would it make? Let me tell my colleagues the difference it would make. There would be no requirement that your local station provide local news and weather. There would be no requirement that your local television station provide children with programming that is free from sex and violence. There would be no requirement to make sure advertising to children is subject to appropriate limitations and no requirement to provide a minimum amount of educational programming on each channel. Does that have anything to do with the fairness doctrine?

It doesn't. What Senator DEMINT is doing is undermining broadcasting in the public interest.

If a station decided to run a religious program, they would be doing it in the public interest. Senator DEMINT removes that definition of public interest. In fact, he says—let's go back to the exact language of his amendment. He says, "any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance." So his language goes too far.

What we have tried to do is to make sure we don't limit the FCC's ability to protect the most vulnerable and impressionable viewers and listeners in America—our kids and our grandkids. The DeMint amendment takes away that requirement of licensees, radio and TV licensees, to protect children from sex and violence. They might do it anyway, they might not, but there would be no license requirement under the DeMint language.

I still believe broadcasters who use public airwaves should use them in a fair and reasonable way in the public interest, and I believe the FCC should be able to enforce this. If the DeMint amendment is passed and if it became law, if you wanted to enforce the fact that on Saturday morning, when a lot of kids are watching television, the local television station is running a gory movie or one that is on the edge when it comes to sexual content, it would be hard, if not impossible, to do it. I am sure that is not the Senator's intent, but that paragraph was very poorly written, and that is why I change it.

Now, there is also the suggestion by the Senator from South Carolina that if we encourage diversity of media ownership, somehow that is communistic. From my point of view, it is not. Diversity of ownership opens the public airwaves to a variety of different owners. I am not saying here—and no one is suggesting—that the law for the Federal Communications Commission says you can give this license to a Republican and this one to a Democrat or this one to a liberal and this one to a conservative. When I talk about diversity of media ownership, it relates primarily to gender and race and other characteristics of that nature. We don't mandate it, even though you would think we did when you hear Senator DEMINT read from my amendment. What we say is the Commission shall take actions to encourage and promote diversity in communications media ownership. I don't think that is a mandate to give licenses to any one group; it just says "take actions to promote and encourage," something that is already in the law.

I might say to the Senator, section 307B of the Communications Act—and I hope you will have your staff look at it—requires that the FCC ensure that license ownership be spread among di-

verse communities. It is there already. It is there already. This enslavement of socialism, in the words of the Senator from South Carolina, is already there. I don't think this is socialistic, communistic or unconstitutional. It is in the law. So to say we are going to promote what the law already says is hardly a denial of basic constitutional freedoms. Second, the Communications Act requires the FCC to eliminate market entry barriers for small businesses to increase the diversity of media voices. That is section 257, which I hope your staff will look at too.

To argue that what I am putting in here is a dramatic change in the law or is going to somehow muzzle Rush Limbaugh is not the case. What we are suggesting is, it is best that we follow the guidelines already in the law to promote and encourage diversity in media ownership. Even with cable, satellite, and Internet, broadcast TV and radio, there are still important ways we learn about what is going on in our communities and in our country.

The Senator from South Carolina went on to say this amendment would affect the Internet and blogs. I have to remind the Senator they are not licensed. They don't have FCC licenses. They are not affected by this debate. You can start a blog tomorrow, I can, too, and I don't have to go to the FCC for approval. They certainly cannot monitor that blog to determine whether it is in the public interest. That is not the law. The Senator is on this rampage and, yet, when you look at the facts, they do not apply to the Internet or blogs.

We should be concerned, however, that the policies of the last decade have led to bigger and more consolidated media outlets controlling more of the stations and more of the content. As a result of these policies today, women and minorities are less likely to own media stations, even though the existing law says that is a goal when it comes to licensure. Nationwide, women own just 5 percent of all broadcast TV stations. Racial or ethnic minorities own just 3.3 percent. In Chicago, the city I am proud to represent—diverse and vibrant with many significant minority communities—there is only one commercial TV station owned by a racial or ethnic minority. The numbers are almost as dismal in radio. Nationwide, women own just 6 percent of broadcast stations; minorities, 7.7 percent. In Chicago, only four radio stations are owned by minorities. That is about 5 percent of the radio stations in Chicago, less than the national average.

The content of the media should reflect the diversity of America. These statistics show this is not currently the case. The law says that should be our goal. The existing law says that should be our goal. I restate the existing law, and the Senator from South

Carolina calls it communism. I don't think it is. I think it is still a worthy goal so that there is diversity in ownership, diversity in stations. I am acknowledging the obvious.

I am acknowledging the obvious: We are no longer in the world of three television networks; we are in a world where we have many different choices. I ask that we reaffirm diversity and media ownership so there will be choices. I hope the Senator from South Carolina cannot argue that we should not have choices, that we cannot turn the dial to our favorite stations, or punch the remote control to reach those stations. I think that as long as America has those choices, it serves the original goal of letting us hear different sides of the story and doesn't reimpose the fairness doctrine, which none of us are asking for.

We need to make the media more accessible to all voices in America. Isn't that what we are all about in this country? Don't we basically say we trust the people of this country to hear both sides of the story and make up their own minds? We sure do. We give them a right to vote. I guess that is the most instructive delegation of authority you can give to a person: you get to pick your leadership based on your opinion.

All I am asking is that we encourage diversity of media ownership so there are more options, more opinions being shared, and Americans can choose the ones they want. I will repeat so my friend from South Carolina understands clearly, I do not favor the reinstatement of the fairness doctrine. The world has changed. The world of media and technology has changed. I believe Americans are entitled to hear different points of view, and that is why I restate the existing law—and I have given citations for both sections of the Communications Act—which is that we need to have more diversity in media ownership in America. I have not proposed taking away a license from anybody or giving one to anybody. Setting this as a goal is as American as apple pie and has nothing to do with communism or Marxism.

I say to the Senator I was careful in writing this amendment, so I included a section very similar to his section (2) but narrowing it to the issue of fairness. I say—and this is so short that I will read parts:

The Commission shall take actions to encourage and promote diversity in communication ownership and ensure that broadcast station licenses are used in the public interest.

That is so there is diversity in ownership and we protect kids from sex and violence. If the Senator thinks that is communism, I disagree with him.

Then I say:

Nothing in section 303A—

Which is what we are talking about in this amendment—

shall be construed to limit the authority of the commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.

I protect what I think was the intent of his amendment to prohibit the re-institution of the fairness doctrine, which nobody has suggested, but to make it clear that is as far as we go. We are not eliminating the requirement of broadcasting in the public interest for obvious reasons: We want to protect kids; we want to protect families; we want to keep sex and violence away from kids; and make sure there is local news and weather so people can turn on the TV stations and learn about it.

All of these things, from my point of view, are constructive, and I hope we all agree. The Senator from South Carolina has said that old DURBIN will argue for the fairness doctrine. Let's correct the record. I am not doing that. The fairness doctrine, in 2009, doesn't make sense. It might have made sense in 1948. We should not reinstitute that, but let's not give up on fairness. Let's make sure American viewers of television and listeners of radio have choices. Making those choices can form an opinion that leads to their expression of points of view and their votes. There is nothing wrong with that.

For the people who want to take a license and use the airwaves, there are basic rules. We don't want you to put gory movies and sex on television during early morning hours on a Saturday when kids are watching. We want you to be careful in your content so you don't do something that is abusive of your use of our public airwaves.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I always enjoy a good debate with the Senator from Illinois. He is certainly good at what he does and, in this case, that is confusing facts. The good news for us and all Americans is, this afternoon, on radio talk shows all across the country, they can find out what is in both of these amendments and what it really means. They are not going to hear it here today. There have been a lot of distortions but interesting admissions.

Certainly, the Senator from Illinois made it very clear that he should be a part of determining what is fair and balanced and how we should determine what is both sides. He mentioned there are 14,000 radio stations. What he does with his amendment is he orders "shall take action to encourage and promote diversity and communication media ownership." He wants our FCC to monitor 14,000 radio stations to decide if their ownership is diverse. He said it doesn't apply to the Internet, but we do regulate the Internet. We regulate everything in America, folks—everything that a Federal dollar touches.

Believe me, this language is not just about radio stations; it is about doing the impossible, and that is to centrally manage the ownership of radio and other communications in this country. It goes back to his original opinion that, yes, he believes there should be fair and balanced perspective presented in the media. But what he believes—and what many on his side believe—is that fairness should be determined by those of us in Government rather than the listeners and viewers who tune into that radio or the TV station or go to that Web site.

It is not for us to determine what is fair and balanced. His distortion about my amendment and what it does is exactly wrong. We do not address or change in any way the requirements of radio stations to act in the public interest. The nonsense about children's programming and indecency has nothing to do with this. It is another section in the law. I don't affect that in any way.

What this is about is, saying to your face, America, that they are not for reinstating the censorship of radio, while at the same time introducing an amendment that would allow us to go in and make our judgment, our opinion, about what is diverse ownership of a radio station.

Let me read again what this provision in my amendment addresses. He says it takes away the public interest clause. It has nothing to do with that. But it prohibits this backdoor approach to getting back to the principles of the fairness doctrine by saying broadcasters do not have to meet programming quotas and guidelines. In other words, we can't decide how many opinions they have to offer and what the guidelines for those opinions are. It is not for us to say. They have to fulfill their public interest obligations. We don't change that. But this clause would keep the good Senator from Illinois and those on his side who want to censor radio from allowing the FCC to go in and set some kind of quotas on how often, how they need to state their opinions, and the guidelines for that. It creates a license for us to go in and determine what opinions, how many opinions, and basically it is the fairness doctrine through the back door.

I will restate that this Broadcasters Freedom Act protects the constitutional rights of freedom of speech and freedom of the press. It does nothing to dislodge or change the requirement that public stations—radio or whatever communications—meet the current law requirements to act in the public good. But it does keep us, as a government, from setting quotas and guidelines of what opinions can be expressed and how often they can be expressed.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. LIEBERMAN. On that last point, am I correct in reaching the conclu-

sion—and that second clause is prohibiting any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance—that you do not intend to affect or dislodge in any way existing FCC laws or guidelines with regard to, for instance, decency standards, language, or sexually loaded content, or violent content that currently prevails?

Mr. DEMINT. The Senator is right. We have legal opinions on that, and it doesn't overrule any existing commission regulations. We asked the broadcasters' legal counsel, and this is intended to narrow this fairness doctrine backdoor approach of controlling what people say by establishing quotas and guidelines about how that is done. I thank the Senator for that question.

We have probably talked enough about this subject. I reserve the remainder of my time. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 587

Mr. VOINOVICH. Madam President, today I speak as a Member of the Senate, but also as a former chairman and now ranking member of the Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee. I have had a relationship with the District for quite some period of time and have been very interested in the District and also in the District's reaching out in terms of providing a quality education for the boys and girls who live in the District, understanding that this is the Nation's Capital and it should be the shining city on a hill where people can come from all over America and see the very best we have in our country in terms of educational opportunities and, I also feel, the opportunity of people to have the right to vote.

As a result of my concerns about the ways to rectify the lack of voting representation for the District, I have approached this bill with the belief that

citizens who pay taxes and serve in the military should have House representation so long as such representation conforms to the Constitution.

Although a constitutional amendment would provide the clearest constitutional means to ensure District residents are provided House representation, after studying the legal arguments, I have concluded that there are sufficient indicia and precedent that the Constitution's District clause grants Congress the constitutional authority to give the District a House Member. As for any argument that the bill is unconstitutional, I need only to say that I believe any ambiguity and disagreement will be resolved quickly by the courts.

After weighing the constitutional arguments and equities, I have decided to support this legislation—in fact, I am a cosponsor of this legislation—on one condition: We must also continue to give the families of the District a vote on how their children are educated.

Accordingly, I am proud to join Senator ENSIGN in offering an amendment to reauthorize the District of Columbia Scholarship Program for an additional year. Perhaps one may wonder why am I so concerned about this issue. It is because of the fact that when I was Governor of Ohio, we started a scholarship program in Ohio for children who were not members of the public schools. That experiment has worked to the benefit of thousands of children, particularly in the Cleveland district, who have gone through the system and are now in college. I meet with them, and they tell me: Were it not for the Cleveland Scholarship Program where I had a choice to go to another school, I don't believe I would be in college today and be as successful as I have been.

When I instituted that program, it was said it was unconstitutional. I am pleased to say that several years ago, the U.S. Supreme Court said that providing scholarships to nonpublic school systems fit in with the Constitution of our country.

When we had an opportunity to help the District, we provided \$14 million for public schools, \$14 million for charters, and \$14 million for the scholarship program. It is a critical component of a three-sector education strategy to provide a quality education to every child in the District, regardless of income or neighborhood.

The program provides up to \$7,500 per student per year to fund tuition, fees, and transportation expenses for K-12 for low-income DC families.

To qualify, students must live in the District and have a household income of no more than 185 percent of the Federal poverty level. In 2008, that was about \$39,000 per family of four. In fact, the average income for families using scholarships in 2008 was just over \$24,000.

Since its inception, the program has served over 2,600 students. They have about 7,500 who would like to get in the program, but they do not have a place for them. Entering students had average math and reading test scores in the bottom third.

A recent evaluation of the Department of Education reaffirms academic gains among participants less than 2 years after receiving a scholarship. They are benefiting from it. We need more time to see how it works out. I wish to underscore that I think this is part of this whole package we put together.

Many Members of this body are unaware of the fact that today the people who live in the District can go to any public college in the United States and we provide up to \$10,000 for out-of-State tuition. They are not aware of the fact that Don Graham over at the Washington Post got the business community together and set up the Washington scholarship program, the CAP program, and \$2,500 is available for youngsters. Or that the Gates Foundation thinks so much of what is happening in the District that they provided another \$120 million to keep kids in school in the two worst dropout districts in the District of Columbia.

There are some wonderful things happening in the District, and yet—and yet—there are some people here, because of special interest groups, who want to do away with the scholarship program. They want to deny these children an opportunity to have this educational opportunity, this smorgasbord we have available to them.

What this amendment does is it extends for 1 year that program as we look at it and see how it goes through its metamorphosis.

I have to say to my colleagues on the other side of the aisle and this side of the aisle, if you want to do something that is disastrous to the kids in the District in terms of public relations and the interest of all these people in the District, go ahead and make it impossible for this program to keep going.

Think about this: the Gates Foundation, the College Assistance Program—great things are happening in the District today. What a terrible message it would send to the rest of the country and those who care about education in the District if we were denied this opportunity, this experiment to continue in the District.

I ask unanimous consent to have printed in the RECORD two editorials, one on January 26 titled "School Vouchers, District parents know why the program should continue." The demand for it is tremendous. They want it. And a recent editorial, "Hoping no one notices, congressional Democrats step between 1,800 DC children and a good education."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 2009]

SCHOOL VOUCHERS—DISTRICT PARENTS KNOW WHY THE PROGRAM SHOULD CONTINUE.

Early surveys of D.C. parents of children receiving federal school vouchers showed many of them liked the program because they believed their children were in safe schools. Over time, a new study shows, their satisfaction has deepened to include an appreciation for small class sizes, rich curricula and positive change in their sons and daughters. Above all, what parents most value is the freedom to choose where their children go to school.

Here, for example, is what one parent told University of Arkansas researchers studying the District's Opportunity Scholarship Program: "I know for a fact they would never have received this kind of education at a public school. . . . I listen to them when they talk, and what they are saying, and they articulate better than I do, and I know it's because of the school, and I like that about them, and I'm proud of them." Overall, researchers found that choice boosts parents' involvement in their children's education.

Whether they continue to have such a choice could be determined soon. The program that provides scholarships of up to \$7,500 per year for low-income students to attend private schools is funded only through the 2009-10 school year. Unusually restrictive language being drafted for the omnibus budget bill would forbid any new funding unless Congress reauthorizes the program and the District passes legislation in agreement. Yet results of the Education Department's scientific study of the program are not expected until June.

We hope that, despite his stated reservations about vouchers, President Obama includes money in his upcoming budget to safeguard the interests of children in this important local program and to preserve an unusually rigorous research study. Mr. Obama and his education secretary, Arne Duncan, say they eschew ideology in favor of what serves the interests of children. Here's a chance to help 1,716 of them.

[From the Washington Post, Feb. 25, 2009]

VOUCHER SUBTERFUGE—HOPING NO ONE NOTICES, CONGRESSIONAL DEMOCRATS STEP BETWEEN 1,800 D.C. CHILDREN AND A GOOD EDUCATION

Congressional Democrats want to mandate that the District's unique school voucher program be reauthorized before more federal money can be allocated for it. It is a seemingly innocuous requirement. In truth it is an ill-disguised bid to kill a program that gives some poor parents a choice regarding where their children go to school. Many of the Democrats have never liked vouchers, and it seems they won't let fairness or the interests of low-income, minority children stand in the way of their politics. But it also seems they're too ashamed—and with good reason—to admit to what they're doing.

At issue is a provision in the 2009 omnibus spending bill making its way through Congress. The \$410 billion package provides funds for the 2009-10 school year to the D.C. Opportunity Scholarship Program, a pioneering effort that awards scholarships of up to \$7,500 a year for low-income students to attend private schools. But language inserted by Democrats into the bill stipulates that any future appropriations will require the reauthorization of the program by Congress and approval from the D.C. Council.

We have no problem with Congress taking a careful look at this initiative and weighing its benefits. After all, it was approved in 2004 as a pilot program, subject to study. In fact, this is the rare experimental program that has been carefully designed to produce comparative results. But the proposed Democratic provision would short-circuit this study. Results are not due until June, and an additional year of testing is planned. Operators of the program need to accept applications this fall for the 2010–11 school year, and reauthorizations are complicated, time-consuming affairs. Indeed, staff members on various House and Senate committees scoffed yesterday when we asked about the chances of getting such a program reauthorized in less than a year. Legislation seeking reauthorization has not even been introduced.

If the Democratic leadership is so worried about process, it might want to review a recent report from the Congressional Budget Office listing the hundreds of millions of dollars that have been appropriated to programs whose authorizations have expired. Many of these programs get far more than the \$14 million allocated to the Opportunity Scholarships. House Minority Leader John A. Boehner (R-Ohio) was right to call out the Democrats for this back-door attempt to kill the voucher program. The attention should embarrass congressional Democrats into doing the right thing. If not, city leaders, including D.C. Mayor Adrian M. Fenty (D), need to let President Obama know that some 1,800 poor children are likely to have their educations disrupted.

Mr. VOINOVICH. Madam President, do you know why? It is because of the National Education Association. They do not want it to happen. They fought it in my State. The Ohio school boards fought it. I will never forget going up for an endorsement in 2004 when I ran last time. When I ran in 1998, I got support from the Ohio Education Society. They said: No Governor has done more for education than GEORGE VOINOVICH. So I came to Washington. They kind of forgave me for the scholarship program in Cleveland. They kind of let that go.

Madam President, 2004 came along, and I went through the whole endorsement procedure. I did everything. After it was over, many people came up to me and said: George, you absolutely did a fabulous job with your presentation, what you are trying to do with education on the national level and you are concerned about it. But we got the word from Washington that you are not going to be endorsed because you have broken the rule in supporting scholarships, supporting an opportunity for kids to have another opportunity to go to school and try something new.

I want to say this. In this country of ours, we cannot survive with half the kids in our urban districts dropping out of school. I am glad the President spoke about it in his State of the Union. I am glad the President talked about charter schools. But the real question is, Is he going to stand up and are the Democrats on the other side of the aisle and some Republicans going to stand up to the National Education Association, the National School

Boards Association and some of these groups that want to keep things as they are?

I am going to tell you something, Madam President. We will never make it. I want everybody to understand that I am for this bill, voting rights, but I am not going to support this bill unless I am convinced we are going to have an opportunity to debate this issue in the Senate and keep this program going for the boys and girls who are benefiting from it, the same kind of program that benefited so many thousands of people in the State of Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Ohio. He speaks with such admirable passion about the needs of children who obviously are not his. He has a record on this issue. He knows, as I do, though, that some groups may disapprove, oppose this DC low-income student scholarship program. One group that doesn't oppose it—in fact, enthusiastically supports it—is the parents of low-income children in the District who have oversubscribed by multiples for this program every year.

We are going to have conversations during this discussion. I support this program, as my friend from Ohio knows. Hopefully, we can get to a point where we can have an agreement that will get some floor time for this discussion. As I said earlier, since the Homeland Security and Governmental Affairs Committee has tucked within it jurisdiction over matters related to the District of Columbia, we would, I believe, be the authorizing committee.

I am certainly committed to holding a hearing on the reauthorization bill. The Senator from Ohio rightly wants to guarantee by one means or another that there will be floor debate on this issue in a timely way; that is, so that we can consider it in plenty of time for the DC school system to act.

Most of all, I tell him I admire the strength of his position because it is a position that cares for children. It is not against anything. It is for a good education for all our children. I thank him. I admire him.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 591

Mr. DURBIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the clerk report the amendment which I have pending at the desk.

The clerk will report the amendment. The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 591.

Mr. DURBIN. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage and promote diversity in communication media ownership, and to ensure that the public airwaves are used in the public interest)

At the end of the bill add the following:

SEC. 9. FCC AUTHORITIES.

(a) CLARIFICATION OF GENERAL POWERS.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

“SEC. 303B. CLARIFICATION OF GENERAL POWERS.

“(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—The Commission shall take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

“(b) CONSTRUCTION.—Nothing in section 303A shall be construed to limit the authority of the Commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.”

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN and Mr. CHAMBLISS are printed in today's RECORD under “Morning Business.”)

Mr. CHAMBLISS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUY AMERICA

Mr. BROWN. Mr. President, we are in the worst recession since the Great Depression. We have been in a recession

in my State longer than the official 13 months that economists have noted. With the economic recovery package signed into law last week, we took a major step toward getting our economy on the path for success and toward rebuilding and strengthening the Nation's middle class. The economic recovery package means billions of dollars to help shore up State budgets and help States pay for essential programs such as Medicaid and unemployment insurance. The economic recovery package means money for job-creating efforts from shovel-ready projects to long-term investment in new technology.

In this economic crisis, we have seen demand for manufactured goods slow to a crawl. Coupled with the unavailability of credit, many manufacturers have ceased or idled operations. American manufacturing shed 800,000 jobs last year, nearly one-third of all job losses. Last week many people probably missed the bad news on manufacturing released by the Federal Reserve. The Fed reported that output in manufacturing fell 2.5 percent in January. That means manufacturing lost 207,000 jobs in January alone. That is on top of manufacturing falling nearly 3 percent in December. This puts manufacturing's decline over the last 3 months at a shocking 26.7 percent.

That is why this recovery package is so important. The recovery package has two key objectives: stimulate the economy and create jobs. The Government is investing billions of tax dollars in infrastructure, in safety net programs and alternative energy development. It is common sense to ensure that Federal funds for this recovery are used to buy American products and to help promote manufacturing and job creation.

Studies across the board say more jobs are created when we have strong domestic sourcing requirements. One recent study estimates 33 percent more manufacturing jobs will be created with "Buy America". When we utilize domestically manufactured goods, the more jobs we will create and the greater the stimulus will be to our economy, an economy that has been the engine of growth for the world. The American people clearly have spoken out that they want this "Buy America" provision. "Buy America" is common sense. The majority of Americans know that. Some 84 percent favored strong "Buy America" provisions in the stimulus.

Last week in Cleveland I visited ArcelorMittal Steel, a steel manufacturer that employs lots of people but is a foreign-owned company. I met with the plant manager and his staff. I met with union workers, including some who were recently laid off. This company, similar to all steel companies, is down 45 percent of its capacity. They are forced to lay off workers because the demand for steel has declined—

steel for autos, steel for household appliances, steel for infrastructure projects. We talked about "Buy America" provisions and how that can help the plant get up and running again. It is important to note that ArcelorMittal is an international company. Its headquarters is not located in the United States. Yet that company believes "Buy America" provisions make sense, a foreign-based company that supports "Buy America" provisions in the recovery package. There are more foreign-based companies with American factories such as ArcelorMittal that can benefit from the stimulus. I hope "Buy America," if properly implemented and properly enforced, will help manufacturers such as ArcelorMittal and even attract new foreign investment in the United States. We need to make sure these provisions are properly implemented. We need to make sure that when a State or local government requests a waiver on "Buy America" provisions, the agency makes the request known. We need transparency so that, at the very least, the taxpayers know if dollars are going to domestic or foreign manufacturers.

There are good reasons on occasion to have waivers. Sometimes domestic steel or iron or cement might be too costly for a project to make sense. Sometimes the right product in the right quantity may not be available at the right time. Waivers are fine if implemented correctly, fairly, and with transparency. But that has not always been the case. Since 2001, the Federal Highway Administration has granted 54 "Buy America" waivers. The Federal Transit Administration has granted more than 40 waivers. Most were granted based on the product not being available in the United States. When the waiver request is not known by anyone except the Federal agency that receives it, how do we know the products are not made in America? Waivers can be fine but not if they are granted without transparency. We have a responsibility to the taxpayer to ensure that these dollars are creating American jobs.

Americans, whether they are in Denver or Columbus, have supported "Buy America" in large numbers. We know that, when the President spoke down the hall in the House about this stimulus package and about our efforts. We also know, if we are going to ask Americans to reach into their pockets and spend tens of millions of dollars on infrastructure projects, as Americans have said they would, we also need to know this will create the jobs we promised.

The American people want three things: Accountability, which we give in this package; they want to know that this infrastructure is done by American workers; and they want to know their tax dollars are used to buy

materials made in America for these projects that American workers are building.

We have a responsibility to give American manufacturers the opportunity to bid on the steel and iron and cement and the concrete that will be in demand for these massive investments. "Buy America" is significant because it helps ensure we have a diverse and strong manufacturing base.

Textbook trade theory says that making companies more and more specialized in one sector is an unquestionable good, but that is not always true. We have seen countries such as Great Britain overspecialize in finance while neglecting manufacturing. Some might say that has happened here. The people screaming bloody murder about "Buy America" are the same people who oversold the benefits of free trade. These are entrenched interests, companies that, for instance, outsource their manufacturing, move their manufacturing plants abroad. They import products back into the United States, and they use cheap labor. That is so much of the story. In opposing "Buy America," companies would say: We want to be able to sell our products overseas. That is not the real story. The real story is these companies want to outsource their production to China, use very inexpensive labor, take advantage of no worker safety rules in China, take advantage of very weak environmental rules in China, make those products there and then import them back into the United States, outsource the jobs to China, make the products there, and bring the products back to the United States. We know what that does to American employment. We also know what it does for food safety, toy safety, vitamins, all the things we have seen, contaminants in the food and toys. We cannot afford this any longer. We cannot be a healthy economy without strong manufacturing. A healthy economy is a balanced one, not overly dependent on one sector.

Let me be clear. "Buy America" is not about slowing international trade. The editorial boards and pundits may scream trade war when the Congress considers how it will spend taxpayer dollars, but there is no danger of a trade war. There is no danger of protectionism. We are a country with the most open markets in the world. We are a country with an \$800 billion trade deficit, \$2 billion a day going out of the country rather than money coming into the country. How can we be called protectionist when we have that policy?

The United States will continue to have the most open market in the world, and we should. The United States is a signatory to the World Trade Organization and other trade deals that actually limit policies that countries can use on things such as "Buy America" or on climate change

or on food and product safety. That, in itself, is a subject matter for further debate.

This is about using tax dollars in the best way to create jobs in Illinois, Colorado, and in Ohio. Now that the provisions are in the bill, Congress will work with the Obama administration in implementing them with transparency and accountability. It is the right thing to do. It will put Americans back to work. Americans demand that their tax dollars be spent on American workers using American products to build this infrastructure to make a better economy.

I thank the Chair.

Mr. FEINGOLD. Mr. President, the fairness doctrine was repealed by the FCC over 20 years ago. I do not support its reinstatement because I don't like the idea of the government micromanaging speech. I also have serious questions about whether it would be constitutional to reinstate the fairness doctrine, given the wide variety of media outlets available for the expression of different points of view. That is why I voted for the amendment offered by Senator DEMINT banning the fairness doctrine.

Unfortunately, that amendment was drafted so broadly that it could have also restricted the FCC from encouraging localism and ensuring that broadcasters are living up to their public interest responsibilities. These are responsibilities that broadcasters agree to when they are provided a segment of spectrum—a valuable piece of public property—and they should not be undone. I supported the Durbin amendment to clarify that public interest obligations remain, while ensuring that the fairness doctrine does not return.

Mr. DORGAN. My vote on the DeMint amendment, No. 573, should not be construed as a vote in favor of restoring the fairness doctrine. I do not favor restoring the fairness doctrine.

However, the DeMint amendment went much further than legislating on the fairness doctrine. His amendment would have prohibited the FCC from establishing any program guidelines at all no matter how reasonable. For example, his amendment would have prohibited the FCC from establishing guidelines for children's programs or guidelines to prohibit violent programming during a family viewing hour in the evening. These are just two examples that the DeMint amendment would have prohibited.

To be clear, I support the provision in the DeMint amendment that would have precluded the restoration of the fairness doctrine. My view is that the fairness doctrine is not appropriate for today's market. I do support the creation of reasonable public interest standards that attach to a broadcast license dealing with localism issues and community responsibility. But, I could not vote for such a broad amendment

that would have stripped from FCC reasonable and appropriate regulation of the type described above.

AMENDMENT NO. 591

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. It is my understanding the vote is scheduled for 2 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I ask unanimous consent that it be moved until 2 minutes after 2 and I be allowed to speak and there be response.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, before us is a debate on the fairness doctrine. Sixty years ago, the Federal Communications Commission said radio and TV stations had to tell Americans both sides of the story. In those days, television was just starting. In the 1950s, three networks emerged and the fairness doctrine applied for decades. Then, in 1987, the FCC canceled the fairness doctrine, and there has been a debate ever since whether we should return to it.

Well, if you want to argue whether Americans should hear both sides of every story to make up their minds, I think it is a pretty basic concept. But while we were debating whether to return to the fairness doctrine, media and technology changed dramatically. It is no longer three networks, it is 200 channels, cable channels, and all sorts of opportunities for information.

So the fairness doctrine in its day was the right thing for the right reason. Today it is not. Senator DEMINT wants to eliminate it—make sure no one brings it back. No one is planning on bringing it back. There is no problem with that. But he included some language in his amendment that goes too far. It takes away the authority of the Federal Communications Commission to basically determine that radio and TV stations use their Federal licenses in the public interest. What does that mean?

It means the FCC can tell a television station it cannot put on a violent movie early on Saturday morning when kids are tuning in to cartoons. It cannot put on something with sexual tones to it at a time when children and family are watching. There are limitations because it is using America's airwaves to make money. Use them responsibly in the public interest. I think it was inadvertent, but, in fact, he removed that. He removed that authority of the FCC.

My amendment says two things. It is the first amendment we will vote on. First, the existing statutory requirement for diversity in media ownership is going to be encouraged so we have more and more different people applying for licenses for radio and TV stations. There is nothing wrong with that, as I see it. It is already in the

law. Secondly, do not take away the FCC's power to say to public licensees of television and radio: Operate in the public interest. Make sure you have local news and weather. Make sure you do not have sexual content and violence on children's shows—basic things that are common sense.

I do not think the Senator from South Carolina wanted to change that. He did inadvertently. My amendment cleans it up. If the Durbin amendment is adopted, I encourage people to support both the Durbin amendment and the DeMint amendment. If my amendment is not adopted, I hope they will reconsider their support for Senator DEMINT's amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I am going to proceed for a few moments on leader time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MCCONNELL. Mr. President, in recent months, a number of our colleagues on the other side of the aisle have expressed support for reinstating the so-called fairness doctrine. But let's be honest. The fairness doctrine was anything but fair. It amounted to Government control over political speech, and in the end it actually resulted in less, not more, political discourse over the airwaves because broadcasters did not want to deal with all of its redtape. That is precisely why the Federal Communications Commission repealed it back in 1987, and why we must keep it from being reinstated now.

The reality behind this so-called fairness doctrine is that some of my friends on the other side do not like what they are hearing on the radio these days. So instead of addressing the criticisms head on, they want to silence them.

Americans will not stand for that, and we will not let it happen. Government is not the speech police, and I will not support—and I am confident the American people do not support—efforts to restrict free speech.

The Founding Fathers enshrined the right to free speech in the very first amendment to the Constitution because they knew it was fundamental—that it was the one right without which the others would lose their force. They also knew future generations would have to continue to defend that right from those who viewed it as an obstacle to their goals.

We should adopt the DeMint amendment to kill the so-called fairness doctrine once and for all.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 591 offered by the Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—57

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NOT VOTING—1

Kennedy

The amendment (No. 591) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 573

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, before a vote in relation to amendment No. 573 offered by the Senator from South Carolina. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, if I could have my colleagues' attention for just a moment, I think this should be an easy vote for all of us. President Obama has expressed his opposition to the fairness doctrine. Senator DURBIN has expressed his opposition to the fairness doctrine. This amendment, the Broadcasters Freedom Act, prohibits the Federal Communications Commission from implementing all or part of

the fairness doctrine, which has been repealed.

I wish to clear up one misunderstanding that has been stated on the other side. This amendment does not affect the public interest requirements of broadcast radio. It does not change children's programming or opposition to indecency. What it does is, it prohibits quotas and guidelines on programming, which is another way to prohibit the implementation of the fairness doctrine.

While the fairness doctrine is a direct and obvious method to burden and chill broadcaster speech, there are also several indirect ways that are not as well-known, but no less available to proponents of limiting the freedom of our national media.

Last year's FCC Localism Notice of Proposed Rulemaking—MB Docket No. 04-233, released January 24, 2008, "Localism Notice"—contained a number of "tentative conclusions" that, if adopted, would result in greater regulation of broadcaster speech.

First, the FCC proposed to reintroduce license renewal processing "guidelines" that would measure specific categories of speech aired by broadcasters. The guidelines would pressure broadcasters to air Commission-specified amounts of programming in Commission-defined program categories. Although the Localism Notice does not specify which categories broadcasters would be measured by, political programming, public affairs programming, and local news are mentioned as possible types of programming to be regulated. Broadcasters that do not meet the thresholds to the Commission's satisfaction would risk losing their license to broadcast.

While ostensibly the renewal processing guidelines are meant to increase the total amount of local programming, the adjective "local" is ill-defined in this proceeding. It could be expanded to include an almost limitless array of speech and could shift with the political winds.

My amendment, DeMint No. 573, would not eliminate the FCC's power to develop license renewal processing guidelines completely, but only its authority to develop processing guidelines that mimic its past authority under the fairness doctrine, hence the language which limits it to quotas or guidelines for issues of public importance.

The second way in which the Commission has proposed to indirectly regulate broadcaster speech is by return of ascertainment requirements, which would mandate that every broadcaster develop and meet with an "advisory board" made up of community groups and local officials that would "inform the stations' programming decisions." This proposal would make broadcasters very vulnerable to pressure or even harassment by groups that do not approve of their programming.

A similar ascertainment requirement was eliminated in the early 1980s after the Commission determined that the rule did more to create bureaucratic burdens than it did to improve broadcasting.

Like the processing guidelines, the ascertainment requirement could become a factor for broadcasters at license renewal. Groups that feel a local broadcaster did not listen to their suggestions through the advisory board—suggestions to, for example, air more programming that addresses whatever social or political issue is of concern to these groups—could challenge the broadcasters' license and argue that the broadcaster ignored the "needs and interests" of their local community. Talk radio would be particularly vulnerable to this type of harassment, as would religious broadcasters.

Again, my amendment, DeMint No. 573, would not eliminate the Commission's authority to mandate ascertainment completely, but only its authority to mandate that broadcasters seek out opposing viewpoints on "issues of public importance."

I encourage all of my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. LIEBERMAN. Mr. President, I yield back the time on our side.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—87

Akaka	Cornyn	Leahy
Alexander	Crapo	Levin
Barrasso	DeMint	Lieberman
Baucus	Dodd	Lincoln
Bayh	Durbin	Lugar
Begich	Ensign	Martinez
Bennet	Enzi	McCain
Bennett	Feingold	McCaskill
Bond	Gillibrand	McConnell
Boxer	Graham	Menendez
Brown	Grassley	Merkley
Brownback	Gregg	Mikulski
Bunning	Hagan	Murkowski
Burr	Hatch	Murray
Burris	Hutchison	Nelson (FL)
Byrd	Inhofe	Nelson (NE)
Cantwell	Inouye	Pryor
Cardin	Isakson	Reid
Carper	Johanns	Risch
Casey	Kaufman	Roberts
Chambliss	Klobuchar	Schumer
Coburn	Kohl	Sessions
Cochran	Kyl	Shaheen
Collins	Landrieu	Shelby
Corker	Lautenberg	Snowe

Specter
Stabenow
Tester
Thune

Udall (CO)
Udall (NM)
Vitter
Voinovich

Warner
Webb
Wicker
Wyden

NAYS—11

Bingaman
Conrad
Dorgan
Feinstein

Harkin
Johnson
Kerry
Reed

Rockefeller
Sanders
Whitehouse

NOT VOTING—1

Kennedy

The amendment (No. 573) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent request that has been agreed to on both sides. It is as follows: I ask unanimous consent that amendments Nos. 579 and 587 be withdrawn and that when the Senate resumes consideration of the Ensign amendment No. 575, the second-degree amendment No. 576 be withdrawn; that there then be 30 minutes of debate prior to a vote in relation to the Ensign amendment, with no amendment in order to the amendment prior to a vote, with the time equally divided and controlled between Senators ENSIGN and FEINSTEIN or their designees; and further, that Senator FEINSTEIN's 15 minutes begin at 3:30 p.m.; that at 3:45 p.m., the Senate proceed to vote in relation to amendment No. 575; that upon disposition of amendment No. 575, no further amendments be in order; that the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill; that passage of the bill be subject to a 60-vote threshold; that if the bill achieves that threshold, then the motion to reconsider be laid upon the table; provided further that the cloture motion be withdrawn, with this addendum: that 2 minutes of Senator ENSIGN's time be reserved to occur at 3:45 p.m., with the vote occurring with respect to Ensign amendment No. 575 following Senator ENSIGN's 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

AMENDMENT NO. 579 WITHDRAWN

Mr. THUNE. Mr. President, I had filed an amendment and have pending at the desk amendment No. 579, which is a concealed carry amendment. I talked about it yesterday on the floor of the Senate. I would like to have had a vote on it and certainly believe it is something the Senate ought to consider. It is worth voting on.

My State of South Dakota is one of many States around the country that has concealed carry laws. What my amendment simply would have done is allowed those who have concealed carry permits in a particular State to have reciprocity with other States that

have concealed carry laws, respectful of the laws of those other States, but it would have allowed people of this country under the second amendment to exercise the individual right to carry firearms insofar as they are adhering and following the laws of the State not only in which they reside but the State in which they would be carrying that firearm. That is something for which I think there is a lot of support.

I introduced a bill in the Senate. It has 19 cosponsors. As I said, I offered the amendment to this particular piece of legislation. My understanding is the other side does not want to vote on it. What I have tried to ascertain is whether the chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY, would be willing to hold a hearing. He informs me he will do that. I will have a hearing on the bill itself.

With that understanding, Mr. President, my intention is to withdraw amendment No. 579 and hope that we will have an opportunity to consider it at some point at a future date.

The PRESIDING OFFICER. The amendment has been withdrawn.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from South Dakota. I just want to say as a manager of the bill, I was present at the conversation with Senator LEAHY, the chairman of the Judiciary Committee, and Senator THUNE. The conversation was exactly as reported.

Senator LEAHY could not be here because he had other pressing business, but he asked me to represent to our colleagues that the Judiciary Committee will hold a hearing on the amendment offered by Senator THUNE and now withdrawn.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the last amendment is going to be debated soon. Senator ENSIGN is here to begin that debate.

Both Senator MCCONNELL and I would like to make some brief remarks.

(The remarks of Mr. KYL and Mr. MCCONNELL are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 575

Mr. ENSIGN. Mr. President, I wish to take a little bit of time to refute some of the inaccuracies about my amendment dealing with the repeal of the gun ban in the District of Columbia. This really is about restoring second amendment rights to residents who live here in the District of Columbia. We have a constitutional right and duty to deal with matters dealing with the District of Columbia.

Last year, the Supreme Court ruled that the laws that had been passed by the city council in the District of Columbia were in fact unconstitutional

because the District of Columbia did not recognize there was a constitutional right to the individual—not just a militia but to the individual—to keep and bear arms. Since then, the District of Columbia has attempted to subvert what the Supreme Court said by putting very burdensome types of laws to make it more and more difficult for District residents to own a gun in order to protect themselves in their own homes.

It is interesting. If you go back to what the Founders talked about, as far as the second amendment, look at James Madison. He wrote in Federalist No. 46:

... the advantage of being armed, which the Americans possess over the people of almost every other nation ... forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of.

Washington, DC, has blatantly violated this right for more than 30 years, and it has led to catastrophic results. This chart reflects the murder rates in Washington, DC, relative to 48 other of the largest cities, excluding Chicago, from the top 50 list. And this is all weighted by population. You can see here, and especially as we go forward, when other crime rates in the country were actually going down and murder rates in the country were going down, as Washington, DC, was enacting more and more gun ban laws and stricter gun ban laws, the murder rate in Washington, DC, continued to rise.

It has been characterized that this bill would allow a 10-year-old to carry shotguns in the streets of Washington, DC. That is completely ridiculous. That is a scare tactic. Our amendment basically ensures the individual's second amendment right. It removes the tremendous barriers and burdens on law-abiding citizens to be able to have the protection they want, to protect themselves in their own homes.

Right now, we know that if a criminal in Washington, DC, wants to get a gun, they will get a gun. We are making it difficult for the people who actually abide by the law to get a gun. We want law-abiding citizens to have the arms, not just the criminals. That is what this amendment is really all about.

You are probably going to hear some people say that Washington, DC, is just trying, within the Supreme Court decision, to enact laws that will put reasonable restrictions on guns. I would say that is not the case, and the reason it is not the case is they are actually trying to make technical changes in the law which they think will restrict people's rights to keep and bear arms. It is going against the intent of what the Supreme Court has enacted.

People across the United States have recognized for a long time how important it is for individuals to be able to keep and bear arms.

Around the world, we often hear asked: Well, why does Great Britain have a lower murder rate than the United States? Well, first of all, there are a lot of cultural differences between the United States and Great Britain. But also, since Great Britain enacted some of its strictest gun control laws, murder rates have actually gone up in London.

In case after case where you look to find out whether gun control laws actually are effective in reducing crime, the statistics are pretty overwhelming against it. Criminals will get the guns. They get them on the black market or they go someplace, but they get their guns. The question is, Are law-abiding citizens going to be able to protect themselves in their own homes?

That is what this amendment is attempting to do, to say to citizens who live in the District of Columbia: We are going to protect your second amendment rights. The laws the District of Columbia has enacted to own a gun are stricter than what we require in Nevada to get a concealed weapons permit.

Mr. President, I believe it is high time this body give the citizens who live in the District of Columbia that second amendment right to keep and bear arms in order to protect themselves in their own homes, so I urge my colleagues to support this amendment.

Mr. President, I will save a couple of minutes right before the vote to be able to conclude my remarks, but how much time remains on my side?

The PRESIDING OFFICER. There is 9 minutes remaining.

Mr. ENSIGN. Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise now for the second time in strong opposition to Senator ENSIGN's amendment. This is a dangerous amendment that goes far beyond anything the Supreme Court contemplated in the Heller decision. If you have been committed to a mental institution, if you can't pass a vision test, this forces the District of Columbia to still allow you to have a gun. That doesn't make any sense.

Americans basically believe in the Heller decision, which says there is a right to bear arms in the Constitution. But Americans have the good sense to know that no amendment is absolute. We put limitations on the first amendment—libel laws, pornography; you can't falsely scream "fire" in a crowded theater. We put limits on every other amendment. Why is it that some

in the gun lobby say there should be no limitation on the second amendment? They support limitations on the first amendment. I am sure most of them feel antipornography laws are justified.

Just as those on the left, I believe, are wrong to say the first amendment should be broad, the fourth amendment should be broad, the fifth amendment should be broad, but the second amendment should be seen through the pinhole of only militias, those on the other side are equally wrong when they do the converse and say the first amendment should be narrow, the fourth amendment should be narrow, the fifth amendment should be narrow, but the second amendment should have almost no limitation.

Isn't it reasonable to say that someone who has been in a mental institution shouldn't automatically get a gun? Isn't it reasonable to say that if someone fails a vision test, they should not automatically get a gun? Of course it is. But because we get into sort of a macho game here of, hey, we are going to show there should be no limitations on the second amendment, we end up hearing about fundamentally absurd propositions that those who fail vision tests should be allowed a gun. It defies common sense to say that someone who is voluntarily committed to a mental institution should be allowed to get a gun. In fact, limitations on access to guns by the mentally ill was one of the few things Justice Scalia, a strong second amendment supporter, specifically said would be okay after Heller.

Let me just say to my colleagues, we are only a few years after Virginia Tech and the pain and tragedy for the parents who anguish every day for their lost sons and daughters. They came to us and lobbied us and said: Please just pass minimal laws to prevent those who are mentally ill from getting a gun. Now we are saying that in the District of Columbia that will be OK.

As for the vision, there cannot be a more reasonable restriction than the requirement that someone see before they are allowed on the streets with a gun. We wouldn't want that in our communities where we live. Why would we impose it on the District of Columbia? The District of Columbia has the highest per capita homicide rate in the United States. I understand, if you are from, say, Wyoming—there are broad, open spaces, very low crime rate—that the rules on guns should be different than the rules in Washington, DC and New York City. I understand that. I accept it, as someone who has been an advocate of gun control.

But why are we imposing those laws that may work in Wyoming on the people of the District of Columbia? Firearms cause more needless damage in Washington, DC than anywhere else. The Heller decision made it clear that Washington, DC could impose reason-

able restrictions on the right to bear arms and that was perfectly consonant with the Constitution. Every Justice of the Supreme Court, including those who are the most conservative, such as Justice Scalia, such as Justice Thomas, believe there can be some limitation imposed. Because the NRA does not, too many in this country, and in this Chamber, jump when they say so.

It is wrong. It makes people's lives less safe. It is unfortunate. I hope this body will have the courage to reject the Ensign amendment while still affirming the right to bear arms as certified in the Heller case.

I yield the floor.

Mr. HATCH. Mr. President, I rise to support final passage of S. 160, the District of Columbia House Voting Rights Act.

I have spoken and written many times about my conclusion that the Constitution allows Congress to provide a House seat for the people of the District of Columbia.

And I have said for more than 30 years that Americans living in the District should have all the rights of citizenship, including voting rights.

The bill would also give an additional seat temporarily to the State next qualifying for one under the 2000 census.

I believe the bill before us is a constitutional and balanced way to achieve these important goals.

Article I, section 2, states that the House shall be composed of Members elected by the "People of the several States."

The District did not yet exist when those words were drafted.

The observation that this provision does not itself provide a House seat for the people of the District begs rather than answers the constitutional question.

That question is whether the House Composition Clause prohibits Congress from providing for the people of the District what the Constitution provides for the people of the States.

The Constitution uses the word "States" in various provisions.

Opponents of this bill have argued that some of those cannot include the District.

Once again, that observation begs rather than answers the constitutional question.

For more than two centuries, the Supreme Court has held that other provisions framed in terms of "States" can indeed apply to the District.

Or, even more relevant to the bill before us today, the Supreme Court has ruled that Congress can legislatively do for the District what the Constitution does for States.

I believe the House Composition Clause falls in this category.

The Supreme Court has held, for example, that Congress could apply to the District the direct taxes that the

original Constitution apportioned among the several States.

Opponents of the bill before us have not even attempted to explain why the phrase "the several States" can apply to the District, which is obviously not a State, but the phrase "the People of the several States" cannot apply to the District, which obviously has population.

The Supreme Court has held that Congress can extend to the District Federal court jurisdiction over lawsuits by citizens of different States.

The great Chief Justice John Marshall wrote in 1805 that while the Constitution does itself extend such diversity jurisdiction to the District, "this is a subject for legislative . . . consideration."

He added that the contrary conclusion, which I take to be the position of those opposing the bill before us today, would be simply extraordinary.

Those opponents have not even attempted to explain why extending diversity jurisdiction to the District is a subject for legislative consideration but extending House representation to the people of the District is not.

The Supreme Court has held that Congress can extend to the District the restrictions the fourteenth amendment imposes upon the States.

Once again, the Court suggested that Congress's plenary authority over the District would be a sufficient basis for such legislation.

Opponents of S. 160 have cited the decision in *Adams v. Clinton* for the proposition that the Constitution does not provide a right to congressional representation for the District.

I agree.

That decision did not say, however, that Congress was precluded from doing so.

In fact, the court said the opposite.

The court in *Adams* said that while it lacked authority to grant such representation in the name of the Constitution, the plaintiffs could "plead their case in other venues," including "the political process."

That is precisely what the bill before us represents and opponents of S. 160 have not even attempted to explain otherwise.

Let me repeat, the constitutional question is not whether the Constitution itself grants House representation to the people of the District. It does not.

The constitutional question is whether Congress may, under its explicit and plenary authority over the District, legislatively provide for the people of the District what the Constitution provides for the people of the States.

Those who say that the word "States" necessarily excludes the District must at least try to show that the many judicial precedents saying otherwise either were wrongly decided or are somehow irrelevant to this bill. They have not even attempted to do either.

I believe that the foundational principle of representation and suffrage, the legislative actions by America's Founders, two centuries of judicial precedent, and Congress's explicit legislative authority over the District in all cases whatsoever combine to allow Congress to enact the bill before us today.

One of my predecessors as a Senator from Utah, George Sutherland, was later appointed to the Supreme Court.

He wrote for the Court in 1933 what I believe is relevant to this debate today:

The District [of Columbia] was made up of portions of two states of the original states of the Union, and was not taken out of the Union by the cession. Prior thereto its inhabitants were entitled to all the rights, guarantees, and immunities of the Constitution. . . . We think it is not reasonable to assume that the cession stripped them of those rights.

More than 30 years ago, I made the same argument on this floor and later argued that one way to achieve this goal was by giving the people of the District representation in the House.

The defeat of the retrocession amendment offered by the Senator from Arizona showed that the underlying bill is the only legislative vehicle for providing this representation.

I voted for that amendment as a vote on the idea of retrocession, which I find has some general merit.

Even with my vote, however, the Senate resoundingly defeated it.

So I urge the Senate to pass this bill.

It constitutionally gives one House seat to the people of the District.

It fairly gives another seat to the State qualifying for one under the last census.

It explicitly and implicitly disclaims Senate representation for the District.

It provides for expedited judicial review.

In short, I believe this is a sound and fair way to strengthen our system of self-government so that Americans can exercise the most precious right available in a free country, the right to participate in electing those who govern us.

Mr. FEINGOLD. Mr. President, I am pleased to support this bill, and congratulate the Senator from Connecticut and the Senator from Utah for their tireless efforts. Senator LIEBERMAN and Senator HATCH have put forward innovative, bipartisan legislation that will strengthen our democracy. I also want to recognize the contribution of the majority leader, who, by championing this issue, renews and fulfills our country's commitment to equality, democracy, and justice.

When I watch my colleagues on the floor today, I see the spirit of Paul Douglas, Hubert Humphrey, and Everett Dirksen. This legislation is part of the struggle to fulfill the promise of America that led to the landmark civil rights bills of 1957, 1964, and 1965. Today, we follow in the footsteps of

some of our greatest predecessors. We are here to right a historic wrong, to enfranchise hundreds of thousands of our fellow Americans by giving them a vote in Congress.

The struggle to give Washington, DC, a vote in the House of Representatives has already been historic. I was disappointed that the Senate was the graveyard for this bill in 2007. By using a filibuster to prevent the bill from even reaching the floor at that time, opponents of this bill recalled history, too—an unfortunate history we should not revisit. I am sure that I do not need to remind anyone here that for decades the Senate was an implacable bulwark that no civil rights bill could breach. Unfortunately, when this great institution was faced a year and a half ago with a new kind of voting rights bill, it did not rise to the challenge.

Now we have a chance to correct this breach of American principles and pass the District of Columbia House Voting Rights Act of 2009. And so now is the time to remedy the injustice being done to Americans residing in the District of Columbia, and stop this violation of their fundamental rights. Now is the time to take action on this legislation and to finally give the disenfranchised District at least a partial say in the decisions of the Congress, to make the "People's House" a body that truly represents all of the people of this Nation.

In 1964, the Supreme Court stated that "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live." It is time for Congress to live up to those words. At a time when Americans whose families wait for them at home in the District are fighting for our country overseas, it is a cruel and bitter irony that their own country denies them the right to representation in the House.

With all of the difficult issues and momentous decisions facing this Congress, the people of DC deserve a voice in it, now more than ever. As of February 14, 29 DC residents have been killed or wounded in Iraq or Afghanistan, wars that their elected representative had no say in commencing or funding. Approximately 1,500 homes are in foreclosure or pre-foreclosure, unemployment has gone up over 3 percent in the last year, to 8.8 percent. Just like all other Americans, the residents of the District want to participate in the crucial and difficult debates this Congress is having over foreign and economic policy. They want to set a new course for this country. Their voices should count just as much as their fellow citizens'.

Opponents of this bill have asserted that it is unconstitutional. I chaired a Judiciary Committee hearing in May 2007 to examine whether the Constitution, perhaps the greatest testament to

democracy and freedom in human history, prevents the elected legislature of the people of this country from granting the most basic right of citizenship to the people of the District of Columbia. The hearing confirmed that while this is not an easy question of constitutional interpretation, there are strong arguments for the bill's constitutionality. Our conclusions were strengthened by the finding of the Committee on Homeland Security and Governmental Affairs that Congress's authority to legislatively extend House representation is supported by two centuries of judicial precedent.

In light of the historic wrong that this bill will correct, the case for its constitutionality is certainly strong enough to justify enacting it and letting the Supreme Court make the final decision. The Constitution grants Congress the power of "exclusive legislation, in all cases whatsoever," over the District; I believe that we can use that authority to ensure that this Government's just powers are derived from the consent of the governed. Moreover, the basic sweep of the Constitution, its very essence, is to protect the fundamental rights of the citizens of this country, including the right to be represented in Congress.

The other fundamental document of our founding, the Declaration of Independence, laid out a list of grievances against the King of Great Britain, including the following:

He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

That inestimable right has been denied to the residents of the District of Columbia for far too long.

We in Congress have a duty to fulfill the promise of democracy for DC residents. Those who rely on constitutional arguments to oppose this bill should ask themselves what the Framers would think today, if they were faced with the question of whether their handiwork should be used to prevent Congress from granting over a half million people the most basic right in a democracy—the right of representation in the legislature. It is simply inconceivable to me that those great and brave patriots would be comfortable with such a blatant injustice.

I hope that we finally have the votes to right this historic wrong. I urge my colleagues to support the District of Columbia House Voting Rights Act of 2009, and grant the most basic of democratic rights to the people of the District.

Mr. CORNYN. Mr. President, I ask unanimous consent a Washington Times article by George Smith on February 13, 2009; testimony by John P. Elwood, Deputy Assistant Attorney General before the Subcommittee on

the Constitution, Civil Rights, and Property Rights, Senate Committee on the Judiciary on May 23, 2007; and a Statement of Administration Policy from September 18, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 13, 2009]

NOT ON CONSTITUTION AVENUE

(By George C. Smith)

As the Obama administration commences its reign of one-party government, attention has understandably focused on the president's economic stimulus program and his new approach to the foreign terrorist threat.

But preoccupation with these topics should not divert attention from what may be the most ominous, and radical, collaboration between the new president and the Democratic-controlled Congress: the enactment of blatantly unconstitutional legislation to bypass the constitutional amendment process and give the District of Columbia a seat in the House of Representatives in a crass triumph of raw political power over the rule of law.

With relentless clarity, in provision after provision, the Constitution specifies that representation in both Houses of Congress is limited to the states—and the District of Columbia is not a state. The very first sentence of the Constitution says, "All legislative powers herein granted shall be vested in a Congress of the United States"—not a Congress of the United Entities, Districts, Territories or Enclaves. The second sentence then specifies that the House of Representatives is to be composed of members "chosen by the people of the several States." All told, no fewer than 11 constitutional provisions make it clear that congressional representation is linked inextricably to statehood.

If there were any plausible doubt that congressional representation was intentionally limited to the states when the Constitution was drafted in 1787, it would have been conclusively removed when the 39th Congress reiterated that "Representatives shall be apportioned among the several States" when it revisited the question of congressional apportionment in drafting the 14th Amendment in 1866. (In 1866 as well as in 1787, there was no ambiguity and no mistake in the express linkage of congressional representation to statehood.)

This does not mean, however, that the District of Columbia cannot obtain congressional representation. It only means it must do so by means of a constitutional amendment, as plainly provided in Article V of the Constitution.

For more than 200 years, this understanding of the Constitution (intelligible to any literate 12-year-old who reads its text) was accepted even by ardent advocates of D.C. representation. On repeated occasions in the 1960s and 1970s, for example, the Democratic-controlled House Judiciary Committee ruefully acknowledged that a constitutional amendment was "essential" if D.C. were to receive such representation. They expressly recognized that the Constitution did not allow Congress to grant D.C. representation by simple legislation, and proceeded to propose the constitutional amendment that was necessary. The amendment failed to achieve ratification, but the rule of law was honored.

The constitutional text limiting congressional representation to the states has not changed during the past several years. Nor

have judicial interpretations of that text, which have consistently acknowledged that limitation. What has changed, however, is the willingness of D.C. representation advocates to run roughshod over the Constitution because they now have the raw political power to pass a statute awarding the District a seat in the House by main force.

As a fig leaf to cover up their brute power play, they invoke the risible theory that a constitutional provision authorizing Congress to exercise legislative jurisdiction over federal enclaves—including the District, but also including military reservations, park lands and similar enclaves—enables Congress to override express constitutional requirements, including the limitation of congressional representation to states, as long as they are doing so on behalf of the District. Oddly, this interpretation of the Enclave Clause somehow escaped the grasp of the Framers, the courts, and Congress for more than two centuries.

Apart from the fact that the Supreme Court has flatly held that Congress' power under the Enclave Clause is indeed limited by other constitutional requirements, the absurdity of the theory is demonstrated by considering its logical consequences. It would enable Congress to undercut the entire structure of state-based congressional representation—in the Senate as well as in the House—by extending representation to an unlimited variety of enclaves and territories by simply passing statutes reflecting evanescent political majorities. A more radical subversion of constitutional government would be difficult to imagine.

During the 110th Congress, it was only President Bush's veto threat, and a razor-thin sufficiency of Republican Senate votes to sustain a filibuster, that prevented enactment of the D.C. House seat legislation—what liberal legal scholar Jonathan Turley referred to as the most "premeditated" unconstitutional act in decades. But with Barack Obama's election and solid Democrat majorities in both Houses, there is no longer a finger in the dike. D.C. Delegate Eleanor Holmes Norton has asserted that Mr. Obama has committed to signing such legislation.

Significantly, the Justice Department carefully and forcefully opined and testified during the last Congress that the D.C. House legislation is patently unconstitutional. Given the current president's apparent commitment to sign the bill, however, it is difficult to envisage the new political appointees of the Obama Justice Department raising any constitutional objections to this grotesque power play. Interestingly, however, former Clinton-era Solicitor General Walter Dellinger recently observed that the persons named by the president-elect to advise him on such constitutional issues at the Justice Department "bring a stature to the job that will allow them to say no to the president when no is the correct answer." "No" obviously remains the correct answer to the question of whether the president should sign D.C. House seat legislation that repudiates the Constitution's text, more than 200 years of unwavering historical practice and repeated pronouncements of the federal judiciary. But only the delusional would expect that the new president's men and women at Justice would stand with the Constitution against the menacing force of raw political power.

CONSTITUTIONALITY OF D.C. VOTING RIGHTS ACT OF 2007

S. 1257, a bill to grant the District of Columbia representation in the House of Representatives as well as to provide an additional House seat for Utah, violates the Constitution's provisions governing the composition and election of the United States Congress.

TESTIMONY BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS, SENATE COMMITTEE ON THE JUDICIARY

Thank you for the opportunity to discuss the Department's views on S. 1257, a bill to grant the District of Columbia representation in the House of Representatives as well as to provide an additional House seat for Utah. For the same reasons stated in the Statement of Administration Policy on the House version of this legislation, the Administration concludes that S. 1257 violates the Constitution's provisions governing the composition and election of the United States Congress. Accordingly, if S. 1257 were presented to the President, his senior advisors would recommend that he veto the bill. I will confine my testimony to the constitutional issues posed by the legislation.

The Department's constitutional position on the legislation is straightforward and is dictated by the unambiguous text of the Constitution as understood and applied for over 200 years. Article I, section 2 of the Constitution provides:

"The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous branch of the State Legislature."

This language, together with the language of eleven other explicit constitutional provisions, including the Twenty-Third Amendment ratified in 1961,¹ "makes clear just how deeply Congressional representation is tied to the structure of statehood."² The District of Columbia is not a State. In the absence of a constitutional amendment, therefore, the explicit provisions of the Constitution do not permit Congress to grant congressional representation to the District through legislation.

Shortly after the Constitution was ratified, the District of Columbia was established as the Seat of Government of the United States in accordance with Article I, § 8, cl. 17 of the Constitution. The Framers deliberately placed the capital in a federal enclave that was not itself a State to ensure that the federal Government had the ability to protect itself from potentially hostile state forces. The Framers also gave Congress "exclusive" authority to enact legislation for the internal governance of the enclave to be chosen as the Seat of Government—the same authority Congress wields over the many other federal enclaves ceded by the States.

Beginning even before the District of Columbia was established as the Seat of Government, and continuing to today, there have been determined efforts to obtain congressional representation for the District. Apart from the various unsuccessful attempts to secure such representation through litigation, such efforts have consistently recognized that, because the District is not a State, a constitutional amendment is necessary for it to obtain congressional representation. S. 1257 represents a departure from that settled constitutional and historical understanding, which has long been rec-

ognized and accepted by even ardent proponents of District representation.

One of the earliest attempts to secure congressional representation for the Seat of Government was made by no less a constitutional authority than Alexander Hamilton at the pivotal New York ratifying convention. Recognizing that the proposed Constitution did not provide congressional representation for those who would reside in the Seat of Government, Hamilton offered an amendment to the Enclave Clause that would have provided:

"That When the Number of Persons in the District of Territory to be laid out for the Seat of the Government of the United States, shall according to the Rule for the Apportionment of Representatives and Direct Taxes Amount to [left blank] such District shall cease to be parcel of the State granting the Same, and Provision shall be made by Congress for their having a District Representation in that Body."³

Hamilton's proposed amendment was rejected. Other historical materials further confirm the contemporary understanding that the Constitution did not contemplate congressional representation for the District and that a constitutional amendment would be necessary to make such provision.⁴ These historical facts refute the contention by proponents of S. 1257 that the Framers simply did not consider the lack of congressional representation and, if they had considered it, that they would have provided such representation. In fact, Framers and ratifiers did consider the question and rejected a proposal for such representation.

In more recent years, major efforts to provide congressional representation for the District were pursued in Congress in the 1960s and 1970s, but on each occasion Congress expressly recognized that obtaining such representation would require either Statehood or a constitutional amendment. For example, when the House Judiciary Committee favorably recommended a constitutional amendment for District representation in 1967, it stated as follows:

"If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice. This is the case because provisions for elections of Senators and Representatives in the Constitution are stated in terms of the States, and the District of Columbia is not a State."⁵

Congress again considered the District representation issue in 1975, and the House Judiciary Committee again expressly acknowledged that, "[i]f the citizens of the District are to have voting representation in Congress, a constitutional amendment is essential; statutory action will not suffice."⁶

Of course, the courts have not directly reviewed the constitutionality of a statute purporting to grant the District representation because, for the reasons so forcefully reiterated by the House Judiciary Committee, Congress has not previously considered such legislation constitutionally permissible. But numerous federal courts have emphatically concluded that the existing Constitution does not permit the provision of congressional representation for the District. In *Adams v. Clinton*, a three-judge court stated, in a decision affirmed by the Supreme Court, that "the Constitution does not contemplate that the District may serve as a state for purposes of the apportionment of congressional representation" and stressed that Article I "makes clear just how deeply Congressional representation is tied to the structure of statehood." 90 F. Supp. 2d 35, 46–

47 (D.D.C.), *aff'd*, 531 U.S. 941 (2000); see generally *S. Ry. Co. v. Seaboard Allied Milling Corp.*, 442 U.S. 444, 462 (1979) (stating that summary affirmance is a precedential ruling on the merits). In *Banner v. United States*, 428 F.3d 303 (D.C. Cir. 2005) (per curiam), a panel of the D.C. Circuit that included Chief Justice John Roberts flatly concluded: "[t]he Constitution denies District residents voting representation in Congress. . . . Congress is the District's Government, see U.S. Const. art. I, § 8, cl. 17, and the fact that District residents do not have congressional representation does not alter that constitutional reality." *Id.* at 309.7 The court added: "[i]t is beyond question that the Constitution grants Congress exclusive authority to govern the District, but does not provide for District representation in Congress." *Id.* at 312. And in explaining why the Constitution does not permit the District's delegate in Congress to have the voting power of a Representative in *Michel v. Anderson*, 817 F. Supp. 126 (D.D.C. 1993), the court stressed that the legislative power "is constitutionally limited to 'Members chosen . . . by the People of the several States.' U.S. Const. Art. I, § [2], cl. 1." *Id.* at 140.

The numerous explicit provisions of the constitutional text; the consistent construction of those provisions throughout the course of American history by courts, Congress, and the Executive;⁸ and the historical evidence of the Framers' and ratifiers' intent in adopting the Constitution conclusively demonstrate that the Constitution does not permit the granting of congressional representation to the District by simple legislation.

We are aware of, and not persuaded by, the recent and novel claim that this legislation should be viewed as a constitutional exercise of Congress's authority under the Enclave Clause, U.S. Const. art. I, § 8, cl. 17, to "exercise exclusive legislation" over the Seat of Government and other federal enclaves. That theory is insupportable. First, it is incompatible with the plain language of the many provisions of the Constitution that, unlike the Enclave Clause, are directly and specifically concerned with the composition, election, and very nature of the House of Representatives and the Congress. Those provisions were the very linchpin of the Constitution, because it was only by reconciling the conflicting wishes of the large and small States as to representation in Congress that the Great Compromise that enabled the Constitution's ratification was made possible. Consequently, every word of Article I's provisions concerning the composition and election of the House and the Senate—and particularly the words repeatedly linking congressional representation to "each State" or "the People of the several States"—was carefully chosen. In contrast, the Enclave Clause has nothing to do with the composition, qualifications, or election of Members of Congress. Its provision for "exclusive legislation" concerns legislation respecting the internal operation of "such District" and other enclaves. The Enclave Clause gives Congress extensive legislative authority "over such District," but that authority plainly does not extend to legislation affecting the entire Nation. S. 1257 would alter the very nature of the House of Representatives. By no reasonable construction can the narrowly focused provisions of the Enclave Clause be construed to give Congress such sweeping authority.

Second, whatever power Congress has under the Enclave Clause is limited by the other provisions of the Constitution. As stated by the Supreme Court in *Binns v. United States*, 194

U.S. 486 (1904), the Enclave Clause gives Congress plenary power over the District "save as controlled by the provisions of the Constitution." *Id.* at 491. As the Supreme Court has further explained, the Clause gives Congress legislative authority over the District and other enclaves "in all cases where legislation is possible."⁹ The composition, election, and qualifications of Members of the House are expressly and specifically governed by other provisions of the Constitution that tie congressional representation to Statehood. The Enclave Clause gives Congress no authority to deviate from those core constitutional provisions.

Third, the notion that the Enclave Clause authorized legislation establishing congressional representation for the Seat of Government is contrary to the contemporary understanding of the Framers and the consistent historical practice of Congress. As I mentioned earlier, the amendment unsuccessfully offered by Alexander Hamilton at the New York ratifying convention to authorize such representation when the Seat of Government's population reached a certain level persuasively demonstrates that the Framers did not read the Enclave Clause to authorize or contemplate such representation. Other contemporaneous historical evidence reinforces that understanding. *See supra* n. 4. Moreover, Congress's consistent recognition in practice that constitutional amendments were necessary not only to provide congressional representation for the District, but also to grant it electoral votes for President and Vice President under the 23rd Amendment, belies the notion that the Enclave Clause has all along authorized the achievement of such measures through simple legislation. Given the enthusiastic support for such measures by their congressional proponents, it is simply implausible that Congress would not previously have discovered and utilized that authority as a means of avoiding the enormous difficulties of constitutional amendment.

Fourth, the proponents' interpretation of the Enclave Clause proves far too much; the consequences that would necessarily flow from acceptance of that theory demonstrate its implausibility. As the Supreme Court has recognized, "[t]he power of Congress over the federal enclaves that come within the scope of Art. I, § 8, cl. 17, is obviously the same as the power of Congress over the District of Columbia."¹⁰ It follows that if Congress has constitutional authority to provide congressional representation for the District under the Enclave Clause, it has the same authority for the other numerous federal enclaves (such as various military bases and assorted federal lands ceded by the States). But that is not all. The Supreme Court has also recognized that Congress's authority to legislate respecting the U.S. territories under the Territories Clause, U.S. Const. art. IV, § 3, cl. 2, is equivalent to its "exclusive legislation" authority under the Enclave Clause. *See, e.g., Binns*, 194 U.S. at 488. If the general language of the Enclave Clause provides authority to depart from the congressional representational provisions of Article I, it is not apparent why similar authority does not reside in the Territories Clause, which would enable Congress to enact legislation authorizing congressional representation for Puerto Rico, the Virgin Islands, and other territories. These unavoidable corollaries of the theory underlying S. 1257 demonstrate its invalidity. Given the great care with which the Framers provided for State-based congressional representation in the Composition Clause and related provisions, it is implau-

sible to suggest that they would have simultaneously provided for the subversion of those very provisions by giving Congress carte blanche to create an indefinite number of additional seats under the Enclave Clause.

Finally, we note that the bill's proponents conspicuously fail to address another logical consequence that flows from the Enclave Clause theory: If Congress may grant the District representation in the House by virtue of its purportedly expansive authority to legislate to further the District's general welfare, it follows logically that it could use the same authority to grant the District (and other enclaves and territories) two Senators as well.

At bottom, the theory that underlies S. 1257 rests on the premise that the Framers drafted a Constitution that left the door open for the creation of an indefinite number of congressional seats that would have fatally undermined the carefully crafted representation provisions that were the linchpin of the Constitution. Such a premise is contradicted by the historical and constitutional record.

The clear and carefully phrased provisions for State-based congressional representation constitute the very bedrock of our Constitution. Those provisions have stood the test of time in providing a strong and stable basis for the preservation of constitutional democracy and the rule of law. If enacted, S. 1257 would undermine the integrity of those critical provisions and open the door to further deviations from the successful framework that is our constitutional heritage. If the District is to be accorded congressional representation without Statehood, it must be accomplished through a process that is consistent with our constitutional scheme, such as amendment as provided by Article V of the Constitution.

JOHN P. ELWOOD,
Deputy Assistant Attorney General.
ENDNOTES

¹ E.g., U.S. Const. art. I, §§ 2-4; art. II, § 1, cl. 2; amend. XIV, § 2; amend. XVII; amend. XXIII, § 1.

² *Adams v. Clinton*, 90 F. Supp. 2d 35, 46-47 (D.D.C.), *aff'd*, 531 U.S. 940, 941 (2000).

³ The Papers of Alexander Hamilton 189-90 (Harold C. Syrett ed., 1962) (emphasis added).

⁴ See 10 *Annals of Congress* 991, 998-99 (1801) (remarks of Rep. John Dennis of Maryland) (stating that because of District residents' "contiguity to, and residence among the members of [Congress]," that "though they might not be represented in the national body, their voice would be heard. But if it should be necessary [that they be represented], the Constitution might be so altered as to give them a delegate to the General Legislature when their numbers should become sufficient"); see also 5 *The Documentary History of the Ratification of the Constitution* 621 (Merrill Jensen, John P. Kaminski & Gaspare J. Saladino eds., 1976) (statement by Samuel Osgood, a delegate to the Massachusetts ratifying convention, that he could accept the Seat of Government provision only if it were amended to provide that the District be "represented in the lower House," though no such amendment was ultimately included in the amendments recommended by the Massachusetts convention).

⁵ *Providing Representation of the District of Columbia in Congress*, H.R. Rep. No. 90-819, at 4 (1967) (emphasis added).

⁶ *Providing Representation of the District of Columbia in Congress*, H.R. Rep. No. 94-714, at 4 (1975).

⁷ Judge Roberts was a member of the D.C. Circuit when *Banner* was briefed and argued, but was serving as Chief Justice when the opinion issued. *See Banner*, 428 F.3d at 304-05 n.1.

⁸ See, e.g., Letter for Mr. Benjamin Zelenko, Committee on the Judiciary, House of Representatives, from Martin F. Richman, Acting Assistant Attorney General, Office of Legal Counsel (Aug. 11, 1967) (expressing the view that "a constitutional amendment is essential" for the District to obtain voting representation in Congress in the recommendations for the Committee Report on a proposed constitutional

amendment); District of Columbia Representation in Congress: Hearings on S.J. Res. 65 Before the Subcomm. on the Constitution of the Comm. on the Judiciary, 95th Cong. 16-29 (1978) (statement of John M. Harmon, Assistant Attorney General, Office of Legal Counsel). In endorsing a constitutional amendment as the means of obtaining congressional representation for the District, Mr. Harmon discussed the alternative ways of obtaining such representation, particularly the option of statehood legislation. Conspicuous by its absence was any suggestion that such representation could be provided through legislation granting the District a seat.

⁹ *O'Donoghue v. United States*, 289 U.S. 516, 539 (1993) (citation omitted).

¹⁰ *Paul v. United States*, 371 U.S. 245, 263-64 (1963).

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET, WASHINGTON, DC,
SEPTEMBER 18, 2007.

STATEMENT OF ADMINISTRATION POLICY
S. 1257—DISTRICT OF COLUMBIA HOUSE VOTING
RIGHTS ACT OF 2007

The Administration strongly opposes passage of S. 1257. The bill violates the Constitution's provisions governing the composition and election of the United States Congress. Accordingly, if S. 1257 were presented to the President, his senior advisors would recommend that he veto the bill.

The Constitution limits representation in the House to Representatives of States. Article I, Section 2 provides: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State legislature." The Constitution also contains 11 other provisions expressly linking congressional representation to Statehood.

The District of Columbia is not a State. Accordingly, congressional representation for the District of Columbia would require a constitutional amendment. Advocates of congressional representation for the District have long acknowledged this. As the House Judiciary Committee stated in recommending passage of such a constitutional amendment in 1975:

"If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice. This is the case because provisions for elections of Senators and Representatives in the Constitution are stated in terms of the States, and the District of Columbia is not a State."

Courts have reached the same conclusion. In 2000, for example, a three-judge panel concluded "that the Constitution does not contemplate that the District may serve as a state for purposes of the apportionment of congressional representatives." *Adams v. Clinton*, 90 F. Supp. 2d 35, 46-47 (D.D.C. 2000). The Supreme Court affirmed that decision. Furthermore, Congress's own Research Service found that, without a constitutional amendment, it is "likely that the Congress does not have authority to grant voting representation in the House of Representatives to the District of Columbia."

Claims that S. 1257 should be viewed as an exercise of Congress's "exclusive" legislative authority over the District of Columbia as the seat of the Federal government are not persuasive. Congress's exercise of legislative authority over the District of Columbia is qualified by other provisions of the Constitution, including the Article I requirement that representation in the House of Representatives is limited to the "several States." Congress cannot vary that constitutional requirement under the guise of the

"exclusive legislation" clause, a clause that provides the same legislative authority over Federal enclaves like military bases as it does over the District.

For all the foregoing reasons, enacting S. 1257's extension of congressional representation to the District would be unconstitutional. It would also call into question (by subjecting to constitutional challenge in the courts) the validity of all legislation passed by the reconstituted House of Representatives.

Mr. KYL. Mr. President, I ask unanimous consent the testimony by Professor Jonathan Turley before the House Judiciary Committee September 14, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA VOTING RIGHTS
STATEMENT OF JONATHAN TURLEY, COMMITTEE
ON HOUSE JUDICIARY, SUBCOMMITTEE ON CON-
STITUTION

It is an honor to be asked to testify on the important question of the representational status of the District of Columbia in Congress. Due to the short period for the preparation of written testimony and a family emergency, the committee staff has permitted me to submit this summary of the testimony that I will offer on September 14, 2006. A full written statement is being completed and will be available at the hearing.

General Comments

There should be general agreement that the current non-voting status of the District is fundamentally at odds with the principles and traditions of our constitutional system. As Justice Black stated in *Wesberry v. Sanders*: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."

Yet, unlike many issues before Congress, there has always been a disagreement about the means rather than the ends of full representation for the District residents. Regrettably, I believe that H.R. 5388 is the wrong means. Despite the best of motivations, the bill is fundamentally flawed on a constitutional level and would only serve to needlessly delay true reform for District residents. Indeed, there would be an inevitable and likely successful legal challenge to a bill. Even if successful, this bill would ultimately achieve only partial representational status. Frankly, giving the District only a vote in the House is the equivalent of allowing Rosa Parks to move halfway to the front of the bus in the name of progress. District residents deserve full representation and, while this bill would not offer such reform, there are alternatives, including a three-phased proposal that I have advocated in the past.

The Original Purpose and Diminishing Necessity of the Federal Enclave

The creation of the federal enclave was the direct result of the failure of state officials to protect Congress during a period of unrest. On January 1, 1783, Congress was meeting in Philadelphia when they were surprised by a mob of Revolutionary War veterans demanding their long-overdue back pay. It was a period of great discontentment with Congress and the public of Pennsylvania was more likely to help the mob than to help suppress it. Indeed, when Congress called on

state officials to call out the militia, they refused. Congress was forced to flee, first to Princeton, N.J., then to Annapolis and ultimately to New York City.

When the framers gathered again in Philadelphia in the summer of 1787 to draft a new constitution, the flight from that city five years before was still prominent in their minds. Madison and others called for the creation of a federal enclave or district as the seat of the federal government—independent of any state and protected by federal authority. Only then, Madison noted could they avoid "public authority [being] insulted and its proceedings . . . interrupted, with impunity."

In addition to the desire to be free of the transient support of an individual state, the framers advanced a number of other reasons for creating this special enclave. There was a fear that a state (and its representatives in Congress) would have too much influence over Congress, by creating "a dependence of the members of the general government." There was also a fear that the symbolic honor given to one state would create in "the national councils an imputation of awe and influence, equally dishonorable to the Government and dissatisfactory to the other members of the confederacy." There was also a view that the host state would benefit too much from "[t]he gradual accumulation of public improvements at the stationary residence of the Government."

The District, therefore, was created for the specific purpose of being a non-State without direct representatives in Congress. The security and operations of the federal enclave would remain the collective responsibilities of the entire Congress—of all of the various states. While I believe that this purpose is abundantly clear, I do not believe that most of these concerns have continued relevance for legislators. Since the Constitutional Convention, courts have recognized that federal, not state, jurisdiction governs federal lands. Moreover, the federal government now has a large security force and is not dependent on the states for security. Finally, the position of the federal government vis-a-vis the states has flipped with the federal government now the dominant party in this relationship. The real motivating purposes of the creation of the federal enclave, therefore, no longer exist. What remains is the symbolic question of whether the seat of the federal government should be on neutral ground. It is a question that should not be dismissed as insignificant. To the contrary, I personally believe that the seat of the federal government should remain completely federal territory as an important symbol of the equality of all states in the governance of the nation. The actual seat of government, however, is a tiny fraction of the existing federal district.

The Unconstitutionality of H.R. 5388

I believe that the Dinh/Starr analysis is fundamentally flawed and that H.R. 5388 would violate the clear language and meaning of Article I. To evaluate the constitutionality of the legislation, it is useful to follow a classic constitutional interpretation that begins with the text, explores the original meaning of the language, and then considers the implications of the rivaling interpretations for the constitutional system. I believe that this analysis clearly shows that the creation of a vote in the House of Representatives for the District would do great violence to our constitutional traditions and process. To succeed, it would require the abandonment of traditional interpretative doctrines and would allow for future manipulation of one of the most essential and stabi-

lizing components of the Madisonian democracy: the voting rules for the legislative branch.

1. Textual Analysis

Any constitutional analysis necessarily begins with the text of the relevant provision or provisions. In this case, there are two central provisions. The most important textual statement relevant to this debate is found in Article I, Section 2 that states unambiguously that the House of Representatives shall be composed of members chosen "by the people of the several states." As with the Seventeenth Amendment election of the composition of the Senate, the text clearly limits the House to the membership of representatives of the several states. The second provision is the District Clause found in Article I, Section 8 which gives Congress the power to "exercise exclusive Legislation in all Cases whatsoever, over such District."

On its face, the reference to "the people of the several states" is a clear restriction of the voting membership to actual states. This is evidenced in a long line of cases that exclude District residents from benefits or rights given to citizens of states under the Constitution.

It has been argued by both Dinh and Starr that the textual clarity in referring to states is immaterial because other provisions with such references have been interpreted as nevertheless encompassing District residents. This argument is illusory in my view. The major cases extending the meaning of states to the District involve an irreconcilable conflict between a literal interpretation of the term "state" and the expressed inherent rights of all American citizens under the equal protection clause and other provisions. District citizens remain U.S. citizens, even though they are not state citizens. The creation of the federal district removed one right of citizens—voting in Congress—in exchange for the status conferred by resident in the Capitol City. It was never intended to turn residents into noncitizens with no constitutional rights.

The upshot of these opinions is that a literal interpretation of the word "states" would produce facially illogical and unintended consequences. Since residents remain U.S. citizens, they must continue to enjoy those protections accorded to citizens. Otherwise, they could all be enslaved or impaled at the whim of Congress.

2. Original and Historical Meaning

Despite some suggestions to the contrary, the absence of a vote in Congress was clearly understood as a defining element of a federal district. During ratification, various leaders objected to the disenfranchisement of the citizens in the district and even suggested amendments that would have addressed the problem. One such amendment was offered by Alexander Hamilton, who wanted the District residents to be able to secure representation in Congress once they grew to a reasonable size. Neither this nor other such amendments offered in states like North Carolina and Pennsylvania were adopted.

Whatever ambiguity existed over continuing authority of Maryland or Virginia, the disenfranchisement of citizens from votes in Congress was clearly understood. Indeed, not long after the cessation, a retrocession movement began. Members questioned the need to "keep the people in this degraded situation" and objected to the subjection of American citizens to "laws not made with their own consent." At the time of the ratification, leaders knew and openly discussed the non-voting status of the District in the clearest and strongest possible language.

This debate in 1804 leaves no question as to the early understanding of the status of the District as a non-state without representational status. Much of this debate followed the same lines of argument that we hear today. While acknowledging that "citizens may not possess full political rights," leaders like John Bacon of Massachusetts noted that they had special status and influence as residents of the Capitol City. Yet, retrocession bills were introduced within a few years of the actual cessation—again prominently citing the lack of any congressional representation as a motivating factor. Indeed, the retrocession of Virginia highlights the original understanding of the status of the District. Virginians contrasted their situation with those residents of Washington. Washingtonians, however, were viewed as compensated for their loss of political representation. As a committee noted in 1835, "[o]ur situation is essentially different, and far worse, than that of our neighbors on the northern side of the Potomac. They are citizens of the Metropolis, of a great, and noble Republic, and wherever they go, there clusters about them all those glorious associations, connected with the progress and fame of their country. They are in some measure compensated in the loss of their political rights."

Much is made of the ten-year period during which District residents voted with their original states—before the federal government formally took over control of the District. This, however, was simply a transition period before the District became the federal enclave.

3. Policy Implications

There are considerable risks and problems with this approach to securing a vote in Congress for the District. First, by adopting a liberal interpretation of the meaning of states in Article I, the Congress would be undermining the very bedrock of our constitutional system. The membership and division of Congress was carefully defined by the Framers. The legislative branch is the engine of the Madisonian democracy. It is in these two houses that disparate factional disputes are converted into majoritarian compromises—the defining principle of the Madisonian system. By allowing majorities to manipulate the membership rolls would add a dangerous instability and uncertainty to the system.

Second, if successful, this legislation would allow any majority in Congress to manipulate the voting membership of the House. This is not the only federal enclave and there is great potential for abuse and mischief in the exercise of such authority. Third, while the issue of Senate representation is left largely untouched in the Dinh/Starr analysis, there is no obvious principle that would prevent a majority from expanding its ranks with two new Senate seats for the District. Two Senators and a member of the House would be a considerable level of representation for a non-state with a small population. Yet, this analysis would suggest that such a change could take place without a constitutional amendment.

Finally, H.R. 5388 would only serve to delay true representational status for district residents. On a practical level, this bill would likely extinguish efforts at full representation in both houses. During the pendency of the litigation, it is highly unlikely that additional measures would be considered—delaying reforms by many years. Ultimately, if the legislation is struck down, it would leave the campaign for full representation in shambles.

The Problematic Basis for Awarding an At-Large Seat to Utah

The proposal of awarding an at-large seat to Utah is an admittedly novel question that would raise issues of first impression for the courts. However, I am highly skeptical of the legality of this approach, particularly under the "one-man, one-vote" doctrine established in *Wesberry v. Sanders*, 376 U.S. 1 (1964). This is a question that leads to some fairly metaphysical notions of overlapping representation and citizens with 1.4 representational status. On one level, the addition of an at-large seat would seem to benefit all Utah citizens equally since they would vote for two members. Given the deference to Congress under the "necessary and proper" clause, an obvious argument could be made that it does not contravene the "one man, one vote" standard.

However, there are various reasons why a federal court would be on good ground to strike down this portion of H.R. 5388. First, while the Supreme Court has not clearly addressed the interstate implications of "one man, one vote," this bill would likely force it to do so. Awarding two representatives to each resident of Utah creates an obvious imbalance vis-à-vis other states. House members are expected to be advocates for this insular constituency. Here, residents of one state could look to two representatives to do their bidding while other citizens would be limited to one. Given racial and cultural demographic differences between Utah and other states, this could be challenged as diluting the power of minority groups in Congress.

Second, while interstate groups challenge the increased representation for Utah citizens, the at-large seat could also be challenged by some intrastate groups as diluting their specific voting power. If Utah simply added an additional congressional district, the ratio of citizens to members would be reduced. The additional member would represent a defined group of people who have unique geographical and potentially racial or political characteristics. However, by making the seat at large, these citizens would now have to share two members with a much larger and more diffuse group—particularly in the constituency of the at-large member. It is likely that the member who is elected at large would be different from one who would have to run in a particular district such as a more liberal or diverse section of the Salt Lake City population.

Third, this approach would be used by a future majority of Congress to manipulate voting in Congress and to reduce representation for insular groups. Rather than creating a new district that may lean toward one party or have increased representation of one racial or religious group, Congress could use at-large seats under the theory of this legislation. Moreover, Congress could create new forms of represented districts for overseas Americans or for federal enclaves. The result would be to place Congress on a slippery slope where transient majorities tweak representational divisions for their own advantage.

Finally, while it would be difficult to predict how this plan would fare under a legal challenge, it is certain to be challenged. This creates the likelihood of Congress having at least one member (or two members if you count the District representative) who would continue to vote under a considerable cloud of questioned legitimacy. In close votes, this could produce great uncertainty as to the finality or legitimacy of federal legislation. This is entirely unnecessary. If a new representative is required, it is better to estab-

lish a fourth district not just a fourth at-large representative for legal and policy reasons.

A Modified Retrocession Proposal

One hundred and sixty years ago, Congress retroceded land back to Virginia under its Article I authority. Retrocession has always been the most direct way of securing a resumption of voting rights for District residents. Most of the District can be simply returned from whence it came: state of Maryland. The greatest barrier to retrocession has always been more symbolic rather than legal. Replacing Washington, DC with Washington, MD is a conceptual leap that many are simply not willing to make. However, it is the most logical resolution of this problem.

For a number of years, I have advocated the reduction of the District of Columbia to the small area that runs from the Capitol to the Lincoln Memorial. The only residents in this space would be the First Family. The remainder of the current District would then be retroceded to Maryland. However, I have also proposed a three-phase process for retrocession. In the first phase, a political transfer would occur immediately with the District securing a house seat as a Maryland district and residents voting in Maryland statewide elections. In the second phase, incorporation of public services from education to prisons to law enforcement would occur. In the third phase, any tax and revenue incorporation would occur.

These phases would occur over many years with only the first phase occurring immediately upon retrocession. Indeed, I recommend the creation of a three-commissioner body like the one that worked with George Washington in the establishment of the original federal district. These commissioners would recommend and oversee the incorporation process. Moreover, Maryland can agree to continue to treat the District as a special tax or governing zone until incorporation is completed. Indeed, Maryland may choose to allow the District to continue in a special status due to this unique position. The fact is that any incorporation is made easier, not more difficult, by the District's historic independence. Like most cities, it would continue to have its own law enforcement and local governing authority. However, it would also benefit from incorporation into Maryland educational system and other statewide programs related to prisons and other public needs.

In my view, this approach would be unsailable on a legal level and highly efficient on a practical level. I realize that there remains a fixation with the special status of the city, but much of this status would remain. While the city would not technically be the seat of government, it would obviously remain for all practical purposes our Capitol City.

Regardless of what proposal is adopted, I strongly encourage you not to move forward with H.R. 5388. It is an approach that achieves less representation than is deserved for the District by means that asserts more power than is held by the Congress. It is certainly time to right this historical wrong, but, in our constitutional system, it is often more important how we do something than what we do. This is the wrong means to a worthy end. However, it is not the only means and I encourage the members to direct these considerable energies toward a more lasting and complete resolution of the status of the District of Columbia in Congress.

JONATHAN TURLEY,

Shapiro Professor,

George Washington University Law School.

Mr. McCONNELL. Mr. President, I commend to my fellow Senators the April 3, 1987 U.S. Justice Department Office of Legal Policy Report to the Attorney General entitled "The Question of Statehood for the District of Columbia." I ask unanimous consent that the Executive Summary and section titled "Proposals for Giving Representation in Congress to the District of Columbia, Voting Member in the House of Representatives" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

Efforts to admit the District of Columbia to the Union as a state should be vigorously opposed. Granting the national capital statehood through statutory means raises numerous troubling constitutional questions. After careful consideration of these issues, we have concluded that an amendment to the Constitution would be required before the District of Columbia may be admitted to the Union as a state. Statehood for the Nation's capital is inconsistent with the language of the Constitution, as well as the intent of its Framers, and would work a basic change in the federal system as it has existed for the past two hundred years. Under our Constitution, power was divided between the states and the federal government in the hope, as Madison wrote, that "[t]he different governments will control each other," thus securing self-government, individual liberty, and the rights of minorities. In order to serve its function in the federal structure a state must be independent of the federal government. However, the District of Columbia is not independent; it is a political and economic dependency of the national government.

At the same time, it is essential that the federal government maintain its independence of the states. If the District of Columbia were now admitted to statehood, it would not be one state among many. Because it is the national capital, the District would be *primus inter pares*, first among equals. The "State of Columbia . . . could come perilously close to being the state whose sole business is to govern, to control all the other states. It would be the imperial state; it would be 'Rome on the Potomac.'" It was this very dilemma that prompted the Founders to establish the federal capital in a district located outside of the borders of any one of the states, under the exclusive jurisdiction of Congress. Their reasons for creating the District are still valid and militate against granting it statehood.

Many have recognized the fundamental flaws in plans to grant the District of Columbia statehood. For instance, while testifying in support of the proposed 1978 District amendment, which would have treated the District of Columbia "as if it were a State" for purposes of national elections, Senator Edward Kennedy dismissed what he called "the statehood fallacy," and stated that, "[t]he District is neither a city nor a State. In fact, statehood may well be an impossible alternative, given the practical and constitutional questions involved in changing the historical status of the Nation's Capital." A pamphlet entitled "Democracy Denied" circulated in support of the 1978 amendment, and fully endorsed by District Delegate Walter E. Fauntroy, plainly acknowledged that granting statehood to the District of Colum-

bia "would defeat the purpose of having a federal city, i.e., the creation of a district over which the Congress would have exclusive control." That pamphlet also recognized that statehood "presents a troublesome problem with the 23rd Amendment if the federal district were to be wiped out by legislation." Indeed, Delegate Fauntroy has opposed statehood for the District in the past, correctly pointing out that "this would be in direct defiance of the prescriptions of the Founding Fathers." As former Senator Mathias of Maryland stated, "[i]t is not a State . . . it should not be a State."

These points are well taken. The factors that mitigated against statehood for the District of Columbia in 1978 have not changed. The rejection of the District voting rights constitutional amendment by the states does not make statehood any more desirable, or any less constitutionally suspect, today than it was a decade ago. Granting statehood to the District of Columbia would defeat the purpose of having a federal city, would be in direct defiance of the intent of the Founders, and would require an amendment to the Constitution.

I. NEED FOR AN AMENDMENT TO THE CONSTITUTION BEFORE THE DISTRICT OF COLUMBIA MAY BE ADMITTED TO THE UNION AS A STATE

Even if statehood for the District of Columbia represented sound policy, we do not believe that it can be accomplished merely by a statute admitting the District to the Union. The Constitution contemplates a federal district as the seat of the general government, and would have to be amended. The Department of Justice has long taken this position. In 1978, Assistant Attorney General John M. Hannon concluded on behalf of the Carter Administration that, "it was the intent of the Framers that the actual seat of the Federal Government, as opposed to its other installations, be outside any State and independent of the cooperation and consent of the State authorities If these reasons have lost validity, the appropriate response would be to provide statehood for the District by constitutional amendment rather than to ignore the Framers' intentions."

The retention of federal authority over a truncated, federal service area would not answer this constitutional objection. The language of the Constitution grants Congress exclusive authority over the district that became the seat of government, not merely over the seat of the government. The district that became the seat of government is the District of Columbia. It does not appear that Congress may, consistent with the language of the Constitution, abandon its exclusive authority over any part of the District.

Further, the Twenty-third Amendment requires that "[t]he District constituting the seat of Government of the United States" appoint electors to participate in the Electoral College. The amendment was proposed, drafted and ratified with reference to the District of Columbia. When the states adopted this amendment, they confirmed the understanding that the District is a unique juridical entity with permanent status under the Constitution. Another amendment would be necessary to remake this entity.

Finally, we believe that Congress' ability to admit the District of Columbia into the Union as a new state would depend upon the consent of the legislature of the original ceding state. Article IV, section 3 of the Constitution provides that: "no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the

legislatures of the States concerned as well as of the Congress." Accordingly, the consent of Maryland would be necessary before the District of Columbia could be admitted to the Union. Should Maryland refuse to consent, the area that is now the District of Columbia could not be made a state without amendment of Article IV, section 3.

Thus, before the District of Columbia may be admitted to the Union as a state, the Constitution would have to be amended. Such an amendment, however, would be unwise.

II. THE SOUND HISTORICAL REASONS FOR A FEDERAL DISTRICT STILL OPERATE TODAY

In the Founders' view, a federal enclave where Congress could exercise complete authority, insulating itself from insult and securing its deliberations from interruption, was an "indispensable necessity." They settled upon the device of a federal district as the means by which the federal government might remain independent of the influence of any single state, to avoid, in the words of Virginia's George Mason, "a provincial tincture to ye Natl. deliberations."

The passing years have, if anything, increased the need for ultimate congressional control of the federal city. The District is an integral part of the operations of the nation's government, which depends upon a much more complex array of services, utilities, transportation facilities, and communication networks than it did at the Founding. If the District were to become a state, its financial problems, labor troubles, and other concerns would still affect the federal government's operations. Congress, however, would be deprived of a direct, controlling voice in the resolution of such problems. In a very real sense, the federal government would be dependent upon the State of Columbia for its day to day existence.

The retention of congressional authority over a much reduced federal enclave would not solve this problem. The Founder's contemplated more than a cluster of buildings, however grand, and their surrounding parks and gardens as the national capital. The creation of a new "federal town" was intended, in large part so that Congress could independently control the basic services necessary to the operation of the federal government. As former Senator Birch Bayh pointed out in 1978, "when our Founding Fathers established this as a capital city . . . they did not just establish a place that should be the Federal city and say this is where the Federal buildings are. But they envisioned this as a viable city, a capital city with people who work, have businesses, and have transportation lines, and homes. The essential establishment of the Nation's Capital was not an establishment of the Nation's Federal buildings but the Nation's city."

Further, there remain virtually insurmountable practical problems with District statehood. The operations of the federal government sprawl over the District. As a result, the new "state" would be honeycombed with federal installations, its territory fragmented by competing jurisdictions. As Assistant Attorney General Patricia Wald asked while testifying on behalf of the Carter Administration, regarding the proposed 1978 District amendment, "[w]ould the remaining non-Federal area constitute in any real sense a geographically homogeneous entity that justifies statehood?" It was for these very reasons that former Mayor Washington expressed doubts about statehood for the District. In 1975 he commented that the city of Washington is "so physically, and economically and socially bound together that I would have problems with statehood

in terms of exacting from it some enclaves, or little enclaves all around the city. Ultimately, it seems to me, that would erode the very fabric of the city itself, and the viability of the city."

Finally, in a very real sense the District belongs not only to those who reside within its borders, but to the Nation as a whole. In opposing statehood for the District in 1978, Senator Bayh, an otherwise ardent proponent of direct District participation in congressional elections, eloquently summed up the objection: "I guess as a Senator from Indiana I hate to see us taking the Nation's Capital from [5,000,000] Hoosiers. It is part ours. I do not see why the District should be a State because it is, indeed, the Nation's Capital."

III. THE DISTRICT OF COLUMBIA IS NOT INDEPENDENT OF THE FEDERAL GOVERNMENT

A. Dependence on the Federal Establishment

The states of the American Union are more than merely geographic entities: Each is what has been termed "a proper Madisonian society"—a society composed of a "diversity of interests and financial independence." It is this diversity which guards the liberty of the individual and the rights of minorities. As Madison wrote, "the security for civil rights . . . consists in the multiplicity of interests . . . The degree of security . . . will depend on the number of interests . . . and this may be presumed to depend on the extent of country and number of people comprehended under the same government."

The District of Columbia lacks this essential political requisite for statehood. It has only one significant "industry," government. As a result, the District has one monolithic interest group, those who work for, provide services to, or otherwise deal with, the federal government. The national government was, historically, the city's only reason for being. Close to two-thirds of the District's workforce is employed either directly or indirectly in the business of the federal government. Indeed, in 1982 the District government maintained that, in the Washington Metropolitan area, for every federal worker laid off as a result of government reductions in force, one person would be thrown out of work in the private sector.

The implications of this monolithic interest are far reaching. For instance, the Supreme Court, in *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), has recently decided that the delicate balance between federal and state power is to be guarded primarily by the intrinsic role the states play in the structure of the national government and the political process. The congressional delegation from the District of Columbia, however, would have little interest in preserving the balance between federal and state authority entrusted to it by *Garcia*. The continued centralization of power in the hands of the national government would, in fact, be to the direct benefit of "Columbia" and its residents. Hence; the system of competing sovereignties—designed to preserve our fundamental liberties would be compromised.

B. Economic Dependence

In addition to political independence and diversity, a state must have "sufficient population and resources to support a state government and to provide its share of the cost of the Federal Government." The District of Columbia simply lacks the resources both to support a state government and to provide its fair share of the cost of the federal government. The District is a federal dependency. Annually, in addition to all other fed-

eral aid programs, it receives a direct payment from the federal treasury of a half billion dollars; some \$522 million was budgeted for the District in Fiscal 1987, \$445 million to be paid directly to the District's local government. All in all, District residents outstrip the residents of the states in per capita federal aid by a wide margin. For instance, in 1983 the District received \$2,177 per capita in federal aid, some five and one-half times the national average of \$384.

Not surprisingly, Washington Mayor Marion Barry has plainly stated that the District would still "require the support of the Federal Government" if statehood were granted. The continuation of federal support is ordinarily justified because of the percentage of federal land in the District of Columbia that cannot be taxed by the local government. However, the federal government owns a greater percentage of the land area of 10 states, each of which bears the full burdens of statehood without the sort of massive federal support annually received by the District of Columbia. If the District aspires to statehood, it must be prepared to stand as an equal with the other states in its fiscal affairs.

CONCLUSION

The District of Columbia should not be granted statehood. In our considered opinion, an amendment to the Constitution would be needed before the District could be admitted as a state, and in any case, the reasons that led the Founder's to establish the national capital in a district outside the borders of any state are still valid. The District's special status is an integral part of our system of federalism, which itself was a compromise between pure democracy and the need to secure individual liberties and minority rights. The residents of the District enjoy all of the rights of other citizens, save the right to vote in congressional elections. They exchanged this right, as Mr. Justice Story wrote, for the benefits of living in the "metropolis of a great and noble republic." Instead, "their rights [are] under the immediate protection of the representatives of the whole Union." This was the price of the national capital, and District residents have enjoyed the fruits of this bargain for almost two centuries.

III. PROPOSALS FOR GIVING REPRESENTATION IN CONGRESS TO THE DISTRICT OF COLUMBIA

The numerous schemes proposed over the last two hundred years to give the residents of the federal district some sort of direct voting representation in Congress may be distilled into five basic proposals: (1) legislation to allow the District a voting member in the House of Representatives alone; (2) retrocession of the District of Columbia to Maryland, retaining a truncated federal district; (3) allowing District residents to vote as residents of Maryland in national elections; (4) an amendment to the Constitution to give the District full representation in both House and Senate as if it were a state; and (5) full statehood. None of these proposals offers a sound policy solution, and several appear to be fatally flawed when exposed to constitutional scrutiny.

A. Voting Member in the House of Representatives

From time to time it has been suggested that the District be granted, by simple legislation, a voting member in the House of Representatives. This proposal, however, runs into significant constitutional difficulties.

Those sections of the Constitution which define the political structure of the federal

government speak uniformly in terms of the states and their citizens. Article I, section 2 provides that, "[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States No person shall be a Representative . . . who shall not, when elected, be an Inhabitant of that State in which he shall be chosen." Article I, section 3 provides that, "[t]he Senate of the United States shall be composed of two Senators from each State No Person shall be a Senator. . . . who shall not, when elected, be an Inhabitant of that State for which he shall be chosen." With respect to the election of the President, Article II, section 1 provides that, "[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress." The Seventeenth Amendment directs that "[t]he Senate of the United States shall be composed of two Senators from each State, elected by the people thereof." In short, "[d]irect representation in the Congress by a voting member has never been a right of United States citizenship. Instead, the right to be so represented has been a right of the citizens of the States."

The word "state" as used in Article I may not be interpreted to include the District of Columbia, even though as a "distinct political society" it might qualify under a more general definition of that term. Consistent with the intent of the Framers, such arguments were properly dismissed long ago by Chief Justice Marshall in *Hepburn v. Ellzey*. In that case, plaintiffs, residents of the District, claimed that they were citizens of a state for purposes of diversity jurisdiction in the federal courts. The Court rejected this position. Marshall reasoned that Congress had adopted the definition of "state" as found in the Constitution in the act providing for diversity jurisdiction, and that the capital could not be considered such a "state". Citing Article I, sections 2 and 3, and Article II, section 1, he concluded that "the members of the American confederacy only are the states contemplated." "These clauses show that the word state is used in the constitution as designating a member of the union, and excludes from the term the significance attached to it by writers on the law of nations." Congress, to be sure, has often treated the District of Columbia as a state for purposes of statutory benefit programs. It is customarily included in the major federal grant programs by the well-worn phrase "for purposes of this legislation, the term 'State' shall include the District of Columbia." The courts, also, have occasionally interpreted the word "state" to include the District of Columbia. However, the District has never been automatically included under the term "state" even in federal statutes. In *District of Columbia v. Carter*, the Supreme Court held that it was not a "State or Territory" under 42 U.S.C. §1983, which creates a federal cause of action for civil rights violations under color of state law. Under the test articulated by Justice Brennan in that case, "[w]hether the District of Columbia constitutes a 'State or Territory' within the meaning of any particular statutory or constitutional provision depends upon the character and aim of the specific provision involved." In any event, allowing the District to participate on an equal footing with the states in federal statutory programs is different in kind from reading the language of the Constitution itself in such a way as to allow alteration of the very composition of the Congress by legislative fiat.

The Constitutional mandate is clear. Only United States citizens who are also citizens of a state are entitled to elect members of Congress. This is hardly a novel proposition. There are many different levels of rights recognized in our system. Aliens, for instance, enjoy certain basic rights, including the benefit of the Equal Protection Clause but are not citizens of the United States and have no vote. The residents of United States possessions overseas also enjoy the protection of the Constitution, but may not vote in federal elections. Many of them are United States citizens—the residents of Puerto Rico and Guam, for instance, fit this category. Like the residents of the District of Columbia, American citizens who are not also citizens of a state do not participate in congressional elections, and they never have enjoyed such participation. The residents of the District of Columbia may not participate directly in congressional elections without becoming citizens of a state, or without an amendment to the Constitution.

Mr. MCCONNELL. Mr. President, a few weeks ago, I had the honor of raising my right hand and reciting a solemn oath required by the Constitution itself. According to that oath, the first and last duty of a U.S. Senator is to support and defend the U.S. Constitution. By opposing the legislation before us, I believe I am doing both.

The Constitution is short because its authors wanted to be clear, and on the issue of congressional representation they could not have been more so. According to Article I, Section II, only States elect Members of Congress. And, according to the same article, the seat of the Federal Government is not to be considered a State. So the question before us is not whether the Framers meant for the seat of Government to have representation in Congress. They clearly did not. Rather, the question before us is why they didn't want the seat of Government to have representation. And, as a follow-up: What recourse did they leave those who might want to revise what they had written.

In answer to the first question, the Framers opposed statehood for a number of good reasons. First, they didn't want the Federal Government to be beholden to a single State, a situation that would of course unfairly benefit the residents of that State, either materially or through added prestige, at the expense of all the other States. Second, they wanted the Federal Government to have the freedom to relocate if the need arose.

This was not an easy issue for the Framers. But the plain text of the Constitution leaves no doubt as to how they came down on the question: In the end, they decided the interests of the whole were best served by carving out a Federal district that stood apart from the States. This way Federal officials would be able to protect the interests of the whole and give the Federal Government the freedom it would need to operate with complete independence and freedom of movement.

Clearly, not everyone is satisfied with the result. But there should be no

doubt about what the words of the Constitution says—not just on the day it was ratified, but throughout our history.

The 23rd amendment, for instance, gave Washington, DC the same number of electoral votes that it would receive as “if it were a state.” What this means, of course, is that at the time this amendment was ratified in 1961, no one was under the illusion that DC was a State—or that it should be treated as one, short of a constitutional amendment.

Clearly, the Framers recognized the deficiencies of the final product. In creating a Federal district, they knew permanent residents of that district would lack representation in Congress. And this is why they left us a remedy within the Constitution itself. If and when the “People of the United States” wished to revise the U.S. Constitution, they could do so by amending it, just as they did in 1961.

The process of amendment is clearly outlined in article V, and it has served the American people well for more than two centuries. Over the years, we have amended our founding document 27 times. From eradicating slavery, to securing the right to vote for women, to putting a limit on the years a President can serve in office, the people of the United States have used the amendment process as the way to secure or expand rights.

So the surest way to honor the aspirations of DC residents is to pursue a remedy which respects the Constitution. One way is through a constitutional amendment that uses the same language as the bill before us. Another would be to allow the residents of the District to vote as if they were residents of a bordering State, or even to declare them residents of a bordering State.

As the Senate's greatest student and fiercest living guardian of the Constitution, the senior Senator from West Virginia, said just last year on the Senate floor:

If we wish to grant representatives of the citizens of the District of Columbia full voting rights, “let us do so, once again, the proper way, by passing a resolution to amend the Constitution consistent with its own terms.”

The bottom line is this: Any proposal to secure the right to vote must honor the Constitution, which Lincoln called the “only safeguard of our liberties.” Anything less would violate the oath we have sworn to uphold, and would guarantee a challenge in the courts that would only further prolong this debate.

The better way is the surer way—and that's the constitutional way.

I will oppose this proposal. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, in a few moments the Senator from Cali-

fornia, Senator FEINSTEIN, is scheduled to be here to speak on the Ensign amendment and I will yield to her to vote at 3:45. But I say we are coming to a pivotal moment in a march that has gone on for years and years now. In some sense it goes back more than two centuries when—for reasons that are hard for historians let alone Senators to fathom, the District was established as a National Capital, separated from the State to which it had been attached before—an omission was made that was grave and inconsistent with the founding principles of this country. The residents of this National Capital of the greatest democracy of the world were left without a Representative here in Congress who could vote. In a government premised on the consent of the governed, the 600,000 residents of the District today do not have a voting Representative here in Congress.

If you step back, it is actually unbelievable. No one has argued that this is somehow a just result. The fact is that it is patently unjust and un-American, in the sense of a violation of the best principles of this country, of freedom, of democracy, of the Republic based on the votes of the people. So the argument against the proposal that has come out of the committee that I am privileged to chair, that enjoys bipartisan support, is nonetheless that this is not quite the right way to do it.

I understand those who have argued against our proposal have said that the Constitution does not allow us to do it quite this way; that it requires a constitutional amendment. The effect of this I think is to say to the residents of the District: Wait a little while longer. It has only been a couple of hundred years that you have been denied a voting Representative.

That is not fair. In fact, the preponderance of constitutional opinion is that the so-called District clause occupies the field and gives us the opportunity to right this historic wrong. Over and over again, notwithstanding the clause my colleagues rely on which says that the House shall be composed of Members chosen by the people of the several States—they emphasize States—yet in decision after decision the Supreme Court of the United States has said that the District should be considered as a State or else its citizens will be denied equal protection; due process as a State for purposes of the interstate commerce clause; as I stated, for the purposes of diversity of jurisdiction, the opportunity for people to gain access to Federal courts for the right of trial by jury. So the Supreme Court of the United States has made very clear that the District, even when the Constitution refers to States, should be considered as a State. There may be a constitutional argument on the other side; I do not think it is a compelling argument. But if you accept the injustice of the status quo for

the residents of the District, an unacceptable injustice that is an embarrassment to this great democracy of ours, then even if you think what S. 160 does is not constitutional, vote to end the injustice because the proposal, S. 160 itself, provides for expedited appeal to the court to determine the constitutionality.

After all, there is always debate. No one knowingly votes for something they think is unconstitutional. Yet there are so many times when we have to acknowledge, as powerful as this great deliberative body is, we are not the ultimate arbiter of constitutionality. That privilege, that power, was given by the Constitution to the judicial branch of our Government.

So I hope, my friends, as we draw close to the hour of decision, that my colleagues, whatever their conclusion about the constitutionality is, will vote to end the injustice imposed on residents of the District. I have always believed America is many things, but in this sense, is a journey. It is a journey historically to realize the extraordinary revolutionary principles adopted in our Declaration of Independence and Constitution that have been followed by so many other countries since the great statement in the Declaration of Independence, those self-evident truths, that all of us are created equal; we are endowed by our creator with these inalienable rights to life and liberty and the pursuit of happiness.

The Constitution enshrines a system of representative government, a great republic, government by the consent of the governed. But we must acknowledge that at the outset of our history, as lofty as the principles were embraced and expressed in the Declaration and the Constitution, they were not fully realized at the outset of our history. People of color, African Americans, were not only denied the rights of citizenship but were only counted three-fifths the equal of Whites. Women did not have the right to vote. Many men did not have the right to vote because the vote in most States was limited to those who owned land.

So over our history, we have been on this extraordinary journey to realize, generation after generation, the ideals stated by our Founders. Of course, in many cases it took too long, but here we are in a country where voting, at least, has been extended fully to most people in our country—the right to vote, the right to have voting representation in Congress. Yet there is this growth remaining; 600,000 of our fellow Americans get taxed, get called to war, get regulated and supervised and everything else, and yet have no say here with a vote by a Representative in the House of Representatives. That is what this bill would do.

It is not a small step, it is a significant, historic step forward on the journey to realize the best principles of

this great Republic. When the time comes, I hope and believe our colleagues in both parties will finally right this wrong and extend voting representation in the House to residents of the District.

I am pleased to see the Senator from California on the Senate floor, and I would yield to her at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. I rise today to speak in strong opposition to amendment No. 575 offered by Senator ENSIGN.

I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence on the streets of our Nation's Capital. It will endanger the citizens of the District, the Government employees who work here, our elected officials, and those who visit this great American Capitol. And, of course, if successful, it will be the first new step in a march to remove all commonsense gun regulations all over this land.

The Ensign amendment repeals gun laws promoting public safety, including DC laws that the U.S. Supreme Court indicated were permissible under the second amendment in the Heller decision. I strongly disagree with the Supreme Court decision in Heller that the second amendment gives individuals a right to possess weapons for private purposes not related to State militias, and that the Constitution does not permit a general ban on handguns in the home. But that is the law. It has been adjudicated. It has gone up to the highest Court, and I am one who believes if we do not like the law, we should try to make changes through the proper legal channels.

However, it is important to note that Heller also stands for the proposition that reasonable, commonsense gun regulations are entirely permissible. As the author of the original assault weapons ban that was enacted in 1994, I know commonsense gun regulations do make our communities safer, while at the same time respecting the rights of sportsmen and others to keep and bear arms.

Justice Scalia wrote in the majority opinion on the Heller case that a wide variety of gun laws are “presumptively lawful,” including the laws “forbidding the carrying of firearms in sensitive places” and regulations governing “the conditions and qualifications of the commercial sale of arms.”

I cannot think of any place more sensitive than the District of Columbia. Even bans on “dangerous and unusual weapons” are completely appropriate under the Heller decision. So it is interesting to me that you have this decision, and then you have the Senate moving even to obliterate what is allowable under the decision.

Senator ENSIGN's amendment completely ignores Heller's language and

takes the approach that all guns for all people at all times is called for by Heller. It is not.

We have all seen the tragic consequences of gun violence: the massacre of students at Virginia Tech University in 2007, the murders at Columbine High School in Colorado, the North Hollywood shootout where bank robbers carrying automatic weapons and shooting armor-piercing bullets shot 10 Los Angeles Police Department SWAT officers and seven civilians before being stopped.

We have seen criminal street gangs able to buy weapons at gun shows and out of the back seats or the trunks of automobiles. We have seen their bullets kill hundreds, if not thousands of people across this great land, men, women, and children.

As Senator SCHUMER said, if this amendment becomes law, even if you cannot see, even if you cannot pass a sight test, you can have access to firearms. That is not what this Nation should encourage. Those incidents and the gun violence that occurs every day across this country show us that we should be doing more, not less, to keep guns out of the hands of criminals and the mentally ill and not give them unfettered access to firearms.

It is worth noting just how far this amendment goes in repealing DC law and just how unsafe it will make the streets of this capital. Here is what it would do: It would repeal DC's ban on semiautomatic weapons, including assault weapons.

If this amendment becomes law, military-style assault weapons with high-capacity magazines will be allowed to be stockpiled in homes and businesses in the District, even near Federal buildings such as the White House and the Capitol. Even the .50 caliber sniper rifle, with a range of over 1 mile, will be allowed in DC under this amendment. This is a weapon capable of firing rounds that can penetrate concrete and armor plating. And at least one model of the .50 caliber sniper rifle is easily concealed and transported. One gun manufacturer describes this model as a “lightweight and tactical” weapon and capable of being collapsed and carried in “a very small inconspicuous package.”

Is this what we want to do? There is simply no good reason anyone needs semiautomatic, military-style assault weapons in an urban community. It is unfathomable to me that the same high-powered sniper rifle used by our Armed Forces will be permitted in the Nation's Capitol. Yet this is exactly what the amendment would allow if passed by the Senate.

Next, the amendment would repeal existing Federal antigun trafficking laws. For years, Federal law has banned gun dealers from selling handguns directly to out-of-State buyers who are not licensed firearms dealers.

This has helped substantially in the fight against illegal interstate gun trafficking, and it has prevented criminals from traveling to other States to buy guns.

Senator ENSIGN's amendment repeals this longstanding Federal law and allows DC residents to cross State lines to buy handguns in neighboring States. Illegal gun traffickers will be able to easily obtain large quantities of firearms outside of DC and then distribute those guns to criminals in DC and in surrounding States.

And no one should be so naive as to say that this amendment will not do this. It will. The amendment repeals DC law restricting the ability of dangerous and unqualified people to obtain guns. The amendment also repeals many of the gun regulations that the Supreme Court said were completely appropriate after Heller.

So all of those who will vote for this amendment should not do so thinking they are just complying with the Heller decision. This is part of a march forward by gun lobby interests in this country to begin to remove all commonsense regulations, and no one should think it is anything else.

This would repeal the DC prohibition on persons under the age of 21 from possessing firearms, and it repeals all age limits for the possession of long guns, including assault weapons.

Do we really want that? I think of the story of an 11-year-old who had a reduced barreled shotgun and just recently killed somebody with it. Is this what we want to see all over this country, the ability of virtually anyone to obtain a firearm regardless of their age? I don't think so.

The amendment even repeals the DC law prohibiting gun possession by people who have poor vision. I heard Senator SCHUMER speak about this yesterday afternoon. Unbelievably, under this amendment, the District would be barred from having any vision requirement for gun use, even if someone is blind. Is this the kind of public policy we want to make for our Nation? Is this how co-opted this body is to the National Rifle Association and others? I hope not.

The amendment before the Senate repeals all firearm registration requirements in the District, making it even more difficult for law enforcement to trace guns used in crimes and track down the registered owner. The amendment repeals all existing safe-storage laws and prohibits the District from enacting any additional safe-storage laws.

After the Heller decision, the District passed emergency legislation to allow guns to be unlocked for self-defense, but requiring that they otherwise be kept locked to keep guns out of the hands of children and criminals. We all ought to want that.

The Ensign amendment repeals even this modest limitation and prevents

the District of Columbia City Council from enacting any law that discourages, whatever that means, gun ownership or requiring the safe storage of firearms. How can we, in the Capitol of the United States where we have had so many tragic events, possibly do this? This is simply ridiculous and goes well beyond the Supreme Court's ruling in Heller.

Think about what this means. Consider that every major gun manufacturer recommends that guns be kept unloaded, locked, and kept in a safe place. Under this amendment, the District could not enact any legislation requiring that guns be stored in a safe place, even in homes with children. How can anyone believe this broad-brush amendment is the right thing to do? How can any of us believe it provides protection for the people we represent?

Let me make one other point. The American people clearly do not agree with this amendment. Last fall, when a virtually identical bill was being considered in the House of Representatives, a national poll found that 69 percent of Americans opposed Congress passing a law to eliminate the District's gun laws, 69 percent. That is about as good as we get on any controversial issue. Additionally, 60 percent of Americans believe Washington will become less safe if Congress takes this step.

Is this what we want? Do we want the Capitol of the United States to become less safe? I don't think so. Today, if this amendment passes in the Senate, it will be directly against the wishes of the American people. It will not pass because it is good public policy, it will only be passed to placate the National Rifle Association. I say for shame.

As a former mayor who saw firsthand what happens when guns fall into the hands of criminals, juveniles, and the mentally ill, I believe this amendment places the families of the District of Columbia in great jeopardy. The amendment puts innocent lives at stake. It is an affront to the public safety of the District. It is an affront to local home rule. This isn't just a bad amendment; it is a very dangerous one. I very strongly urge Senators to join me in opposing it.

Mr. President, when this bill was tried in the House a year ago, a poll was done nationally in which 69 percent of the people were against it. I have to believe a dominant majority would still be against it. I urge a no vote on the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. ENSIGN. Mr. President, I wish to clear up a couple of misstatements made by the other side. First, they said that somebody who is mentally ill could get a gun under this provision. That is not the case. We basically take

the Federal definition which does not allow people who are mentally ill to get guns because reasonable background checks can be required and should be required so that somebody who is mentally ill won't get a gun. We don't want to see a Virginia Tech type of a situation happen again. This amendment does not allow it.

The bottom line is, the District of Columbia has the highest murder rate. It has had the highest murder rate, and that rate has gone up as the District has enacted stricter and stricter gun control laws. As the Senator from California said, we want to protect citizens. Shouldn't we do what other places have done and allow law-abiding citizens to actually own guns? That is what the amendment provides. It says: Let's protect the second amendment rights for law-abiding District of Columbia residents so they can protect themselves against intruders coming into their homes.

Criminals are going to get their guns. We know that. Criminals get their guns in DC and around the country. They do it through the black market. In DC, they can go right across the border and get a gun pretty easily. We want to make sure that law-abiding citizens are able to get guns and to protect themselves. That is the basis for this amendment, to say: Let's uphold the Supreme Court. Let's make sure we protect the second amendment rights of citizens in the District of Columbia. We are exercising our constitutional duty both with oversight over the District of Columbia and by protecting the second amendment rights of our citizens.

I urge a ye vote on the amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, Senator REID wishes to speak for 2 minutes before the vote. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I ask for the yeas and nays on amendment No. 575.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote commence upon completion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have had a good debate on this bill. It has gone on all week. I thank my colleagues on both sides of the aisle for a very productive, intelligent conversation. The Senate today is moving to right a century's-old wrong. It is inexcusable and indefensible that nearly 600,000 people who live in the District of Columbia don't enjoy a voice in Congress as do other American citizens. We are the only democracy in the world that denies citizens of its capital—our capital, Washington, DC—the right to vote in a national legislature in any way. Residents of Washington, DC pay taxes. They sit on juries. They serve bravely in the armed services. Yet they are provided only a delegate in Congress who is not permitted to vote. This injustice has stood for far too long. Shadow representation is shadow citizenship and is offensive to our democracy.

I hope the bill will pass today. It is a bill that is fair, bipartisan, and long overdue. If we can send American soldiers to fight for democracy around the world and ensure citizens of other nations that they have a right to vote, the least we can do is give the same opportunity to fellow Americans in the shadow of this great Capitol. We will shortly vote on a bill that honors the residents of the District who responsibly meet every single expectation of American citizenship but are denied one of the most basic civil rights in return.

I commend Chairman LIEBERMAN, who has taken leadership on this issue for no reason or agenda other than he believes it is right to do this.

I urge all Senators to vote for this measure.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 575, offered by the Senator from Nevada, Mr. ENSIGN. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—62

Alexander	DeMint	McConnell
Barrasso	Dorgan	Murkowski
Baucus	Ensign	Nelson (NE)
Bayh	Enzi	Pryor
Begich	Feingold	Reid
Bennet	Graham	Risch
Bennett	Grassley	Roberts
Bond	Gregg	Sessions
Brownback	Hagan	Shelby
Bunning	Hatch	Snowe
Burr	Hutchison	Specter
Byrd	Inhofe	Tester
Casey	Isakson	Thune
Chambliss	Johanns	Udall (CO)
Coburn	Johnson	Udall (NM)
Cochran	Kyl	Vitter
Collins	Landrieu	Voinovich
Conrad	Lincoln	Warner
Corker	Martinez	Webb
Cornyn	McCain	Wicker
Crapo	McCaskey	

NAYS—36

Akaka	Harkin	Merkley
Bingaman	Inouye	Mikulski
Boxer	Kaufman	Murray
Brown	Kerry	Nelson (FL)
Burris	Klobuchar	Reed
Cantwell	Kohl	Rockefeller
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Dodd	Levin	Shaheen
Durbin	Lieberman	Stabenow
Feinstein	Lugar	Whitehouse
Gillibrand	Menendez	Wyden

NOT VOTING—1

Kennedy

The amendment (No. 575) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, this will be the last vote this week. We hope to be able to get to the omnibus on Monday. We are going to be on the omnibus one way or the other on Monday. I will file cloture on the matter if I have to, but I think we are going to move to that Monday. We have a lot of work to do. The CR expires on Friday. I have had conversations today with the Republican leader. We both understand the urgency of trying to get this done. We are going to try to have as many amendments as time will allow. People should be here ready to move on this bill as soon as we are able to get to it. I have already heard from a couple of Senators who have amendments ready to go. What we will try to do is alternate sides on amendments and hopefully finish it on Thursday. Next Friday is supposed to be a nonvoting day. We hope we can keep it that way, but this is an important piece of legislation we must complete.

This is the last vote for the day.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—61

Akaka	Harkin	Nelson (NE)
Bayh	Hatch	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	Lugar	Voinovich
Dorgan	McCaskey	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Gillibrand	Murray	
Hagan	Nelson (FL)	

NAYS—37

Alexander	Cornyn	Martinez
Barrasso	Crapo	McCain
Baucus	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Shelby
Byrd	Hutchison	Thune
Chambliss	Inhofe	Vitter
Coburn	Isakson	Wicker
Cochran	Johanns	
Corker	Kyl	

NOT VOTING—1

Kennedy

The bill (S. 160), as amended, was passed, as follows:

S. 160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

SECTION 1. SHORT TITLE.

This Act may be cited as the “District of Columbia House Voting Rights Act of 2009”.

SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.

(a) CONGRESSIONAL DISTRICT AND NO SENATE REPRESENTATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia shall be considered a congressional district for purposes of representation in the House of Representatives.

(2) NO REPRESENTATION PROVIDED IN SENATE.—The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), is amended by adding at the end the following new subsection:

“(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.”.

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking “come into office;” and inserting “come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);”.

SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the 112th Congress, or the first Congress sworn in after the implementation of this Act, and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including the Member representing the District of Columbia pursuant to section 2(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking “the then existing number of Representatives” and inserting “the number of Representatives established with respect to the 112th Congress, or the first Congress sworn in after implementation of the District of Columbia House Voting Rights Act of 2009”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) TRANSMITTAL OF REVISED APPORTIONMENT INFORMATION BY PRESIDENT.—

(1) STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), to take into account this Act and the amendments made by this Act. The statement shall reflect that the District of Columbia is entitled to one Representative and shall identify the other State entitled to one representative under this section. Pursuant to section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act, and the regular decennial census conducted for 2000, the State entitled to the one additional representative is Utah.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment

under paragraph (1), the Clerk of the House of Representatives shall submit a report to the Speaker of the House of Representatives indicating that the District of Columbia is entitled to one Representative and identifying the State which is entitled to one additional Representative pursuant to this section. Pursuant to section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act, and the regular decennial census conducted for 2000, the State entitled to the one additional representative is Utah.

(3) ADDITIONAL STATEMENTS AND REPORTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and following the revised statement of apportionment and subsequent report under paragraphs (1) and (2), the Statement of Apportionment by the President and subsequent reports by the Clerk of the House of Representatives shall continue to be issued at the intervals and pursuant to the methodology specified under section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act.

(B) FAILURE TO COMPLETE.—In the event that the revised statement of apportionment and subsequent report under paragraphs (1) and (2) can not be completed prior to the issuance of the regular statement of apportionment and subsequent report under section 22 of the Act entitled “An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act, the President and Clerk may disregard paragraphs (1) and (2).

SEC. 4. UTAH REDISTRICTING PLAN.

The general election for the additional Representative to which the State of Utah is entitled for the 112th Congress, pursuant to section 3(c), shall be elected pursuant to a redistricting plan enacted by the State, such as the plan the State of Utah signed into law on December 5, 2006, which—

(1) revises the boundaries of congressional districts in the State to take into account the additional Representative to which the State is entitled under section 3; and

(2) remains in effect until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010.

SEC. 5. EFFECTIVE DATE.

The additional Representative other than the Representative from the District of Columbia, pursuant to section 3(c), and the Representative from the District of Columbia shall be sworn in and seated as Members of the House of Representatives on the same date as other Members of the 112th Congress or the first Congress sworn in after implementation of this Act.

SEC. 6. CONFORMING AMENDMENTS.

(a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.—

(1) REPEAL OF OFFICE.—

(A) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91-405; sections 1-401 and 1-402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(B) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(2) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended as follows:

(A) In section 1 (sec. 1-1001.01, D.C. Official Code), by striking “the Delegate to the House of Representatives,” and inserting “the Representative in Congress,”.

(B) In section 2 (sec. 1-1001.02, D.C. Official Code)—

(i) by striking paragraph (6); and

(ii) in paragraph (13), by striking “the Delegate to Congress for the District of Columbia,” and inserting “the Representative in Congress,”.

(C) In section 8 (sec. 1-1001.08, D.C. Official Code)—

(i) in the heading, by striking “Delegate” and inserting “Representative”; and

(ii) by striking “Delegate,” each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1) and inserting “Representative in Congress,”.

(D) In section 10 (sec. 1-1001.10, D.C. Official Code)—

(i) in subsection (a)(3)(A)—

(I) by striking “or section 206(a) of the District of Columbia Delegate Act”; and

(II) by striking “the office of Delegate to the House of Representatives” and inserting “the office of Representative in Congress”;

(ii) in subsection (d)(1), by striking “Delegate,” each place it appears; and

(iii) in subsection (d)(2)—

(I) by striking “(A) In the event” and all that follows through “term of office,” and inserting “In the event that a vacancy occurs in the office of Representative in Congress before May 1 of the last year of the Representative’s term of office,”; and

(II) by striking subparagraph (B).

(E) In section 11(a)(2) (sec. 1-1001.11(a)(2), D.C. Official Code), by striking “Delegate to the House of Representatives,” and inserting “Representative in Congress,”.

(F) In section 15(b) (sec. 1-1001.15(b), D.C. Official Code), by striking “Delegate,” and inserting “Representative in Congress,”.

(G) In section 17(a) (sec. 1-1001.17(a), D.C. Official Code), by striking “the Delegate to Congress from the District of Columbia” and inserting “the Representative in Congress”.

(b) REPEAL OF OFFICE OF STATEHOOD REPRESENTATIVE.—

(1) IN GENERAL.—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1-123, D.C. Official Code) is amended as follows:

(A) By striking “offices of Senator and Representative” each place it appears in subsection (d) and inserting “office of Senator”.

(B) In subsection (d)(2)—

(i) by striking “a Representative or”;

(ii) by striking “the Representative or”; and

(iii) by striking “Representative shall be elected for a 2-year term and each”.

(C) In subsection (d)(3)(A), by striking “and 1 United States Representative”.

(D) By striking “Representative or” each place it appears in subsections (e), (f), (g), and (h).

(E) By striking “Representative’s or” each place it appears in subsections (g) and (h).

(2) CONFORMING AMENDMENTS.—

(A) STATEHOOD COMMISSION.—Section 6 of such Initiative (sec. 1-125, D.C. Official Code) is amended—

(i) in subsection (a)—

(I) by striking “27 voting members” and inserting “26 voting members”;

(II) by adding “and” at the end of paragraph (5); and

(III) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6); and

(ii) in subsection (a-1)(1), by striking subparagraph (H).

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Initiative (sec. 1-127, D.C. Official Code) is amended by striking “and House”.

(C) APPLICATION OF HONORARIA LIMITATIONS.—Section 4 of D.C. Law 8-135 (sec. 1-131, D.C. Official Code) is amended by striking “or Representative” each place it appears.

(D) APPLICATION OF CAMPAIGN FINANCE LAWS.—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1-135, D.C. Official Code) is amended by striking “and United States Representative”.

(E) DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended—

(i) in section 2(13) (sec. 1-1001.02(13), D.C. Official Code), by striking “United States Senator and Representative,” and inserting “United States Senator,”; and

(ii) in section 10(d) (sec. 1-1001.10(d)(3), D.C. Official Code), by striking “United States Representative or”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(C) CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO SERVICE ACADEMIES.—

(1) UNITED STATES MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking “the District of Columbia,”.

(2) UNITED STATES NAVAL ACADEMY.—Such title is amended—

(A) in section 6954(a), by striking paragraph (5); and

(B) in section 6958(b), by striking “the District of Columbia,”.

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking “the District of Columbia,”.

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

SEC. 7. NONSEVERABILITY OF PROVISIONS AND NONAPPLICABILITY.

(a) NONSEVERABILITY.—If any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Act or any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

(b) NONAPPLICABILITY.—Nothing in the Act shall be construed to affect the first reapportionment occurring after the regular decennial census conducted for 2010 if this Act has not taken effect.

SEC. 8. JUDICIAL REVIEW.

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

SEC. 9. FCC AUTHORITIES.

(a) CLARIFICATION OF GENERAL POWERS.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

“SEC. 303B. CLARIFICATION OF GENERAL POWERS.

“(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—The Commission shall take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

“(b) CONSTRUCTION.—Nothing in section 303A shall be construed to limit the authority of the Commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.”.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

SEC. 10. FAIRNESS DOCTRINE PROHIBITED.

(a) LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.

“Notwithstanding section 303 or any other provision of this Act or any other Act au-

thorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

“(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the ‘Fairness Doctrine,’ as repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

“(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.”.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

TITLE II—SECOND AMENDMENT ENFORCEMENT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the “Second Amendment Enforcement Act”.

SEC. 202. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners’ Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia’s law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 203. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled "An Act to prohibit the killing of wild birds and wild animals in the District of Columbia", approved June 30, 1906 (34 Stat. 809; sec. 1-303.43, D.C. Official Code) is amended by adding at the end the following: "Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person."

SEC. 204. REPEAL D.C. SEMIAUTOMATIC BAN.

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

"(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person."

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4501(c), D.C. Official Code) is amended to read as follows:

"(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975."

SEC. 205. REPEAL REGISTRATION REQUIREMENT.

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01(a), D.C. Official Code) is amended by striking "any firearm, unless" and all that follows through paragraph (3) and inserting the following: "any firearm described in subsection (c)."

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

"(c) A firearm described in this subsection is any of the following:

"(1) A sawed-off shotgun.

"(2) A machine gun.

"(3) A short-barreled rifle."

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by striking "Registration requirements" and inserting "Firearm Possession".

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms

Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7-2502.02 through 7-2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7-2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7-2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking "the District;" and all that follows and inserting the following: "the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act."; and

(B) in subsection (b), by striking "which are unregistrable under section 202" and inserting "which are prohibited under section 201".

(4) Section 402 (sec. 7-2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking "Any person eligible to register a firearm" and all that follows through "such business," and inserting the following: "Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,"; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

"(1) The applicant's name;"

(5) Section 403(b) (sec. 7-2504.03(b), D.C. Official Code) is amended by striking "registration certificate" and inserting "dealer's license".

(6) Section 404(a)(3) (sec. 7-2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking "registration certificate number (if any) of the firearm,";

(B) in subparagraph (B)(iv), by striking "holding the registration certificate" and inserting "from whom it was received for repair";

(C) in subparagraph (C)(i), by striking "and registration certificate number (if any) of the firearm";

(D) in subparagraph (C)(ii), by striking "registration certificate number or"; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7-2504.06(c), D.C. Official Code) is amended to read as follows:

"(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

"(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

"(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory."

(8) Section 407(b) (sec. 7-2504.07(b), D.C. Official Code) is amended by striking "would not be eligible" and all that follows and inserting "is prohibited from possessing or receiving a firearm under Federal or District law."

(9) Section 502 (sec. 7-2505.02, D.C. Official Code) is amended—

(A) by amending subsection (a) to read as follows:

"(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer."

(B) by amending subsection (c) to read as follows:

"(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or or-

ganization not otherwise prohibited from possessing or receiving such firearm under Federal or District law."

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7-2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking "any registration certificate or" and inserting "a"; and

(B) in subsection (b), by striking "registration certificate,".

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7-2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking "or ignoring proof of the purchaser's residence in the District of Columbia"; and

(2) in subparagraph (B), by striking "registration and".

SEC. 206. REPEAL HANDGUN AMMUNITION BAN.

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7-2506.01(3), D.C. Official Code) is amended by striking "is the holder of the valid registration certificate for" and inserting "owns".

SEC. 207. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

SEC. 208. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.06, D.C. Official Code) is amended—

(1) by striking "that:" and all that follows through "(1) A" and inserting "that a"; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 209. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking "a pistol," and inserting the following: "except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,"; and

(2) by striking "except that:" and all that follows through "(2) If the violation" and inserting "except that if the violation".

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22-4505, D.C. Official Code) is amended—

(1) by striking "pistol" each place it appears and inserting "firearm"; and

(2) by striking "pistols" each place it appears and inserting "firearms".

SEC. 210. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after "other than a State in which the licensee's place of business is located" the following: ", or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,".

SEC. 211. REPEALS OF DISTRICT OF COLUMBIA ACTS.

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as

passed by the District of Columbia, are repealed.

SEC. 212. SEVERABILITY.

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Madam President, I rise today to thank my colleagues for voting to pass the historic District of Columbia House Voting Rights Act of 2009 and giving the citizens who live in the capital of the free world the right to exercise that most basic of freedoms—the right to choose who governs them.

Passage of this act is another step on our long march to make our democracy ever more inclusive.

Thomas Jefferson once wrote:

It is by their votes the people exercise their sovereignty.

But when Jefferson wrote those words only a small pool of white landowners got to choose who governed them.

Since then, through acts of state legislatures, the Congress and the courts the right to vote has been extended to men over 21—regardless of property ownership—to newly freed black men who, along with their families, had previously counted as just three fifths of a person, and then to women and to 18 year olds.

And after extending those rights we further decided that each of these votes should count equally—“one man, one vote,” and that no one legally entitled to vote could be denied the franchise by a poll tax or voting test.

The men and women of the District—a city of nearly 600,000—fight in our wars and pay Federal taxes; yet, they have no say on issues of war and peace or how their money is spent.

Perhaps the ultimate slight of denying the right to vote to District residents was that if an American were to move abroad, their right to vote in their home State was guaranteed, regardless of how long they remained out of the country. The only way they could lose that right was if they were to either renounce their citizenship or return to the United States and live in Washington, DC.

Today we fixed this situation and we can all be proud of our work.

I want to thank Senator REID for bringing this to the floor and thank his outstanding floor staff—as well as other Democratic and Republican Senate staffers—for their hard work.

And finally, I would like to take a moment to thank Michael Alexander,

Kevin Landy, Holly Idelson Deborah Parkinson, Leslie Phillips, Scott Campbell, David Rosenbaum and the rest of the staff of the Homeland Security and Governmental Affairs Committee staff for their hard work in bringing this bill successfully to the floor of the Senate.

I am proud to share this historic moment with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

CAPTIVE PRIMATE SAFETY ACT

Mrs. BOXER. Madam President, I rise to speak about a terrible thing that happened in his home State. I am going to be asking unanimous consent at the appropriate time to move a bill, H.R. 80, the Captive Primate Safety Act. I will preface it first by saying to my friend, Senator LIEBERMAN, that in his State there was a horrific attack.

Mr. LIEBERMAN. In my hometown.

Mrs. BOXER. Yes. It was an attack by a nonhuman primate—a chimpanzee in this case—that was a household pet, against a woman. Without going into the terrible details, I think the whole country was shocked at what occurred there.

Many of us have been saying for a long time that we need to fix this problem. In 1978, importing nonhuman primates to the U.S. for pet trade was banned by the CDC in regulations. But now you can still trade these primates in the pet trade and sell them for use as pets. We say it is time to end that.

I know Senator COBURN is going to object to our moving this bill which was passed by the House quickly and in a bipartisan way with just a handful of “no” votes. Can’t we come together on this? The fact is, our bill says we are going to ban pet trading of these nonhuman primates, and we are going to get this done one way or another. We will not get it done today because Senator COBURN will object for his reasons. I believe it is important to state that our bill—and this is a Boxer-Vitter bill—has no impact on trade or transportation of animals for zoos or scientific research facilities or other federally licensed and regulated entities. All we are saying is that it is dangerous to keep as a pet a nonhuman primate. We saw this in Connecticut, but that was not the only time. There have been many examples. When we get this done, we will list those. We have been trying to get this passed for a long time. Senator COBURN objected. We will get around it at some point in time.

Primates can harbor many infectious diseases that can readily jump from species to humans. As a result, the CDC, back in 1975, said: No, no importation of those nonhuman primates unless it is for medical reasons or a zoo or to a Federal body that is going to over-

see it. Listen to how many people have been injured. More than 150 people. How about children? Do you care about children? Forty children were injured by these nonhuman primates between 1995 and 2009. Nineteen States, including my own, have prohibited these animals as pets. Fourteen States restrict or partially ban their use as pets because many of these animals move in interstate commerce.

Federal legislation is needed. You would think this is a no-brainer—you would think. Who supports this legislation? Well, the House of Representatives just passed it overwhelmingly on suspension of the rules. It wasn’t even a problem over there. The Humane Society of the United States supports it. The American Veterinary Medical Association supports it. The Association of Zoos and Aquariums supports it. The Jane Goodall Institute supports it. The Wildlife Conservation Society supports it. That is a very small portion. I cannot believe I actually had to come out here today.

With all due respect to my friend, he will have his reasons, but, honestly, I hoped that once in a while we could work together on a bill that is so obvious in its need.

We know these nonhuman primates have not been bred and domesticated over thousands of years like dogs or cats. It is a whole different world there. That is why the veterinarians support us. Nobody loves pets more than the Humane Society. Nobody loves pets more, but they know what can happen. A woman got her face ripped off.

So I am not going to go into the details of the attack at this time, but if I have to I will to get the votes of colleagues.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 80, the Captive Primate Safety Act, which was received from the House; and, further, that the bill be read the third time and passed and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma is recognized.

Mr. COBURN. Reserving the right to object, and I do, I ask unanimous consent to be recognized for 5 minutes to make comments regarding what has just been said.

Mrs. BOXER. Madam President, I ask unanimous consent to have 5 minutes following my friend from Oklahoma, and then I ask unanimous consent that Senator SANDERS have 15 minutes on his subject.

The PRESIDING OFFICER. Objection is heard to proceeding to the measure.

Is there objection? Without objection, it is so ordered.

Mr. COBURN. Madam President, on February 16, 2009, a pet non-human primate, NHP, attacked Ms. Nash, a

friend of the pet's owner—almost killing her. My thoughts and prayers are with Ms. Nash and I am sure I join all of my colleagues in wishing her a speedy and full recovery.

This unfortunate event has rushed consideration of the Captive Primate Safety Act, H.R. 80. H.R. 80 would make it illegal to import, export, transport, sell, receive, acquire, or purchase non-human primates, such as monkeys and apes, by amending the over 100-year old Lacey Act to include "any nonhuman primate."

H.R. 80 does not affect laboratory animals, zoos, and some veterinarian cases.

This bill does not address a national priority and should not be considered by Congress.

Last Congress, I held the similar Senate version of the Captive Primate Safety Act, S. 1498, because of concerns with its fiscal impact and because I did not believe it was appropriate for the Federal Government to be regulating pets.

Today the Senate is trying to pass the similar House version that still seeks to increase Federal regulation of pets in a fiscally irresponsible manner without amendments or debate.

Supporters of this bill hope that somehow creating a new Federal law to prohibit transporting pet primates across State lines, on top of the Federal laws and regulations that already make it illegal to import them and the dozens of State laws that outlaw owning non-human primates as pets, and giving the Fish and Wildlife Service \$5 million to hire extra "law enforcement" staff to pursue chimps will make Americans safer.

Supporters of this measure are using the tragedy that occurred this month to ram this bill through Congress with no debate. This attack occurred in Connecticut, where a State law already existed that outlawed the possession of NHP's weighing more than 50 pounds without a permit. The NHP weighed 200 pounds and should have not been allowed under state law to live with its owner as a pet, but passing the Captive Primate Safety Act last year would not have prevented this tragedy and is not a national priority.

The bill authorizes \$5 million in fiscal year 2010 to hire additional United States Fish and Wildlife Service law enforcement personnel to enforce the new monkey provisions and CBO says the bill will cost taxpayers \$17 million over 5 years. To enact such legislation without any offsets and therefore simply add to our national debt is extremely imprudent at this time in our nation.

There still have been no hearings and therefore no official statement or testimony available from the U.S. Fish and Wildlife Service as to whether or not this law is necessary and/or enforceable within the agency's current resources.

There is even a more basic question of whether or not a Federal wildlife agency should be regulating interstate pet transportation at all.

This law may be duplicative, unnecessary, and ineffective.

This matter of pet ownership may be more appropriately and effectively handled by local and State governments and agencies.

The UC does not allow an opportunity to amend this bill to address cost concerns.

This Bill spends money we don't have on something that is unnecessary.

CBO estimated last Congress that both the House and the Senate versions of the Captive Safety Act and last Congress's Senate bill, would cost \$17 million over 5 years. H.R. 80 is almost identical to last Congress's House bill.

According to CBO, the cost of hiring four additional U.S. Fish and Wildlife Service, FWS, employees to conduct inspections and investigations and storing, transporting and boarding confiscated NHP's totals \$17 million over 5 years.

The costs may in fact be even higher. According to one chimp sanctuary the annual cost to house two chimpanzees can exceed \$35,000 a year. According to the Humane Society of the United States and various Members of Congress, there are an estimated 15,000 non-human primates in private hands. If the FWS were to try and confiscate and then house all 15,000 chimps, that could add up to a total cost of \$262.5 million a year for the federal taxpayers, or \$1.3 billion over 5 years.

The unanimous consent agreement would not allow anyone to offer amendments to offset the cost of this bill or perhaps cut back on other areas within the Fish and Wildlife's jurisdiction to pay for these new responsibilities.

Fourteen Monkey bites a year do not justify annual appropriations of \$4 Million.

While the Humane Society of the United States said in a February 2009 press release that the Captive Primates Safety Act is an "urgently needed public safety and animal welfare measure," other Americans may feel differently about prioritizing this issue above more pressing national issues.

The group justifies prioritizing H.R. 80 with American taxpayer resources because of recent captive primate incidents. An analysis of its list of "recent incidents involving captive primates" finds:

In 2008, 11 monkeys were reported as being involved in biting 14 people. One of the monkeys was in a university laboratory and another was in a wildlife sanctuary. Both of these types of monkeys are exempted and therefore would not be affected by the Captive Primates Safety Act.

In 2008, there were 39 non-human primates involved in 21 incidents, but 28 of the 39 monkeys involved in the re-

ported incidents were not noted as having harmed humans.

Similarly, last Congress, the Humane Society and the Senate EPW committee justified the creation of a new Federal law by citing 132 reported incidents of human injury from captive or escaped captive primates over a 10-year period—which still averages out to only 13 a year.

In contrast, 4.7 million Americans are bitten by dogs each year, according to the Centers for Disease Control and Prevention.

Taking both the Humane Society and the CBO score together, the bill before us today, essentially calls for the Federal Government to spend the equivalent of over \$444,000 per year to take nine biting monkeys out of their private owners' hands. Using another measurement, the FWS would spend the equivalent of over \$285,000 per bite—\$4 million divided by 14 people who were bitten by monkeys in 2008—if this bill passed.

Yet even these cost estimates may be understated because it is possible that none of the nine offending monkeys will ever cross State lines. In that case, unless State or local laws and officials caused their removal, these pets would remain with their owners.

While not seeking to diminish the physical or psychological effects of any monkey bites or attacks, taxpayers have a right to question if such a small number of incidents justify the large cost to the Federal Government of taking on additional animal control responsibilities.

In contrast, though some of the 4.7 million Americans bitten by dogs each year die as a result of these bites, Congress is not adding interstate dog transport to the lists of Federal wildlife responsibilities and prohibitions. If preventing human injuries caused by pets was a national priority, why aren't Senators and special interest groups pushing to outlaw the private ownership of dogs?

Passing the Captive Safety Act last Congress would not have prevented the recent attack.

Tragically, a 200-pound, 15-year-old chimpanzee named Travis—who was raised by the same owners since he was an infant—brutally attacked one of his owner's friends, Charla Nash, outside his house in Stamford, CT, in February 2009. The chimp, for still unknown reasons, attacked Ms. Nash, severely damaging her face and hands, according to news reports. She is in critical but stable condition. Travis died after being stabbed by his owner and being shot by a police officer after he charged the officer.

Following the recent chimp attack, the Humane Society has argued that if I had not held last year's bill, S. 1498, Ms. Nash would not have been attacked. This statement, however, is incorrect, because this bill would have

only have removed Travis from his owner if the NHP crossed State lines.

Additionally, since 2004 under Connecticut State law it has been illegal to own an NHP weighing more than 50 pounds if the animal is not registered. Yet, State officials did not even require Travis—a 200 pound NHP—to be registered, even though he was well known. It appears Travis lived in Stamford, CT, for most of his life. His attack took place in front of his home. With the possible exception of an appearance on the Maury Povich show, which may or may not have been filmed in the New York City studio, nothing indicates that Travis was crossing state lines on a regular basis, nor did his unprovoked attack have any interstate aspect to it. The fact that he might have been born in another State 15 years ago, would not have affected Travis's private ownership 2 weeks ago if this bill had been signed into law last year.

What if Travis or his siblings grew up in the same State where they were born? The bill does nothing to address this situation; they have to cross State lines to fall under Federal jurisdiction. Why is a chimp native to and living in Missouri ok, but one moving to Connecticut, for example should suddenly become the business of the Federal Government? It is very unlikely that Travis' trip 15 years ago across a few State lines led to his attack in February. This is yet another reason why this bill is a misplaced priority and misguided effort.

If people are saying all chimps are dangerous and are against private ownership of nonhuman primates, why doesn't this bill simply make it a Federal crime to own them and take away the estimated 15,000 animals in private hands? Instead, to justify questionable Federal involvement, Congress is using the interstate commerce clause even though this approach is both inappropriate and ineffective.

In a recent Boston Herald article April Truitt, director of the Primate Rescue Center in Kentucky, had the following to say regarding H.R. 80:

"It's better than nothing, which is what approximately 30 states have right now," she said. But if the bill becomes law, it will affect few dealers in exotic animals.

"Dealers are not one bit concerned about this," Truitt said. "They know that they still can continue to do what they were doing. Most dealers are USDA licensed, and the USDA licensing has been and is used by private owners rampantly to circumvent state and local legislation."

Others, such as Sian Evans, the director of the DuMond Conservancy for Primates and Tropical Forests, contend that in general, NHPs do not carry disease and should not be considered a threat to the safety of others.

While the recent attack is tragic, this bill is not an appropriate or responsible use of taxpayer funds and Congressional resources.

Federal law already exists banning non-human primate imports.

It has also already been illegal for the past 30 years to import non-human primates, such as monkeys, for pets. According to the Centers for Disease Control and Prevention: "Since 1975, the Federal Quarantine Regulations, (42CFR71.53), have restricted the importation of NHP . . . Importation of NHP for use as pets is not permitted under any circumstances."

The Humane Society of the United States previously acknowledged, "Most states regulate keeping primates as pets, and the trend is for states to prohibit the practice altogether." Yet the group also claims, "federal legislation is needed to complement state laws" because "many of these animals move in interstate commerce."

In conclusion, Congress recently justified swift passage of a massive spending bill that increases the national debt by more than \$1 trillion to more than \$10 billion in the midst of a struggling national economy. In January, the national unemployment rate was 7.6 percent—the highest it has been in more than 15 years. In December, national home prices plunged at the fastest pace on record, leading to predictions of 6 million foreclosures over the next four years. Consumer confidence levels have dropped to a new low of 25 in February from 37.4 a month earlier as people worry about losing their jobs, earning less, and deteriorating prospects.

Yet the Humane Society and certain Members of Congress are seeking to make this pet regulation bill a national priority and are pushing to have it enacted quickly. How is potentially preventing a few monkey bites a bigger national priority than trying to address the weakening economy and collapsing consumer and business environment?

These "little" bills add up and once privately owned monkeys are added to the Department of Interior's jurisdiction, they will likely be there forever, not just for the 5 years authorized in this bill.

This bill would not have stopped the attack on Ms. Nash. My objection does not question the seriousness of her attack but lies in moving an inappropriate, ineffective, and irresponsible bill in the midst of a time of real need in our country for strong leadership. Congress cannot afford to continue to misprioritize scarce resources and must focus on truly national priorities—not on monkey bites and inappropriate special-interest legislation.

Madam President, not once have I had a call from my colleague asking: Will you work with me on this issue? Will you protect people as a result of this issue? Will you help us pass this? What it has been is: Take it or leave it.

I note for the record that 90 Members in the House voted against the bill. It

was not a smattering few. A fourth of the House did not agree with this legislation.

I have never been asked: Would you care if we eliminated the ownership of these pets? I don't have any problem with that, but I have never been asked that. That has never been offered.

The question in the case that brings this back up is Connecticut has a law and the law says you can hold and register a nonhuman primate if it weighs under 50 pounds. What happened in Connecticut is they violated their own law. They had a restriction on it.

I am not opposed to commonsense eliminating the risk from nonhuman primates, but I have never been approached in how I would work with that to try to accomplish what the Senator from California would like to accomplish and still meet the needs of individual Americans and their civil liberties.

The second point I note, if we are going to do this, look, there were 4.6 million dog bites last year that caused hundreds of thousands of serious injuries. Are we going to stop the interstate transport of dogs that caused thousands and thousands more injuries, some even deaths, to individuals? Nobody is proposing that.

What I ask my colleague is reach out. I would gladly work with Senator BOXER in a way so we eliminate any future ownership of these types of animals in a way that does not violate those who presently have them and encourages the States to enforce their laws that they have today and enforce them in the future.

We can start at a time certain tomorrow and say: You can't have new ownership of any nonhuman primate. That stops all interstate commerce. That stops it completely. But our problem is we have about 30 States that have regulations in regard to this issue.

The incident that happened in Connecticut is very unfortunate, I agree. But what happened was you had the law broken. So instead of enforcing a law that is on the books, we are going to create another new law, and it is not going to accomplish the very purpose. We are still going to have nonhuman primate bites if we do not have some way to ultimately end this type of pet selection.

I reach out to my colleague. I am sorry I had to object. I will gladly work with her in the future to come to some accommodation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, while my friend was speaking, I went back to my staff because this is not the first time we have had a problem on it. We had it in the big Coburn package of bills, and I remember my friend at that time made it the centerpiece of his objection. My staff has talked with his

staff over and over again. The Republican staff on my committee, from where this bill came, has talked to the Senator over and over again.

I am happy to sit down with my friend. Maybe we can work this out. But here is the point. My friend says that what happened to this woman is unfortunate. No, what happened to this woman is a tragedy.

We do not go in and take away pets from anybody, if you read this bill. If you have a pet, you have a pet as long as you are living within the laws of your State. We ban the interstate trade because that is how this thing is moving forward. People get these pets, and they sell them across State lines. That is how we ban a lot of bad in this country. It is the way we have done it for a long time.

I just want to say to my friend, I didn't know this rose to the level where he and I should speak. I am delighted to sit down and talk with him. But the fact is, our staffs have been working with his staff for a very long time on this issue. Senator VITTER's staff and Senator INHOFE's staff have been working with the Senator's staff to try to get a breakthrough.

I hope the two of us can sit down, and maybe without our staffs—maybe the problem is our staffs. I have a great staff. I am sure Senator COBURN does too. But maybe there is something that got in the way of their being able to resolve it. But I think he and I should sit down, and I will try to see if I can move this again, maybe with some kind of way we can fix it that doesn't give the Senator heartburn.

Honest to God, I say to my friend, we have made sure nobody is going to be invaded by a police force and lose their pet. That is not in here. Only if you try to move it across State lines, you wouldn't be allowed to sell your pet so that pet can injure somebody. Nobody is taking away anybody's pets. Nobody is stopping the zoos from getting these pets. Nobody is stopping research facilities from getting these pets. That is why we have such strong support for this legislation.

I am not a person who says my way or the highway, believe me. I have been here too long. I have gotten too many bills passed. I will sit down with my friend. He is right that 90-some people on the other side voted no, but 300-some people voted aye. So we must have done something right here when we got over 300 votes in a body that has a hard time getting bipartisanship.

I say what we did right is we have a balanced bill. We allow these pets to be used for that which helps humanity, but we will, in effect, stop the interstate trade, the profitable pet trade which is leading us into a situation where we have seen so many injuries of children—40 children, about 100 adults injured between 1995 and 2009.

I am encouraged that my friend wants to work with me. I am going to

go right over there as soon as I finish these remarks and figure out a way we can work on this issue because we do not want to wake up another day and read about somebody having an injury that is so horrific and horrible that they will never have a normal life when it is in our power to do what is right here and move forward.

I will not renew my request, but I will another day at a date, hopefully, when I have the support of my friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

(The remarks of Mr. SANDERS are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SANDERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE CORPS WEEK

Mr. BOND. Mr. President, I come to the floor today to recognize an organization that serves on the frontline of our Nation's most important international and humanitarian efforts—the U.S. Peace Corps. This week, the Peace Corps celebrates its 48th anniversary, and this is National Peace Corps Week.

Since the early 1960s, more than 195,000 Peace Corps volunteers have fostered positive relationships between the United States and nations across the globe through its grassroots efforts.

At present, 7,500 or more Peace Corps volunteers are active in over 75 countries around the world. These volunteers are exposed to a diverse array of cultures and languages during their time abroad. Approximately 22 percent of the Peace Corps volunteers are currently working in 16 predominantly Muslim countries. It is in these countries, in particular, where I believe the efforts of the volunteers are positively shaping and improving the much beleaguered and much misunderstood image of America within the Muslim world.

But there is still much work to be done. I urge my colleagues to join me in supporting an expansion of the Peace Corps and all of our Nation's smart power assets.

Smart power initiatives build upon our successful defense efforts and add economic and educational efforts, diplomatic efforts, including educational exchanges, free trade, public diplomacy, fostering private sector investments, agricultural development, humanitarian assistance, and English language teaching, just to name a few.

All of these smart power initiatives contribute not only to a better life for so many in need, but they also help create conditions for a more stable and peaceful world.

America and the developing world will benefit together from a greater investment in these initiatives and in particular in a revitalized and enlarged Peace Corps.

Over the past few years, the Peace Corps has received numerous inquiries about entering or reentering the countries where volunteers once served. I made similar inquiries, particularly with respect to friendly Muslim countries in Southeast Asia, such as Indonesia. Engaging moderate mainstream countries such as Indonesia with our Nation's smart power initiatives will enhance the conditions for lasting peace and stability.

Or as I like to say, putting more sandals and sneakers on the ground will prevent us from having to put more boots and bayonets on the ground in the future.

The work undertaken by Peace Corps volunteers serves as a fine example of the United States reaching out to foreign neighbors to foster a greater understanding and dialog. The willingness of Peace Corps volunteers to engage people at the local, community level is exactly how we ought to be providing effective and sustainable development assistance.

We need to get back out among the very people we are trying to help, which is why I also believe we need more USAID Foreign Service officers as well. Providing practical, hands-on assistance that is based on listening to the needs of the local population is a recipe for sustainable and lasting development. I believe that by having these kinds of contacts, we can do a great deal to improve the conditions of the countries themselves as well as the people in them. The stronger, more stable these countries are, the better our relations are in the world and the more we foster world peace.

We offer our hardy congratulations to all members, current and past, associated with the Peace Corps on its 48th anniversary. We thank you for improving the lives of so many and for helping America be a good neighbor to those in need. Your country is grateful for your service. Your country is grateful for the good will and the seeds of peace you have sown or are sowing. Your country is grateful for your contributions to the safety and long-term security of our Nation. Your efforts and the

efforts of other volunteers are needed now more than ever. I will continue to work in supporting your important missions and expanding your ranks.

I can't stress enough the importance of our Smart Power initiatives and the importance of investing in efforts such as the Peace Corps. I am very glad to see the Obama administration, particularly Secretary of State Clinton, our former colleague, giving these initiatives an important public boost. And more important, I would say to young people and old—the young people who work with us here and any who may be listening in—that this is a wonderful opportunity to make a significant contribution to other countries, to the cause of peace in the world, and to provide yourself with an education you cannot get in any institution.

I look forward to partnering with the new administration and will work with those and others in Congress to lead the effort to make Smart Power initiatives a cornerstone in our foreign policy and in our efforts to combat extremism and terrorism around the world.

PRESIDENT OBAMA'S FIRST BUDGET

Mr. GRASSLEY. Mr. President, today our President sent his budget to the Hill. On Tuesday night, in a joint address, our new President, with his usual eloquence, sketched out his fiscal policy goals.

First off, as ranking Republican on the Finance Committee—and I am a senior Budget Committee member—I wish to point out that Republicans were happy to hear the President make deficit reduction a very high priority. If I heard correctly, the loudest bipartisan applause, in terms of responses to the President's policy proposals, greeted that policy point. We Republicans want deficit reduction on our future fiscal path. As we come out of the recession—hopefully sooner rather than later—we need to get the deficit down.

While we Republicans agree with the President on that goal, we disagree on the degree to which the Democratic leadership has dramatically expanded the deficit and added to the debt. A couple of weeks ago, Republicans and Democrats disagreed on what is referred to as a stimulus bill. In both bodies, only three Republican Members supported that conference report. We parted ways on the stimulus bill for many reasons. Most on our side disagreed that we should put \$1 trillion of taxpayers' money into an effort to grow the economy by priming the Government pump. We also would have shut off that spending spree once the recovery occurred, as opposed to half of the spending money in that bill being spent in years beyond 2010—supposedly the end of the stimulus effort to the economy.

But what disturbed most of us on this side was the hidden fiscal burden built

into the bill—in other words, that period of time of spending beyond 2010. Although advocated as a \$787 billion bill, the real cost—the real cost—is much higher. Unfortunately, many in the media accepted the \$787 billion score on its face. By contrast, most in the media looked much deeper when the bipartisan tax relief bill of 2001 to 2006 was scored. Of course, I remember that because during that period of time, or most of it, I was chairman of the Finance Committee and involved in that tax relief. So they looked very deeply into what we did in tax relief, and in a bipartisan way, but they seem not to be as concerned about the impact on the deficit of that \$787 billion score that is in the stimulus bill. So I would encourage the punditry and other opinion makers to apply the same tough fiscal standards to the hidden spending in the stimulus bill as they applied to the tax relief packages in an earlier part of this decade.

Soon, I am going to have some charts that will demonstrate this difference between tax issues versus the spending issues of the stimulus bill.

According to the nonpartisan Congressional Budget Office, if popular new programs in the stimulus bill are made permanent, the cost will be \$3.3 trillion. I have a chart here that lays out what the Congressional Budget Office says the total cost of the bill is—this column right here. Let's move from the left to the right of the chart. First, we have the basic cost of the bill—\$820 billion. If the making work pay refundable tax credit is extended, there is \$571 billion—the second column here. If the new entitlement spending is made permanent, then the cost of the bill more than doubles; that is, there is almost \$1 trillion in new hidden entitlement spending right here—the third column. Over here in the fourth column, if the appropriations increases are baked in the cake, then there is \$276 billion in new nondefense discretionary appropriations in the bill. That is the fourth column. And finally, CBO tells us that the interest cost on the overt new spending and the hidden new spending totals \$744 billion. Total it all up, and you come out right here at \$3.3 trillion. You don't come out at \$787 billion; it is \$3.3 trillion. And these are Congressional Budget Office figures. They are not from some conservative think tank. They are not from Senate Republican sources. CBO estimated this hidden spending.

There is one way, and only one way, for stimulus bill supporters to dispute what I have said. The Democratic leadership in the House and Senate could pledge to keep temporary spending temporary—basically, the money spent in 2009 and 2010 is the end of it. If the Democratic leaders pledge to support leaving the bill as written and would not push to extend the new entitlements and new appropriations spend-

ing, then we could go back to the figure many in the press are reporting on the cost of the bill. If the Democratic leadership makes a pledge to keep temporary spending really temporary—in other words, for the 2 years of jump-starting the economy—we on this side would agree that the bill does not cost this \$3.3 trillion. Otherwise, as Members of the loyal opposition—with emphasis on "loyal"—it is our duty to let the taxpayers know the true cost of the stimulus bill.

Unfortunately, stuffing all of that understated new spending into the stimulus bill will make it harder for Democrats as well as Republicans to reach the bipartisan goal of fiscal discipline, and I have another chart which shows how hard it will be.

This chart shows the trendline from President Clinton's era through George W. Bush's era and for the current fiscal year of the deficit as a percentage of gross national product. As this chart shows, President Clinton's era saw deficits decline in the early years. Once Republicans won control of the Congress and entered the scene, making fiscal discipline a priority, the deficits turned into surpluses during those years. In the George W. Bush era, deficits occurred during the economic downturn of 2000, with the tech bubble burst, the corporate scandals of 2001, and, of course, the economic shock of the terrorist attacks of 9/11. So we have a downturn, or we have an increase in the deficit is the easiest way to say it.

Now, fortunately, during 2001 to 2003, we had bipartisan tax relief that kicked in, the economy recovered, and deficits started to come down during this period of time right here.

Now we find ourselves dealing with the housing and financial sector problems. Those problems matured during the period of divided government—the last Congress—for the years 2007 to 2008. During that 2-year period, Democrats controlled Congress and, obviously, we had a Republican President. The response of the Republican White House and Democratic Congress was the Troubled Asset Relief Program, TARP, and other stimulus legislation. Those bipartisan actions led to the large deficit here in 2009, and that was the deficit that awaited President Obama. That is over \$1 trillion.

Two nights ago—Tuesday night—President Obama pointed this fact out, and Democrats lustily cheered. I found the partisan cheering just a bit odd. I saw people leading that cheer vigorously clapping their hands. This enthusiastic applause from the other side would make you think President Obama was somehow predicting we would have a Mets-Yankees Subway Series in 2009. But, no, the President wasn't making a sports prediction; President Obama was noting that he had inherited a record deficit. Not many on our side find much to cheer

about a record deficit, and I doubt that many taxpayers find much to cheer in it either. That is why you didn't see much applause from the Republican side of the aisle Tuesday night as the President was speaking to us. Big deficits aren't anything to applaud about. I was scratching my head on that one. Maybe the Democratic leadership forgot they were running the show here the last Congress. Maybe they looked at some polling data and inferred from that polling data that voters didn't realize Democrats ran the Congress in the last couple of years and were authors of the budgets for that period and last year's stimulus and the TARP deal. Maybe they figured that the President was taking a sharp and effective political shot, but you must be careful because history says otherwise. The TARP legislation was cut by Democratic congressional leaders, ably led by Chairman BARNEY FRANK in the House and our able chairman from Connecticut, CHRIS DODD in the Senate. In the key negotiations on one fateful fall Saturday night, there was only one Republican Senator in the room. There were at least four Democratic Senators in the room. I find it curious that Democrats lustily cheered when President Obama, Tuesday night, rightly pointed out that he inherited a \$1.2 trillion deficit. There is no doubt he did inherit such a deficit. We on our side do not dispute that. But for the congressional Democratic leadership to pretend that they did not play a key role in creating the deficit, at least from the standpoint of 2 years of their budgets as well as the TARP legislation and other stimulus things, is beyond being absurd. To be giddy about the record deficits is almost Kafkaesque.

Yet that incorrect partisan assertion is, like this \$787 billion figure I am referring to, somehow accepted as fact by opinion makers and pundits. If we go to the last column of this chart, the one with the red line, we see the real fiscal damage of the stimulus bill. In the first few weeks of this Congress the inherited deficit, which was bad enough at 8.3 percent of GDP, was made much worse. It is now 13.5 percent of GDP. We have not had deficits that high since the World War II era.

If you go back over the debate in committee, on the floor and on the conference agreement, you will find that Republicans opposed the bill because, in general, we believed the bill failed National Economic Council Director Summers'—Dr. Summers of Harvard University—three "t" tests: that it needed to be timely, it needed to be targeted, and it needed to be temporary. Those are words directly from, I think, a December 28 *Post* article that Dr. Summers wrote. It was failure in that third "t," the "temporary" test, that was most troubling to those of us who voted against it. I have laid

out the degree of that failure in the comments today.

The response from many on the other side is that Republicans are in no position to criticize of because the deficits of the years 2001 through 2006. I put this chart back up here again. As I have shown, while briefly rising in 2004, the deficits consistently came down for budgets produced and implemented in the period 2004, 2005, and 2006. Most often the critics from the other side make the widespread bipartisan tax relief of this era the culprit for our deficit. Let's take a minute to put that characterization in context.

I have a chart that compares the revenue loss of the bipartisan tax relief with the full effect of spending in the stimulus bill. On the left side of this chart, over here, you will see all the tax relief enacted in various bills in the period 2001 through 2006. There were quite a few major tax relief bills in this period of time. They yielded tax relief for virtually every American taxpayer. We cut marginal tax rates, we doubled the child tax credit, we greatly expanded education tax incentives, we created the largest retirement savings incentives in a generation and provided significant relief from the confiscatory reach of the death tax, and we protected tens of millions of families from the alternative minimum tax.

In this major tax relief program we made the Tax Code—now everybody is saying this is counterintuitive—but we made the Tax Code more progressive in those pieces of legislation. But, as would be expected, the Joint Committee on Taxation assigned significant revenue loss to these packages. That is up here on this side of the chart where you see what the Joint Tax Committee says. It scores at \$2.2 trillion. As I understand it, for some folks that figure raises their blood pressure. It would raise mine too if I liked to hike taxes and keep taxes high. You can understand it from the perspective of those critics—those taxes represent \$2.1 trillion that folks in this body and the other body would rather spend. But we all know that tax relief did a lot of good.

I have another chart about tax relief doing a lot of good. For a family of four at \$50,000 a year of income, we have \$2,300 more for that family budget to operate under. For a single mom with two kids it means she keeps \$1,100 for her to spend instead of 535 Members of Congress spending.

From what we heard on the campaign trail a few months ago, and we heard a couple of days ago here in the Capitol building, President Obama agrees with most of this tax relief program. He said his first budget will retain most of that tax relief that is in those various bills.

For purposes of this discussion, let's assume the merits—I want to assume the merits of the arguments of the critics of the bipartisan tax relief program;

that is, let's assume all of the \$2.2 trillion was policy that, despite what President Obama will propose, is policy these critics disagree with. For a fiscal damage assessment, let's compare the revenue loss of this widespread tax relief, leaving money of \$1,100 in the pockets of a single mom or \$2,200 in the pockets of a family of four—let's assume the real cost. So, for fiscal damage assessments let's compare the revenue loss of this widespread tax relief with the real cost of the stimulus bill signed last week by the President.

I am going to go back to the chart that makes the comparison. So here it is. On the right side you will see that CBO estimates the 10-year cost of the bill if the temporary proposals are made permanent. Guess what, it is higher than it is over here. The total is \$2.5 trillion. This one stimulus bill costs about 10 percent more than the full effect of the tax relief bills passed between 2001 and 2006. For a lot of those bipartisan tax relief bills, again, virtually every American taxpayer benefits from these tax relief bills. On average, the American taxpayer's tax bills would be 10 percent higher today if this bipartisan tax relief plan were not in effect. We heard a lot from the critics of tax relief about fiscal discipline. Where are those same people today? Why are they not applying the same standard to the one partisan spending bill that they applied to the widespread bipartisan tax relief bill?

It was good to hear my President, President Obama, raise the important goal of deficit reduction Tuesday night. He got applause from our side of the aisle. He was right that he inherited a serious budget deficit. The Democratic leadership applauded that line because they falsely claim that only Republicans bequeathed the deficit to President Obama. The reality is that a Democratic Congress as well as a Republican President bequeathed the deficit from bipartisan policies they jointly developed. To those who claim Republicans have no right to discuss deficits, they need look no further than their own actions. They need to take a look at the fiscal effects of the stimulus that was crafted early in this new Congress and compare the costs in that bill with all of the bipartisan tax relief that they criticize.

In other words, compare this here, what happened in 2 weeks, with what happened over a period of 5 or 6 years of deficit reduction. The partisan stimulus bill's costs exceed that of the bipartisan tax relief.

As we examine President Obama's first budget, let's take a cue from his speech Tuesday night. Let's make deficit reduction a priority and let's do it in an intellectually honest fashion. A lot of fiscal damage was done in the stimulus bill enacted a few days ago. That is not so of what was assigned to the years 2009 and 2010, but what was

assigned way out into the future years, as if somehow the stimulus bill were a platform for the subterfuge of getting things done in 2 weeks that ought to have the very crafty look-see that goes on in the very sophisticated appropriation process between April and September, weighing one priority against another priority.

As we proceed, then, to write a budget in a couple of weeks, let's do it in an intellectually honest manner. Let's take off the political blinders and deal with the cold, hard fiscal facts. Let's be realistic about expiring tax relief, its merits, its economic growth effect. That is shown by that one chart where the deficit went down an extreme amount, even though we had cut taxes, which I know to most people sounds as though it can't happen. If you reduce tax rates, you have to reduce revenue. If you raise tax rates, you are going to bring more in. But I think our history over the last 6 years shows that you can reduce taxes and still reduce deficits.

Let's take off the political blinders and deal with cold, hard fiscal facts. Let's be realistic about expiring tax relief, its merits, its economic growth effect and its political popularity. Let's sharpen our pencils, get out our yellow notepads and rev up our calculators as we consider new nominally temporary spending or tax cuts. We owe it to the American people who send us here.

COMMEMORATING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN CONSTRUCTION OF THE CAPITOL

Mrs. LINCOLN. Mr. President, I come to the floor to speak on an issue I have certainly followed for many years now in the Senate and one I am proud to have brought to some conclusion along the way, particularly last evening.

Many people look at history and see that when the Capitol was first built in the late 1700s to early 1800s, enslaved African Americans worked in all facets of its construction—carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing. But for almost 200 years, the story of these slave laborers was not told and was basically unknown, I would imagine to almost everyone who visited and worked in the Capitol every day.

In July of 2000, I sponsored a resolution to establish a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of this great building—the U.S. Capitol—our symbol of freedom in this country. My cosponsor on this effort was then Senator Spencer Abraham from Michigan, and so the resolution became known as the Abraham-Lincoln resolution back then.

The bicameral, bipartisan Slave Labor Task Force brought together historians and interested officials to

work on this issue. One of those was Curtis Sykes, an educator and native of North Little Rock, AR, and an original member of Arkansas' Black History Advisory Committee. Mr. Sykes passed away before our work was complete, but he made so many important contributions to the task force before his passing. He was then ably succeeded by Ms. Sarah Jean Davidson, founder and president of the Association for the Preservation of North Little Rock, Arkansas African American History.

I am so very grateful to these two individuals who have offered their insight and their expertise and their input to make sure that what we did here was done in a very special way in great recognition.

In 2007, the task force presented the congressional leadership with recommendations on how to best recognize the contribution of these enslaved workers. The recommendations were developed with the invaluable assistance of a working group that included the historians and curators of the Senate, House, and Office of the Architect of the Capitol, representatives from the AOC Project Management Division, and representatives from the Capitol Visitor Center.

Since then, we have been working so very hard to see that these recommendations are all realized. We have developed a history of slave laborers in the construction of the Capitol and put it online. We have ensured that the story of these slave laborers was incorporated into the CVC orientation video and Capitol tour guide training. We have seen the publication of a book on Black Americans in Congress, and we have seen the reception area of the CVC named Emancipation Hall.

On Monday, I, along with my good friend and colleague Senator CHAMBLISS, introduced a resolution to bring another recommendation to fruition. This resolution, which was approved by the Senate last night, authorizes a plaque to be placed in the Capitol, a plaque that identifies a very special feature of the Capitol. The original exterior wall of the Capitol was constructed between 1793 and 1807. The stones for that wall were mined by slave laborers in a sandstone quarry in Aquia Creek in Stafford County, VA.

Quarrying stone was among the most difficult and backbreaking tasks in the building business. First, the land had to be cleared, then the top of the stone chipped away to reach the parts that had not been damaged by frost or vegetation. Then the stone would be further chipped to create a small cavity, just large enough for one man to work in. The men would work in these small cavities to cut grooves and hammer in iron wedges to split the stone to free it from the larger block. To make matters worse, the quarries were located on an isolated, snake-infested island that swarmed with mosquitoes in the

blazing summer and froze under snow in winter.

Much of the original Capitol no longer stands, due to the fires of war and renovations to create more space. The original East exterior wall still exists, however, and is now part of the East Front Corridor. It is one of the few places where that original slave-quarried sandstone is still in evidence. The plaque would be placed near that wall, and would bear an inscription identifying the wall as having been built of sandstone quarried by enslaved African Americans who were an important part, a vital part of the labor force that built our great U.S. Capitol.

Thanks to my Slave Labor Task Force colleague Congressman JOHN LEWIS, there will be a similar plaque on the House side of the East Front Corridor. These locations are important for another reason. They are on the route that visitors take to the Senate and House galleries. Mr. Sykes, as I mentioned earlier, the Arkansas historian with whom I worked, focused on the need to ensure that as many citizens as possible be made aware of this contribution of enslaved African Americans in the building of this great building, our Capitol. I wholeheartedly agree with Mr. Sykes. To me, education is at the heart of this effort. It would do no good to have a plaque that was hidden in a corner where no one would see it. It would do no good if we told the story of enslaved African Americans building the Capitol and no one heard it.

A critical part of recognizing the work of the slaves is to make their story visible and accessible, so that future generations know and understand the sacrifices that have been made for the many blessings that we enjoy today, that those blessings that are capsulized in the very building in which we all work, that the freedoms and the rights that we enjoy, are capsulized in a building that had tremendous input from enslaved African Americans.

I was recently in the new CVC and I hope, for those Members who have not been, they will go visit and certainly for those of our constituents who visit this great Capitol of the Nation, that they get a chance to visit the Visitors Center. I watched the faces of dozens of schoolchildren as their mouths opened up, dropped in awe at the sight of this vast and beautiful Emancipation Hall. Their eyes popped open wide as they looked through the skylight and saw this gorgeous view of the dome of the Capitol that represents who they are and the great Nation to which they belong.

They were so excited about being there, and that excitement opened their minds to the lessons that would be taught to them, there in that visitors center—like the Statue of Freedom that was designed by an Italian

and sent over here and yet could not be reconstructed until the ingenuity and the dedicated focus of, yes, an enslaved African American by the name of Philip Reid could figure out how to unhook the model that the Italians had sent us, cast it, and put it piece by piece back together. No one else could figure it out.

As you walk into Emancipation Hall and you see this huge statue, the caste of the Statue of Freedom, what an unbelievable feeling it gives, not just to schoolchildren, but to any American who walks in there. How important for them to know of the ingenuity, the hard work, the labor that went into this incredible building.

Through this effort I wanted to make sure that everyone who visits the Capitol leaves knowing the story of the people who helped to build it, a true symbol of freedom, at a time when they themselves were not free.

I want to close, first, by saying again a very special thanks to my friend and colleague Senator CHAMBLISS from Georgia who has worked with us on this resolution—we were so excited and pleased to see it pass last night—as well as the chairman of the Rules Committee, Senator SCHUMER, and the distinguished ranking member of the committee, Senator BENNETT, for also sponsoring the legislation with Senator CHAMBLISS and myself. They were all so good to work with on this resolution. I appreciate their efforts and emphasis on something I believe is very important, not just for the Capitol but for our entire Nation.

I also want to publicly thank and recognize my good friend and former colleague Congressman JOHN LEWIS for his leadership on this project. He is an extraordinary human being. I have been grateful for the opportunity to work with him on this very important issue.

I never will forget, when I arrived in the House of Representatives as a young single woman in 1993, Congressman LEWIS invited a small group of us freshmen—it was the largest freshman class since the 1940s, I believe—anyway, he invited us to come view some of his footage and film from days during the 1960s, and all of what he endured before that. It was amazing—the freedom ride, all of what he had experienced. It was a tremendous opportunity for me to get to know him better. I am grateful, again, for his extraordinary leadership.

I hope everyone, as I said, will take the opportunity to go to the CVC if they have not already and take a look and hopefully burn in each of our hearts how important it is to remember every day when we come to this unbelievable building what it stands for; hopefully relighting and rekindling our ability to unite, to work together for the great things this wonderful Nation stands for. I appreciate so much every-

one working together to make this possibility a reality. I am very excited.

I thank my colleagues for their attention. I yield the floor to my good friend and colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise to speak in favor of S. Res. 53 which commemorates the role of slaves in constructing the U.S. Capitol. What a great historical revelation and statement my colleague from Arkansas has made. This is one of those moments when the Senate has an opportunity to shine, because we have a chance to look back at historical facts that may not have been pretty, as we look back on it, but are a part of our history. I want to tell her how much I appreciate her leadership on this—not just this particular resolution, but on this overall issue. She has been a true champion. Her leadership in her caucus has meant an awful lot to a number of people, particularly those of us who come from the South.

She mentioned my good friend JOHN LEWIS, my colleague, the dean of our delegation. What a great American JOHN LEWIS is. I have the opportunity every year at the Martin Luther King birthday celebration to take the podium with JOHN LEWIS at Ebenezer Baptist Church and to recollect and reminisce about some of those times that may not have been pleasant but, again, they are part of our history. JOHN LEWIS certainly lived that history and the great story of his contribution to America—his having gone through what he went through—is why we all have such admiration for him.

It is one of the great, sad ironies of American history that the very foundation of this building in which we have debated essential questions of liberty and even decided who was free and who was not, was laid by those who wore shackles. We do not know that much about them. In the scant records that were kept, only a few first names survive next to those of their owners, and the sums paid for their backbreaking work. But we do know this. They toiled in the hot Sun and the cold wind in the quarries of Virginia and Maryland to unearth the stone upon which rests this temple of liberty.

From 1793 to 1826, as many as 800 slaves at any one time painted, roofed, sawed, glazed, and perfected a building that represented a freedom that was never to be theirs and, in an irony of ironies, as the Civil War tore this country asunder over the very issue of human liberty, a slave laborer named Philip Reid cast the Statue of Freedom that now crowns this very building.

Uncredited and unsung, slaves carved and polished the three-story-high marble columns that grace Statuary Hall, a soaring backdrop where so many of us earlier this week debated and discussed the first congressional speech of

this Nation's first Black President. How far we have come in this period of history in our country.

We can never pay these laborers their due but we can, even belatedly, recognize their significant contributions.

This resolution authorizes a plaque to be placed near the original East Front wall of the Capitol, one of the few places their handiwork is still visible, to acknowledge the role and contributions enslaved African-American laborers played in the evolution of this building and, by extension, this democracy.

Again, I thank my colleague from Arkansas and commend her once again for her leadership. She and I have worked on so many issues in a strong and bipartisan way. Without her leadership we would not be here now.

I thank all my colleagues for their unanimous approval of this resolution.

Mr. SCHUMER. Mr. President, I rise today in support of Senator LINCOLN's legislation to recognize the role of enslaved African Americans in the construction of the Capitol. Every day, America's lawmakers walk the marble halls of the U.S. Capitol, but we seldom reflect upon the struggles of those who constructed this esteemed building. America was founded on the idea that all of its people should be free, yet throughout our history, we have struggled against the influence of racism and ignorance. We cannot brush over the impact of slavery on the history of our Nation. By acknowledging the role of enslaved African Americans in the construction of the U.S. Capitol, we are one step closer to healing the racial wounds that remain in our society.

Throughout America, children's textbooks are filled with information about the Founders of our Republic, but they mention little or nothing about the enslaved African Americans who helped build the Capitol. Many facts about the lives of these people are lost in history, but documents from the time help us put together a partial picture of what their lives were like. The enslaved African Americans who constructed this building were rented by the Government from their owners. Between 1795 and 1801, more than 380 payments were made to slave owners for the use of their slaves in the construction of the Capitol. Slaves performed a variety of tasks, including mining, stone and timber sawing, bricklaying, and carpentry. They mined the stone used in constructing the section of the Capitol where this plaque will be displayed in the Aquia Creek sandstone quarry in Stafford County, VA, and the Montgomery County marble quarry in Maryland.

Our Nation has made tremendous progress since the days when a slave was valued as three-fifths of a person, but though the days of slave auctions and forced servitude are behind us, our work is not finished. To date, only six

African Americans have served in the U.S. Senate. America's first two African American Senators, Hiram Revels and Blanche Bruce, served the State of Mississippi in the 1870s. It was not until 1967, nearly a century later, that America's third African American Senator, Edward Brooke of Massachusetts, came to Washington. Carol Moseley Braun of Illinois made history in 1993 when she became the first and only African American woman to serve in the Senate. In 2005, Barack Obama, also of Illinois, became the fifth African American to serve in the Senate, followed by ROLAND BURRIS.

President Obama's inauguration this year stands as one of the greatest achievements in the history of civil rights in this country. Many doubted that the United States would ever elect an African American President, but I am certain that while President Obama is the first African American to win the Presidency, he will not be the last.

Recognizing the role of enslaved African Americans in the building of the U.S. Capitol is important to coming to terms with our past and overcoming the tragic history of slavery in our Nation. This plaque stands as a reminder of how far we have come since the days of slavery and how far we still need to go.

TRIBUTE TO MANNY ROSSMAN

Mr. KYL. Mr. President, I wish to take a few minutes to say farewell to the head of my whip office staff, Manny Rossman.

By some standards, Manny has had a relatively brief career in Congress. But anyone who knows Manny knows that he has been an indispensable staff member from the very beginning.

Manny started his career on the Hill as an intern, like so many others. He was lucky his internship was with then-Congressman Bill Archer, chairman of the House Ways and Means Committee. Manny was not any ordinary intern, however. He quickly moved from opening mail and answering phones to working on substantive legislative issues. Clearly, Bill Archer saw the promise of this very special intern.

Following his internship, Manny went off to law school at the University of Pennsylvania. Manny was president of the Penn Law Republicans and a member of the Federalist Society. He graduated in 1999.

His time in law school was very successful, and he could have easily made his way to Wall Street for a career there or elsewhere. But the pull of public policy and public service brought him to Washington, DC. After he graduated from law school, Manny accepted a job with then-Congressman Phil Crane.

Congressman Crane was a senior member of the Ways and Means Com-

mittee, which gave Manny the opportunity to work on the leading tax and trade issues of the day. These issues are central to our economic health as a nation, and Manny made them a top priority. Manny quickly became a trusted adviser to Congressman Crane, working on such landmark issues as the law that repealed the FSC/ETI tax benefit and replaced it with a deduction designed to encourage domestic manufacturing activity. He also worked on enactment of trade promotion authority and multiple free trade agreements.

After Phil Crane left the House, Manny made his way across Capitol Hill to the Senate, where he became Senator Trent Lott's key staff person on the Finance Committee. That is where I first met Manny and, more importantly, where Manny met his future bride. At that time, Jennifer Vesey was handling health care issues on the Finance Committee for our then-colleague Senator Rick Santorum of Pennsylvania. Who knew that the Deficit Reduction Act could be so romantic?

While working on Finance Committee issues, Manny helped the Senate enact a landmark pension reform bill, the Central American Free Trade Agreement, and the extension of the 15-percent tax rate for capital gains and dividends through the end of 2010. Following the devastation of Hurricane Katrina, Manny worked night and day to help Mississippi and the entire gulf coast region begin the long road to recovery through the establishment of the Gulf Opportunity Zone, or so-called GO Zone.

Trent Lott was elected the Republican whip in late 2006, and to no one's surprise, he asked Manny to become his whip office chief of staff. Working with Trent Lott, Manny built a highly effective whip organization. At the same time, he developed countless relationships with other Senate leadership offices, with House leadership offices, and with the administration that to this day facilitate the smooth operation of the entire legislative process.

When Trent Lott retired at the end of 2007 and I was elected whip by my colleagues, I knew the key to an effortless transition was Manny Rossman. I am grateful that Manny agreed to stay with the whip operation through my first year. I very much appreciate the advice and the counsel he has given me during this time. I agree with Trent Lott that there is something about "the magic of Manny" that makes him such an effective and delightful addition to our whip team.

We will all miss him very much. We thank him for his service to the Senate, to the Congress, and to the country, and we wish him farewell and Godspeed.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I wish to echo the remarks of my good friend from Arizona, Senator KYL, about our friend Manny Rossman, who has never worked directly for me, but I say to the Senator from Arizona, he has such a great sense of teamwork that even though Manny was working first for Senator Lott and then for Senator KYL, you had the feeling that the two offices were sort of a seamless web. The credit for that, in addition to the principal, I think goes to Manny, who had a great sense of the importance of cooperating, working together, making the leader's office and the whip's office really one. His personality, his brilliance, his ability to interact with people is really unsurpassed.

So I join my friend from Arizona and congratulate Manny for his great service to America in the Senate. I know he will have a hugely successful post-Senate career. We are going to miss him, but we wish him well.

TRIBUTE TO FIRST LIEUTENANT JOHN V. SCANLAN

Mr. MCCONNELL. Mr. President, I would like to share with my colleagues a letter I have written to a family in Kentucky that is going to have a very special ceremony. Tomorrow, February 27, in Louisville, KY, the family of 1LT John V. Scanlan will receive on his behalf the Prisoner of War Medal.

Lieutenant Scanlan, of Louisville, served in the U.S. Army Air Corps in World War II and was lost in 1945 when he was shot down over Japan. Now, more than 60 years later, he will be honored for the full extent of his valiant service to this Nation.

So I ask my colleagues to join me in sending our thoughts and prayers to the family of 1LT John V. Scanlan on their very important day. We must let them know that their sacrifice will always be revered by our Nation.

Mr. President, the letter reads as follows:

Dear Catherine Wiggins and members of the Scanlan family,

It is never too late to honor bravery and sacrifice. That's why you have my respect and gratitude today as you accept the Prisoner of War Medal for First Lieutenant John V. Scanlan.

On June 23, 1945, Lieutenant Scanlan climbed aboard his P-51 Mustang aircraft and set out from Iwo Jima for what would be his final mission. Only later would his family learn about that mission's terrible end. I cannot imagine your family's horror at learning what happened to a good and brave man at the hands of the enemy.

And yet that was not the end of your family's service to America. John's two brothers also wore their country's uniform. One of them, Colonel Joseph William Scanlan of the U.S. Air Force, was a career officer who raised his family all over the world. And his daughter Catherine remembers the trips to Arlington Cemetery on Veterans Day, when her father would tell her about the Uncle Jack she never knew.

Those who receive the Prisoner of War Medal set an example of courage and patriotism that inspires us all. Through unspeakable conditions, they uphold their oath to defend America with honor and dignity. You have always known of Lieutenant Scanlan's heroism from stories passed down through generations. With this ceremony, his fellow citizens will know it too.

First Lieutenant John V. Scanlan flies a different mission now. He served his country with pride, and has earned his well-deserved peace. Our nation cannot be grateful enough for his immense sacrifice. May God bless him, and may He continue to bless your wonderful family.

Sincerely,

MITCH MCCONNELL,
United States Senate.

COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE

Mr. LEAHY. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 111th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES—UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendar days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bill identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

COMMITTEE ON ENERGY AND NATURAL RESOURCES RULES OF PROCEDURE

Mr. BINGAMAN. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit the rules governing the procedure of the Committee on Energy and Natural Resources for publication in the CONGRESSIONAL RECORD.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee. Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to

be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is non-controversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall con-

stitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an in-

vestigation or preliminary inquiry unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation or inquiry shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms "investigation" and "preliminary inquiry" shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the

Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

Mr. LEVIN. Mr. President, in compliance with rule XXVI of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Committee on Armed Services, as approved by the committee on February 26, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

1. Regular Meeting Day.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. Additional Meetings.—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. Special Meetings.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer.—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. Quorum.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. Announcement of Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a rollcall vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. Subpoenas.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings.—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. Nominations.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. Real Property Transactions.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than \$50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. Legislative Calendar.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. Powers and Duties of Subcommittees.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

TRIBUTE TO HIRAM RHODES REVELS

Mr. COCHRAN. Mr. President, yesterday marked the 139th anniversary of the seating of Hiram Rhodes Revels, as a United States Senator from the State of Mississippi. He was the first African-American to serve as a U.S. Senator.

Senator Revels was born in Fayetteville, NC. His father was a Baptist preacher, his mother was of Scottish descent. He moved north to complete his education at Beech Grove Quaker Seminary in Liberty, IN. In 1862, Hiram Revels recruited soldiers to serve in the Union Army and became Chaplain for a Black regiment in Mississippi.

Senator Revels began his political career after the war as an alderman in Natchez, MS. In 1869, he won a seat in the reconstructed Mississippi State Senate. One of the primary tasks of the newly elected State senate was to fill U.S. Senate seats in preparation for the State's return to the Union. In 1870, the new Mississippi State Legislature elected Hiram Revels to fill a term due to expire in 1871.

During his service in the United States Senate he worked on education issues. Upon his return to Mississippi, he became the first president of Alcorn State University.

During Black History Month it is appropriate that Hiram Rhodes Revels be remembered for his leadership and significant contributions to Mississippi and our Nation.

Mr. President, I ask unanimous consent that the Biographical history of Mr. Revels and a New York Times article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Revels, Hiram Rhodes, a Senator from Mississippi; born in Fayetteville, Cumberland County, NC, on September 27, 1827; attended Beech Grove Quaker Seminary in Liberty, Ind., Darke County Seminary in Ohio, and Knox College, Galesburg, Ill.; barber; or-

ained a minister in the African Methodist Episcopal Church at Baltimore, Md., in 1845; carried on religious work in Indiana, Illinois, Kansas, Kentucky, Tennessee, and Missouri; accepted a pastorate in Baltimore, Md., in 1860; at the outbreak of the Civil War assisted in recruiting two regiments of African American troops in Maryland; served in Vicksburg, Miss., as chaplain of a Negro regiment, and organized African American churches in that State; established a school for freedmen in St. Louis, Mo., in 1863; after the war, served in churches in Kansas, Kentucky and Louisiana before settling in Natchez, Miss., in 1866; elected alderman in 1868; member, Mississippi State senate 1870; elected as a Republican to the United States Senate; presented his credentials upon the readmission of Mississippi to representation on February 23, 1870; took the oath of office on February 25, 1870, after the Senate resolved a challenge to his credentials, and served from February 23, 1870 until March 3, 1871; first African American Senator; secretary of State ad interim of Mississippi in 1873; president of Alcorn University (formerly Oakland College), Rodney, Miss., 1871-1874, 1876-1882; moved to Holly Springs, Marshall County, Miss., and continued his religious work; editor, Southwestern Christian Advocate, official newspaper of A.M.E. Church 1876-1882; in retirement after 1882, taught theology at Shaw University, Holly Springs, Miss.; died from a paralytic stroke in Aberdeen, Miss., January 16, 1901; interment in Hill Crest Cemetery, Holly Springs, Miss.

[From the New York Times, Feb. 25, 1870]
THE COLORED MEMBER ADMITTED TO HIS SEAT
IN THE SENATE

WASHINGTON, Feb. 25.—Mr. Revels, the colored Senator from Mississippi, was sworn in and admitted to his seat this afternoon at 4:40 o'clock. There was not an inch of standing or sitting room in the galleries, so densely were they packed; and to say that the interest was intense gives but a faint idea of the feeling which prevailed throughout the entire proceeding. Mr. Vickers, of Maryland, opened the debate to-day, arguing against the admission, on the ground that Revels had not been a citizen for nine years, and therefore was not eligible. Mr. Wilson followed on the other side, and was succeeded by Mr. Casserly, who took a new departure and arraigned the entire reconstruction policy, charging that all the Southern Senators were put in their seats by the force of the bayonets of the regular army. This aroused Mr. Drake to a white heat, and provoked him to utter remarks and to make personal allusions to Mr. Casserly which were certainly in bad taste, and in no way pertinent to the subject before the body. Mr. Sumner made the closing speech for the Republican side of the question. It was brief, pithy and eloquent. Then came Mr. Stockton in deference of his party. He was boisterous and commonplace, and his speech was much better suited to the stump than to the Senate. He argued in favor of his motion to refer the credentials to the Judiciary Committee, which was promptly negated by a party vote. The question was then put on the admission, which was passed by the same strict drawing of the party lines. Only one thing remained, which was that the first colored Senator elect should advance to the Speaker's desk and be sworn. The Vice-President made the announcement to the galleries that all demonstrations of approval or disapproval would be promptly suppressed. There had been through the debate one or two such dem-

onstrations, once from the Republican side, when Mr. Scott, in reply to Mr. Bayard, declared that he abandoned the Democratic Party when it raised its hand in rebellion, and again when Mr. Stockton prophesied that the Democracy would soon control national affairs. In view of these facts, Mr. Colfax's announcement was somewhat necessary. When the Vice-President uttered the words, "The Senator elect will now advance and take the oath," a pin might have been heard drop. But as Senator Wilson rose in his seat and stepped to the lounge immediately behind his desk, where Mr. Revels was sitting, to escort that gentleman to the Speaker's desk, the galleries rose to their feet, that they might miss no word or lose no glimpse of what was being enacted below. The ceremony was short. Mr. Revels showed no embarrassment whatever, and his demeanor was as dignified as could be expected under the circumstances. The abuse which had been poured upon him and on his race during the last two days might well have shaken the nerves of any one. The vast throng in the galleries showed no sign of feeling one way or the other, and left very quietly.

TRIBUTE TO LARRY H. MILLER

Mr. HATCH. Mr. President, when the lights were dimmed and the spotlight shone on the empty seat at the end of Row A on the edge of the Utah Jazz basketball court last Saturday night, it symbolized so much more than the absence of its usual occupant. It demonstrated in very poignant, solemn terms the loss Utah experienced a few days ago with the death of one of its most beloved and prolific citizens, Larry H. Miller.

On Friday, February 20, 2009, Larry H. Miller quietly passed away in his home with his beloved wife and family by his side. At the age of 64, by all estimates, Larry left this earth way too early. His body had been ravaged over the past year with various medical maladies resulting from complications of Type 2 Diabetes. Yet, even though his body was physically depleted, his fighting spirit and pragmatic wisdom continued until his very last breath. I do not think anyone was really prepared to lose this mighty man.

Larry came from humble beginnings. His life story exemplified from start to finish the true American dream. By all accounts his education and intelligence was not honed in a classroom, but in the workplace of our nation. Through odd jobs and a beginning career as an auto parts stock boy, he quickly graduated to owning his first car dealership with a business deal struck in an afternoon visit with an old acquaintance.

Larry's business acumen was legendary. The risks he took were enormous and the decisions he made on a daily basis would stifle even the most experienced business leader. However, because of the risks he was willing to take and the business decisions he had the courage to make, the impact he left in every corner of our State cannot be overstated.

From the days of his first car enterprise, his empire grew to include many car dealerships, movie theaters, restaurants, television and radio stations, a first-class sports arena, a race track, sports memorabilia and apparel stores, a professional baseball team, and of course, our cherished Utah Jazz.

His professional life was punctuated by hard work, ingenuity, and good old-fashioned common sense. He was a man who wore many hats, and wore them well. He was plain spoken, and very direct in sharing his thoughts and opinions. He did not live a life of flash, but one of more humble trappings. I cannot think of Larry without picturing him at so many events, no matter the importance, in his trademark casual pants and golf shirt. He was a man who lived by his own creed, and never let anyone else define him.

The relationships he developed, and consequently shared with Utah, have brushed our community with great color. Karl Malone, John Stockton, Jerry Sloan, Deron Williams, Thurl Bailey, Mark Eaton, and Jeff Hornacek are only a few people Larry befriended, hired, and mentored who have provided many hours of great sports entertainment to fans across the country. I know that personalities from time to time would clash, but at the end of the day Larry, and those who worked for or played for him, shared a mutual respect and love not often found in professional sports today.

Larry not only contributed mightily to Utah's business climate, he also served in so many ways to improve the lives of people from all walks of life. His sense of community, and love for our State, were felt by all who came into contact with him. He did so many generous acts of service for his fellow man, quietly and behind the scenes, which most will never know occurred. He believed in people, and he loved helping many find the right path to follow.

Larry Miller will forever be remembered for his business empire and leadership skills, but perhaps his greatest contribution was in the walls of his own home. He loved and cherished his wife of 48 years, Gail, as well as his five children, 21 grandchildren, and one great-grandchild. He tutored them in the ways of business, but more importantly, in the love of family. As he began facing later years, Larry was quoted on many occasions stating his renewed desire to be the kind of husband, father, and grandfather he wanted to be. Within hours of Larry passing away, Gail and their children held a news conference praising the man they had known and loved. Their strength in his passing, I believe came from the love and care Larry had bestowed on each of them throughout his life.

Utah lost a great man, and I lost a treasured friend. Throughout the years of my service in the United States Sen-

ate I would often look to Larry Miller for his wisdom and strength. He was a rare person to find in the political world, someone who worked for the good of our State and its people, instead of furthering his own ambitions. He wanted to be remembered for his "love of Utah." And anyone who crossed paths with Larry can attest to his passion and love for our great State.

Perhaps Larry H. Miller's life can best be summarized in his own words quoted in the *Deseret News* this week. He said, "You know, I don't want this to sound boastful, but I really have had an extraordinary life." Yes, Larry did live an extraordinary life and I honor him for the contributions he made to Utah, its citizens, and most importantly to his family. His influence will never be forgotten, and his example will be followed by generations to come.

NATIONAL EYE DONOR MONTH

Mr. CHAMBLISS. Mr. President, I rise today in support of the Eye Bank Association of America, the Georgia Eye Bank, and the recognition of March as National Eye Donor Month.

Eye banks today provide for more than 50,000 corneal grafts for transplantation each year. In Georgia alone, citizens donated enough ocular tissue to provide over 1,200 corneas to their fellow Georgians. The generosity of these donors allows for better eye care and the gift of improved sight for those lucky enough to receive transplants.

The Eye Bank Association of America is the oldest transplant association in the United States and has restored sight to nearly 1 million individuals. The association was created in 1955 when 12 eye banks formed with the American Academy of Ophthalmology and Otolaryngology. Since 1961, more than 600,000 corneal transplants have been performed, restoring the sight of men, women, and children ranging from 9 days to 107 years old. This year, I am proud to commend Dr. Bruce Varnum, chair of the Eye Bank Association of America, from my home State of Georgia, for his excellent service and commitment to advancing eye transplantation and donation.

Corneal blindness can develop from a variety of diseases, injuries, or infections. These transplants have over a 90 percent success rate and give renewed hope for those in need of a new beginning.

Despite these encouraging numbers, many Americans are still left waiting in the dark. I urge my colleagues and all Americans to consider becoming eye donors to allow for the miracle of sight that so many of us take for granted. By working with the National Eye Banks Association and local eye banks, we involve ourselves in the selfless and kindhearted spirit that defines

the American people. The role of eye donors is paramount in assisting those who have tragically lost the ability to see.

Mr. President, lawmakers have recognized March as National Eye Donor Month since President Reagan proclaimed the first one in 1983 and I am honored on behalf of the residents of Georgia and those throughout the country to recognize March as National Eye Donor Month.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My fiancé and I bought a home in Caldwell in May and we moved out of his parents' home. While living with his parents, we paid rent and part of the bills. We knew, when we moved, we would be fine. Unlike many people, we know how to live within our means and stay below that mark in case of an emergency—like the cost of gas increasing at such an astronomical rate. His parents are a different story. They are in the group that overextended themselves, got the big house loan that any banker with common sense should have said no to but gave them the loan anyway with an adjustable rate. At the time, we knew if they gave up a couple of things (like cable tv) they would make ends meet. That is far from the truth now. In just a couple of months, gas has gone up and affected every end of life. Food is now more expensive. Other items like shampoo, cleaners, clothing, and medications have increased too with no end in sight. Even if they gave up the cable tv, drinking, smoking and anything extra, they can barely make it now. Sometimes I feel guilty for moving out and trying to create our own household and family. A child should be able to move out, make it with a supposedly 'living wage job' (which is rare and far in-between in the state of Idaho) and not have to either run back to the parents because the economy has sunk to the black hole of doom or have the parents move in with them because they are not capable of supporting themselves in the same economy.

Congress needs to stop bickering and aggravating each other and be adults—work together; otherwise those states they are supposedly working for are going to crash and burn. I know it is an election year and each party is trying to get their person elected. I also know the economy goes into a dive during said election year due to uncertainty about the next president and possible outcome of policies and bills. I am all for increasing domestic oil production if regulations are put in affect to help 'guide' the sales and thus restricting gas and fuel from skyrocketing like it is. OPEC said it would increase production yet oil futures increase on the stock markets. This is getting out of hand and a small group of people are profiting greatly while draining the hard earned money from everyone. It will backfire and it will not be pretty. Instead of fighting with the oil companies, tell them fine, thanks for all the fish. Get new technology and alternative fuel sources reved up. Stop the oil companies from bullying smaller companies from developing new fuel sources. Take the tax breaks from the oil companies and give them to the companies who have proven examples of alternative fuels and technology to work with said alternative fuels. Give people who do not own one of those massive Hummers or SUVs a tax break. Because those who bought the massive Hummers and SUVs did not help the situation and they knew it. I know it is unfair, but punishing those who used common sense and chose the practical Ford Fusion over the Hummer because they thought and realized that the Hummer was overkill on the road is unfair too. I would say we need more public transportation, but Idaho is not 'public transportation' friendly. What works in Seattle and Portland would be a cosmic joke in this state. Our communities are spread out to the point a public transportation system would only work with the Star Trek shuttles or transporter. In other words, it is not realistic. These are just my opinions and a small drop of concern in a huge lake.

KRISTA.

The price of gasoline is the cause of my debt going up. With a family of 5, it is hard to cut back anymore than I already have. My wife and I use our vehicles less than we have in the past, but we still are finding it hard to make ends meet due to the fact that when the price of gasoline goes up so does the price of food, clothes, electricity, and many other everyday necessities.

For a solution I cannot understand why the only car company (that I know of) making a natural gas-fueled car is Honda (Honda GX) and the only hydrogen car (that I know of) is made by Honda (Honda FCX). I believe if there were easy access to natural gas stations and easy access to hydrogen fuel stations that the cost of the natural gas car and the hydrogen car would be equal to the price that gasoline-powered cars are. I keep hearing about how we need to start drilling offshore for oil, but if we would use vehicles not powered by gasoline, we would not need to do any offshore drilling. I am sure there are inventors out there with ideas for cars powered by something other than gasoline, besides the natural gas and hydrogen, that are not being given the opportunity to mass market their ideas. It looks to me like we have chosen to be dependent on oil and that car companies refuse to look for alternatives to gasoline powered cars. Honda may be making the alternative fuel cars, but they are not making the cars available to the masses, although Honda does not build hy-

drogen or natural gas gas stations. Without easy access to the fuel need for the hydrogen, natural gas, and even the electric car then you are not truly giving the consumer the opportunity to choose any car powered by anything but gasoline.

Thanks for your time.

JEFF.

I applaud your efforts to communicate with Idahoans in an effort to gain an understanding of what we see on a daily basis. Perhaps there are some politicians that still want to feel the pulse of those who elect them. I am not an Idaho resident, but spent most of my 30 years growing up and living in the state. I now reside in Washington and more specifically in the northern Puget Sound system.

When the increase in fuel prices became more than I could justify I was faced with a decision to use our mass transit system. I could not be more pleased with the level of service offered. In comparison, many local areas in Southern Idaho do not have a public transportation system that carries a similar weight. With the increase in traffic in the treasure valley one would think that a mass transit system would be a logical solution. It benefits both economically and environmentally make it a decision I believe is a must. What future planning is in the works to create a suitable mass transit system that would be utilized if any? I encourage the use of a committee to explore more efforts for carpooling, expanded bus systems, and light rail for a county connect system. If you want to see a system that works, check out Seattle, I believe we offer a very good solution for transportation all around this region.

I encourage your continuing goal of thinking outside the box for solutions to meeting the ever increasing energy crisis facing Idaho. This should be a task all politicians should be working together on.

Warm regards,

NATE, Marysville WA.

I do appreciate the opportunity to "sound off" on the energy issue. I am of the belief that Congress has been delinquent in its responsibility to the United States citizens. I agree that we need to work hard on sources of energy that are less harmful to our environment; however, in the short run, we need to provide for our needs.

I am not aware of any solution that will provide immediate relief to the price of gasoline and diesel; however, it will not get any better by talking about it for another 5 years. If we had faced the problem 10 years ago, we would not have the problem today.

We need to drill now and we need to do it everywhere there are known deposits of oil. We need to be good stewards of the land in the process (we do know how to do that) but we need to provide for our own domestic needs.

Oil is a commodity, and like all commodities, the price will fall as the supply increases. Whether it is Alaska, off shore or the Rocky Mountain Shale oil, I believe we need to pursue the development of these deposits, and the construction of sufficient pipelines and refineries to deliver the products to our citizens.

Thank you again for your request for input. I look forward to seeing the Senate and House take positive long term steps for the "every day" citizens of our nation.

PETE, Ontario, Oregon.

Not too long ago (2½ years), I remember buying gasoline for less than \$2 a gallon. I

drive a Honda Civic and also have a Dodge Dakota that I use during the winter months when four-wheel drive is needed to get up and down my mountain road. I put the most miles on my Honda by far.

Buying gasoline at \$4 a gallon has now become a major monthly expense, requiring me to cut back spending in other areas such as eating out, vacations, purchasing household goods and home improvements. While it is easy to blame the oil companies, I do not feel that is fair. I believe a combination of environmentalists, the media and [the] global warming myth are more to blame. 31,000 scientists have gone on the record to debunk the global warming myth yet it is still very much alive in the media and being crammed into grade school children's minds. The EPA has forced oil companies to produce something like 19 different grades of unleaded gas. This is ludicrous.

There is no significant manmade global warming. There has not been any in the past, there is none now and there is no reason to fear any in the future. The climate of Earth is changing. It has always changed. But mankind's activities have not overwhelmed or significantly modified the natural forces. I believe there is a direct connection between global warming and four dollar a gallon gas. Ethanol is not the answer—it is just screwing up our food supply chain.

ANTHONY, Sandpoint.

Energy costs have resulted in our doing without or not going to some of the places we use to frequent. My wife and I are on Social Security and therefore have a set income. We are just not able to buy food and buy fuel for our vehicles. We are hoping Congress will do the common sense thing and "drill here, drill now and pay less". They simply must stop catering to the environmentalists and do what is right for America. As a senior member of the United States Senate, we are asking you to not only do the things you say you are going to do for the people of Idaho but be a leader and get the Senate back to Conservatism.

JERRY and TEDDI, Homedale.

I was born and raised in Idaho and I live here still. It is amazing how this state has changed in just the last 10 years.

The cost of fuel is insane. Raising the prices is not going to replenish the world's natural resources. We need to utilize the wind that blows nearly constantly through our state, we need to open more ethanol plants in Idaho and ship that fuel within Idaho. We need to give tax breaks to people who add solar power to their homes/businesses. All government buildings need to be solar powered.

The only way people are going to slow the destruction of our planet is by changing to using hydro power, wind power, solar power.

My family has resorted to sharing hot water to bathe and not using the air conditioning unless absolutely necessary. We have begun to ride bicycles to the grocery store to pick up milk and bread because the fuel is too precious for a small trip for the ever-necessary milk.

Idaho needs more 5 lane roads to get across the Treasure Valley. Idaho needs better public transit. Idaho needs a passenger train with stops from Caldwell, to Nampa, Kuna, Star, Eagle, Meridian, Boise * * * and numerous stops in each of those towns. Imagine with me for a moment * * * a train system with branches and stops criss-crossing the Treasure Valley, and then public buses with routes that cover the areas that the train

cannot go. You, Senator, could take the train to a bus stop and catch a bus to the Statehouse! Just think about the jobs that the buses would create, and the trains * * * the traffic would be lighter on the interstate.

Treasure Valley also needs a belt route that take big trucks out of the way. A route that starts south of Eiseman Rd and travels west but stays south of Kuna and then heads north to reconnect with I84 west of Caldwell. That would make I84 through Ada and Canyon county safer to travel and again reducing tons of congestion and traffic.

These are dreams that only you and your fellow elected officials can make a reality! We voted for you so that you will hear the voice of the people and do what we ask. You are there working for the people that voted for you. Make a difference. Make Idaho a self-sufficient, self-reliant state.

S.L.

I am an independent small business owner. Since my profit margins are tiny the high price of gas and diesel are causing me to consider closing my business.

Drill here, drill now, build refineries now. Build nuclear power plants now.

VAL, Council.

I think it is about time that Americans became aware of their energy usage and excessive waste of a limited resource. We should have been paying high fuel prices for many years with a tax being used for research and support of alternative technologies. Enhanced domestic production and expanded refinery capacity is not the answer to a long term problem.

BILL, Hailey.

Please do not vote in favor of lifting the offshore drilling ban nor in favor of drilling in any wildlife refuge. Supply is not the problem in this price run-up. New drilling will only benefit those in a position to profit from the further exclusive use of petroleum, not the average consumer.

We cannot undevelop wildlife areas, and it is impossible to unspill oil. I grew up on the California coast, where offshore drilling was underway. Certain beaches were continually contaminated. We had to use, ironically, gasoline to get the oil off our feet at the end of the day.

Again, please do not vote in favor of further drilling. Please do encourage development of alternatives to petroleum. Thank you.

NANCY, Boise.

What I cannot understand is why our government is so blind to how the price of fuel is affecting all of America. And still the big oil companies are making huge profits, actually obscene profits. I know their stockholders want to make a profit—but at the expense of the entire economy?

Can you name one thing that you get that does not come by truck? The airlines are dropping like flies. The average driver can hardly afford to drive to work and essential places, let alone extra driving. Cannot you see how this is a huge hurt to the American family?

KATHIE, Melba.

BUDGET OF THE UNITED STATES
GOVERNMENT FOR FISCAL YEAR
2010—PM 9

The PRESIDING OFFICER laid before the Senate the following message

from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations:

PRESIDENT'S MESSAGE

Throughout America's history, there have been some years that appeared to roll into the next without much notice or fanfare. Budgets are proposed that offer some new programs or eliminate an initiative, but by and large continuity reigns.

Then there are the years that come along once in a generation, when we look at where the country has been and recognize that we need a break from a troubled past, that the problems we face demand that we begin charting a new path. This is one of those years.

We start 2009 in the midst of a crisis unlike any we have seen in our lifetimes. Our economy is in a deep recession that threatens to be deeper and longer than any since the Great Depression. More than three and a half million jobs were lost over the past 13 months, more jobs than at any time since World War II. In addition, another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Our capital markets are virtually frozen, making it difficult for businesses to grow and for families to borrow money to afford a home, car, or college education for their kids. Many families cannot pay their bills or their mortgage payments. Trillions of dollars of wealth have been wiped out, leaving many workers with little or nothing as they approach retirement. And millions of Americans are unsure about the future—if their job will be there tomorrow, if their children will be able to go to college, and if their grandchildren will be able to realize the full promise of America.

This crisis is neither the result of a normal turn of the business cycle nor an accident of history. We arrived at this point as a result of an era of profound irresponsibility that engulfed both private and public institutions from some of our largest companies' executive suites to the seats of power in Washington, D.C. For decades, too many on Wall Street threw caution to the wind, chased profits with blind optimism and little regard for serious risks—and with even less regard for the public good. Lenders made loans without concern for whether borrowers could repay them. Inadequately informed of the risks and overwhelmed by fine print, many borrowers took on debt they could not really afford. And those in authority turned a blind eye to this risk-taking; they forgot that markets work best when there is transparency and accountability and when the rules of the road are both fair and

vigorously enforced. For years, a lack of transparency created a situation in which serious economic dangers were visible to all too few.

This irresponsibility precipitated the interlocking housing and financial crises that triggered this recession. But the roots of the problems we face run deeper. Government has failed to fully confront the deep, systemic problems that year after year have only become a larger and larger drag on our economy. From the rising costs of health care to the state of our schools, from the need to revolutionize how we power our economy to our crumbling infrastructure, policymakers in Washington have chosen temporary fixes over lasting solutions.

The time has come to usher in a new era—a new era of responsibility in which we act not only to save and create new jobs, but also to lay a new foundation of growth upon which we can renew the promise of America.

This Budget is a first step in that journey. It lays out for the American people the extent of the crisis we inherited, the steps we will take to jumpstart our economy to create new jobs, and our plans to transform our economy for the 21st Century to give our children and grandchildren the fruits of many years of economic growth.

It is true that we cannot depend on government alone to create jobs or to generate long-term growth. Ours is a market economy, and the Nation depends on the energy and initiative of private institutions and individuals. But at this particular moment, government must lead the way in providing the short-term boost necessary to lift us from a recession this severe and lay the foundation for future prosperity. That's why immediately upon taking office, my Administration worked with the Congress to pass the American Recovery and Reinvestment Act. This plan's provisions will put money in the pockets of the American people, save or create at least three and a half million jobs, and help to revive our economy.

This moment is one of great paradox and promise: while there are millions of Americans trying to find work, there is also so much work to be done. That's why the Recovery Act and our Budget will make long overdue investments in priorities—like clean energy, education, health care, and a new infrastructure—that are necessary to keep us strong and competitive in the 21st Century.

To finally spark the creation of a clean energy economy, we will make the investments in the next three years to double our Nation's renewable energy capacity. We will modernize Federal buildings and improve the energy efficiency of millions of American homes, saving consumers and taxpayers billions on our energy bills. In

the process, we will put Americans to work in new jobs that pay well—jobs installing solar panels and wind turbines; constructing energy efficient buildings; manufacturing fuel efficient vehicles; and developing the new energy technologies that will lead to even more jobs and more savings, putting us on the path toward energy independence for our Nation and a cleaner, safer planet in the process.

To improve the quality of our health care while lowering its cost, we will make the immediate investments needed to computerize all of America's medical records within five years while protecting the privacy of patients. This is a necessary step to reducing waste, eliminating red tape, and avoiding the need to repeat expensive medical tests. We also will fundamentally reform our health care system, delivering quality care to more Americans while reducing costs for us all. This will make our businesses more competitive and ease a significant and growing burden middle-class families are bearing.

To give our children a fair shot to thrive in a global, information-age economy, we will equip thousands of schools, community colleges, and universities with 21st Century classrooms, labs, and libraries. We'll provide new technology and new training for teachers so that students in Chicago and Boston can compete with kids in Beijing for the high-tech, high-wage jobs of the future. We will invest in innovation, and open the doors of college to millions of students. We will pursue new reforms—lifting standards in our schools and recruiting, training, and rewarding a new generation of teachers. And in an era of skyrocketing college tuitions, we will make sure that the doors of college remain open to children from all walks of life.

To create a platform for our entrepreneurs and workers to build an economy that can lead this future, we will begin to rebuild America for the demands of the 21st Century. We will repair crumbling roads, bridges, and schools as well as expand broadband lines across America, so that a small business in a rural town can connect and compete with its counterparts anywhere in the world. And we will invest in the science, research, and technology that will lead to new medical breakthroughs, new discoveries, and entire new industries.

Regaining our economic strength also is critical to our national security. It is a major source of our global leadership, and we must not let it waver. That's why this Budget makes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because to provide for the security of the United States we need to use all elements of our power. Moreover, to honor the service of those who have worn our military's uniform, we will make the

investments necessary to take care of our veterans.

For these initiatives to lay a foundation for long-term economic growth, it's important that we not only change what Washington invests in, but how Washington does business. We must usher in a new era of responsibility in which we empower citizens with the information they need to hold their elected representatives accountable for the decisions they make. We need to put tired ideologies aside, and ask not whether our Government is too big or too small, or whether it is the problem or the solution, but whether it is working for the American people. Where it does not, we will stop spending taxpayer dollars; where it has proven to be effective, we will invest. This is the approach, for example, we have begun in allocating funds to education, health care, and national security. And as we continue the budgetary process, we will identify more cuts and reallocations for the full Budget presented this spring, and undertake efforts to reform how the programs you fund are managed so that overruns are avoided, waste is cut, and you get the most effective and efficient Government possible.

In the little more than a month my Administration has had in office, we have not had the time to fully execute all the budget reforms that are needed, and to which I am fully committed. Those will come in the months ahead, and next year's budget process will look much different.

But this Budget does begin the hard work of bringing new levels of honesty and fairness to your Government. It looks ahead a full 10 years, making good-faith estimates about what costs we would incur; and it accounts for items that under the old rules could have been left out, making it appear that we had billions more to spend than we really do. The Budget also begins to restore a basic sense of fairness to the tax code, eliminating incentives for companies that ship jobs overseas and giving a generous package of tax cuts to 95 percent of working families.

Finally, while we have inherited record budget deficits and needed to pass a massive recovery and reinvestment plan to try to jump-start our economy out of recession, we cannot lose sight of the long-run challenges that our country faces and that threaten our economic health—specifically, the trillions of dollars of debt that we inherited, the rising costs of health care, and the growing obligations of Social Security. Therefore, while our Budget will run deficits, we must begin the process of making the tough choices necessary to restore fiscal discipline, cut the deficit in half by the end of my first term in office, and put our Nation on sound fiscal footing.

Some may look at what faces our Nation and believe that America's greatest days are behind it. They are wrong.

Our problems are rooted in past mistakes, not our capacity for future greatness. We should never forget that our workers are more innovative and industrious than any on earth. Our universities are still the envy of the world. We are still home to the most brilliant minds, the most creative entrepreneurs, and the most advanced technology and innovation that history has ever known. And we are still the Nation that has overcome great fears and improbable odds. It will take time, but we can bring change to America. We can rebuild that lost trust and confidence. We can restore opportunity and prosperity. And we can bring about a new sense of responsibility among Americans from every walk of life and from every corner of the country.

BARACK OBAMA.
THE WHITE HOUSE, February 26, 2009.

MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 6, 2009, the Speaker appoints the following members of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. KENNEDY of Rhode Island, Ms. DELAURO of Connecticut, Mr. BLUNT of Missouri.

ENROLLED BILL SIGNED

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 234. An act to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building".

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 26, 2009, she had presented to the President of the United States the following enrolled bill:

S. 234. An act to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building".

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David W. Ogden, of Virginia, to be Deputy Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mr. KENNEDY):

S. 485. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agriculture Bio-terrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. HARKIN, Mr. INOUE, Mr. KENNEDY, Mr. KERRY, Mr. JOHNSON, Mr. LEAHY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, Mr. TESTER, and Mr. WYDEN):

S. 486. A bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, and Mr. REID):

S. 487. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 488. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 489. A bill to amend the Migratory Bird Treaty Act to authorize hunting under certain circumstances; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON:

S. 490. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. BURR, Ms. COLLINS, Mr. WARNER, Mr. DUR-

BIN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. DODD, Mr. BUNNING, and Mr. KERRY):

S. 491. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 492. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage; to the Committee on Finance.

By Mr. CASEY (for himself, Mr. HATCH, Mr. DODD, Mr. BURR, Mr. KENNEDY, and Mr. BROWNBACK):

S. 493. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 494. A bill for the relief of Salah Naji Sujaa; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. SPECTER):

S. 495. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. HATCH, and Mr. CASEY):

S. 496. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 497. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. 498. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

S. 499. A bill to amend the Energy Policy Act of 2005 to repeal the ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 500. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, Mr. LEAHY, Mr. BROWN, and Mr. INOUE):

S. 501. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. LEAHY, Mr. ISAKSON, Mr. TESTER, Mr. KENNEDY, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Mrs. MURRAY):

S. Res. 57. A resolution designating the first week of April 2009 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. KERRY, Ms. LANDRIEU, Mr. BROWN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. LINCOLN, Mr. KENNEDY, and Mr. FEINGOLD):

S. Res. 58. A resolution designating the week of March 1 through March 8, 2009, as "School Social Work Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 245

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 345

At the request of Mr. LUGAR, the names of the Senator from Florida (Mr. NELSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes.

S. 371

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 422

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 428

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 454

At the request of Mr. LEVIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 473

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

AMENDMENT NO. 573

At the request of Mr. DEMINT, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mr. BOND), the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 573 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

AMENDMENT NO. 575

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 575 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

AMENDMENT NO. 579

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 579 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

AMENDMENT NO. 587

At the request of Mr. ENSIGN, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 587 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. KENNEDY):

S. 485. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agriculture Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I rise today in support of S. 485, the Select Agent Program and Biosafety Improvement Act of 2009. Today, I reintroduced this important legislation with my friend Senator TED KENNEDY. We first introduced this bill in June 2008. I thank my colleague from Massachusetts for his partnership. I enjoyed working closely with him in the 109th Congress on the Pandemic and All-Hazards Preparedness Act, which was signed into law in December 2006. He continues to be one of the great leaders in the United States Senate, and I look forward to continuing to work with him to ensure our laws protect the American people from health threats of all kinds.

This bill will enhance our nation's biosecurity and improve the biosafety of our most secure laboratories. We must do everything we can to make sure that biological agents and toxins that could present a serious threat to public health are kept safe and secure in containment laboratories and out of the hands of terrorists.

In December 2008; 6 months after we introduced this legislation for the first time, the bipartisan Commission on

the Prevention of WMD Proliferation and Terrorism reported it is "more likely than not" that a weapon of mass destruction will be used in a terrorist attack by the end of 2013. The Commission's report, *World at Risk*, found that terrorists are more likely to obtain and use a biological weapon than a nuclear weapon and, therefore, the U.S. government should make bioterrorism a higher priority. According to the report, "Only by elevating the priority of the biological weapons threat will it be possible to bring about substantial improvements in global biosecurity." Many of the specific recommendations contained in that report are reflected in this legislation.

S. 485 achieves two overarching goals. First, it reauthorizes and improves the Select Agent Program. This program was created in the 1990s to control the transfer of certain dangerous biological agents and toxins that could be used for bioterrorism. The program expanded after the anthrax attacks in 2001; however, the authorization expired at the end of September 2007.

Second, the bill evaluates and enhances the safety and oversight of high containment laboratories. These laboratories are used by scientists to study select agents and other infectious materials. Labs are categorized by their safety level. There are four levels, termed Biosafety Level—BSL—1 through 4, with 4 being the highest level. The number of these labs has grown, both domestically and internationally, in the last several years.

The Select Agent Program is jointly administered by the U.S. Department of Health and Human Services HHS Centers for Disease Control and Prevention—CDC—and the U.S. Department of Agriculture's—USDA—Animal and Plant Health Inspection Service—APHIS. The program was intended to prevent terrorism, and protect public and animal health and safety, while not hampering important life-saving research. This is an obvious struggle that requires careful consideration, particularly when science is rapidly advancing around the globe.

Under the USA PATRIOT Act, it is illegal to possess "select agents" for reasons other than legitimate research. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 further required laboratories and laboratory personnel to undergo background checks by the FBI prior to approval for possession of select agents. As of February 2009, there are 82 select agents, meaning the agents pose a severe threat to public or animal health and safety. Thirteen of these agents are found naturally in the United States. There are 336 entities and 10,463 individuals registered with the CDC to work with select agents and toxins, and 64 entities and 4,149 individuals registered with APHIS.

We take four key actions in S. 485 to strengthen the Select Agent Program.

First, our legislation reauthorizes the program through 2014 and calls for a comprehensive evaluation of the program. The review, to be conducted by the National Academy of Sciences, will look at the effects of the program on international scientific collaboration and domestic scientific advances. This is timely because the WMD Commission recently suggested the need for an interagency review of the Select Agent Program and its impact on biological security and legitimate scientific research. Historically, the United States has been an international leader in biosecurity. In fact, last year Canada proposed legislation to tighten safety and access to pathogens and toxins of concern for bioterrorism. Canada's legislation, which was reintroduced earlier this month, would establish a mandatory licensing system to track human pathogens, similar to our Select Agent Program. It also ensures compliance with the country's Laboratory Biosafety Guidelines across the country.

Second, the bill ensures a comprehensive list of select agents. Currently, CDC and APHIS develop a list of agents and toxins to which the program regulations apply. However, we believe some additional factors should be considered in revising the list. For example, scientific developments now make it possible to create agents from scratch or to modify them and make them more deadly. Highly infectious viruses or bacteria that are otherwise difficult to obtain can now be created by scientists using "synthetic genomics." In addition, we now have more information from the Department of Homeland Security—DHS—about the threat posed by certain bioterrorism agents.

In 2002, U.S. researchers assembled the first synthetic virus using the genome sequence for polio. Later, in 2005 scientists reconstructed the 1918 Pandemic Influenza virus. Then in January 2008, "safe" form of Ebola was created synthetically. While this "safe" Ebola can be used for legitimate research to develop drugs and vaccines to protect against it, a scientist could also change it back to its lethal form. Also, earlier this year, advancements in technology yielded the first synthetic bacterial genome.

We must consider these scientific advances, including genetically modified organisms and agents created synthetically, if we are to address all agents of concern. In addition, DHS's recent bioterrorism risk assessments provide new information for our assessment of biological threats. This information should also be considered when determining which agents and toxins should be regulated.

Next, the bill encourages sharing information with state officials to enable more effective emergency state plan-

ning. State health officials are currently not made aware of which agents are being studied within their state. This leaves medical responders, public health personnel, and animal health officials unprepared for a potential release, whether accidental or intentional.

Lastly, S. 485 clarifies the statutory definition of smallpox. The Intelligence and Terrorism Prevention Act of 2004 criminalized the use of variola virus, the agent that causes smallpox. The statutory definition of the virus includes agents that are 85 percent identical to the causative strain. Researchers are worried this could be interpreted to also include the safer strain used to develop the smallpox vaccine, as well as less harmful naturally occurring viruses. This sort of ambiguity could be detrimental to necessary medical countermeasure research and development. Our bill requires the Attorney General to issue guidance clarifying the interpretation of this definition.

In addition, in this legislation we take three key actions to evaluate and enhance the safety and oversight of high containment laboratories.

First, our bill evaluates existing oversight of BSL 3 and 4, or high containment, labs. The bill requires an assessment of whether current guidance on infrastructure, commissioning, operation, and maintenance of these labs is adequate. As I mentioned, the number of these labs is increasing around the globe. As these new facilities age, we need to make sure they are appropriately maintained. It is essential that laboratory workers and the public can be assured that these facilities are as safe as possible. If the guidance we currently have in place is not adequate, then we need to know how to improve it. In addition, the recent report by the WMD Commission called for HHS and DHS to lead an interagency effort to tighten government oversight of high-containment labs.

Second, the bill improves training for laboratory workers. The WMD Commission report also called for standard biosafety and biosecurity training for all personnel who work in high-containment labs and funding the development of such educational materials. As the number of laboratories and personnel increases, we must ensure workers are appropriately trained. Accidents and injuries in the lab, such as chemical burns and flask explosions, may result from improper use of equipment. Our bill develops a set of minimum standards for training laboratory personnel in biosafety and biosecurity, and encourages HHS and USDA to disseminate these training standards for voluntary use in other countries.

Finally, the bill establishes a voluntary Biological Laboratory Incident Reporting System. This system will en-

courage personnel to report biosafety and biosecurity incidents of concern and thereby allow us to learn from one another. Similar to the Aviation Safety Reporting System, which gathers information on aviation accidents, this system will help identify trends in biosafety and biosecurity incidents of concern and develop new protocols for safety and security improvements. Lab exposures to pathogens not on the select agent list will also be captured through this type of voluntary reporting system. The WMD Commission recommended promoting a culture of security awareness in the life sciences community and establishing whistleblower mechanisms within the life sciences community so that scientists can report their concerns about safety and security without risk of retaliation. We believe such a reporting system would help fulfill this recommendation.

In closing, I encourage my Senate colleagues to join Senator KENNEDY and me as we work to improve our nation's biosecurity and biosafety systems by passing S. 485, the Select Agent and Biosafety Improvement Act of 2009. I want to thank the many researchers, scientists, and state health officials from across the country who shared with me and my staff their ideas, experiences, and recommendations. In this time of exciting scientific advances, we must ensure our laws and prevention programs are updated to reflect current conditions. In addition, we must remain vigilant in our efforts to protect the American people from bioterrorism. The Select Agent Program is an important part of ensuring the nation's safety and security, and I look forward to working with my colleagues to reauthorize and improve the program.

By Mr. SANDERS (for himself, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. HARKIN, Mr. INOUE, Mr. KENNEDY, Mr. KERRY, Mr. JOHNSON, Mr. LEAHY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, Mr. TESTER, and Mr. WYDEN):

S. 486. A bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANDERS. Mr. President, I think everybody recognizes that our current health care system is in very serious crisis. We have 46 million Americans who lack any health insurance. We have even more than that who are underinsured. The cost of

health care is soaring. And we end up spending twice as much per person on health care as do the people of any other nation, despite having so many people uninsured and underinsured.

While a lot of the discussion regarding the health care crisis focuses on insurance coverage, there is another crisis equally severe that we do not talk enough about; that is, the crisis in access to doctors and dentists—in fact, the crisis in terms of primary health care.

The truth is that in our country today, we have some 56 million Americans, including Americans who have health insurance, who simply cannot find a doctor and, even more, cannot find a nurse. The absurdity of that is that when somebody cannot find a doctor, that person will end up going to the emergency room at great cost to our Nation or, equally likely, that person may not go to the doctor at all, gets sick, and ends up in the hospital, and we are spending tens of thousands of dollars treating that person when we could have spent far less if that man, woman, or child had access to a doctor when the illness first developed.

I am very gratified, and I thank President Obama, I thank Senator INOUE and Senator HARKIN, Congressman OBEY, the Democratic leadership in the House for taking this Nation a giant step forward in terms of addressing the crisis in primary health care in the stimulus package.

What happened in the stimulus package is that \$2 billion was allocated for community health centers, to help those community health centers expand, to help in the growth of new community health centers. On top of that, another \$300 million was appropriated for the National Health Service Corps. The National Health Service Corps is one of the important health programs we have in this country because it provides debt forgiveness and scholarships for young physicians so they can go out and serve in underserved areas.

Many medical school graduates are leaving school \$100,000, \$150,000 in debt, and they have no choice but to end up becoming specialists, making a whole lot of money in order to pay back those debts. What we have done in the stimulus package is almost triple the amount of money going into the National Health Service Corps, which means that we are going to be able to enable thousands of young physicians and dentists to go out and work in underserved areas, which is a huge step forward for primary health care. That was a very important part of the stimulus package.

In fact, on top of all of that, this sum of money is going to create 44,000 sustainable jobs as we create a primary health care infrastructure and as we provide health care to an additional 4 million Americans.

As significant as what we did in the stimulus package is, it is only a downpayment for what we have to do to address the crisis in terms of primary health care. Therefore, I am very proud to announce that today I introduced, along with 21 of my Senate colleagues—and they are in alphabetical order—Senators BEGICH, BINGAMAN, BOXER, BROWN, BURRIS, CARDIN, CASEY, DURBIN, HARKIN, INOUE, KENNEDY, KERRY, JOHNSON, LEAHY, MENENDEZ, MERKLEY, MIKULSKI, SCHUMER, STABENOW, TESTER, and WYDEN—all of those Senators join with me in new legislation which, in fact, is going to revolutionize primary health care in America.

Also today, the majority whip in the House, JIM CLYBURN of South Carolina, introduced a similar bill which I believe has 78 cosponsors. That legislation is called the Access for All America Act. Its goal is to significantly expand community health centers all over this country, as well as the National Health Service Corps.

The community health center concept was developed by Senator TED KENNEDY over 40 years ago. The truth is that the concept of community health centers has been long supported in a bipartisan manner. President Bush was supportive of the concept. Senator MCCAIN certainly mentioned it in his campaign for President, and Senator HATCH—many Republicans have supported it, as well as many people on our side of the aisle.

The reason for that bipartisan support is that everybody here understands that community health centers provide quality health care in a cost-effective manner. What community health centers do is provide comprehensive health care in terms of access to doctors and dentists. I point out that there is a major dental crisis all over this country. Community health centers by law have to provide mental health counseling. On top of that, community health centers provide the lowest cost of prescription drugs in the United States of America.

Today, there are approximately 1,100 community health centers all over America. In my State of Vermont, we have gone from 2 to 7 in the last 5 years, and they are now providing health care to over 80,000 Vermonters.

We have 1,100 in this country today. What this legislation will do is go from 1,100 community health centers to 4,800 community health centers, quadrupling the number of health centers in America. By doing that, we will provide comprehensive, high-quality primary health care in every underserved area in this country—a giant step forward in terms of making primary health care accessible to every man, woman, and child in this Nation.

In my view, we need to move toward a national health care program which guarantees health care for all people,

but we can take this important step forward in terms of primary health care quite soon.

Here is one of the very wonderful aspects of what this legislation does. Right now, we spend about \$2.1 billion a year for community health centers. This legislation, over a 5-year period, will take that number up to \$8 billion. It will go from \$2 billion to \$8 billion as we quadruple the number of community health centers.

What study after study suggests is that in fact this investment will end up saving us money. This investment in primary health care will save us money because those people who get sick will now be able to go to a community health center—perhaps the most cost-effective primary health care in America—rather than walking into an emergency room, which is one of the most expensive health care providers in the country. In addition, when people have access to health care and get treatment when they need it, they are not going to get very sick and end up in a hospital, where it will cost tens of thousands of dollars to deal with their illness.

So what this legislation does is quadruple the number of community health centers, and it very substantially increases the amount of money that goes to the National Health Service Corps so we can provide debt relief and scholarships to young physicians who will then go out and serve us in underserved areas.

In my view, this legislation, if passed—and I think we have a good chance to pass it because there is a whole lot of bipartisan support here in the Senate for this concept, a lot of support in the House as well—will revolutionize primary health care in America. It will bring us to the day when virtually every American will have access to a doctor, a dentist, mental health counseling, and low-cost prescription drugs. It will enable us to produce the doctors, the dentists, the nurses, and the other health care providers we desperately need to get out into rural, urban America, and underserved areas. It will be a major step forward in providing the primary health care infrastructure we need as we in fact move to a national health care program.

This is important legislation, and I thank all of the 21 Members of the Senate who have already come on as original cosponsors. We hope that many more will come on in the coming weeks and months. My hope is we can get this bill out of committee and see it passed as a stand-alone piece of legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, and Mr. REID):

S. 487. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have spoken many times in this Chamber about the promise of stem cell research. For more than a decade, ever since scientists first succeeded in deriving human embryonic stem cells, I have done my utmost to promote this exciting field, which offers so much hope for so many people.

President Obama has promised to lift the restrictions on embryonic stem cell research that were put in place by President Bush, and I hope and expect that he will do so soon. But we have to make sure that the freedom to pursue this research is also protected by Federal law, not merely by an executive order that can be reversed during a future administration.

That is why Senator SPECTER and I, along with Senators KENNEDY, HATCH, and FEINSTEIN, are introducing the Stem Cell Research Enhancement Act of 2009. This is the exact same bipartisan bill that both houses of Congress approved in 2007, but was vetoed by President Bush. I urge Congress to pass this law again, and for President Obama to sign it, so our scientists can move forward with this research posthaste, without fear of further political interference.

Let me spend just a moment reviewing what this bill will accomplish. More than 7 years ago, the President announced that federally funded scientists could conduct research on embryonic stem cells only if the cells had been derived before August 9, 2001, at 9 p.m.

I never understood that. Why 9 p.m.? Why not 9:30? If stem cell research is morally acceptable at 8:59 p.m., why isn't it OK at 9:01? It's totally arbitrary.

When the President announced his policy, he said that 78 stem cell lines were eligible for federally funded research. But, today, only 21 of those 78 lines are eligible—not nearly enough to reflect the genetic diversity of this Nation. Many of those 21 lines are showing their age, and all were grown with mouse feeder cells, an outdated method that raises concerns about contamination.

Meanwhile, hundreds of new stem cell lines have been derived since the President's arbitrary deadline. Many of those lines are uncontaminated and healthy. But they're totally off-limits to federally funded scientists.

That is a shame. If we are serious about realizing the promise of stem cell research—about helping people with Parkinson's, cancer, juvenile diabetes, and so many other diseases—our scientists need access to the best stem cell lines available. We need a stem cell policy that offers credible, meaningful

hope. And that's what this bill would provide.

Under this bill, Federally funded researchers could study any stem cell line, regardless of the date that it was derived, as long as strict ethical guidelines are met.

Most importantly, the only way a stem cell line could be eligible for federally funded research is if it were derived from an embryo that was otherwise going to be discarded.

There are more than 400,000 embryos in the United States that are left over from fertility treatments and are currently sitting frozen in storage. Most of those embryos will eventually be thrown away. All we are saying is, instead of discarding all 400,000 of those leftover embryos, let's allow couples to donate a few of them, if they wish, to create stem cell lines that could cure diseases and save lives.

It is time to lift the restrictions that have handcuffed stem cell research for more than 7 years. I urge the Senate to pass this bill as soon as possible and send it to the President for his signature.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Research Enhancement Act of 2009".

SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

"SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.

"(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo).

"(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in any research conducted or supported by the Secretary if the cells meet each of the following:

"(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

"(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

"(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

"(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

"(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section."

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 2, is further amended by inserting after section 498D the following:

"SEC. 498E. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

"(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director of NIH, shall issue final guidelines to implement subsection (a), that—

"(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

"(2) prioritize research with the greatest potential for near-term clinical benefit; and

"(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

"(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

"(e) DEFINITION.—

"(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

"(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2012, to carry out this section.”.

Mr. SPECTER. Mr. President, I rise to introduce—the “Stem Cell Research Enhancement Act similar to legislation that I have sponsored in the last two Congresses with Senators HARKIN, HATCH, KENNEDY, FEINSTEIN, and SMITH.

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. In my capacity as ranking member and at times chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have backed up this belief by supporting increases in funding for the National Institutes of Health. I have said many times that the NIH is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled \$3.6 billion. In fiscal year 2009, NIH will receive approximately \$29 billion to fund its pursuit of lifesaving research. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer’s disease, Parkinson’s disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS, and many others. It is clear to me that Congress’s commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us and to ensure that all avenues of research toward cures—including stem cell research—are open for investigation.

I first learned of the potential of human embryonic stem cells in November of 1998 upon the announcement of the work by Dr. Jamie Thomson at the University of Wisconsin and Dr. John Gearhart at Johns Hopkins University. I took an immediate interest and held the first congressional hearing on the subject of stem cells on December 2, 1998. These cells have the ability to become any type of cell in the human body. Another way of saying this is that the cells are pluripotent. The consequences of this unique legislation is property of stem cells are far reaching and are key to their potential use in therapies. Scientists and doctors with whom I have spoken—and that have since testified before the Labor-HHS Appropriations Subcommittee at 20 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as juvenile diabetes, Parkinson’s disease, Alzheimer’s disease, cardiovascular diseases, and spinal cord injury. In all,

well over 100 million Americans could benefit from stem cell research.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization, IVF, therapies, sperm, and several eggs are combined in a laboratory to create 4 to 16 embryos for a couple having difficulty becoming pregnant. The embryos grow in an incubator for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining frozen embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos. The stem cells form what are called “lines” and continue to divide indefinitely in a laboratory dish. In this way, the 21 lines currently available for Federal researchers were obtained from 21 embryos. The stem cells contained in these lines can then be made into almost any type of cell in the body—with the potential to replace cells damaged by disease or accident. At no point in the derivation process are the embryos or the derived cells implanted in a woman, which would be required for them to develop further. The process of deriving stem cell lines results in the disruption of the embryo and I know that this raises some concerns.

During the course of our hearings in this subject, we have learned that over 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would be the first to support it. In fact, I have included \$2,000,000 in the HHS budget each year since 2002 to create and continue an embryo adoption awareness campaign. But the truth is that most of these embryos will be discarded. I believe that instead of just throwing these embryos away, they hold the key to curing and treating diseases that cause suffering for millions of people.

President Bush opened the door to stem cell research on August 9, 2001. His policy statement allowed limited Federal funding of human embryonic stem cell research for the first time. There is a real question as to whether the door is open sufficiently.

A key statement by the President related to the existence of approximately 60 eligible stem cell lines—then expanded to 78. In the intervening 5 years, it has become apparent that many of the lines cited are not really viable, robust, or available to federally funded researchers. The fact is there are only 21 lines now available for research. Perhaps, most fundamental is the issue of therapy. It was not addressed in the President’s statement,

but it came to light in the first weeks after the President’s announcement that all of the stem cell lines have had nutrients from mouse feeder cells and bovine serum. Under FDA regulations, these lines will face intense regulatory hurdles before being useful in human therapies. In the intervening years, new technology has been developed so that mouse feeder cells are no longer necessary for the growth of stem cells. It only makes sense that our Nation’s scientists should have access to the latest technology.

Since August 9, 2001, new facts have come to light and the technology has moved forward to the extent that the policy is holding back our scientists and physicians in their search for cures. I have a friend and constituent in Pittsburgh named Jim Cordy who suffers from Parkinson’s. Whenever I see Jim, he carries an hourglass, to remind me that the sands of time are passing and that the days of his life are slipping away. That is a pretty emphatic message from the hourglass. So it seems to me that this is the kind of sense of urgency which ought to motivate Congress and the biomedical research community.

On March 19, 2007, Dr. Elias Zerhouni, President Bush’s appointee to lead the National Institutes of Health, testified before the Senate Labor-HHS-Education Appropriations Subcommittee regarding the NIH budget and stem cells. At that time he stated, “It is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines . . . To sideline NIH in such an issue of importance, in my view, is short-sighted. I think it wouldn’t serve the nation well in the long run.” His testimony clearly shows that the time has come to move forward.

The Stem Cell Research Enhancement Act lifts the August 9, 2001, date restriction, thus making stem cell lines eligible for federally funded research regardless of the date on which they were derived. Expanding the number of stem cell lines would accelerate scientific progress towards cures and treatments for a wide range of diseases and debilitating health conditions. The bill puts in place strong ethical requirements on stem cell lines that are funded with Federal dollars. In fact, several stem cell lines currently funded with Federal dollars would not be eligible under the policies put in place by this bill. The requirements include: embryos used to derive stem cells were originally created for fertility treatment purposes and are in excess of clinical need; the individuals seeking fertility treatments for whom the embryos were created have determined that the embryos will not be implanted in a woman and will otherwise be discarded; the individuals for whom the embryos were created have provided

written consent for embryo donation; and the donors can not receive any financial or other inducements to make the donation.

When President Bush's Council on Bioethics reported on several theoretical methods for deriving stem cells without destroying embryos, I immediately scheduled a hearing to investigate these ideas. On July 12, 2005, the Labor-HHS Subcommittee heard testimony from five witnesses describing several theoretical techniques for deriving stem cells without destroying embryos. The stem cells would theoretically have the key ability to become any type of cell. The techniques discussed included single cell derivation of stem cells; altered nuclear transfer; deriving stem cells from so-called "dead" embryos; and, perhaps the most promising, turning adult cells back into stem cells.

Legislation, which I first introduced with Senator Rick Santorum in the 109th Congress, was meant to encourage these alternative methods for deriving stem cells without harming human embryos. That legislation has been incorporated into the current bill, which amends the Public Health Service Act by inserting a section that:

1, Mandates that the Secretary of Health & Human Services shall support meritorious peer-reviewed research to develop techniques for the derivation of stem cells without creating or destroying human embryos.

2, Requires the Secretary to issue guidelines within 90 days to implement this research and to identify and prioritize the next research steps.

3, Requires the Secretary to consider techniques outlined by the President's Council on Bioethics—such as altered nuclear transfer and single cell derivation.

4, Requires the Secretary to report yearly on the activities carried out under this authorization.

5, Includes a "Rule of Construction" stating: Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

6, Define "human embryo" by reference to the latest definition contained in the appropriations act for the Department of Health & Human Services.

7, Authorizes "such sums as may be necessary" for fiscal year 2010 through 2012.

Knowing that scientists are never certain exactly which research will lead to the next great cure; I have always supported opening as many avenues of research as possible. Based on that line of reasoning, I have always supported human embryonic, adult, and cord blood stem cell research. My goal is to see cures for the various af-

flictions that lower the quality of life—or end the lives—of Americans. I believe this bill implements this philosophy by opening of embryonic stem cell research and encouraging alternatives.

Importantly, the bill does not allow Federal funds to be used for the derivation of stem cell lines—the step in the process where the embryo is destroyed. Also, the bill does not address the subject of cloning, which continues to be banned in the appropriations bills for Health & Human Services.

President Barack Obama has indicated that he will overturn the current restrictions. I feel it is important to codify this important policy change so that the policy does not ping-pong back and forth with each successive President. This uncertainty slows the progress of science. Young scientists rightly avoid fields of science for which funding may come and go due to political whim rather than scientific and medical merit. A temporary end to the current restrictions is an incomplete and ultimately self-defeating solution.

I strongly believe that the funding provided by Congress should be invested in the best research to address diseases based on medical need and scientific opportunity. Politics has no place in the equation. Throughout history there are numerous examples of politics stifling science in the name of ideology. Galileo was imprisoned for his theory that the planets revolve around the Sun. The Institute of Genetics of the Soviet Academy of Sciences opposed the use of hybrid varieties of wheat because it was based on the science of the West. Instead, they supported a doctrine called "acquired characteristics," which was made the official Soviet position. This resulted in lower yields for Soviet wheat throughout the former Soviet Union in the first half of the 20th century. These historical examples teach us that we must make these decisions based on sound science, not politics. I urge this body to support the Stem Cell Research Enhancement Act so that this Congress does not look as foolish in hindsight as these examples.

By Mr. BROWN:

S. 488. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today I am introducing a bill to help cancer patients and bring us closer to finding a cure for that devastating and deadly disease.

Clinical trials are one of the most effective weapons in our nation's ongoing

fight against cancer. Experimental treatments both save lives and advance research.

However, many health insurance policies discourage enrollment in these trials by refusing to cover trial participants' routine health care, even as patients continue to pay monthly premiums.

Take, for example, Sheryl Freeman from Dayton, OH. Sheryl and her husband Craig visited my office in Washington, DC 2 years ago to tell their story:

Sheryl was a retired school teacher and was covered under Craig's insurance plan. Craig has been a Federal employee for 20 years and has one of the best health plans in the country.

Yet they found that when Sheryl—who had been diagnosed with multiple myeloma—tried to enroll in a clinical trial to save her life, their insurance company would not cover routine costs that would have been covered had she not enrolled in the clinical trial.

For instance, in addition to participating in the clinical trial at Ohio State's James Cancer Hospital, Sheryl needed to visit her oncologist in Dayton at least once a week for standard cancer monitoring, which included scans and blood tests. But her insurance company would not cover these services if she enrolled in a clinical trial.

Sheryl wanted to take part in a clinical trial because she hoped it would help her. She hoped that it might save her life, give her more time, or help future patients with the same type of cancer.

But rather than devoting her energy toward combating cancer, Sheryl spent the last months of her life haggling with her insurance company. By the time her insurer finally agreed to cover costs they never should have denied, it was too late. The delays and denials from Sheryl's insurance company affected her treatment and, likely, her survival.

Sheryl died on December 9, 2007.

Sadly, this is not an isolated case. Across Ohio and the Nation, insurers are using patients' participation in clinical trials as an excuse to deny health benefits that would otherwise be covered.

In fact, about 20 percent of patients who try to enroll in clinical trials are denied coverage by their insurers. This statistic doesn't capture those patients who refrain from entering a trial because they have been forewarned of coverage barriers.

The Access to Cancer Clinical Trials Act—which has been introduced in the House by Representative ISRAEL and which I introduced last year as well—would eliminate these barriers for cancer patients. Under the legislation, health care costs associated with a clinical trial would still be covered by the trial sponsors; however, insurers

would not be permitted to deny benefits for other routine health care otherwise covered under their health plan. Similar legislation was passed in the Ohio General Assembly last year, but this federal bill would apply to all insurance carriers, not just those regulated by states.

The Access to Cancer Clinical Trials Act is a lifesaving bill endorsed by over thirty voluntary health organizations, including the Lance Armstrong Foundation, the National Patient Advocate Foundation, and the American Association for Cancer Research.

It is unthinkable that patients battling cancer must also fight insurers for basic benefits that should never be in doubt. To make progress on finding a cure for cancer, we need to encourage participation in research, not permit insurers to inhibit it.

I ask my colleagues to please join me in supporting this important bill.

By Mr. WEBB (for himself, Mr. BURR, Ms. COLLINS, Mr. WARNER, Mr. DURBIN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. DODD, Mr. BUNNING, and Mr. KERRY):

S. 491. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WEBB. Mr. President, today I rise to introduce the bipartisan Federal and Military Retiree Health Care Equity Act. I introduce this bill with Senators BURR, COLLINS, CARDIN, DURBIN, WARNER, ROCKEFELLER, AKAKA, DODD, KERRY, and BUNNING. This legislation will provide some relief for our Nation's Federal and military retirees from the increases in their health care plans. This measure extends premium conversion to Federal and military retirees, allowing them to pay their health insurance premiums with pretax dollars.

I believe strongly in protecting the rights and benefits of our federal and military retirees, many of whom have given years of service to our country. I commend their service to our Nation.

The increasing cost of health care is a critical issue, especially to Federal and military retirees living on a fixed income. Health care premiums are rising for Federal and military retirees and their families. This legislation will help to ensure that more Federal and military retirees are able to continue their health care coverage with the Federal Employee Health Benefits Plan and supplemental TRICARE health insurance plans as premiums continue to rise.

In the fall of 2000 premium conversion became available to active Federal employees who participate in the Federal Employees Health Benefits Pro-

gram. It is a benefit already available to many private sector employees. While premium conversion does not directly affect the amount of the Federal Employee Health Benefit Plan premiums, it helps to offset some of the increase by reducing an individual's Federal tax liability.

Extending this benefit to Federal employees requires a change in the tax law, specifically section 125 of the Internal Revenue Code. This legislation makes the necessary change in the tax code. Under the legislation, the benefit would be concurrently afforded to our Nation's military retirees as well to assist with increasing health care costs.

A number of organizations representing federal and military retirees are strongly behind this initiative: National Active and Retired Federal Employees Association, The Military Coalition, National Treasury Employees Union, National Association of Postmasters of the United States, Professional Aviation Safety Specialists, National Association of Postal Supervisors, National Federation of Federal Employees, National Association of Government Employees, National Rural Letter Carrier Association, National Postal Mail Handlers, American Foreign Service Association, and American Postal Workers Union.

The Federal and Military Retiree Health Care Equity Act has enjoyed overwhelming, bipartisan support for four Congresses. This is a matter of basic fairness. Our Federal employee and military retirees deserve access to the same quality, affordable health care they received as active members of the civil service and military. I encourage my colleagues to join me in moving this legislation forward in this Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal and Military Retiree Health Care Equity Act".

SEC. 2. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

"(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

"(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to in such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

"(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits programs established by chapter 55 of title 10, United States Code."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

"SEC. 224. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

"(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a)."

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (21) the following new paragraph:

"(22) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 224."

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 224. TRICARE supplemental premiums or enrollment fees.

"Sec. 225. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 4. IMPLEMENTATION.

(a) FEHBP PREMIUM CONVERSION OPTION FOR FEDERAL CIVILIAN RETIREES.—The Director of the Office of Personnel Management shall take such actions as the Director considers necessary so that the option made possible by section 125(g)(5)(A) of the Internal Revenue Code of 1986 (as added by section 2) shall be offered beginning with the first open enrollment period, afforded under section 8905(g)(1) of title 5, United States Code, which begins not less than 90 days after the date of the enactment of this Act.

(b) TRICARE PREMIUM CONVERSION OPTION FOR MILITARY RETIREES.—The Secretary of Defense, after consulting with the other administering Secretaries (as specified in section 1073 of title 10, United States Code), shall take such actions as the Secretary considers necessary so that the option made possible by section 125(g)(5)(B) of the Internal Revenue Code of 1986 (as so added) shall be offered beginning with the first open enrollment period afforded under health benefits

programs established under chapter 55 of such title, which begins not less than 90 days after the date of the enactment of this Act.

By Mr. CARDIN (for himself and Mr. SPECTER):

S. 495. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the Justice Integrity Act of 2009. I am pleased that Senator SPECTER, the ranking member of the Judiciary Committee, has joined me as an original cosponsor of this legislation. I think it is important to begin this discussion with the first words that appear in the Constitution of the United States. "We the people of the United States, in Order to form a more perfect Union, establish Justice . . ." The Founding Fathers chose Justice as a cornerstone for the foundation of our country. Justice is defined as fairness, moral rightness, and as a system of law in which every person receives his or her due from the system, including all of their guaranteed rights. There are many perceptions and realities that surround our criminal justice system.

Our Constitution guarantees that all Americans, no matter their race, color, creed or gender, have the right to equal protection under the law. Yet statistics, reports and data reflect a possibility of bias in our justice system. For example, a distressing statistic shows that one out of every three African-American males born today can expect to go to jail during his lifetime. African-Americans are disproportionately arrested and incarcerated, they are more likely to be pulled over by a police car while driving, and they are three times more likely to be arrested for a drug offense than white Americans and are nearly 10 times as likely to enter prison for drug offenses. Take for example, how two forms of the same drug are handled differently in our justice system: crack cocaine and powder cocaine. In 2006, blacks constituted 82 percent of those sentenced under federal crack cocaine laws while whites constituted of only 8.8 percent, despite the fact that more than 66 percent of people who use crack cocaine are white. Government data further demonstrates that drug rates are similar among all racial and ethnic groups.

A 2007 study released by the Department of Justice's Bureau of Justice Statistics revealed that while Black, Hispanic and White drivers are equally likely to be pulled over by police, Blacks and Hispanics are much more likely to be searched and arrested. These types of disparities and the perception of bias is unacceptable and we should take bold steps to correct these injustices. During the last Congress, my good friend and former member of the Judiciary Committee, Senator

Biden, introduced this bill and during his introductory speech he stated "nowhere is the guarantee of equal protection more important than in our criminal justice system." I couldn't agree more with that statement, which is why I have reintroduced this very important legislation.

Just last week Attorney General Eric Holder gave a speech for African-American History Month. In that speech, Attorney General Holder asked us, as a nation, to "find ways to force ourselves to confront that which we have become experts at avoiding". One way to do that is to look at the disparities in our justice system that have existed for many years and can be traced back to slavery and the Jim Crow era. In President Obama's March 2008 speech on Race, he asked Americans to "march for a more just, more equal, more free, more caring and more prosperous America." He further stated that in order to perfect our union we must continue to "insist on a full measure of justice in every aspect of American life." I heard President Obama that day, and I heard Attorney General Holder last week. I believe we are at a crossroads today where we can either take on the challenges and attack these injustices or continue to turn our heads away from the problems in our justice system. The Justice Integrity Act responds to the racial and ethnic disparities and perceptions that surround our Federal justice system.

The Justice Integrity Act will create 10 pilot programs across the country that will help create a plan that will ensure that law enforcement priorities and initiatives—including charging and plea decisions, as well as sentencing recommendations are not influenced by racial or ethnic bias but instead apply the law in a just and fair manner to all individuals. These 10 pilot programs will be set up at the discretion of the Attorney General in 10 different U.S. attorney offices. Each U.S. attorney will create an advisory group including all the major stakeholders in the justice system. Each of the individuals will gather information and examine data which will lead to a report on their findings and recommendations to the district on how to reduce unjustified racial and ethnic disparities.

Our current justice system is not working at its greatest potential. This bill will not only help restore the public's trust in our justice system but also restore integrity in our justice system. Any form of bias in our criminal justice system erodes the core principles in our Constitution specifically that "all men are created equal" under the law and that our justice system is not only fair but just.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 495

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice Integrity Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

(1) the pursuit of justice requires the fair application of the law;

(2) racial and ethnic disparities in the criminal process have contributed to a growing perception of bias in the criminal justice system;

(3) there are a variety of possible causes of disparities in criminal justice statistics among racial and ethnic groups and these causes may differ throughout the United States, including crime rates, racial discrimination, ethnic and cultural insensitivity, or unconscious bias, as well as other factors;

(4) the Nation would benefit from an understanding of all factors causing a disparate impact on the criminal justice system; and

(5) programs that promote fairness will increase public confidence in the criminal justice system, increase public safety, and further the pursuit of justice.

SEC. 3. PILOT PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a pilot program in 10 United States districts in order to promote fairness, and the perception of fairness, in the Federal criminal justice system, and to determine whether legislation is required.

(b) PROGRAM REQUIREMENTS.—

(1) U.S. ATTORNEYS.—The Attorney General shall designate, in accordance with paragraph (3), 10 United States Attorneys who shall each implement a plan in accordance with section 4, beginning not later than 1 month after those United States Attorneys are designated by the Attorney General.

(2) PURPOSE.—The purposes of the plans required by this section are—

(A) to gather racial and ethnic data on investigations and prosecutions in the United States districts and the causes of disparities, if any;

(B) to determine the extent to which the communities' perception of bias has affected confidence in the Federal criminal justice system;

(C) to analyze whether measures may be taken to reduce unwarranted disparities, if any, and increase confidence in the criminal justice system; and

(D) to make recommendations, to the extent possible, to ensure that law enforcement priorities and initiatives, charging and plea bargaining decisions, sentencing recommendations, and other steps within the criminal process are not influenced by racial and ethnic stereotyping or bias, and do not produce unwarranted disparities from otherwise neutral laws or policies.

(3) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The 10 pilot districts referred to in subsection (a) shall include districts of varying compositions with respect to size, case load, geography, and racial and ethnic composition.

(B) METROPOLITAN AREAS.—At least 3 of the United States Attorneys designated by the Attorney General shall be in Federal districts encompassing metropolitan areas.

SEC. 4. PLAN AND REPORT.

(a) IN GENERAL.—

(1) UNITED STATES ATTORNEY.—Each United States Attorney shall, in consultation with

an advisory group appointed in accordance with paragraph (2), develop and implement a plan in accordance with subsections (b) and (c).

(2) **ADVISORY GROUP.**—

(A) **APPOINTMENT.**—Not later than 90 days after designation by the Attorney General, the United States Attorney in each of the 10 pilot districts selected pursuant to section 3 shall appoint an advisory group, after consultation with the chief judge of the district and criminal justice professionals within the district.

(B) **MEMBERSHIP.**—The advisory group of a United States Attorney shall include—

(i) 1 or more senior social scientists with expertise in research methods or statistics; and

(ii) individuals and entities who play important roles in the criminal justice process and have broad-based community representation such as—

(I) Federal and State prosecutors;

(II) Federal and State defenders, if present in the district, and private defense counsel;

(III) Federal and State judges;

(IV) Federal and State law enforcement officials and union representatives;

(V) a member of the United States Sentencing Commission or designee;

(VI) parole and probation officers;

(VII) correctional officers;

(VIII) victim's rights representatives;

(IX) civil rights organizations;

(X) business and professional representatives; and

(XI) faith based organizations that provide services to people involved in the criminal justice system.

(C) **TERM LIMIT.**—Subject to subparagraph (D), a member of the advisory group shall not serve longer than 5 years.

(D) **PERMANENT MEMBERS.**—Notwithstanding subparagraph (C), the following shall be permanent members of the advisory group for that district:

(i) The chief judge of the judicial district.

(ii) The Federal defender for the judicial district.

(iii) The United States Attorney for the judicial district.

(E) **REPORTER.**—The United States Attorney may designate a reporter for each advisory group, who may be compensated in accordance with guidelines established by the Executive Office of the United States Attorneys.

(F) **INDEPENDENT CONTRACTORS.**—The members of an advisory group of a United States Attorney and any person designated as a reporter for such group—

(i) shall be considered independent contractors of the United States Attorney's Office when in the performance of official duties of the advisory group; and

(ii) may not, solely by reason of service on or for the advisory group, be prohibited from practicing law before any court.

(b) **DEVELOPMENT AND IMPLEMENTATION OF A PLAN AND REPORT.**—

(1) **ADVISORY GROUP REPORT.**—The advisory group appointed under subsection (a)(2) shall—

(A)(i) systematically collect and analyze quantitative data on the race and ethnicity of the defendant and victim at each stage of prosecution, including case intake, bail requests, declinations, selection of charges, diversion from prosecution or incarceration, plea offers, sentencing recommendations, fast-track sentencing, and use of alternative sanctions; and

(ii) at a minimum, collect aggregate data capable of individualization and tracking

through the system so that any cumulative racial or ethnic disadvantage can be analyzed;

(B) seek to determine the causes of racial and ethnic disparities in a district, and whether these disparities are substantially explained by sound law enforcement policies or if they are at least partially attributable to discrimination, insensitivity, or unconscious bias;

(C) examine the extent to which racial and ethnic disparities are attributable to—

(i) law enforcement priorities, prosecutorial priorities, the substantive provisions of legislation enacted by Congress; or

(ii) the penalty schemes enacted by Congress or implemented by the United States Sentencing Commission;

(D) examine data including—

(i) the racial and ethnic demographics of the United States Attorney's district;

(ii) defendants charged in all categories of offense by race and ethnicity, and, where applicable, the race and ethnicity of any identified victim;

(iii) recommendations for sentencing enhancements and reductions, including the filing of substantial assistance motions, whether at sentencing or post-conviction, by race and ethnicity;

(iv) charging policies, including decisions as to who should be charged in Federal rather than State court when either forum is available, and whether these policies tend to result in racial or ethnic disparities among defendants charged in Federal court, including whether relative disparities exist between State and Federal defendants charged with similar offenses;

(v) the racial and ethnic composition of the Federal prosecutors in the district; and

(vi) the extent to which training in the exercise of discretion, including cultural competency, is provided prosecutors;

(E) consult with an educational or independent research group, if necessary, to conduct work under this subsection; and

(F) submit to the United States Attorney by the end of the second year after their initial appointment a report and proposed plan, which shall be made available to the public and which shall include—

(i) factual findings and conclusions on racial and ethnic disparities, if any, and the State of public confidence in the criminal process;

(ii) recommended measures, rules, and programs for reducing unjustified disparities, if any, and increasing public confidence; and

(iii) an explanation of the manner in which the recommended plan complies with this paragraph.

(2) **ADOPTION OF PLAN.**—Not later than 60 days after receiving and considering the advisory group's report and proposed plan under paragraph (1), the United States Attorney appointed under section 3 shall adopt and implement a plan.

(3) **COPY OF REPORT.**—The United States Attorney shall transmit a copy of the plan and report adopted and implemented, in accordance with this subsection, together with the report and plan recommended by the advisory group, to the Attorney General. The United States Attorney shall include with the plan an explanation of any recommendation of the advisory group that is not included in the plan.

(4) **CONGRESS.**—The Attorney General shall transmit to the United States Attorney's in every Federal district and to the Committees on the Judiciary of the Senate and the House of Representatives copies of any plan and accompanying report submitted by a pilot district.

(c) **PERIODIC UNITED STATES ATTORNEY ASSESSMENT.**—After adopting and implementing a plan under subsection (b), each United States Attorney in a pilot district shall annually evaluate the efficacy of the plan. In performing such assessment, the United States Attorney shall consult with the advisory group appointed in accordance with subsection (a)(2). Each assessment shall be submitted to the Executive Office for United States Attorneys for review in accordance with subsection (d).

(d) **INFORMATION ON THE PILOT PROGRAM.**—

(1) **REPORT AND MODEL PLAN.**—Not later than 5 years after the date of the enactment of this Act, the Attorney General shall—

(A) prepare a comprehensive report on all plans received pursuant to this section;

(B) based on all the plans received pursuant to this section the Attorney General shall also develop one or more model plans; and

(C) transmit copies of the report and model plan or plans to the Committees on the Judiciary of the Senate and the House of Representatives.

(2) **CONTINUED OVERSIGHT.**—The Attorney General shall, on a continuing basis—

(A) study ways to reduce unwarranted racial and ethnic disparate impact in the Federal criminal system; and

(B) make recommendations to all United States Attorneys on ways to improve the system.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$3,000,000 for use, at the discretion of the Attorney General, by the United States Attorneys' advisory groups in the development and implementation of plans under this Act.

By Mr. DURBIN:

S. 497. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. As we prepare to tackle the many challenges of our health care system, let's take the time to make sure that nursing schools are in a position to teach and train a new generation of nurses and nurse educators. Today, I am introducing the Nurse Education, Expansion, and Development (NEED) Act to provide schools of nursing with grants for faculty, equipment, and clinical laboratories. The proposed grants give colleges of nursing the flexibility to use federal funds to address the very problems that keep nursing schools from hiring more teachers today.

The healthcare crisis is complicated and the challenges are immense, but the runaway costs and inefficiencies in our health care system are no longer sustainable. So as we begin to look at healthcare reform in this Congress, let's keep in mind one lesson we learned from Massachusetts' recent experience. After a landmark healthcare reform law to extend healthcare coverage to every person in the State, the sudden demand for primary care professionals outpaced the supply.

Nurses can help fill that primary care gap. Today, nurse practitioners

are already taking over at the helm of primary care in many areas that don't have any primary care physicians. Nurses are staffing health care clinics, and many are opening their own practices. Increased standards of training have opened new doors for nurses who want to further their careers but do not want to attend medical school. The numbers tell the story. In 2000 there were roughly 90,000 nurse practitioners in the U.S. By 2015, it is estimated there will be as many as 135,000.

Unfortunately, the number of nurses is not keeping pace with the growing health care needs of our Nation. In 2000, the U.S. Department of Health and Human Services found that the U.S. is 110,000 short of the number of nurses we need. By 2005, the shortage had doubled to 219,000. By 2020, it is expected we will be more than 1 million nurses short of the need.

Contributing to this shortage is a lack of faculty to teach and train future nurses. In a survey of more than 400 schools of nursing last year, the American Association of Colleges of Nursing found that 63 percent of the schools reported vacancies on their faculty. An additional 17.8 percent said they were fully staffed, but still needed more faculty to handle the number of students who want to be trained. Last year, nursing colleges across the Nation denied admission to 49,948 qualified applicants because there were not enough faculty members to teach the students.

Statistics paint a bleak picture for the availability of nursing faculty now and into the future. The median age of a doctorally prepared nursing faculty member is 56 years old. The average age of retirement for faculty at schools of nursing is 65 years. It is expected that 200 to 300 doctorally prepared faculty will be eligible for retirement each year from 2005 through 2012, reducing faculty even though more than 1 million replacement nurses will be needed.

The number of qualified students turned away from nursing schools in Illinois reflects the national trend and continues to grow. In 2002–2003, 502 qualified students were rejected from Illinois nursing schools. In 2008, 2,523 students were turned away because of lack of faculty and resources—over 1600 more students than in 2007. To avoid the vast shortage HHS is projecting, we have to figure out how to make a significant increase that we can sustain in the number of nurses graduating and entering the workforce each year.

My hope is that the bill I am introducing today can be part of the answer. Nursing schools need the resources to teach and train a new generation of nurses and nurse educators. Let's not take on health care reform without considering the more than 2.9 million nurses in our country today who are critical to our health care system. And

as we look at improving our health care system, let's start by investing in the nursing pipeline today for the health care needs of tomorrow.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nurse Education, Expansion, and Development Act of 2009”.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) While the Nurse Reinvestment Act (Public Law 107–205) helped to increase applications to schools of nursing by 125 percent, schools of nursing have been unable to accommodate the influx of interested students because they have an insufficient number of nurse educators. The American Association of Colleges of Nursing estimates that—

(A) in the 2008–2009 school year—

(i) 62.8 percent of schools of nursing had from 1 to 16 vacant faculty positions; and

(ii) an additional 17.8 percent of schools of nursing needed additional faculty, but lacked the resources needed to add more positions; and

(B) 49,948 eligible candidates were denied admission to schools of nursing in 2008, primarily due to an insufficient number of faculty members.

(2) A growing number of nurses with doctoral degrees are choosing careers outside of education. Over the last few years, 20.7 percent of doctoral nursing graduates reported seeking employment outside the education profession.

(3) The average age of nurse faculty at retirement is 62.5 years. With the average age of doctorally-prepared nurse faculty at 55.6 years in 2007, a wave of retirements is expected within the next 10 years.

(4) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the projected demand for nurses over the next 10 years. While graduations from master's and doctoral programs in nursing rose by 12.8 percent (or 1,918 graduates) and 4.5 percent (or 24 graduates), respectively, in the 2008–2009 school year, projections still demonstrate a shortage of nurse faculty. Given current trends, there will be at least 2,616 unfilled faculty positions in 2012.

(5) According to the November 2007 Monthly Labor Review of the Bureau of Labor Statistics, more than 1,000,000 new and replacement nurses will be needed by 2016.

SEC. 3. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.

(a) GRANTS.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p) is amended by adding at the end the following:

“SEC. 832. CAPITATION GRANTS.

“(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

“(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible

school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

“(c) GRANT COMPUTATION.—

“(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

“(A) \$1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

“(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

“(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

“(B) \$1,405 for each full-time or part-time student who—

“(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

“(ii) has not more than 3 years of academic credits remaining in the program.

“(C) \$966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

“(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

“(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

“(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

“(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

“(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

“(d) ELIGIBILITY.—For purposes of this section, the term ‘eligible school of nursing’ means a school of nursing that—

“(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

“(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 school years preceding submission of the grant application; and

“(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 school years preceding submission of the grant application.

“(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each school year for which the

grant is awarded, the school will comply with the following:

“(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

“(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

“(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding school year by 5 percent or 5 students, whichever is greater.

“(B) Subparagraph (A) does not apply to the first school year for which a school receives a grant under this section.

“(C) With respect to any school year, the Secretary may waive application of subparagraph (A) if—

“(i) the physical facilities at the school involved limit the school from enrolling additional students; or

“(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding school years.

“(4) Not later than 1 year after receipt of the grant, the school will formulate and implement a plan to accomplish at least 2 of the following:

“(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

“(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

“(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

“(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

“(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

“(F) Increasing enrollment of minority and diverse student populations.

“(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

“(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

“(I) Increasing integration of geriatric content into the core curriculum.

“(J) Partnering with economically disadvantaged communities to provide nursing education.

“(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

“(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

“(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

“(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to the Congress—

“(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

“(2) not later than the end of fiscal year 2010, a final report on such results.

“(g) APPLICATION.—To seek a grant under this section, a school nursing shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the costs of carrying out this section (except the costs described in paragraph (2)), there are authorized to be appropriated \$75,000,000 for fiscal year 2010, \$85,000,000 for fiscal year 2011, and \$95,000,000 for fiscal year 2012.

“(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.”.

(b) GAO STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on ways to increase participation in the nurse faculty profession.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A discussion of the master's degree and doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

(B) An examination of compensation disparities throughout the nursing profession and compensation disparities between higher education instructional faculty generally and higher education instructional nursing faculty.

By Mr. BURR:

S. 498. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to once again introduce legislation that would give our veterans, surviving spouses, and certain dependent children the option to buy dental insurance coverage through the Department of Veterans' Affairs, VA. My bill is based on a very successful program that has been in place since 1998 for military retirees and their families.

Under the TRICARE Retiree Dental Program, TRDP, military retirees are given the option to purchase dental coverage through the Department of Defense. Since the program started, over 1 million eligible participants have chosen to buy dental coverage through this plan, including over 56,000 in my home State of North Carolina.

Those individuals have access to a network of about 112,000 dental plan providers across the Nation. Premiums range from \$14 to \$48 per month per person, depending on the region and type of dental plan selected. With this kind of success, it seems only fitting that we offer the same kind of benefit to our veterans.

VA runs the largest integrated health care system in the Nation. Although VA provides dental benefits to the 7.9 million veterans enrolled in the healthcare system, these benefits are either limited to a select group of people or can only be provided under very limited circumstances. For example, VA provides comprehensive dental care to veterans for 180 days after they leave service; who have service-related dental conditions; who are in nursing homes and require dental care; or who fall under other very strict guidelines.

My bill would supplement this limited coverage by giving veterans and survivors the option to purchase a more comprehensive dental plan. Of course, many veterans may have dental coverage through their employers or through an individual policy. My bill extends this dental plan option to all enrolled veterans.

As I mentioned, the bill is modeled after the successful program that is now offered to TRICARE retirees. Federal employees also have access to a similar benefit option for dental coverage. Like these other programs, this VA program would be entirely voluntary and provide needed coverage from a network of dental professionals in local communities.

This bill would not replace VA's dental services; it is just another option for those who want to have access to group insurance rates that they could not otherwise get on their own. This idea is like the 44 year relationship VA has with Prudential, who provides active duty servicemembers and veterans with group life insurance policies. The most important part of the relationship is that servicemembers and veterans get to reap the benefits of group rates and competition.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, Mr. LEAHY, Mr. BROWN, and Mr. INOUE):

S. 501. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER, KOHL, LEAHY, and BROWN to reintroduce an important piece of legislation, the Fair Prescription Drug Competition Act. Our legislation eliminates one of the most prominent loopholes that brand name drug companies use to limit consumer access to lower cost generic drugs; it ends the marketing of

so-called "authorized generic" drugs during the 180-day exclusivity period that Congress designed to specifically allow true generics to enter the market.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic. Some argue that authorized generic drugs are cheaper than brand name drugs and, therefore, benefit consumers. In reality, authorized generics only serve to reduce generic competition, extend brand monopolies, and lead to higher health care costs for consumers over the long-term. As I have said many times, authorized generics are a sham. They are brand name prescription drugs in disguise.

After up to 20 years of holding a patent for a brand name drug, the manufacturer doesn't want to let go of their enormous profits. So, they repackage the drug and refer to it as a generic in order to achieve a very simple goal—to drive true generics out of the market by offering the drug at a lower price initially; then, when victory is assured, raising the cost on the so-called "authorized generic" to gain a larger profit. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals expire.

In 1984, Congress passed the Hatch-Waxman legislation to provide consumers greater access to lower cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. Over time, brand name manufacturers found ways to exploit certain loopholes in the Hatch-Waxman law to the detriment of generics.

As a result, Congress enacted amendments to the Hatch-Waxman Act as part of the 2003 Medicare prescription drug law. These amendments were designed to close long-standing loopholes that were delaying generic competition and hindering consumer access to lower-cost generic drugs. These reforms were also intended to strengthen the 180-day period of market exclusivity for generic manufacturers that pursue costly patent challenges.

The Hatch-Waxman Act and the additional reforms included in the 2003 Medicare law provide crucial incentives for generic drug companies to enter the market and make prescription drugs more affordable for consumers. As health care spending continues to skyrocket, finding ways to reduce costs is crucial. Today, generic medications comprise more than 56 percent of all prescriptions in this country, but they only generate 13 percent of our Nation's drug costs. Furthermore, generic drugs are 50 percent to 80 percent cheaper than brand name drugs. In fact, generic drugs save con-

sumers an estimated \$8 to \$10 billion a year at retail pharmacies. For working families, these savings can make a huge difference, particularly during a recession. We must protect the true intent of the Hatch-Waxman Act and increase access to affordable prescription drugs for all Americans. The Fair Prescription Drug Competition Act does just that by eliminating the authorized generics loophole, protecting the integrity of the 180 days, and improving consumer access to lower cost generic drugs.

I urge my colleagues to support this timely and important piece of legislation.

By Mr. WYDEN:

S. 499. A bill to amend the Energy Policy Act of 2005 to repeal the ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise this afternoon to reintroduce the Withdraw Energy Addicting New Subsidies Act. I first introduced this legislation in the 109th Congress to repeal what I believed to be a back-door subsidy to the oil and gas industry at a time when the oil and gas industry didn't need any more subsidies. This hidden subsidy was included in the Energy Policy Act of 2005. And what it does is to directly transfer \$50 million dollars a year of oil and gas royalties, which would otherwise go the Federal Treasury, into a special program to research on advanced, ultra-deep drilling technology for the oil and gas industry. This transfer isn't a one-time transfer, it's an annual transfer that continues every year through the year 2017, at a cost of \$250 million over five years.

There are plenty of industries in this country that are hurting, but the oil and gas industry is not one of them. It's time, as President Obama has said, to end Federal programs that we don't really need. And this is one of them. I applaud the decision by the President to propose the repeal of the ultra-deepwater drilling program in the budget he announced today. It's a decision that's long overdue. That's why I am reintroducing this bill—the WEANS Act. I urge my colleagues in joining me in ending this unneeded subsidy by supporting the WEANS Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Withdraw Energy Addicting New Subsidies Act of 2009" or the "WEANS Act of 2009".

SEC. 2. REPEAL OF ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.

Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is repealed.

By Mr. DURBIN:

S. 500. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. As the Congress tries to help Americans overcome the most serious economic crisis since the Great Depression, we face two urgent yet conflicting priorities. We have to increase demand for American products to resuscitate our economy. And we have to reduce the financial burden that our children will assume. We need to let consumers keep more of their own money without reducing the revenues that the government needs to pay for essential services.

In addition, we need to stop the reckless lending that brought us this economic disaster.

Today, I introduce the Protecting Consumers from Unreasonable Credit Rates Act to try to get at each of these goals. My bill sets a ceiling of 36 percent annualized interest rates on consumer credit.

Consumers spend approximately \$27 billion every year on predatory payday loans, high-cost overdraft loans, and hugely expensive refund anticipation loans. Imagine if a portion of that \$270 billion 10-year cost of credit could be redirected towards buying American goods and services. The Center for Responsible Lending estimates that a strong federal usury cap would save low-income borrowers \$5 billion each year.

And, in an era that has called for trillions of taxpayer dollars to bail out banks and jumpstart economic demand, this proposal costs the taxpayers nothing.

The Protecting Consumers from Unreasonable Credit Rates Act would establish a new Federal annualized fee and interest rate calculation—the FAIR—and institute a 36-percent cap for all types of consumer credit.

In 2006, Congress enacted a Federal 36 percent annualized usury cap for certain credit products marketed to military servicemembers and their families, which curbed payday, car title, and tax refund lending around military bases. My bill would expand on that premise to include all types of credit for all borrowers.

If a lender can't make money on 36 percent interest, then maybe the loan shouldn't be made.

Although I hope to gain widespread support for this bill from responsible lenders, I understand that some of the financial service firms in this country will be uneasy with a broad bill establishing a high interest rate cap. I hope

this bill can open an honest conversation about consumer credit rates.

My opening question in that conversation is this: what services do you provide for which you can justify charging your customers more than 36 percent in annual interest?

Fifteen States and the District of Columbia have already enacted broadly applicable usury laws that protect borrowers from high-cost payday loans and many other forms of credit, while 34 States and the District of Columbia have limited annual interest rates to 36 percent or less for one or more types of consumer credit.

But there is a problem with this State-by-State approach. Those limits can sometimes be evaded by out-of-State lenders that are based in States that have weaker usury laws.

Various Federal and State loopholes allow unscrupulous lenders to charge cash-strapped consumers pay 400 percent annual interest for payday loans on average, 300 percent annual interest for car title loans, up to 3500 percent annual interest for bank overdraft loans, between 50 and 500 percent annual interest for loans secured by expected tax refunds, and higher than 50 percent annual interest for credit cards that charge junk fees.

Consider 66-year-old Rosa Mobley, who lives on Social Security and a small pension.

The Chicago Tribune reports that Ms. Mobley took out a car title loan—a type of payday loan in which the borrowers put up their cars as collateral—for \$1,000. Ms. Mobley was charged 300 percent interest.

She wound up paying more than \$4,000 over 28 months and at the time of the report was struggling just to get by.

This bill would require that all fees and finance charges be included in the new usury rate calculation and would require all lending to conform to the limit, thereby eliminating the many loopholes that have allowed these predatory practices to flourish.

It would not preempt stronger State laws, it would allow State attorneys general to help enforce this new rate cap, and it would provide for strong civil penalties to deter lender violations.

I included in this bill the flexibility for responsible lenders to replace payday loans that some borrowers once relied on with reasonably priced, small-dollar loan alternatives. The bill allows lenders to exceed the 36 percent usury cap for one-time application fees that cover the costs of setting up a new customer account and for processing costs such as late charges and insufficient funds fees.

The Protecting Consumers from Unreasonable Credit Rates Act would eliminate predatory lenders, but it also would help borrowers make smarter choices.

Congress established the Truth in Lending Act over 40 years ago to help consumers compare the costs of borrowing when buying a home, a car, or other items by establishing a standard Annual Percentage Rate that all lenders should advertise.

My first mentor in politics, the late Senator Paul Douglas from my home State of Illinois, said all the way back in 1963 that too often lenders:

compound the camouflaging of credit by loading on all sorts of extraneous fees, such as exorbitant fees for credit life insurance, excessive fees for credit investigation, and all sorts of loan processing fees which rightfully should be included in the percentage rate statement so that any percentage rate quoted is meaningless and deceptive.

That was before anyone had ever heard of “subprime lending.”

Unfortunately, as the use of credit has exploded and as the complexity of the credit products offered by lenders has become mind-boggling, Congress and the Federal Reserve have taken several actions since the passage of Truth in Lending to weaken the APR as a tool for comparison shopping. Today, many fees can be excluded from the rate that is given to borrowers. The APR no longer gives consumers the convenient and accurate information it once did. One payday lender in Pennsylvania used the various exclusions to disclose what was really a 400 percent APR as 6 percent.

This bill would give consumers a way to accurately compare credit options, by requiring that the new FAIR calculation be disclosed both for open-end credit plans such as credit cards and for closed-end credit such as mortgages and payday loans.

The bill is supported by 100 groups at the national and local levels, including the Consumer Federation of America, the National Consumer Law Center, the Center for Responsible Lending, USPIRG, and Consumers Union, and I include a copy of their letter of support for the CONGRESSIONAL RECORD.

As Congress considers some very complicated economic challenges, I urge my colleagues to also consider simple solutions. We can help give more money to American consumers today without borrowing money that must be repaid tomorrow. Let's start by eliminating some of the worst abuses in lending by establishing a reasonable fee and interest rate cap.

I urge my colleagues to support the Protecting Consumers from Unreasonable Credit Rates Act.

Mr. President, I ask unanimous consent that the text of the bill and the letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Consumers from Unreasonable Credit Rates Act of 2009”.

SEC. 2. FINDINGS.

Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the State level, 15 states and the District of Columbia have enacted broadly applicable usury laws that protect borrowers from high-cost payday loans and many other forms of credit, while 34 states and the District of Columbia have limited annual interest rates to 36 percent or less for 1 or more types of consumer credit;

(3) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for service members and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(4) notwithstanding such attempts to curb predatory lending, high cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(5) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately \$17,500,000,000 for high-cost overdraft loans, as much as \$8,600,000,000 for storefront and online payday loans, and nearly \$900,000,000 for tax refund anticipation loans;

(6) cash-strapped consumers pay on average 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 3,500 percent for bank overdraft loans, 50 to 500 percent annual interest for loans secured by expected tax refunds, and higher than 50 percent annual percentage interest for credit cards that charge junk fees;

(7) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(8) alternatives to predatory lending that encourage small dollar loans with minimal or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

SEC. 3. NATIONAL MAXIMUM INTEREST RATE.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

“SEC. 141. MAXIMUM RATES OF INTEREST.

“(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

“(b) FEE AND INTEREST RATE DEFINED.—

“(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

“(A) any payment compensating a creditor or prospective creditor for—

“(i) an extension of credit or making available a line of credit, such as fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

“(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

“(B) all fees which constitute a finance charge, as defined by rules of the Board in accordance with this title;

“(C) credit insurance premiums, whether optional or required; and

“(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

“(2) TOLERANCES.—

“(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term ‘fee and interest rate’ does not include—

“(i) application or participation fees that in total do not exceed the greater of \$30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to \$120, if—

“(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

“(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

“(III) the minimum amount of credit extended or available on a credit line is equal to \$300 or more;

“(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either \$20 per late payment or \$20 per month; or

“(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed \$15.

“(B) ADJUSTMENTS FOR INFLATION.—The Board may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

“(c) CALCULATIONS.—

“(1) OPEN END CREDIT PLANS.—For an open end credit plan—

“(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

“(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

“(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Board shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the ‘finance charge’ shall include all fees, charges, and payments described in subsection (b)(1).

“(3) ADJUSTMENTS AUTHORIZED.—The Board may make adjustments to the calculations in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

“(d) DEFINITION OF CREDITOR.—As used in this section, the term ‘creditor’ has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

“(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Board under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

“(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Board may prescribe regulations requiring disclosure of the fee and interest rate established under this section in addition to or instead of annual percentage rate disclosures otherwise required under this title.

“(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

“(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

“(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

“(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

“(2) \$50,000.

“(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief.”.

SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.

Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking “the total finance charge expressed” and all that follows through the end of the paragraph and inserting “the fee and interest rate, displayed as ‘FAIR’, established under section 141.”.

DIVERSE NATIONAL AND STATE GROUPS SUPPORT DURBIN/SPEIER FAIR BILL

FEBRUARY 25, 2009.

Hon. RICHARD J. DURBIN,
Hart Senate Bldg.,
Washington, DC.

Hon. JACKIE SPEIER,
Cannon House Office Bldg.,
Washington, DC.

DEAR SENATOR DURBIN AND REPRESENTATIVE SPEIER: We applaud Senator Durbin and Representative Speier for proposing a measure that would stop a wide range of lending abuses by capping interest rates for consumer credit at 36 percent annually. Cleaning up the finance industry is essential to a sustainable economic recovery.

The “Protecting Consumers from Unreasonable Credit Rates Act” would implement a key promise made by President Obama to extend to all Americans Congressional protection against predatory lending for Service members and their families. By limiting the total cost of consumer credit to 36 percent,

Congress will keep billions of dollars in the hands of low and moderate-income consumers, helping to stimulate the economy without costing taxpayers a penny.

This measure is designed to keep affordable financial products available, as lenders who offer sustainable loans do so at rates well below 36 percent annually. But it would eliminate abuses that rely on high fees, interest and other devices to charge extremely high annual rates—some 400 percent and higher—to trap consumers in debt they cannot afford to pay off.

Protections that once curbed abusive lending in America have been shredded, and consumers are paying astronomical rates for credit, especially those who have the fewest resources. Payday loans cost 400 percent APR or higher; car title loans cost 300 percent APR and put car ownership at risk; loans secured by expected tax refunds cost 50 to 500 percent APR; and credit card fees and interest can combine to produce triple-digit rates. Bank overdraft loans can cost quadruple digit interest rates. These extremely expensive credit products drain billions from families who struggle to make ends meet, diminishing their ability to purchase products and services that would boost the economy.

The ability of states to enact meaningful reforms on credit card and bank overdraft practices has been severely restricted as a result of federal preemption. Banks are now permitted to locate in a state without consumer protections and then engage in unregulated lending in the other forty-nine states, which are powerless to protect their citizens against high cost credit cards and tax refund anticipation loans. State usury caps have been riddled with loopholes and exceptions, leaving consumers in thirty-five states exposed to outrageously expensive payday loans.

The FAIR (Fees and Interest Rate) cap on consumer credit is set high enough not to hamper mainstream responsible lending. A 36 percent rate cap is twice the limit for federally-chartered credit unions and enables credit to be responsibly extended to consumers with less than perfect credit ratings. This is the rate cap enacted by Congress through the Military Lending Act and is the limit typically used in state small loan laws. The FAIR cap will be the maximum amount lenders can charge, but states will be able to set lower rate caps to protect their citizens, such as New York’s 25 percent criminal cap and Arkansas’s constitutional cap.

We urge quick action to implement the FAIR cap to stop usurious credit rates, to protect struggling consumers, and to put all lenders under the same set of protections.

Sincerely,

Jean Ann Fox, Consumer Federation of America.

Pam Banks, Consumers Union.

Lauren Saunders, National Consumer Law Center (on behalf of its low income clients).

Edmund Mierzwinski, U. S. Public Interest Research Group.

Michael Calhoun, Center for Responsible Lending.

David Berenbaum, National Community Reinvestment Coalition.

Hilary O. Shelton, NAACP.

Linda Sherry, Consumer Action.

Sally Greenberg, National Consumers League.

Don Mathis, Community Action Partnership.

Jim Campen, Americans For Fairness in Lending.

Maude Hurd, Association of Community Organizations for Reform Now (ACORN).

George Goehl, National Training and Information Center.

Ira Rheingold, National Association of Consumer Advocates (NACA).

Jerily DeCoteau, First Nations Development Institute.

Joanna Donohoe, Oweesta Corporation.

Lisa Rice, National Fair Housing Alliance.

Rosemary Shahan, Consumers for Auto Reliability and Safety.

Steve Hitov, National Health Law Program (NHeLP).

Jacqueline Johnson Pata, National Congress of American Indians.

Joe Rich, Lawyers' Committee for Civil Rights Under Law.

STATE ORGANIZATIONS

Shay Farley, Alabama Appleseed.

Barbara Williams, Alaska Injured Workers Alliance Research and Development Corp.

Diane E. Brown, Arizona Public Interest Research Group.

Leslie Kyman Cooper, Arizona Consumers Council.

Al Sterman, Democratic Processes Center, Arizona.

Karin Uhlich, Southwest Center for Economic Integrity, Arizona.

H.C. "Hank" Klein, Arkansans Against Abusive Payday Lending, Arkansas.

Jim Bliesner, San Diego City/County Reinvestment Task Force, California.

Betsy Handler, Inner City Law Center, Los Angeles, California.

Richard Holober, Consumer Federation of California.

Kimberly Jones and Liana Molina, California Reinvestment Coalition.

Kyra Kazantzis, Public Interest Law Firm, Fair Housing Law Project, San Jose, CA

M. Stacey Hawver, Legal Aid Society of San Mateo County, CA.

Raphael L. Podolsky, Legal Assistance Resource Center of Connecticut, Inc. Lynn Drysdale, Jacksonville Area Legal Aid, Inc., Florida.

Bill Newton, Florida Consumer Action Network.

Sally G. Schmidt, Florida Equal Justice Center.

Victor Geminani, Lawyers for Equal Justice, Hawaii.

Don Carlson, Central Illinois Organizing Project, Illinois.

Lynda DeLaForgue and William McNary, Citizen Action/Illinois.

Rose Mary Meyer, Project IRENE, Illinois.

Dory Rand, Woodstock Institute, Illinois.

Madeline Talbott, Action Now, Illinois.

Brian C. White, Lakeside Community Development Corporation, Illinois.

Victor Elias, Child and Family Policy Center and Iowa Coalition Against Abusive Lending, Iowa.

Larry M. McGuire, Minister, Community of Christ and Inter-Religious Council of Linn County, Iowa.

Lana L. Ross, Iowa Community Action Association.

Jason Selmon, Sunflower Community Action, Kansas.

Terry Brooks, Kentucky Youth Advocates.

Dana Jackson, Making Connections Network, Louisville, Kentucky.

Melissa Fry Konty, Mountain Association for Community Economic Development, Kentucky.

Anne Marie Regan and Rich Seckel, Kentucky Equal Justice Center.

Amy Shir, Kentucky Asset Building Coalition.

Debra Gardner, Public Justice Center, Maryland.

Charles Shafer, Maryland Consumer Rights Coalition.

Debra Fastino, The Coalition for Social Justice, Massachusetts.

Jim Breslauer, Neighborhood Legal Services, Lawrence, Massachusetts.

Caroline Murray, Alliance to Develop Power/ADP Worker Center, Massachusetts

Paheadra B. Robinson, Mississippi Center for Justice.

Robin Acree, GRO-Grassroots Organizing, Missouri.

Mike Cherry, Consumer Credit Counseling Service, Missouri.

Mike Ferry, Gateway Legal Services, Inc., Missouri, Arkansas, and Illinois.

Linda Gryczan, Montana Business and Professional Women, Montana Women's Lobby

Linda E. Reed, Montana Community Foundation.

Michele Johnson, Consumer Credit Counseling Service, Nevada and Utah

Dan Wulz, Legal Aid Center of Southern Nevada.

Paula J. O'Brien, New York State Consumer Protection Board.

Josh Zinner and Sarah Ludwig, Neighborhood Economic Development Advocacy Project, New York.

Al Ripley, North Carolina Justice Center.

Jeffrey D. Dillman, Housing Research and Advocacy Center, Ohio.

Bill Faith, Coalition on Homelessness and Housing in Ohio.

Jim McCarthy, Miami Valley Fair Housing Center, Inc., Ohio.

David Rothstein, PolicyMatters, Ohio.

Jeff Shuman, Deep Fork Community Action, Oklahoma.

Linda Burgin, SEIU Local 503, Oregon.

Linda Burgin, SEIU Oregon State Council.

Jerry Cohen, AARP Oregon.

Alice Dale, SEIU Local 49, Oregon.

Angela Martin, Our Oregon.

Kerry Smith, Community Legal Services, Pennsylvania.

Sue Berkowitz, South Carolina Appleseed Legal Justice Center.

Rena Eller, Senior Citizens of Hendersonville, Inc.

Dana M. Given, United Way of Sumner County, Tennessee.

Corky Neale, RISE Foundation and Memphis Responsible Lending Collaborative, TN.

Karen Pershing, United Way of Greater Knoxville, Tennessee.

Sherry Tolli, Home Safe of Sumner, Wilson and Robertson Counties, Inc., Tennessee.

Carlos Gallinar, La Fe Community Development Corporation, El Paso, Texas.

Regina Harvey, Dominion Financial Management, Smyrna, Texas.

Linda Hilton, Coalition of Religious Communities, Utah.

Janice "Jay" Johnson, Virginia Organizing Project.

Irene E. Leech, Virginia Citizens Consumer Council.

LaTonya Reed and C. Douglas Smith, Virginia Interfaith Center.

Ward Scull and Mike Lane, Virginians against Payday Lending.

James W. Speer, Virginia Poverty Law Center.

Dana Wiggins, Virginia Partnership to Encourage Responsible Lending.

Maya Baxter, Statewide Poverty Action Network, Washington.

John R. Jones, Washington ACORN.

Bruce Neas, Columbia Legal Services, Washington, on behalf of clients.

Will Pittz, Washington Community Action Network.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 57—DESIGNATING THE FIRST WEEK OF APRIL 2009 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. LEAHY, Mr. ISAKSON, Mr. TESTER, Mr. KENNEDY, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 57

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2009 as "National Asbestos Awareness Week";

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

SENATE RESOLUTION 58—DESIGNATING THE WEEK OF MARCH 1 THROUGH MARCH 8, 2009, AS “SCHOOL SOCIAL WORK WEEK”

Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. KERRY, Ms. LANDRIEU, Mr. BROWN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. LINCOLN, Mr. KENNEDY, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 58

Whereas the Senate has recognized the importance of school social work through the inclusion of school social work programs in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of “School Social Work Week” highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1 through March 8, 2009, as “School Social Work Week”;

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe “School Social Work Week” with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping stu-

dents prepare for their futures as productive citizens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 591. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

TEXT OF AMENDMENTS

SA 591. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the end of the bill add the following:

SEC. 9. FCC AUTHORITIES.

(a) CLARIFICATION OF GENERAL POWERS.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

“SEC. 303B. CLARIFICATION OF GENERAL POWERS.

“(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—The Commission shall take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

“(b) CONSTRUCTION.—Nothing in section 303A shall be construed to limit the authority of the Commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.”.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 26, 2009, at 9:30 a.m., in open session to receive testimony on strategic options for the way ahead in Afghanistan and Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 26, 2009, at 10 a.m., in order to conduct a committee hearing entitled “An Examination of the Administration's Homeowner Affordability and Stability Plan.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, February 26, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will examine Consumer Protection and the Credit Crisis and enforcement against fraudulent credit repair schemes under the Credit Repair Organization Act (CROA).

Specifically, the Committee will examine consumer protection in credit counseling, debt management, and foreclosure rescue programs and fraud. The Committee will also examine oversight of the federal authorities, protecting distressed consumers from mortgage fraud scams, and steering families away from these fraudulent schemes toward a path of financial stability.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February 26, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to provide recommendations for reducing energy consumption in buildings through improved implementation of authorized DOE programs and through other innovative federal energy efficiency policies and programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 26, 2009, at 2:30 p.m., to hold a hearing titled “Engaging Muslim Communities around the World.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, in order to conduct a hearing entitled “Integrative Care: A Pathway To A Healthier Nation” on Thursday, February 26, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 26, 2009 at 10 a.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Youth Suicide in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, February 26, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 26, 2009 at 10 a.m. to conduct a hearing on Caring for Veterans in Rural Areas. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 26, 2009 at 2:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, February 26, 2009, at 2:30 p.m. in order to conduct a hearing enti-

tled, "Protecting Public and Animal Health—Homeland Security and the Federal Veterinarian Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 387 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 387) to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the Stanley J. Roszkowski United States Courthouse.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANDERS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 387) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse, located at 211 South Court Street, Rockford, Illinois, shall be known and designated as the "Stanley J. Roszkowski United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Stanley J. Roszkowski United States Courthouse".

APPOINTMENT

The PRESIDING OFFICER. The Chair, in accordance with Public Law

93-618, as amended by Public Law 100-418, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Utah (Mr. HATCH).

ORDERS FOR FRIDAY, FEBRUARY 27, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, February 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANDERS. Mr. President, there will be no rollcall votes during Friday's session of the Senate. However, Senators should expect a busy week next week as the Senate considers the Omnibus appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 5:11 p.m., adjourned until Friday, February 27, 2009, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—Thursday, February 26, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SALAZAR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 2009.

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Michael E. Askew, Sr., Trinity United Presbyterian Church, Tallahassee, Florida, offered the following prayer:

Heavenly Creator, maker of days past, present and future, we humble ourselves in the breaking of this new day, so that in all of our efforts and energy, we give glory to You.

We pray for each Member in this United States House of Representatives and their staff. We ask that in the actions and deliberations of today, resentment, strife, bitterness, and anger will not prevail.

Rather, each Member is mindful to hear the voices and concerns of people they serve, of those serving in the military, of those living in small towns, on farms, in rural communities, and in cities throughout the United States, so collectively and conscientiously we may find methods and solutions to help even the least among us during these troubled times.

With great joy and gratitude, we stand before You ready to serve. Lord, hear Your people as we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. HONDA) come forward and lead the House in the Pledge of Allegiance.

Mr. HONDA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 8. Concurrent resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint Committee on Taxation:

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

The Senator from North Dakota (Mr. CONRAD).

The Senator from Iowa (Mr. GRASSLEY).

The Senator from Utah (Mr. HATCH).

WELCOMING REV. MICHAEL ASKEW

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. BOYD) is recognized for 1 minute.

There was no objection.

Mr. BOYD. Mr. Speaker, I am extremely pleased to have had Rev. Michael Askew from Tallahassee, Florida, as our guest chaplain today to lead us in prayer this morning. I appreciate his insightful words and spiritual message.

Rev. Askew joins us from the Trinity United Presbyterian Church of Tallahassee, Florida, where he has led the congregation since September of 2008 after arriving there from Milwaukee, Wisconsin. Rev. Askew has an impressive 20-year career as an educator and careworker to at-risk youth. He is a man of God, a man of service, and a spiritual leader and teacher in the Tallahassee community.

I would like to commend Rev. Askew for the positive impact he has made on so many lives in my community and others. We are grateful for his service, and I wish him the very best as he continues to guide his congregation in the coming years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five further requests for 1-minute speeches on each side of the aisle.

EFFECTS OF THE ECONOMIC DOWNTURN

(Mr. HONDA asked and was given permission to address the House for 1 minute.)

Mr. HONDA. Mr. Speaker, I would like to give voice to several of my constituents' stories about how they are being impacted by the economic downturn.

One constituent, Robert, told me about how he and his wife lost nearly 60 percent of their retirement funds. They have no pensions, no 401(k)s, and no health care coverage.

Another constituent told me how he lost his job 4 months ago and is now drowning in college loans and bills. These stories are all too common.

Every one of us is feeling the effects of the economic downturn. But I, along with my colleagues in Congress, will advocate for you and your family's needs every day.

EARMARKS ARE ESSENTIALLY NO-BID CONTRACTS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, yesterday we passed an omnibus spending bill with more than 8,600 earmarks. Many of them are simply wasteful, including 1.8 million to combat swine odor in Iowa. Maybe that could have been spent a little closer to home.

But a lot of these earmarks, a few thousand of them, have the potential to be far more damaging to this institution because they are essentially no-bid contracts. In many cases, they're no-bid contracts to those who turn out to be campaign contributors to Members who secured the no-bid contract.

We have to ask ourselves, is this proper for the House to do? Should the House of Representatives allow its Members to award no-bid contracts to their campaign contributors? It doesn't seem right, Mr. Speaker. We owe this institution far better than that, and we ought to stop the practice.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. America recently elected not just the first African American to serve as President but also the son of an immigrant. Yet, the positive contributions of immigrants never seem to make it through the smoke of politics that blurs the issue of immigrant reform.

We must not forget that we are a Nation built by immigrants. Today, there are 12 to 14 million undocumented, hardworking immigrants contributing to our economy.

As we struggle to rebuild our economy, we must not forget that a comprehensive immigration reform is needed to bring out of the shadows hardworking immigrants. We must make sure that all workers are on a level of playing field and that the exploitation of undocumented immigrant workers ends.

We must make sure that unscrupulous employers are punished and that families are respected.

I urge my colleagues to work with me and for the President to keep his word and work towards comprehensive immigration reform.

BANK BAILOUT BLUNDER—NORTHERN TRUST

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Chicago-based bank Northern Trust took \$1.6 billion in bailout money. But last week the bank threw a high-dollar party in Los Angeles. The celebration included flying in guests and employees to stay at the Ritz and the Beverly Hills Wilshire.

The bank hosted a \$6.3 million fancy golf tournament. Northern Trust partied all week by entertaining the rich and famous.

Nightly concerts were held that included the groups Earth, Wind and Fire, Chicago, and even singer Sheryl Crow.

One night, the bank rented the entire establishment of the House of Blues for \$50,000 to enjoy the necessities of life.

When it was all over, the party animals received Tiffany gift bags. A good time was had by all.

Mr. Speaker, corporations can do what they want with their own money, but when banks take taxpayer money, they are responsible to the taxpayers. The bank says they didn't ask for the money. Well, if that's so, the bank should do the right thing. Northern Trust, give us back our \$1.6 billion because you can't be trusted with our money.

The bank blunder bailout loan has come due.

And that's just the way it is.

NATIONAL PEACE CORPS WEEK

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today I rise to celebrate National Peace Corps Week and to honor the agency's 48th anniversary. Since the Peace Corps began in 1961, over 195,000 volunteers have served in 139 countries around the globe. Currently, there are over 7,800 Peace Corps volunteers serving in 76 countries, including two of my constituents.

Jaskirat Singh is currently serving in Jordan until September 2010, and Antoinette Day is currently serving in Bulgaria. I am incredibly proud of their service and the lasting contributions they are making to improve the lives of people in the communities where they are serving.

I would like to commend all the Peace Corps volunteers for their dedicated service to our Nation and for expanding and creating new opportunities for people in the developing world.

REAUTHORIZATION OF E-VERIFY

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, I rise today because 7 months from now the E-Verify program will expire. It is unacceptable that Congress continues to kick the can down the road on E-Verify. Last Congress, I along with 406 other Members of Congress, voted to extend E-Verify for 4 years. It was a bipartisan bill that had the overwhelming support of Members, as well as the American public. Congresswoman GIFFORDS and I have introduced the same legislation this Congress, H.R. 662.

Let's be clear: Reauthorization of E-Verify is not immigration reform. The existing voluntary program is the only way for employers to ensure that they are complying with existing law, which requires them to hire a legal workforce. Extending the voluntary program will also provide certainty to the 106,000 users of the system, including the States of Arizona and Mississippi, that E-Verify will continue to be available.

So why do we find ourselves counting down to an expiration date? Because there are certain special interests that may try to leverage E-Verify for a so-called comprehensive immigration reform bill.

We cannot allow the reauthorization of E-Verify to be tied up in a battle over an amnesty bill. Let's bring the bipartisan reauthorization of E-Verify through regular order and give the American people, and the thousands of E-Verify users, the assurance that em-

ployment verification will continue to be available.

HONORING THOSE WHO HAVE DEPARTED

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, one of the greatest privileges we have in the House of Representatives is an opportunity to come before this body and take cognizance of the extraordinary work of people in our constituency throughout the United States. When they depart life, very occasionally we come here to say something about it.

In the last 2 months, Fletcher Gibson, Ronald Dallas, Pat Larkins, and Andrew DeGraffenreidt, constituents and personal friends, some fraternity brothers of mine, have departed this life.

I take this opportunity that's given to us by our citizenry to express my condolences to their families. Each in their own way were legendary, iconic figures in Broward County, and I deeply appreciate the service they gave to humankind, and I honor them and offer condolences to their families.

HELPING FAMILIES SAVE THEIR HOMES ACT

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, as a former Realtor, I have seen the hurdles, struggles, and certainly triumphs of homeowners.

Later today, we will be voting on H.R. 1106, the Helping Families Save Their Homes Act. I understand the need to help those who need it, but we must be mindful we don't wind up hurting those who are not in dire straits.

Responsible homeowners, many of whom are struggling themselves, should not be saddled with the costs of subsidizing bad behavior on the part of banks or borrowers.

Mr. Speaker, earlier this week President Obama stood in this very space and called on Congress to work together to put our country back on the right fiscal track.

I agree wholeheartedly, and I urge my colleagues to work in a bipartisan manner instead of enacting cramdown legislation, adding even more risk to the mortgage market.

ECONOMIC STIMULUS BILL

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I was proud to vote for the economic stimulus bill, and one of the things that it

had that is most effective, timely, targeted, and temporary is unemployment compensation of people who are on the front lines and suffer because of this recession.

Money going to those people immediately go into the economy and stimulate the economy, and nobody can debate that. It also helps the people most in need.

So I was most distressed when southern governors, led by Bobby Jindal, a former Member of this House, and others and now my own governor have suggested they may not take that money. To not take that money means this recession lingers. To not take that money means the people that have been hurt the most suffer the most again.

It is wrong, and it reminds me of old, unrepentant, unreformed southern governors with interposition dripping off their lips who gave this, the South, a bad reputation because they didn't work with the Federal Government to make this a more perfect Union.

□ 1015

PROVIDING MEANINGFUL HEALTH CARE REFORM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, this week President Obama came before us and outlined the priorities for health care reform. Good. But let's keep in mind what reform is.

The high cost of health care is not cured by massive injections of money and taxes. We must eliminate the \$500 billion in annual waste. Electronic medical records will help, but only if it puts critical information in doctors' hands and they are personal, private, and portable.

Eliminating hospital-acquired infections must also be a priority. Infections kill 100,000 patients a year and cost us \$50 billion. In the 3 years I have come to this floor to ask Members to take action, nearly a quarter of a million people have died unnecessarily. How many more will have to face this preventable disease before we push for meaningful reform?

Health care reform is about fixing our health care system, not just financing it and financing its problems. Let's make health care reform real reform, because lives depend on us.

PROVIDING FOR CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Financial Services and the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from North Carolina (Ms. Foxx). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 190 provides for consideration of H.R. 1106, the Helping Families Save Their Homes Act of 2009, under a structured rule. While the rule waives clause 10 of rule XXI regarding PAYGO, there is only a technical violation of clause 10 by section 204 of the

bill. Because of the timing of cash flows of the Federal Deposit Insurance Corporation, the provision increases direct spending in the first 5-year period, but more than offsets that increase in the 10-year period.

Mr. Speaker, H.R. 1106, the Helping Families Save Their Homes Act of 2009, takes a vital step toward reviving our housing market, stemming the tide of home foreclosures and putting our Nation's economy back on track.

This bill would first give bankruptcy judges the ability to modify, at their own discretion, mortgage loans on a homeowner's principal residence if the homeowner meets specified, stringent criteria. Further, this legislation would also help veterans and other homeowners avoid foreclosure by allowing the Department of Veterans Affairs, the Federal Housing Administration and the Department of Agriculture to guarantee and/or insure mortgage loans modified either out of court or in a bankruptcy case.

This bill would also provide a safe harbor from liability to mortgage servicers who engage in loan modification workouts or other loss mitigation. Many services, Mr. Speaker, have claimed that fear of litigation or uncertainty about what modification actions may be permitted under their agreement have kept them from partaking in loan modifications or other workouts. With the safe harbor provisions in this legislation, they will no longer have any excuse.

Additionally, this bill makes much-needed changes to the HOPE for Homeowners program in order to encourage greater lender participation. It puts the HUD Secretary in charge of running the program, reduces fees and eliminates other administrative burdens, and changes the profit-sharing provisions to induce more loan writedowns.

Finally, this bill makes permanent the temporary increase in deposit insurance coverage for both the FDIC Deposit Insurance Fund and the National Credit Union Administration Share Insurance Fund. This provision will enhance the liquidity and stability of our banking institutions and help restore confidence in our financial system.

Some have criticized the bankruptcy cramdown provisions in this bill, and I share some of their concerns, claiming that they will cause massive losses to financial institutions, increase the cost of borrowing for other homeowners or lead to a sudden surge of bankruptcy filings. I am not certain that this is the case. Modifications will be at the individual discretion of a bankruptcy judge who will make the determination of whether a borrower has acted responsibly and their claim has any merit.

This provision will maximize, not lessen, the value of troubled mortgages

for the lender, and will avoid the decline in property values in neighborhoods where homes have been foreclosed on. It is preposterous to think that individuals would willingly submit themselves to the arduous process, negative stigma and long-lasting effects of filing for bankruptcy. Bankruptcy will remain as it has always been, a last resort.

Under current law, bankruptcy judges already have the authority to modify loans on virtually every secured claim, including vacation homes, investment properties, private jets and luxury yachts, except for primary family residences. This loophole is outdated and in my view absurd, and it must be rectified.

Some may also argue that we are bailing out reckless borrowers at the expense of those who were prudent and responsible. However, many individuals who have duly made every single monthly payment and lived within their means are seeing their home values drop and no longer have the ability to refinance due to the rapidly declining market. Some who are being swept up by the foreclosure crisis are victims of bad lending practices and some who played by the rules and acted responsibly are now finding themselves underwater through no fault of their own.

Throughout this Nation, Mr. Speaker, millions of families are in danger of losing their homes. And while it is easy to think that the foreclosure crisis affects no other than those directly involved, the truth is this crisis has had and will have a rippling effect all across the country. Not only are individuals' livelihoods gravely impacted, but as foreclosures go up, surrounding home prices go down, tax revenue for vital public services falls, financial institutions are saddled with losses, access to credit shrinks and our economy grinds to a halt. This legislation helps put a stop to this deadly spiral.

In my home State of Florida, Mr. Speaker, estimates show just in Florida alone that approximately 160,000 homes can be saved as a result of court supervised modifications. Additionally, a recent report by Credit Suisse estimates that the safe harbor provisions alone will lessen foreclosures by 20 percent.

Just this past Wednesday, President Obama announced his comprehensive homeowners' affordability and stability plan. This legislation is the first step toward putting this plan into action.

Mr. Speaker, I do not pretend that implementing this legislation will prevent every single foreclosure. In fact, there are some cases for which foreclosure is the correct action. However, this bill will help ensure responsible individuals stay in their home and will mitigate the destructive impact of foreclosures on families and communities.

This bill addresses our Nation's foreclosure crisis in a meaningful and responsible fashion by reforming our bankruptcy laws, clearing legal impediments to loan modifications, improving the HOPE for Homeowners program and ensuring confidence in our banking system.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague from Florida for yielding us the time on this rule, and I also want to say that I thank very much the chairman of the Judiciary Committee, Mr. CONYERS, for his help yesterday in the Rules Committee meeting on incorporating a suggestion that I made into the manager's amendment. It didn't make it in this bill in the form of an amendment, but he was very kind to include that, and I think it made this bad bill a little bit better.

I want to say that my colleague from Florida has made some very eloquent comments about why this rule should be adopted and why the underlying bill is such a good bill. However, those of us on this side of the aisle have some clear concerns about this rule and about the bill and what it is going to be doing to our economy.

We heard yesterday a lot of numbers that were very, very difficult to pin down. In fact, I tried very hard, knowing I was going to handle this rule this morning, because I wanted to try to get a handle on the number of people that we are talking about.

We heard the number 14 million. We heard 14 million now and more later. But we also heard that what this bill will do will be to allow the bankruptcy system to handle about 30,000 new cases per year. My guess is that while this bill claims not to be needing a lot more money in that area, that eventually our colleagues across the aisle are going to come back asking for more money to deal with this issue.

□ 1030

But what I want to talk about today a little bit is both the process and about the reason why the rule should not be adopted and the bill should not be adopted. 94 percent of the people in this country are now paying their mortgages and paying them on time. What's going to happen if this bill is passed is that those people, and people in the future, are going to be punished. We are continually punishing the people who play by the rules and rewarding the people who don't play by the rules. It is a real shame that we have come to that place in our society because we don't want to set that as the norm for what we're doing in this country, because we've always had the rule of law and we've operated very well. What separates us from most other countries is that.

And yet, now we're going to say to people, it's okay if you go out, mis-

represent your position in terms of being able to pay for your mortgage or do any kinds of things like that, and then we'll bail you out. It will be okay for us to do that. And that, basically, is what this bill is, the message that we're sending.

But let me talk just a bit about the process that was involved in bringing this rule to us. We had a very lively debate in the Rules Committee yesterday. The chairman of the Financial Services Committee told us that he was very willing to accept some of the amendments that had been offered. They might not exactly fit in the Financial Services Committee, but he was willing to work with some of our Members to make those fit.

We had 20 amendments offered, Republicans did. Only one of those amendments was accepted to be offered today, and it looks like we may have a problem with that amendment once it is offered.

We are trying very hard to be bipartisan. We want to work with the majority on helping the people in this country who are truly hurting, who have played by the rules and who are being hurt by the economy, through no fault of their own. However, what this bill, again, is going to do is it is keeping us from being bipartisan. We have to be opposed to the rule and opposed to the bill because they've put together bills that should not be put together. Many of us could probably support the Financial Services part of this bill, but we would be very concerned about the Judiciary part of it. But no, the majority has to lump them all together and create a situation that denies our ability to be bipartisan.

A couple of the rules that were offered yesterday and in the various committees that Chairman FRANK said he was willing to have a debate on was a rule offered by Representative NEUGEBAUER which would amend the servicer safe harbor provisions to provide that unsuccessful plaintiffs would pay all the attorney's fees and any legal costs incurred by the defendant.

Another one by Congresswoman CAPITO would exempt the Federal Housing Administration, Veterans Administration and Loan Guaranty Program and Guaranteed Rural Housing Loans from adjustments to the terms of the loan in bankruptcy. These already are very, very lenient programs and, supposedly, all the work has been done so that there would not be the need to go to bankruptcy.

Also, Congressman HENSARLING offered, I offered on his behalf, three excellent amendments that would, I think, help with the issue of responsibility and accountability. The President talks a lot about that, but when it comes down to implementing those things in legislation, we see nothing coming from the majority on those issues.

Let me mention the Hensarling amendments which were denied, and we can't even vote on them. One would exclude from participation in the HOPE for Homeowners Program any borrower whose original loan was a zero down payment loan. Many of these people are treating these homes that they bought like rental property. They have no investment in them, and so when the economy goes south or the home is not worth as much as they thought it was worth, they just walk away from it. That's no sense of responsibility. We're just, again, rewarding irresponsibility.

Another amendment by Congressman HENSARLING would exclude from participation in the HOPE for Homeowners Program any borrower whose original loan documentation did not include verification of the amount and source of income. A lot of these loans were given out to people who did not bring information on their income. That seems a logical thing to do. Most people, again, who are paying their mortgages are people who paid something down and then were able to show that they could pay for the home ultimately.

And then the third one would have excluded from participation in the HOPE for Homeowners Program any borrower who has a family income that exceeds 125 percent of the area median income for where they live. Republicans are usually the ones criticized for helping wealthy people, but this bill is going to allow millionaires to be able to get help. We don't think that that's the right thing to do.

Those were three very logical amendments that were turned down. As I said, only one out of 20 of our amendments was accepted. So we think that this is a bad rule. We think it's a bad bill and we're going to urge our colleagues to vote "no" on it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my very good friend from Florida, the gentlewoman, Ms. CASTOR, an immediate past member of the Rules Committee that left us for greener pastures.

Ms. CASTOR of Florida. I thank the distinguished gentleman from Florida and my good friend, Mr. HASTINGS, for yielding the time.

Mr. Speaker, I rise today in strong support of the Helping Families Save Their Homes Act and this rule. This Act throws a lifeline to families who are fighting to stay in their homes during this economic crisis.

Now, as Mr. HASTINGS knows, we have a very high rate of foreclosures in the State of Florida, and my Tampa Bay area community has been particularly hard hit. That is why last year I began holding foreclosure prevention workshops, so that homeowners could

sit down, face to face with lenders and servicers and work out a refinancing. I'm planning my fourth workshop now.

These homeowners appreciate the opportunity to sit down one on one because most of the time they have a very difficult time getting in touch with the lender or servicer. They won't answer the phone.

I know many in the banking industry do not like this bankruptcy provision that allows bankruptcy judges to modify home loans. But, frankly, they've brought this on themselves to a great extent. I encourage you all to check the video of Congresswoman MAXINE WATERS staying on the phone for an hour just trying to get a bank to answer the phone and pick up the line so that a responsible homeowner can get into a refinance. They don't want a bailout. They just want a little breathing room and the opportunity to refinance.

This Act today will help. It won't help everyone, but it will also provide a prod, an incentive to these banks to refinance these loans. It's fair and equitable to allow home loan modifications because right now, in bankruptcy, every other asset can be worked out. The new law will allow loan modifications in bankruptcies and it will prod the lenders and servicers to hire the necessary personnel, answer the phone, begin the refinancing that they should have been doing over the past year.

Many of these banks have received billions in taxpayer dollars. And I know that President Bush did not include a condition that these banks should refinance or sit down with folks and begin a discussion, but that must be a requirement now, or else foreclosures and the continued deterioration of all of our property values will continue.

President Obama's plan also will provide responsible homeowners with additional leverage. And Congresswoman DORIS MATSUI from California and I have an amendment contained in this Act that will encourage a holiday for foreclosures until President Obama's plan takes effect.

We're going to continue to stand up for responsible families and ensure that if you work hard and you play by the rules, the tools and resources will be available to help you stay in your home.

Ms. FOXX. Mr. Speaker, I would now like to recognize for 5 minutes my distinguished colleague from Iowa (Mr. KING) to discuss the amendment that he had written that I offered last night in the Rules Committee, which was rejected. And I think he will share some very enlightening comments with us.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding, and also for her diligent endeavor on the Rules Committee to try to hold together the integrity of this system and this process.

On this cramdown legislation, the amendment that I offered in the Judiciary Committee was an amendment that would have, and I'd just take the language right out of it, it would have allowed the court to find that there had not been misrepresentation, false pretenses or actual fraud on the part of the lender if there's going to be a change in this contract ordered by a judge.

Now, we don't want to reward people who are lawbreakers, or those who are disingenuous, or those who, by fraudulent or misrepresentative means to take advantage of a lender under these circumstances. This is new territory we're in. It's a narrow standard in a significant way.

This was an amendment that not only I thought was a good proposal, Republicans thought it was a good proposal, but the Democrats also thought it was a good proposal. And this amendment is an amendment that I negotiated across the other side of the aisle in committee. It's an amendment that the chairman voted for. It's an amendment that passed, the bill passed on a recorded vote in committee, 21-3, Mr. Speaker.

So when that happens in this process, the people who took government class all over America and read the Constitution believe that's the language that comes to the floor, that the language that's approved by the committee on a final markup is the language that comes to the floor.

But what happened was, H.R. 200 was switched out for H.R. 1109, or whatever this bill is that we're working with. The language of this cramdown was to be transferred into that, but it was changed in that process. It was changed after we had a committee markup, a committee markup that apparently doesn't have any value when the will of the committee can be usurped by the staff of the committee. And I say the staff of the committee, because when I asked the chairman about this yesterday in the Judiciary Committee, he didn't seem to be aware that my language had been changed. And so we talked to their staff, and their staff said, well, there were Democrats that had some second thoughts. Wouldn't that include the chairman of the committee? And so they reconsidered and they rewrote the bill after the fact. And the final answer that came from the staff, the unelected staff, probably still employed, not if they were working for me, is "it is what it is." In other words, tough. You can pass an amendment. You can negotiate an amendment. You can get a 21-3 vote. You can have the support of the chairman. But if they decide when the sun comes up the next morning that they want to change their mind, they will change the language in the bill without even having the courtesy of

contacting the sponsor of the amendment, the ranking member of the committee or, apparently, the chairman of the committee.

And so I brought an amendment request to the Rules Committee last night. And thankfully, Dr. Foxx offered that amendment to the Rules Committee. It was voted down on a party-line vote.

So what we have now is a process that does not reflect representative government. It doesn't reflect the will of this Congress. It reflects the will of somebody's staff.

And there's plenty of means to change the language if there happens to be some kind of flaw in it. And I'll argue there is not. But there's plenty of means. That means would be come to the Rules Committee, bring your own amendment. Or bring this out on the floor for an up-or-down vote, or lobby the Senate to amend it over there, or seek to get something amended in conference. None of those avenues were followed, Mr. Speaker. And I think it brings a sense of shame upon this Congress that the integrity of a Member, of the entire Republican side of the aisle and many of the Democrats has all been usurped by what appears to be a staff decision, because I can't find a single elected Member that will say yes, I took responsibility and I didn't think you ought to know when I changed your language. That's what's going on.

I urge this body to vote down this rule. Take this thing back to the Rules Committee, bring us the language that was passed out of the Judiciary Committee, or at least let's have some dialogue on why it was changed in the dark of the night by staff without a single Member that will take accountability for what's happened here.

□ 1045

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New York, a member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER of New York. Mr. Speaker, this legislation is an opportunity for Members to help families who are about to lose their homes thanks to a terrible combination of job loss, spiraling health costs, declining home values, and predatory lending practices. It will, among other things, correct a 30-year-old anomaly in the bankruptcy code.

If you're a family farmer, you're allowed to use bankruptcy to modify your mortgage. We enacted that law in 1986 during the farm foreclosure crisis. It was a success, and we made it permanent 3 years ago. If you're a real estate speculator or if you own 5 or 20 or 50 homes, you can modify your mortgage in bankruptcy. If you're a major corporation, you can modify all of your loans and contracts in bankruptcy. The

only exception is the family home. Yet, while millions of middle class families are on the verge of losing their homes, much of the banking industry and some Members of this House are still opposed to providing the same relief to the middle class that is now enjoyed by farmers, speculators, the wealthy, and major corporations.

Lenders warn that we can't save the family home because it will increase borrowing costs for everyone else. This is the same industry that in 2005 told us that making bankruptcy more onerous would reduce people's interest costs by \$400 per year on their credit cards. Nothing of the sort happened, of course.

The banks have received billions of dollars from the taxpayers to keep the industry afloat, but they scream at the thought of our helping a few thousand families. I have nothing against Wall Street. In fact, it's in my district, but it is time we did something for the middle class homeowner. We tried the voluntary modification route without success. Maybe the programs in this bill will all work this time, but families getting thrown out of their homes shouldn't have to wait for Congress to figure out how to get banks to save the middle class. The banks have failed to save troubled homeowners. We must not fail. For every day we delay, the crisis deepens. People's lives hang in the balance. It is time we put American families first.

I urge my colleagues to support the rule, to support this legislation and to end this anomaly in the bankruptcy code that affects only homeowners. Let them enjoy the same rights as everyone else.

Ms. FOXX. Mr. Speaker, I mentioned before that 94 percent of the American people are paying their mortgages and are paying them on time, and they don't understand why this is happening and why they should be burdened with having to pay off the mortgages of people who are not being responsible and who are not being held accountable.

I want to share with you an article that came out in *The Washington Post* last December about the HOPE Program and about the situation that we're dealing with. When I read the article, it made me realize that our colleagues across the aisle are simply not in touch with reality. They don't have any idea about how the real world works. Most of them have not been in business. Most of them have not had to meet a payroll. They're living sort of in a Never Never Land, and I'm going to quote some things from this article that, I think, will help the public understand what that is.

There is criticism about the bill from the HUD Secretary. Now, that HUD Secretary was in the last administration, and there is a lot of blame back and forth between Congress and the executive branch. This is what the HUD Secretary said:

"What most people don't understand is that this program was designed to the detail by Congress."

So that bill was passed. The bill setting up the HOPE Program was passed under the Democratic Congress. It also shows how off their numbers are in so many cases when they make predictions. They said the 3-year program was supposed to help 400,000 borrowers avoid foreclosure, but between October and December of last year, only 312 applications had come into the program.

Let me tell you a little bit about why that is the case and why, I think, people who irresponsibly got mortgages to begin with continue to look for bailouts and continue to look for welfare. This is basically expanding the welfare program in our country by passing this bill. Here is what one of the people said who is working with those people who might benefit from the program:

"Getting the lenders to agree has been our biggest challenge," said Peyton Herbert, director of the foreclosure services at HomeFree-USA, a housing counseling firm in Hyattsville.

This is what he says. This is the ridiculous way that these folks respond to this. He says, "The lenders want dollar for dollar what's owed on that loan or something close to it. That's the fly in the ointment."

Imagine that. People who loan other people money want them to pay it back dollar for dollar. Isn't that an unusual situation? But that's the way most of us operate in this country. However, most of these people who got these loans and who are in trouble now got them because they never expected to pay them back. They expected somebody to bail them out. They weren't honest when they got the loans, and now they're going to be bailed out by this legislation.

The other thing, which is just mind-boggling to me, is how the press writes these. Okay. "The number one impediment is the lenders will redo their loans if the people promise to pay them back." Now, that's the way it usually operates, but the article goes on to say, "The list of impediments goes on."

That's the attitude of *The Washington Post*. There is an impediment given out there to the people who want to redo their loans. Do you know what that impediment is? That the people who are getting these loans, if their home increases in value, they have to split that value with the Federal Government, which is underwriting their loan, if they sell the home; and the people don't want to do that.

Again, there is no sense of responsibility. We didn't hear the President the other night talk about personal responsibility, personal accountability. He uses those words a lot, but he never pins them on anybody. It's just unbelievable that that's the attitude that people have. They could be getting help that already exists out of the HOPE

Program, but they don't do it because they don't want to pay the money back, and they don't want to share the increase in value with the Federal Government, which is underwriting their mortgage, if they ever sell the home.

Again, I think they're living in a Never Never Land. They think that they're due this money for free. They've been taught to live in a welfare society. We're continuing the welfare mentality. We're going back to welfare that was done away with when the Republicans took over the Congress in 1995. That is not what the American people want.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from North Carolina refers to the President's constant statements five or six times during his joint resolution speech of calling for responsibility and accountability, and what she says is that he never pins it on anybody.

My recollection of his speech was he said, "including me," when he was talking about responsibility and accountability. If that's not pinning it on somebody, I don't know what is.

Mr. Speaker. I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Ohio, my colleague and former member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, on October 3, 2008, Addie Polk, a 90-year-old woman from Akron, Ohio, in my district, shot herself because her home was in foreclosure. Ms. Polk fell behind on her mortgage payments, and could not bear to lose the home that she had lived in for nearly 40 years. Fortunately, Ms. Polk survived and her home was saved, but Ms. Polk is not alone.

Millions of homeowners across the country are finding it more difficult to keep up with their payments. Homeowners are struggling for many reasons. Many, in fact, have lost their jobs. You're right when you say Americans don't want welfare—they want jobs—which is why we passed the recovery act just a couple of weeks ago. Some have lost their homes because of health care costs, another issue that our President and this Congress are set to take action on. Some have lost their homes because they were deceived into signing predatory loans, another issue that we're acting on, and some did get in over their heads when they shouldn't have.

Regardless of the cause, the crisis is real. It is real not only for homeowners like Addie Polk who are losing their homes; it is real for our communities, and it is real for our country. We have an interest and a responsibility to do better in dealing with the challenge.

Today, the House will vote on the Helping Families Save Their Homes Act. The bill provides homeowners

with options to refinance into mortgages that they can afford, and it will help countless families stay in their homes. Now, this is not the end. It is just one step in tackling the housing challenge that we face as a nation.

I urge my colleagues to vote "yes" on this crucial legislation because Americans like Addie Polk and so many others out there deserve more than feeling so desperate as to shoot themselves, after living in a home for almost 40 years, for fear of losing it.

Ms. FOXX. Mr. Speaker, I want to say there is another issue here related to process that, I think, we need to talk about.

Many people say that the American people's eyes glaze over when we talk about the process here and that they don't really care, but I think we showed a couple of weeks ago that they do care and that they're watching and that they're paying close attention to what's going on in Congress, because the American people believe in fair play, and they believe that we should play by the rules.

So often, Congress passes bills and exempts itself. It often passes rules, and the majority exempts itself. One of the ways that Congress is exempting itself or that the majority is exempting itself right now on this bill, on this rule, is with something they call PAYGO. Now, the majority party 2 years ago made a big splash and got a lot of great publicity, saying, "Everything is going to be pay as you go." It's abbreviated PAYGO. "We're not going to do any more spending unless we cut spending somewhere else. We want to be diligent."

They criticized Republicans for years on the deficit. They criticized Republicans for spending too much money. They were going to show that they were different. Yet what have they done every time they've gotten a major bill they've wanted to pass? They've just waived the PAYGO rules. It's real simple, and it usually doesn't get a lot of publicity because they got all that great publicity for saying that they weren't going to do that, but that's what's happening here, ladies and gentlemen. The PAYGO rules have been waived on this bill.

They don't want to show the American people how again they're abusing their own rules, how they're being unfair to the American people because they're saying one thing and they're doing another. They say, We want to bring down the deficit. We want to curtail spending. What they're actually doing, as I said earlier, is bringing back the old welfare system. We saw that with the stimulus bill. We saw it with the appropriations bill. It's back to the old style of welfare. We don't have to ask people to work to draw welfare payments. No. Let's just get rid of that. Let's extend the payments. Let's increase the payments. Let's put more

people on welfare. That's exactly what this bill does. We're simply going to be increasing welfare.

The way they do that is to say, By passing this bill, we don't have to show how we're not increasing the deficit, so we'll just waive that rule, and nobody is going to notice it. Well, I think the American people are noticing that. I think they are paying attention.

Again, the majority of the American people who are paying their mortgages, who are playing by the rules, who are going to work every day, and who are doing their jobs are getting sick and tired of the increase in the welfare system again. Here you go. The Democrats have been in charge of the Congress for a little over 2 years, and what do we see but a massive increase in welfare.

I appreciate my colleague talking about the President saying he was going to be responsible, that he was going to be held accountable, but you know, we've not seen anything written into legislation so far. I've asked about that. Again, I appreciate very much Chairman CONYERS putting a little piece in this bill about accountability. I think that was good.

We're going to look at bankruptcy judges, see if they're abusing their power, make sure we have some idea of what they're going to be doing. We give them 2 years to make that report—it's plenty of time—but I have great concern over the fact that the majority party has waived the PAYGO rules on this bill. That's a part of what they're doing, and I think the American people are concerned about that, too.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire, please, as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes, and the gentlelady from North Carolina has 7½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Florida, my fellow Floridian and classmate, my good friend, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Thank you for giving me the opportunity to speak on this rule.

Mr. Speaker, I rise in support of this bill but with some reservations because I know that it's not a perfect bill, but it's a perfect beginning. I also have held numerous meetings in my district concerning foreclosure, and, you know, we need to assist people to avoid the foreclosure process.

We have over 1,000 foreclosures a month in my district of Florida, and we need to include legal aid and other community organizations like Wealth Watchers and those that are helping

families to avoid losing their homes in foreclosure.

Mr. HASTINGS, I have a question that I want to ask.

As we move forward, is there a possibility that we can work to include additional assistance for families so that they can avoid foreclosure? Some of the Members are telling people the problem is they're not getting good legal representation, and I think this is something that's missing in the bill. And what can we do to make sure when this bill leaves the House and the Senate and it goes to conference, that we can include additional assistance for families so they can avoid bankruptcy because there is a stigma attached to bankruptcy, and the banks don't have this stigma. And I am just concerned that people will have this stigma.

What can we do to assist these families?

Mr. HASTINGS of Florida. If the gentlelady will yield.

I'm not in a position to speak for the Judiciary Committee, but the distinguished Chair of the Judiciary Committee obviously will be one of the conferees, and if such an opportunity exists, then I would urge the gentlelady to speak with he and the Chair of Financial Services.

I think the gentlelady brings up an outstanding point that's true throughout the Nation where people are in need of appropriate legal representation.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. Mr. Speaker, I yield an additional 1 minute.

Ms. CORRINE BROWN of Florida. I met with the credit unions who have been working very hard and doing a real good job, but they are not included. They can't get any of the TARP money, so they are limited with their amount of participation. We are having a hard time getting banks to get them to do what we intended them to do.

What is the possibility that we can also discuss how we can include credit unions in getting additional resources to help our constituents?

Mr. HASTINGS of Florida. If the gentlelady would yield.

I'd have you to know that this won't be the last vehicle in straightening out financial services.

But you cite to the credit unions correctly. I, too, have had meetings with them. They're very concerned about the cramdown provisions allowing that it may very well cause increases, and they have been extremely responsible in our respective communities.

Ms. CORRINE BROWN of Florida. Thank you very much for the time, and I hope we can work to perfect this bill.

Ms. FOXX. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2

minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee who has worked tirelessly in producing this particular document along with Chairman CONYERS and Chairman FRANK and other members of their respective committees.

Ms. ZOE LOFGREN of California. Mr. Speaker, we are facing a crisis of historic proportions in the housing market. Every 13 seconds, a new house in America goes into foreclosure. What this has caused is a dramatic decline in the value of housing all over the United States. For example, in Contra Costa County, across the bay from my home, housing values in one year have declined 53 percent. So those values, the collapsing housing market, is something we need to interrupt. This bill is part of that effort to interrupt the collapse of the housing markets by doing something that we should have done long ago to restore fairness to the bankruptcy system.

Now, bankruptcy has been part of the Constitution since the very beginning of the United States, and what it allows is for people who are insolvent, who cannot pay their bills, to go into bankruptcy court and reorganize. The unfortunate thing is—and the unfair thing—is that people who are bankrupt, who are insolvent, who are in bankruptcy court, can get reorganization for their yacht, for their investment property, for their vacation homes, for their cars, for their credit cards, for their jet airplane, but not for the mortgage on their principal residence. That's not fair. That's not reasonable.

This bill changes that. And in doing so, it restores some fairness to the chapter 13 process.

The voluntary modification system has not worked so well. According to Business Week last week, only 35 percent of the voluntary modifications have actually resulted in lower monthly payments. In fact, in 47 percent of the cases, they've resulted in increased mortgage payments. So it's small wonder that most of those voluntary reorganizations end up with a re-default in 6 months.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. I would just like to note not anyone can go into bankruptcy court. You have to be insolvent. We made it very tough in 2005 to get in there. But we do believe that banks and lenders will come to the table with the stick that homeowners could, in fact, go into the bankruptcy court for relief.

It's important to note what this is not. This won't cost the taxpayers one dime. This is about lenders eating part of the cost for the collapse of the hous-

ing market. It's not a bailout from the taxpayers. It makes lenders take some responsibility for what has happened. I think it's about time that the banks stood up to their own responsibility and participated in part of this solution, which they have not done to date.

This bill has been narrowed. It's only for retroactive loans. We've made many other adjustments, but it's sound policy. It's something we should do as soon as possible. It's going to help millions of people, and it's going to help stop the collapse of the housing market and the collapse of prices.

Ms. FOXX. Mr. Speaker, could I inquire of the gentleman from Florida if he has any more speakers?

Mr. HASTINGS of Florida. I do have one more speaker, and I will be prepared to close.

Ms. FOXX. Mr. Speaker, I will reserve the balance of my time.

Mr. HASTINGS of Florida. At this time, Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this rule and in strong support of the underlying bill.

Mr. Speaker, we are not going to fix our economy until we fix the problem in the housing market, which currently has risen to the level of a national crisis. In my home State of Rhode Island, we've been deeply affected by the downturn in the housing market. Our foreclosure rate last year was ranked 10th worst in the Nation, according to the Mortgage Bankers Association. And to make matters worse, we currently have the second highest unemployment rate in the country at 10 percent.

A lack of action on the housing issue is going to lead to even more dire consequences.

Now, in order for the economy to recover, it's evident that action must be taken to prevent foreclosures, help more families preserve home ownership and stabilize home prices. H.R. 1106, the Helping Families Save Their Homes Act, provides the resources that homeowners and lenders will need to guide them through this crisis.

We also must ensure that the appropriate measures are in place to prevent this kind of crisis from ever happening again. This bill goes a long way towards fixing our housing programs.

And I want to thank our colleagues, especially Chairman CONYERS and Chairman FRANK, for their outstanding and tireless efforts on this measure.

Ms. FOXX. Mr. Speaker, you know, we hear all this talk about bipartisanship. Bipartisanship to the other side, to the majority party, means do it my way. That's what bipartisanship means to them. Bipartisanship to us means how about we have a discussion? How

about we bring up some amendments and have some votes on them? If you're so sure that your position is right, bring those amendments up for a vote. Let's see what kind of votes they're going to get. No. They won't even allow amendments to be voted on. That's not bipartisanship.

We had 20 amendments offered for this bill. Only one was accepted. That's not bipartisanship. Bipartisanship would be, again, bringing up lots of Republican amendments. Let them be voted on. Again, people who are sure of their position aren't afraid of having votes on alternative points of view.

Again, the American people are watching us. They're watching this Congress, and we know the Congress is putting off some tough votes they don't want to deal with right now because they know the American people are watching. And you know, that's one of the best things that I think has come out of last year's election and, perhaps, the economic uncertainty.

People are suffering. Republicans are concerned about that. We want to do everything we can to help those people who are suffering. But what this Congress has done so far hasn't helped those people who are suffering. It hasn't helped the people who are working and lost their jobs through no fault of their own.

We want bipartisanship, but it should be true bipartisanship. It's not "do it our way or do it not at all."

You know, I respect my colleague from California who just spoke and said that this bill doesn't cost taxpayers anything; it only costs the lenders. Well, who are the lenders? They're banks that are owned by stockholders. Those, the last time I looked, were taxpayers. They're the real taxpayers. That, again, is part of the out-of-this-world mentality that the people on the other side of the aisle have. It doesn't cost anybody.

I had people in my office and they said, "Oh, this bill doesn't cost anything." I said, "Pardon me? You mean they're going to cram down the mortgages, they're going to reduce the amount of the mortgages? Who's going to pay the difference between the original amount and the cramdown amount?"

"Oh, those are the bankers. But it just means they won't be as rich as they were before."

That's not the way this country operates. "Cramdown" is the right name for the people talking about part of this legislation. That's exactly what it is. And what are we doing here?

You know, the New York Post—not exactly known as the most conservative newspaper in the world—calls it the Foreclosure Five. What we are doing is we are bailing out people in five States. And is it any surprise that those five States are California, Nevada, Arizona, Florida, and Michigan?

Where is the leadership in the majority party? California and Nevada. Is it surprising?

This is just more earmark legislation, ladies and gentlemen. More earmarks. We're bailing out these five States.

This is not a crisis of a national proportion. This is a personal matter, not a national crisis.

Falling home prices are not the problem. Home prices went up tremendously for several years. Everybody knew that was going to have to come to a halt. Again, people living in this world knew that. People who had a real-world mentality understood that. But if you're living in Never Never Land, if you're living on the welfare mentality, then you assume you can behave any way you want to and somebody is going to bail you out. And that's what this legislation does.

□ 1115

Lots of newspaper articles and magazines have said, "What this plan is doing is undercutting the banking and private sectors, and hurt many honest, hardworking people." That's a commentary from the Street. Over and over and over again we hear, "we're subsidizing bad behavior," an article in the National Review. And that's exactly what this legislation does, it subsidizes bad behavior.

This is a sham. It is hurting average Americans who pay their bills, who do their work. You know, I think that the majority party has an addiction to spending other people's money, and that's what this does. Again, saying it doesn't cost the taxpayers anything is ridiculous. It's going to cost the taxpayers a lot of money, both directly and indirectly. And I want to say that this is a bad bill, it's a bad rule, and I want to urge my colleagues to vote "no."

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of the time.

This is a good rule for a critically important bill that addresses our current housing market crisis.

My friend from North Carolina speaks of the leadership of this committee being from California and Nevada, the Democratic majority. It is true that Speaker PELOSI is from California and it is true that Senator HARRY REID is from Nevada, but they are two people. There are other people in the leadership in the majority, Senator DURBIN from Illinois, Mr. CLYBURN from South Carolina, Mr. LARSON from Connecticut, the distinguished majority leader, STENY HOYER, from Maryland.

What we are talking about here is a universal problem insofar as this country is concerned. And I'm just back from an anti-Semitism conference in

England, where I read, very actively, regarding their home crisis in the United Kingdom. We are also experiencing a whole global set of circumstances.

Mr. Speaker, in today's Daily Summary, the quote is made from the majority whip's office that Confucius said, "The strength of a nation is derived from the integrity of its homes." I can think—and I'm sure every Member here can think—of all of our families through the years that among the things that they wanted was an opportunity to have a home. When my good friend from North Carolina speaks about returning to welfare, I didn't, when I was a boy, think that it was welfare after the Second World War when the Federal Home Administration, old FHA, and the Veterans Administration built a monument to middle class homes in this country, many of them still standing, many of them giving the foundation, a safe and inhabitable environment for people to raise their children as a result of those particular programs, followed by their successor, the Housing and Urban Development Department. I, as a young lawyer, participated in a variety of methods that gave low and moderate income families an opportunity to have a safe and inhabitable environment under programs such as 221D-3, 221H, a variety of programs rehabilitating properties, building homes for seniors, and giving everybody a chance.

I would like to add an anecdote. The value of my home in my neighborhood in Miramar, Florida, has decreased substantially. Other Members in this body are experiencing the same thing. I have paid my mortgage for 11 years every month on time. If my home value decreases another 6 percent, I will have an upside down or underwater mortgage, having done nothing but the right thing. But there are seven of my neighbors that I know of that are in foreclosure. And fortunately our homeowners association is mindful of the need that we have to work together.

This is a collective thrust, this piece of legislation. This is something to help us all. That's what Americans do. It is not a giveaway. It is not welfare when I look out for my neighbors and they look out for me, it is the potential to lay the foundation for us to get out of a crisis that is in an enormous one for this entire Nation.

Nearly 6 million households in America face foreclosure. My State of Florida has the second highest foreclosure rate after California. It's just plain old common sense for Congress to pass a bill that will help working families who have played by the rules and acted responsibly to stay in their homes and to continue to pay off their mortgages. We can't run away from this crisis. We must rebuild. And we must help those in need.

Neighborhoods in the district that I'm privileged to represent, as well as

around this Nation, are struggling, homes are being foreclosed, and we have an opportunity to mitigate the destructive impact of those foreclosures on families and communities. I urge my colleagues to vote in favor of this rule so that we may support a bill that will give millions of Americans the opportunity to stay in their homes and not be forced out on the streets.

In defense of some of the services, in my district, Ocwen Financial Services has been doing loan modifications on their own, and their return rate for foreclosures is substantially less than the norm. There just are some good ones out there. The credit unions and the community banks have been doing responsible lending. They did not take advantage of people who may not have known what they were doing or who should have known and took advantage of the system to buy homes that they should not have bought. It's just that simple.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule. And I beg of us all to understand the critical need that we have to work together in this country, Democrats and Republicans, liberals and conservatives. Everybody in this Nation must face this problem. And, yes, we must act responsibly; and yes, we must act with accountability. And that's what this measure, as authored by the distinguished Chair of the Judiciary Committee and the distinguished Chair of the Financial Services Committee, working in conjunction with their colleagues—I might add in a bipartisan way. There are few people here that have had as many markups as they had in Judiciary and Financial Services. And when they come before the Rules Committee, all I hear of them is the fairness of Congressman CONYERS and the fairness of Congressman FRANK. So to say that these measures are not bipartisan or that others are not being listened to is just absolutely wrong.

Let us pass this measure.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 10, as follows:

[Roll No. 88]

YEAS—238

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hall (NY)	Oberstar
Adler (NJ)	Halvorson	Obe
Andrews	Hare	Oliver
Arcuri	Harman	Ortiz
Baca	Hastings (FL)	Pallone
Baird	Heinrich	Pascarell
Baldwin	Herseth Sandlin	Pastor (AZ)
Bean	Higgins	Payne
Becerra	Himes	Perlmutter
Berkley	Hinchey	Peters
Berman	Hinojosa	Peterson
Bishop (GA)	Hirono	Pingree (ME)
Bishop (NY)	Hodes	Polis (CO)
Blumenauer	Holden	Pomeroy
Boccheri	Holt	Price (NC)
Boren	Honda	Rahall
Boswell	Hoyer	Rangel
Boyd	Inslee	Reyes
Brady (PA)	Israel	Richardson
Braley (IA)	Jackson (IL)	Rodriguez
Bright	Jackson-Lee	Rothman (NJ)
Brown, Corrine	(TX)	Roybal-Allard
Butterfield	Johnson (GA)	Ruppersberger
Capps	Johnson, E. B.	Rush
Capuano	Kagen	Salazar
Cardoza	Kanjorski	Salazar
Carnahan	Kennedy	Sánchez, Linda
Carney	Kildee	T.
Carson (IN)	Kilpatrick (MI)	Sanchez, Loretta
Castor (FL)	Kilroy	Sarbanes
Chandler	Kind	Schakowsky
Clarke	Kirkpatrick (AZ)	Schauer
Clay	Kissell	Schiff
Cleaver	Klein (FL)	Schrader
Clyburn	Kosmas	Schwartz
Cohen	Kratovil	Scott (GA)
Connolly (VA)	Kucinich	Scott (VA)
Conyers	Langevin	Serrano
Cooper	Larsen (WA)	Sestak
Costa	Larson (CT)	Shea-Porter
Costello	Lee (CA)	Sherman
Courtney	Levin	Shuler
Crowley	Lewis (GA)	Sires
Cuellar	Lipinski	Skelton
Cummings	Loeb	Slaughter
Dahlkemper	Loeb	Smith (WA)
Davis (AL)	Lofgren, Zoe	Lowey
Davis (CA)	Lujan	Speier
Davis (IL)	Lynch	Spratt
Davis (TN)	Maffei	Stupak
DeFazio	Maloney	Sutton
DeGette	Markey (CO)	Tanner
Delahunt	Markey (MA)	Tauscher
DeLauro	Marshall	Thompson (CA)
Dicks	Massa	Thompson (MS)
Dingell	Matsui	Tierney
Doggett	McCarthy (NY)	Titus
Doyle	McCollum	Tonko
Driehaus	McDermott	Towns
Edwards (MD)	McGovern	Tsongas
Edwards (TX)	McIntyre	Van Hollen
Ellison	McMahon	Velázquez
Ellsworth	McNerney	Visclosky
Engel	Meek (FL)	Walz
Eshoo	Meeks (NY)	Wasserman
Etheridge	Melancon	Schultz
Farr	Michaud	Waters
Fattah	Miller (NC)	Watson
Filner	Miller, George	Watt
Foster	Minnick	Waxman
Frank (MA)	Mitchell	Weiner
Fudge	Mollohan	Welch
Giffords	Moore (KS)	Wexler
Gonzalez	Moore (WI)	Wilson (OH)
Gordon (TN)	Moran (VA)	Woolsey
Grayson	Murphy (CT)	Wu
Green, Al	Murphy, Patrick	Yarmuth
Green, Gene	Murtha	
Griffith	Nadler (NY)	
Grijalva	Napolitano	

NAYS—183

Aderholt	Bartlett	Boehner
Akin	Barton (TX)	Bonner
Alexander	Berry	Bono Mack
Altmire	Biggart	Boozman
Austria	Bilbray	Boustany
Bachmann	Billakis	Brady (TX)
Bachus	Bishop (UT)	Brown (GA)
Barrett (SC)	Blackburn	Brown (SC)
Barrow	Blunt	

Brown-Waite,	Hoekstra	Platts
Ginny	Hunter	Poe (TX)
Buchanan	Inglis	Posey
Burgess	Issa	Price (GA)
Burton (IN)	Jenkins	Putnam
Buyer	Johnson (IL)	Radanovich
Calvert	Johnson, Sam	Rehberg
Camp	Jones	Reichert
Cantor	Jordan (OH)	Roe (TN)
Capito	Kaptur	Rogers (AL)
Carter	King (IA)	Rogers (KY)
Castle	King (NY)	Rogers (MI)
Chaffetz	Kingston	Rohrabacher
Childers	Kirk	Rooney
Coble	Lamborn	Ros-Lehtinen
Coffman (CO)	Lance	Roskam
Cole	Latham	Ross
Conaway	LaTourette	Royce
Crenshaw	Latta	Ryan (WI)
Culberson	Lee (NY)	Scalise
Davis (KY)	Lewis (CA)	Schmidt
Deal (GA)	Linder	Schock
Dent	LoBiondo	Sensenbrenner
Diaz-Balart, L.	Lucas	Sessions
Diaz-Balart, M.	Luetkemeyer	Shadegg
Donnelly (IN)	Lummis	Shimkus
Dreier	Lungren, Daniel	Shuster
Duncan	E.	Simpson
Ehlers	Mack	Smith (NE)
Emerson	Manzullo	Smith (NJ)
Fallin	Marchant	Smith (TX)
Flake	Matheson	Souder
Fleming	McCarthy (CA)	Stearns
Forbes	McCaul	Sullivan
Fortenberry	McClintock	Taylor
Fox	McCotter	Teague
Franks (AZ)	McHenry	Terry
Frelinghuysen	McHugh	Thompson (PA)
Gallely	McKeon	Thornberry
Garrett (NJ)	McMorris	Tiahrt
Gerlach	Rodgers	Tiberi
Gingrey (GA)	Mica	Turner
Gohmert	Miller (FL)	Upton
Goodlatte	Miller (MI)	Walden
Granger	Moran (KS)	Wamp
Graves	Murphy, Tim	Westmoreland
Guthrie	Myrick	Whitfield
Hall (TX)	Neugebauer	Wilson (SC)
Harper	Nunes	Wittman
Hastings (WA)	Olson	Wolf
Heller	Paul	Young (AK)
Hensarling	Paulsen	Young (FL)
Herger	Petri	
Hill	Pitts	

NOT VOTING—10

Boucher	Kline (MN)	Perriello
Campbell	Miller, Gary	Stark
Cao	Nye	
Cassidy	Pence	

□ 1152

Mr. McHUGH changed his vote from "yea" to "nay."

Mr. KISSELL changed his vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

HONORING GAY TOPPER

Mr. HOYER. Mr. Speaker, just 2 days ago—and I know one of the Members said can we do this after votes—but some people, like Mike Sheehy we talked about the other day, have put in extraordinary weeks and months and years serving this institution and every one of us. They make this institution run in a way that accommodates not only the contention but the compromise and the action. They do so as well with a spirit that makes this a better place in which to work. As surely as each of us who are elected, they serve our country and serve it well.

I have particular honor to rise on behalf of all of us, not just the majority

party. I will yield to my friend, the minority leader, the Republican leader in just a minute, but I am particularly pleased to rise because this particular person lives in my district. I've known her for a long period of time.

She has served the House of Representatives for 32 years. She must have started at 9 or 10 years of age. I think. She is the retiring clerk to the Parliamentarian. She will retire tomorrow. It will be her last day. All of you have seen her, if you don't know her. If you've seen her and talked to her, you know that she is a warm and gracious person who greets all of us of whatever party, whether we're first-year Members or, in my case, a 29th-year Member.

She will be retiring tomorrow. She lives in Upper Marlboro, and she graduated from Frederick Douglass High School, which is in my county and the county represented by my colleagues DONNA EDWARDS and CHRIS VAN HOLLEN.

She started working in the House of Representatives in 1977 as an official reporter where she worked until 1986. She began working for the Office of the Parliamentarian in 1987 and has worked there for 22 years.

The Office of the Parliamentarian is an absolutely critical office, non-partisan, knowledgeable, focused on assuring that the business of the American people is done in a way that reflects fairness and reflects well on the House as an institution. And each and every one of those who work with our Parliamentarian, John Sullivan, make it a better service organization, not just for the House of Representatives but, as I said, for the American people.

Before I close, I want to yield to my friend, the Republican leader, JOHN BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding, and, Gay, congratulations and thank you for 32 years of service to the House. We, as Members, are fortunate to have a lot of professionals who help us do our job and help our country do the job that they sent us here to do, and whether they work in the Parliamentarian's office like Gay, whether they work here on the floor, in committees or in our personal staffs, we're very fortunate to have people such as yourself help us do the job the American people sent us here to do.

And I just wanted to rise today and say thank you. Thank you for 32 years. God bless your soul for putting up with all of us for 32 years, but we're glad you did.

Thank you.

Mr. HOYER. I now want to yield to a Member, senior to me, very good friend from Michigan who has served this institution so well, Congressman KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

My tenure here started about the same time as Gay Topper's tenure, and

you know, through those years I never knew what party she belonged to. I do know that she was a great American and a great human being, and those of us who had the opportunity of coming in contact with her became better people because of her professionalism, her kindness, her gentleness, her knowledge, not just to the Members but to the pages.

The two pages sitting right there, when my son, one summer, sat there as documentarian, he would come home at night and talk about how kindly, how friendly Gay was to the pages. That's very important. That kindness means so much in this House. It helps sometimes take off those sharp edges, and she has done that.

This House is a better House because of Gay Topper, and I can say personally, Mr. Speaker, that I'm a better person because of Gay Topper.

Thank you very much. God bless you, Gay.

Mr. HOYER. I yield to my friend.

Mr. LATOURETTE. I thank the majority leader for yielding.

I just wanted to add on our side, in happier times—and I know you won't agree with me, but I define happier times as when the Republicans were in the majority—a number of us had the opportunity to spend very long evenings in the chair as the Speaker's representative, during the appropriations process in particular.

I know it won't come as a surprise to Members, but when you've heard that 50th speech on the National Endowment for the Arts or the 40th observation about whether or not an IUD is an abortifacient, you have some time on your hands when you're in the chair and you get to know people. And one of the people that you get to know is Gay Topper. Professionalism is right. And I tell Mr. KILDEE, I found out she was a Democrat after about 10 years of being up there.

□ 1200

But you get to know people. You get to know people, and you also get to know the professionalism.

A lot of us think on each side somehow the Chair is rigged up there. Well, it is not rigged. I can remember a debate one evening when a Member, I won't name the Member, said, "Hey, I want you to give me a minute like you just gave that Republican." And I turned to Gay and I said, "Give the gentlelady the same minute you gave the Republican," and she did.

Gay, we are going to be a poorer institution without you, and I want to thank you on behalf of us during those happier times for your service.

Mr. HOYER. Thank you, Mr. LATOURETTE.

Mr. Speaker, I will close on behalf of the Speaker and myself; and I know that the Speaker, on behalf of all the House, irrespective of party, Gay,

wants to thank you for the service you have given to us, the friend you have been to us, the fairness you have displayed throughout 32 years of your career, and wish you Godspeed.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 198, not voting 9, as follows:

[Roll No. 89]

YEAS—224

Abercrombie	Eshoo	Maffei
Ackerman	Etheridge	Maloney
Adler (NJ)	Farr	Markey (CO)
Andrews	Fattah	Markey (MA)
Arcuri	Filner	Marshall
Baca	Foster	Matsui
Baird	Frank (MA)	McCarthy (NY)
Baldwin	Fudge	McCollum
Bean	Gonzalez	McDermott
Becerra	Gordon (TN)	McGovern
Berkley	Grayson	McIntyre
Berman	Green, Al	McMahon
Bishop (GA)	Green, Gene	McNerney
Bishop (NY)	Griffith	Meek (FL)
Blumenauer	Grijalva	Meeks (NY)
Boccheri	Gutierrez	Melancon
Boren	Hall (NY)	Miller (NC)
Boyd	Halvorson	Miller, George
Brady (PA)	Hare	Mitchell
Braley (IA)	Harman	Mollohan
Brown, Corrine	Hastings (FL)	Moore (KS)
Butterfield	Heinrich	Moore (WI)
Capps	Herseth Sandlin	Moran (VA)
Capuano	Higgins	Murphy (CT)
Cardoza	Himes	Murphy, Patrick
Carnahan	Hinchey	Murtha
Carney	Hinojosa	Nadler (NY)
Carson (IN)	Hirono	Napolitano
Castor (FL)	Hodes	Neal (MA)
Clarke	Holden	Nye
Clay	Holt	Oberstar
Cleaver	Honda	Obey
Clyburn	Hoyer	Oliver
Cohen	Inslee	Ortiz
Connolly (VA)	Israel	Pallone
Conyers	Jackson (IL)	Pascarella
Cooper	Jackson-Lee	Pastor (AZ)
Costa	(TX)	Payne
Costello	Johnson (GA)	Perlmutter
Courtney	Johnson, E. B.	Peters
Crowley	Kagen	Pingree (ME)
Cuellar	Kanjorski	Polis (CO)
Cummings	Kennedy	Pomeroy
Dahlkemper	Kildee	Price (NC)
Davis (AL)	Kilpatrick (MI)	Rahall
Davis (CA)	Kilroy	Rangel
Davis (IL)	Kind	Reyes
Davis (TN)	Kissell	Richardson
DeFazio	Klein (FL)	Rodriguez
DeGette	Langevin	Rothman (NJ)
Delahunt	Larsen (WA)	Roybal-Allard
DeLauro	Larson (CT)	Ruppersberger
Dicks	Lee (CA)	Rush
Dingell	Levin	Ryan (OH)
Doggett	Lewis (GA)	Salazar
Doyle	Lipinski	Sanchez, Linda
Driehaus	Loeb sack	T.
Edwards (MD)	Loftgren, Zoe	Sanchez, Loretta
Edwards (TX)	Lowey	Sarbanes
Ellison	Lujan	Schakowsky
Engel	Lynch	Schauer

Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier

NAYS—198

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Billirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)

NOT VOTING—9

Boucher
Campbell
Cao

□ 1213

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky

Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1106.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1106.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from Massachusetts (Mr. FRANK), the gentleman from Alabama (Mr. BACHUS), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Members of the House, this very important legislation would limit an anomaly in the Bankruptcy Code which prohibits judicial modifications of principal residences, even though every other class of asset, from second homes to yachts, airplanes, investment properties, family farm, hotels, and even office buildings, is eligible for such treatment. I believe that this proposal represents a critical step that we can take to not only protect hardworking and

honest Americans struggling to keep their homes in the midst of a once in a lifetime economic calamity, but to limit the downward cycle of foreclosures that are now damaging our neighborhoods, while, at the same time, protecting financial intermediaries and ensuring that judicial modification is considered only after every reasonable effort has been taken to achieve voluntary modification outside of the bankruptcy.

Mr. Chairman, on that note, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our country has fallen into a serious economic recession, a recession that is worsened by the foreclosure crisis. Until we address the rising number of foreclosures, it will be difficult for the economy to recover.

But some of what is in this bill we consider today will be helpful. Providing loan servicers a safe harbor from the threat of litigation if they offer borrowers meaningful loan modification will, in fact, help blunt the crisis.

But the bill also includes many counterproductive components, especially the bankruptcy provision. This bankruptcy provision not only will fail to solve the foreclosure crisis, but also will make the crisis deeper, longer and wider.

Allowing bankruptcy judges to rewrite mortgages will increase the overall cost of lending. Lenders and investors will hesitate to put up capital in the future if they fear that judges will rewrite the terms of their mortgage contracts. Less available capital and increased risk means that borrowers will pay higher interest rates in the future.

Allowing bankruptcy judges to rewrite mortgages will also encourage borrowers to file for bankruptcy. Under this bill, a borrower will be able to reduce, for example, a \$500,000 mortgage to \$400,000. When housing prices rise in the future, that borrower has no obligation to pay back the \$100,000 amount they crammed down. Thus, the borrower receives a \$100,000 windfall. And experts predict that receiving this windfall will provide an incentive for borrowers to file for bankruptcy.

If bankruptcy filings increase as a result of this legislation, which is predicted, it is unlikely that the country's only 368 bankruptcy judges could handle the additional caseload in an effective manner. This will prolong the crisis as borrowers wait for their bankruptcy plan to be court-approved.

In fact, even Senator DURBIN, the primary sponsor of this legislation in the Senate, has stated that he is "willing to restrict" this legislation to subprime mortgages in an effort to make this proposal "reasonable."

So, the legislation we are considering today, and the "Housing Affordability

and Stability Plan" announced by the President last Tuesday, really amount to another entitlement program, a program that comes at the expense of the 92 percent of the homeowners who are making their payments on time.

And it is a program that benefits lenders who wrote irresponsible loans and borrowers who borrowed more than they could afford. In other words, this legislation will punish the successful, tax the responsible, and hold no one accountable.

If we pass this legislation, what message does it send to responsible borrowers who are making their payments on time? How can we ask them to foot the bill for their neighbors' mortgages? What are homeowners to think if they pay back the full amount of principal they owe, while others receive a government-granted reduction in principal?

We need to do everything we can to help solve the foreclosure crisis, but we need to do so in a manner that doesn't bankrupt the taxpayers or our financial system and that is, in fact, fair to all.

And as we work to solve the foreclosure crisis, we need to remember how we got here. As the President said in his address to Congress on Tuesday, "It is only by understanding how we arrived at this moment that we'll be able to lift ourselves out of this predicament."

This foreclosure crisis was brought on largely by irresponsible mortgage policies. Those policies were implemented by lenders and supported by government-sponsored entities like Fannie Mae, who were all too willing to put profits ahead of prudence. Their irresponsible behavior was encouraged by Members of Congress and the Clinton administration. Too often borrowers, spurred on by cheap credit and little or nothing as a down payment, borrowed more than they could afford.

The mortgage bankruptcy provisions in this bill are not the answer. Allowing bankruptcy modification of home mortgages will be costly, generate unintended consequences, and likely delay the resolution of the foreclosure crisis itself.

If we're going to enact this bankruptcy provision, despite all of its flaws, we should at least limit relief to subprime and non-traditional mortgages. We should provide bankruptcy judges with clear guidance on the procedure to follow in modifying the terms of home mortgages, guidance that would make lowering payments to an affordable level the paramount goal of bankruptcy modification. And we should provide much stricter provisions for allowing a lender to recapture any principal that is reduced in bankruptcy if the home is later sold at a profit.

Mr. Chairman, this bill, and the amendments we are going to consider

today, provide none of these safeguards.

I urge my colleagues to vote against this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I just want my friend on the other side to know that the majority whip of the Senate did not make that statement. It is inaccurate.

I now yield to the distinguished gentlelady from Florida, DEBBIE WASSERMAN SCHULTZ, 2 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise in support of H.R. 1106, the Helping Families Save Their Homes Act.

Mortgage foreclosures lay at the very heart of our financial crisis. Until we stop this bleeding, we cannot hope to stabilize the housing market and truly rescue our economy.

This legislation is about more than just shoring up our economy, it's about helping hardworking Americans hold on to the American Dream. Foreclosures uproot families and decimate communities. Vacant homes blight our neighborhoods and depress all of our property values.

Foreclosure rates are now approaching heights not seen since the Great Depression. In my own home State of Florida, we have the second highest foreclosure rate in the Nation. Since January, more than 4,200 Florida families have lost their homes. Another 1.2 million Florida homeowners are "under water," that is, they owe more than their homes are worth.

Mr. Chairman, my constituents, our constituents need a lifeline, and we must throw it to them. Voluntary modification is just not working, and our current bankruptcy laws fail our families.

Unlike every other secured debt, including debts secured by second homes, investment properties, luxury yachts and private jets, the mortgage for a primary residence cannot be modified in bankruptcy. That is simply not fair.

The Bankruptcy Code should be a safety net of last resort for families in distress. In this recession, excluding the family home makes no sense and fans the flames of foreclosure.

This bill allows families to remain in their homes and avoid foreclosure. It will also lead to a financial recovery for the lender that would be as good or better than they could get at a foreclosure sale. This is a win-win.

I know some well-meaning opponents believe families will rush headlong into filing for bankruptcy. We all know, however, that the grave consequences of filing for bankruptcy means it will always be a last resort.

Thank you, Chairman CONYERS and Chairman FRANK, for your leadership on this issue.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to our distinguished colleague from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, the suggestion has been made that it makes no sense to treat primary residences in the way that the current bankruptcy law does. Well, in fact, Supreme Court Justice Stevens, in the case of *Nobleman v. American Savings Bank*, explained why we have this when he said that, "At first blush it seems somewhat strange the Bankruptcy Code could provide less protection to an individual's interest in retaining possession of his or her home than of other assets. The anomaly, is, however explained by the legislative history indicating that favorable treatment of residential mortgages was intended to encourage the flow of capital into the home lending market."

In other words, it is precisely because we want to promote home ownership that it is treated in this way.

Now, we in the Judiciary Committee believe we can do a lot of things. But one thing we have been unable to do, but we're trying to do it once again is suspend the laws of economics. This suggests that this change will have no impact whatsoever.

The change will have this impact: It will include higher risk premiums on all mortgages in the future because of the uncertainty now involved with respect to all mortgages. That's what's going to happen.

I had a telephone town hall in my district with thousands of people on the line, and one person said to me, how is that fair? How is that fair to me? How is that fair to my children and my grandchildren, when this means this is going to increase the cost of home mortgages in the future across the board and maybe limit the accessibility to home mortgage notice future to those very people we say we're trying to help?

Sometimes it is more than just a sentiment that we have to act on here. It is reality. And unless we can suspend the laws of economics, this provision will actually undo what the bill is intended to do, that is, help people be able to have access to mortgages and help people get lower rates. This is one of the reasons why you have lower rates for home mortgages than you do for second homes.

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. And some people have suggested well, look, it's treated differently in all other aspects.

Interestingly enough, if you look at chapter 12, which has to do with agricultural loans, and you see the argument being made that, well, when they made that change there, it had no impact. Interestingly enough, it was during the Clinton administration that their Department of Agriculture concluded that chapter 12 may have substantially increased costs for farm

businesses. That's not the Bush administration. That's not a Republican economist. That's the Clinton administration, their Department of Agriculture concluding that this type of a change in the agricultural setting actually substantially increased costs for home businesses.

If you want to substantially increase the cost for home mortgages in the future across the board for all Americans then vote for this provision. Go home and talk about how you felt good about it. But don't tell folks what it's really going to do. It's going to hurt everybody in terms of their accessibility to home mortgages.

□ 1230

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to merely apprise my dear friend from California and distinguished member of the Judiciary that Mark Zandi, the GOP adviser to JOHN MCCAIN, said, "The total cost of foreclosures to lenders is much greater than that associated with a chapter 13 bankruptcy."

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chairman, I yield myself 15 more seconds.

There is no reason to believe that the cost of mortgage credit across all mortgage loan products should rise. That's a Republican economist.

I now yield 2 minutes to my good friend from Massachusetts, WILLIAM DELAHUNT, himself a distinguished member of the Attorney General's office in Massachusetts.

Mr. DELAHUNT. Mr. Chairman, last year in the United States, over 2 million homes went into foreclosure, and the rate of mortgage defaults is now accelerating. If we don't act soon, today, then our entire economy is at risk. That's how we got here to begin with.

What I find particularly disturbing is that the people who got us into this mess oppose the bill. They'd prefer to have the taxpayers cover their losses and have them continue to bail them out.

Of the most recent issue of BusinessWeek, not a Democratic publication, by the way, this is what it says on the cover: "Home Wreckers: How the Banks Are Making the Foreclosure Crisis Worse."

Here is their take on this issue of this kind of legislation. I'm reading: "The bad mortgages that started the current financial crisis have produced a terrifying wave of home foreclosures. Unless this surge eases, even the most extravagant Federal stimulus spending won't spur economic recovery . . . One reason foreclosures are so rampant is that banks and their advocates in Washington have delayed, diluted and obstructed attempts (like this) to address the problem."

So, if we want to have taxpayers keep bailing out the banks with no end

in sight, that's one option or we can compel the banks to sit down with debtors and mitigate the losses, which would benefit the consumer, the lender in the end and the investors.

Mr. JORDAN of Ohio. Mr. Chairman, I would yield 2 minutes to my friend and colleague from Texas, Congressman GOHMERT.

Mr. GOHMERT. Mr. Chairman, I'm sure most people have heard about the guy who kept beating himself in the head with a hammer, and when people said, Why are you doing that? he said, Because it feels so good when I stop.

The trouble is we keep beating the same people who are footing the bill for everything. Now, I know this bill is well-intentioned. I know the hearts of those who are pushing this, but the trouble is there's a big difference between the investment banks that have squandered money and have gotten us into big trouble and the community banks that have been making good loans.

The trouble is, once you allow a bankruptcy judge not only to do what they can do now with mortgages—change the rate, change the terms—but to actually bring down the principal to whatever the bankruptcy judge feels like, then banks—these good, solid community banks—will be in jeopardy, and they will only be able to give loans to those who can prove for sure they will not ever file for bankruptcy. You're going to put in jeopardy the bottom lines of the people who've actually been responsible and who've had good banks and have done the right things.

The bottom line is the people whom we've saddled with so much debt in just the last few months—the young people, the young couples who are trying to make it and who are hoping for a home loan—are not only going to be cussing our names 30 years from now for the debt we've put them in, but when they go to the bank after this passes, they won't get a home loan because we've been irresponsible in trying to help but not looking at the ramifications of what we're doing.

This adds to the hundreds of billions we've already spent, and now we're going to hurt the very people we need to be relying on to get this economy going. The young people need to be able to get those loans to get homes, and this will ensure they can't go get them, because we've been irresponsible in not thinking about the unforeseen conclusions.

The point is we can foresee them. We know what's going to happen. Talk to your community banks. Don't hurt them. Don't hurt the young, working people any more than we already have. Give them a break. Do the right thing. Don't cram this down on America and our young people.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentle-

woman from Houston, Texas, SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Wait a minute. Can we get a little history lesson here? Does anybody remember the \$700 billion that we gifted to the banks? When they were on their knees, they took Federal money. Many of us voted against it because we wanted to know what was going to happen to the American public.

Why is my friend talking about the young people who were hurting in the administration before us? They hurt more than young people. They told us that we needed \$700 billion of government money to give to the banks. We asked the banks to voluntarily modify the loans. We begged them to do it. We worked with them. We spoke with them. They did not do it.

Today, we vote for the little person, for the individual who has been responsible, who has been working like a constituent in my constituency for 18 years as a cafeteria worker, saving up money, who has got a small bungalow, but it was at an adjustable rate. That's not that lady's fault. She is still working, but she has fallen behind. She will go into court under this bill. She will be able to use the FHA and VA. They will be able to look to voluntarily modify before the court.

The only thing that this does is it allows, after all things have happened, for you to be able to go into the courthouse, stand before a judge and be assessed on your own responsibility. We have a manager's amendment. If there's any profit to be made, it goes back to the lender, to the bank. Mr. Bank and Mrs. Bank, why didn't you do this on your own? We would have preferred you to have done it.

I'm looking forward to introducing legislation where, for people who've been responsible and who go in to redo their mortgages, their issue will not be part of their credit score, of their potential foreclosure, of their back payments, because it is not their fault. We've fallen into a crisis, into an abyss.

So, my friends, I don't know how we can stand on the other side of the aisle talking about the poor little banks. We asked the banks to reorder people's mortgages. People in my district begged for them to do so, but when they called, there was nothing but a 1-800 number.

Support this legislation. It's the little fellow's day today. We want people to save their homes. We're saving America.

Mr. Chairman, I rise in strong support of H.R. 1106, "Helping Families Save Their Homes in Bankruptcy Act of 2009." I would like to thank Chairman CONYERS of the House Judiciary Committee and Chairman BARNEY FRANK of the Financial Services Committee for their leadership on this issue. Mr. Chairman, I

urge my colleagues to support this bill because it provides a viable medium for bankruptcy judges to modify the terms of mortgages held by homeowners who have little recourse but to declare bankruptcy.

This bill could not have come at a more timely moment. Just a day after the President's address before the Joint Session of Congress where President Obama outlined his economic plan for America and discussed the current economic situation that this country is facing.

To be sure, there are many economic woes that saddle this country. The statistics are staggering.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight have affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default.

Home values have fallen nationwide from an average of 19% from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

I am glad that this legislation is finally on the floor of the United States House of Representatives. I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that \$100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP today has included language and we here today are continuing to engage in the dialogue to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

Because of the pervasive home foreclosures, federal legislation is necessary to curb the fallout from the subprime mortgage crisis. For consumers facing foreclosure sale who want to retain their homes, Chapter 13 of the Bankruptcy Code provides some modicum of protection. The Supreme Court has held that the exception to a Chapter 13's ability to modify the rights of creditors applies even if

the mortgage is undersecured. Thus, if a Chapter 13 debtor owes \$300,000 on a mortgage for a home that is worth less than \$200,000, he or she must repay the entire amount in order to keep his or her home, even though the maximum that the mortgage would receive upon foreclosure is the home's value, i.e., \$200,000, less the costs of foreclosure.

Importantly, H.R. 1106 provides for a relaxation of the bankruptcy provisions and waives the mandatory requirement that a debtor must receive credit counseling prior to the filing for bankruptcy relief, under certain circumstances. The waiver applies in a Chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This bill also prohibits claims arising from violations of consumer protection laws. Specifically, this bill amends the Bankruptcy Code to disallow a claim that is subject to any remedy for damages or rescission as a result of the claimant's failure to comply with any applicable requirement under the Truth in Lending Act or other applicable state or federal consumer protection law in effect when the non-compliance took place, notwithstanding the prior entry of a foreclosure judgment.

H.R. 1106 also amends the Bankruptcy Code to permit modification of certain mortgages that are secured by the debtor's principal residence in specified respects. Lastly, the bill provide that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge incurred while the Chapter 13 case is pending and that arises from a debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements.

I have long championed the rights of homeowners, especially those facing mortgage foreclosure. I have worked with the Chairman of the House Judiciary Committee to include language that would relax the bankruptcy provisions to allow those facing mortgage foreclosure to restructure their debt to avoid foreclosure.

MANAGER'S AMENDMENT

Because I have long championed the rights of homeowners facing mortgage foreclosure in the recent TARP bill and before the Judiciary Committee, I have worked with Chairman CONYERS and his staff to add language that would make the bill stronger and that would help more Americans. I co-sponsored sections of the Manager's Amendment and I urge my colleagues to support the bill.

Specifically, I worked with the Chairman CONYERS to ensure that in section 2 of the amendment, section 109(h) of the Bankruptcy Code would be amended to waive the mandatory requirement, under current law, that a debtor receive credit counseling prior to filing for bankruptcy relief. Under the amended language there is now a waiver that will apply where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This is important because it affords the debtor the maximum relief without having to

undergo a slow credit counseling process. This will help prevent the debtors credit situation from worsening, potentially spiraling out of control, and result in the eventual loss of his or her home.

Section 4 of the Manager's Amendment relaxes certain Bankruptcy requirements under Chapter 13 so that the debtor can modify the terms of the mortgage secured by his or her primary residence. This is an idea that I have long championed in the TARP legislation—the ability of debtors to modify their existing primary mortgages. Section 4 allows for a modification of the mortgage for a period of up to 40 years. Such modification cannot occur if the debtor fails to certify that it contacted the creditor before filing for bankruptcy. In this way, the language in the Manager's Amendment allows for the creditor to demonstrate that it undertook its “last clear” chance to work out the restructuring of the debt with its creditor before filing bankruptcy.

Importantly, the Manager's Amendment amends the bankruptcy code to provide that a debtor, the debtor's property, and property of the bankruptcy estate are not liable for fees and costs incurred while the Chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence.

Lastly, I worked to get language in the Manager's Amendment that would allow the debtors and creditors to get to negotiate before a declaration of bankruptcy is made. I made sure that the bill addresses present situations at the time of enactment where homeowners are in the process of mortgage foreclosure. This is done with a view toward consistency predictability and a hope that things will improve.

RULES COMMITTEE

During this time, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

I have worked with my colleagues to strengthen the housing market and the economy, expand affordable mortgage loan opportunities for families at risk of foreclosure, and strengthen consumer protections against risky loans in the future. Unfortunately, problems in the subprime mortgage markets have helped push the housing market into its worst slump in 16 years.

Last night, I offered an amendment that would prevent homeowners and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would prevent homeowners who have declared mortgage foreclosure as a result of subprime mortgage lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

Specifically, my amendment language was the following:

SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

“(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES.—

“(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

“(2) SUBPRIME DEFINED.—The term ‘subprime mortgage’ means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.”.

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment would have strengthened this already much needed and well thought out bill.

I intend to offer a bill later this Congress to address this issue.

HOUSING AND FORECLOSURES AND TEXAS

Despite being such a large state, Texas ranks only 17th in foreclosures, below the national average. One reason is that Texas homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3% cap on lender's fees, 80% loan-to-value ratio (compared to many other states that allow borrowers to obtain 125% of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Nationwide, the number of home foreclosures rose nearly 60% from February 2007 to February 2008, while foreclosures in Texas actually decreased 1% during the same period. In fact, state-wide foreclosure filings in Texas dropped 17% from January to February.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, Americans' personal income decreased \$20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased \$11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased \$56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight have affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent.

One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default. Home values have fallen nationwide from an average of 19% from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

Recently, the Congress set aside \$100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be a set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

BANKRUPTCY

I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that \$100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP that was voted upon this week has included language that would give \$100 billion to address the issue of mortgage foreclosure. I am continuing to engage in the dialogue with Leadership to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

CREDIT CRUNCH

A record number of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately \$27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that \$530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly \$9 billion in commercial debt maturing in that time frame.

Most of Texas' \$27 billion in loans maturing through 2011—\$18 billion—is held by financial

institutions. Texas also has \$9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

Mr. Chair, my amendment would have helped alleviate these problems. Although my amendment language was included in the bill, I believe that this bill is important and will do yeoman's work helping America get back on the right track with respect to the economy and the mortgage foreclosure crisis. I wholeheartedly urge my colleagues to support this bill.

Mr. JORDAN of Ohio. I yield 2 minutes to a colleague and friend from Iowa, Congressman KING.

Mr. KING of Iowa. Mr. Chairman, this is a bad bill, and I would echo the statement of Congressman LOUIE GOHMERT from Texas.

We have community bankers. We have independent bankers. They're good bankers. These are people who understand their communities. They understand their customers. They understand their depositors. They make these discretionary decisions at a community level.

I represent 286 towns in 32 counties in western Iowa. Some of those towns have shriveled up. Some other towns have actually shriveled up and have gone away, but when I look at what's left of the towns that are shrinking, often the last enterprise is the community bank, the independent bank, because they're investing back into the community.

When I watch these communities grow back again—and some of them have grown back again since I've been elected to Congress—it's because there's an investment locally because decisions are made at the discretion of the depositors. They are those who support the board members who hire the loan officers who make these discretionary decisions. They want mortgages. They want to invest in the community. They're invested in the community. This cramdown bill hands it over to an unelected judge.

We had an intense discussion in the Rules Committee last night about what kind of accountability there is for judges. I'd like to hear a list of the names of those judges who have been removed for incompetence, let alone for poor discretion. I'd rather give that discretion to the banker who is accountable to the depositors than to a judge who is not accountable unless Congress happens to find him.

Speaking of accountability, I do rise in frustration that an amendment that I introduced in the Judiciary Committee that succeeded by a vote of 21–3 was taken out of this bill after the fact. Even though it had the support of the chairman and of all but three Democrats and every Republican, when something like that happens out of committee, I have to trust as an elected Member of Congress that there will be a level of respect so that when the

committee votes, that's the will of the committee. I would argue that the job is for the Chair or for the Speaker or for whomever it might be to bring out the will of the group.

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. I yield an additional minute to the gentleman.

Mr. KING of Iowa. The way you find out the will of the group is you have a vote, and there is a full expectation, when an amendment passes in committee, it is part of the bill. That's why we have the markup.

So I had an impromptu colloquy with the chairman, and he said, "I accept responsibility. I'll find out what happened. I'll report back to you. I'll get back to you right away."

I don't know the answer to that at this point. I can only draw the conclusion that, since no one knew this happened and since no member of the Judiciary Committee, no Member of Congress has said, "I'm responsible," other than responsible for its happening, I trust it was a staff act that's not been held accountable. Until I get an answer, I'm going to operate under the assumption that no other agreement that's made between gentlemen is going to be valid until we can make this one valid.

Mr. CONYERS. Mr. Chairman, it is with great pleasure that I recognize for 2 minutes the subcommittee Chair of Immigration, the head of the Ethics Committee, and a great leader in the Congress, ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Chairman, there has been a lot discussed here on the floor today that this is a problem that is limited to just a few parts of our country—California, Nevada, Florida. I just think this is important:

I went and got the records for year to year on the rate of foreclosure. In Alabama, there was nearly a 73 percent increase; in Arkansas, a 127 percent increase; in Hawaii, a 139 percent increase; in Kentucky, a nearly 60 percent increase; in Maine, a 104 percent increase; in Missouri, a nearly 60 percent increase; in Nebraska, a 165 percent increase; in New Hampshire, a 356 percent increase; in New Mexico, a 270 percent increase; in North Carolina, a 126 percent increase; in North Dakota, a 150 percent increase.

This is happening all over the United States, and I'll tell you: when foreclosures hit a neighborhood, when half of the block is up for sale in a bank sale, the value of your home declines dramatically, and when the meth dealers move into those naked homes, I'll tell you that it does nothing to increase the value of the homes of the remaining homeowners.

It is essential that we interrupt this foreclosure wave. Now, this very modest bankruptcy piece is a small part of the picture. It's important to note

that, contrary to some of the comments, this provision only relates to mortgages entered into before the effective date of this bill. It is not prospective. It is retroactive only. We have further narrowed the provision in the manager's amendment, which will be discussed later, but I think it's worth noting that the bad faith on the part of a debtor throws the whole thing out. We've made tremendous improvements. It's essential that we act soon.

Mr. JORDAN of Ohio. If the gentleman from Michigan has more speakers, we will reserve the balance of our time.

Mr. CONYERS. I yield 1 minute to the gentlewoman from California, LINDA SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise in strong support of the Helping Families Save Their Homes Act.

The mortgage meltdown affects everyone. No one is immune from the widespread effects of home foreclosures. It hurts the families who are forced out of their homes, of course, but it also hurts their neighbors, who see a drastic drop in property values and communities that have to cut back services due to losses in property values. For too many, the American dream of owning a home has quickly eroded into a nightmare. The bill's mortgage bankruptcy and loan modification provisions will provide direct help to real American families.

As the former chairwoman of the Commercial and Administrative Law Subcommittee, I held many hearings on the mortgage foreclosure crisis and its impact on families. I know that this bill fixes an inequity in the bankruptcy code by ensuring that, under limited conditions, homeowners and bankruptcy proceedings will have access to the full range of financial support and options available.

I urge my colleagues on both sides of the aisle to support homeowners and neighborhoods by supporting this vital piece of legislation.

Mr. JORDAN of Ohio. We will continue to reserve the balance of our time.

□ 1245

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Chairman, Chairman CONYERS has done a wonderful job bringing this bill to the floor with others. This is a bill that shouldn't be partisan, but the other side has tried to make it such. And obviously it's not because otherwise Jack Kemp wouldn't be wholeheartedly supporting this. Besides Jack Kemp, Nobel Prize winners in economics, Joseph Stiglitz and Paul Krugman, as well as George Soros, endorse it. In fact, this is something the American people need.

President Obama just the other night spoke about doing something worth-

while, words engraved above the Speaker's rostrum. This is something worthwhile we can do to help individuals stay in their homes, help communities, help local governments.

If we lose these people's homes to foreclosure, which otherwise we would, it's no cupcake ride into the bankruptcy court. There are strict rules about income and assets that allow a person to get in there. And the judges who are there, who might be decried by some, are judges that are appointed and sit as a decider between the borrowers and lenders for what's equitable and right. These people lose their homes and the neighborhoods' values will go down, home values will go down, tax revenues to local and State governments will go down, crime will go up. This is an effective way for neighborhood stabilizations and to keep families in their homes.

The fact is this law came out of a compromise in the Congress in 1978. And Justice Stevens might have been talking about that legislation, but it wasn't Justice Stevens' logic. And he talked about the flow of capital into the housing market. Well, there was too much flowing of capital into the housing market, and that's what's caused these foreclosures.

This bill will force modifications. People have to give 15 days' notice before they can go into bankruptcy, and hopefully banks will then have voluntary modifications, which they've refused to do up to this point. And remember, the key to this bill is FDIC insurance. And if we don't pass this bill, the banks and the community banks and the credit unions won't get \$250,000 of FDIC insurance to protect the banks for what has been their profligate ways that have put us in this circumstance that we are in now in this economy and in this country.

But we need to support this legislation and see that we get the FDIC insurance for the right spot, and then we need to do something for our families and our neighborhoods.

Mr. JORDAN of Ohio. Mr. Chairman, I continue to reserve.

Mr. CONYERS. Mr. Chairman, may I inquire how many speakers my friend on the other side has remaining?

Mr. JORDAN of Ohio. I will be closing.

The CHAIR. The Chair will note that both sides have 2 minutes remaining.

Mr. JORDAN of Ohio. Mr. Chairman, there is nothing in this bill that requires borrowers to attempt to work out a loan modification prior to filing for bankruptcy. There is nothing in this bill that will limit bankruptcy relief to only those borrowers that are in danger to losing their homes because they have a subprime or nontraditional loan.

In fact, I offered this very amendment to limit the scope of the provision in committee, same amendment

that was actually the bill that came out of committee last session. Unfortunately, that was defeated.

There is nothing in this bill that addresses the moral hazard the bankruptcy provisions will create by incentivizing homeowners to file for bankruptcy so they can cram down their principal and receive a windfall when housing prices rise in the future. And there is nothing in this bill that will place a sunset on the bankruptcy provisions so that this relief is limited to the current crisis.

Americans want solutions to this crisis that do not abandon accountability and that do not reward those who acted irresponsibly. But think about this: 94 percent of mortgages are being paid on time. It is wrong to tell those individuals they are now going to have to in some way compensate or not be able to get credit in the future to accommodate those individuals, that 6 percent, who have behaved in an irresponsible fashion.

Bankruptcy cramdown is not such a solution. It absolves lenders and borrowers of the responsibility, passing that responsibility off on the taxpayers, those who borrowed responsibly, and those who will seek to borrow responsibly in the future.

I urge my colleagues to vote against this bill.

I yield back the remainder of our time.

Mr. CONYERS. Mr. Chairman, it gives me pleasure to yield the remainder of our time to the gentleman from North Carolina, BRAD MILLER.

Mr. MILLER of North Carolina. Mr. Chairman, it is remarkable after all that has happened in the American economy to still hear the talking points of the banking industry and the securities industry repeated verbatim without criticism, simply parroted. That the banking industry is really all about helping folks, that's what caused the problem; that they were trying too hard to help people; that they loaned, perhaps not wisely but too well.

The reality is, this is not going to affect the availability of credit. We've got plenty to judge that by. There have been rafts of economic studies by real economists in peer review journals that show that when you compare lending practices in one place and another at the same time with different laws, there is very little, if any, difference.

Now, the minority has tried to tap into the American anger at banks by calling this a bailout. The reason that the banking industry is so virulently opposed to this, this is the only proposal to deal with the foreclosure problem that does not give them tax money. We aren't begging them, we aren't bribing them to do the right thing; we will make them do the right thing. They will modify mortgages in the way they should have, voluntarily, involuntarily in bankruptcy court if they don't do it voluntarily.

Mr. GOHMERT suggests this is somehow going to be wild, arbitrary, the Wild West, no one knows what a bankruptcy court will do, what a bankruptcy judge will do. Mr. Chairman, there have been thousands of bankruptcy cases. The law is very clear. The procedures are very clear. The judges do this all the time. Everyone involved in bankruptcy knows exactly what will happen, and it will be a very predictable, orderly, logical modification of mortgages in bankruptcy so that borrowers will come out with the very mortgage—with the mortgage they should have gotten, if they should have gotten a mortgage at all—and the lender will come out with a mortgage they should have made in the first place.

Do something the banks won't like to solve this problem and pass this bill.

The CHAIR. The gentleman from Massachusetts (Mr. FRANK) will be recognized for 15 minutes and the gentleman from Alabama (Mr. BACHUS) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this bill is a joint product of two committees: the Committee on the Judiciary and the Committee on Financial Services. I very much appreciate the fully cooperative relationship that the gentleman from Michigan and I and the members of the committee staffs have had. Working with him has been a pleasure as he has taken the lead in the more controversial parts of this bill. I say controversial not in denigration but in support.

I think the bankruptcy provisions—which are the product of the Judiciary Committee, not the committee I chair—are essential. I was particularly struck—and I will enter into the RECORD letters from the National Council of Life Insurers specifically approving the bankruptcy provision, and from the National Association of Realtors also approving the bill.

Obviously, there are people entitled to a variety of opinions, but I think it's relevant to note that two important groups, one involved in housing—the Realtors—and another very, very much involved in finance—the Life Insurance Council—support the bill including the bankruptcy provision.

There is another reason why bankruptcy is relevant to some of the things in the jurisdiction of our committee. Even where there are people willing to modify mortgages, there are some legal tangles. We have this form of a servicer. A servicer is an entity which has been given control or authority over packages of mortgage securities. Even in cases where the servicer has been willing, in some cases, to do a modification, that entity is facing lawsuits from investors who say you can't do it.

There are also second mortgages, that is, even in cases where there are a

lot of willing parties to this on both the lender and the borrower's side, the fact that there is such a tangle of legal rights has been an obstacle. Bankruptcy is the only way to cut through that. And given the moderate way in which bankruptcy has been put into this bill, that adds to—let me put it this way, people are saying let's have voluntary modification. But some modifications that are supported by almost everybody cannot go forward because of this.

Beyond that, this bill has some things that are widely supported. For instance, the increase in the insurance deposit limits is supported by the community banks and the National Federation of Independent Business and almost every other group. It does provide to the servicers to whom I just alluded a protection that was a bipartisan production of the gentleman from Delaware (Mr. CASTLE) and the gentleman from Pennsylvania (Mr. KANJORSKI) to say that if you as the servicer modify a loan that you hold on behalf of an investor in ways that will minimize the loss to the investor, you could not be successfully sued because you will have carried out your obligation. It authorizes the payment of a fee of up to a thousand dollars to servicers for modifications because this is a job that many of them did not expect.

It also improves the HOPE for Homeowners program which, when we passed it in July, had some hopes and they weren't realized; and I will acknowledge that we didn't do that well. We were at the time responding to pressures that said don't be too generous. As a result, particularly after the Senate got through with it, it became unworkable.

The impetus for change came in part from the Bush administration. The FHA, under the Bush administration, Secretary Preston and Commissioner Montgomery, said you've made this unworkable. So we have amendments that would make it workable. And what we hope coming together is this: no one ought to be encouraged to go bankrupt or think bankruptcy is an easy path. We do prefer voluntary modifications.

What we have is a package, along with the very good proposals enunciated last week by the President, worked on by Secretary Geithner and Secretary Donovan, who did an excellent job on it, we have a menu of ways using all the powers of the Federal Government, including authority, by the way, that we first gave the administration, the Bush administration, in the TARP bill, which they sadly refused to use. But this administration is using authorities that were given to the Bush administration through Fannie Mae and Freddie Mac, through the TARP, through other ways, through the FDIC and other bank regulators. This enhances the authority to do modifications.

So the result—and this is why it's a package. We strengthen the community banks, in particular, with this increase in the deposit insurance; we provide a set of options other than bankruptcy to modify; and we remove legal obstacles, to the extent we can constitutionally do so, to such voluntary modifications. But we then believe that in some cases, you will still need to go to bankruptcy to deal with these tangles that I mentioned, and we also believe that the fact that there is a bankruptcy looming will be an encouragement to negotiations.

On both the lender's and the borrower's side, we've heard complaints that they have tried to communicate with the other. Some people say, "I wrote to my lender. He didn't answer." Some lenders say, "I wrote to the borrower. She didn't respond."

One of the things that the Judiciary Committee did very well—and I think they did an excellent drafting job on this bill—is to say that if you want to go bankrupt, you have to notify your lender and then there is a waiting period.

So this will promote exactly the kind of communication between lenders and borrowers that we hoped would go forward.

NATIONAL ASSOCIATION OF REALTORS,
Washington, DC, February 24, 2009.

DEAR REPRESENTATIVE: When people lose homes to foreclosure, our communities, the housing market and our economy all suffer. The National Association of REALTORS® believes H.R. 1106, the "Helping Families Save Their Homes Act," includes provisions to minimize foreclosures, stabilize home values and move the country closer to an economic recovery.

The bill provides a safe harbor for mortgage servicers who conduct loan modifications in good faith. Currently few loan modifications are occurring because servicers face the threat of investor lawsuits. This provision will relieve servicers from liability, and allow more loans to be modified.

The bill also reforms the Hope for Homeowners program, allowing more borrowers to refinance into safe, affordable mortgages. Despite being well-intentioned, the Hope for Homeowners program has enjoyed very limited success. The program's constraints have made it very difficult for lenders and servicers to participate. H.R. 1106 eases current restrictions and makes the program more useable, while still preserving the benefits to homeowners and limiting risks to the FHA fund and the American taxpayer.

The bill strengthens oversight of FHA-approved lenders. FHA is experiencing unprecedented volume during this mortgage liquidity crisis. More and more lenders want to become involved with FHA. To ensure that predatory lenders are unable to participate, the bill provides a number of safeguards to protect the FHA fund and taxpayers from fraud and abuse.

As progress continues on the bankruptcy provisions within this bill, NAR would support reasonable and equitable requirements for judicial review of loan terms for homeowners who are forced into bankruptcy because they are unable to qualify for or obtain foreclosure prevention assistance.

The National Association of REALTORS® believes H.R. 1106 will help millions of home-

owners who are at risk of losing their homes. It will also help neighborhoods avoid the ramifications of foreclosures and will help our economy on the road to recovery. We ask you to support this important bill.

Sincerely,

CHARLES MCMILLAN,
2009 President.

FEBRUARY 24, 2009.

DEAR MEMBER OF CONGRESS: On behalf of the ACLI and its 340 member companies, I commend Congress and President Obama for considering different ways to mitigate the impact of foreclosures on homeowners. I am particularly pleased that as the House moves forward with H.R. 1106, which includes new mortgage "cram down" authority for bankruptcy courts, the effects on investors are being taken into consideration.

The policy rationale behind bankruptcy relief is laudable: providing a way for homeowners in financial distress but with sufficient means to remain in their homes. As the bill recognizes, it is equally important to ensure that there are no unintended negative consequences on those who have invested in mortgage backed securities to the benefit of millions of American homeowners.

The life insurance industry provides millions of Americans with the products that can help them attain financial and retirement security. To maintain sufficient reserves and surplus to meet obligations to policyholders, life insurance companies are required to invest in high quality financial instruments. For decades we have been the largest holder of corporate bonds in the U.S., and we also hold a significant amount of top tier mortgage backed securities. That is why language clarifying the new cram down law's effect on investors is so important to this industry.

Without clarifying language, top tier mortgage backed securities could be downgraded significantly, resulting in increased capital requirements for life insurers and a need to raise additional capital in a hostile environment. An inability to raise capital could result in unwelcome downgrades for life insurers.

This issue by itself is of extreme importance to life insurers. When coupled with the impact of other recent government actions, it could impair an otherwise strong and stable, but increasingly challenged, industry. For example, the \$3.5 billion in bonds held by life insurers were virtually erased by the fire sale of WaMu to JP Morgan. Life insurers' \$1 billion in preferred stock was virtually wiped out by the take-over of Fannie and Freddie. And we are tested daily by the SEC's failure to adjust mark to market accounting.

The cumulative impact of these actions on the life insurance industry could erode a vitally important sector of the financial services industry. Our companies can weather this economic storm, but only if lawmakers recognize the consequences of their actions on an industry that provides millions of Americans with financial protections they cannot obtain anywhere else.

That is why we endorse the inclusion of the language in Section 124 of H.R. 1106. We believe the inclusion of this language is a step in the right direction in avoiding negative, unintended consequences on investors who are vital to this nation's economic recovery. We look forward to working with the House and Senate as this legislation moves forward to make sure that all the ramifications are considered and properly addressed.

Sincerely,

FRANK KEATING,
President & Chief Executive Officer, ACLI.

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, February 25, 2009.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, House
of Representatives, Washington, DC.

Hon. SPENCER BACHUS,
Ranking Member, Financial Services Committee,
House of Representatives, Washington, DC.

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the National Federation of Independent Business, the nation's leading small business advocacy organization, I am writing in support of Section 204 of H.R. 1106, which makes permanent the deposit insurance limits enacted as part of the Emergency Economic Stabilization Act of 2008.

Specifically, we are pleased that H.R. 1106 permanently increases the FDIC insurance limits from \$100,000 to \$250,000, giving small businesses confidence that their business banking assets are secure. It also provides more assurance for banks, especially community banks, that their customers will not remove their money.

Permanently expanding deposit insurance coverage from \$100,000 per account to \$250,000 is critical for small businesses, many of whom rely on bank deposits to meet payroll and finance other business activity. According to the NFIB's Research Foundation, a majority of small-business owners use two or more financial institutions to conduct their firms' affairs.

America's 26 million small businesses are facing the toughest economic climate in decades. Raising FDIC deposit limits will ensure that small business owners can readily access their insured accounts, allowing them to survive and compete in today's challenging economy.

Thank you for your support of small businesses, and we appreciate your leadership on this issue.

Sincerely,

SUSAN ECKERLY,
Senior Vice President,
Public Policy and Political.

AARP,
Washington, DC, February 25, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, The Capitol,
Washington, DC.

Hon. JOHN A. BOEHNER,
Minority Leader, House of Representatives, The
Capitol, Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: On behalf of AARP and its 40 million members, I am writing to reiterate our strong support for legislation to permit modification of home mortgages in bankruptcy as an option to help homeowners avoid foreclosure. Bankruptcy offers an existing structure, and an impartial and trusted process that can help hundreds of thousands of families save their homes, and do so at little cost to taxpayers.

Over 1.5 million homes with subprime mortgages have already been lost to foreclosure. A December 2008 Credit Suisse report estimated that foreclosures of all types of mortgages could exceed 8 million by the end of 2012 the equivalent of one foreclosure for every 6 households with mortgages. Recent research by AARP found that Americans age 50 and older hold 41 percent of all first mortgages and represent 28 percent of all homeowners in delinquency or foreclosure. Clearly, millions of older homeowners will face the loss of their homes, and much of their retirement assets, unless more effective foreclosure relief can be provided.

The foreclosure relief plan announced by President Obama last week includes support for judicial mortgage modification as part of a coordinated set of new initiatives to address the foreclosure crisis. While these initiatives will benefit many distressed homeowners, many others will not be assisted either because they are too deeply in debt to benefit from loan refinancing, their loans exceed the GSE loan principal limits, or they lose their jobs and have too little income to pay their mortgage. Court supervised loan modification thus becomes essential to the success of the broader foreclosure relief plan, serving both as an option of last resort for these families to save their homes and as an incentive for servicers generally to offer meaningful loan modifications outside of court.

Legislation to allow for judicial modification of primary mortgages (H.R. 200) was approved last month by the Judiciary Committee and has been combined with other important measures to stabilize the housing market and prevent foreclosures in H.R. 1106, the "Helping Families Save Their Homes Act of 2009."

This legislation offers a balanced approach to bankruptcy reform that will provide relief for many distressed homeowners while limiting any adverse impact on the cost of future mortgage credit.

We urge the House to resist all weakening amendments to the bankruptcy sections of H.R. 1106 and to immediately approve this timely and needed legislation.

Sincerely,

DAVID P. SLOANE,
Senior Vice President,
Government Relations and Advocacy.

I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I rise in opposition to H.R. 1106 because I believe the bill is unwise, unproductive, and most of all, unfair.

My heart goes out, Mr. Chairman, to anyone facing foreclosure. It's never easy to hear the stories of families losing their homes. But allowing bankruptcy judges to modify mortgages is not the right solution for our economy or for our housing market.

□ 1300

The provisions in this bill allow bankruptcy judges to cram down principal in mortgages on primary residences, and it will have long-lasting adverse and unintended consequences on our housing market. I offered an amendment that would take out these cramdown provisions, but unfortunately, Mr. Speaker, it wasn't even allowed to come to the floor.

This legislation is unfair to Americans who have made difficult decisions to cut back their spending in order to pay for their mortgages. By further tightening the credit market, this bill forces homebuyers to pay more for their mortgages.

Allowing judges to rewrite mortgage contracts will effectively increase the cost and reduce the availability of credit to homebuyers. No matter how

narrow the mortgage cramdown provisions are, allowing these mortgages to be modified in bankruptcy courts will create additional uncertainty in the housing market. America needs certainty right now, Mr. Speaker, and this bill moves us in the wrong direction.

I urge my colleagues to join me in opposing H.R. 1106 to protect responsible homeowners.

Mr. FRANK of Massachusetts. I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this just as I appreciate his hard work and leadership.

We hear our Republican friends from the other side of the aisle who talk about their hearts going out to people across the country who are facing the tragedy of losing their homes. They have their home mortgage under water, in circumstances beyond their control in a system that has systematically destroyed the ability of people to be able to actually voluntarily deal with a modification of their loan as my friend, the chairman, mentioned. This legislation steps forward to restructure the relationship, to be able to have the modification. But most importantly, it is the fastest, least expensive way to cut through the thicket of these issues.

Now, I hear people talking about cramdown provisions. It's exactly the same provision that Donald Trump is going to have the next time he goes bankrupt on his fourth vacation home. I've got a situation in my community, and it's much worse on the gold coast of Florida, or in Las Vegas, or in some places in California, where we have condominiums, where there are people who bought three, four, five units as investments. Then there is somebody who has the misfortune of just buying it to live in. The investor, the speculator can have the "cramdown" provision, he can have the terms modified, with the interest rate reduced, the balance reduced, but the poor person who just is living in his or her home is stuck. Doesn't sound to me like their hearts are going out to the people who are in trouble. That's not equitable. If we had had these provision in law before, we never would have securitized goofy loans and had this pyramid scheme start in the first place.

I salute the committee's work; I'm proud to support it. It is going to make a big difference, and everybody should vote for it.

Mr. BACHUS. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN. Mr. Chairman, I rise in opposition to H.R. 1106.

The poison pill in this legislation is the cramdown provision. And the cramdown provision will create uncertainty in our credit markets at the very time that we are trying to stabilize our financial system. It will sig-

nificantly raise the cost of borrowing, not just for Americans who are trying to refinance their homes, but for all future American homeowners. It will significantly raise the cost of borrowing because it will create a risk premium that lenders will have to place on these loans, knowing full well that if the value of the property goes down, then they will take a loss. But the legislation also creates a fiction that if the value of the property rises, that the lenders will be able to recover some of those losses.

This cramdown provision is wrong for restoring our credit markets and it is wrong for the millions of future homeowners across this country who will be forced to pay more for those who will be able to use our court system to pay less.

I would encourage a "no" vote on this legislation.

Mr. BACHUS. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I think I want to comment here on the marked difference that I've seen between the sanctity of the mortgage contract in the United States and what I've seen around the world.

Hernando de Soto, the Peruvian economist, touches on this in his book, "The Mystery of Capital: Why Capitalism Succeeds in the West and Fails Everywhere Else." And his point is that, long term, this private mortgage contract is essential. If we begin to undo that contract, there isn't any reason to believe that interest rates won't climb up commensurate with the kinds of interest rates that we see with respect to what you pay on your Visa card or Master Charge.

The reality really is that Supreme Court Justice John Paul Stevens was right some 15 years ago when he cited that legislative history indicating that favorable treatment of residential mortgages were intended to encourage the flow of capital into the home lending market. And his point was that, without that capital flow coming in and pushing down interest rates, that long term we were going to face a considerably higher interest on home mortgages for the next generation.

Now, to those skeptics that have been convinced this is a temporary solution, I would just say that we should all remind ourselves that here in Washington there is nothing more permanent than a temporary solution. These things have a way of becoming permanent, and that is what I'm concerned about.

I am also concerned that we haven't recognized the role we played in this. And maybe, in terms of the good intentions of many of these Members who, frankly, if you look at the erosion of standards, once 20 percent was the down payment for a house, then it went to zero. And one of the reasons it went

to zero was because of political pressure, because of the perception that we would make homeownership more affordable. One of the reasons Fannie Mae and Freddie Mac were allowed to over-leverage was for this same reason. This is not the solution.

The CHAIR. The gentleman's time has expired.

Mr. BACHUS. I yield an additional minute to the gentleman from California.

Mr. ROYCE. I thank the gentleman for yielding me that time because this is not the solution. We are going to compound the problem. We are going to put in motion here a reticence on the part of those who loan. And once the principal amount is reduced in these loans, once people know that they can go through the process of bankruptcy, they will be more hesitant to work through the process that Treasury has set up with this Hope Now Alliance. There's 2.3 million loans last year that were reworked with lower interest rates. And if you think about it, it's in the borrower's interest and it's also in the lender's interest to sit down and do these reworks. That's where our focus should be.

We should be encouraging those voluntary arrangements. We should be bringing resources to bear, to contact homeowners that are having trouble right now making those payments and remind them that instead of filing for foreclosure, if they get in touch with a lending institution, you can voluntarily right now run those out to 30-year loans now at 6 percent. And when people are contacted, we find that most of these don't go into foreclosure. That's where the focus should be.

Mr. FRANK of Massachusetts. I will yield myself such time as I may consume because the gentleman from California wants to talk about the history and who pressured people into doing this.

Yes, it's true, there is a governmental role here: it is a refusal to regulate subprime loans. In 1994—and party is relevant—the last time before the previous Congress that the Democrats were in the majority, this Congress passed a law directing the Federal Reserve to regulate home loans in the subprime category that were issued by everybody. Bank loans were regulated, nonbanks were not. Alan Greenspan, the Chairman of the Federal Reserve, refused to use the authority and acknowledged in testimony before the Committee on Government Reform late last year that he had refused to use it and that he was mistaken.

So, part of the problem was, yes, there was a lowering of standards because the Federal Reserve refused to impose them. And then, let me quote Mark Zandi, who had been an adviser to JOHN MCCAIN, is now an economist of great repute—he was then, too, obviously—who notes in his book on this

crisis that in 2004, the Bush administration decided, as part of its strategy of expanding homeownership, to push for an increase here, including, in 2004, the Bush administration ordered Fannie Mae and Freddie Mac to increase the number of loans they gave to people below the median income. And I will put into the RECORD my quotation at the time from an article put out by Bloomberg in which I objected to that. Secretary Jackson made them increase by 10 percent the number of loans they had to give to people below the median. And I said I thought that would be bad for Fannie and Freddie and bad for the borrowers because helping people borrow money they can't repay does them no good. And there was then an effort to try to get legislation passed to do what the Federal Reserve refused to do under Mr. Greenspan, regulate subprime loans. But the Republican leadership of the House at the time said we don't want to do this.

There was also concern about Fannie Mae and Freddie Mac. And in 2005, I, as the ranking minority member of the Committee on Financial Services, joined the chairman, a former colleague, Mr. Oxley, in supporting a bill out of our committee to tighten the regulation of Fannie Mae and Freddie Mac. I later was opposed to what was done in the Rules Committee to weaken a housing provision, but I wanted the bill to go forward. And, in fact, that bill went to the Senate with a large majority. I opposed it on the housing ground, but I was for the regulatory part. The Bush administration rejected it. Then Secretary of the Treasury Snow said he thought the President was wrong. Mr. Oxley said he was very disappointed that the administration wouldn't go forward.

In any case, the Republican-controlled Senate refused to take the bill up. So from 1995 until 2006, under Republican control of the Congress, no bill was passed to regulate Fannie Mae and Freddie Mac better, and nothing was done to restrain inappropriate subprime mortgages.

In 2007, the Democrats returned to the majority. Within 4 months, the Committee on Financial Services had reported on exactly the bill that the Bush administration wanted under Secretary Paulson to tight the regulation of Fannie Mae and Freddie Mac. There was an organization called FM Watch that existed to try to tighten regulation of Fannie Mae and Freddie Mac, and they have been quoted as saying, after the House acted, "Well, we finally got what we wanted." That was in 2007.

So, yes, I regret the fact that in 2005 there was an intra-Republican split between Mr. Oxley and the President, with the Secretary of Treasury on Mr. Oxley's side and Senator SHELBY on the President's side, and we got no bill. We got it through the House in 2007. It was

then delayed in the Senate, unfortunately. In 2008, I asked the Secretary of the Treasury to put it into the stimulus, the tough regulation of Fannie Mae and Freddie Mac. He couldn't do that at the time. We got it, but we got it too late. But we got it too late because 12 years of Republican rule went by and no bill became law.

Then we had subprime. When we were unable to pass a subprime bill in 2005 because the Republican leadership said no, we, in 2007, brought out a subprime bill. It passed this House. It was a bill to restrict inappropriate subprime loans. It was attacked by the Wall Street Journal—I'll put the editorial in there—it said it was "Sarbanes-Oxley for housing," that we would be depriving people of the chance to buy homes—yeah, people who shouldn't have had that chance. Once again, that was held up in the Senate. But to his credit, Chairman Bernanke, a Bush appointee, used precisely the authority that Alan Greenspan refused to use from 1994, from that statute, and imposed strict restrictions on bad subprime loans.

I think we will go further. And I expect the Committee on Financial Services once again to bring out the bill to restrict inappropriate subprime loans. And I will look for that energy that I've heard from time to time expressed by some of my Republican colleagues about keeping people from being put into homes they shouldn't have. Because last time it was a more partisan fight than it should have been, although the ranking member, who has a very good history of being concerned about this, did join us in voting for the bill.

The only other thing I would say is this—and I would agree that voluntary modification is a good thing. But with the servicer-investor conundrum and with second mortgages, even almost entirely voluntary agreements to modify cannot go forward without bankruptcy.

FANNIE, FREDDIE TO SUFFER UNDER NEW RULE, FRANK SAYS
(By James Tyson)

June 17 (Bloomberg)—Fannie Mae and Freddie Mac would suffer financially under a Bush administration requirement that they channel more mortgage financing to people with low incomes, said the senior Democrat on a congressional panel that sets regulations for the companies.

The new rule compels the companies to put 57 percent of their mortgage financing by 2008 toward homes for people with incomes no greater than area median income. Fannie Mae and Freddie, the two largest U.S. mortgage finance companies, must currently meet a 50 percent threshold.

The White House "could do some harm if you don't refine the goals," said Representative Barney Frank, a member from Massachusetts on the House Financial Services Committee. Frank's comments echo concerns of executives at the government-chartered companies that the new goals will undermine profits and put new homeowners

into dwellings they can't afford. "At their outer edges they become counter-productive—there are not loans to make that will get repaid," Freddie Mac Chief Executive Richard Syron said Monday in an interview, referring to the new financing rule.

Frank said the administration is aiming to reduce the role of the two companies in mortgage financing, and has seized on the higher goals "as a useful stick by which to beat Fannie arid Freddie."

HUD DEFENDS RULE

Alphonso Jackson, secretary of Housing and Urban Development, said the Bush administration has no hidden motives in seeking to raise the percentage of financing for low-income homeowners.

"There is no administration more supportive of Fannie and Freddie than we are," Jackson said today in interview. "We are just actualizing what should have been done years ago." An agency within HUD, the Office of Federal Housing Enterprise Oversight, regulates Fannie Mae and Freddie Mac, which own or guarantee about half the \$7.3 trillion U.S. mortgage market.

The housing guidelines, subject to a public comment period that ends on July 2, would become law Jan. 1. Referring to both the White House plans and the coming presidential election, Frank said, "nothing can stop them except a change in November." He spoke at a news conference sponsored by the presidential campaign of Senator John Kerry of Massachusetts.

Frank and housing industry representatives such as Jerry Howard, chief executive of the National Association of Homebuilders, say the White House rules fail to focus financing on multifamily housing and other market segments. The regulations also don't address a decline in refinancing and other market changes, they said.

"We don't see how these goals in any way put Fannie Mae and Freddie Mac into specific types of affordable housing," Howard said.

The association, which represents Centex Corp., Toll Brothers Inc. and about 215,000 other companies in the housing industry, plans to ask for a 60-day extension of the public comment period, Howard said.

Referring to the housing goals and the two companies, Frank said, we want to push them further, but it doesn't make sense to push them in an undifferentiated way."

Jackson said his critics should withhold judgment until after Jan. 1. "I don't see how people can say something is not going to work when we have not had a chance to implement it."

A SARBOX FOR HOUSING—HOW TO RESTRICT LENDING TO THE POOR FOR YEARS TO COME

Throughout the 1980s and '90s, Congress prodded, even strong-armed, banks into making more mortgage loans to low-income and minority families. Washington enacted anti-discrimination and community lending laws with penalties against lenders for failing to issue riskier mortgages to homebuyers living in poor neighborhoods or with low down payments and subpar credit ratings. And so it was that the modern subprime mortgage market was born.

Now, and for a variety of reasons, some two million of those loans have gone sour, and the same politicians are searching for villains. Leading the charge is House Financial Services Chairman Barney Frank, who is accusing banks of "predatory lending"—by which he means making loans to the very group of borrowers that Mr. Frank and his colleagues urged banks to serve.

As early as today, Mr. Frank plans to hold a committee vote on his Mortgage Reform and Anti-Predatory Lending Act of 2007, which would impose new rules and financial penalties on subprime lenders, while providing new lawsuit opportunities for distressed borrowers. "People should not be lent money that's beyond what they can be expected to pay back," Mr. Frank says. Now, there's an idea. Why didn't the bankers think of that?

Mr. Frank's proposal is a trial lawyer's dream. It would forbid banks from signing up borrowers for "overly expensive loans"; require banks to make sure that the consumer has a "reasonable ability to repay the loan"; and insist that loans must be "solely in the best interest of the consumer." This kind of murky language would invite litigation from every borrower who misses a payment. If it becomes law we can expect to see billboards reading: "Behind on your mortgage? For relief, call 1-800-Sue-Your-Banker."

Also for the first time, banks that securitize mortgages would be made "explicitly liable for violations of lending laws." This is a version of secondary liability that holds the bundlers and resellers of mortgages responsible for the sins of the original lenders. The reselling of mortgages has been a boon both to housing liquidity and risk diversification. So to the extent the Frank bill adds a new risk element to securitizing subprime loans—and it surely will—the main losers will be subprime borrowers who will pay higher rates if they can get a loan at all.

No one disputes that there were lending excesses during this decade's housing revels. The Federal Reserve's easy money policy created a subsidy for debt and fed an asset bubble that made borrowers and lenders alike think prices would rise forever. If companies or individuals committed fraud, they should be punished. Meanwhile, federal regulators have been rewriting rules to outlaw the most abusive practices, such as onerous prepayment penalties and disguised balloon interest payments.

But for all the demonizing, about 80% of even subprime loans are being repaid on time and another 10% are only 30 days behind. Most of these new homeowners are low-income families, often minorities, who would otherwise not have qualified for a mortgage. In the name of consumer protection, Mr. Frank's legislation will ensure that far fewer of these loans are issued in the future.

All of this would also hit banks when they and their shareholders are already being punished in the marketplace. The stock values of financial companies have taken a beating and executives are losing their jobs. Lenders are fleeing the subprime market, and the pendulum has swung to the opposite extreme as banks have tightened credit, which is contributing to the mortgage meltdown.

The latest housing data indicate that new home sales are down 23% from a year ago, with the biggest retrenchment in the subprime market. The volume of subprime securities was down a whopping 70% to \$15 billion in the third quarter from \$62 billion one year ago. Originations of the controversial subprime ARMs are down by 50% so far this year compared to 2006. Mr. Frank's bill couldn't come at a worse time, as it will further shrink credit to marginal borrowers, which will mean fewer buyers and extend the housing downturn.

The Frank bill is essentially a Sarbanes-Oxley for housing, an attempt to punish business in general for the excesses of an unscrupulous few and the perverse incentives created by Washington policy.

Mr. Chairman, I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise today in opposition to this bill and to express my sincere disappointment in the way it has come to the floor.

Yesterday, I brought to the Rules Committee two simple, straightforward amendments that would have made this a much better bill. They would have ensured that taxpayers are protected from others making unfair profits on their dime. They would also prevent flippers, speculators, illegals and criminals from taking advantage of a program that should be aimed at worthy borrowers who are struggling to keep their homes.

The first amendment I offered required that taxpayer-funded mortgage assistance not go to those who misstated their income to get a mortgage, aren't even living in the residence, were convicted of financial fraud, or aren't in the country legally and permanently.

The second amendment is that taxpayers get paid back first. It required that those who profit from selling a property that benefited from taxpayer support pay back some of the money through an added capital gains tax.

□ 1315

Why should the 93 to 95 percent of Americans who are paying their mortgages on time have to foot the bill for others to make a profit on their real estate? It's not fair to my constituents who acted responsibly, have worked hard, saved, and took loans they knew that they could afford.

Mr. Chair, these sound to me like principles that we can all agree on, and yet the majority in the Rules Committee has refused to allow Members of the full House to vote on these commonsense amendments. I don't think that's what the American people want, and I would urge my colleagues to oppose this bill.

The CHAIR. The Chair will note that the gentleman from Alabama has 7½ minutes remaining and the gentleman from Massachusetts has 2½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I will now yield 1 minute to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. I want to thank my chairman for allowing me this time.

Mr. Chairman, let me say I want to rise in favor of the Helping Families Save Their Homes Act. I have two particular areas that I am particularly interested in. One was the provision that allows a reconstitution and protection or hold harmless for those who do modify mortgages. And Mr. CASTLE and I worked on that provision in the last Congress, and substantially the same

type of provision has been included in this bill. It benefits everyone other than those cranky few investors who have the weakest part of the tranches of the securitized mortgages who would like to stop those actions from being taken. But even most investors favor it and certainly the mortgage holder and the mortgage maker favor it. So I hope that provision will become law.

And, finally, we also included in this package the provision that allows the Federal Credit Union Act to be amended to allow a 5-year period of payment to rebuild the deposit insurance reserves of the Federal Credit Union. And as we all know, with these hard times and circumstances, the credit unions need the same help to rebuild their deposit reserves.

So, Mr. Chairman, I urge my colleagues to support this bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, to state the obvious, everybody in this economy is hurting. I've got personal friends of mine who never thought they would lose their jobs who have lost their jobs.

But when we look at this piece of legislation, you have to ask the question who are you helping, why are you helping, and whom are you hurting to help the other people? We need to remember, Mr. Chairman, that, first, 94 percent of all America still is either renting their home, they own it outright, or they're current on their mortgage.

Now, I want to make sure that we help those who through no fault of their own are finding themselves in arrears. I want to help the person who lost their job or through some debilitating disease can't keep up with their mortgage.

But, Mr. Chairman, mortgage fraud has ran rampant for the last 2 years. There were people out there who speculated in real estate. There were people who turned their homes into personal ATM machines. There are people who could have made sacrifices and now they expect their neighbor to make the sacrifice. Mr. Chairman, it's just patently unfair when you're struggling to pay your mortgage to be forced to pay your neighbor's as well.

I heard from one of my constituents about this very subject. I heard from Theresa Steele in Mesquite, Texas, and she wrote me: "Congressman, I had to put off purchasing a home because of medical expenses that my family had to deal with. While paying these medical expenses, I was able to pay rent on a house. But it's really frustrating. You cannot get a break because our taxes keep going up along with the cost of groceries and gas, et cetera, and it seems no matter what you do, you cannot get ahead when others are out there throwing caution to the wind and

seem able to have my tax dollars bail them out. It doesn't seem right to me."

Well, Mr. Chairman, if Theresa Steele was here, I would say it doesn't seem right to me either. To increase her taxes to pay for somebody else's mistake is patently unfair, will not help our economy. You cannot tax and borrow your way back into prosperity.

Mr. FRANK of Massachusetts. Mr. Chairman, in the absence of any correction, I have only one speaker left; so I will reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I certainly applaud the committee for trying to do something about this problem, but I'm afraid that this is not the right solution. It actually seeks to help a few at the cost of all homeowners.

First of all, the government seems to be very content these days picking winners and losers. But I don't understand if Mr. BACHUS is paying his mortgage and I'm not, why am I necessarily, just because of that, deserving to renegotiate the contract? What is it that the Federal bankruptcy judge will know about me which will make me have the insider advantage over my friend from Alabama? It doesn't make sense. The judge will have to decide, well, was I laid off because of something that I did? Did I bite off more than I should have chosen, because of my irresponsibility, because of the lender's irresponsibility? I think the precedent of this is extremely scary. And why only contracts that involve real estate? What about other contracts that people get involved with in terms of debt?

The fact of this is it's going to also not just put the government in a position of picking winners and losers, but it's going to put more uncertainty in the market. And right now, as I talk to Realtors and bankers and investors, what this market needs on Main Street and Wall Street is knowledge of rules. Rules that govern, regulatory practices, whatever they are, if they're here or if they're there, what Wall Street and the investment community needs to know is what are the rules? We will adjust to them. But here we go one more time increasing uncertainty by changing the rules.

Mr. Chair, the Helping Families Save Their Homes Act (H.R. 1106) would allow bankruptcy judges to reduce the principal owed on a mortgage, a practice often referred to as a "cramdown." Judges would also be able to reduce interest rates or lengthen the term of the mortgage. This will help only a few people while raising the cost of borrowing for thousands of moderate-income and first-time homebuyers.

Although supporters claim that this is a limited provision that applies only to existing mortgages, the cramdown language can easily

be amended to make it permanent at a later date—which would then be priced into future mortgages. In addition, the House bill lacks many of the targeted limitations designed to make sure that bankruptcy is a last resort. It even weakens language passed earlier by the House Judiciary Committee that was designed to keep those who filed fraudulent mortgage applications from taking advantage of cramdowns.

H.R. 1106 does contain two important provisions to correct flaws in the housing bailout plan passed last year.

Problems with Cramdowns: Allowing bankruptcy judges to modify mortgages would raise mortgage costs for everyone and even more for first time homebuyers. Cramdowns would add additional risk that mortgages will not be repaid as the contract requires. Lenders must charge for that added risk, and experts estimate that the additional costs would raise mortgage rates by as much as two full percentage points or substantially increase required down payments. This increase would apply to every mortgage applicant in order to ensure that the entire pool of mortgages remains profitable upon resale to the secondary market.

Mortgage companies would greatly expand "risk based pricing" of individual mortgages as well. These added costs would fall hardest on moderate-income and first-time homebuyers, who have a higher risk of defaulting on a mortgage. This will price many families out of the housing market.

Further undermine the value of mortgage-backed securities: Banks and other investors are already facing heavy losses not only because mortgage-backed securities have lost much of their value but because of uncertainties about whether the mortgages will be paid. The language in H.R. 1106 increases this uncertainty. Investors will be at risk of both foreclosure and cramdowns that reduce the earnings of these securities. Many cramdown mortgages will later go into foreclosure. Since investors have no idea what this new provision will do to the value of their securities, prices will drop further.

Fail to help many homeowners: Only one-third of all Chapter 13 filers completes the process successfully and gets the fresh start that bankruptcy promises. The other two-thirds "pay court fees, pay attorney's fees, pay fees to the bankruptcy trustee, invest time and money to restructure their financial affairs, and then wind up with nothing more than temporary relief. In fact, one third of chapter 13 filers go on to file for bankruptcy again.

Other Provisions in H.R. 1102: The Helping Families Save Their Homes Act also contains a mixture of other housing and financial provisions. These include:

Liability waivers for mortgage servicers that modify mortgages: Mortgage servicers receive payments from mortgages and forward them (after fees) to the owners of the mortgages. As the main contact with homeowners, mortgage servicers should be able to refinance or alter mortgages in order to ensure that the owners get the best possible return, but many fear that unhappy mortgage owners would sue them. The legislation provides these servicers with a safe harbor so long as they act within certain specified boundaries. This is a needed change.

Making \$250,000 FDIC and MUA deposit insurance levels permanent: Last fall, Congress increased deposit insurance coverage by FDIC and MUA to \$250,000 until December 2009. This bill makes that change permanent and also increases the agencies' borrowing authority to cover their losses. Borrowing authority is used only if the deposit insurance fund runs out. This is a useful change but unlikely to be needed.

Keeping predatory lenders from taking advantage of FHA programs: Section 203 of H.R. 1106 makes it easier for HUD and the FHA to prevent predatory lenders from underwriting FHA-guaranteed home loans. This is a needed reform.

Trying to fix the Hope for Homeowners program: Last summer, Congress created Hope for Homeowners, an FHA-based program that it originally. FHA claimed the program which is run jointly with Treasury, would help up to 2 million homeowners. To date, according to the FHA, it has actually helped about 500. The legislation makes a number of changes that will make it more attractive to homeowners, raise the cost of it by \$2.3 billion, but is unlikely to otherwise improve it.

Making the Problem Worse: Mortgage cramdowns would further destabilize an already damaged housing market while increasing mortgage costs for future borrowers. The useful changes it makes are necessary but in no way overcome the downsides associated with the passage of this legislation.

ANALYSIS OF THE HOMEOWNER AFFORDABILITY AND STABILITY PLAN

Two of the bill's three key components are designed to provide subsidies and benefits primarily to homeowners who, while still current in their payments, may not be able to take advantage of attractive refinancing opportunities at lower interest rates because the value of their home has declined beyond the loan-to-value ratio permitted by rules governing mortgage investments made by Fannie Mae and Freddie Mac. The second such provision of the plan would provide taxpayer and investor subsidies to mortgage borrowers who have taken on more debt than they could safely manage, including, in some cases, credit card and automobile debt. The third component of the plan encourages the enactment of legislation allowing bankruptcy judges to alter the terms of certain mortgage loans, a practice that to date has been prohibited by federal law.

The legislation suffers from 12 specific weaknesses and risks: The plan's Stability Initiative bestows new and costly benefits on those who took on more debt than they could handle, including credit cards, automobile loans, and mortgages (including refinancing and seconds). Worse, the value of the benefits will vary in direct proportion to the degree of borrower financial irresponsibility and the intensity of community land regulations. Homeowners with a first mortgage as large as \$729,750 are eligible for the initiative, meaning that the well-to-do will receive more financial benefits than those of modest means. And as analysts at one nationwide financial firm noted, "The modifications would go disproportionately to borrowers who overstretched and who lied about their income." This moral hazard sends a clear message to the American

people: The worse the behavior, the greater the reward.

Under this Stability Initiative, borrowers with a ratio of mortgage debt service to income greater than 31 percent can have their mortgage interest rate reduced to as little as 2 percent if that is what it takes to achieve the 31 percent ratio-with government paying half the subsidy and the investor/lender surrendering the other half. If this concession is insufficient to reach 31 percent. Eligible borrowers may also have loans that are as much as 50 percent greater than the value of the house.

It is also unlikely that, under the Stability Initiative, borrowers with a ratio of debt service payment to income as high as 55 percent—because of combined mortgage, credit card, and automobile debt—will be eligible to receive temporary payment reductions if they merely agree to HUD-approved counseling. Such borrowers may then be eligible for permanent payment reductions. This reduction scheme will be disclosed in rules that the Administration has announced it will release on March 4.

Because the investor/lenders will be responsible for a portion of the mortgage rate reduction, this program will deter private sector investment in all but the best mortgages. Combined with the proposed "cramdown" bankruptcy proposals, the net effect will be to require a substantial and permanent federal presence in the housing finance market to accommodate those many potential borrowers who are not highly qualified.

The plan also includes a formal endorsement by the President of a bankruptcy provision that allows judges to alter the terms of certain mortgages. This provision will increase the risk to lenders of all mortgages. The industry is already treating this as a permanent measure. Increased risk requires higher costs to compensate lenders, and either down payments or interest rates would have to rise, while potential borrowers with checkered credit histories would be denied access to credit. However, these costs would not rise evenly for all borrowers: Higher-risk borrowers (first-time buyers and moderate-income workers) would see costs rise more and have fewer opportunities to buy a house.

Anticipating such criticisms, the proposal contends that it will "seek careful changes to personal bankruptcy provisions." However, because any changes in bankruptcy law must be passed in legislation, this outcome may merely be wishful thinking. As the President wants to make sure that "millionaire homes don't clog bankruptcy courts," mortgages eligible for judicial "cramdown" cannot exceed \$729,750 in value. Moreover, the most recent version of the legislation weakens language adopted earlier by the House Judiciary Committee to prevent borrowers who committed fraud in their mortgage application from taking advantage of cramdown.

The plan's Refinancing Initiative creates a new right for American borrowers now current in their mortgage payments; the right to refinance their home at a lower interest rate even if the quality of the loan—as measured by the loan-to-value ratio—would otherwise pose a risk to the lender. As such, this proposal establishes the act of being highly leveraged or slightly "underwater" (the amount that a bor-

rower owes on his or her mortgage is more than the value of the house) as a legitimate reason to default, and as a policy problem worthy of taxpayer support and federal intervention. The creators of this new right fail to recognize that many other consumer credit markets operate comfortably, successfully, and safely despite the fact that many borrowers are underwater the minute they sign the contract—notably home improvements, mobile homes, automobiles, RVs, and HDTV's. Though those borrowers do expect to be "underwater" for these kinds of purchases, it raises the question of whether future legislation will extend this concession to car loans and credit card debt, which are also experiencing significant levels of default.

Only borrowers with loans held or repackaged by the federally controlled and subsidized Fannie Mae and Freddie Mac will be eligible to exercise this new right to refinance. Borrowers whose loans are held by private investors are denied this right, further distorting the housing markets with government-selected winners and losers.

To date, the several, federal loan modification programs that have been put in place have had very limited success, and the rate of failures exceeds that of successes, especially for loans where one or more payments have been missed. For loans that were four months past due at time of modification, the recidivism rate is 80 percent after 12 months. For loans one month past due, the recidivism rate after 12 months is 60 percent. With the nationwide decline in house prices accelerating in recent months, the risk of recidivism under the new program could remain at high levels.

The program will cost \$275 billion (\$75 billion for problem mortgages and \$200 billion for Fannie Mae and Freddie Mac).

Obama's plan will take a great deal of time to implement. A recent MarketWatch.com article notes that loan refinancing applications are up 47 percent at a time when a substantial portion of the loan originating infrastructure has disappeared due to bankruptcy and bank consolidation. The prospect that a shrunken mortgage lending system could expeditiously accommodate the 7–9 million borrowers expected by the Obama plan is wishful thinking. The result will be long waits for refinancing that will come too late for some borrowers and may also crowd out efforts by unsubsidized borrowers to refinance due to the generous financial incentives offered to servicers participating in the new federal program.

Perhaps the most troubling part of the plan is the increased reliance being placed on the now federally controlled Fannie Mae and Freddie Mac, whose tax and corrupt behavior over the past decade was an important contributing factor to the present economic crisis. Although nominally privately owned, both are now run by the U.S. Treasury, whose massive holdings of preferred shares in both give it a huge implicit ownership stake. As is clear from the refinancing plan—which will reduce Fannie's and Freddie's earnings and thus weaken them further—the two have become little more than the federal government's captive mortgage financing banks to be used at will for any housing policy initiatives that the President and/or Congress wish to pursue. And with the plan's many provisions discouraging the private sector from getting involved

in mortgage finance, this plan substantially advances the de facto nationalization of America's housing finance system for all but the "jumbo" mortgages that exceed conforming limits.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 10 seconds.

The gentleman from Georgia asked about what other contracts. This is precisely the bill to make this like other contracts. Everything else can be declared void in bankruptcy. So the gentleman has it absolutely backwards. This doesn't create an exception to general contract law. It amends one and makes this on the same footing as, quoting the gentleman, all other contracts.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to introduce into the RECORD an article from the New York Times, dated September 30, 1999, and here's what it says:

"Fannie Mae, the Nation's biggest underwriter of home mortgages, has been under increasing pressure from the Clinton administration to expand mortgage loans among low and moderate income people . . ."

And then they quote Franklin Raines: "Fannie Mae has expanded home ownership for millions of families in the 1990s by reducing down payment requirements. Yet there remains too many borrowers whose credit is just below what our underwriting has required and who have been relegated to paying significantly higher mortgage rates . . ."

Well, I think we know the rest was history. They lowered their standards, they moved into this new risky form of lending, and then last July the American people were submitted the bill, and that bill was a half trillion dollars, and every day we're adding billions of dollars to that tab. And there were people at that time who warned that it was risky and who warned that ultimately the taxpayers may have to step in and bail out Freddie and Fannie. Now today we are being asked to adopt legislation, the HOPE for Homeowners Program, which would require FHA to insure loans with a greater risk of default and require a higher per loan taxpayer subsidy.

In fact, the Congressional Budget Office says that this program is going to help 25,000 borrowers, but it's going to cost up to \$579 billion. Now, coupled with the new projection that the HOPE for Homeowners is going to only help 25,000 borrowers, that's \$23,000 per borrower that you're going to ask the American people to pay or expose them to that risk.

I'm going to give you the same warning that was given in 1999. It's the taxpayer that's going to have to take up the cost of this subsidy and this risk. And for that reason, I am not willing to burden the taxpayer with another dollar.

These are terrible economic times. All taxpayers are under risk. Many taxpayers are facing loss of their job. At a time like this, an uncertain time like this, to further expose the taxpayers of this country, the American families we represent, to another half trillion dollars' worth of exposure is not something that I'm willing to do.

I am willing, and I have said many times I was willing, to endorse the Kanjorski-Castle provision, which would allow servicers with lenders and borrowers to work out terms, and I applaud that provision in the bill. Strip out this \$23,000 per-loan program and we will all go down and vote for Castle-Kanjorski.

And let me say this: we have had one too many bailouts. We don't need another one. It's time that we started watching out for the taxpayer and help borrowers without submitting the bill to hardworking Americans.

[From the New York Times, Sept. 30, 1999]

FANNIE MAE EASES CREDIT TO AID MORTGAGE LENDING

(By Steven A. Holmes)

In a move that could help increase home ownership rates among minorities and low-income consumers, the Fannie Mae Corporation is easing the credit requirements on loans that it will purchase from banks and other lenders.

The action, which will begin as a pilot program involving 24 banks in 15 markets—including the New York metropolitan region—will encourage those banks to extend home mortgages to individuals whose credit is generally not good enough to qualify for conventional loans. Fannie Mae officials say they hope to make it a nationwide program by next spring.

Fannie Mae, the nation's biggest underwriter of home mortgages, has been under increasing pressure from the Clinton Administration to expand mortgage loans among low and moderate income people and felt pressure from stock holders to maintain its phenomenal growth in profits.

In addition, banks, thrift institutions and mortgage companies have been pressing Fannie Mae to help them make more loans to so-called subprime borrowers. These borrowers whose incomes, credit ratings and savings are not good enough to qualify for conventional loans, can only get loans from finance companies that charge much higher interest rates—anywhere from three to four percentage points higher than conventional loans.

"Fannie Mae has expanded home ownership for millions of families in the 1990s by reducing down payment requirements," said Franklin D. Raines, Fannie Mae's chairman and chief executive officer. "Yet there remain too many borrowers whose credit is just a notch below what our underwriting has required who have been relegated to paying significantly higher mortgage rates in the so-call subprime market."

Demographic information on these borrowers is sketchy. But at least one study indicates that 18 percent of the loans in the subprime market went to black borrowers, compared to 5 percent of loans in the conventional loan market.

In moving, even tentatively, into this new area of lending, Fannie Mae is taking on significantly more risk, which may not pose

any difficulties during flush economic times. But the government-subsidized corporation may run into trouble in an economic downturn, prompting a government rescue similar to that of the savings and loan industry in the 1980s.

"From the perspective of many people, including me, this is another thrift industry growing up around us," said Peter Wallison a resident fellow at the American Enterprise Institute. "If they fail, the government will have to step up and bail them out the way it stepped up and bailed out the thrift industry."

Mr. Chair, there are elements in this legislation that I support, such as permanently increasing deposit insurance coverage limits to \$250,000 that will strengthen our banking system and help avoid destabilizing bank runs. The Kanjorski-Castle language, providing a safe harbor for mortgage servicers, is a timely and targeted solution that encourages loan modifications that benefit both homeowners and investors. It is a commonsense approach to help keep American families in their homes.

And while I do support certain provisions in this bill—and did so in Committee—I oppose the legislation as a whole, and urge my colleagues to do the same.

Enacted by Congress last July, Hope for Homeowners has been a failure by virtually every metric. And rather than cut taxpayer losses, this legislation aims to fix a fundamentally unfixable program, while abandoning key taxpayer safeguards.

Initially, proponents claimed this program would provide relief to 400,000 borrowers. They were wildly off mark. In fact, the program has received a mere 400 applications and closed on just 43 new loans.

If today's legislation was enacted, the Hope for Homeowners program would allow FHA to insure loans with greater risk of default and require a higher per loan taxpayer subsidy. The non-partisan Congressional Budget Office (CBO) projects that even with these changes, the program will help a mere 25,000 borrowers, at best. Far from the 400,000 promised, and far from a success.

According to CBO research, taxpayers may be responsible for up to \$579 million as a result of potential defaults. This nearly billion dollar figure, coupled with the new projection that Hope for Homeowners will only assist at most 25,000 borrowers, could potentially cost the taxpayer an astounding \$23,000 per loan.

Throughout the campaign, President Obama almost daily expressed his goal of ending wasteful, underperforming and duplicative government programs. How many times do we have to attempt to change a program that has helped 43 borrowers nationwide? Under President Obama's criteria, HOPE for Homeowners would certainly qualify as a program to be cut.

And worse, bankruptcy cram-down provisions included in this bill will further reward poor decisions made by a small amount of individuals and lenders, while adding uncertainty to the market and increasing mortgage costs for the vast majority of Americans.

Congress should be asking: who is this legislation intended to help, and is it fair? Will this bill reward irresponsible behavior and punish those who have played by the rules and lived within their means? And how will this legislation stimulate the economy?

Times are tough for American families—we all know that. But merely throwing good taxpayer money after bad is not the solution to our economic problems. We must consider the long-term consequences of our actions and how working American families and taxpayers will be affected. This legislation is not the answer. I urge my colleagues to vote “no.”

The CHAIR. The gentleman from Massachusetts has 80 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to one of the leaders in the effort to preserve homeownership for deserving people in America and the fight against abuses, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman and Members, I am so pleased to stand here today in support of H.R. 1106, the Helping Families Save Their Homes Act of 2009.

I work on both of these committees, the Financial Services Committee, the Judiciary Committee. I want to thank Mr. FRANK, I want to thank Mr. CONYERS, and all those Members who have been working so hard to try to assist our homeowners with loan modifications. We knew that we'd never be able to get this done without judicial modifications of home mortgages during bankruptcy for borrowers who have run out of options. That's in the bill.

The other thing in this bill, the safe harbor for servicers that would allow them to move forward now and do these modifications, the strengthening of HOPE for Homeowners, which Mr. FRANK has worked so hard on, and a piece that I wrote in on FHA approval that would ensure that predatory lending entities are not allowed to participate in the program because they have been ripping off our homeowners.

I want to thank JACKIE SPEIER and Mr. DRIEHAUS for working with me on this part of the legislation. Now I think we are finally putting all the pieces together that can truly do loan modification for so many deserving citizens. I believe that we don't have to deal with this one-by-one effort where homeowners are trying to call banks and servicers, not being able to get in touch with anybody, not being able to be serviced, but, rather, they can now depend on the law that we are putting out here today.

I would urge everyone to vote for this bill.

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 1106, the “Helping Families Save Their Homes Act of 2009.” We are in the midst of the gravest recession in recent memory and hear daily of countless foreclosures across the Nation, particularly in my home state of Michigan. As President Obama mentioned during his address to the Congress two days ago, the Federal government can and must pursue measures to mitigate the effects of this terrible economic blight upon the Nation's citizens.

With the painful memories of the Great Depression still clearly in mind, I offer my whole-

hearted praise and support for the President's call to action. Additionally, as the representative of a congressional district with one of the Nation's highest foreclosure rates and most dramatic decline in housing values, I feel it imperative that we move swiftly to stabilize the housing market to keep people in their homes.

H.R. 1106 is a good first step toward achieving this goal. Its improvements to the Hope for Homeowners program and provision for a safe harbor to mortgage servicers that elect to participate in mortgage modifications will help stem the tide of foreclosures sweeping across the country. The bill's provision to make permanent the increase in Federal deposit insurance from \$100,000 to \$250,000 will give Americans greater faith in the safety of their savings at a time of continued bank failures.

Nevertheless, I am troubled by the broad authority afforded to bankruptcy judges in Title I of H.R. 1106 to modify the terms of a loan for primary residences. It is my view that this authority should be limited to apply only to those homeowners subject to the ill effects of deceptive lending practices that gave rise to the recent mortgage crisis. Further, I am concerned that the aptly named “cramdown” authority in Title I of the bill will encourage people to seek bankruptcy as a matter of course, and not of last resort, in addressing their indebtedness.

This aside, I cannot in all good conscience oppose passage of H.R. 1106. I will vote in favor of this well-intentioned legislation but in so doing, call upon my colleagues to narrow the applicability of the H.R. 1106's loan term modification provisions in conference.

Mr. BLUMENAUER. Mr. Chair, this bill is a significant step in the right direction for all Americans struggling to pay their mortgages.

Today, our economy is facing a real and growing crisis, threatening the longest period of economic stagnation since the Great Depression. Nowhere is that problem more evident than in the wave of home foreclosures. In my state, the foreclosure rate is below the national average but continues to rise. According to the Center for Responsible Lending, more than 20,000 new foreclosures will be initiated in Oregon in 2009.

These foreclosures affect neighbors who may have paid off their mortgages long ago and communities whose tax bases are eroding quickly, creating a vicious cycle of house price declines, defaults, and foreclosures.

I would like to highlight the bankruptcy provisions in this bill. Providing the bankruptcy courts with the authority to reduce the principal owed on mortgages, reduce interest rates, and reduce fees is a crucial victory for consumers.

Under those provisions, the bill provides bankruptcy courts with the same options for the treatment of primary residences that are already available to the courts for second homes, vacation homes, and investment property.

It makes absolutely no sense that Donald Trump can have the mortgage of his fourth vacation home modified to more acceptable terms if he goes bankrupt, but that John and Jane Doe living in their primary residence of Anywhere, USA, are not afforded this help.

Another key set of provisions are the improvements to the Hope for Homeowners pro-

gram. Under the Bush Administration, that program—while touted as a lifeline for struggling homeowners—did not insure a single loan.

This bill opens the door to participation by homeowners by reducing insurance premiums, easing requirements for lenders to participate, and defraying some of the costs of refinancing mortgages.

Overall, this legislation is a good step in the right direction, but we cannot take our eye off the ball, and I will continue working with my colleagues to addressing these challenges.

Ms. PELOSI. Mr. Chair, I thank Chairman CONYERS and Chairman FRANK for their strong leadership in bringing this much needed housing and bankruptcy legislation to the floor.

The legislation is the result of the perseverance of many Members, especially BRAD MILLER, the original author of the legislation and Mr. COHEN of the Judiciary Committee.

I also commend ZOE LOFGREN, ELLEN TAUSCHER, and DENNIS CARDOZA for their compromise that is reflected in the manager's amendment. They have worked diligently to make improvements to the bill to ensure that homeowners will avoid bankruptcy whenever possible by first and foremost providing homeowners to a workable and accessible loan modification process.

EVERY 13 SECONDS

As Chairwoman LOFGREN has said, we have a foreclosure in America every 13 seconds.

Every 13 seconds, a family is uprooted, their children are forced to switch schools, their biggest investment—their home—is boarded up, increasing blight and reducing property values.

Each foreclosure represents nothing less than the end of an American Dream. But with this legislation—the Helping Families Save Their Homes Act—we can protect the American Dream and preserve it for America's families.

WHAT THE LEGISLATION DOES

This legislation will reduce the number of foreclosures by providing incentives for loan modifications that will permit families to stay in their homes on a long term basis.

It reforms the HOPE for Homeowners program to make it more workable for both homeowners and lenders.

In addition to providing incentives to lenders and servicers, this legislation, thanks to improvements that Members have worked on, also provides important incentives to homeowners to work with lenders and servicers to modify loans and to avoid bankruptcy—a painful and intrusive process for families. For those who cannot be helped, the legislation permits existing home mortgages to be judicially modified under the Bankruptcy Code, similar to the treatment of other real estate such as investment properties.

Finally, the legislation strengthens our financial system to foster the flow of credit necessary for home refinancing by making permanent the new \$250,000 deposit insurance limit for Americans' accounts in banks and credit unions.

PRESIDENT'S PLAN

This legislation compliments the President's recently announced Homeowner Affordability and Stability Plan, which will help up to 7 to 9 million families restructure or refinance their

mortgages to avoid foreclosure by refinancing or modifying their loans. Both the Obama plan and this legislation are long overdue steps to strengthen the housing market.

RESPONSIBILITY OF BORROWERS AND LENDERS

As we consider this legislation, we all agree on the principle that everyone bears a personal responsibility for their actions and their debts. This legislation upholds this principle.

Lenders must also act in good faith, responsibly lend to qualified homeowners, and work with homeowners who are at-risk of foreclosure because that is in the interests of lenders, borrowers, neighborhoods, and our nation's economy.

Yet, as 22 state Attorneys General recently noted, "many servicers . . . remain unwilling or unable to act, even when their own economic interests dictate otherwise."

CLOSE

When homeowners are unable to obtain relief, we must act to protect the American Dream of owning a home, to protect the neighborhoods ravaged by foreclosures, and to protect our economy, which has been ravaged by the decline of housing market.

Unless we address our nation's foreclosure crisis, more Americans will lose their jobs, will not be able to send their kids to college, and see their retirements savings continue to decline and disappear.

This bill helps homeowners, lenders, and neighbors. It is essential to our economic recovery. I urge my colleagues to take action today to stop foreclosures and help American families save their homes.

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 1106, the "Helping Families Save Their Homes Act of 2009." We are in the midst of the gravest recession in recent memory and hear daily of countless foreclosures across the Nation, particularly in my home state of Michigan. As President Obama mentioned during his address to the Congress two days ago, the federal government can and must pursue measures to mitigate the effects of this terrible economic blight upon the Nation's citizens.

With the painful memories of the Great Depression still clearly in mind, I offer my wholehearted praise and support for the President's call to action. Additionally, as the representative of a congressional district with one of the Nation's highest foreclosure rates and most dramatic decline in housing values, I feel it imperative that we move swiftly to stabilize the housing market to keep people in their homes.

H.R. 1106's provisions will do much toward achieving this goal. Its improvements to the Hope for Homeowners program and provision for a safe harbor to mortgage servicers that elect to participate in mortgage modifications will help stem the tide of foreclosures sweeping across the country. The bill's provision to make permanent the increase in federal deposit insurance from \$100,000 to \$250,000 will give Americans greater faith in the safety of their savings at a time of continued bank failures.

I extend my heartfelt congratulations to my colleagues, Representatives LOFGREN, TAUSCHER, and CARDOZA, for their work to narrow the authority in this bill afforded to bankruptcy judges to modify the terms of a loan for primary residences. I believe that in keeping with

the President's housing plan, we should adopt a targeted effort at stemming foreclosures to address the housing crisis.

I urge my colleagues to support this legislation.

Ms. WOOLSEY. Mr. Chair, the mortgage foreclosure crisis is the center of the financial crisis that our country is now facing. And, until we take on the foreclosure crisis, and find a way to help keep people in their homes, we are never going to get to the root causes of our economic downturn.

That's why I support judicial modification of primary residences in bankruptcy proceedings. This important provision in H.R. 1106, the Helping Families Save Their Homes Act, would allow judges who are presiding over bankruptcies to modify the terms of a mortgage, allowing homeowners who are trying to keep their heads above water and stay in their homes. The more people who are facing foreclosure, the worse this crisis is going to get.

It's important that, as this bill makes its way through Congress, we work with our counterparts in the Senate to ensure this provision isn't used as a tool for those who would be tempted to commit fraud. It's equally important to ensure that those institutions who have acted in good faith are not unfairly punished by the good intentions of this bill. There are many lenders, like some of the credit unions in my district, who have not traded in the subprime market, and have bent over backwards to keep their members in their homes. It would be shameful if anything that we are doing with H.R. 1106 negatively impacted those who are actively trying to solve the foreclosure epidemic from the lending side of the ledger.

Mr. Chair, I hope that this is only the first of many bills that come to the House Floor to address the housing crisis, and I urge my colleagues to support this legislation.

Ms. LEE of California. Mr. Chair, I rise in support of H.R. 1106, the Helping Families Save Their Homes Act of 2009.

I want to commend Chairman CONYERS, Chairman FRANK and Speaker PELOSI for their dedication and work in bringing this bill to the floor.

Of course, I would have preferred to vote on the prior, more robust version of this bill, but nevertheless this is an important step forward that will help keep families in their homes.

As we all know the roots of the current economic crisis are grounded in the housing market and the greedy lending practices of the banks.

Many of us warned about this impending housing crisis years ago. As a member of the Financial Services committee for eight years, I remember expressing my concern about the housing bubble and the subprime loans that were fueling it and the consequences to our economy if the bubble popped.

But our warnings fell on deaf ears.

When we tried to encourage the banks to participate in voluntary foreclosure prevention programs to help families in distress, they balked and made every excuse to avoid participating.

Then the economy tanked and they begged us for a bail out.

Now millions more families are threatened with bankruptcy and foreclosure. That's why we are taking this step today, to restore some

equity to our bankruptcy laws to allow judicial modifications of mortgages on primary residences and to help keep families in their homes.

I applaud the improvements to the Hope for Homeowners program that are also included in this legislation. We had to address the low rate of participation in this voluntary program and I know that the improvements included here will provide many more homeowners with a way to work out new, affordable mortgages and to continue making their mortgage payments.

Passing this bill will be an important step in stabilizing the housing markets because not only will we help families protect their homes and their assets during this economic crisis, we will strengthen our entire banking system by making permanent the increase in the FDIC insurance limits to \$250,000. This will protect the savings of every American and will increase confidence in the banking systems both here and abroad.

Mr. Chair, I urge my colleagues to support passage of H.R. 1106.

Mrs. MALONEY. Mr. Chair, I rise today in strong support of H.R. 1106, the "Helping Families Save Their Homes Act." This legislation is needed now more than ever, and I want to commend Chairman FRANK, Chairman CONYERS, and the Leadership for working together to bring this bill to the Floor.

It is important to remember that behind the economic and housing statistics are real people—the hard-working Americans and their families who are facing difficulties paying their bills every day. H.R. 1106 contains several key provisions to ensure that homeowners will have more options available to them to stay in their homes.

The bill before us would make necessary improvements to the Hope for Homeowners program including reducing current fees that have discouraged lenders from voluntarily participating and offering a \$1,000 incentive payment to servicers for each successful refinancing of existing loans. H.R. 1106 will ensure that predatory lenders, who bear some of the responsibility for today's housing situation, will not be approved as lenders under FHA programs. The legislation also provides a safe harbor from liability to mortgage servicers who engage in certain loan modifications, and it makes permanent an increase, from \$100,000 to \$250,000, in the amount of bank or credit union deposits insured by Federal banks and credit union regulators. H.R. 1106 establishes a 5-year restoration plan for the National Credit Union Administration (NCUA) which is currently required to restore the equity ratio of the Share Insurance Fund within one year.

I think most of us agree that bankruptcy should be the option of last resort. However, for those homeowners facing bankruptcy, H.R. 1106 will allow bankruptcy judges to reduce the principal, extend the repayment period, or authorize the reduction of an exorbitant interest rate to a level that helps make a mortgage more affordable. I am glad that we have been able to make changes to this legislation that will enable homeowners to stay in their homes, while at the same time providing greater certainty to lenders and to the secondary market.

I am hopeful that this bill will help to stem the tide of foreclosures and ensure that our

neighborhoods do not experience a cascade of increased vacant lots and decreased property values.

The President has proposed a plan to help make it easier for homeowners, including those who are still in repayment but at risk for default, to refinance their mortgages at around the current market rate, or modify their loans. H.R. 1106 is an important step in moving forward with that plan. We must act now. The American people deserve no less than our full commitment to helping them through these troubled times.

I urge my colleagues to support this legislation.

Mr. HOLT. Mr. Chair, I rise today in support of the Helping Families Save Their Homes Act of 2009 (H.R. 1106), and to commend Chairman FRANK, Chairman CONYERS, and the Financial Services and Judiciary Committees for their leadership and hard work on this measure. I urge my colleagues to support it.

No doubt, the experience of my colleagues is the same at when the economy spiraled out of control last year, my constituents did not call me and write me and come to my Town Hall meetings saying "please give my hard-earned taxpayer dollars to Wall Street. Wall Street is really hurting, and I want to do my part to help." No, they came to me saying "I am in trouble. I played by the rules. I did everything right, but my life is falling apart, and my home is about to be taken away. Please help me." We responded a few weeks ago by enacting the American Recovery and Reinvestment Act to help stimulate the economy and get people back to work while providing for the essential services people need to get by. Today, we are taking another very important step by responding to the foreclosure crisis that is at the root of the recession.

The foreclosure crisis is a vicious cycle. Due to plummeting home values in recent years, an estimated 14 million homeowners owe more on their homes than their homes are worth; their mortgages are "under water". For a variety of reasons, including predatory lending abuses, exploding adjustable rate mortgage payments, and increasing job losses, homeowners all over the country have tried to refinance their mortgages into lower rates just to make ends meet. But the decreased values of their homes made that impossible. Unable to afford their current mortgage payments, unable to refinance them, and unable to sell the homes due to the depressed housing market, many face foreclosure. According to the trade research organization RealtyTrac, lenders made foreclosure filings on 2.3 million properties last year alone. Each foreclosed home reduces nearby property values by as much as 9 percent, sending those surrounding homes down the path towards being under water. And the cycle continues. Congress must act, must act now, and must act with force and determination.

The Helping Families Save Their Homes Act attacks the foreclosure crisis aggressively, and approaches the problem from many angles at once, but is measured in its application. The bill would help millions of homeowners stay in their homes, by including incentives to encourage lenders to negotiate affordable mortgages for homeowners whose mortgages are under water, who are at risk of foreclosure, and who

are facing bankruptcy. For example, it would modify the Hope for Homeowners program by reducing the fees that discouraged lenders from voluntarily participating in that program last year, and by providing for a \$1,000 incentive payment to servicers for each successful refinancing of an existing loan.

The bill also provides special protections for veterans, by allowing the Department of Veterans Affairs, the Federal Housing Administration (FHA), and U.S. Department of Agriculture to guarantee and/or insure mortgage loans that have been administratively or judicially modified. Therefore the bill would provide additional financial incentives for lenders to voluntarily modify mortgage loans instead of foreclosing. The bill also would expand the FHA's mortgage loan modification abilities by allowing a reduction of interest payments of up to 30 percent of the outstanding loan balance.

Most importantly, the bill would pay for adjustments to existing programs by tapping into \$2.316 billion in already-authorized funding under the Troubled Assets Relief Program enacted last year. Therefore, to be clear—this is not a "new bailout." This bill gives back to taxpayers more than 2 billion taxpayer dollars that previously had been allocated to Wall Street by previously-enacted legislation.

In addition to incentivizing lenders to modify mortgages to keep families in their homes, the bill would give homeowners an important new tool to fend for themselves: judicial modification of primary home loans. By allowing bankruptcy judges to modify the terms of the home mortgages at the core of the economic crisis—the mortgages already issued prior to enactment of this bill under terms, conditions and circumstances that forced so many of them into foreclosure or the brink of failure—we help our constituents remain in their homes under revised payment plans they can afford. This important protection also does not cost taxpayers anything, but it could reduce foreclosures by 20 percent.

The mere fact that homeowners have judicial modification of primary home mortgages available as an option, which is already available for vacation home loans and other consumer loans, will further encourage lenders to modify mortgages before borrowers file for bankruptcy. In addition, as it would be further fine-tuned by the Conyers amendment, the bill would apply a "good faith" test to deny bankruptcy modification relief to individuals who can afford to repay their mortgages without it, and extend the negotiation period requiring the debtor to certify that he or she contacted the lender and sought to reach agreement on a qualified loan modification. As perfected, the amendment would also allow a court to consider, in lieu of reducing principal in a modification, reducing the interest rate to lower the borrower's monthly payment; enhance the "good faith" test restricting the use of judicial modification to determine whether a lender offered to modify the loan and whether the debtor could afford the offered modification; and increase the proportion of appreciation on a home that a lender could recoup in a sale within five years after the modification. The bill already includes a provision protecting mortgage servicers from lawsuits by investors who may be unhappy with the mortgage modifications.

Some have expressed the concern that this bankruptcy option will increase the cost of borrowing for other homeowners. Compared to the alternative of foreclosure, however, judicial modification should maximize, rather than decrease, the value of troubled mortgages for the lender. According to economist Mark Zandi, "[g]iven that the total cost of foreclosure to lenders is much greater than that associated with a Chapter 13 bankruptcy, there is no reason to believe that the cost of mortgage credit across all mortgage loan products should rise." In addition, because the bankruptcy modification right only applies to mortgages issued before enactment of the bill, home mortgages issued in the future will be viewed as more stable, reliable and predictable than loans that can be modified in bankruptcy, and capital should again in the future readily flow to the home mortgage industry as it did in the past.

The bill also recognizes that unchecked predatory lending activity was one of the root causes of the crisis we face today and attacks that problem directly in several ways. For example, it requires the Department of Housing and Urban Development (HUD) to approve all parties participating in the FHA single family mortgage origination process, allows HUD to impose a civil money penalty against loan originators which are not HUD-approved but participate in FHA mortgage originations, and establishes other rigorous conditions on eligibility for would-be participants in the program.

Finally, it makes permanent an increase, from \$100,000 to \$250,000, in the amount of bank or credit union deposits insured by Federal banks and credit union regulators, and increases these regulators' authority to obtain additional liquidity from the US Treasury. It is an aggressive and comprehensive, but thoughtful and measured bill. It puts taxpayers first, and most of it costs nothing or is already paid for by taking taxpayer funds that had been allocated to Wall Street and returning them to Main Street. I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Chair, I rise today in support of the Helping Families Save Their Homes Act.

This important bill will help more Americans stay in their homes by addressing a major flaw in the Hope for Homeowners Program and by extending to single residence homeowners an option currently only available to owners of second and third homes.

The Hope for Homeowners program was established in October of last year by the Bush Administration to help more Americans refinance. The Congressional Budget Office projected the program would let 400,000 troubled homeowners swap risky loans for conventional 30-year fixed rate loans with lower rates.

But, because of flaws in the program, and despite the tremendous resources the government is making available to banks, none of the major mortgage lenders have been willing to make the new mortgages required to refinance distressed properties. To date, only 25 loans have been renegotiated nationwide.

So we gather here today to make the changes necessary so that more homeowners can take advantage of this important program.

The bill makes two important changes: It reduces the fees and administrative burdens to

loan underwriters by making the requirements associated with refinances more consistent with standard FHA practices. Also, the bill permits the Hope for Homeowners Program to pay lenders up to \$1,000 to refinance each mortgage, and provides a safe harbor from liability to mortgage servicers who engage in loan modifications, workouts or other loss mitigation.

To pay for these important changes, the bill is offset by a \$2.316 billion reduction in the \$700 billion Troubled Asset Relief Program.

For those homeowners facing bankruptcy, the bill permits judges to reduce the principal, interest rates, and fees owed on mortgages for primary residences. This is the same option already available for owners of yachts and vacation homes. The measure allows courts to reduce the principal on such mortgages to the current market value of the home, from the higher amount specified in the original mortgage. This provision should encourage banks to work with homeowners upfront and to exhaust every option so as to avoid having to settle the issue before a judge.

I encourage my colleagues to join me in support of the Helping Families Save Their Homes Act. By helping struggling homeowners, we are helping reduce the number of foreclosed homes in our communities which should help stabilize home prices and strengthen our economy.

Mr. KENNEDY. Mr. Chair, I rise in support of the Helping Families Save Their Homes Act and in support of President Obama's Homeowner Affordability and Stability Plan.

We simply cannot overstate the effect that the housing crisis has had on our economy. Foreclosures continue to decimate both our financial system and the neighborhoods that we call home. In Rhode Island, we are suffering from the highest foreclosure rate in New England and housing prices have dropped 25 percent in the last year.

President Obama's plan is a welcome recognition that we cannot begin to resolve our economic crisis without first stemming the tide of foreclosures. Under his leadership, the Homeowner Affordability and Stability Plan will help up to 7 to 9 million American families restructure their mortgages to avoid foreclosure. This plan will help responsible homeowners in danger as well as our neighbors, our banks and our local economies. For example, this initiative will save the average homeowner from price declines of as much as \$6,000 in the value of their home.

It is long past time for a President who recognizes that bold action is needed to curb the foreclosure crisis. Bankruptcy judges must be given the power to adjust mortgages on primary residences. The language in the bill we are debating today is very similar to legislation I cosponsored earlier this Congress and I applaud President Obama for his leadership on this issue.

Yet, there are some banks that claim this legislation will make homeowners choose bankruptcy over working out their mortgages. These are the same banks that have flatly refused to help work out those mortgages over the last year. These concerns have been directly addressed. To make sure nobody abuses the courts, this legislation will require all homeowners seeking bankruptcy protection

to certify that they first attempted to modify their mortgage with the banks.

Every time we try to reform our financial system, we are told by industry and skeptic alike that consumer protections like those in the Homeowner Affordability and Stability Plan might "destabilize" the market. Our government accepted that advice for much of the last decade and it landed us in an economic crisis. The great people of Rhode Island have watched their home equity plummet because of reckless behavior on Wall Street. Frankly, that is the kind of destabilization I am worried about.

It is true that this legislation will make a number of important revisions to the Hope for Homeowners Program. However, the real problem with Hope for Homeowners was that the lending industry never had any interest in participating. Until homeowners have some bargaining power and the lending industry understands that these loans must be reworked, there will be no real progress. Currently, bankruptcy judges can change the terms of loans for automobiles, stores, vacation homes and factories but not primary mortgages. It's time we let them do something much more important: help Americans to keep their houses.

This plan will empower homeowners and give lenders the incentive they need to save millions of mortgages from foreclosure. I look forward to continuing to work with my colleagues in Congress and with President Obama to tackle the housing crisis and restore America's economy.

Mr. POSEY. Mr. Chair, H.R. 1106 is a combination of several free-standing bills, all of which touch on financial services and which are intended to address the mortgage situation. While I support some aspects of H.R. 1106, such as updates to the Federal Credit Union Act and a servicer safe harbor for loan modifications, the bill goes far beyond this by expanding the failed Hope for Homeowners program and allowing judicial "cram downs" in bankruptcy cases. "Cram down" will significantly raise the cost of mortgages for all borrowers by enabling bankruptcy judges to rewrite the terms of mortgages. The House Financial Services Committee has never held a hearing on the impact of "cram down." My amendment to the Committee's Oversight Plan, accepted unanimously on February 11, directed the Committee to investigate the potential impacts of "cram down" legislation including its effects on the cost of mortgages, the taxpayers and the secondary market for mortgages.

Despite a dismal performance record, this bill throws more money at the Hope for Homeowners (H4H) program, which I am informed has helped a mere 43 borrowers. The Congressional Budget Office estimates that expanding this program will help no more than 25,000 borrowers at a cost of \$23,000 each. We also know that the changes the bill makes to H4H will weaken important taxpayer safeguards, leaving taxpayers to foot the bill directly for additional defaults.

A significant concern I have with H.R. 1106 is the cram-down provision. The "cram down" provision would allow bankruptcy judges to change the terms of a mortgage loan for a primary residence, overturning a century of bankruptcy code and practice. Proponents of "cram

down" are quick to argue that bankruptcy judges should have the authority to help everyone stay in their homes. Anyone with common sense knows that higher risk or greater uncertainty will raise interest rates. Opening the possibility of "cram down" across the board for all primary residences adds uncertainty in the market and it will lead to higher interest rates across the board for all home buyers. Everyone, including responsible buyers, will be forced to foot the bill for speculators and those who make poor purchasing decisions as the costs of those decisions are spread across all borrowers. For more than 100 years primary residences have been exempted from "cram down" bankruptcy proceedings precisely to help keep mortgage interest rates lower and homes more affordable. At a February 11 House Financial Services Committee hearing, I asked the nation's leading lenders what would happen if Congress passed "cram down." Their response was overwhelmingly clear: allowing bankruptcy judges to "cram down" mortgages would increase the cost of all mortgages and add an incentive for more people to declare bankruptcy.

The adverse effects of this legislation will extend beyond the small percentage of people it is intended to help. The increased risk in the housing market, and increased interest rates, will result in much larger down payments and cost first-time buyers and lower and middle-class families tens of thousands of dollars. The Mortgage Bankers Association predicts that "cram down" would increase interest rates from six percent to eight percent on a 30-year, fixed rate mortgage. For a \$300,000 loan for example, this would cost the borrower nearly \$5000 per year and over \$144,000 for the life of the loan. H.R. 1106 will encourage more homeowners to file bankruptcy as some homeowners, currently on the margin of bankruptcy but still making payments, could take advantage of "cram down" bankruptcy as opposed to seeking a loan modification with their lender. Is encouraging bankruptcies really a solution to our problems? For many filers it would only delay the pain of foreclosure. Just one-third of Chapter 13 filers actually complete the process, which is itself costly and time-consuming. If our goal is to unfreeze credit and improve the economy, H.R. 1106 is the wrong prescription.

We can do better. We can craft solutions that give troubled home-owners a "time out" and help them catch up on payments without burdening taxpayers, overturning a bedrock provision of our bankruptcy code that has benefited 90 percent of Americans who do not have troubled mortgages. If this bill becomes law, new responsible homeowners will be forced to make higher mortgage payments each and every month for 30 years. That is a significant "tax" on responsible middle class families. Forcing responsible Americans to subsidize bad decisions by others may not meet the technical definition of a tax increase, but I believe whenever you take money out of one person's pocket and give it to someone else it is a tax.

Mr. HOYER. Mr. Chair, It can be easy to think that a neighbor's home troubles are no concern of ours. If we can still pay our mortgages, it's easy enough to shut our doors on their problems.

But the world doesn't work like that. Our prosperity is bound to theirs, in good times and bad. A single foreclosed home can threaten a neighborhood; a neighborhood of foreclosed homes can help bring down the economy of a city; and a nation full of foreclosures can expect economic turmoil, and frozen credit, and layoffs, and decreasing demand, and more layoffs. That is where we are today: a nation with 14 million families' mortgages underwater, and counting; a nation in which foreclosed homes can drive down the value of their neighbors' property by nearly 10 percent.

That's why this bill is so necessary. The Helping Families Save Their Homes Act puts into law some of the most important provisions of President Obama's homeowner stability plan. It makes it easier for lenders to renegotiate mortgages for families who are underwater, close to foreclosure, or nearing bankruptcy. And for families that are driven into bankruptcy by their home payments, this bill allows bankruptcy judges to modify the terms of their loans—a step that is free for taxpayers and could reduce foreclosures by 20 percent. Today, investors can restructure debt on their vacation homes; real estate speculators can do it for their property; corporations can do it for their private planes; and you can even do it if you own a boat. It is only fair that average Americans have the same right for the homes they live and raise their families in.

I also want to make very clear that this bill is not designed for those who bought bigger houses than they knew they could afford. It is made for those who acted responsibly but need this breathing room because of circumstances they could not control—circumstances like unemployment or the nationwide decline in home values.

Maybe someone listening in this chamber, or watching on TV, knows what it's like to lose a home. You know, in a way that I do not, just how wrenching it is to be forced to box up your things and turn over your key.

But this bill is not just about you—it is about all of us. As President Obama said this month, "In the end, all of us are paying a price for this home mortgage crisis. And all of us will pay an even steeper price if we allow this crisis to deepen." The effects go far deeper than one family and one now-vacant house. They go to the health of an entire economy—to the jobs and livelihoods of people on the other side of the continent. They go to a crisis that will not end until this mortgage mess is cleaned up.

So for all of our sakes, we need to pass this bill and begin putting President Obama's plan into effect.

Mr. LARSON of Connecticut. Mr. Chairman, I rise today to express my support for H.R. 1106: Helping Families Save Their Homes Act of 2009. I want to thank all of the members who worked tirelessly on this bill as well as the President for making this a priority in his plan to help families stay in their homes.

Our country is faced with enormous challenges and every community has felt the effect of this economic downturn. Digging ourselves out of the hole we have been left will not be easy and will require difficult choices.

The housing crisis is not only at the root of the economic crisis we currently face, but continues to be a problem for millions of families facing difficulties in paying their mortgages. In

Connecticut there were over 25,000 foreclosure filings in 2008, which was an increase of 84 percent over the previous year. Already in January of this year there have been more than 1,600 foreclosure filings in the state, including 387 in Hartford County alone.

This bill will go a long way to decreasing foreclosures and keeping families in their houses. It helps provide opportunities for families to refinance or modify their mortgages and ensures fairness in our bankruptcy courts for homeowners who face this option as their last resort. By allowing bankruptcy judges to modify the terms of mortgage loans, we will give homeowners the same opportunity that others have to restructure their loans for vacation homes. The bill also contains fixes to the Hope for Homeowners program that will provide more incentives for servicers to refinance mortgage loans and reduce fees for participating in the program. Finally, by permanently increasing federally insured deposits from \$100,000 to \$250,000 we will help restore confidence in our financial system.

This recovery will require a number of steps and this legislation is the next step in getting America back on track. I again want to express my support for this bill and urge my colleagues to vote for its passage.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 1106, Helping Families Save Their Homes Act of 2009.

Across our country, millions of responsible homeowners are facing foreclosure. Some reports indicate there could be up to 6 million families currently in danger of losing their homes. Although the foreclosure crisis has not been as pronounced in my state as in some others, North Carolina has seen one of the fastest rises in unemployment in the country, with a rate of 8.2% earlier this year. These job losses will risk damaging neighborhoods and towns across the state by placing more families at risk of defaulting on mortgages. H.R. 1106 will ensure that lending institutions work with borrowers to help keep Americans in their homes to strengthen the housing market, which is critical for our nation's economic recovery.

H.R. 1106 takes steps to address this crisis and help families across the country. This bill will help millions of struggling homeowners refinance or restructure their mortgages. H.R. 1106 reforms the Hope for Homeowners initiative by lowering fees and providing \$1,000 to servicers that participate. This will make the initiative more attractive to lenders and more effective in reaching the many families seeking help. H.R. 1106 provides "safe harbor" for mortgage lenders so that they can modify mortgages without the threat of lawsuits from the secondary mortgage market. In addition, this bill would protect consumers' savings by permanently increasing the amount of federal deposit insurance savings in banks or credit unions from \$100,000 to \$250,000.

H.R. 1106 also contains a provision that would allow for the modification of some mortgages under the terms of Chapter 13 bankruptcy. Current law allows for a bankruptcy judge to adjust the principal on all secured loans except for those on primary residences. Provisions in H.R. 1106 ensure that people can afford their mortgage. The bill also stipulates that judicial modification should only be

employed as a last resort for saving a family's home. Only existing mortgage loans are eligible, and a judge is required to consider whether all other options are exhausted before changing the principal of a home loan. Finally, this bill ensures that if a borrower gets relief through this mortgage relief initiative and then sells their home for a profit, the lender is able to recoup a sizable portion of that profit. This is a key provision to incentivize lenders to work with at-risk borrowers who are seeking help through mortgage modification initiatives.

In order to get our struggling economy back on track, we must address the foreclosure crisis, one of the main factors that precipitated this recession. Not only are foreclosures devastating to individual families, but their effect ripples throughout the economy, hurting manufacturers and construction firms, dropping consumer spending and confidence, and cutting the value of neighboring homes. H.R. 1106 is an important step to deal with this crisis.

I support H.R. 1106, Helping Families Save Their Homes Act of 2009, and I urge my colleagues to join me in voting for its passage.

Ms. ROYBAL-ALLARD. Mr. Chair, I rise today in support of H.R. 1106, the Helping Families Save Their Homes Act of 2009.

Mr. Chair, my congressional district, like districts all across the nation, has been hit hard by the foreclosure crisis. In 2007 Los Angeles County had a foreclosure rate of 12%. In 2008 this number had jumped to 35%. Worse yet, while many parts of the country have already received the full brunt of the foreclosure crisis, experts agree that the full force of the crisis has yet to reach Los Angeles.

I have been concerned that previous congressional efforts to stabilize the economy and help my Los Angeles constituents have failed to address the root of the problem—defaulting mortgages.

I am pleased that the Helping Families Save Their Homes Act will make substantive reforms to end the rising tide of foreclosures and keep families in their homes.

Specifically, the measure will allow a judge to modify primary mortgages in the case of bankruptcy so that families can stay in their homes. Currently, when a family files for bankruptcy they can modify loans on second homes, and other property but not on their primary residence. It is widely recognized that judicial modification of mortgages on primary residences is one of the most significant things that we can do to keep families in their homes.

By encouraging homeowners to work out their loans before filing for bankruptcy, the measure ensures that bankruptcy still remains a measure of last resort. The bill will also adapt federal loan modification programs to make it easier for mortgage servicers to participate.

In addition, the bill begins to address a growing concern—the growing number of organizations that aim to profit off of families who are in crisis and at risk of losing their home. This problem is highly visible in my congressional district, and is a cause of great concern. The measure increases oversight over the FHA home mortgage insurance program to better ensure that predatory lenders are barred from participating.

Mr. Chair, this legislation is necessary to help our nation's path of recovery by addressing the cause of the economic crisis.

I urge my colleagues to vote “yes” on this critical measure that will keep our constituents in their homes.

□ 1330

The CHAIR. All time for general debate has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TONKO) having assumed the chair, Mr. SERRANO, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, had come to no resolution thereon.

EXPRESSING CONDOLENCES TO FAMILIES OF VICTIMS OF CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 183.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ARCURI) that the House suspend the rules and agree to the resolution, H. Res. 183.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLEAVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 32, as follows:

[Roll No. 90]

YEAS—399

Abercrombie	Blackburn	Cantor
Ackerman	Blumenauer	Capito
Aderholt	Blunt	Capps
Adler (NJ)	Boccieri	Capuano
Akin	Boehner	Cardoza
Alexander	Bonner	Carnahan
Altmire	Bono Mack	Carney
Andrews	Boozman	Carson (IN)
Arcuri	Boren	Castle
Austria	Boswell	Castor (FL)
Baca	Boustany	Chaffetz
Bachmann	Boyd	Chandler
Bachus	Brady (PA)	Childers
Baird	Brady (TX)	Clarke
Baldwin	Braley (IA)	Clay
Barrett (SC)	Bright	Cleaver
Barrow	Broun (GA)	Clyburn
Bartlett	Brown (SC)	Coble
Barton (TX)	Brown, Corrine	Coffman (CO)
Bean	Brown-Waite,	Cohen
Berkley	Ginny	Cole
Berry	Buchanan	Conaway
Biggert	Burgess	Connolly (VA)
Bilbray	Burton (IN)	Cooper
Bilirakis	Butterfield	Costa
Bishop (GA)	Buyer	Costello
Bishop (NY)	Calvert	Courtney
Bishop (UT)	Camp	Crenshaw

Crowley	Johnson (GA)	Nye
Cuellar	Johnson (IL)	Oberstar
Culberson	Johnson, E. B.	Obey
Cummings	Johnson, Sam	Olson
Dahlkemper	Jones	Olver
Davis (AL)	Jordan (OH)	Ortiz
Davis (CA)	Kagen	Pallone
Davis (IL)	Kanjorski	Pascarell
Davis (KY)	Kaptur	Pastor (AZ)
Davis (TN)	Kennedy	Paul
DeFazio	Kildee	Paulsen
DeGette	Kilpatrick (MI)	Payne
Delahunt	Kilroy	Perlmutter
DeLauro	Kind	Peters
Dent	King (IA)	Peterson
Diaz-Balart, L.	King (NY)	Petri
Diaz-Balart, M.	Kingston	Pingree (ME)
Dicks	Kirkpatrick (AZ)	Pitts
Dingell	Kissell	Platts
Doggett	Klein (FL)	Poe (TX)
Donnelly (IN)	Kosmas	Polis (CO)
Dreier	Kratovil	Pomeroy
Driehaus	Kucinich	Posey
Edwards (MD)	Lamborn	Price (GA)
Edwards (TX)	Lance	Price (NC)
Ehlers	Langevin	Putnam
Ellison	Larsen (WA)	Radanovich
Ellsworth	Latham	Rahall
Emerson	LaTourette	Rangel
Engel	Latta	Rehberg
Eshoo	Lee (CA)	Reichert
Etheridge	Lee (NY)	Reyes
Fallin	Levin	Richardson
Farr	Lewis (CA)	Rodriguez
Fattah	Lewis (GA)	Roe (TN)
Filner	Lipinski	Rogers (AL)
Flake	LoBiondo	Rogers (KY)
Fleming	Loebach	Rogers (MI)
Forbes	Loftgren, Zoe	Rohrabacher
Fortenberry	Lowe	Rooney
Foster	Luetkemeyer	Ros-Lehtinen
Fox	Lujan	Roskam
Frank (MA)	Lummis	Ross
Franks (AZ)	Lungren, Daniel	Rothman (NJ)
Frelinghuysen	E.	Roybal-Allard
Fudge	Lynch	Royce
Gallely	Mack	Ruppersberger
Garrett (NJ)	Maffei	Rush
Gerlach	Maloney	Ryan (OH)
Giffords	Manzullo	Ryan (WI)
Gingrey (GA)	Marchant	Salazar
Gohmert	Markey (CO)	Sánchez, Linda
Gonzalez	Markey (MA)	T.
Goodlatte	Marshall	Sarbanes
Gordon (TN)	Matheson	Scalise
Granger	Matsui	Schakowsky
Graves	McCarthy (CA)	Schauer
Grayson	McCarthy (NY)	Schiff
Green, Al	McCaul	Schmidt
Green, Gene	McClintock	Schock
Griffith	McCollum	Schrader
Guthrie	McCotter	Schwartz
Gutierrez	McDermott	Scott (GA)
Hall (NY)	McGovern	Scott (VA)
Hall (TX)	McHenry	Sensenbrenner
Halvorson	McHugh	Serrano
Hare	McIntyre	Sessions
Harman	McKeon	Sestak
Harper	McMahon	Shadegg
Hastings (FL)	McMorris	Shea-Porter
Hastings (WA)	Rodgers	Sherman
Heinrich	McNerney	Shimkus
Heller	Meek (FL)	Shuler
Hensarling	Meeks (NY)	Shuster
Herger	Melancon	Simpson
Herseht Sandlin	Mica	Sires
Higgins	Michaud	Skelton
Himes	Miller (FL)	Slaughter
Hinche	Miller (NC)	Smith (NE)
Hinojosa	Miller, George	Smith (NJ)
Hirono	Minnick	Smith (TX)
Hodes	Mitchell	Smith (WA)
Hoekstra	Mollohan	Souder
Holden	Moore (KS)	Space
Holt	Moore (WI)	Speier
Honda	Moran (KS)	Spratt
Hoyer	Moran (VA)	Stearns
Hunter	Murphy (CT)	Stupak
Inglis	Murphy, Tim	Sutton
Insee	Murtha	Tanner
Israel	Myrick	Tauscher
Issa	Nadler (NY)	Taylor
Jackson (IL)	Napolitano	Teague
Jackson-Lee	Neal (MA)	Thompson (CA)
(TX)	Neugebauer	Thompson (MS)
Jenkins	Nunes	Thompson (PA)

Thornberry	Walden	Wexler
Tiahrt	Walz	Whitfield
Tierney	Wasserman	Wilson (OH)
Titus	Schultz	Wilson (SC)
Tonko	Waters	Wittman
Towns	Watson	Wolf
Tsongas	Watt	Woolsey
Turner	Waxman	Wu
Upton	Weiner	Yarmuth
Van Hollen	Welch	Young (AK)
Visclosky	Westmoreland	Young (FL)

NOT VOTING—32

Becerra	Grijalva	Pence
Berman	Hill	Perriello
Boucher	Kirk	Sanchez, Loretta
Campbell	Kline (MN)	Snyder
Cao	Larson (CT)	Stark
Carter	Linder	Sullivan
Cassidy	Lucas	Terry
Conyers	Massa	Tiberi
Deal (GA)	Miller (MI)	Velázquez
Doyle	Miller, Gary	Wamp
Duncan	Murphy, Patrick	

□ 1404

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 4, 2009, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE RIGHT HONORABLE GORDON BROWN, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 4, 2009, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 2, 2009

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HONORING JOHN MAYES

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History

Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community.

Today, I rise to recognize John Mayes of Rome, Georgia. John has been a dedicated public servant for the people of Rome and Floyd County, Georgia for the majority of his adult life. John is a three-term member of the Floyd County Board of Commissioners, and he currently serves as the chairman. He is also the current Chair of the Floyd County Public Works Committee.

In addition to his commitment to improving his home county, John also dedicates much of his time to strengthening the health care community in Floyd County, serving on both the Floyd Medical Center Hospital Authority and Management Board and the Floyd County Board of Health.

Despite his heavy involvement in county and city government, John still finds time devote to philanthropic activities, founding Camp Uncle John, a private retreat designed to reach out to area youth, and serving as the director of community organizations such as the YMCA.

In 2007, John Mayes was honored by Rome residents for his selfless community service with the prestigious Heart of the Community Award.

I ask my colleagues, please join me in thanking John Mayes for his service to the people of Rome and Floyd County and his commitment to the betterment of his community.

REGULAR ORDER SHOULD BE THE RULE OF THE DAY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise to express the opinion that in the recent vote on H.R. 1106, which had to do with mortgage foreclosures and so-called enhancement of mortgage credit availability, it would be incumbent upon leadership of the institution to follow normal process and to allow the membership, if they wish to offer amendments before the Rules Committee, to be afforded that opportunity.

The challenges we face in the mortgage market are enormous, and regular order should be the rule of the day here. You know, we wouldn't have all these difficulties in our country if we would be properly using the normal institutions to resolve loans, loan difficulties, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission. When you don't use those, and you begin to try to tinker at the edges of a really large problem that the country faces, and the implosion of the mortgage market itself, you can make a lot of mistakes.

Members deserve respect. We deserve due diligence by the respective subcommittee and committees, including the opportunity to amend and include ideas in the manager's amendment. If that does not happen, we don't serve the American people well.

I think every Member here deserves that respect. And I would hope that, as next week begins, we will have the opportunity to perfect this legislation, if it can be perfected or, more properly, to meet with the Secretary of the Treasury and the economic leaders of the new administration to perhaps shape a different path forward.

Well, here's another Housing bill, claiming to be a nostrum for what ails us with housing foreclosures.

Last August, the same committee, with no hearings and no opportunity for amendment pushed through a landmark bill called Hope for Homeowners. It was supposed to help workouts, to bring assistance to counselors, to prevent foreclosures. To this date this program has worked out on 25 mortgages only. Twenty-Five—not 250, 2500, 25,000; just 25.

We have seen more foreclosures, not enough workouts, no Wall Street firms or their hired gun servicers coming to the table. The money for the communities engaged in counseling arrived late, and people lost their homes. The next batch of money did not arrive to allow cities to buy homes, and now out of state individuals or companies own the homes and these new owners have no vested interest in the properties. They are looking at the profit they will receive. The communities lose. The people lose. Even those homeowners who are paying their mortgages, keeping up with their bills and being overall good economic citizens are paying because their neighbors fell on dire straits, property values are plummeting. The money that did reach communities sometimes only reached certain communities—others suffered. In northern Ohio, Cleveland got the majority of the money and Toledo suffers with little or no money available to help people. I myself attended an auction run by a company in Dallas, TX, that sold away my constituent's homes to far away people and the communities are struggling and some neighborhoods are even dying.

Then, the last Administration shoved TARP at us. Crisis was coming or at hand and it was the only way to stop it. Those that voted for it thought that they were going to prevent more foreclosures—they wanted to help the people.

They found out Hank Paulson took all the money for Wall Street banks that didn't do workouts, and are not doing workouts. But the last Congress held them up, saved them, and paid them taxpayer dollars. To what end?

It's a new Congress and a new President. Foreclosures are still rampant. The economy is oscillating and the recession is deepening rather than stabilizing.

Now we are told: we've got another idea we want to sell you.

Let's go the bankruptcy route.

Of course, this won't deal with the millions of pending subprime foreclosures and achieve workouts. It will only address people filing for bankruptcy and about 20% of them might

have a home involved in that process. These people could be helped, but we are not helping all the other people who are not turning to the last, absolute last resort of bankruptcy.

Do I understand this—no Wall Street big bank has been asked to go bankrupt and its assets distributed to more responsible community banks. But instead of bringing discipline to the banks, now we're going to ask the American people to file bankruptcy first. And, we're going to provide money to pay the fraudulent servicers.

If you're not sure how to vote on this, think what happened before. Think about the solutions we were told would work. Look around your community. Are they working?

I can tell you in my district they are not.

Here are some questions that ought to be answered before we move forward:

1. Does a family have to declare bankruptcy before qualifying for a "workout/refinancing"? Why do families have to do this but not the banks?

2. What % of troubled loans would this plan rescue—less than 10%, . . . up to 90%?

3. Are eligible loans only "subprime" ones, or any loan?

4. In Title 1, why do lenders need financial incentives to modify loans? They've got TARP \$.

5. What % of appropriated funds for this program will go to lenders? Why? How @ servicers? They're not licensed or certified. Why let them qualify for anything? They've been awful.

6. How will the government recoup its money? Is there a shared appreciation provision that reimburses government for its investment?

7. What happens to credit union financed mortgages? They did no subprimes. Are their loans eligible for workouts? What happens when a reduction in principal wipes out their annual profits?

STOP MEDDLING IN THE MORTGAGE INDUSTRY

(Mr. FLEMING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLEMING. Mr. Speaker, I rise to speak also about H.R. 1106, the so-called mortgage cram-down bill which, I am afraid, is being crammed down the throats of the American citizens.

There are families in this country seriously hurting in these tough economic times. They're looking for ways to keep their homes from going into foreclosure.

I would support a targeted measure to help those who didn't overreach when they purchased a home, but this broad stroke cram-down bill we have been given allows the court system to modify home mortgages, including reducing the loan principal. This would leave responsible homeowners to pick up the tab for the mistakes of others. Also, it would further encourage folks to file bankruptcy, rather than working out their financial problems. Giving the judges the power to arbitrarily

change the terms of a mortgage is not the direction we need to go in this country. Home buyers will be forced to pay higher interest rates and downpayments if lenders face the risk that a judge could change mortgage terms in the future.

It was the meddling in the mortgage industry by Congress that helped start this economic mess in the first place. Why should we continue meddling?

Continued efforts by Congress to reward unwise financial decisions will keep the dream of affordable home ownership unattainable for many responsible citizens for years to come.

PROTECT OUR CONSTITUTIONAL LIBERTIES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we're not supposed to talk to the American people here. We're supposed to address our colleagues, so I will not talk to the American people. But if I could, I would say to them they ought to be very concerned about their constitutional liberties because they're being challenged and some of them may be done away with very quickly.

People who are members of companies, who work for companies, are going to be forced to do an open vote on whether or not they want to join a union if the Card Check Bill comes and passes this body or is passed by the administration through regulation. And this is something that would take away the right of these people to have a secret ballot on whether or not they want to join the union. That, in my opinion, is a violation of the first amendment.

And then also we have what's called the Fairness Doctrine they're going to try to pass, which would kill talk radio. The liberals in this body and the other body want to stop people like Rush Limbaugh and Sean Hannity from talking about the issues that face the American people because they're conservatives and they're making their points to the American people and the American people listen to them. They don't listen to the liberals, and so they're going to try to shut them up with the Fairness Doctrine. That's unconstitutional, and we should do everything we can to stop it.

DOVER POLICY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I had the privilege last night to meet with Angelia Phillips. Her son, Specialist Michael Phillips, was killed in Iraq on February 24, 2008, with the 1st of the

502nd, 101st Airborne. She was adamant, Mr. Speaker, when she was talking about the Dover Policy. That's the policy that we have right now that does not allow the media to take pictures of our soldiers, marines, sailors and airmen coming home from Iraq and Afghanistan. She said that that return of her son, Specialist Phillips, his returning home and to her, that was more important than the actual funeral because that was finally her son coming home to his country that he loved so much and that he gave his life for.

The Dover Policy is good policy. The American public does not need to see the flag-draped coffins of those who carry the burden of freedom for this country. It's up to that family because that's a special solemn moment, Mr. Speaker. The Dover Policy is good policy. We should not reverse it.

THE APPROACHING FINANCIAL HURRICANE

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, the American people need to know that this Congress in less time has spent more money than any Congress in history. At a time in American history when we are at war worldwide with terrorists, at a time when we face financial crisis of unprecedented proportion, we, as Members of Congress, have a very special duty to protect the Treasury of the United States, to be careful, thoughtful and deliberative and an open process.

And I want to thank my colleague, Congresswoman MARCY KAPTUR of Ohio. She's exactly right. We need to follow the committee process, absolute transparency, an opportunity to offer amendments, an opportunity for public hearings. Let the public see what bills we are considering.

The stimulus, \$800 billion, was only filed on the Internet 13 hours before the vote. And this Congress, in 21 days, has increased the annual budget of the United States by 110 percent, counting the President's budget today.

Congressman FRANK WOLF is going to speak for 5 minutes in just a minute. We must address the approaching financial hurricane. Congressman WOLF's commission deserves the attention of this Congress in a careful, thoughtful and deliberative way. Let the sun shine in, Mr. Speaker.

□ 1415

ADMINISTRATION SHOULD LISTEN TO THOSE WHO SERVE IN THE ARMED FORCES

(Mr. WOLF asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WOLF. I just want the Members to know that the son of former Congressman Duncan Hunter, now currently Congressman DUNCAN HUNTER who just spoke here about the flag drape policy with regard to our fallen soldiers who return to Dover Air Force Base, served in Iraq in combat and served in Afghanistan in combat. I think that the Obama administration ought to listen to people who serve.

A NEW ERA OF RESPONSIBILITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-19)

The SPEAKER pro tempore (Mr. KISSELL) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

Throughout America's history, there have been some years that appeared to roll into the next without much notice or fanfare. Budgets are proposed that offer some new programs or eliminate an initiative, but by and large continuity reigns.

Then there are the years that come along once in a generation, when we look at where the country has been and recognize that we need a break from a troubled past, that the problems we face demand that we begin charting a new path. This is one of those years.

We start 2009 in the midst of a crisis unlike any we have seen in our lifetimes. Our economy is in a deep recession that threatens to be deeper and longer than any since the Great Depression. More than three and a half million jobs were lost over the past 13 months, more jobs than at any time since World War II. In addition, another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Our capital markets are virtually frozen, making it difficult for businesses to grow and for families to borrow money to afford a home, car, or college education for their kids. Many families cannot pay their bills or their mortgage payments. Trillions of dollars of wealth have been wiped out, leaving many workers with little or nothing as they approach retirement. And millions of Americans are unsure about the future—if their job will be there tomorrow, if their children will be able to go to college, and if their grandchildren will be able to realize the full promise of America.

This crisis is neither the result of a normal turn of the business cycle nor an accident of history. We arrived at this point as a result of an era of profound irresponsibility that engulfed both private and public institutions

from some of our largest companies' executive suites to the seats of power in Washington, D.C. For decades, too many on Wall Street threw caution to the wind, chased profits with blind optimism and little regard for serious risks—and with even less regard for the public good. Lenders made loans without concern for whether borrowers could repay them. Inadequately informed of the risks and overwhelmed by fine print, many borrowers took on debt they could not really afford. And those in authority turned a blind eye to this risk-taking; they forgot that markets work best when there is transparency and accountability and when the rules of the road are both fair and vigorously enforced. For years, a lack of transparency created a situation in which serious economic dangers were visible to all too few.

This irresponsibility precipitated the interlocking housing and financial crises that triggered this recession. But the roots of the problems we face run deeper. Government has failed to fully confront the deep, systemic problems that year after year have only become a larger and larger drag on our economy. From the rising costs of health care to the state of our schools, from the need to revolutionize how we power our economy to our crumbling infrastructure, policymakers in Washington have chosen temporary fixes over lasting solutions.

The time has come to usher in a new era—a new era of responsibility in which we act not only to save and create new jobs, but also to lay a new foundation of growth upon which we can renew the promise of America.

This Budget is a first step in that journey. It lays out for the American people the extent of the crisis we inherited, the steps we will take to jumpstart our economy to create new jobs, and our plans to transform our economy for the 21st Century to give our children and grandchildren the fruits of many years of economic growth.

It is true that we cannot depend on government alone to create jobs or to generate long-term growth. Ours is a market economy, and the Nation depends on the energy and initiative of private institutions and individuals. But at this particular moment, government must lead the way in providing the short-term boost necessary to lift us from a recession this severe and lay the foundation for future prosperity. That's why immediately upon taking office, my Administration worked with the Congress to pass the American Recovery and Reinvestment Act. This plan's provisions will put money in the pockets of the American people, save or create at least three and a half million jobs, and help to revive our economy.

This moment is one of great paradox and promise: while there are millions

of Americans trying to find work, there is also so much work to be done. That's why the Recovery Act and our Budget will make long overdue investments in priorities—like clean energy, education, health care, and a new infrastructure—that are necessary to keep us strong and competitive in the 21st Century.

To finally spark the creation of a clean energy economy, we will make the investments in the next three years to double our Nation's renewable energy capacity. We will modernize Federal buildings and improve the energy efficiency of millions of American homes, saving consumers and taxpayers billions on our energy bills. In the process, we will put Americans to work in new jobs that pay well—jobs installing solar panels and wind turbines; constructing energy efficient buildings; manufacturing fuel efficient vehicles; and developing the new energy technologies that will lead to even more jobs and more savings, putting us on the path toward energy independence for our Nation and a cleaner, safer planet in the process.

To improve the quality of our health care while lowering its cost, we will make the immediate investments needed to computerize all of America's medical records within five years while protecting the privacy of patients. This is a necessary step to reducing waste, eliminating red tape, and avoiding the need to repeat expensive medical tests. We also will fundamentally reform our health care system, delivering quality care to more Americans while reducing costs for us all. This will make our businesses more competitive and ease a significant and growing burden middle-class families are bearing.

To give our children a fair shot to thrive in a global, information-age economy, we will equip thousands of schools, community colleges, and universities with 21st Century classrooms, labs, and libraries. We'll provide new technology and new training for teachers so that students in Chicago and Boston can compete with kids in Beijing for the high-tech, high-wage jobs of the future. We will invest in innovation, and open the doors of college to millions of students. We will pursue new reforms—lifting standards in our schools and recruiting, training, and rewarding a new generation of teachers. And in an era of skyrocketing college tuitions, we will make sure that the doors of college remain open to children from all walks of life.

To create a platform for our entrepreneurs and workers to build an economy that can lead this future, we will begin to rebuild America for the demands of the 21st Century. We will repair crumbling roads, bridges, and schools as well as expand broadband lines across America, so that a small business in a rural town can connect and compete with its counterparts any-

where in the world. And we will invest in the science, research, and technology that will lead to new medical breakthroughs, new discoveries, and entire new industries.

Regaining our economic strength also is critical to our national security. It is a major source of our global leadership, and we must not let it waver. That's why this Budget makes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because to provide for the security of the United States we need to use all elements of our power. Moreover, to honor the service of those who have worn our military's uniform, we will make the investments necessary to take care of our veterans.

For these initiatives to lay a foundation for long-term economic growth, it's important that we not only change what Washington invests in, but how Washington does business. We must usher in a new era of responsibility in which we empower citizens with the information they need to hold their elected representatives accountable for the decisions they make. We need to put tired ideologies aside, and ask not whether our Government is too big or too small, or whether it is the problem or the solution, but whether it is working for the American people. Where it does not, we will stop spending taxpayer dollars; where it has proven to be effective, we will invest. This is the approach, for example, we have begun in allocating funds to education, health care, and national security. And as we continue the budgetary process, we will identify more cuts and reallocations for the full Budget presented this spring, and undertake efforts to reform how the programs you fund are managed so that overruns are avoided, waste is cut, and you get the most effective and efficient Government possible.

In the little more than a month my Administration has had in office, we have not had the time to fully execute all the budget reforms that are needed, and to which I am fully committed. Those will come in the months ahead, and next year's budget process will look much different.

But this Budget does begin the hard work of bringing new levels of honesty and fairness to your Government. It looks ahead a full 10 years, making good-faith estimates about what costs we would incur; and it accounts for items that under the old rules could have been left out, making it appear that we had billions more to spend than we really do. The Budget also begins to restore a basic sense of fairness to the tax code, eliminating incentives for companies that ship jobs overseas and giving a generous package of tax cuts to 95 percent of working families.

Finally, while we have inherited record budget deficits and needed to

pass a massive recovery and reinvestment plan to try to jump-start our economy out of recession, we cannot lose sight of the long-run challenges that our country faces and that threaten our economic health—specifically, the trillions of dollars of debt that we inherited, the rising costs of health care, and the growing obligations of Social Security. Therefore, while our Budget will run deficits, we must begin the process of making the tough choices necessary to restore fiscal discipline, cut the deficit in half by the end of my first term in office, and put our Nation on sound fiscal footing.

Some may look at what faces our Nation and believe that America's greatest days are behind it. They are wrong.

Our problems are rooted in past mistakes, not our capacity for future greatness. We should never forget that our workers are more innovative and industrious than any on earth. Our universities are still the envy of the world. We are still home to the most brilliant minds, the most creative entrepreneurs, and the most advanced technology and innovation that history has ever known. And we are still the Nation that has overcome great fears and improbable odds. It will take time, but we can bring change to America. We can rebuild that lost trust and confidence. We can restore opportunity and prosperity. And we can bring about a new sense of responsibility among Americans from every walk of life and from every corner of the country.

BARACK OBAMA.

THE WHITE HOUSE, February 26, 2009.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE IMMIGRATION OVERSIGHT AND FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to introduce the Immigration Oversight and Fairness Act, which will help address the shameful state of immigration detention in our country.

It is unconscionable that our government holds families in conditions reserved for hardened criminals, forces children caught on their own to spend harrowing nights in border jails and incarcerates in bare cells asylum seekers who came to these shores in search of freedom. These inexcusable abuses should never have happened, and Americans never should have tolerated them.

By strengthening existing regulations and giving them the force of law,

the Immigration Oversight and Fairness Act will help ensure that the Department of Homeland Security does not violate its own detention standards.

□ 1430

My bill ensures that all detainees can communicate with their lawyers and obtain needed medical care. It will also help to expand legal orientation programs so that detainees understand their rights and the likelihood of winning their cases.

The Immigration Oversight and Fairness Act also protects vulnerable children who are arrested on their own and held in DHS custody at border stations. A recent report by the Women's Refugee Commission found that the Border Patrol continues to hold unaccompanied immigrant children in inappropriate conditions. This bill increases training for the Border Patrol officers and facilitates speedy transfers of children to safer, better-equipped facilities.

In addition, the bill expands the use of alternatives to detention. It costs the American taxpayer nearly \$2 billion a year to house detainees, yet the vast majority of detained immigrants pose no threat to their communities or our country. This legislation will make it possible for vulnerable populations—including asylum seekers, torture victims, families, pregnant women, and the elderly—to be released using secure, proven methods of supervision that come at a fraction of the cost of incarceration.

Addressing the problems that plague our detention facilities will require a new commitment to openness and transparency. This bill, therefore, has oversight and accountability provisions which will shine a much-needed light on a system that, for too long, has operated in the shadows.

Because it introduces sensible reforms to correct the many failings of immigration detention in this country, the Immigration Oversight and Fairness Act has garnered broad-based support. More than 100 faith, human rights, civil liberties, immigrant and community organizations have signed a letter endorsing my bill. I would like to specifically thank the Lutheran Immigration and Refugee Service, the American Immigration Lawyers Association, and the National Immigrant Justice Center for the important role they played in formulating this legislation and for the tireless work they do every day on behalf of immigrant detainees.

Mr. Speaker, the detention system in which thousands of detainees languish daily—frequently denied access to loved ones, legal counsel, and medical care—is incompatible with our laws and inconsistent with our American values.

The Immigration Oversight and Fairness Act will ensure that our govern-

ment honors its most sacred obligations: to respect our laws and to protect the children entrusted to its care.

I look forward to working with the Obama administration to fix America's broken immigration system, and I ask my colleagues to support the Immigration Oversight and Fairness Act.

COMMISSION WITH TEETH: FORCING CONGRESS TO ADDRESS ENTITLEMENT ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, today the President released his budget request which projects a \$1.8 trillion deficit this year and a \$533 billion deficit for 2013. Yet, the Congressional Budget Office ran a deficit projection using a baseline which assumed the policies in the President's budget request contends that the FY 2013 deficit will be a staggering \$715 billion.

President Obama's pledge of cutting the deficit in half is important, but it will still be at record levels. In this morning's Washington Post, Maya MacGuineas, president of the bipartisan Committee For a Responsible Federal Budget, said she would like "To see them [the Obama Administration] go much further in terms of fiscal responsibility in actually closing that deficit gap."

More to the point, Brian Riedl, budget analyst for the Heritage Foundation, says, "It is easy to cut the deficit in half after you've quadrupled it."

Today's Politico features an article titled, "Arguments Lost in Blizzard of Billions," which contends—and I agree—that Congress is so desensitized to numbers that "a billion here, a billion there, pretty soon you're talking about—well, pretty soon no one has a clue what you're talking about."

Have we forgotten that we have over \$56 trillion in unfunded obligations through Social Security, Medicare, and Medicaid—already saddled on the back of future generations—\$11 trillion of debt? Do elected officials know that Standard and Poor's Investment Service predicts the loss of America's triple-A bond rating as early as 2012?

When Secretary of State Clinton was in Beijing last week, she asked the Chinese—who now holds the paper of about 1 of every 10 American dollars—to keep buying our debt. I never thought I would see the day when the United States was forced to hold a tin cup in China mortgaging the future for our children and our grandchildren to some of the worst human rights violators in the world.

We are in a crisis today. Main Street is suffering. Americans everywhere understand our country is in serious trouble—we are sinking—and it is on this Congress' watch. The 111th Congress is doing nothing.

Confidence. The definition of “confidence,” according to Webster’s Dictionary, is “faith or the belief that one will act in a right, proper, or effective way.” “Act” being the key word.

Americans are under the belief that elected officials will work together to solve the Nation’s most pressing problem. But if Congress is paralyzed by partisan bickering, what happens to the word “act”?

Entitlement spending and the massive debt we’re leaving to our children and our grandchildren are pressing issues of economic and moral—this is a moral issue. The Tenth Commandment says, “Thou shalt not steal.” Well, this generation is stealing from the next generation. Every day the canyon of debt widens and deepens, and yet elected leaders—many hiding behind the mantra of regular order—seem to think the problem will magically go away. The fact is, congressmen give speeches and say, “I’m all for this. I’m concerned. But let’s go through regular order.”

When it goes through regular order and it goes through the Budget Committee, when it goes through regular order and it goes through the Ways and Means Committee, it is dead. This Ways and Means Committee this year will not act unless they’re forced to act by changing the process.

With that, Mr. Speaker, we have to act to get control of our debt for our children and our grandchildren.

PRESIDENT OBAMA’S BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today the President of the United States continued a tradition that has existed since the beginning of this Republic, and that is for the Presidents of the United States to send to Congress a message including his budget. This is the blueprint for this administration in the area of taxation and spending for the foreseeable future.

At the outset, Mr. Speaker, let me give the President credit where credit is due. We should remark that the President’s budget does highlight the dire problem with unsustainable growth and entitlement spending. He acknowledges that, as it should be acknowledged, and he does it up front. And for that, he is due respect.

Secondly, the President does propose to fix the alternative minimum tax, the AMT, and builds the impact of this proposal into his budget’s out-year projections. Now, this is something the previous administration did not do. So this is an improvement in terms of what we might call accounting procedures.

The reform of the AMT does fall short of full reform since it only ad-

justs for inflation, and bracket creep will push more and more of our constituents, the taxpayers of America, on to the AMT, which was originally considered to catch just a few, a handful, of multimillionaires who, in periods of time some decades ago, escaped any payment of taxes—not because they did anything illegal, but because they took advantage of various tax credits, tax shelters, et cetera, that were then available in the Tax Code.

The President does one courageous thing, I would suggest. He asks us to consider means testing Medicare Part D premiums. Always a controversial issue but one that the President at least presented us with the facts forcing us to deal with those facts.

And the President should be commended for proposing in this budget for emergencies. The previous President, President Bush, set aside \$5.6 billion in a reserve for emergencies in his first budget, but President Obama should be advised that the results of that were that Congress quickly spent the reserve on other problems—base programs, not emergency programs. And there is a tendency in this body, and that on the other side of the Capitol, to do the same thing.

Now, those are the things for which I can give the President credit, but overall, this budget is of great concern to me and ought to be great concern to the rest of the American people.

What it would do is increase the national debt by \$2.7 trillion. That’s not billion; it’s trillion with a “T.” \$2.7 trillion this year to \$12.7 trillion requiring another increase in the debt limit which was just increased to \$12.1 trillion in the stimulus bill. It actually doubles the national debt in 8 years.

Now, I know my friends on the other side of the aisle have said, “How can you Republicans speak? You didn’t do a very good job.” And I will be the very first to admit that when I came back here after an absence of 16 years, I was surprised by the lack of intestinal fortitude in this institution towards fiscal responsibility, and my party was in charge.

You might say, well, President Bush allowed the debt to rise from the first day he was in office to the day he left by \$4.9 trillion. That is a record. But President Obama has already shown us that he’s a record breaker because under his budget, the debt is projected to increase by \$5.6 trillion in just 3 years.

How are we going to take care of this? Are we going to be more indebted to the Communist Chinese? Are we going to be more indebted to those around the world? When do we stop the printing presses printing our money? When does the impact of that fall on our most vulnerable in this society, that is those on fixed incomes, when the value of the dollar they have in their pocket or in their bank account

or somewhere in their investment portfolio is worth less than it was just a few months before?

So we raise taxes by \$1.4 trillion over the next 10 years. Now, some of it doesn’t really look like taxes because it’s called cap and trade revenues. Cap and trade. So under the guise of global warming or climate change, we now are going to have a huge tax increase.

So what we have here is a budget with some small good points, huge debt, huge taxes. That’s not the way forward. We must do something better. We can do better.

□ 1445

NOT DOING AWAY WITH “POLITICS AS USUAL”

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming (Mrs. LUMMIS) is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Speaker, I want to congratulate you, Mr. Speaker; you and I are freshmen colleagues, and it’s wonderful to see you in the chair this afternoon.

You and I came to this Congress as freshmen with a desire to do away with “politics as usual” and start anew. And what I saw yesterday on this floor was not exemplary of that particular goal of mine, and I suspect yours and some of our other freshmen colleagues as well.

What I saw was a rule that was brought to the floor that would prevent us from discussing amendments to the big omnibus \$410 billion spending bill. If you voted for that amendment to stop amendments to the bill, that was your way of being able to voice support for keeping congressional salaries capped. So those of us who are fiscal conservatives had to vote for that amendment in order to be consistent and true to our fiscal conservative roots; but at the same time, we had to disallow ourselves the opportunity to debate and discuss a \$410 billion spending package. So I want to discuss it a little bit today. That bill has already passed, but there are some concerns I have about it, especially when coupled with the stimulus package we passed, especially when coupled with the President’s budget that we just received today.

Some of my concerns are these: the President’s proposal would provide that those who are making \$250,000 a year and above will be those who are subject to a tax increase. That applies to many of our small businesses in the United States. And my State of Wyoming has no large businesses; it is entirely made up of small businesses. And those businesses create jobs for 70 percent of the jobs in this Nation. So we are, in essence, going to tax those who are creating jobs. And to me, when we’re in a budget crisis and a fiscal crisis and a mortgage crisis, those are the

wrong people to whom to turn and ask for more revenue.

In addition, the previous speaker pointed out that the President's message, although very comforting to me coming from a coal-producing State like Wyoming, that he does acknowledge that we need clean coal technology, in the very same sentence said we also need cap and trade. And cap and trade is a tax, it will fall primarily on coal, that will send us to other nations to derive our energy. And that, I think, is a step in the wrong direction as well.

Furthermore, the debt that we're taking on will have to be absorbed in large part by other nations. We're already the largest debtor nation in the world. China already owns over \$1 trillion worth of our Treasury notes, our debt. And it must be of great concern to them that we would approach them to buy more of our debt knowing that the consequence of all of this spending will mean we will be paying them back in dollars that are worth less than the dollars that they needed to purchase our U.S. treasuries now. Inflation will be the consequence of all the spending we are doing.

Consequently, I was so hopeful that the President's budget would provide a modicum of discipline and would be flat spending so that the American people will have a chance to see if the

stimulus package works before we undertake more government spending to see if the budget that was passed yesterday, the \$410 billion, is responsive to stimulus so we can flatten budgets in the future. But what we saw yesterday is that we're going to increase spending over last year's budget, followed the very next day, today, by even more spending. The levels of spending just get higher and higher, government intervention into the private sector gets higher and higher. The people of this country need us to go shoulder to shoulder with them and exercise the fiscal discipline that they are having to exercise themselves.

Mr. Speaker, again, it's wonderful to see you in the Chair. I thank you for your time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. DANIEL E. LUNGREN of California) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 5.

Mr. JONES, for 5 minutes, March 5.

Mr. WOLF, for 5 minutes, today.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

Mrs. LUMMIS, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 234. To designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building".

ADJOURNMENT

Mrs. LUMMIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 2009, at 12:30 p.m., for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2008 and the first quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Juan Lara	12/01	12/02	Rome		150.00						150.00
Mike Brinck	12/01	12/02	Rome		150.00						150.00
Kingston Smith	12/01	12/02	Rome		150.00						150.00
Juan Lara	12/01	12/05	Berlin		682.00						682.00
Mike Brinck	12/01	12/05	Berlin		682.00						682.00
Kingston Smith	12/01	12/05	Berlin		682.00						682.00
Kimberly Ross	12/14	12/17	Rome		313.00						313.00
Brian Lawrence	12/14	12/17	Rome		313.00						313.00
Kimberly Ross	12/14	12/23	Paris		1,071.00						1,071.00
Brian Lawrence	12/14	12/23	Paris		1,071.00						1,071.00
Committee total					5,264.00						5,264.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HONORABLE BOB FILNER, Chairman, Feb. 10, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, THOMAS W. ROSS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 26 AND JAN. 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Thomas W. Ross, Jr.	1/26	1/30	Kosovo		796.00		10,093.73				10,889.73
	1/30	1/31	Austria		361.00						361.00
Committee total					1,157.00		10,093.73				11,250.73

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS W. ROSS, Jr., Feb. 9, 2009.

February 26, 2009

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(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Gary L. Ackerman	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
David Adams	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
Jasmeet Ahuja	12/11	12/16	Sri Lanka		875.00						875.00
	12/17	12/16	Pakistan		152.00						152.00
	12/11	12/19					411,382.33				11,382.33
David Beraka	11/30	12/3	Algeria		1,081.00						1,081.00
	12/3	12/6	Tunisia		616.00						616.00
	11/30	12/6					10,412.18				10,412.18
Hon. Howard L. Berman	10/12	10/16	Russia		1,984.00		11,497.37				13,481.37
	12/15	12/19	Israel		1,724.00		9,254.30				10,978.30
Paul Berkowitz	12/1	12/5	Germany		1,760.00						1,760.00
	12/5	12/11	Russia		2,934.00						2,934.00
	12/1	12/11					4,9845.46				9,845.00
Hon. Dan Burton	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/1	11/13	Paraguay		372.37		(³)				372.37
Douglas Campbell	10/12	10/16	Russia		1,984.00		8,872.17				10,856.17
Hon. Russ Carnahan	9/30	10/1	Kosovo		176.00		(³)				176.00
	10/1	10/2	Italy		203.00		(³)				203.00
Joan Condon	12/8	12/9	Belgium		341.00						341.00
	12/9	12/10	Senegal		249.00						249.00
	12/10	12/11	Guinea-Bissau		217.00						217.00
	12/11	12/13	Senegal		551.00						551.00
	12/8	12/13					411,668.18				11,668.18
Hon. William D. Delahunt	11/30	12/5	Germany		1,886.00						1,886.00
	12/5	12/11	Russia		2,967.00						2,967.00
	12/5	12/11					4,9209.98				9,209.98
Howard Diamond	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
Hon. Eliot L. Engel	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
Hon. F. H. Faleomavaega	12/9	12/10	Samoa		466.00						466.00
	12/10	12/15	Tonga		1,290.00						1,290.00
	12/9	12/15					4,1966.93				1,966.93
Hon. Jeff Flake	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
Lelia Gomez	11/5	11/9	El Salvador		726.00		2,025.30				2,751.30
Dennis Halpin	12/2	12/7	Taiwan		1,250.00		11,059.36				12,309.36
Daniel Harsha	11/13	11/16	Spain		1,281.00		(³)				1,281.00
Hon. Ruben Hinojosa	12/12	12/15	Peru		766.00		(³)				766.00
	12/15	12/16	Chile		319.00		(³)				319.00
	12/16	12/18	Argentina		599.42		(³)				599.42
Hans Hogrefe	11/8	11/13	Ecuador		1,223.00		2,241.30				3,464.30
Eric Jacobstein	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
Jonathan Katz	11/11	11/12	Austria		369.00						369.00
	11/12	11/13	Belgium		425.00						425.00
	11/11	11/13					4,7610.38				7,610.38
	12/2	12/4	Israel		862.00						862.00
	12/4	12/5	Czech Republic		413.48						413.48
	12/2	12/5					4,7904.81				7,904.81
David Killion	11/30	12/3	Tunisia		1,081.00						1,081.00
	12/3	12/6	Algeria		616.00						616.00
	12/6	12/10	France		1,692.00						1,692.00
	11/30	12/10					410,453.60				10,453.60
Robert King	10/12	10/16	Russia		1,984.00		8,872.17				10,856.17
Sophia King	12/12	12/15	Peru		766.00		(³)				766.00
	12/15	12/16	Chile		319.00		(³)				319.00
	12/16	12/18	Argentina		599.42		(³)				599.42
Hon. Ron Klein	11/13	11/16	Spain		1,281.00		(³)				1,281.00
	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
Jessica Lee	12/2	12/7	Taiwan		1,388.00		11,059.36				12,447.36
Vili Lei	12/4	12/09	Italy		2,475.00		8,260.83				10,735.83
Gregory McCarthy	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
Mary McVeigh	12/2	12/7	Taiwan		1,388.00		11,059.36				12,447.36
Alan Makovsky	12/15	12/23	Israel		3,448.00		7,100.30				10,548.30
Pearl-Alice Marsh	11/9	11/11	Senegal		530.00						530.00
	11/11	11/12	Italy		415.00						415.00
	11/12	11/14	Germany		668.00						668.00
	11/9	11/14					416,718.35				16,718.35
	12/8	12/9	Belgium		341.00						341.00
	12/9	12/10	Senegal		269.00						269.00
	12/10	12/11	Guinea-Bissau		217.00						217.00
	12/11	12/13	Senegal		551.00						551.00
	12/8	12/13					411,356.02				11,356.02
Hon. Gregory W. Meeks	11/6	11/10	Colombia		1,499.00		2,341.90				3,840.90
	12/12	12/15	Peru		766.00		(³)				766.00
	12/15	12/16	Chile		319.00		(³)				8,443.15
	12/16	12/18	Argentina		599.42		(³)				5,616.28
Hon. Brad Miller	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
Jonathan Cobb Mixter	10/12	10/15	Malaysia		500.00		13,371.44				13,871.44
	12/2	12/7	Taiwan		1,388.00		11,059.36				13,425.51
Taylor Morgan	12/8	12/10	Kazakhstan		679.00						679.00
	12/10	12/12	Kyrgyzstan		562.00						562.00
	12/12	12/16	Uzbekistan		824.00						824.00
	12/16	12/17	United Kingdom		425.00						425.00
	12/8	12/17					413,570.93				13,570.93

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Jim Nichols	12/16	12/20	Poland, Georgia, Iceland		1,495.00		(³)				1,495.00
Elisa Perry	12/5	12/11	Russia		2,967.00		8,770.36				11,737.36
Hon. Ted Poe	11/1	11/2	France		463.00						463.00
	11/2	11/4	Georgia		1,004.00						1,004.00
	11/2	11/4					413,175.79				13,175.79
	12/15	12/17	Greece		631.00						631.00
	12/17	12/19	Macedonia		373.00						373.00
	12/15	12/19					411,827.97				11,827.97
Peter Quilter	11/6	11/9	Argentina		595.00		3,829.90				4,424.90
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
David Richmond	12/4	12/9	Italy		2,475.00		8,260.83				10,735.83
Sheri Rickert	11/24	11/28	Brazil		1,212.00		8,891.30				10,103.30
	12/3	12/6	Russia		1,338.00		8,141.45				9,479.45
Joshua Rogin	11/10	11/12	Austria		738.00						738.00
	11/12	11/13	Belgium		425.00						425.00
	11/10	11/13					48,727.49				8,727.49
Hon. Dana Rohrabacher	12/2	12/5	Germany		1,320.00						1,320.00
	12/5	12/11	Russia		2,867.00						2,867.00
	12/2	12/11					49,283.78				9,283.78
Jule Schoenthaler	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
Daniel Silverberg	12/17	12/18	Pakistan		76.00		10,974.45				11,050.45
Hon. Albio Sires	11/13	11/16	Spain		1,281.00		(³)				1,281.00
Amanda Sloat	10/12	10/16	Russia		1,984.00						1,984.00
	10/16	10/18	Ukraine		708.00						708.00
	10/2	10/18					48,021.48				8,021.48
Hon. Christopher H. Smith	12/15	12/20	Bosnia		1,424.00		9,276.36				10,700.36
Jason Steinbaum	12/3	12/6	Russia		1,338.00		8,141.45				9,479.45
	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
Mark Walker	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.56
	11/11	11/13	Paraguay		372.37		(³)				372.37
Robyn Wapner	11/6	11/9	Peru		1,384.12		(³)				1,384.12
	11/9	11/11	Chile		635.56		(³)				635.26
	11/11	11/13	Paraguay		372.37		(³)				373.37
Lynne Weil	11/30	12/3	Algeria		826.00						826.00
	12/3	12/7	Tunisia		768.00						768.00
	12/7	12/10	France		1,031.00						1,031.00
	11/9	11/11	Chile		635.56		(³)				635.26
	11/30	12/10					310,428.60				10,428.60
Kristin Wells	11/24	11/28	Brazil		1,212.00		7,563.30				8,775.30
Hon. Robert Wexler	11/11	11/12	Austria		369.00						369.00
	11/12	11/13	Belgium		425.00						425.00
	11/11	11/13					47,610.38				7,610.38
	12/2	12/4	Israel		862.00		310,428.60				862.00
	12/4	12/5	Czech Republic		413.48						413.48
	12/2	12/5					47,904.81				7,904.81
Lisa Williams	12/4	12/9	Italy		2,475.00		8,260.83				10,735.83
Hon. Joe Wilson	12/12	12/14	Cyprus		306.00		(³)				306.00
	12/14	12/15	Afghanistan		75.00		(³)				75.00
	12/15	12/16	Belgium		425.00		(³)				425.00
Brent Woolfork	12/8	12/10	Kazakhstan		679.00						679.00
	12/10	12/12	Kyrgyzstan		562.00						562.00
	12/12	12/16	Uzbekistan		824.00						824.00
	12/16	12/17	United Kingdom		425.00						425.00
Hon. Lynn C. Woolsey	12/8	12/17					413,570.93				13,570.93
	11/13	11/16	Spain		1,281.00		(³)				1,281.00
Committee total					119,932.55		412,835.13		14,118.16		546,885.84

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.⁴ Round trip airfare.⁵ Indicates delegation costs.

HONORABLE HOWARD L. BERMAN, Chairman, Feb. 5, 2009.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

685. A letter from the Director, Program Dev. And Regulatory Analysis, Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule — Amending the Water and Waste Program Regulations (RIN: 0572-AC11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

686. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California

and Imported Table Grapes; Change in Regulatory Periods [Doc. No.: AMS-FV-06-0184; FV03-925-IIFR] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

687. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's report on the evaluation of the Polytrauma Liaison/Non-commissioned Officer Program, pursuant to Section 1665 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Armed Services.

688. A letter from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting the Department's report on the Family Subsistence Supplemental Allowance (FSSA) program,

pursuant to 37 U.S.C. 402a(f); to the Committee on Armed Services.

689. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No.: FEMA-8057] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

690. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

691. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting notification of an investment made by the Department through the Capital Purchase Program (CPP); to the Committee on Financial Services.

692. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — INTERACTIVE DATA FOR MUTUAL FUND RISK/RETURN SUMMARY [Release Nos.: 33-9006, 34-59391, 39-2462, IC-2861; File Number S7-12-08] (RIN: 3235-AK13) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

693. A letter from the Secretary, Department of Energy, transmitting notification of the Department's intentions to increase the ceiling dollar amounts of the Department of Energy's (DOEs) expiring energy savings performance contracts, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Energy and Commerce.

694. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled, "Emissions of Greenhouse Gases in the United States 2007," pursuant to Public Law 102-486, 1605(a); to the Committee on Energy and Commerce.

695. A letter from the Acting Director, Department of Health and Human Services, transmitting the Department's first Biennial Report to Congress of the NIH Director for Fiscal Years 2006 and 2007, pursuant to Public Law 109-482, section 403; to the Committee on Energy and Commerce.

696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Enforcement Discretion Guidance Regarding the Applicability of the Bona Fide Prospective Purchaser Definition in CERCLA Section 101(40) to Tenants — received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisd Guidance on Reclassification of Superfund Special Accounts — received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Extension of Deadline for Action on Section 126 Petition From Delaware [EPA-HQ-OAR-2009-0017; FRL-8774-6] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [EPA-HQ-OAR-2004-0083; FRL-8774-1] (RIN: 2060-AM71) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

700. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Santa Ana, California) [MB Docket No.: 08-250 RM-11508] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

701. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Clovis, New Mexico) [MB Docket No.: 08-132 RM-11464] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

702. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Danville, Kentucky) [MM Docket No.: 08-104 RM-11442] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

703. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Montgomery, Alabama) [MB Docket No.: 08-230 RM-11504] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

704. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Basin, Wyoming) [MB Docket No.: 08-43 RM-11420] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

705. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 149-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

706. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with France (Transmittal No. DDTC 140-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

707. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Canada and Mexico (Transmittal No. DDTC 136-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

708. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Belgium (Transmittal No. DDTC 092-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

709. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Singapore (Transmittal No. 01-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

710. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting the Agency's report on services performed during Fiscal Year 2008 by full-time United States government employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on Foreign Affairs.

711. A letter from the Acting Assistant Secretary Legislative Affairs, Department of

State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles with India (Transmittal No. DDTC 142-08), pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

712. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report pursuant to Section 201 of Public Law 110-429; to the Committee on Foreign Affairs.

713. A letter from the Chief Operating Officer/ President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2008 Audited Financial Statements; to the Committee on Oversight and Government Reform.

714. A letter from the Director, Financial Management and Assurance, Government Accountability Office, transmitting the Office's report on the results of the review of certificated expenditures from funds appropriated for fiscal year 2007 to the President and Vice President for these specified purposes, pursuant to 3 U.S.C. 105(d) and 106(b); to the Committee on Oversight and Government Reform.

715. A letter from the Chief Operating Officer/ President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2008 Audited Financial Statements; to the Committee on Oversight and Government Reform.

716. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's reports entitled, "Sexual Violence Reported by Juvenile Correctional Authorities, 2005-06" and "Sexual Victimization in Local Jails Reported by Inmates, 2007," pursuant to Public Law 108-79, section 4(c)(1)(A); to the Committee on the Judiciary.

717. A letter from the Ombudsman for Part E, Department of Labor, transmitting the Department's 2008 Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

718. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Pollution Prevention Equipment [Docket No.: USCG-2004-18939] (RIN: 1625-AA90) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

719. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — "Gasco" Regulated Navigation Area, Willamette River, Portland, OR [Docket No.: USCG-2008-0112] (RIN: 1625-AA11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

720. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — "McCormick & Baxter" Regulated Navigation Area, Willamette River, Portland, OR [Docket No.: USCG-2008-0121] (RIN: 1625-AA11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

721. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville,

IL [Docket No.: USCG-2008-1247] (RIN: 1625-AA11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

722. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Willamette River, Portland, OR Schedule Change [Docket No.: USCG-2008-0721] (RIN: 1625-AA09) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

723. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Altus AFB, OK [Docket No.: FAA-2009-0001; Airspace Docket No.: 08-ASW-2] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

724. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Update of August 2001 Overflight Fees — received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

725. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Rockport, TX [Docket No.: FAA-2008-0988; Airspace Docket No.: 08-ASW-20] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

726. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Corpus Christi, TX [Docket No.: FAA-2008-0987; Airspace Docket No.: 08-ASW-19] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Colored Federal Airways; Alaska [Docket No.: FAA-2008-0661; Airspace Docket No.: 08-AAL-19] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

728. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Galena, AK [Docket No.: FAA-2008-0957; Airspace Docket No.: 08-AAL-27] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

729. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Atlantic, IA [Docket No.: FAA-2008-1105; Airspace Docket No.: 08-AGL-10] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

730. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tulsa, OK [Docket No.: FAA-2008-1231; Airspace Docket No.: 08-ASW-25] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

731. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Corpus Christi, TX [Docket No.: FAA-2008-0987; Airspace Docket No.: 08-ASW-19] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tulsa, OK [Docket No.: FAA-2008-1231; Airspace Docket No.: 08-ASW-25] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Rockport, TX [Docket No.: FAA-2008-0988; Airspace Docket No.: 08-ASW-20] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Branson, MO [Docket No.: FAA-2008-1102; Airspace Docket No.: 08-AGL-8] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

735. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting notification of progress of the report for Louisiana Coastal Protection and Restoration (LACPR) that is being prepared in response to the Energy and Water Development Appropriations Act of 2006; to the Committee on Transportation and Infrastructure.

736. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting notification of the current progress of the Comprehensive Plan report on the Mississippi Coastal Improvements Program (MSCIP) that is being prepared in response to the Department of Defense Appropriations Act, 2006; to the Committee on Transportation and Infrastructure.

737. A letter from the Acting Secretary of Labor, Department of Labor, transmitting the Department's first quarterly report in response to USERRA amendments made by the Veterans' Benefits Improvement Act of 2008; to the Committee on Veterans' Affairs.

738. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Addition of St. Augustine Airport, St. Augustine, Florida [CBP Dec. 09-04] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

739. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products [CBP Dec. 08-42] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

740. A letter from the Chief, Trade & Commercial Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL CORRECTIONS RELATING TO THE RULES OF ORIGIN FOR GOODS IMPORTED UNDER THE NAFTA AND FOR TEXTILE AND APPAREL PRODUCTS [CBP Dec. 08-42] received October 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

741. A letter from the Acting Assistant Secretary for Import Administration, Executive Office of the President, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement; to the Committee on Ways and Means.

742. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc. 2009-18) received February 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRENSHAW (for himself, Mr. MEEK of Florida, Mrs. McMORRIS RODGERS, and Mr. KENNEDY):

H.R. 1205. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. McCOTTER, Mr. CARTER, Mr. HOEKSTRA, Mr. KING of New York, Mr. BUYER, Mr. RYAN of Wisconsin, Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MACK, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. POE of Texas, Mr. BILIRAKIS, Mrs. MYRICK, Mr. SHADEGG, Ms. FOXX, Mr. KIRK, Mr. FRELINGHUYSEN, Mrs. CAPITO, Mr. MARCHANT, Mr. SOUDER, Mr. CONAWAY, Mr. MILLER of Florida, Mr. GOHMERT, Mr. LINDER, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. TERRY, Mr. LAMBORN, Mr. TIBERI, Mr. BUCHANAN, Mr. BROWN of Georgia, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SENSENBRENNER):

H.R. 1206. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. KAGEN, Mrs. BACHMANN, Mr. BARTLETT, Mr. JONES, Mr. REHBERG, Mr. POSEY, Mr. BROWN of Georgia, Mr. POE of Texas, Mr. BURTON of Indiana, Mr. ABERCROMBIE, and Ms. WOOLSEY):

H.R. 1207. A bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. McCOTTER, Mr. HOEKSTRA, Mr.

KING of New York, Mr. BUYER, Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. MACK, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. MCCAUL, Mr. POE of Texas, Mr. BILIRAKIS, Mrs. MYRICK, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONAWAY, Mr. MILLER of Florida, Mr. GOHMERT, Mr. LINDER, Mr. PLATTS, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. TERRY, Mr. LAMBORN, Mr. TIBERI, Mrs. BACHMANN, Mr. BUCHANAN, Mr. BROUN of Georgia, Mr. ROONEY, and Mr. SAM JOHNSON of Texas):

H.R. 1208. A bill to strengthen existing legislation sanctioning persons aiding and facilitating nonproliferation activities by the Government of Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, Ways and Means, the Judiciary, Education and Labor, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself, Mr. KIRK, Mr. MORAN of Virginia, Ms. NORTON, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. TAYLOR, Mr. ISSA, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, and Ms. BORDALLO):

H.R. 1209. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Financial Services.

By Ms. ESHOO (for herself, Mr. UPTON, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. LANGEVIN, Mr. KLEIN of Florida, Mr. MCDERMOTT, Mr. WU, Mr. BURTON of Indiana, Mr. KING of New York, Ms. BALDWIN, Mr. SARBANES, Mr. BISHOP of Georgia, Mr. YARMUTH, Mr. KENNEDY, Mr. RUSH, Mrs. CAPPS, Ms. HARMAN, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. BISHOP of New York, Mr. SENSENBRENNER, Mr. MURTHA, Mr. BERMAN, Mr. FRELINGHUYSEN, Mr. ISRAEL, Mr. MATHESON, Mr. SESSIONS, Mrs. EMERSON, Mr. PASCARELL, Ms. NORTON, Ms. MATSUI, Mr. TERRY, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. HOLT, Ms. CASTOR of Florida, Mr. RAHALL, Mr. BOUCHER, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Ms. DELAUNO, Mr. SESTAK, Mr. MOORE of Kansas, Mrs. SCHMIDT, Ms. BERKLEY, and Mr. MORAN of Kansas):

H.R. 1210. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN (for herself, Mr. MORAN of Kansas, Mr. BOOZMAN, Ms. GINNY BROWN-WAITE of Florida, Ms. EDDIE BERNICE JOHNSON

of Texas, Mr. BOSWELL, Mr. WU, Mrs. MALONEY, Mr. MCDERMOTT, and Mr. BISHOP of New York):

H.R. 1211. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI:

H.R. 1212. A bill to amend the Sarbanes-Oxley Act of 2002 to provide oversight of auditors of brokers and dealers by the Public Company Accounting Oversight Board, and for other purposes; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas (for himself, Mr. SHIMKUS, Mr. MCDERMOTT, Mr. SESSIONS, Mr. ORTIZ, and Mrs. BONO MACK):

H.R. 1213. A bill to amend title XVIII of the Social Security Act to provide that the Medicare initial preventive physical examination not be required for a referral with respect to ultrasound screening for abdominal aortic aneurysms and to provide for such screening with respect to at-risk Medicare beneficiaries between the ages of 65 and 75; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. TOWNS, Mr. MEEKS of New York, Mr. CLAY, and Mr. SCOTT of Georgia):

H.R. 1214. A bill to amend the Truth in Lending Act to establish additional payday loan disclosure requirements and other protections for consumers, and for other purposes; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD:

H.R. 1215. A bill to reform immigration detention procedures, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mr. SKELTON, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 1216. A bill to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mr. SKELTON, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 1217. A bill to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mr. SKELTON, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 1218. A bill to designate the facility of the United States Postal Service located at

112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. FILNER, and Mrs. DAVIS of California):

H.R. 1219. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Natural Resources.

By Mr. BOREN (for himself and Ms. FALLIN):

H.R. 1220. A bill to amend title 49, United States Code, to provide certain exemptions to drivers of intrastate commercial motor vehicles engaged in agricultural purposes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. CARTER, Mr. CONAWAY, Mr. CULBERSON, Mr. EDWARDS of Texas, Mr. GOHMERT, Ms. GRANGER, Mr. SAM JOHNSON of Texas, Mr. MARCHANT, Mr. MCCAUL, Mr. MCGOVERN, Mr. MCHUGH, Mr. NEUGEBAUER, Mr. PAUL, Mr. POE of Texas, and Mr. SMITH of Texas):

H.R. 1221. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. KLINE of Minnesota, Mr. BOSWELL, Mr. LOEBSACK, Mr. LATHAM, Mr. KING of Iowa, Mr. OBERSTAR, Ms. MCCOLLUM, Mr. WALZ, Mr. FORTENBERRY, and Mr. PAULSEN):

H.R. 1222. A bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Ms. FOXX (for herself, Mr. SALAZAR, Mr. WILSON of South Carolina, Mr. ENGEL, and Mr. KISSELL):

H.R. 1223. A bill to require the Secretary of the Army to expand the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers; to the Committee on Armed Services.

By Mr. GRIJALVA (for himself, Ms. ROS-LEHTINEN, Mr. HINOJOSA, and Mr. FILNER):

H.R. 1224. A bill to improve the literacy and English skills of limited English proficient individuals, and for other purposes; to the Committee on Education and Labor.

By Ms. HARMAN (for herself and Mr. ROGERS of Michigan):

H.R. 1225. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mrs. LUMMIS):

H.R. 1226. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEK of Florida, Mr. RUSH, Mr. SESTAK, Mr.

WATT, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. EDWARDS of Texas, Mr. FILNER, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. PAYNE, Ms. SUTTON, and Ms. WATSON):

H.R. 1227. A bill to waive the time limitations specified by law for the award of certain military decorations in order to allow the posthumous award of the Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mr. PAUL, Mrs. BLACKBURN, Mr. HELLER, Mr. COBLE, Mr. BOOZMAN, Mr. GALLEGLY, Mr. CULBERSON, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. BILIRAKIS, Mr. KING of Iowa, Mr. BROWN of Georgia, Mr. AKIN, Mr. PRICE of Georgia, and Mr. TAYLOR):

H.R. 1228. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. PAUL, Mrs. BLACKBURN, Mr. COBLE, Mr. BOOZMAN, Mr. GALLEGLY, Mr. LUCAS, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. WITTMAN, Mrs. MYRICK, Mr. BILIRAKIS, Mr. KING of Iowa, Mr. BROWN of Georgia, Mr. AKIN, Mr. PRICE of Georgia, Mr. BUCHANAN, Mr. TAYLOR, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 1229. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI (for herself, Mr. BISHOP of Georgia, Mr. MURTHA, Mr. McDERMOTT, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. ABERCROMBIE, Ms. SCHWARTZ, Mr. CONYERS, Ms. HIRONO, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. KING of New York, Mr. VAN HOLLEN, Mr. MCGOVERN, Ms. DEGETTE, Mr. ARCURI, and Ms. ESHOO):

H.R. 1230. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself and Mr. FRANK of Massachusetts):

H.R. 1231. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, Mr. CUELLAR, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DOGETT):

H.R. 1232. A bill to authorize the Secretary of Veterans Affairs to construct a full service hospital in Far South Texas; to the Committee on Veterans' Affairs.

By Mr. PAUL (for himself, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. TERRY, Mr. FRANKS of Arizona, Mr. MCCOTTER, and Mr. McCLINTOCK):

H.R. 1233. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself and Mr. BRADY of Texas):

H.R. 1234. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1235. A bill to award a Congressional Gold Medal to Ray Charles in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. ROTHMAN of New Jersey (for himself, Mr. HINCHEY, Mrs. CAPPS, Mrs. MALONEY, Mrs. DAVIS of California, Mr. MOORE of Kansas, Mr. GEORGE MILLER of California, Ms. DeLAURO, Mr. MCGOVERN, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. TIERNEY, Mr. SIREs, Mr. NADLER of New York, Mr. KIND, Mr. ABERCROMBIE, Mr. McDERMOTT, Mrs. NAPOLITANO, Mr. HONDA, Mr. CARSON of Indiana, Ms. MCCOLLUM, Mr. BERMAN, Mr. ISRAEL, Mrs. TAUSCHER, Mr. SERRANO, Ms. WOOLSEY, Mr. KENNEDY, Mr. OLVER, Mr. MARKEY of Massachusetts, Mr. WEXLER, Ms. ZOE LOFGREN of California, Mr. HOLT, Mr. FARR, Mr. INSLEE, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. STARK):

H.R. 1236. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare Program or Medicaid Program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. GRIJALVA, Ms. MATSUI, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. STARK, Mr. WATT, and Ms. SCHAKOWSKY):

H.R. 1237. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 1238. A bill to prohibit the presence in the United States of any alien formerly detained at the Department of Defense detention facility at Naval Station, Guantanamo Bay, Cuba; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi:

H.R. 1239. A bill to establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote pre-disaster property mitigation measures;

to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself, Mr. BLUNT, Mr. WALZ, and Mr. EHLERS):

H.R. 1240. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Education and Labor.

By Mr. BECERRA (for himself, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.J. Res. 25. A joint resolution providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SKELTON (for himself, Mr. McHUGH, Mrs. DAVIS of California, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. BRADY of Pennsylvania, Mr. COURTNEY, Mr. ANDREWS, Mr. ORTIZ, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. TAYLOR, Mr. LOEBSACK, Mr. REYES, Mr. MARSHALL, Mr. MASSA, Mr. SMITH of Washington, Mr. SPRATT, Mr. SESTAK, Mr. BARTLETT, Ms. SHEA-PORTER, Mr. McKEON, Ms. LORETTA SANCHEZ of California, Mr. ABERCROMBIE, Mr. JONES, Mr. AKIN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CONAWAY, Mr. LARSEN of Washington, Mr. SNYDER, Ms. GIFFORDS, Mr. KISSELL, Mr. LANGEVIN, Mr. MEEK of Florida, Ms. PINGREE of Maine, Mrs. TAUSCHER, Mr. KRATOVIL, Mr. KLINE of Minnesota, Mrs. McMORRIS RODGERS, Mr. COFFMAN of Colorado, Mr. LAMBORN, Mr. HUNTER, Ms. TSONGAS, Ms. FALLIN, Mr. FLEMING, Mr. ROONEY, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, and Ms. HARMAN):

H. Con. Res. 64. Concurrent resolution urging the President to designate 2009 as the "Year of the Military Family"; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 65. Concurrent resolution expressing the sense of the House of Representatives that James Brown, also known as the "Godfather of Soul", should be recognized for his contributions to American music as one of the greatest and most influential entertainers of the 1950s, 1960s, and 1970s as an American cultural icon; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 66. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 67. Concurrent resolution expressing the sense of Congress that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress that Clifton "Chuck" Sutton should be recognized for his contributions as a community leader, activist, business executive, and a role model to young African-Americans; to the Committee on Oversight and Government Reform.

By Ms. SCHAKOWSKY (for herself, Ms. FALLIN, Ms. BORDALLO, Ms. CORRINE

BROWN of Florida, Mrs. CAPPS, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. GRANGER, Mr. GRIJALVA, Mr. HINCHEY, Mrs. NAPOLITANO, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. LEE of California, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. REYES, Mr. RUSH, Mr. SCOTT of Virginia, Ms. SUTTON, Mr. WU, Mr. FARR, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. NADLER of New York, and Mrs. TAUSCHER):

H. Res. 194. A resolution supporting the goals of International Women's Day; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. CARNEY, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL, Mr. ROGERS of Alabama, Mr. AUSTRIA, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. PASCRELL, Mr. CLEAVER, Mr. DENT, Mr. BROWN of Georgia, Mr. DANIEL E. LUNGREN of California, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mr. HIMES, Ms. KILROY, Ms. CLARKE, Ms. NORTON, Mr. MASSA, and Mr. SMITH of Texas):

H. Res. 195. A resolution recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe; to the Committee on Homeland Security.

By Mr. DUNCAN (for himself, Mr. SHULER, Mr. COHEN, Mrs. BLACKBURN, Mr. COOPER, Mr. ROE of Tennessee, Mr. WAMP, Mr. TANNER, Mr. GORDON of Tennessee, and Mr. DAVIS of Tennessee):

H. Res. 196. A resolution congratulating the University of Tennessee women's basketball team (the "Lady Vols") and Head Coach Pat Summitt on her 1000th victory; to the Committee on Education and Labor.

By Mr. KENNEDY:

H. Res. 197. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H. Res. 198. A resolution expressing support for the designation of May 7 as National Information and Referral Services Day; to the Committee on Energy and Commerce.

By Mr. TIAHRT (for himself, Mr. CARTER, Mr. MACK, Mr. PAUL, Mr. SHIMKUS, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Mr. BARTLETT, and Mr. MORAN of Kansas):

H. Res. 199. A resolution providing that the Congress should stop passing massive Government bailouts; to the Committee on Financial Services.

By Mr. WOLF (for himself, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. PITTS, Mr. KIRK, Mrs. MYRICK, Mr. DOGGETT, Ms. BORDALLO, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. SOUDER, and Ms. ESHOO):

H. Res. 200. A resolution calling on the Egyptian Government to respect human rights and freedoms of religion and expression in Egypt; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. SIMPSON.
H.R. 22: Mr. FOSTER, Mr. SIMPSON, Mr. CARNAHAN, Mr. CLEAVER, Mr. THOMPSON of California, Mrs. MILLER of Michigan, and Ms. HERSETH SANDLIN.

H.R. 23: Mr. BRADY of Pennsylvania, Mr. PAUL, Mr. LUCAS, Mr. MILLER of North Carolina, and Mr. WOLF.

H.R. 34: Mr. STARK, Ms. LEE of California, and Mr. HINCHEY.

H.R. 118: Mr. GARRETT of New Jersey.

H.R. 131: Mrs. EMERSON.

H.R. 154: Mr. KING of New York.

H.R. 181: Mr. ARCURI, Mr. GRIJALVA, Ms. BORDALLO, Mr. CARSON of Indiana, Mr. PIERLUISI, Mr. MCGOVERN, and Ms. MARKEY of Colorado.

H.R. 182: Mr. ROTHMAN of New Jersey and Mr. FILNER.

H.R. 193: Ms. SCHAKOWSKY, Mr. ELLISON, and Mr. BLUMENAUER.

H.R. 211: Ms. WOOLSEY, Mr. TERRY, Mr. STARK, Mr. ALTMIRE, Mrs. CAPITO, Ms. SUTTON, Ms. KILPATRICK of Michigan, Mr. PETERS, Mr. MOORE of Kansas, Mr. LARSEN of Washington, Mr. CONYERS, and Mr. UPTON.

H.R. 235: Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Mr. SALAZAR, Mr. LYNCH, Mr. WOLF, Mr. BISHOP of Utah, Mrs. NAPOLITANO, Mr. MURTHA, Mr. GARRETT of New Jersey, Mr. DENT, Ms. KAPTUR, Mr. DRIEHAUS, and Mr. ROSS.

H.R. 270: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. FOX.

H.R. 272: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RAHALL, Mr. DEFazio, Mr. MILLER of North Carolina, and Ms. CORRINE BROWN of Florida.

H.R. 273: Mr. BOREN.

H.R. 364: Mr. SHADEGG.

H.R. 375: Mr. MCCOTTER.

H.R. 422: Mr. ROSKAM and Mr. CANTOR.

H.R. 430: Mr. RADANOVICH.

H.R. 450: Mr. MACK.

H.R. 484: Mr. GORDON of Tennessee.

H.R. 503: Ms. ESHOO.

H.R. 521: Mr. MCCAUL.

H.R. 527: Mr. FATTAH.

H.R. 557: Mr. TERRY, Mrs. MYRICK, Mr. SHADEGG, and Mr. FLAKE.

H.R. 574: Mr. PLATTS, Mr. MCCOTTER, and Mr. GRIJALVA.

H.R. 616: Mr. FORTENBERRY, Mr. BOREN, Mr. DRIEHAUS, Mrs. BLACKBURN, Mr. RAHALL, Mr. CHILDERS, Mr. MANZULLO, Mr. ROGERS of Kentucky, Mr. BISHOP of New York, Mr. LEE of New York, Mr. PLATTS, and Mr. BRIGHT.

H.R. 627: Ms. ESHOO and Ms. SHEA-PORTER.

H.R. 630: Mr. KING of New York.

H.R. 636: Mr. GARRETT of New Jersey and Mr. BROWN of South Carolina.

H.R. 673: Mrs. BIGGERT and Mr. CARSON of Indiana.

H.R. 684: Mr. COHEN.

H.R. 702: Mr. NADLER of New York.

H.R. 723: Mr. SNYDER and Mr. SOUDER.

H.R. 734: Mr. KANJORSKI, Mr. NEAL of Massachusetts, Mr. CARNEY, Mr. DOYLE, and Mr. BOSWELL.

H.R. 814: Ms. SUTTON and Ms. SCHAKOWSKY.

H.R. 815: Ms. SUTTON, Mr. MCMAHON, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. CROWLEY, and Mr. CONNOLLY of Virginia.

H.R. 816: Mr. BILBRAY, Mr. YOUNG of Alaska, and Mr. CUELLAR.

H.R. 836: Mr. SHADEGG, Mr. RADANOVICH, Mr. JORDAN of Ohio, Mr. SESSIONS, Mr. BOEHNER, Mr. THOMPSON of California, Mr. POE of Texas, Mr. BERRY, Mr. BISHOP of New York, Ms. GRANGER, Mr. COLE, Mr. MCCAUL, Mr. HOEKSTRA, Mr. TERRY, Mr. YOUNG of Alaska, Mr. WILSON of Ohio, Mr. VISCLOSKEY, Mr. MCHUGH, Mr. MITCHELL, Mr. RAHALL, Ms. BALDWIN, Ms. BEAN, and Mr. MCCARTHY of California.

H.R. 848: Mr. HIGGINS and Mr. POLIS of Colorado.

H.R. 870: Mr. SESTAK.

H.R. 903: Mr. ROGERS of Michigan and Mr. GENE GREEN of Texas.

H.R. 909: Ms. LEE of California and Mr. HASTINGS of Florida.

H.R. 959: Mr. DENT and Ms. SCHWARTZ.

H.R. 968: Mrs. BACHMANN, Mr. LAMBORN, and Mr. PLATTS.

H.R. 978: Mr. MILLER of North Carolina.

H.R. 979: Ms. SCHAKOWSKY.

H.R. 981: Mr. LEWIS of Georgia.

H.R. 982: Mr. POSEY and Mr. HOEKSTRA.

H.R. 988: Ms. BALDWIN, Mr. HOLT, Mr. ROSS, Mr. LATHAM, Mr. LOBIONDO, Mr. GRAVES, Mr. GRIJALVA, Mr. TANNER, Ms. KAPTUR, Mr. CHANDLER, Mr. LOEBESACK, Mr. MOORE of Kansas, Ms. SUTTON, and Ms. NORTON.

H.R. 995: Ms. SLAUGHTER and Ms. WOOLSEY.

H.R. 1015: Mr. GARRETT of New Jersey.

H.R. 1016: Mr. PLATTS, Mr. YOUNG of Alaska, and Mr. HINCHEY.

H.R. 1017: Mr. MICHAUD.

H.R. 1019: Mr. PETERSON.

H.R. 1023: Mrs. MYRICK, Mr. GARRETT of New Jersey, Mr. BROWN of Georgia, Mr. HENSARLING, and Mr. BISHOP of Utah.

H.R. 1024: Mr. LARSON of Connecticut and Mr. CLAY.

H.R. 1036: Mr. CARNAHAN and Ms. CORRINE BROWN of Florida.

H.R. 1068: Ms. LEE of California and Ms. WOOLSEY.

H.R. 1085: Mr. HALL of Texas and Mr. FRANK of Massachusetts.

H.R. 1090: Ms. SUTTON and Mr. BRADY of Pennsylvania.

H.R. 1136: Mr. MCCOTTER and Mr. INGLIS.

H.R. 1150: Mr. FATTAH.

H.R. 1193: Mr. BURTON of Indiana.

H.R. 1196: Mr. COSTA.

H.R. 1199: Mr. BILBRAY, Mr. SESSIONS, and Mr. COBLE.

H. Con. Res. 14: Mr. LANGEVIN, Mr. COBLE, Mr. LEWIS of Georgia, Mr. BACA, Mr. MILLER of North Carolina, Mr. CLAY, Mr. LARSEN of Washington, and Mrs. NAPOLITANO.

H. Con. Res. 36: Ms. CORRINE BROWN of Florida.

H. Con. Res. 48: Ms. DEGETTE.

H. Con. Res. 55: Mr. MARCHANT, Mr. MCKEON, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. BUTTERFIELD, Mr. SENSENBRENNER, Mr. BARTLETT, and Mr. MCCOTTER.

H. Res. 42: Ms. FOXX, Mr. BACHUS, Mrs. BLACKBURN, Mr. TERRY, Mrs. MYRICK, Mr. BOSWELL, and Mr. KING of Iowa.

H. Res. 57: Mr. ROTHMAN of New Jersey.

H. Res. 81: Mr. BERRY.

H. Res. 85: Mr. KIRK and Ms. FOXX.

H. Res. 89: Mr. TIM MURPHY of Pennsylvania and Mr. BISHOP of New York.

H. Res. 109: Mr. REICHERT and Mr. MOORE of Kansas.

H. Res. 111: Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mr. ROE of Tennessee, Mrs. MALONEY, and Mr. SESSIONS.

H. Res. 130: Ms. TSONGAS, Mr. VAN HOLLEN, Mr. STARK, Ms. DELAURIO, and Mr. McDERMOTT.

H. Res. 175: Mr. VAN HOLLEN, Mr. WAXMAN, Mr. FILNER, Mr. FALCONE, Mr. WILSON

of South Carolina, Mr. CROWLEY, Mr. FRANK of Massachusetts, and Ms. ZOE LOFGREN of California.

H. Res. 178: Mr. BARROW.

H. Res. 182: Mr. YARMUTH, Mr. HONDA, and Mr. MILLER of North Carolina.

H. Res. 185: Mr. RYAN of Ohio and Mr. BARROW.

PETITIONS, ETC.

Under clause 3 of rule XII,

17. The SPEAKER presented a petition of the Essex County Board of Supervisors in New York, relative to a resolution urging the Federal Government to include in the federal stimulus package funding for renova-

tions or replacement of the Champlain Bridge at Crown Point; which was referred to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

HONORING LABOR LEADER
MATTIE JACKSON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Ms. PELOSI. Madam Speaker, I rise to pay tribute to a longtime labor and community leader, Mattie Jackson, who died February 7 in San Francisco. Mrs. Jackson devoted her life to fighting for equal rights in the workplace and social justice for all San Franciscans. During her tenure the rights of women and people of color were protected and preserved. She educated and mobilized union members to correct the unjust and unfair practices that existed in the workplace. She was an inspiration to all who knew her.

Mrs. Jackson was born October 3, 1921 in Livingston, Texas and moved to San Francisco with her husband in 1943. Mrs. Jackson began her distinguished career in the labor movement when she took a job at Koret of California as a blind stitch operator in 1947 and worked for the next 20 years as shop steward. In 1967 she joined the staff of the Pacific Northwest District Council of the International Ladies Garment Workers Union (ILGWU) and the National Board of the ILGWU. As Manager over the next 20 years she earned the reputation of an unrelenting advocate for garment workers and a tough negotiator. She was chief negotiator of contracts for the Pacific Northwest Division from 1970–1989. As a union leader her endorsement was sought by all those seeking elected office in the San Francisco area.

Upon her retirement in January 1990, the International President of the ILGWU, said, 'Mattie Jackson is an institution not only throughout our union, but throughout the entire labor movement.'

To her beloved daughter, Gail Jackson, her grandsons, Toriano Gordon, Marco Boccara, and granddaughter Angelique Boccara, I extend my deepest sympathy. Mattie Jackson was a beloved friend of San Francisco and will not be forgotten.

TRIBUTE ON THE BIRTH OF
MARGARET ELLISON ALBON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. WILSON of South Carolina. Madam Speaker, today I am happy to congratulate Major and Mrs. Brian and Susan Albon, USMC, of Kailua, Hawaii, on the birth of their new baby daughter. Margaret Ellison Albon was born on February 23, 2009, at 11:03 p.m., weighing 5 pounds and 14 ounces. Margaret

joins an older brother Joshua William Albon. She has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

I want to congratulate Margaret's grandparents Joe and Vickie Chandler of Ninety Six, South Carolina, and Bill and Charlene Albon of Newton, North Carolina. On behalf of my wife Roxanne, and our entire family, we want to wish Brian, Susan, Joshua, and Margaret all the best.

STATEMENT ON THE 60TH ANNI-
VERSARY OF ELGIN COMMUNITY
COLLEGE

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. FOSTER. Madam Speaker, I rise today to congratulate Elgin Community College on the occasion of its 60th anniversary and to join in recognizing May 22, 2009 as Elgin Community College Day.

Elgin Community College opened its doors in the fall of 1949 with only 97 students, 1 administrator, 1 full-time faculty member and 17 part-time staff members. For its first 10 years, the school worked out of a wing of the old High School on Elgin's East Side.

Throughout the 1950s, ECC was run by Public School District U–46. After 16 years of existence, Elgin became an independent community college in 1965.

Throughout the 1970s, Elgin Community College expanded curricula, faculty, staff, and services that included on-campus child care, financial aid, job placement, student activities, and tutoring. In 1974, the current boundaries of the Community College District were established. This district encompasses 360 square miles and serves students from 5 counties.

During the 1980s, Elgin Community College's enrollment increased significantly, so the college adapted by opening new facilities off-site and exploring alternate ways to reach its students. ECC first offered telecourses in 1980, and eventually opened a community education center in Carpentersville.

From the 1990s up to today, the college has continued to grow and now serves a diverse student population. Currently one out of every twelve adults in the Elgin Community College District takes at least one class a year at the school, and three out of every ten high school seniors choose ECC to continue their education.

I congratulate the class of 2009 and the entire Elgin Community College Family. I thank them for their service to the community, and I look forward to watching the College grow in the future.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. HOLT. Madam Speaker, on Monday February 23, 2009 I did not return to Washington in time and missed three votes.

Had I been present I would have voted "yes" on H.R. 911—Stop Child Abuse in Residential Programs for Teens Act of 2009 (rollcall 72), "yes" on H.R. 44—Guam World War II Loyalty Recognition Act (rollcall 73), and "yes" on H.R. 601—Box Elder Utah Land Conveyance Act (rollcall 74).

COMMEMORATING THE 17TH ANNI-
VERSARY OF THE MASSACRE AT
KHOJALY

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. WHITFIELD. Madam Speaker, I rise today to solemnly recognize the 17th anniversary of the massacre at Khojaly, and to honor the lives of those lost in this great tragedy.

On February 26, 1992, the small town of Khojaly, Azerbaijan was violently shaken by invading Armenian troops during the Armenian-Azerbaijani war. Armenian forces surrounded the town and opened fire on the innocent inhabitants. During this bloody incursion, nearly 2,000 civilians—mostly women, children and the elderly—were brutally killed, wounded or taken hostage by the Armenian military forces as they seized the town. This resulted in the largest massacre of modern times in the Caucasus and Caspian Basin.

According to Human Rights Watch and other international observers, the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. This crime led to the death of 613 civilians; including 106 women, 63 children and 70 elderly men; 1275 persons were taken hostage, and the fate of more than 150 remains unknown.

At the time, Newsweek Magazine reported, "Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

Tragically, during this war, Khojaly was simply the first example of this savage cruelty. In fact, the level of brutality and the unprecedented atrocities committed at Khojaly set a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

pattern of destruction and ethnic cleansing that Armenian troops would adhere to for the remainder of the war. On November 29, 1993, Newsweek quoted a senior U.S. Government official as saying, "what we see now is a systematic destruction of every village in their (the Armenians) way. It's vandalism."

Altogether, the occupied areas represent roughly 20 percent of the territory of Azerbaijan. And, altogether roughly one million Azerbaijanis were evicted from their homes over the course of the Armenian-Azerbaijan war.

Armenia's then-defense minister Serge Sarkisian in an interview with British journalist Tomas de Waal openly admitted that "before Khojaly the Azerbaijanis thought that . . . the Armenians were people who could not raise their hands against the civilian population. We were able to break that [stereotype]."

Madam Speaker, in recognition of this horrific day, an international humanitarian awareness campaign, "Justice for Khojaly," was initiated by Mrs. Leyla Aliyeva, and provides much needed information on the massacre through its website for interested parties. In the wake of the 17th anniversary of this massacre, I encourage all of us to familiarize ourselves with this dreadful past so it is not repeated in the future. I also stand with all Azerbaijani-Americans as they recognize and commemorate this solemn day.

TRIBUTE TO CHARLES "CHUCK" BEEMAN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. BACA. Madam Speaker, I stand here today to honor a loving father, loyal husband, adoring grandfather, Charles "Chuck" Beeman.

Born in Clovis, New Mexico, his family moved to San Bernardino, California where he grew up to become a longstanding, influential member of the community. Having graduated from San Bernardino High School in 1950, Chuck received a track scholarship to attend USC. However, it was his thirst for education that made him truly shine as he earned a doctorate in pharmacy from USC in 1956.

In addition to serving in the Army and the Army Reserve, Chuck became a successful businessman, opening Beeman's Pharmacy at St. Bernardine Medical Center in 1963. At the same time, he continued working at Krause Pharmacy on North E Street. In 1971, Chuck expanded his business by opening a second Beeman's Pharmacy across the street in 1971. However, his passion and concern for the community reached beyond his place of work as he was a strong advocate for higher education.

Appointed to the San Bernardino Community College District board in 1983, Chuck served until November 2008. Having served for twelve years together on the board, I always respected his leadership and dedication to the community. Through our bipartisan efforts, we were always very supportive of one another. Together, we were successful in

helping implement the first Hispanic President of sister schools San Bernardino Valley College and Crafton Hills College. We also were instrumental in securing funding from public and private partnership in order to reinstitute the wrestling program at San Bernardino Valley College.

Survived by his wife, Janice, his memory will also be carried on by his children Christopher Beeman, Beth Beeman Dorado, Roland "Scott" Beeman and Gary Beeman; his brother, Jerry Beeman; his sister, Lois Waugh; and Chuck's loving twelve grandchildren.

As a longtime colleague and friend of Chuck's, I'll always remember his love for model car racing and though new to the game, a great golfer as well. At the last San Bernardino Community College meeting in December where we were celebrating his contribution to the District, I appreciated the mention that we can now add a 78 for his best round of golf to Chuck's long list of accomplishments.

I would like to express my greatest sympathies for his family's loss. Let us take a moment to remember this great man and his admirable dedication to instilling positive change and leading an exemplary life, one whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

God Bless Charles "Chuck" Beeman for love of country and mankind.

THE LAWLESSNESS SOUTH OF THE BORDER CONTINUES . . . TOO DANGEROUS FOR MARINES?

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. POE of Texas. Madam Speaker, Americans are still under vicious attack in Mexico. How violent is it on the border? Last month, Marines at Camp Pendleton were barred from visiting Tijuana, Mexico. Lt. General Samuel Helland of the 1st Marine Expeditionary Force at Camp Pendleton restricted Marines from traveling to Tijuana because they are concerned for the safety of Marines. Our United States Marines, Camp Pendleton Marines, who have toured in Iraq and Afghanistan can't travel 60 miles to the Mexican border because it is too dangerous.

In 2008, over 800 people were killed in Tijuana, compared to the 2007 death toll number of 337. Organized, violent crimes continue to spread south of the border. Currently, the U.S. Department of State's travel alert still exists for Mexican border towns. The State Department reports that "Mexican drug cartels are engaged in an increasingly violent fight for control of narcotics trafficking routes along the U.S.-Mexico border . . . recent drug cartels have taken on the characteristics of small unit combat, with cartels employing automatic weapons and, on occasion, grenades." I have been down to the Texas-Mexico border now 14 times, and I have talked to local sheriffs who testify to the wild, Wild West border style wars that take place in these towns and corroborate with the U.S. Department of State's warnings to Americans.

These are dangerous, deadly times on the U.S.-Mexico border, dangerous enough to ban United States Marines. It is time we deal with the lawlessness on the U.S.-Mexico Border.

THE GIDEONS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. POE of Texas. Madam Speaker, Abraham Lincoln believed that "the Bible is the best gift God has ever given to a man." For 100 years The Gideon's, a non-denominational evangelical group of professional businessmen, have labored to extend this heavenly gift by distributing Bibles throughout the world. I commend the Gideon's as January 2008 marks their centennial anniversary of serving God and sharing the gospel of Jesus.

"Of the many influences that have shaped the United States into a distinctive nation and people, none may be said to be more fundamental and enduring than the Bible." Because of this the Gideon's are an undeniable part of American history. From their humble roots in Beaver Dam, Wisconsin, three traveling businessmen devised a plan called "the Bible project". Their mission was to simply furnish a Bible in hotel rooms throughout the United States. One hundred years later The Gideon's presence in America and across the globe has grown tremendously. They have now placed more than 1.3 billion Bibles in more than 180 countries around the world.

The Gideon's patriotic spirit is truly realized through their quest to give all military personnel serving in the United States Armed Forces a small, pocket size New Testament. They also distribute Bibles to patients in United States Veterans hospitals. Their distribution of Scriptures, touches the lives of many people regardless of age, gender, income, or need and for that they are great patriots.

For the past 100 years, Gideons International members have given so much time and service to their communities, state, nation and the world. In so doing, they have brought the Gospel message to life by distributing God's Word. I invite you to join me in honoring all Gideons for their continued faithfulness and service to God.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Child Protection Center, Inc.

Address of Requesting Entity: 1750 17th St., Bldg. L, Sarasota, FL 34234

Description of Request: I secured \$285,000 for the Child Protection Center.

The "Pillar of Hope" Campaign seeks to build a Child Advocacy Center in Sarasota, Florida. Along with the expansion of the counseling program, the Center will have two new state-of-the-art medical exams rooms at their location. By having the ability to provide more medical services to abused children the burden on local emergency rooms will be lessened. Currently, the Center is unable to offer certain services as they are limited in space in their current location.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Charlotte County

Address of Requesting Entity: 18500 Murdock Circle, Suite 536

Description of Request: I secured \$380,000 for Evacuation Route Widening/Burnt Store Road Project.

Funds will be used to complete design and begin construction of this evacuation route, extending from Zemel Road to the Lee/Charlotte County line. Emergency evacuation times from Charlotte and Lee Counties are unacceptably high. The Burnt Store Road evacuation road, which services over 250,000 residents in Lee and Charlotte Counties, requires 17.3 hours clearance time for a category three hurricane during peak season.

Funds will be used to expand the existing 2-lane rural highway to a 4-lane divided arterial with shoulders. It is estimated that this effort will reduce clearance time by 11 hours and enhance the overall safety of the route.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity: 1565 First Street, Sarasota, FL 34236

Description of Request: I secured \$166,250 for the revitalization of the Robert L. Taylor Community Center as part of the Newtown Redevelopment Comprehensive Plan.

The Robert L. Taylor Community Center is the only government sponsored/owned recreation center in Newtown and is the most heavily used recreation center in the City. Its renovation will provide modern recreation facilities for the youth of Newtown. The recreation center and its 10 acres of land, including athletic fields and a pool, is the home of the Redskins football league (little league football), a gym, weight room, auditorium (used heavily by seniors for meetings and bingo, etc.), and business offices. The center is also the primary facility used by local high school student athletes when their school facilities are in use by in-season sports. Unfortunately, most of the facilities are in need of complete intense renovation or replacement.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd. Sarasota, FL 34236

Description of Request: I secured \$600,000 for Emergency Technology and Communications from the COPS account for Sarasota County.

Sarasota County is requesting federal assistance to help fund the next generation E-911 VOIP network technology component of a new multifaceted Emergency Operations 911 Public Safety Communications Center. The technology component will replace the current 30-year-old 911 call-taking network (recognizing only voice calls). This equipment is vital to helping keep the people of Sarasota County safe.

PAYING TRIBUTE TO REVEREND ROBERT ROYAL ON HIS 80TH BIRTHDAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate my good friend Reverend Robert Royal as he joins his family, long time friends, and the Harlem community together in celebration of his 80th Birthday. This momentous and joyous occasion will be celebrated with an extraordinary affair on March 1, 2009 in the headquarters of "Our Children's Foundation" in my beloved village of Harlem.

Reverend Royal has a very rich history that has given him life and longevity. It all began in the winter day of January 27, 1929. At the tender age of fifteen, Mary, his dear mother, gave birth and quickly abandon her newborn on the streets of Harlem. Among the many reasons that could compel a mother to make such a heart wrenching decision, one can only assume that uncertainty in her tender age and the economic downturn that was to become the Great Depression later on that year, were strong reasons for such a decisive conclusion.

Robert Royal was placed in the old New York Hospital Founding Children's Home, under the administrations of the Catholic Archdioceses of New York. As a youngster, he was loved, cared for, and reared by nine surrogate mothers. Before this eighth birthday, he was transferred to the Riverdale Orphanage for Colored Children. In 1937, he was finally adopted by a distant uncle who lived in Stamford, Connecticut.

Robert returned to Harlem and attended Cooper Junior High School. He excelled in his studies and was given the honor to represent his school at the New York Daily Mirror International Youth Forum. Among the 500 attendees, he was selected to be one of the five panelist chairs. He went on to complete his High School education at Seward Park High School.

During the Korean War, there was a call to national service. He answered the call of con-

scription and become a warrior in the fight for freedom. Young Robert was among the many that had a near fatal experience, becoming a disabled Korean War Veteran. His heroic actions earned him two Bronze Stars and the President's coveted Distinguished Service Medal.

Battered, wounded, with medals on his chest, and limited choices in his life, Royal returned to the Village of Harlem. He sought out to write his own ticket for a better future by entering the City College of New York. Like so many G.I.'s coming home from the war, he was able to take full advantage of the G.I. Bill. Higher learning resulted in an undergraduate degree in accounting with a minor in Law of Labor Standards.

Robert's public service career began shortly thereafter at the NYC Department of Hospitals as an auditor. Later, he worked for the NYC Department of Public Works, the United States Internal Revenue Service, and as a publication typesetter for the United Nations.

Robert's call to the ministry in 1974 led to entering New York Theological Seminary, where he received a Masters of Divinity. Reverend Royal is presently serving as Executive Director of the New Brighton Local Community Development Corporation and Minister of Social Justice at Saint Paul Baptist Church under the leadership of Reverend Dr. V. DuWayne Battle.

Reverend Royal continues to be known for his extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which have won the admiration of all who are privileged to come to know and work with him. I consider myself fortunate to have the opportunity to observe and experience his example as a personal inspiration.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Reverend Robert Royal on his historic 80th Birthday. His constant dedication, commitment, and spiritual guidance is worthy of the highest esteem.

KLEIN COLLINS ROTC

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 26, 2009

Mr. POE of Texas. Madam Speaker, I rise today to recognize the outstanding achievements of the Air Force Junior Reserve Officers' Training Corps (ROTC) Flying Tigers of Klein Collins High School in Klein, Texas. I want to thank the AFJROTC Flying Tigers for their service to second district of Texas and to congratulate them on their many accomplishments that led them to be chosen to perform in this year's presidential inaugural parade.

Their selection to this high honor is a testament to their mission statement "to develop the best Air Force leaders and citizens of character, dedicated to serving the Nation." I am proud that a well-qualified group of cadets from Klein—Collins will be representing the state of Texas on Pennsylvania Avenue.

The KCHS AFJROTC has a history of success in their nationally acclaimed armed and unarmed drill team competitions. Under the direction of Colonel Daniel Crum and Sergeant

Ray Watson, the cadets do much more than drill competitions and marching in parades. They are involved in serving their school and community through many different service projects and duties performed throughout the year.

The cadets have participated in numerous community projects that have respectfully earned them as many as 3,200 "man hours" in the 2007/2008 school year. I want to recognize several projects that the JROTC participated in this year. They have provided color guard presentations at many events around town. At Christmas time, the cadets sent care packages to our soldiers overseas. Locally, they sponsored as many as eighteen "angels" during the holidays to help provide impoverished families with presents. They have collected canned food for several needy families. They have participated in a local fall festival held at one of the Klein Elementary schools. Many of the cadets have served on individual service projects at their local churches, animal shelters and the YMCA. There are countless other service projects this group participates in throughout the community, all of which testify to the quality of students in the great state of Texas.

The cadet's service and patriotism to our nation sets them apart as role models to other students. I know that the residents of the Spring Klein area are proud of their many accomplishments and happy that the Flying Tigers were chosen, out of thousands of applicants, to march in the 56th inaugural parade. It will be a momentous occasion for the students, school district and the patriotic communities in the second district of Texas. I applaud them for their tremendous achievement and wish them the best of luck in the future.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. SIMPSON. Madam Speaker, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 1105, the Omnibus Appropriations Act of 2009.

I'd like to take just a few minutes to describe why I support these projects and why they are valuable to the nation and its taxpayers.

DIVISION A—AGRICULTURE

The report contains \$254,000 in ARS Salaries and Expenses for NW Center for Small Fruits in Corvallis, Oregon. The Small Fruits Initiative-Plant Improvement project will build upon the strengths of existing cooperative research programs aligned through the Northwest Center for Small Fruits Research. This ongoing tri-state program supports the development of small fruits as an alternative agriculture crop in the Pacific Northwest. The funding will strengthen existing programs throughout the region and add key programs to fill in critical gaps that are not met by the existing infrastructure associated with the Cen-

ter, providing key resources for Idaho scientists to address problems that negatively impact the emerging berry, grape, and wine industries in the Northwest. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844 through the USDA's ARS located at 29603 U of I Lane, Parma, Idaho, 83660.

The report contains \$650,000 in Animal and Plant Health Inspection Service, salaries and expenses, for Greater Yellowstone Interagency Brucellosis Committee. Idaho, Montana, and Wyoming are each required by law to manage brucellosis-infected wildlife within their borders in order to prevent the spread of brucellosis to non-infected wildlife, cattle, or domestic bison. The Committee is coordinating with federal, state, and private actions in eliminating brucellosis from wildlife in the Greater Yellowstone Area and preventing transmission of this disease from wildlife to livestock. The funding will be used to develop and implement brucellosis herd unit management plans; to perform functions and duties of Idaho relative to the Greater Yellowstone Interagency Brucellosis Committee; to conduct brucellosis prevention, surveillance, control and eradication activities in Idaho and the Greater Yellowstone Area. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho State Department of Agriculture, located at 2270 Old Penitentiary Road, Boise, Idaho 83712.

The report contains \$176,000 in Animal and Plant Health Inspection Service, salaries and expenses, for the Nez Perce Bio-Control Center. The Nez Perce Bio-Control Center is authorized by the Noxious Weed Control and Eradication Act of 2004 and manages and establishes nurseries to increase biological control organism availability, distribute biological control organisms, monitor their impacts, and provide an increased number of annual technology transfer workshops to Cooperative Weed Management Areas and other landowners and managers regionally. This funding will continue the partnership between USDA and the Nez Perce Tribe to maximize the effectiveness of implementing a complete bio-control of weeds program in an Integrated Weed Management strategy. The Center will increase the availability of agents for landowners and managers throughout the region. Biological control offers long-term management of invasive weeds and can be used with other integrated pest management approaches. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Nez Perce Tribe Bio-Control Center, located at 102 Agency Road, Lapwai, Idaho 83540.

The report contains \$514,000 in CSREES, research and education, for the Barley for Rural Development Project. Funding for this program will support research directed at the continued development of improved malt, feed, cellulosic ethanol and food barley varieties for growers and value added end-users in rural Idaho, Montana, and North Dakota

communities. This research is starting to expand and meet market opportunities, addressing the critical need of growers in production agriculture to increase economic yield, enhance domestic and international market access, improve production technologies, better compete with Canadian imports and reduce dependence on government subsidies. Research supported by this project will increase the manufacture and sale of value-added barley products (malt, beer, fuel, food, livestock) in these states, having a substantial positive impact on their economies, supporting jobs, generating business activity, and federal, state, and local tax revenue. Maintenance of the strength of barley in the Idaho economy requires continual efforts to improve crop quality and productivity. This can only be accomplished by investing in strong research programs that keep the industry at the forefront. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains \$235,000 in CSREES, research and education, for the Cool Season Legume Research Project. This program is an aggressive cooperative research program between the USDA, the University of Idaho, and the University of Washington that seeks new, high yielding, high quality, nutritious dry pea, lentil, and chickpea varieties to meet producer and consumer needs. This research focuses on the breeding of new, superior varieties of legumes; management of nematodes, insects, plant diseases and weeds that can limit production; and reduction of soil erosion and water degradation associated with production, as well as the development of value-added new products. The technology being generated through the research is essential for the pea, lentil, and chickpea industries to remain competitive and profitable. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains \$603,000 in CSREES, research and education, for Increasing Shelf Life of Ag Commodities. In order to prevent serious food safety issues, this project will fund research and development of bio-electronic sensors that can detect the presence of microbial pathogens in food and food products. Preventative detection and treatment at the agricultural commodity level and fast, accurate detection of biological pathogens and dangerous food toxins is an important element for ensuring safety and shelf life. The research being conducted in this area at the University of Idaho will advance and expand previous work on biosensor systems to further enhance preventative detection and treatment of biological pathogens and dangerous food toxins. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains \$349,000 in CSREES, research and education, for Potato Cyst Nematode Research. This funding will be used by

the University of Idaho for research and development of means to eradicate and better protect the Idaho potato crop from the soil-borne pathogen potato cyst nematode, hardened nematode bodies filled with eggs which can persist in the soil for up to 25 years. Current eradication depends upon methyl bromide, which is not totally effective and which may be banned because of its ozone depleting properties, as well as other chemicals which are even less effective and several of which may also be banned. The funds will be used to maximize the efficiency of methyl bromide while it is available and develop new "green" replacement eradicates (such as green manure or biologically derived nematicides) and procedures (advance hatching frequency), as well as to improve planting material screening procedures and to study plant-vectorvirus relationships, which may also lead to new ways to fight potato viruses.

FY08 funding established the groundwork, and the University of Idaho is now prepared to fully implement the needed research. This project will work in concert with the ongoing USDA eradication program by providing new methods of treatment. This crop pest can result in 80% yield reductions and has negatively affected agricultural trade. There is a good chance that if this threat is addressed with adequate research and treatment it can be eliminated. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho College located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains \$1.037 million for potato research (CSREES). This funding would be used to support an on-going research program that provides critical support to the potato industry through the development of new potato varieties and resistance to disease and pests. The ARS research station at Aberdeen, Idaho, has produced eight new potato varieties, and it has participated in the development of twelve other varieties nationwide. With the increasing threat of disease and pests, new varieties are crucial for America's agriculture community. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844 through the Cooperative State Research, Education, and Extension Service. Research will be performed at the United States Department of Agriculture's Agriculture Research Service, Pacific West Area, located at 1691 S. 2700 W., Aberdeen, Idaho 83210.

The report contains \$8.294 million in Animal and Plant Health Inspection Service, salaries and expenses, for Potato Cyst Nematode Eradication. The USDA is currently conducting an aggressive eradication program to address the outbreak of Potato Cyst Nematode in Idaho, the first discovery in the U.S. This pest can result in up to 80% crop reductions, and agricultural trade has already been affected. It is imperative that our trading partners know we are aggressively addressing this issue. Furthermore, this pest has a very high risk of dispersion. While it is currently confined to a small area in Eastern Idaho, it is very conceivable that, if left untreated, this pest can spread, affecting crops other than potatoes.

Through this funding, the program will continue to adequately address this issue, and there is a good potential the pest could be eradicated. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the United States Department of Agriculture, Animal and Plant Health Inspection Service located at 1400 Independence Avenue, Washington, D.C.

DIVISION B—COMMERCE, JUSTICE, SCIENCE

The report contains \$1,000,000 in the COPS Meth account for the Idaho Meth Project. Methamphetamine trafficking and abuse in Idaho has been on the rise over the past few years and, as a result, Meth is having a devastating impact in many communities throughout the State. Meth is the number one illegal drug of choice in Idaho and the State's leading drug problem. The financial and social consequences of Meth abuse in Idaho are devastating. It is a contributing cause for much of the crime in Idaho, costs millions of dollars in productivity, contributes to the ever increasing prison populations and adversely impacts families. The Idaho Meth Project is a large-scale, statewide prevention and public awareness program designed to reduce the prevalence of first-time methamphetamine abuse in Idaho by influencing attitudes through high-impact advertising. Based on the successful Meth Project model developed in the state of Montana, the Idaho Meth Project is focused solely upon prevention and to achieve this goal is active in three areas: Public Service Messaging, Community Action and Public Policy. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho Meth Project, located at 304 N. 8th Street, Room 446, Boise, Idaho 83702.

The report contains \$350,000 in the NOAA account for the Boise Center Aerospace Laboratory (BCAL) Watershed Modeling Utilizing LiDAR at Idaho State University. ISU's Department of Geosciences has developed free spatial analysis tools available to the public for remote sensing and geographic information sciences (GIS). The remote sensing tools include a downloadable toolbox for analyzing light detection and ranging (LiDAR) data, primarily for topography and vegetation in semi-arid environments. LiDAR technology can also provide topographic data below water. This funding will allow the ISU to develop new analysis tools for full-waveform LiDAR data to enable continuous characterization from the earth's surface to the top of the vegetation canopy. This type of analysis has improved potential over multiple return LiDAR data for understanding landscape processes in three dimensions. Hyperspectral analysis (soils and vegetation) will be coupled with the LiDAR data for a full characterization, spectrally and spatially of the landscape. These analyses will allow for studies of vegetation structure, dependence of vegetation, soils, and earth processes (e.g. fire, erosion) on topology (slope & aspect, drainages, surface roughness) and will provide up-to-date and precise flood plain maps for rivers with built environments to guide decisions on flood insurance coverage and land use restrictions. These predictive maps can also aid in evacuation of people and livestock during an impending flood. This re-

quest is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho State University, located at 921 South 8th Avenue, Pocatello, Idaho 83209.

The report contains \$350,000 in the NOAA account for the Improved hydrologic modeling of water resources for snow-dominated regions at Boise State University. Mountain-front communities in the western United States are experiencing rapid population growth, putting pressure on water resources. Wise use of water resources must be founded on knowledge of how water cycles through mountain-front landscapes. However, hydrologic processes in such systems are poorly understood. Understanding and forecasting these impacts of these changes requires comprehensive hydrologic models driven by state-of-the-art technology and science. These funds will assist with the development of an operational hydrology model for mountain-front hydrologic systems based on new research that advances knowledge on physical mechanisms by which water moves from mountains to valleys. The hydrologic model will build upon and improve current models used by the National Weather Service by making use of satellite technologies. The hydrologic model will be capable of assessing the impact of critical problems such as urbanization and climate change on water resources. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive Boise, ID 83725-1135.

The report contains \$880,000 in the COPS Law Enforcement Technology Account for the Idaho State Police to participate in the Criminal Information Sharing Alliance Network (CISAnet). CISAnet is a fully functional information-sharing network comprised of law enforcement agencies from ten states, including Idaho. The program focuses on drug trafficking and border security issues. Sharing of criminal law enforcement information by and between these ten states is vital to securing an area regarded as one of the most vulnerable to our nation's security. These funds would enable Idaho to continue participating in CISAnet. This program has received federal funding in previous fiscal years. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho State Police, located at 700 South Stratford, Meridian, ID 83642.

DIVISION C—ENERGY AND WATER

The report contains \$5 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in the Eastern Idaho Regional Wastewater Authority. The funding was authorized in the Water Resources Development Act. This funding is critical to assisting Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. In addition, these funds help communities in Idaho trying to attract new businesses and spur economic development. The vital water funding in this bill will assist communities in job creation and affordable housing by offering improved services at lower costs

than would otherwise be possible. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Eastern Idaho Regional Wastewater Authority, located at 101 S. Emerson Avenue Shelley, Idaho 83274.

The report contains \$1,427,250 in DOE's Energy Efficiency and Renewable Energy for the City of Boise's Geothermal Expansion. The Boise City geothermal system currently provides a low cost, environmentally sound, sustainable, locally provided heat source to commercial and publicly owned buildings in downtown Boise. Geothermal heat is considered a renewable source of energy and does not rely on fossil fuels, nuclear power, mining or damming of rivers and has zero emissions into the atmosphere. This project will extend the City of Boise geothermal pipeline system to Boise State University and would have the capacity to heat over two million square feet on the campus. It would provide significant cost savings as global energy costs increase and geothermal services continue to expand to more facilities. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the City of Boise, located at 150 N Capitol Boulevard, Third Floor, Boise, Idaho 83702.

The report contains \$2,498,639 in the DOE Office of Science account for the Idaho National Laboratory Center for Advanced Energy Studies (CAES) at the Idaho National Laboratory (INL). CAES is a partnership between the State of Idaho and its academic research institutions, the federal government through the U.S. Department of Energy and the Idaho National Laboratory managed by the Battelle Energy Alliance, LLC. Through its collaborative structure, CAES combines the efforts of these institutions to provide timely energy research on both technical and policy issues. The research equipment obtained through this appropriation will enable the INL, Boise State University, Idaho State University, the University of Idaho, other national universities and private industry to support DOE by furthering collaboration on the advanced energy studies. Through the resulting research, CAES will contribute to the availability of carbon-neutral renewable energy, such as biofuels for transportation; the stewardship of the environment including water resource management through energy efficiency; the management of fossil fuel energy systems; and the expansion of energy production from commercial nuclear power while educating the next generation of scientists, engineers, policymakers and the public. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho National Laboratory, located at 2525 North Freemont St., Idaho Falls, Idaho 83415.

The report contains \$951,500 in the DOE Office of Science account for the Idaho Accelerator Laboratory at Idaho State University. The National Academy of Sciences recently issued a report recommending that the federal government should increase support to radio-nuclide production, distribution and basic research in production mechanisms; increase the domestic production of medical radio-nuclides through dedicated accelerators and

reactors; and educate the next generation of medically-related nuclear scientists. The Idaho Accelerator Center would develop a medical isotope production facility that will serve regional isotope needs, conduct basic research in isotope production, educate the next generation of medically-related nuclear scientists and partner with regional and national entities in medical isotope distribution and use. This program would meet regional and national needs in education and isotope production and would complement and enhance DOE's National Isotope Program. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho State University, located at 921 South 8th Avenue, Pocatello, ID 83209.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT

The report contains \$200,000 in the Small Business Administration for a research and economic development and entrepreneurial initiative at Boise State University. With this funding, Boise State University will be able to establish research partnerships with business and governmental agencies to assist businesses in an effort to preserve free competitive enterprise and to maintain and strengthen the overall economy of the State of Idaho. The federal funds being requested will be used to match private and public sector dollars and in-kind contributions to conduct collaborative research that creates intellectual property, creates jobs and ultimately leads to the benefit and growth of the Idaho business community. The funds will also be used to develop the necessary infrastructure to mine, protect and assess the commercialization potential of the intellectual property that is developed as a result of these efforts. This healthy business climate is critical to the economic strength of Idaho, the region and the nation; the innovation and entrepreneurial spirit that originates from this sector helps the United States compete in today's global marketplace. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive, Boise, ID 83725-1135.

The report also contains \$200,000 in the Small Business Administration for the Water Cooler, a business development center in Boise, Idaho. The Water Cooler is a collaborative project that will create a nonprofit business development center for synergistic, emerging businesses and interests in Boise's creativity economy. The facility will sublease office space to small businesses and organizations; provide meeting, seminar and event space; offer a small business services center (copy, printing, IT, Wi-Fi, video conferencing and the like) and serve as a networking and idea hub for the next generation of organizations in the areas of technology, film/arts, entertainment, media, venture capital, advertising/marketing, legal and urban life. The project will develop and facilitate strategies for growing businesses and employment opportunities in Boise and throughout Idaho. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Capital City Development Corporation,

located at 805 W. Idaho St. Ste. 403, Boise, ID 83702.

DIVISION E—INTERIOR, ENVIRONMENT AND RELATED AGENCIES

The report contains \$250,000 in STAG for the City of Lava Hot Springs Wastewater Improvement project. Lava Hot Springs is a small town of only 480 citizens. The city's wastewater treatment plant is currently discharging pollutants into the Portneuf River, and the city will be facing severe penalties under current federal law. With such a small population, the financial burden of coming into compliance is immense. This project will improve the collection system by replacing the badly deteriorated sewer mains, correct grade problems, and enlarge pipes. The problem of debris buildup in the lagoons will be resolved with flow meter, screens, and a grit removal system all housed in a constructed headwork building. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the City of Lava Hot Springs, located at 115 West Elm, P.O. Box 187, Lava Hot Springs, Idaho, 83246.

The report contains \$150,000 in Save America's Treasures for Restoration of the Rexburg Historic Westwood Theater. Formerly known as the Romance Theater, this circa 1917 building was the heart of entertainment for the rural communities of eastern Idaho offering vaudeville theater, silent movies, and dance recitals. One of the fastest growing communities in Idaho, Rexburg lacks a community venue for the arts. The City of Rexburg is attempting to restore the theater in order to provide a historical, cultural center for the growing population. The building requires restoration of the stage and auditorium and repairs to the roof and brick work. The City has developed a volunteer citizen committee to raise funding through fund raisers and the Idaho Commission on the Arts. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the City of Rexburg, Idaho, located at 12 North Center Street, P.O. Box 280, Rexburg, Idaho, 83440.

The report contains \$2,000,000 in LWCF for Land Acquisition for Henry's Lake ACEC. The funding will be used to purchase a conservation easement on the historic Johnson Ranch, on the west side of Henry's Lake. The ranch sustains an important wildlife migration corridor for game herds in the Yellowstone region as well as the area's scenic beauty. Roughly 2 million visitors travel through the Henry's Lake area every year. This conservation easement will continue existing ranching and agricultural activities while protecting the land and its wildlife from the subdivision and second home development that is spreading in the Island Park/Henry's Lake area. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Bureau of Land Management, located at 1405 Hollipark Drive, Idaho Falls, Idaho, 83401.

The report contains \$500,000 in LWCF for the Upper Snake/South Fork of the Snake River ACEC. The funding will be used to secure conservation easements from willing sellers. The BLM has ranked the Upper Snake

South Fork as a top priority for land acquisition. As one of the nation's premier fishing destinations and recreational rivers, the Upper Snake/South Fork of the Snake River, which features outstanding fish habitat, water quality, scenic vistas and one of the West's most extensive cottonwood riparian forests, is under pressure from increasing population. The funding will facilitate protection of key lands in this landscape and will preserve and protect natural habitat while simultaneously supporting important recreational, and tourism opportunities in eastern Idaho. Additionally the lands proposed for protection include important agricultural lands that will remain in production and private ownership. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Bureau of Land Management, located at 1405 Hollipark Drive, Idaho Falls, Idaho, 83401.

The report contains \$250,000 for the Idaho Sage Grouse Management Plan. This funding will be used to implement the state's management plan for the sage grouse population, which is on the verge of being listed under the Endangered Species Act. A decision by the Fish and Wildlife Service could come as early as this spring. Idaho is taking proactive steps to recover this species before a listing is required, and the Sage Grouse Advisory Committee (SAC) is coordinating implementation of a statewide management plan for sage grouse. Contained within the plan are over 100 conservation measures for stabilizing and increasing populations of sage grouse in Idaho. In addition, there are 11 Local Working Groups that have completed or in the process of forming local plans. These funds will aid in implementing state and local plans and continuing the important on-the-ground work being done by Local Working Groups, including habitat restoration, monitoring, research, and education. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho Office of Species Conservation located at 300 North 6th Street, Suite 101, Boise, Idaho 83702.

**DIVISION F—LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION**

The report contains \$333,000 in the Department of Education Elementary and Secondary Education account for the Idaho Early Literacy Project administered by the Lee Pesky Learning Center in Boise. The aim of the Idaho Early Literacy Project is to educate new mothers on the importance of early childhood literacy and math skills and providing them with resources for educating their children to assure that all children in Idaho are ready to read when they enter school. This funding will assist with the distribution of the research-based booklet, *Every Child Ready to Read: Literacy Tips for Parents*, to hospital maternity wards across Idaho as well as the training of child care providers throughout the state of Idaho. The training of child care providers includes a face-to-face approach in larger population centers and an on-line approach for remote rural locations. The project provides that children will receive literacy education at home and in child care facilities, creating the "language rich" upbringing necessary for success

in school. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Lee Pesky Learning Center, located at 3324 Elder Street, Boise, ID 83705.

The report contains \$285,000 in the Health Resources and Services Administration Health Facilities and Services account for the Idaho Caring Foundation for Children for dental services for low-income children. As a dentist, I understand the importance of proper dental hygiene at a very young age. Serious health and self-esteem problems can quickly evolve if dental hygiene is neglected early in a child's development. The project will provide access to needed dental services for 5,000 low-income, uninsured Idaho children. These services will be provided by our network of 120 Idaho dentists who provide dental services for reduced fees and in partnership with the oral health programs at all seven Idaho Health Districts. Eligible children will be identified by working in partnership with Idaho schools, health departments, Head Start programs and YMCA programs. All administrative costs for this program will be donated by Regence BlueShield of Idaho. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho Caring Foundation for Children, located at 1211 W. Myrtle, Suite 110, Boise, ID 83702.

The report contains \$285,000 in the Department of Education Elementary and Secondary Education Account for the Idaho Falls Arts Council ARTKade program for the purchase of equipment. The Idaho Falls Arts Council is creating a two-story, 5000 square foot interactive visual arts education center for youth, ages K–12, called ARTkade in downtown Idaho Falls. This funding will go primarily to purchase equipment to build the various arts stations. The purpose of ARTkade is to stimulate and re-awaken young people's interest in the visual arts by using interactive learning, computer technology and hands on festival style art projects that capture their imagination and redirect them to art education. The Council is partnering with area schools in the development and implementation of this facility (in large part because many local schools do not have full-time art teachers) and will be providing users with referral information about other arts education opportunities in the region. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho Falls Arts Council, located at 498 A Street, Idaho Falls, ID 83402.

The report contains \$143,000 in the Department of Education Elementary and Secondary Education account for the Life's Kitchen, Inc. life skills instruction programs for at-risk youth. This program works to stop the cycle of homelessness and prevent dependence on public assistance for at-risk, low-income youth (ages 16–20) through hands-on experience in the culinary arts combined with life skills instruction. Life skill instruction ranges from teaching students interview skills to personal financial management, as well as job placement. Life's Kitchen provides an innovative 16-week educational program of hands-on work experience training for young people who are at-risk and living on the fringe of society. These hands-on

skills are developed while working in our three food businesses: cafe, catering and contract food. Students access the program through high school counselors, employment agencies, social workers, juvenile correction officers and word-of-mouth. The funding provided will be used to provide equipment and supplies needed to run the mentoring and tutoring as well as the culinary instruction portion of the programs. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Life's Kitchen Inc., located at 1025 S. Capitol Blvd. Boise, Idaho 83706.

The report contains \$333,000 in the Health Resources and Services Administration Health Facilities and Services account for the Idaho Oral Health Institute at Idaho State University. The Idaho Oral Health Institute will provide a center for oral health education, research, and clinical practice in Idaho and the Pacific Northwest region of the United States. The Institute will promote the highest quality of oral health care by providing education in contemporary clinical methods to oral health professionals, innovative continuing education to practicing health professionals and staff, collaboration among oral health and health professions researchers across the country and a state-of-the-art oral health care facility including classrooms, clinics, and laboratories with leading edge equipment and technology designed for education and research. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho State University, located at 921 South 8th Avenue, Pocatello, Idaho 83209.

The report contains \$285,000 in the Institute of Museums and Library Services Museums and Libraries Account for the Discovery Center of Idaho for exhibits and outreach. The Discovery Center of Idaho is collaborating with multiple partners to create a new model of "hands-on" science center to captivate the attention of and inspire tomorrow's leaders and innovators. The center will be a resource for the region, with particular interest in serving rural areas to help break the myth that innovation is an urban phenomenon—and emphasize the understanding that ingenuity is found wherever and whenever an observant creative human being has a problem to solve. This is a tremendous opportunity to create a new approach to bridging the gap in science and technology education particularly for the underserved. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Discovery Center of Idaho, located at 131 Myrtle St., Boise, ID 83702.

The report contains \$285,000 in the Department of Education's Higher Education account for the College of Southern Idaho's Pro-Tech Training Program. This program will enable the College to partner with other agencies to identify training needs and to identify potential candidates for employment. Data provided by Region IV of the State of Idaho Economic Development Agency indicate that manufacturing will be a leading employment area in the Magic Valley with over 250 new jobs expected over the next two years. The College of Southern Idaho has identified a significant educational demand for hi-tech manufacturing

and engineering and a need for in-depth training in the technological aspects of the design, fabrication and manufacturing phases of production. These jobs will require the type of training that the College of Southern Idaho can provide with great expertise. This funding would be used to develop curriculum, implement new post-secondary educational-technical training degrees and programs at the College. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is College of Southern Idaho, located at 315 Falls Ave. Twin Falls, ID 83303-1238.

The report contains \$285,000 in the Health Resources and Services Administration Health Facilities and Services account for St. Luke's Regional Medical Center's Children Health Services Expansion. The Children's Health Services Expansion project provides an essential increase in capacity for Pediatric Medical/Surgical, Pediatric Intensive Care, Neonatal Intensive Care, Pediatric Oncology, and Pediatric Surgical Suites and support areas, to meet the needs of the rapidly growing population in the hospital's service area. The hospital is spending millions on the expansion and federal funds will represent only a small portion of the project's total costs. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is St. Luke's Regional Medical Center Ltd., located at 190 E. Bannock Street, Boise, ID 83712.

The report contains \$381,000 in the Health Resources and Services Administration Health Facilities and Services account for Madison County Memorial Hospital. Madison County Memorial Hospital services a growing area encompassing five counties and quite simply has outgrown its facilities. Increased capacity for obstetrics (Madison County Memorial Hospital has more births than any other hospital of its size in the State of Idaho and possibly the nation) and inpatient and outpatient surgeries is needed. The size of this project is 70,000 sq. feet of new construction and 85,000 sq. feet of remodeling, with an overall budget of \$49 million and an equipment budget of over \$7 million. Federal funding will be used for necessary medical equipment for the expanded and remodeled facility and represents a very small portion of the overall funding for this project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Madison County Memorial Hospital, located at 450 East Main, Rexburg, ID 83440.

The report contains \$190,000 in the Department of Education Elementary and Secondary Education account for Idaho SySTEMic Solution program at Boise State University. Idaho SySTEMic Solution is a nationally relevant, hands-on, project-based STEM learning system (science, technology, engineering, & math) designed to spur achievement and confidence among elementary-age learners and their teachers. Key project components will include: 1) a comprehensive teacher training model that includes a one-week summer institute and ongoing site-based follow-up training to boost the ability and confidence of elementary teachers; 2) implementation into demographically diverse schools (grades 1-5/6,

urban to suburban to rural, multicultural) of curriculum-aligned learning lab systems that have been shown to improve student scores in math, science, and technology; and 3) research and evaluation of results in accordance with Idaho and national assessment standards to maximize the effectiveness of transplanting this solution to other U.S. states. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive, Boise, ID 83725-1135.

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT

The report contains \$285,000 in the HUD/EDI account for the Custer County Economic Development Initiative in Custer County, ID. Custer County is overwhelmingly owned by the federal government, creating enormous financial challenges. The county has a very small tax base with high costs for maintaining roads and services over a very large area. Funding would allow the county to purchase and renovate an old middle school in Challis that would become a government and business center housing county offices and allowing them to become ADA compliant. This project received \$100,000 in FY08, and funding of this request would complete the project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Custer County, Idaho, located at 801 Main Street, Challis, Idaho, 83226.

The report contains \$1,961,750 in the FHWA/Public Lands Highways account for the City of Rocks Back Country Byway Relocation, ID. This 16.7 mile long project is located on the popular City of Rocks Back Country Byway in Cassia County, Idaho, which provides the only direct access to the City of Rocks National Reserve. When fully completed, the project will pave a 1.0 mile gravel segment, reconstruct 15.7 miles of deficient roadway, correct deteriorated road and slope conditions, provide a wider road with shoulders and guardrail, and improve the road's alignment by reducing the number and severity of sharp curves and steep grades. These improvements will increase safety for the driving public and provide safer access for bicycle and pedestrian traffic. These improvements will also significantly reduce the amount of ongoing maintenance required to keep the route usable. Previous federal funding, FY 1999 through FY 2008, totals \$12,827,000 including \$3.95 million in FY 2008. Full funding of this request in FY 2009 will complete the project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho Department of Transportation, located at 3311 West State Street, Boise, Idaho, 83707-1129.

The report contains \$4,845,000 in the FTA/Buses and Bus Facilities account for Buses and Bus Facilities for the Idaho Transit Coalition. Funding for this project will be used to support essential transit systems in rural and urban areas of the State of Idaho. This project meets the criteria of the FTA's Section 5209 Capital Program and has been funded by the Committee since FY 2002. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Community Transportation Association of Idaho, located at 10480 Garverdale Court, Bldg. 4, Suite 804A, Boise, Idaho 83704.

The report contains \$475,000 in the FHWA/Interstate Maintenance Discretionary account for the I-84, Broadway Avenue to Gowen Road Widening, Boise, ID. Funding will be used for design of the project to add a third east and westbound lane between Broadway Avenue and Gowen Road on I-84. With funding, the project will be ready for construction in FY10 in conjunction with the State of Idaho's Connecting Idaho projects in the Boise area. Improving I-84 through Boise and the surrounding area is a priority for the State of Idaho. In FY 2008, \$1.5 million was appropriated for the I-84 Interchange at Broadway Avenue that precedes this project, which is required to alleviate congestion and safety issues caused by the continued fast growth in the Treasure Valley. This project is included in the I-84 Boise Corridor Study adopted by the Idaho Transportation Department and the Community Planning Association of Southwest Idaho (COMPASS) Boards in October of 2001 and part of the COMPASS Regional 2030 Long Range Transportation Plan, approved in 2006. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho Department of Transportation, located at 3311 West State Street, Boise, Idaho 83707-1129.

The report contains \$475,000 in the FTA/Buses and Bus Facilities account for the Treasure Valley Transit Facilities, Meridian, ID. This project will fund site location and required environmental analysis for up to one administration facility and/or up to four bus transfer centers to improve transit services in western Ada and Canyon Counties, Idaho. The development of transit facilities is a recommendation in the regional transit plan which characterizes these transit centers as crucial to the success of the transit system. These facilities will support regional public transportation services in the area. \$9.5 million was authorized in SAFETEA-LU for the Boise Multi-Modal Center (MMC). This project is part of the same system and is included, as is the MMC, in the regional capital facilities plan for transit in the Treasure Valley. This project is the next phase of development. Funds to date include \$288,000 in the FY2008 Appropriations Bill for site location and the start of the environmental analysis. Matching funds for this year total \$125,000. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Valley Regional Transit, located at 830 N. Main Street, Meridian, Idaho 83642.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my district and an explanation of my support for them.

- (1.) \$254,000 for NW Center for Small Fruits in Corvallis, OR
- (2.) \$650,000 for Greater Yellowstone Interagency Brucellosis Committee
- (3.) \$176,000 for the Nez Perce BioControl Center
- (4.) \$926,000 for the Tri-State Predator Control Program
- (5.) \$514,000 for the Barley for Rural Development Project

(6.) \$235,000 for the Cool Season Legume Research Project

(7.) \$603,000 for Increasing Shelf Life of Ag Commodities

(8.) \$349,000 for Potato Cyst Nematode Research

(9.) \$1.037 million for Potato Research (CSREES)

(10.) \$8.294 million for Potato Cyst Nematode Eradication

(11.) \$1,000,000 for the Idaho Meth Project

(12.) \$350,000 for the Boise Center Aerospace Laboratory (BCAL) Watershed Modeling Utilizing LiDAR; Idaho State University

(13.) \$350,000 for the Improved hydrologic modeling of water resources for snow-dominated regions; Boise State University

(14.) \$880,000 for Criminal Information Sharing Alliance Network (CISAnet); Idaho State Police

(15.) \$5,000,000 for Rural Idaho water projects; Eastern Idaho Regional Wastewater Authority

(16.) \$1,427,250 for Boise City Geothermal System Expansion; City of Boise

(17.) \$2,498,639 for the Idaho National Laboratory Center for Advanced Energy Studies; Idaho National Laboratory

(18.) \$951,500 for the Idaho Accelerator Center Production of Medical Isotopes; Idaho State University

(19.) \$200,000 for a research and economic development and entrepreneurial initiative; Boise State University

(20.) \$200,000 for a business development center, Capital City Development Corporation

(21.) \$250,000 for City of Lava, Wastewater Improvement (STAG)

(22.) \$150,000 for Rexburg Historic Westwood Theater (SAT)

(23.) \$2,000,000 for Land Acquisition for Henry's Lake ACEC (LWCF)

(24.) \$500,000 for the Upper Snake/South Fork of the Snake River ACEC (LWCF)

(25.) \$250,000 for the Idaho Sage Grouse

(26.) \$333,000 for Idaho Early Literacy Project; Lee Pesky Learning Center

(27.) \$285,000 for Dental services for low-income children; Idaho Caring Foundation for Children

(28.) \$285,000 for ARTKade; Idaho Falls Arts Council

(29.) \$143,000 for Life skills instructions programs for at-risk youth; Life's Kitchen Inc.

(30.) \$333,000 for Idaho Oral Health Institute; Idaho State University

(31.) \$285,000 for The Discovery Center of Idaho exhibits and outreach; Discovery Center of Idaho

(32.) \$285,000 for College of Southern Idaho Pro-Tech Training Program; College of Southern Idaho

(33.) \$285,000 for Children's Health Services Expansion; St. Luke's Regional Medical Center, Ltd

(34.) \$381,000 for Madison County Memorial Hospital Construction and Renovation Project; Madison County Memorial Hospital

(35.) \$190,000 for Idaho SySTEMic Solution program; Boise State University

(36.) \$285,000 for Custer County to purchase middle school building

(37.) \$1,961,750 for the City of Rocks Back Country Byway

(38.) \$4,845,000 for the Idaho Transit Coalition for Buses and Bus Facilities

(39.) \$475,000 for I-84 Broadway Avenue to Gowen Road Widening

(40.) \$475,000 for the Treasure Valley Transit Facilities

JULIE ROGERS "GIFT OF LIFE" PROGRAM AND THEIR "SPIRIT OF LOVE" AWARD WINNERS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. POE of Texas. Madam Speaker, today I am proud to pay tribute to the Julie Rogers "Gift of Life" Program and the recipients of their "Spirit of Love" awards for their commitment to the fight against cancer and dedication to assisting the medically underserved in Southeast Texas.

The Julie Rogers "Gift of Life" Program, established in 1994 by Regina Rogers, began as a tribute to her mother, a breast cancer survivor. Originally providing free mammograms to women, shortly afterwards they expanded to prostate screenings for men and cancer education outreach. Since then, they have provided over 13,500 mammograms and over 4,500 prostate screenings while conducting over 450 educational presentations. The Program has helped extend the lives of more than 135 people who found cancer after one of their screenings. They grew from their humble beginnings into one of the largest cancer screening and awareness organizations of its type in Texas.

Each year at their annual board meeting, the "Gift of Life" Program presents both an individual and corporate "Spirit of Love" Awards to honor those that have gone above and beyond the call of duty to help fight cancer and spread awareness. This year, the late Todd Christopher was awarded the Julie Rogers "Spirit of Love" Award, while the TOTAL Port Arthur Refinery was presented with the Corporate "Spirit of Love" Award. Both deserve the recognition for their dedication and commitment to the community.

Todd Christopher was born and raised in Beaumont, Texas. After graduating from Texas A&M University, Todd moved back home with an entrepreneur spirit and co-founded four businesses, bringing hundreds of jobs to the area. He served on a number of boards across the area and as co-chairman of the Julie and Ben Rogers Cancer Foundation Drive. He somehow found enough time to dedicate a large part of his life to his wife Gerry and children Clayton and Gary. He has coached their sports teams and supported their scholastic endeavors. Cancer tragically cut Todd's life short in 2008 but his spirit lives on. The work he did for Southeast Texas will last forever.

The TOTAL Port Arthur Refinery was recognized for exhibiting outstanding community leadership and reducing health disparities among Southeast Texans. The refinery, built in 1936 and acquired by the French company TOTAL in 1973, has taken a proactive role in fighting cancer. Through their annual sponsorship of "Gift of Life" breast and prostate cancer initiatives, they have provided over 600

women and more than 1,800 men with free mammograms and prostate screenings. They alone have helped extend the lives of seven women and nine men whose cancer was detected at "Gift of Life" screenings. They have also made a commitment to Southeast Texas by embarking on a \$2.2 billion dollar expansion of their refinery, increasing their refining capacity and adding 60 new full time jobs.

On behalf of the Second Congressional District of Texas I would like to thank the Julie Rogers "Gift of Life" Program, the family of Todd Christopher, and the TOTAL Port Arthur Refinery for all their work in fighting cancer and spreading awareness. Their efforts have made Southeast Texas a better place to live and work.

EARMARK DECLARATION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. RADANOVICH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 1105, The Omnibus Appropriations Act, 2009:

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: California State University Agricultural Research Initiative

Bill Number: H.R. 1105

Account: Cooperative State Research, Education and Extension Service

Legal Name of Requesting Entity: California State University

Address of Requesting Entity: 401 Golden Shore, Long Beach, CA 90802-094210

Description of Request: I have secured \$693,000 for the ARI. The Agriculture Research Initiatives (ARI) provides significant benefits to consumers as well as agriculture-related industries. Faculty and research scientists develop solutions for challenges that result in public confidence in food safety, agricultural research and production systems; regional and statewide economic development; and bring agricultural, environmental, and consumer benefits in the process. ARI funding priority will be given to science and best management issues related to climate change, air quality, greenhouse gas emissions, and carbon sequestering; food safety and security; water quality, infrastructure, and conveyance; and public health and welfare.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Pierce's Disease

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: University of California

Address of Requesting Entity: 1111 Franklin Street, 6th Floor, Oakland, CA 94607-5200

Description of Request: I have secured \$1,531,000 for Pierce's Disease Research. The Pierce's Disease Research special research grant funds are awarded competitively

to qualified researchers from any state based on priorities developed by industry, the University and governmental agencies. The program has supported projects to reduce the population of glassy-winged sharpshooters that spread the disease, map the genome for *Xylella fastidiosa*—the bacterium that causes the disease—develop new cultural and vineyard practices to help growers contain the spread of Pierce's disease, and advance the search for long-term solutions. Continuation of funding is important to supporting ongoing science aimed at finding permanent solutions for control and containment of this devastating disease through breeding disease resistant scion and rootstock, developing new vineyard management practices, and other breakthroughs.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Regional Operability for Public Safety Communications, 2009

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Stanislaus County

Address of Requesting Entity: 1010 10th Street, Suite 6800, Modesto, CA 95354

Description of Request: I have secured \$500,000 for Stanislaus County Regional Interoperability. This request will enhance the existing interoperability channel, expand radio coverage through difficult terrain, replace aging equipment, continue progress towards system wide P-25 compliance, and will support the City and County's joint efforts to respond to public safety incidents throughout California's Central Valley and to be prepared for a disaster situation. Equipment would include new towers, transmitters, antennae, voter/receivers and a security system at the primary transmission site.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Regional Interoperability, 2009

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Fresno County

Address of Requesting Entity: 2281 Tulare Street, Third Floor, Room 300, Fresno, CA 93721

Description of Request: I have secured \$200,000 for Fresno County Regional Interoperability. Fresno County is attempting to provide true communication capabilities between law enforcement, emergency medical services and fire protection serving Fresno County and the region by using an intelligent voice and data communication network. This request will enable the completion of an electronic data communication system. The completion of the system will greatly enhance the public safety of the approximately 1.5 million citizens of four counties (Fresno, Kings, Madera, and a portion of Tulare) and numerous communities served by the participating agencies through ensuring clear voice, data and video communications among first responders and law enforcement during emergencies.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Sacramento and San Joaquin River Basins Comprehensive Study

Bill Number: H.R. 1105

Account: Corps of Engineers, Investigations
Legal Name of Requesting Entity: California Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: I have secured \$956,000 for the Sacramento and San Joaquin River Basins Comprehensive Study. This Sacramento and San Joaquin River Basins Comprehensive Study is a cooperative effort between the California Department of Water Resources and the U.S. Army Corps of Engineers. The purpose of the Comprehensive Study is to develop a system-wide, comprehensive flood management plan for the Central Valley to reduce flood damage and to integrate ecosystem restoration in addition to developing ways to reduce the flood risk to people, their property, and the state and federal infrastructure of the Central Valley. The purpose is also to develop a sustainable flood management system for the future and to reduce the adverse consequences of floods when they occur. The Study provides a long-range management program for the Sacramento and San Joaquin River Basins with the objective of improving the flood carrying capacity of the system while restoring and protecting environmental features including wetlands as well as fish and wildlife habitat.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Career Technical Education Pathway Program

Bill Number: H.R. 1105

Account: Department of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Clovis Unified School District

Address of Requesting Entity: 1450 Herndon Avenue, Clovis, CA 93611

Description of Request: I have secured \$476,000 for the Clovis Career Technical Education Pathway Program. Funding will provide essential curriculum and professional development and equipment to support the dual objectives of advancing student academic achievement and career development in workforce areas essential to our national economic development. This funding will allow students to develop knowledge and skills within the career pathway while taking rigorous, integrated courses that include Honors and Advanced Placement curriculum for college and university admissions. Each pathway will prepare students for post-secondary education, employment, or advanced training in a particular industry sector.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Veterans Boulevard

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: City of Fresno

Address of Requesting Entity: 2600 Fresno Street, Fresno, CA 93721

Description of Request: I have secured \$570,000 for Veterans Boulevard. The funding will be used for the preliminary engineering and design of a major thoroughfare, the Vet-

erans Boulevard freeway interchange at State Route 99, which will alleviate growing traffic concerns as substantial development continues to expand in the northwest region of Fresno County. Veterans Boulevard is planned as a new six lane super-arterial roadway which includes bridges over SR 99, Golden State Boulevard and the Union Pacific Railroad tracks. The interchange is a critical element to alleviate congestion at the Shaw Avenue/SR 99 and the Herndon Avenue/SR 99 interchanges.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: State Route 180 East Improvements

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: City of Fresno

Address of Requesting Entity: 2600 Fresno Street, Fresno, CA 93721

Description of Request: I have secured \$1,330,000 for State Route 180 East Improvements. The funding will be used to complete State Route 180 which will accommodate increased safe traffic flows vital for economic and commercial development of eastern Fresno County and will enhance farm-to-market shipping opportunities for the region. State Route 180 is vital to the economic health of the Central Valley. This vital corridor will provide the much needed East-West route extensions that will ultimately provide a connection to the only Interstate in Fresno County, Interstate 5. State Route 180 improvements help relieve State Route 99 of truck traffic and air pollution by moving traffic away from the metropolitan Fresno area.

LAW ENFORCEMENT LOOKING
OVER THEIR SHOULDER. ARE
THEY GUN SHY?

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. POE of Texas. Madam Speaker, one element lost throughout the fight to free Border Patrol agents Ramos and Compean is the weakened morale it brought throughout the entire ranks of the Border Patrol and its possible detrimental effects on border security. Everyone in the agency knows it could have been them standing guard along the border in Fabens, TX that February day in 2005. Faced with a similar situation, would they have made the same call as Ramos and Compean? The question is an important one because when placed in future similar situations, agents will pause and hesitate and will think long and hard about what course of action to take and if they take a certain course of action, will their government back them up or will they face scrutiny and prosecution? The border is a dangerous place full of dangerous bad guys who don't contemplate these things. Their job is to get their drugs across the border and will fight with everything they have to accomplish that task. Agents are taught to use their training to help them in the face of danger but

even the most trained agent is human and most if not all will pause long and hard with thoughts of Ramos & Compean. Officers who hesitate to act not only risk safety to themselves but they risk losing control of our border to the bad guys. The problem is, the other side knows this and their behavior has been growing ever more hostile and ever more assaultive to see the length they can take.

Agents who take aggressive action to hold their border line and protect themselves and their fellow colleagues are constantly looking over their shoulder. The Mexican government has aided in that fear. They constantly are directing pressure from their consulates to local and national offices of the U.S. Attorney's office and FBI to stomp out what they consider are aggressive Border Patrol actions against their citizens, even if they know those citizens are there to commit crimes against the United States.

Our government needs to be on the right side of this border war. Our government needs to defend our agents who face hostility from a violent enemy. Our government needs to be less concerned with protecting criminals and more concerned with how agents actions will prevent further crime. Enemies throughout time respect only one thing and that is action and defiance. If we allow our agents to show that force and take it to the enemy instead of being gun shy, perhaps we will once again restore order on the border.

TRIBUTE TO BALTIMORE READS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. SARBANES. Madam Speaker, I rise today to recognize Baltimore Reads—an organization that has worked tirelessly for the past 20 years to combat illiteracy. Their goal is to help participants gain the necessary skills for self-sufficiency, employment, and life-long learning in order to achieve economic and social empowerment. For 20 years, Baltimore Reads has been striving to meet these goals and, for many participants, has been a means to achieve them.

Since 1992, Baltimore Reads has distributed more than one million books to schools and disadvantaged families. At the Ripken Adult Learning Center, their educational facility in downtown Baltimore, more than 325 students attend classes at proficiency levels ranging from non-readers to GED candidates. With their programs in high demand, they have plans to expand to more locations and add Internet classes. Today, thousands of Baltimoreans have the basic skills necessary to succeed in life because of Baltimore Reads' efforts.

I strongly support Baltimore Reads' vision of a 100 percent literacy rate in Baltimore. I would like to take this opportunity to commend them on their work and wish them another 20 years of success.

HONORING POLK COUNTY SCHOOL DISTRICT SUPERINTENDENT MARVIN WILLIAMS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community.

Today, I rise to honor Marvin Williams of Rockmart, Georgia in Polk County. Marvin has demonstrated a passion for serving others both in his personal and professional lives. For over 30 years, Marvin has been involved in the educational system of Polk County. He began his service as a Special Education teacher and in 1980, Marvin started his administrative career at Westside Elementary School. In 1999, Marvin Williams became Interim Superintendent for the Polk County School District and officially became the county's first African-American Superintendent in 2007. Marvin has also been a valuable addition to my 11th District Education Advisory Board, helping to advise me in improving our nation's education policies.

In addition to Marvin's commitment to the education system of Polk County, he also gives back to his community through his service as the Minister of Music at Thankful Baptist Church in Rome, Georgia.

Madam Speaker, I ask that my colleagues join me in thanking Superintendent Marvin Williams for his leadership and service to the people of Polk County and his commitment to the students in his district.

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus Appropriations Act:

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants
Legal Name of Requesting Entity: Houston Police Department

Address of Requesting Entity: 1200 Travis Street, Houston, TX 77002

Description of Request: I have secured \$350,000 for the Houston Police Department to purchase more LiveScan equipment, enabling them to capture electronic fingerprints and be part of the IAFIS (Integrated Automated Fingerprint Identification System) program which enables them to determine in seconds as opposed to days the alienage and

criminal history of those they apprehend through the federal Law Enforcement Support Center. Previously, Houston has gone through the Texas Department of Public Safety which has received approximately \$26 million in grants from the National Criminal History Improvement Program (through the Bureau of Justice Statistics) since 1995; however, the Texas Department of Public Safety and the National Criminal History Improvement Program services the entire state and they are limited in the amount of funding it can provide to Houston. Houston has 6 Livescan machines working. Funds obtained last fiscal year helped them buy 7 additional machines. Houston still needs 9 more machines to be fully electronic under IAFIS city wide.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants
Legal Name of Requesting Entity: Houston Police Department

Address of Requesting Entity: 1200 Travis Street, Houston, TX 77002

Description of Request: I have secured \$150,000 for the Houston Police Department to purchase 50 additional mobile AFIS (automated fingerprint identification system) handheld devices that would be given to police officers away from their desks to quickly capture biometric information of suspects and quickly determine their criminal histories, outstanding warrants, whether they have an order of removal or bench warrant for a failure to appear for an immigration proceeding from Immigration and Customs Enforcement, etc. from ICE's Office of Detention and Removal's deportable felon database.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Corps of Engineers, Investigations
Legal Name of Requesting Entity: Sabine-Neches Navigation District

Address of Requesting Entity: P.O. Box 778, 2348 Hwy. 69 North, Nederland, TX 77627

Description of Request: I have secured \$478,000 to complete the feasibility study phase of deepening and widening the Sabine-Neches Waterway which will include beginning the Planning, Engineering, and Design (PED) phase of the General Investigation of deepening and widening the waterway.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Energy, EERE
Legal Name of Requesting Entity: University of Houston Center for Clean Fuels and Power Generation (CFPG)

Address of Requesting Entity: 4800 Calhoun Road, Houston, TX 77004

Description of Request: I have helped secure \$475,750 to focus on the synthesis and development of clean and sustainable fuels, their combustion for efficient generation of portable power, and their exhaust after-treatment for minimal impact to the environment. CFPG is one component of a diverse portfolio of programs focused on energy at UH, which

is strategically located in a vast regional petrochemical complex and port system, as well as the center of the international energy industry. CFPG program activities include: cross-cutting multi-scale research in the sciences and engineering, technology transfer and integration, and educating a diverse scientific workforce in fields key to the success of the U.S. economy.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Chambers-Liberty Counties Navigation District

Address of Requesting Entity: 1801 Trinity Street, Liberty, TX 77575

Description of Request: I have secured \$994,000 to maintain navigation along the lower Trinity River in Texas. The Trinity River Project is a 47 mile shallow draft waterway beginning with the Anahuac Channel which extends for 5.6 miles from the 6 foot depth in upper Trinity Bay to the Mouth of the Trinity River at Anahuac Texas. From the mouth of Trinity River, the channel to Liberty proceeds for 41.4 miles along the meanders of the Trinity River to the Port of Liberty. Also included is a 9-foot depth channel extending from the Houston Ship channel along the east shore of the Trinity Bay, to a point 1 mile below Anahuac, Texas. Maintenance is needed to allow shallow draft barge access to support the current industrial residents at the Port of Liberty and to attract new ones. The combination of rail and barge traffic at the Port of Liberty creates a powerful synergy to propel the economic development of our primary rural community.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Gulf Intracoastal Canal Association

Address of Requesting Entity: 2010 Butler Drive, Friendswood, TX 77546

Description of Request: I have helped secure \$29,586,000 to maintain navigation of selected Gulf Intracoastal Waterway reaches in Texas such as the Victoria, Cedar Bayou, and Harlingen channels. Funding also could include installing mooring buoys at selected locations along the waterway and repairs to the Colorado Lock near Matagorda, Texas.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Lamar University

Address of Requesting Entity: PO Box 10001, Beaumont, TX 77710

Description of Request: I have secured \$238,000 to Lamar University's Community and University Partnerships Service (CUPS) to help coordinate, plan and promote quality healthcare for underserved populations in Southeast Texas. CUPS will provide critical access to resources and expertise for quality healthcare coupled with traditional community-

based delivery systems through efficient utilization of University resources and partnerships.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Memorial Hermann Baptist Beaumont Hospital

Address of Requesting Entity: PO Box 1591, Beaumont, TX 77704

Description of Request: I have secured \$190,000 for the Hospital's Behavioral Health Center to renovate the Center's appearance.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Beaumont, TX

Address of Requesting Entity: 801 Main Street, Beaumont TX 77701

Description of Request: I have secured \$190,000 for improvements to a 20 block area in downtown Beaumont, including Neches Street from Laurel to College Streets and Park Street from North to College Streets. Since the downtown improvements are an ongoing project, the design and construction of the project would take approximately a year and could begin immediately.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Airport Improvement Program

Legal Name of Requesting Entity: Houston Airport System, George Bush Intercontinental Airport

Address of Requesting Entity: P.O. Box 60106, Houston, TX 77205-0106

Description of Request: I have secured \$712,500 for noise mitigation to include the continued residential acquisition and sound insulation program. The August 2000 Record of Decision for the Houston's George Bush Intercontinental Airport Runway 8L-26R and Associated Near-Term Master Plan Projects and Federal Actions identified a series of actions necessary to mitigate the environment impacts associated with the new runway and the related airport improvements. In terms of discernible community impacts, aircraft noise is the primary activity requiring mitigation. As noted in the Record of Decision (page 53), "The primary responsibility for implementation of the mitigation measures lies with the Houston Airport System and the FAA will take appropriate steps through federal funding grant assurances and grant conditions, airport layout plan approvals, and contract plans and specifications to ensure that the following mitigation actions are implemented during project developments. The approvals contained in this Record of Decision are specifically conditioned upon full implementation of these mitigation measures." The measures identified in the Final Environmental Impact Statement and the Record of Decision are acquisition and soundproofing of residential properties exposed to significant noise impacts. Property acquisition

and soundproofing have been underway for several years. To date, over \$35 million has been invested in this program.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2009 Omnibus Appropriations bill that was included in H.R.1105:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$176,000 for the University of Illinois Extension to extend its MarketMaker information technology platform to a national level that will enable food producers, processors, wholesalers and retailers electronic access to geographically referenced data, thus enhancing the opportunity for food and agricultural entrepreneurs to identify and develop new and profitable markets and improve the efficiency and profitability of food systems in the United States and globally. Of this amount \$91,277 is for personnel; \$28,752 for Supplies; \$17,204 for Publications; \$13,198 for Services; \$13,679 for travel; and \$11,890 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$461,000 for the University of Illinois to conduct collaborative, multidisciplinary research to promote optimal human health by studying novel attributes of food. Of this amount \$322,300 is for Personnel; \$14,000 is for Participant/Trainee Support; \$60,600 for Supplies; \$3,300 for Publications; \$29,800 for Travel; and \$31,000 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$745,000 for the Soybean Disease Biotechnology Center, located within the National Soybean Research Laboratory (NSRL) at the University of Illinois, which provides cutting edge research and a first line of defense against major soybean diseases. Of this amount \$595,000 is for Personnel; \$80,000 for Supplies; \$20,000 for Travel; and \$50,000 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$564,000 for the Livestock Genome Sequencing Initiative at the University of Illinois and international partners in two consortia who are creating maps of the complete cattle and swine genomes. Of this amount \$253,800 is for Personnel; \$140,000 for Supplies; \$115,400 for Services (sequencing); \$17,000 for Travel; and \$37,800 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Veterinary Medicine, 1008 Hazelwood Dr., Urbana, IL 61802

Description of Request: \$235,000 for the Illinois Center for One Medicine, One Health at the University of Illinois which will focus on research, training and outreach efforts designed to improve our society's preparedness and response to natural and intentional exposures of biological, chemical and physical agents. Of this amount \$117,500 is for research; \$47,000 is for the instruction of courses various academic programs; and \$70,500 for training programs and exercises to serve state departments of agriculture and public health.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: International Arid Lands Consortium

Address of Requesting Entity: 1955 East 6th Street, Tucson, AZ 85719

Description of Request: \$401,000 for the International Arid Lands Consortium to use research and technical assistance expertise at the University of Illinois, University of Arizona, University of Nevada's DRI, New Mexico State University, Texas A&M University and South Dakota State University in the critical fields of sustainable agriculture, land management and water use. It cooperates with researchers in Israel, Jordan and Egypt to enhance its effectiveness. Of this amount \$301,000 will go to peer reviewed research projects at the member institutions and \$100,000 will go to administrative costs.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 CJS Appropriations bill included in H.R.1105

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Requesting Entity: Project Success of Decatur and Macon County

Address of Requesting Entity: 310A West William Street, Decatur, IL 62522

Description of Request: \$180,000 to implement the "Truancy Prevention and School Success" project to provide truancy prevention/intervention programming for public school children in grades K–8. Of this funding \$64,920 is for Personnel; \$3,000 for equipment; \$4,000 for Travel; \$7,650 for supplies; and \$100,430 for consultants and tutors.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 CJS Appropriations bill included in H.R.1105

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Illinois State Geological Survey

Address of Requesting Entity: 615 E. Peabody Drive, Champaign, IL 61820

Description of Request: \$725,000 for the Illinois Height Modernization project to update the benchmarks in the state (approximately half can no longer be located), unify the database of benchmarks, and provide a digital elevation (LiDAR) model for the state. Of this amount \$64,708 is for salaries and benefits; \$11,000 is for travel; \$16,500 is for Computing Hardware and Services; \$200,000 is for Level lines for new benchmarks in Northern Illinois; \$190,000 is for LiDAR data collection; \$2,000 for outreach forums; \$377 for commodities; \$400 for telecommunications; \$119,665 for facilities and administration; and \$120,350 for NOAA/NGS overhead.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 CJS Appropriations bill included in H.R.1105

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Midwestern Regional Climate Center

Address of Requesting Entity: 2204 Griffith Drive, Champaign, IL 61820

Description of Request: \$3,900,000 for the Regional Climate Centers (RCC) program which will be split between the 6 Regional Centers to gather climate data from around the country, providing quality assurance and disseminating information to Federal, state and local government agencies, universities, businesses and the general public. After administration costs to NOAA/NESDIS approximately each RCC will receive \$570,000. For the Midwest Regional Climate Center \$381,800 will be used for Personnel; \$156,200 is for University of Illinois overhead; \$20,000 for operational support; and \$12,000 for travel.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R.1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Dewitt-Platt Bi-County Health Department

Address of Requesting Entity: 910 Rte. 54 East, PO Box 518, Clinton, IL 61727

Description of Request: \$238,000 for the construction of an office facility to house operations of the local public health department which will include a dental clinic to meet growing needs in the community. Of which, all of the \$238,000 will be spent on contractual services, such as labor and construction materials.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Energy and Water Development Appropriations bill included in H.R.1105

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Grayville, Illinois

Address of Requesting Entity: 122 S. Court St., Grayville, IL 62844

Description of Request: \$96,000 for a planning study to determine the feasibility of building a low-water dam near the main channel of the Wabash River at Grayville, Illinois. Of this total amount, \$10,000 will be used for preliminary analysis and scope definition; \$25,000 will be used for a ground and aerial survey; \$25,000 will be used for environmental coordination; \$25,000 will be used toward generating the dam feasibility report; and \$10,000 will be spent on a preliminary design of the dam.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Energy and Water Development Appropriations bill included in H.R.1105

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Lake Land College

Address of Requesting Entity: 5001 Lake Land Boulevard, Mattoon, IL 61938

Description of Request: \$1,332,100 to develop a campus-wide alternative energy plan to encompass the use of wind energy, geothermal, and photovoltaics in an effort for Lake Land College to take a leadership role in regard to alternative and renewable energy education. Of this amount, \$1,332,100 will be spent on materials and equipment in the Northwest Classroom Building and include the upgrade of HVAC and electrical, lighting, and plumbing systems along with the removal of asbestos.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 interior Appropriations bill included in H.R.1105

Account: STAG—Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Lexington, Illinois

Address of Requesting Entity: 329 West Main Street, Lexington, IL 61753

Description of Request: \$300,000 for the City of Lexington, Illinois for the construction of a new city-wide sanitary sewage collection and treatment system. The City is under a "consent decree" with the Illinois EPA that avoids legal action against the City as long as construction of the new system is undertaken in a timely manner. Of this amount, all of the \$300,000 will be spent on design services for the new system.

Requesting Member: TIMOTHY V. JOHNSON
Bill Number: Fiscal Year 2009 Transportation—HUD Appropriations bill included in H.R.1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: Facilities & Services, 1501 South Oak Street, Champaign, IL 61821

Description of Request: \$570,000 for the extension of Fourth Street to Hazelwood Road in Champaign, Illinois for new development purposes and increased traffic needs. This will relieve traffic congestion along First Street and provide better access to the University of Illinois at Urbana-Champaign campus, the University Park Hotel & Conference Center, and The Research Park at the University of Illinois. Of this amount, \$171,500 will be spent on engineering costs; \$307,000 will be spent on installing a traffic signal at the corner of St. Mary's Rd. and Fourth St.; clearance activities will cost \$33,500; and \$58,000 will be spent on installing a storm sewer.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation—HUD Appropriations bill included in H.R.1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Bloomington, Illinois

Address of Requesting Entity: 107 E. Chestnut Street, Bloomington, IL 61701

Description of Request: \$166,250 for the renovation of a 33,000 square foot former medical building into a regional arts education center for children. The final component of the City's new downtown Cultural District, the new center will enable the growth of area arts organizations, provide after-school arts programs for at-risk children in the city's core neighborhoods and continue the economic revitalization of Bloomington's downtown. Of this amount, \$146,250 will be used to replace the building's heating and air conditioning system and \$20,000 will be used for classroom equipment and furnishings.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation—HUD Appropriations bill included in H.R.1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Illinois State University

Address of Requesting Entity: Campus Box 304, Hovey 310, Normal, IL 61790

Description of Request: \$95,000 for the development of a university research park for small to medium sized businesses that will assist regional business development and create opportunities for new jobs in Illinois. The business incubator and university research park will be mixed use with particular emphasis on specializing in renewable energy, nanotechnology and advanced manufacturing. Of this amount, \$30,000 will be used for office equipment; \$5,000 will be used for supplies; and \$60,000 for personnel.

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT

Downingtown Borough, 4–10 West Lancaster Avenue, Downingtown, Pennsylvania—\$712,500 for a bridge over Brandywine Creek. The bridge will extend Boot Road over Brandywine Creek allowing access to a proposed redevelopment site that will bring jobs and attract businesses to Chester County's only Keystone Opportunity Zone (KOZ). It is critical to the revitalization plans of the borough.

Valley Forge Park National Historical Park, 1400 North Outer Line Drive, King of Prussia, Pennsylvania—\$142,500 for the construction of a bridge over Valley Creek for Loop Trail. This project will complete the final link in Valley Forge National Historical Park's Joseph Plumb Martin Trail (JPMT), which receives 960,000 visits annually. The Missing Link will connect the JPMT with three other popular hiking and recreational trails and with two popular parking areas at Knox's Quarters and the Mount Misery trailhead. The new trail will enable visitors to walk, jog, or bicycle around the entire park without having to travel along dangerous state highways. This will greatly improve visitor safety and enhance the visitor experience through reduced exposure to high-volume traffic and the increased availability of recreational options.

Borough of Boyertown, 100 S. Washington Street, Boyertown, Pennsylvania—\$475,000 for Main Street streetscape improvements. Boyertown is a Main Street designated community under the Main Street program of the Pennsylvania Department of Economic Development. The purpose of the designation is to revitalize the downtown commercial district to promote a stable, safe, and pleasant shopping and living area to be enjoyed but not only the borough but surrounding communities.

Historic Yellow Springs, PO Box 62, Chester Springs, Pennsylvania—\$142,500 for parking and street enhancements at Historic Yellow Springs. The funding will help to further revitalize the community with projects to enhance parking and to help renovate their facilities. The mission of Historic Yellow Springs is to share, preserve, and celebrate the unique living village of Yellow Springs by focusing on history, arts, education and the environment.

Montgomery County Community College, 340 Dekalb Pike, Blue Bell, Pennsylvania—\$237,500 for continued expansion of their West Campus in the borough of Pottstown. This funding will allow for Montgomery County Community College's further expansion of workforce development and transfer programming to help residents in Pottstown Borough and greater tri-county area of Montgomery, Chester, and Berks counties.

AGRICULTURE

The Rodale Institute, 611 Siegfriedale Rd., Kutztown, Pennsylvania—\$42,000 for continued Arbuscular Mycorrhizal Fungi research. The funding will help further Rodale's research which they believe has helped to determine that using biological farming methods instead of chemical methods will produce cleaner air and safer drinking water.

COMMERCE, JUSTICE AND SCIENCE

Berks County Community Foundation, PO Box 212, Reading, Pennsylvania—\$200,000 for the Reading Police K9 Unit. The funding will be used to further develop the Reading Police K9 Unit and help meet its future financial needs for the purpose of crime reduction in the City of Reading.

Exeter Police Department, 4975 Demoss Road, Exeter, Pennsylvania—\$250,000 for the Berks County Emergency Response Team (BCERT). Funding will be used to purchase equipment necessary for the formation of a Berks County emergency response team. The team and equipment that will be bought with this funding will help protect the lives of police officers and other first responders during the resolution of high-risk incidents and serving arrest and search warrants.

Alvernia College, 540 Upland Avenue, Reading, Pennsylvania—\$600,000 for the South Reading Youth Initiative. The funding will be used to assist at-risk youth by promoting programs that teach them to expand their ability to think logically and critically, to comprehend accurately, and to communicate effectively.

American Library Association, 1615 New Hampshire Ave. NW, First Floor, Washington, DC—\$258,000 for the All Kids Count program. The funding will be used to develop a series of four films dedicated to educating parents how to keep their children safe and informing children how to protect themselves against abduction, internet predators and targeted school violence.

Police Athletic League of Norristown, PO Box 685, Norristown, Pennsylvania—\$92,000 for PAL youth programs in Norristown. The funding will be used to continue the high-quality, low-cost programs that are offered to the youth (ages 5–18) of the Norristown Area. Programs and activities are offered that cover educational, artistic and recreational interests.

ENERGY AND WATER

Alvernia College, 540 Upland Avenue, Reading, Pennsylvania—\$570,900 for scientific instrumentation initiatives. The funding will be used for essential investigative equipment for an interdisciplinary forensic science and criminalistics training laboratory, an environmental research laboratory, a fuels and energy research laboratory, a human anatomy and physiology laboratory, and a mathematics laboratory, that will help Alvernia in broadening its scientific offerings.

Albright College, 13th & Bern Sts, P.O. Box 15234, Reading, Pennsylvania—\$380,600 for science instrumentation and construction of three student independent research labs dedicated to biology, chemistry and biochemistry and physics.

FINANCIAL SERVICES

Delaware County Community College, 901 South Media Line Road, Media, Pennsylvania—\$300,000 for a small business solutions center. The funding will be used to continue the Center's operations as well as expand its programs. Specifically, the Center will develop and deliver a series of entrepreneurial programs for students enrolled in DCCC's trade programs (i.e., plumbing, electrical, carpentry, HVAC, automotive technology, and welding) since these students have consistently asked for more training in starting their own small businesses.

INTERIOR AND ENVIRONMENT

City of Reading, 815 Washington Street, Reading, Pennsylvania—\$500,000 for the Reading Waste Water Treatment Plant. The funding will be used to consolidate screening and grit removal operations, the impact of future environmental regulations, the need for security improvements, and the potential for improved efficiencies associated with new control systems.

LABOR HEALTH AND HUMAN SERVICES AND EDUCATION

Phoenixville Community Education Foundation, PO Box 809, Phoenixville, Pennsylvania—\$147,000 for remedial after school math and reading education. Funding will be used to provide remedial summer and after-school programming for students in grades K–12 who are not proficient in math and reading on the Pennsylvania System of School Assessment (PSSA), the states standardized test.

I-LEAD, Inc., 525 Penn St., Reading, Pennsylvania—\$143,000 for the College Without Walls program. The College Without Walls program delivers I-LEAD's leadership curriculum via an accelerated Associates Degree in Leadership Studies in students' neighborhoods of residence through partnerships with local nonprofit organizations. The program includes Vocational training opportunities in healthcare, including a cutting-edge vocational ESL program, leverages workforce development dollars to build long-term careers in high-demand industries for low-income workers. For those who do not have a high school diploma, I-LEAD offers GED classes and support to equip local residents to take the next step toward economic independence and family and community stability by furthering their education.

Chester County Hospital, 701 East Marshall Street, West Chester, Pennsylvania—\$428,000 for facilities and equipment. The funding will be used to add 72 inpatient beds and will allow the hospital to centralize and update all of its surgical facilities and services.

Central Pennsylvania African American Museum, 119 N. 10th Street, Reading, Pennsylvania—\$238,000 for exhibits relating to the Underground Railroad. Funding will be used to educate the public regarding African American History including inventions, contributions to society and the world, with special emphasis on telling the Underground Railroad story and record the history of local African Americans.

Chester County Historical Society (CHS), 225 North High Street, West Chester, Pennsylvania—\$190,000 for a community historical education initiative in the County. Funding will be used to modernize and broaden education and other outreach services to better address the changing needs, expectations, and demographics of the community.

Pocopson Township Historical Committee, PO Box 1, Pocopson, Pennsylvania—\$214,000 for exhibits and curriculum development at the Locust Grove Schoolhouse. The Pocopson Township Historical Committee works to identify and encourage the preservation of historical resources within the Township through education and community involvement.

TRIBUTE TO BERNARD C. BARRMAN, SR.

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a longtime community leader and friend, Bernard "Bernie" Barmann Sr., from Bakersfield, California, on his retirement after more than 30 years of service to Kern County. Bernie has served in the Kern County Counsel's Office since 1974, first as the Deputy County Counsel and then as County Counsel since 1985.

Bernie graduated from Immaculate Conception College in 1955 and later earned his M.A. and Ph.D. from Stanford University in 1966. As a Fulbright Scholar and Kent Fellow, Bernie studied in France in 1963 to 1965. A dedicated scholar, Bernie taught at the Ohio State University and the University of Toronto from 1966 to 1971. In 1974, he earned a J.D. from the University of San Diego. Locally, he was an adjunct professor at California State University, Bakersfield's School of Business and Public Administration from 1986 to 2000.

A skilled lawyer, Bernie was admitted to the California State Bar in 1974 and for 33 years has practiced law in California at both the state and federal level. He has also been admitted to argue in front of several federal courts as well as the United States Supreme Court. Bernie has also been active in the California State Bar and the Kern County Bar—he was an editor for the Law Practice Management Newsletter for the State Bar from 1991 to 1993 and served as President of the Kern County Bar Association in 2001. He served from 1997 to 2000 on the State Bar Judicial Nominees Evaluation Commission and was President of the California County Counsels Association in 1993–1994. Bernie was awarded the Kern County Bench & Bar Award in 2006 for his outstanding contributions to the legal profession and justice system, and was recognized in Who's Who in American Law each year from 1992 to 2004. He lectures frequently on local government issues, especially on the topics of the California Open Meeting law and the Public Records Act.

An active member in the Kern County community, Bernie has been a Rotarian for 23 years and has served in leadership positions with various community organizations, including the Kern County Academic Decathlon, the Boy Scouts of American Southern Sierra Council, the Bakersfield Symphony Orchestra Board, and the Community Concerts Association, to name a few. Bernie's victories for Kern County made funding available for new administration buildings including many fire stations and the Juvenile Justice Center.

As Bernie retires from the position of Kern County Counsel, his selfless contributions to Kern County will not be forgotten. However, I know he is looking forward to spending more time with his wife, Bee, their two children, Bernie Jr., an attorney in Los Angeles, and Brigit, a psychologist in Asheville, North Carolina, and his three grandchildren. I wish him well in retirement.

A TRIBUTE IN REMEMBRANCE OF LOUVINIA G. POINTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. TOWNS. Madam Speaker, I rise today in remembrance of Louvinia G. Pointer. Ms. Pointer, a 92-year-old Brooklyn resident, was a musicologist and celebrated arts educator.

Born in Holly Hill, South Carolina in 1926, Mrs. Pointer and her family migrated to Harlem in 1926 in search of progressive opportunities for African Americans in the North.

Trained as a pianist from a young age, organist and lyric soprano, Louvinia White was prompted by friends to audition for Apollo Theater's Amateur Night competition at age 18. With a recommendation from Countee Cullen, Louvinia was accepted to New York University (NYU) in 1935, where she studied music education and later enrolled in the Music Masters program.

In 1939, a member of Louvinia's church informed her that renowned British playwright Noel Coward sought three African American women to open his new production scheduled to open on Broadway. Louvinia and two singing partners auditioned for Coward singing "Lift Thine Eyes" from Felix Mendelssohn's Elijah. Returning home from classes at NYU one evening she found a telegram in her mailbox from Mr. Coward asking her to report to the theater. When she arrived, Coward approached her with hands outstretched and thanked her for coming, exclaiming that he needed her voice in his show, *Set to Music*, starring Beatrice Lillie. Soon thereafter, Coward composed an obbligator for Louvinia to open the production.

In 1943, Louvinia became a choral director in the National Youth Administration (NYA) Radio Workshop, a unit of President Roosevelt's Works Progress Administration. Louvinia directed one of the two NYA Radio Choirs, which performed weekly concerts on WNYC-FM until the conclusion of the program in 1943. Through the success of her choir, Louvinia married World War II veteran William Davis Pointer Sr. (1918–2001) and the two birthed three children, Olive Elise Pointer (1950), William Davis Pointer Jr. (1952), and internationally acclaimed, Grammy nominated jazz violinist and political activist Noel Whitaker Pointer (1954–1994).

Louvinia's final Broadway role was in the 1951 revival of Marc Connelly's 1936 film classic *The Green Pastures*, a musical setting of the Biblical "Creation". Louvinia then commenced her tenure as a music educator in the New York City public school system in 1958. She educated thousands of youth at Girls High School, Tilden High School, P.S. 21 and Lefferts Junior High School.

In 1987, Louvinia founded the Great Day Chorale, a 50-member a capella singing ensemble. Under Louvinia's leadership the four-part ensemble performed nationally and internationally in New Orleans and Barbados.

Louvinia is survived by daughter Olive Pointer Harney, son, Rev. William D. Pointer Jr., Associate Pastor of Christian Cultural Center Brooklyn, N.Y., daughter-in-laws Elder Lillie

Pointer of Long Island, NY and Chinita Pointer of Orange, N.J., fourteen grandchildren, seven great grandchildren, nieces, nephews and cousins.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding constituent projects of interest I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Galena City School District

Address of Requesting Entity: P.O. Box 299, Galena, AK 99741

Description of Request: I have secured \$485,000 for the Galena School District. Funding will be used for Galena's boarding school operations and provide a safe and educationally enriching environment for 120 students, many of whom are Native Alaskans from outlying villages where, in some cases, they may be exposed to a physically and emotionally challenging village environment. Due to a 2001 Department of Education formula change, Galena loses \$1 million annually in Federal Impact Aid Funding. It is my understanding that these funds will be used along with state funding to provide educational services and operate the boarding school. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Literacy Council of Alaska, Fairbanks

Address of Requesting Entity: 517 Gaffney Road, Fairbanks, AK 99701

Description of Request: I have secured \$81,000 for the Literacy Council of Alaska, Fairbanks. The funding will be used for a school-age tutoring program focusing on reading, writing and math. It is my understanding that the funds will be used for salaries, supplies and tutor trainings. There is an in-kind volunteer tutor contribution of \$30,600 annually. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: AK Addictions Rehabilitation Services, Inc./Nugen's Ranch

Address of Requesting Entity: P.O. Box 871545, Wasilla, AK 99687

Description of Request: I have secured \$490,000 for Addictions Rehabilitation Services, Inc./Nugen's Ranch. The funds will be used for the construction of a new residential substance abuse treatment facility. This will allow the recipient to increase the number of individuals treated which will decrease the number of people being sent out of state for treatment. It is my understanding that the funds will be spent for engineering and architecture fees, site preparation and actual construction of the facility. Other funds being used for this project are coming from the Denali Commission, Foundation Grants, AK Mental Health Trust Authority, the State of AK, and funds from the organization itself. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Providence Health System

Address of Requesting Entity: 3200 Providence Drive, Anchorage, AK 99508

Description of Request: I have secured \$951,000 for Providence Health Services in Anchorage, AK. These funds will be used for the Alaska Family Medicine Residency Program which recruits and trains doctors to address the critical physician recruitment and retention problem in Alaska. It is my understanding that the funds will be used to pay for faculty salaries (\$835,000) and resident recruitment (\$116,000) and that Providence Health Services will provide supplemental funds to this program. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Education, School Improvement

Legal Name of Requesting Entity: Department of Education

Address of Requesting Entity: 400 Maryland Avenue, SW, Washington, DC 20202

Description of Request: I have secured \$33,315,000 for the AK Native Education Equity Program. It is my understanding that these funds will be used to meet the unique education needs and to support supplemental education programs to benefit Alaska Natives. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Alaska PTA

Address of Requesting Entity: P.O. Box 210496, Anchorage, AK 99503

Description of Request: I have secured \$238,000 for the Alaska PTA. These funds will be used to train parents in their roles and responsibilities under the No Child Left Behind Act. It is my understanding that the funds will be used in conjunction with Alaska PTA funds totaling \$160,000. I certify that neither I nor

my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Yukon-Kuskokwim Health Corporation

Address of Requesting Entity: P.O. Box 528, Bethel, AK 99559

Description of Request: I have secured \$1,475,000 for the Yukon-Kuskokwim Health Corporation. These funds will be used for capital equipment upgrades that will improve productivity, improve health care delivery and reduce the number of patients that are now required to be transferred out of the region. It is my understanding that no additional funds will be used for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Commerce, NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Gulf of Alaska Coastal Communities Coalition

Address of Requesting Entity: PO Box 201236, Anchorage, AK 99520

Description of Request: I have secured \$150,000 for the Gulf of Alaska Coastal Communities Coalition (GOAC3) which is an incorporated 501(c)6 non-profit membership driven organization primarily serving as an advocate for small boat community based fisheries in the protection and creation of fair and sustainable fisheries related economic opportunities. The GOAC3 has representation from over 45 fisheries communities in the Gulf of Alaska. The GOAC3 allows these communities to participate and be effective in North Pacific Fishery Management Council meetings, allowing them to help mitigate negative impacts and increase opportunities to create economically viable and sustainable marine related communities. It is my understanding that these funds will be spent as on Personnel: \$45,000, Travel: \$22,000, Supplies: \$12,000 and Support Contracts: \$62,000.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Commerce, NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Cook Inlet Beluga Whale Research/Kenai Peninsula Borough

Address of Requesting Entity: 144 N. Binkley St., Soldotna, AK 99669

Description of Request: I have secured \$700,000 for the Kenai Peninsula Borough. This project will study the population of the Cook Inlet Beluga Whale so that it is fully understood and counted. The listing of the Cook Inlet Beluga Whale on the Endangered Species List affects over 70% of Alaska's population and knowledge of the Cook Inlet Beluga Whale's population size and migration habits is sorely lacking. This project fulfills the mandates of the Marine Mammal Protection Act and the Endangered Species Act. It is my understanding that the funds will be used for tagging devices and equipment and to support

tagging expeditions to place the tracking devices on the Cook Inlet Beluga Whale. Funds will also be used for data collecting and analyzing.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Northwest Arctic Borough

Address of Requesting Entity: P.O. Box 1110, Kotzebue, AK 99752

Description of Request: I have secured \$500,000 for the Northwest Arctic Borough's Public Safety Planning and Village Public Safety Officer Hiring and Training. This project provides for the creation of a comprehensive planning process for law enforcement in the Borough and to implement immediate improvements to the Village Public Safety Officer program by recruiting and training new officers. This will help to bring up the level of law enforcement and public safety in the Borough, which is currently completely inadequate and provide Borough citizens with the same protections afforded those Americans throughout the country. The State of Alaska provides contract funds for the Village Public Safety Officer program. It is my understanding that \$250,000 will be used for public safety planning process and \$250,000 for Village Public Safety Officer Hiring and Training.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Commerce, NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: The Alaska Sea Otter and Steller Sea Lion Commission

Address of Requesting Entity: 6239 B Street, Suite 204, Anchorage, AK 99518

Description of Request: I have secured \$300,000 for a Steller Sea Lion Comanagement, Biosampling and Outreach/Education program. This project will feature two approaches to bio-sampling. The first will be to work with two high harvest communities to fund local monitors (residents that help facilitate sea lion bio-sampling and monitor and document the local environment). The second approach will consist of training approximately 25 coastal Alaskans on proper sample collection and technique and protocols from those sea lions harvested for subsistence. This will help fulfill the mandates created by the Marine Mammal Protection Act and help promote responsible and sustainable subsistence harvesting. It is my understanding that the money will be spent on: Personnel: \$130,000, Travel: \$64,000, Supplies: \$15,000, Community Monitoring Contracts: \$50,000, Biosamplers: \$10,000 and Administrative Support: \$31,000.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Justice, Office on Violence Against Women

Legal Name of Requesting Entity: State of Alaska / Victims for Justice

Address of Requesting Entity: 1057 Fireweed Lane, Suite 101, Anchorage, AK 99503

Description of Request: I have secured \$400,000 to be used for sexual assault/do-

mestic violence education, victim assistance and prosecution. This project will support victims of violent crimes. It is my understanding that funding will be split between programs on Sexual Assault/Domestic Violence Education, programs to provide Victim Assistance and prosecution of those who commit the violence.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: USDA, NRCS

Legal Name of Requesting Entity: Alaska Association of Conservation Districts

Address of Requesting Entity: 1700 E. Bogard Road, Suite 203A, Wasilla, AK, 99654

Description of Request: I have secured \$864,000 to support the work of 12 Soil and Water Conservation Districts in Alaska. Specifically, this program would allow the Alaska Association of Conservation Districts to manage statewide natural resource concerns such as invasive plants, water quality and soil erosion due to global climate change. Assuming percentages remain the same, funding would include 53.5% for salaries and personnel, 9.3% for fringe funding, 6.7% for travel funding, 4.3% for equipment, 4% for supply funding, and 16.7% for contractual funding. The matching funds for this project, which will be augmented from local and private contributors, are unknown at this time. Additionally, this project will be enhanced by projects that are funded by USDA, State and Private Forestry, U.S. Fish and Wildlife Service and other federal agencies. A funding request to the State of Alaska is pending.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: EPA, STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of Craig

Address of Requesting Entity: P.O. Box 725, Craig, AK 99921

Description of Request: I have secured \$250,000 for Water and Wastewater Infrastructure Projects in the City of Craig. The City has previously received funds from the State of Alaska's Village Safe Water Program, but because of delays in funding distribution and escalating project costs the funding received has not been able to fulfill the requirements for the approved projects. All funds appropriated will be used for the construction or replacement of waterlines, wastewater lines, lift stations, and other utilities. The total project will cost \$1.2 million. However, the grantee has received \$973,000 from the State of Alaska's Village Safe Water Program. The \$250,000 included in this appropriation will complete the project. Additionally, the City has provided additional in-kind contributions in the form of labor and equipment.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: Fairbanks North Star Borough

Address of Requesting Entity: 809 Pioneer Road, Fairbanks, AK 99707-1267

Description of Request: Provide an earmark of \$798,000 for bus acquisition to add a route

from Eielson AFB to Ft. Wainwright. The local share of the project will be provided by the Borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: FHWA, Federal Lands Highways
Legal Name of Requesting Entity: Fairbanks North Star Borough

Address of Requesting Entity: 809 Pioneer Road, Fairbanks, AK 99707-1267

Description of Request: Provide an earmark of \$950,000 for rural and road service area transportation upgrades. Funds will be used to upgrade roads to federal lands, military installations, university research farms, and evacuation. Funds will be matched 50 percent by the Borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: Mat Su Community Transit

Address of Requesting Entity: P.O. Box 8971590, Wasilla, AK 99687

Description of Request: Funding will be used for bus facility and property enhancements, 20 percent local match will be provided by Mat-Su Borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Army Corps of Engineers,

Address of Requesting Entity: Elmendorf Air Force Base, AK

Description of Request: Provide an earmark of \$263,000 for Alaska District to continue the feasibility study of the Alaska Regional Ports and Harbors Comprehensive Plan.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Construction

Legal Name of Requesting Entity: Army Corps of Engineers,

Address of Requesting Entity: Elmendorf Air Force Base, AK

Description of Request: Provide an earmark of \$3,328,000 to be used for Alaska coastal erosion. Native Villages on the coast of Alaska are eroding and this funding will help the Corps address the most pressing needs.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Construction

Legal Name of Requesting Entity: City and Borough of Sitka

Address of Requesting Entity: 100 Lincoln St., Sitka, AK 99835

Description of Request: Provide \$478,000 for upgrades to the harbor breakwater due to design deficiency. Upgrades are needed to protect fishing boats within harbor of Sitka Channel. Local match will be met by the state or borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105
 Account: Army Corps of Engineers, Operations and Maintenance
 Legal Name of Requesting Entity: Port of Anchorage

Address of Requesting Entity: 2000 Anchorage Port Rd, Anchorage, AK 99501

Description of Request: Provide an earmark of \$16 million will be used for transitional dredging for the Port of Anchorage Expansion Project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105
 Account: EERE, Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: Municipality of Anchorage

Address of Requesting Entity: P.O. Box 19660, Anchorage, AK 99519

Description of Request: Provide an earmark of \$713,625 to be used for converting methane gas to electrical power generation. Municipality will match all federal funds.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105
 Account: EERE, Geothermal Technology
 Legal Name of Requesting Entity: City of Unalaska

Address of Requesting Entity: 43 Ravens Way, Unalaska, AK 99685

Description of Request: Provide an earmark of \$951,500 for the development of a potential geothermal well in Unalaska. This could be a crucial source of energy for people on the Aleutian Chain.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105
 Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Elmendorf AFB, AK

Description of Request: Provide an earmark for \$740,000 for City of Dillingham in support of President's Budget for dredging Dillingham Harbor.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105
 Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Elmendorf AFB, AK

Description of Request: Provide an earmark for \$575,000 for City of Homer in support of President's budget for dredging Homer Harbor.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105
 Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: City of Nome

Address of Requesting Entity: P.O. Box 281, Nome, AK 99762

Description of Request: Provide an earmark for \$724,000 for City of Nome in support of President's budget for dredging the Nome Port.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. LARSON of Connecticut. Madam Speaker, on February 25, 2009, I missed two votes regarding H. Res. 184, a resolution setting forth the rule for consideration of H.R. 1105 to consider making omnibus appropriations for the fiscal year ending September 30, 2009. Had I been present, I would have voted "yes" for both H. Res. 184, Ordering the previous question (Roll call vote 84), and H. Res. 184, On Agreeing to the Resolution (Roll call vote 85).

A COMMEMORATION OF HOUSE SPEAKER TERRANCE CARROLL AND SENATE PRESIDENT PETER GROFF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Ms. DeGETTE. Madam Speaker, I rise to honor two distinguished gentlemen and mark a historic occasion for the State of Colorado and our legislature. For the first time in United States history, two African-Americans will hold the top leadership position in both chambers of a State legislature.

The election of Colorado State Representative Terrance Carroll as Speaker of the Colorado House of Representatives and Colorado State Senator Peter Groff as President of the Colorado Senate puts our State's past injustices into perspective. It opens our eyes once again to a time only eighty years ago when a majority of the State House members were associated with the Ku Klux Klan members. It reminds us when the 1924 election ushered in numerous KKK-endorsed candidates, including the Governor of Colorado, Clarence Morley. These were the days when legislation was introduced without shame by people who sought to use the law to restrict the rights of African Americans and to remove them from boards and commissions. The struggle for harmony and freedom from inequity continues for all of us, but today Colorado makes progress toward that end.

The story of House Speaker Terrance Carroll began several blocks away from this chamber, where Carroll grew up in the Anacostia neighborhood of Washington, D.C. He was the only child of a single mother who was the daughter of a sharecropper. He attended Morehouse College in Atlanta. He eventually earned a master's degree from the University of Colorado and a law degree from the University of Denver, and he graduated from seminary to become an ordained minister. During his career, he has served as a police officer and a practicing lawyer. In his seven years in the Colorado state legislature, Speaker Carroll has championed issues ranging from educational reform, housing, homeland security, and civil and criminal justice issues.

Senate President Peter Groff, the son of former Colorado lawmaker Regis Groff, is a

graduate of Denver's East High School. He started his political career working for former Governor Roy Romer and former City of Denver Mayor Wellington Webb. He helped found the Center for New Politics and Policy at the University of Denver. He has served as the center's executive director since its founding, in addition to working as an attorney in private practice, college lecturer, and satellite radio talk show host. Peter Groff was first elected to the House in 2000 and later was appointed and reelected to the Colorado Senate. He is the highest-ranking African-American elected official in Colorado history and has been called the "Conscience of the Senate."

In a year when America inaugurated its first African-American President, the ascension of Speaker Carroll and President Groff is also a significant tribute to the innumerable individuals who have come before us who strived and sacrificed for civil rights, equal opportunity, and equality for all. It gives me great pleasure as the Senior Member of the Colorado Congressional Delegation to congratulate these two men and recognize their accomplishments, not only in the context of Colorado's history, but the nation's as a whole.

HONORING THE LIFE AND SERVICE OF MERVIN WILLIAMS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. McCOTTER. Madam Speaker, I rise today to honor and acknowledge the life of Mervin Williams upon his passing on February 7, 2009.

A highly decorated veteran of World War II, Mervin served in the 10th Mountain Division's 85th regiment alongside Senator Robert Dole. For his selfless service to America, Mervin received a Bronze Star for his heroism and two Purple Hearts.

After Mr. Williams' return to the United States to recover from shrapnel wounds he received defending our nation, he dedicated himself to improving the lives of his fellow veterans and our entire community. Mervin became engaged in many significant organizations including Veterans of Foreign Wars, Disabled American Veterans, Eagles, the Moose Lodge, and The Knights of Columbus.

Madam Speaker, Mervin Williams is remembered as an American hero who loved and served our country and community in war and peace. Today, as we bid him farewell, I ask my colleagues to join me in mourning his passing and honoring his life. In league with his comrades who wore America's colors, Mervin Williams was a good man who did great things for the cause of human freedom. We are all diminished by his loss; and inspired by his life.

ACTION IN COMMUNITY THROUGH
SERVICE**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Mary Ta, a student at Lake Braddock Secondary School in Burke, VA and recipient of the In Hope Freedom Rings Foundation Scholarship. Mary sets a strong example as a leader among her peers, and is committed to making the most of her gifts and passions.

Mary exhibits a maturity beyond her years. Her father passed away when she was eight years old, forcing her family to relocate. Later, as her older siblings left home, she assumed responsibility for her younger sister. She has learned the flexibility and presence of mind needed to excel under demanding circumstances, coupled with a natural compassion and intellectual curiosity.

Mary has distinguished herself as a leader in the school community, in large part through her commitment to public service. She is the past Secretary and Vice-President of the Lake Braddock Key Club and a member of Key Club International. She serves in the Key Club as the Capital District's Lieutenant Governor, working on a board of trustees from all over the Washington Metro Area and Delaware. Her responsibilities include overseeing 15 high schools in the Capital District and acting as liaison between them.

In addition, Mary has organized and coordinated various service projects with the Leukemia and Lymphoma Society, the American Red Cross, Women's Domestic Shelter, United Nations Children's Fund, and many more.

Mary's strong orientation towards volunteerism has helped make her a leader in the student community. In 2005 she co-founded and is the current Vice-President of the Bruin ESOL Tutoring Association, a tutoring program for middle school students with English as their second language. In addition she has been an officer of the National Honor Society and the Student Government Association, and last year she attended Girls State at Longwood University and was elected to serve as a state Delegate.

Balancing her work in the greater community with more artistic activities, Mary is a serious musician, having played the violin for nine years. She has been a member of the Lake Braddock Orchestra since 2003, and is also a member of the Symphonic Orchestra and Tri-M music Honor Society.

Mary intends to continue challenging herself on many levels. Following college, she hopes to join the Peace Corps and ultimately to become a professor of history.

Madam Speaker, I ask that my colleagues join me in commending Mary Ta for her commitment to service and for the vital role she continues to play in her student community.

IN HONOR OF BLACK HISTORY
MONTH**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. RAHALL. Madam Speaker, in his Inaugural Address, President John F. Kennedy asked the people to ask not what their country could do for them but what they could do for their country.

Last month, as I again stood witness to history, President Barack Obama spoke a similar message, asking the people he had been elected to serve to remember the legacy that came before and with which many of us are intimately familiar: hard work, faith, and understanding in the face of economic insecurity, international conflict and personal differences.

No one understands this legacy better than African Americans, and it is with that in mind that we come together again this February to celebrate Black History Month.

The theme of Black History Month this year is "The Quest for Black Citizenship in the Americas." It is a theme we in West Virginia understand to our core. Making our homes in a state born out of the Civil War, we are intimately familiar with the struggle for equality.

It is no surprise that we've seen significant moments in history celebrated right here in our hills and hollows. Carter G. Woodson, the "father of Black History" hailed from Huntington, a son of slaves who worked in the coal mines to earn money for an education at West Virginia State College and then Howard University in Washington, DC.

Booker T. Washington, perhaps our most famous African American, walked from Virginia to Kanawha County, 'free at last,' to have a better life for his family. He also worked hard to obtain the education he felt in his heart was his right to pursue, working in the coal mines until he was 16. He walked 200 miles on foot to study at the Hampton Institute in Virginia and then came right back to West Virginia to teach the children of Appalachia.

Minnie Buckingham Harper of Keystone, the first African American woman to become a member of a legislative body in the United States, broke ground for countless women in 1928 when she was appointed to fill the term of her late husband.

Leon Sullivan, born in Charleston, was brought up in a dirty alley in one of the city's most poverty-stricken sections, worked in a steel mill to pay his tuition at West Virginia State College, and rose from poverty to found the Opportunity Industrialization Center, a job-training organization with branches around the world.

Helen Dobson was from Raleigh County, well-known throughout West Virginia for her beautiful voice, performed at the inauguration of two of West Virginia's governors and served as public school teacher for many years. Her spirit is still strong in southern West Virginia and it was with Ms. Dobson in mind that I signed on as a cosponsor of a bill that designates the African American spiritual as a national treasure. This bill passed the House of Representatives earlier this month.

Countless men and women have worked long hours for less pay to provide for a better

future for their children. They have fought, and continue to fight, for our liberties in the armed forces. Through their compassion and quiet strength, these men and women are role models by which we all can live.

With change and the spirit of unity sweeping the Nation, we have come together again to celebrate Black History month. I can think of no more fitting honorees this month than the African American men and women of West Virginia who have done so much to serve our Nation.

Today, southern West Virginians remain deeply indebted to our African American educators who work hard to make sure the children of the Mountain State are ready to take part in an ever more challenging and modern economy. Folks like Bluefield State President Albert Walker; Maurice Cooley, Director of African American Programs at Marshall University; Dr. Shari Williams-Clarke, Vice President for Marshall University Multicultural Affairs; Loretta Young, Vice President for Development at Concord University; and Roslyn Clark-Artis, Executive Vice President at Mountain State University, are an inspiration to us all.

Too often, the history of black Americans is not fully taught or remembered. With the indomitable spirit of Dr. Carter G. Woodson and new leaders such as President Barack Obama, African Americans in southern West Virginia and across the country are making great progress. Let us take this Black History Month to celebrate the African American contributions to the greatness of West Virginia and to commend those carrying on this proud tradition of service today.

HONORING MR. ERNIE CHAMBERS

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. TERRY. Madam Speaker, I rise today in order to honor a great constituent in my district, Mr. Ernie Chambers.

Ernie Chambers is a former Nebraska State Senator and current member of the Omaha Learning Community.

As a member of the Nebraska legislature, he served longer than any other member had and up until this year, he was the Legislature's lone African-American member. As a State Senator, he was a voice for the residents of north Omaha and he always asked the tough questions. While some of his colleagues might have disagreed with him from time to time, he earned their respect and demonstrated a great passion in his work.

Mr. Chambers is a graduate of Omaha Central High School and Creighton University School of Law. It is my pleasure to recognize State Senator Ernie Chambers and thank him for his years of service to the great city of Omaha.

TRIBUTE TO COACH JIM CALHOUN

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor the most recent achievement of one of college basketball's premier coaches. On February 25, 2009, the University of Connecticut's Men's Basketball program celebrated a 93-82 win over Marquette University. Not just a typical victory in another impressive season for the Huskies, this victory was also the 800th in the career of Coach Jim Calhoun. Coach Calhoun is just the seventh coach in men's college basketball to reach this historic milestone, joining legends such as Bobby Knight, Dean Smith and Adolph Rupp.

Coach Calhoun's career as a basketball coach began in 1966 when he served as an assistant at his alma mater, American International College in Springfield, MA. Calhoun stayed at AIC until 1968 when he became a high school basketball coach in Old Lyme, Connecticut. He stayed in the high school ranks for a brief period until 1972, when he assumed the role of head coach at Northeastern University in Boston, Massachusetts. Calhoun's squad came to dominate the Eastern College Athletic Conference, leading those Huskies to a 248-137 record in 14 seasons that included 5 league tournament championships and 4 outright regular season championships.

In May of 1986, Coach Calhoun assumed the role of head basketball coach at the University of Connecticut. Since that time, UConn has become the Big East Conference's premier basketball program. Just two years later, Coach Calhoun won his first national title when UConn defeated Ohio State in the 1988 National Invitational Tournament with Phil Gamble and future NBA all star Clifford Robinson leading the way.

During his 22+ seasons at the University of Connecticut, Coach Calhoun has led the Huskies to ten Big East regular season titles, six Big East tournament titles, an NIT title and 2 NCAA titles in 1999 and 2004. During his tenure, Calhoun has coached more than two dozen players who have moved onto the NBA, including perennial stars such as Ray Allen, Richard Hamilton and Emeka Okafor.

Coach Calhoun has received countless awards and has been consistently recognized for his remarkable career. In 2005, Coach Calhoun's career came full circle as he returned to Springfield, Massachusetts, where he started his basketball career. There, Coach Calhoun joined the ranks of basketball's greats when he was enshrined in the Dr. James Naismith Basketball Hall of Fame. Coach Calhoun is also a member of the American International College and Northeastern University Hall of Fame and has been awarded the John Wooden "Legends of Coaching Award" for his lifetime of service.

Coach Calhoun's positive contributions to Connecticut are not limited to the basketball court. He has contributed huge sums of personal wealth to hospitals, charities and civic causes—often times with little fanfare. He is a strong voice for "Coaches Against Cancer",

advocating for a stronger national effort to cure cancer and raising private funds for research and treatment.

The most impressive contribution I believe was his willingness to publicly share his personal battle against three bouts of cancer—educating and inspiring patients and families all across America to fight this illness and continue with their regular lives.

For more than two decades, Coach Calhoun's coaching prowess has been well known to the people of eastern Connecticut. For those of us who have the honor of calling him our friend, and for the scores of Husky hoops fans across the state and the country, we congratulate Coach Jim Calhoun on this historic achievement and wish him well as he continues his leadership of our beloved Huskies.

TRIBUTE TO MRS. JERIS LAMPKIN SMITH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Mrs. Jeris Lampkin Smith on the occasion of her retirement from the United States District Court, Southern District of Florida's Probation Office after 32 years of service and dedication. Mrs. Lampkin Smith will retire from the position of Supervising United States Probation Officer in the State of Florida, and can look back on a proud career of service and distinction in community leadership.

A native Floridian, Mrs. Lampkin Smith graduated from Middleton High School in Tampa, and in order to further her education, she attended Florida Agricultural & Mechanical University and received a Bachelor of Science degree. On April 25, 1977, Mrs. Lampkin Smith was appointed the first African-American female probation officer by Chief United States District Judge C. Clyde Atkins. Ultimately, Mrs. Lampkin Smith became the first person of color to be promoted to the position of Supervising United States Probation Office in the State of Florida. She was not joined by any other African-American officer until 1983.

Mrs. Lampkin Smith had a distinguished 32 year career working for the Southern District of Florida Probation Office. The United States Probation Office in the Southern District of Florida is one of 94 federal judicial districts nationwide. U.S. Probation officers play an integral role in the administration of justice by protecting our communities by monitoring offenders and enforcing Court Orders, as well as promoting positive individual change by addressing offenders' needs through effective use of community resources.

In an effort to compliment her professional achievements, Mrs. Lampkin Smith is involved with various organizations such as a charter member and former president of the Dade County Chapter of The Links, Incorporated; life member and Regional Foundational Member at Large for Jack & Jill of America, Foundation, Washington, DC; member of Alpha Kappa Alpha Sorority, Incorporated; and life

member of the Black United States Probation and Pretrial Services Association and NAACP.

This public servant is married to Herbert B. Smith and has one daughter, Courtney Smith. In retirement, Mrs. Lampkin Smith plans to continue to develop her new career as an event planner, travel the world and play golf with her husband.

Mrs. Lampkin Smith is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Mrs. Jeris Lampkin for her 32 years of service to the South Florida area, and wish her and her family the very best in retirement.

THE STUDENT PROTECTION ACT

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. PUTNAM. Madam Speaker, on January 28, 2009, I reintroduced the Student Protection Act, a measure aimed at protecting our Nation's classrooms from repeat sexual predators within our school systems.

The Student Protection Act requires uniform reporting requirements for eligible school system employees accused of sexual misconduct against a student, consistent with established guidelines for reporting child abuse; it requires a central body in each state to be responsible for receiving and investigating allegations of sexual misconduct by school employees; and it creates a nationwide database of school employees sanctioned by the state for sexual misconduct—thus enabling state, local, and private school officials to ensure offenders remain out of the classroom.

Accounts of teacher sexual misconduct have inundated headlines across our country. In 2004, a study required by the No Child Left Behind Act of 2001 reported that an estimated 4.5 million children are subject to sexual misconduct by a school employee sometime between kindergarten and 12th grade—that's nearly 1 in 10 students that are targets of sexual misconduct during their school career. As far as I'm concerned, that's one too many.

Further, a 2007 seven-month Associated Press investigation found a total of 2,570 educators across the nation were punished for sexual misconduct from 2001-2005, representing about a quarter of all educator misconduct cases in that time period.

More than a dozen states have considered legislation to strengthen laws for screening and reporting of sexual misconduct by educators last year—many of which became law. However, without adopting systematic policies and procedures at the national level all states remain vulnerable when hiring school employees from states with mediocre reporting procedures and lackluster ethical standards. Our classrooms deserve much more than a piecemeal effort that leaves our nation's schools exposed to predators moving from state to state.

Ernie Allen, President and CEO of the National Center for Missing and Exploited Children said, "This Act brings long-overdue recognition to the problem of child sexual exploitation in the school system."

It is abundantly clear that the system we have in place has failed our students—repeatedly. Before we read about another teacher assaulting yet another student or another classroom shaken by another breach of trust, now—not later—let us give schools the tools they need to keep repeat sexual offenders from preying on students within the very institutions that should be a safe-haven for our children.

We have a unique opportunity before us to empower educators and parents nationwide and make it crystal clear we will not allow those who would prey on young, vulnerable minds to compromise the integrity of our school system and tarnish an honorable profession. I urge my colleagues to join me in supporting this legislation, ensuring the safety of our children.

PEACE CORPS WEEK

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. ROYCE. Madam Speaker, I rise to commemorate National Peace Corps Week and the 48th anniversary of the Peace Corps.

While much has changed in the world since the Peace Corps was created in 1961, its goals and ideals of promoting goodwill remain. Volunteers continue to provide invaluable services in over 70 countries, serving as educators, technology consultants, environmental specialists, and business advisors.

At a time when extremism is sweeping through much of the globe, more than ever, we need these dedicated individuals.

As the former chairman of the House Subcommittee on Africa, I have had the opportunity to meet with several Peace Corps Volunteers around the continent. The commitment these men and women have shown is extremely impressive and is to be commended.

These Americans, approximately 7,800 of them, are serving their country in often extremely difficult conditions. They live at the same level of the people they serve, and uniquely connect with them. Since its inception, over 195,000 Volunteers have worked in over 139 countries.

In my district, I'm proud to say that I have thirteen Peace Corps Volunteers, stationed around the world. Christina Balch in Lesotho, Joan Bash in Bulgaria, Joseph Flores in Macedonia, Mamie Florin in Gambia, Wendy Jones in Kenya, Olenka Langen in Nicaragua, Justin Lee in the Dominican Republic, Dulce Martinez in China, Lacey Monson in Thailand, Carmen Munoz in Guatemala, Joan Ngo in Paraguay, Stacey Ngo in the Dominican Republic, and Leala Ruangtragool in Honduras, are each to be commended for their service.

Madam Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support.

A TRIBUTE TO ABISHEK JAIN

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Abishek Jain, a student at Falls Church High School in Falls Church, VA and recipient of this year's In Hope Freedom Rings Foundation Scholarship.

AJ has earned a reputation as a mindful and mature leader in his community. He is president of the Falls Church High School Science Club, which he founded in the 10th grade, and through which he founded, planned, and operated the school's first successful school recycling program. Today this program is staffed by 30 volunteers and has 200 collection locations.

He is a devoted scholar. His current overall grade point average is 3.86 and this semester he is enrolled in four Advanced Placement courses. He further contributes to the intellectual life of his school as President of the National Math Honor Society and Treasurer of the National Spanish Honor Society. In furthering his studies as an undergraduate AJ plans to pursue a degree in engineering.

AJ's studies are balanced by his athletic and artistic endeavors. He is a member of the Varsity Tennis and Indoor Track Teams and is a former member of the Varsity Swim and Dive Team and Junior Varsity Golf Team. In addition, he has a genuine passion for the violin, which he has played for the past nine years. In this capacity he is a member and former vice-president of the Chamber Orchestra.

AJ still finds time to volunteer in the community beyond his school. He has spent many hours over the past four years working at the Bailey's Crossroads' Homeless Shelter where he is a coordinator charged with gathering food and volunteers to feed the area's homeless.

His school counselor notes, "What impresses me most about AJ is how grounded he is. He pushes himself to achieve, yet is also aware of his limitations. Since elementary school he has been involved with a cultural organization, the Chinmaya Mission. It is here where AJ has developed a spiritual sense and wisdom beyond his years."

Madam Speaker, I ask that my colleagues join me in commending AJ for setting such a strong example in his community.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I secured as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—Byrne Discretionary Grants

Legal Name of Requesting Entity: Buffalo Trace/Gateway Narcotics Task Force

Address of Requesting Entity: 908 Kenton Station Drive, Maysville, KY 41056

Description of Request: Appropriate \$280,000 to continue the operations of the Buffalo Trace/Gateway Narcotics Task Force to collect, analyze and process information through an organized, coordinated investigation, with the assistance of local, State, and federal agencies, to discourage and eliminate the use and sale of illegal narcotics.

The Task Force will benefit law enforcement in the investigation of all types of crimes related to drug trafficking and drug abuse which may include thefts, robberies and homicides. Local law enforcement does not have the funds to strengthen and investigate drug related crimes in some of our communities.

The Task Force will impact the drug abuse and drug related deaths in the ten county area in which it covers, as well as provide the offender's with treatment and recovery. Local governments and law enforcement agencies provide matching funds to support operations of the task force.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—Byrne Discretionary Grants

Legal Name of Requesting Entity: Oldham County Sheriff's Office

Address of Requesting Entity: 100 W. Jefferson Street, La Grange, KY 40031

Description of Request: Appropriate \$90,000 to acquire upgraded equipment to assist the Sheriff's Department in responding to a variety of law enforcement situations within the community. Needed equipment includes: dual antenna radar units, handheld radar units, Mobile Data Terminals, tazers, four wheel drive police vehicle, GPS positioning units, PD6500 security scanner, and other appropriate equipment to assist the agency in responding to a variety of law enforcement situations within the community. The Oldham County Sheriff's Office is a twenty-four hour law enforcement agency that provides immediate assistance to the residents of Oldham County and surrounding counties as requested. In addition, the Sheriff's office is responsible for courtroom security, prisoner transport throughout Kentucky, protection of government employees, officials and government property.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Alexandria Police Department

Address of Requesting Entity: 8236 W. Main St., Alexandria, KY 41001

Description of Request: Appropriate \$30,000 to digitize police records and make them available in real time to officers throughout a three county region. The City of Alexandria Police Department on behalf of the Northern Kentucky Police Chief's Association is working collaboratively with local law enforcement agencies throughout our region to share police

records. These records are considered public record, but are not readily available to local law enforcement as a means of data intelligence or for viewing by patrol officers in the field. This project uses state of the art software in a web interface that enables officers in real time to check master name files and previous contacts, as well as print warnings and other citations from the car using broadband internet connectivity. This project will allow local law enforcement to become more responsive to the community from a crime reduction standpoint.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Flemingsburg Police Department—

Address of Requesting Entity: 140 W. Electric Avenue, Flemingsburg, KY 41041

Description of Request: Appropriate \$45,000 for the acquisition of four Mobile Data Terminals (MDTs) for installation and use in the police cruisers used by the City of Flemingsburg Police Department. This will allow the department to connect to the Kentucky State Police LINK/NCIC terminal directly from the police vehicle. MDTs increase both officer and public safety by empowering law enforcement with critical information prior to exiting their vehicle. MDTs will let the officers know if a vehicle is stolen, the person driving is wanted and if the person is licensed to carry a concealed weapon.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Owen County Sheriff Office, Owenton, KY—

Address of Requesting Entity: 102 North Madison Street, Owenton, KY 40359

Description of Request: Appropriate \$55,000 for the acquisition of six Mobile Data Terminals (MDTs) for installation and use in the police cruisers used by both the Owen County Sheriff's Office and the City of Owenton Police Department. The topography of Owen County limits the effectiveness of cell phones and two-way radios. However, experience has shown that MDTs are responsive throughout the county. MDTs will allow the department to connect to the Kentucky State Police LINK/NCIC terminal directly from the police vehicle. MDTs increase both officer and public safety by empowering law enforcement with critical information prior to exiting their vehicle. MDTs will let the officers know if a vehicle is stolen, the person driving is wanted and if the person is licensed to carry a concealed weapon.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Interior, EPA, STAG

Legal Name of Requesting Entity: City of Warsaw, KY

Address of Requesting Entity: 303 East Main Street, Warsaw, Kentucky 41095

Description of Request: Appropriate \$500,000 for the extension of a public water main to service area of the county not currently served by potable water supply. The

project benefits include the delivery of safe drinking water to area residents not currently served by potable water supply and improved fire protection. The existing 0.21 MGD WWTP will be upgraded to a 1.0 MGD treatment facility.

Expansion and upgrading the existing facilities is vital for the area to continue its residential and economic growth. The proposed project would bring the Warsaw WWTP into compliance with KY EPA regulations and prevent the imposition of a consent decree or "agreed order." Furthermore, the project would ensure that water quality and environment would be protected.

The recipient has certified that the matching funds required by the STAG program (45% non-federal) can and will be met.

Adequate water and sewer service are essential infrastructure foundations that are required for residential and commercial growth. In addition, this funding will assist the community in complying with federal environmental regulations.

Budget allocation: Construction—81%; Administrative—1%; Engineering—7%; Resident Inspection—6%; Financing—1%; Project Contingencies—4%. Note: these percentages represent the allocation based on the total cost of the project as determined through the certified financing plan.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, Department of Energy—Fossil Energy

Legal Name of Requesting Entity: University of Kentucky

Address of Requesting Entity: 243 Bowman Hall, Lexington, KY 40506-0059

Description of Request: Appropriate \$951,500.00 to the University of Kentucky's Center for Applied Energy Research for the Coal-Derived Low Energy Materials for Sustainable Construction Project. The project and product development needs for the concrete, ready-mix, and masonry product industries that produce construction materials from coal combustion by-products and will provide data for using these materials in LEEDs certified green construction projects.

New products including low energy, low CO₂ producing cement and concrete can be fabricated almost entirely from coal combustion products. Portland cement is an energy intensive product that represents the third highest anthropologic source of CO₂. A high performance substitute for Portland cement, based on calcium sulfoaluminate (or CAS cement) can be made from fluidized bed combustion ash, synthetic gypsum and bauxite.

These new materials are not only low energy but also recycled and can play a major role in sustainable, energy-efficient construction. Kentucky and many other states have made a commitment to LEEDs certified green building and architecture. These new materials will require documented performance and certification for their use that can only be provided by a cross cutting research effort as is proposed for the Center.

Budget allocation: 100% of the funds will be spent on research, including equipment and support for two senior engineers.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, Department of Energy—Fossil Energy

Legal Name of Requesting Entity: University of Kentucky

Address of Requesting Entity: 243 Bowman Hall, Lexington, KY 40506-0059

Description of Request: Appropriate \$1,379,675 for the University of Kentucky Strategic Liquid Transportation Fuels Derived from Coal Project at the Center for Applied Energy Research. The funding will continue the expansion of capabilities at the University of Kentucky directed toward research and labor force development and training related to the production of liquid transportation fuels (diesel, aviation fuel, etc.) derived from coal.

The use of coal for transportation fuels can provide additional independence from oil imports, safeguard the nation's security, allow for the development of new industries, and provide new incentives for coal mining. The Department of Defense has a keen interest in securing alternatives to petroleum for reliable supplies of battlefield fuels. Moreover, there are certain applications where coal-derived fuels are environmentally superior for the production of ultra-clean diesel and jet fuel of interest to the aviation, heavy equipment and trucking industries. Eastern and western Kentucky coals are suitable feed stocks for these purposes.

Budget allocation: 60% for construction; 15% for utilities and infrastructure; 25% for integration of the existing slurry column reactor.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, USACE, PED

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Huntington District

Address of Requesting Entity: 502 Eighth Street, Huntington, WV 25701

Description of Request: Appropriate \$335,000 for the Greenup Lock and Extension, KY & OH. Greenup Lock and Dam is the eighth busiest of the Corps of Engineers' 230 locks and dam projects. Closure of the lock, for maintenance or in the event of an accident, generates massive delays and associated costs to industry. Traffic delays are increasing in frequency and duration due to the dilapidated state of the infrastructure. Budget Allocation: 100% of the funds will be used to complete the preconstruction engineering and design (PED) phase.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Louisville District

Address of Requesting Entity: P.O. Box 59, Louisville, KY 40201-0059

Description of Request: Appropriate \$10,144,000 to continue the construction and rehabilitation of the Markland Locks and Dam. This funding is for construction and installation of miter gate assembly area and pier, new miter gates for the main chamber and new culvert valves for the main chamber.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, USACE, General Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Louisville District

Address of Requesting Entity: P.O. Box 59, Louisville, KY 40201-0059

Description of Request: Appropriate \$96,000 for the Northern Kentucky Riverfront Commons. The Army Corps of Engineers has completed a Master Plan and Reconnaissance Report for the Northern Kentucky Riverfront Commons Project. This request for funding is intended for preliminary design and engineering for the entire length of the project area.

The Riverfront Commons project coordinates riverbank stabilization strategies and public access enhancements along the Phase I 2.75 mile corridor of the south bank of the Ohio River in the communities of Covington, Newport, and Bellevue, Kentucky.

Implementation of the Riverfront Commons Project will improve quality of life for Northern Kentucky residents and residents of the Greater Cincinnati, Ohio-Kentucky-Indiana metropolitan area.

Riverfront tourism and festivals along the riverfront make a large contribution to the Northern Kentucky economy. Currently, an estimated 5,647,928 visitors, including 1,000,000 festival attendees, visit the Northern Kentucky riverfront area each year.

Budget allocation: 100% of the funding will be used for preliminary energy and design. Note, however, that the bill does not fund the original request completely. As a result, progress will be limited by the limited appropriation.

The affected local communities plan to provide a fifty-fifty local match of case and in kind services.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Financial Services, SBA, Salaries & Expenses

Legal Name of Requesting Entity: Northern Kentucky University—

Address of Requesting Entity: Administrative Center 616, Nunn Drive, Highland Heights, KY 41099

Description of Request: Appropriate \$1,900,000 for equipment, faculty development and start-up costs for the College of Informatics to develop and apply informatics-based solutions to the real world, as well as train students for new jobs in various professions that could benefit from the application of informatics, including health.

Informatics is the science of gathering, processing and manipulating information. Employment potential in health informatics careers is skyrocketing, a result of the growing number of public and private stakeholders, increased health care technology applications, and the desire to positively impact health care evolution and programs.

The U.S. Department of Labor projects the healthcare industry to hold twelve of the twenty fastest growing occupations, five of the remaining eight in the computer technology industry. The Labor Department also identifies "medical records and health information technology" as the sixth largest field for growth, with a forty-seven percent employment increase over the ten years ending in 2012.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Financial Services, SBA, Salaries & Expenses

Legal Name of Requesting Entity: Thomas More College—

Address of Requesting Entity: 333 Thomas More Parkway, Crestview Hills, KY 41017

Description of Request: Appropriate \$100,000 for Thomas More College's Center for Regional Health Sciences and Health Care Management. The Center will use the funds to expand upon current programs to address both immediate and projected future needs of businesses in health care and health care related fields, both at the advanced skills and at the management level. The College is a leader in both nursing and business in the region and has a unique affiliation with St. Elizabeth Hospital Medical Center. Federal funds will be used for continued faculty development and operating costs of programs at the Center.

The Center serves to stimulate job creation in the region. The health care industry is expected to grow by 25% by 2010 outpacing the ability of post-secondary institutions to fill the void. The center will produce a greater volume of highly skilled workers. Employment opportunities in the health care field are expected to increase by more than 25% by the year 2010, creating 1.3 million jobs on a national level.

The total project cost estimate is \$3,180,000. The College (through tuition revenue, foundation support and alumni giving) will provide 61% of the required funds.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: Harrison Memorial Hospital—

Address of Requesting Entity: 1210 KY Highway 36 E, Cynthiana, Kentucky 41031

Description of Request: Appropriate \$285,000 to upgrade the technology and enhance the capabilities of Harrison Memorial Hospital's Amicus PACS Imaging System in order to improve efficiency, health care delivery and cost savings. This appropriation would enable Harrison Memorial Hospital to enhance PACS to include critical services and provide same-day testing for patients.

The current system is currently able to capture and distribute images of general radiology, CT, and general ultrasound. At present, bone density and stereotactic biopsy services are only available through a mobile service one day per month. Digital mammography is also currently not available at the hospital. Federal funds will enable HMH to enhance the PACS system to include these critical services and provide same-day testing for patients. This increases access to critical health care resources in the community, as well as reduces multiple trips to the facility and multiple billings.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: HealthPoint Family Care—

Address of Requesting Entity: 601 Washington St., Suite 300, Newport, Kentucky 41071

Description of Request: Appropriate \$238,000 to replace the current paper records system with electronic medical records to reduce errors, save money and improve the quality of care. HealthPoint Family Care is a federally qualified health center providing primary care medical and dental services to 35,800 mainly low-income, uninsured patients. Funding will cover hardware, software and training to convert medical records from paper to electronic.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Education, Elementary & Secondary Education (FIE)

Legal Name of Requesting Entity: Grant County Board of Education—

Address of Requesting Entity: 820 Arnie Risen Boulevard, Williamstown, Kentucky 41097

Description of Request: Appropriate \$190,000 for equipment for the Grant County Board of Education's new Grant County/Williamstown Area Career and Technical Education Center. The new Center will provide closer career and technical training opportunities for high school students in Grant County. The flagship program will be the Aviation Maintenance Technician (AMT) Program. This field is an attractive and in demand area of expertise with Grant County's strategic location between three major airports. Federal funding will go towards technical equipment needed for the AMT Program.

The proposed Grant County/Williamstown Area Career and Technical Education Center will dramatically improve opportunities for students. The improved labor force will attract much needed industry to Grant County and the region.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Ashland Community and Technical College—

Address of Requesting Entity: 1400 College Drive, Ashland, KY 41101

Description of Request: Appropriate \$143,000 for the purchase of necessary equipment for the allied health laboratories and classrooms located in the Parsons Building. The Parsons Building is a new building gifted to the College in the downtown district of Ashland. The new location will be used for college classes in Health Sciences, the Business and Job Testing Center and a conference center. Federal funds will be used for equipment, including computers and related computer equipment, laboratory equipment; training aids; and curriculum development tools for the allied health laboratories and classrooms in the new building.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Gateway Community and Technical College—

Address of Requesting Entity: 300 Buttermilk Pike, Suite 334, Fort Mitchell, Kentucky 41017

Description of Request: Appropriate \$95,000 for the Gateway Community and Technical College's Center for Advanced Manufacturing. The new Center's goal is to prepare, train and retrain a skilled workforce in Northern Kentucky that will create a pipeline of young workers for new and expanded manufacturing jobs, train and retrain 10,000 workers in 200 companies annually to boost productivity, and provide just-in-time training for new manufacturing firms in the region. Federal funds will be used to purchase equipment for the training programs, including training modules and equipment for specific manufacturing careers.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: Carroll County Fiscal Court—

Address of Requesting Entity: 4400 Main Street, Second Floor, Carrollton, Kentucky 41008

Description of Request: Appropriate \$95,000 to begin replacement of the Highway 36 West Bridge over Locust Creek in Carrollton, Kentucky. This bridge is on a main thoroughfare for commercial road traffic. A number of fatalities have occurred on the existing bridge. Replacement of the bridge will improve the flow of traffic and be safer for those traveling the bridge.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Highway Administration, Interstate Maintenance Discretionary (IMD)

Legal Name of Requesting Entity: Kentucky Transportation Cabinet

Address of Requesting Entity: 200 Mero St., Frankfort, KY 40622

Description of Request: Appropriate \$380,000 to rehabilitate the section of I-471 between I-275 and the Ohio River in Campbell County, Kentucky. The project is listed in Kentucky's six year highway plan. This section of I-471 is an essential thoroughfare, serving residents of Kentucky, Ohio, and other States. It provides a link that is critical to the economic growth and safety of Northern Kentucky. This section will serve as an alternate route when work begins on replacement of the Brent Spence Bridge on I-71/75. The pavement has deteriorated to the extent that grinding and repairing is no longer feasible. Federal funds will be used for pavement rehabilitation in the form of structural overlay to restore this deficient thoroughfare.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Transit Administration, Buses & Bus Facilities

Legal Name of Requesting Entity: Transportation Authority of Northern Kentucky (TANK)

Address of Requesting Entity: 3375 Madison Pike, Fort Wright, KY 41017

Description of Request: Appropriate \$1,900,000 for the Transit Authority of North-

ern Kentucky (TANK). Federal funds will be used to purchase replacement buses needed to address safety and capacity issues with the aging fleet. Newer buses will also help to achieve better fuel economy and have cleaner emissions than the buses currently in use and in need of replacement.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Transit Administration, Buses & Bus Facilities

Legal Name of Requesting Entity: Tri-County Community Action Agency

Address of Requesting Entity: 1015 Dispatchers Way, LaGrange, KY 40031

Description of Request: Appropriate \$76,950 for Tri-County Community Action Agency for the Non-Emergency Medical and Independent Living Activities Transportation for Older Adults program. Federal funds will be used to purchase new vehicles and GPS systems in order to better serve senior citizens and veterans who need transportation to medical appointments, adult day care and independent living activities. The purchases will also be available to Emergency Management and First Responder Personnel in each county to help with evacuation of special needs residents should an emergency situation occur.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: City of Maysville

Address of Requesting Entity: 216 Bridge Street, Maysville, Kentucky 41056

Description of Request: Appropriate \$2,565,000 for the renovation and restoration of the Cox Building in the downtown area of the City of Maysville. The Cox Building is a historic keystone building for the City. Federal funding will be used for masonry, repairs, fire alarm, sprinkler, plumbing, HVAC, elevator, plaster, painting and other construction needs. The goal of the project is to renovate the building to become an income producing and economically stimulating entity for the historic business district. The restoration of the building will also provide space for the community's new "Entrepreneurial—Incubator Program" and provide local art organizations with affordable space and an opportunity to be located downtown.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: Mason County Fiscal Court

Address of Requesting Entity: 221 Stanley Reed Court, Maysville, Kentucky 41056

Description of Request: Appropriate \$95,000 to complete the construction of the multi-use Mays Lick Community Center. Federal funds will be used to finish the community center, including drywall, flooring, ceiling and insulation. The Mays Lick Community Center will provide a place for community events, Boys and Girls club activities, Boy Scouts of America and other community meetings. The community does not currently have any type of facility to meet these needs.

TRIBUTE TO PEACE CORPS WORKERS

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. PAULSEN. Madam Speaker, I rise to pay special tribute to the 35 residents of the Third Congressional District of Minnesota who are currently serving as Peace Corps Volunteers around the world.

I also want to thank the Peace Corps itself for the important work it has done since its founding in 1961 to promote understanding with other countries.

As we approach the 48th anniversary of the Peace Corps on March 1, 2009 and celebrate National Peace Corps Week this week, we are all very grateful for the work of this wonderful organization and the many volunteers who do so much for so many people.

I am especially proud of my dedicated constituents who are currently serving our country and the people of the world as Peace Corps volunteers: Joseph Adams in Surinam; Melissa Cuddy in Guatemala; Kristina Denison in Zambia; Bradley Engelsma in El Salvador; David Garfunkel in the Dominican Republic; Patricia Godchaux in Moldova; Alyson Hatchett in Costa Rica; Laura Hoffman in Bulgaria; Sarah Horns in South Africa; Ledor Igboh in Ghana; Franklin Jadwin in Peru; Andrew Jondahl in Senegal; Briana Juster in Guatemala; Jennifer Katchmark in Botswana; Jessica Kolb in Kazakhstan; Sarah Litchy in Ethiopia; Erin Luhmann in Kyrgyzstan; Michael Luke in Romania; Kari Nelson in Senegal; Molly Nicholls in Macedonia; Mary O'Brien in Senegal; Derek Olson in Uganda; Martha Pagan in Mexico; Nichol Perkins in Nicaragua; Charles Powell in Honduras; Claire Reuning in Benin; Nicholas Rossi in Burkina Faso; Charles Seltzer in Dominican Republic; Braden Shannon in El Salvador; Gabriel Sidman in Honduras; Melanie Siler in Kazakhstan; Illyria Turk in Bulgaria; Janet Utecht in Mexico; Maria VanOsedale in Senegal; and Laura Van't Land in the Philippines.

Madam Speaker, I applaud each of these individuals for their service to our country and to the people of the countries in which they are working. And thank you to the Peace Corps for 48 years of critical service to the world.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 1105, the "Omnibus Appropriations Act, 2009."

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service—SRG
Project Amount: \$700,000.

Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996.

Description of Request: This funding will be used for producing crops that can be used directly as early-warning sentinels for the detection of plant diseases.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Agricultural Research Service—Salaries and expenses

Project Amount: \$254,000.

Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996.

Description of Request: This funding will be used to support developing new varieties and cropping systems that will improve disease resistance, enhance value of the crop and protect the regional soil and water resources.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: OJP—Juvenile Justice

Project Amount: \$400,000.

Legal Name of Requesting Entity: Childhelp of East Tennessee, 2505 Kingston Pike, Knoxville, TN 37919.

Description of Request: This funding will be used to assist Childhelp in expanding its important services to more children in Knox County and the surrounding region who have suffered abuse. Specifically, the Children's Center of East Tennessee will expand its forensic interview capacity and related services to East Tennessee children who have, in the past, been turned away, as well as its community based forensic interview and medical examination services.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Investigations

Project Amount: \$96,000.

Legal Name of Requesting Entity: Maryville College, Fayerweather Hall 309, 502 E. Lamar Alexander Parkway, Maryville, TN 37804.

Description of Request: This funding will be used to conduct a watershed study on the Little Tennessee River in East Tennessee.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: SBA

Project Amount: \$670,000.

Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, Tennessee 37701.

Description of Request: The funding will be used to develop infrastructure servicing the new Pellissippi Research Centre on the Oak Ridge Corridor.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: EPA—STAG Water and Wastewater Infrastructure Project

Project Amount: \$300,000.

Legal Name of Requesting Entity: West Knox Utility District, 2328 Lovell Road, Knoxville, TN 37932.

Description of Request: The funding would be used to provide sanitary sewer service to the Ball Camp Community to remove existing health and environmental issues resulting from failed septic systems.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: EPA—Environmental Programs and Management

Project Amount: \$2,500,000.

Legal Name of Requesting Entity: Rural Community Assistance Partnership, 1522 K St, NW Suite 400, Washington, DC 20005.

Description of Request: The funding would be used to assist small communities with drinking water and waste water concerns.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: HRSA Health Facilities and Services

Project Amount: \$476,000.

Legal Name of Requesting Entity: Blount Memorial Hospital, 907 East Lamar Alexander Parkway, Maryville, TN 37804.

Description of Request: The funding would be used to help implement an Electronic Medical Record System, which would help improving the accuracy of documentation, as well as improving the communication among the interdisciplinary caregivers.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: HRSA—Health Facilities and Services

Project Amount: \$285,000.

Legal Name of Requesting Entity: Sertoma Center, 1400 East Fifth Avenue, Knoxville, TN 37917.

Description of Request: The funding would be used to provide improvement and technology upgrades at facilities which administer day and residential programs for adults with cognitive disabilities.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Substance Abuse and Mental Health Services Administration (SAMSHA)—Mental Health

Project Amount: \$238,000.

Legal Name of Requesting Entity: ChildNet of East Tennessee, 201 West Springdale Avenue, Knoxville, TN 37917.

Description of Request: The funding would be used to expand ChildNet services in the Second Congressional District of Tennessee. Services offered by ChildNet include psychiatric assessment, medication evaluation, individual and family counseling, case management, classroom observation, and consultation from trained mental health professional(s).

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Buses and Bus Facilities

Project Amount: \$1,425,000.

Legal Name of Requesting Entity: East Tennessee Human Resources Agency, 9111 Cross Park Drive, Suite D—100, Knoxville, TN 37923.

Description of Request: The funding would be used to replace high mileage, handicapped

accessible vehicles used to daily transport citizens to life sustaining activities such as trips to medical appointments.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation Project Amount: \$570,000.

Legal Name of Requesting Entity: City of Knoxville, 400 Main Street, Knoxville, TN 37902.

Description of Request: The funding would be used to construct a new pedestrian bridge with a free span of 800 feet, providing a safe pedestrian passageway between the South Knoxville Waterfront and the University of Tennessee in Knoxville, Tennessee.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Buses and Bus Facilities

Project Amount: \$237,500.

Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, Tennessee 37701.

Description of Request: The funding will be used to develop infrastructure servicing the new Pellissippi Research Centre on the Oak Ridge Corridor.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Project Amount: \$142,500.

Legal Name of Requesting Entity: City of Knoxville, 400 Main Street, Knoxville, TN 37902.

Description of Request: The funding will be used to purchase an Automated Vehicle Locator system and passenger variable message signs in an effort to prevent idling times at the transfer center which will help improve air quality.

HONORING BILL AND FAITH COLLINS

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community.

Today, I rise to honor a family who has dedicated their lives to public service and the improvement of the community they call home. Bill and Faith Collins of Rome, Georgia are the perfect example of how one family can have a positive impact on the lives of countless others around them.

Bill Collins has served his community on the Rome City Commission for the past 11 years. As a Commissioner, Bill currently chairs the Public Works Committee and serves on the Transportation and Downtown Development Authority—working to improve his community's infrastructure.

Bill's wife, Faith, has committed much of her life to ensuring that the children of Rome receive the best education possible. As a long-time member of the Rome City School Board, Faith has made improving the quality of education for Georgia students her mission.

I ask that my colleagues join me in thanking Bill and Faith Collins—a true public service family—for their commitment to improving their community.

COMMEMORATION OF TAIWAN'S
2-28 MASSACRE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize the 62nd commemoration of Taiwan's "2-28 Massacre."

On February 28, 1947, the brutal arrest of a female civilian in Taipei led to large-scale protests by the native Taiwanese against the repression of Chiang Kai-shek's Chinese Nationalists, who occupied Taiwan on behalf of the Allied Forces after Japan's defeat in 1945.

During the following days, Chiang's government sent troops from mainland China to the island. The Chinese soldiers began capturing and executing leading Taiwanese lawyers, doctors, students, and other citizens.

It is estimated that at least 18,000 people lost their lives during the turmoil. During the following four decades, the Chinese Nationalists continued to rule Taiwan under a martial law system that lasted until 1987.

The 2-28 event had far-reaching implications. Over the next half-century, the Taiwanese democracy movement that grew out of the incident helped pave the way for Taiwan's momentous transformation from a dictatorship under the Chinese Nationalists to a thriving and pluralistic democracy.

In some ways, the 2-28 incident was similar to the "Boston Massacre" that occurred in the Massachusetts colony in 1770. Both events launched a movement toward full democracy and helped galvanize a struggle for independence.

I urge other Members to join me in commemorating this important historical event.

TRIBUTE TO CAPTAIN BRAD
CONNORS, USN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Captain Brad Connors, USN, who will be retiring after turning over command of Naval Base Ventura County on Friday.

I have worked closely on a number of endeavors with Captain Connors over the past three years. He is the consummate professional military officer and gentleman.

Since he graduated the United States Naval Academy in 1982 and earned his wings in 1984, Captain Connors has logged more than

4,500 flight hours and 900 carrier landings in several different aircraft. He has served as squadron executive officer and commander and flew missions over Iraq in support of Operation Southern Watch. During this tour, his squadron was awarded the Navy's "Battle E" in recognition of superior squadron readiness and mission performance.

Following a Korean Peninsula deployment onboard USS Kittyhawk, Captain Connors led a multi-squadron maintenance detachment in support of TopGun's transition to F/A18s and the very first Strike Fighter Instructor Course.

In December 1995, Captain Connors became an instructor at the Naval Strike Warfare Center in Nevada. His first official duty was to serve on the integration team that facilitated the merger of "TopGun," "Strike," and "TopDome" into the newly formed Naval Strike and Air Warfare Center (NSAWC). Following NSAWC's commissioning, Captain Connors became its first Air Wing Training Officer. Under his direction, integrated air warfare training and standardization went through a complete renaissance, including development of the Air Interdiction Mission Commander's Course the very first Strike Leader flying syllabus.

Captain Connors also served as Cruiser Destroyer Group ONE's Air Operations and Operations Officer onboard the *USS Constellation* following graduation from the Naval War College. During this tour, Captain Connors contributed to Iraqi Freedom operational planning, flew combat missions, and oversaw the integration of more than 140 coalition combatants in support of the operation's maritime objectives.

At Naval Base Ventura County, Captain Connors commands its more than 90 tenants, 6,000 military personnel, 9,000 civilian employees and 3,000 contractors at Point Mugu, the Naval Construction Battalion Center at Port Hueneme, the Channel Islands Air National Guard, 146th Airlift Wing, and the base's 36,000-square-mile sea test range—the largest in the world. He has done an exemplary job.

Madam Speaker, I know my colleagues will join me in thanking Captain Brad Connors for his decades of service to his country and the U.S. Navy and in wishing him great success in his retirement.

'MR. AMIGO 2008' JOSÉ SULAIMÁN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. ORTIZ. Madam Speaker, I rise today to commend the 2008 "Mr. Amigo," José Sulaimán, chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Sulaimán has spent his life in the sport of boxing, best known as the president of the World Boxing Council for more than three decades.

The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen who has made a lasting contribution during the previous year to international solidarity and goodwill. "Mr. Amigo" acts as an ambas-

sador between our two countries and presides over the annual Charro Days festival.

The Charro Days festival, held in Brownsville and Matamoros, is an opportunity to enjoy the unique border culture of the Rio Grande Valley area. A Lenten event, much like Mardi Gras in New Orleans, the festival was organized in 1937 by the Brownsville Chamber of Commerce to recognize Mexican culture and was named in honor of the charros, "dashing Mexican gentlemen cowboys." The festival includes parades complete with floats, as well as street dances, a carnival, mariachi and marimba concerts, and ballet folklorico performances by school students.

In 1968, Sulaimán joined the World Boxing Council (WBC) and quickly moved through the ranks. In 1975, Sulaimán was unanimously elected president of the WBC and has served in that capacity ever since. Under his leadership, the WBC has instituted many new rules and regulations regarding boxers' safety and welfare, and has funded brain injury research programs at UCLA. Outside of boxing, Sulaimán, who speaks Spanish, English, Arabic, Italian, Portuguese and French, successfully operates a medical supply company in Mexico.

The United States-Mexico border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers. The Charro Days festival reflects that deep sense of shared history and experiences, which is needed now more than ever. It is a time for all of us to not only remember our past, but to celebrate our future.

The Charro Days festival and the Mr. Amigo Award unite sister cities on both sides of the border and send a message that we are neighbors, and friends that trust, understand, and respect each other. We share a language, customs, and experiences unique to our communities, and during Charro Days we take time to celebrate our distinctive culture.

I urge my colleagues to join me in commending José Sulaimán, the 2008 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. PUTNAM. Madam Speaker, on Monday, February 23, 2009, I incorrectly recorded two votes. Please let the record show that I intended to vote the following way: roll No. 72—"nay," roll No. 73—"nay."

SAFE DRUG DISPOSAL ACT OF 2009

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to join my colleague, Congressman

INSLEE, to support the "Safe Drug Disposal Act of 2009," legislation that will address the risks to our families, our communities, and the environment from unwanted or unused drugs that are left in the home or that are disposed of improperly.

Drug waste is a problem at every juncture of the health care system. Medications can accumulate in numerous settings—in nursing homes, hospitals, and hospice care facilities, and in home-based care settings and private residences. To encourage safe disposal of these drugs, many communities have developed take-back programs or sponsored collection events that allow consumers to properly dispose of unwanted or unused drugs. These programs reduce the quantity of unused pharmaceuticals entering the environment and reduce the amount of drugs available for diversion, theft, abuse, or accidental poisoning.

While these programs are clearly of benefit to the consumer, they can be difficult to administer because, under current law, a representative of law enforcement must be present to take custody of medications that are classified as controlled substances. This bill will amend the Controlled Substances Act to allow end users, or caretakers of an end user, to safely dispose of unused prescription drugs and over-the-counter drugs through Drug Enforcement Administration (DEA) approved state-run drug take-back programs. This bill also prohibits pharmaceutical companies from recommending flushing as a safe means of disposal on prescription drug labels.

PHARMACEUTICALS IN SURFACE WATERS AND IN DRINKING WATER SUPPLIES

For many years, consumers were advised to dispose of their unwanted medications down the toilet. However, we now know that chemicals from over-the-counter and prescription medications are not always screened in water treatment systems, and can be discharged into rivers and lakes and enter our drinking water supplies. In 2002, the U.S. Geological Survey reported that some traces of common medicines such as acetaminophen, hormones, blood pressure medications, codeine, and antibiotics were detected in very low concentrations in 80 percent of samples taken from 139 streams across 30 states.

Little was known about people's exposure to such compounds from drinking water, so scientists at the Southern Nevada Water Authority in Las Vegas screened tap water from 19 U.S. water utilities for 51 different compounds. The surveys were carried out between 2006 and 2007. Of the eleven most frequently detected compounds, nine were pharmaceuticals:

Atenolol, a beta-blocker used to treat cardiovascular disease.

Carbamazepine, a mood-stabilizing drug used to treat bipolar disorder.

Estrone, an estrogen.

Gemfibrozil, an anti-cholesterol drug.

Meprobamate, a tranquilizer widely used in psychiatric treatment.

Naproxen, a painkiller and anti-inflammatory.

Phenytoin, an anticonvulsant that has been used to treat epilepsy.

Sulfamethoxazole, an antibiotic used against the *Streptococcus* bacteria, which is responsible for tonsillitis and other diseases.

Trimethoprim, another antibiotic.

Further testing of drinking water supplies has shown that at least 46 million people are exposed to trace amounts of pharmaceuticals through this route, while the overwhelming majority of U.S. communities have yet to test.

The Environmental Protection Agency and other federal agencies are working to evaluate exposure and potential effects on humans and aquatic life. While we know that pharmaceuticals have health effects at the therapeutic dose, EPA is working to better understand and evaluate the potential risk to humans associated with long-term exposure to low concentrations of the same chemicals.

Aquatic organisms may experience more pronounced effects than humans because they are continually exposed. Researchers are finding evidence that even extremely diluted concentrations of pharmaceutical residues harm fish, frogs, and other aquatic species in the wild. Pharmaceuticals are seen as a source of the endocrine disrupting compounds in wastewater effluent that are suspected of causing the high rate of intersex characteristics detected in certain species of smallmouth bass found in the Potomac River. In addition, even small amounts of antibiotics that are not captured by wastewater treatment systems can kill off natural bacteria in waterways, encourage microbes to become drug-resistant, and poison fish. EPA is monitoring fish tissue and water samples in developed and urban areas across the country to produce a statistically representative estimate of the occurrence of pharmaceuticals in fish tissue and waterways.

EPA is also researching whether higher-level water treatment strategies can remove pharmaceuticals from wastewater and drinking water. EPA advises that while most pharmaceuticals from human sources are entering water through natural biological functions, it is important for the public to understand that they can help prevent pollution of our waterways by not using the toilet as a trash can for unused medications.

ABUSE OF PRESCRIPTION DRUGS

This legislation will address not only the risks to our water supply, but will have public health benefits. Several studies of drug abuse patterns indicate that nonmedical use of prescription drugs is increasing. Last fall, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services released the results of the nation's largest substance use assessment, the National Survey on Drug Use and Health. For 2007, the study showed that cocaine and methamphetamine use among young adults dropped significantly, but that abuse of prescription drugs increased. Among young adults ages 18 to 25, the level of current nonmedical use of prescription pain relievers has risen 12 percent.

Results of a separate study of seventh through twelfth grade students were released in 2005 by the Partnership for a Drug-Free America. The Partnership Attitude Tracking Study tracks consumers' exposure to and attitudes about drugs. The study focuses on perceived risk and social attitudes. For the first time in its seventeen-year history, the study found that teenagers are more likely to have abused a prescription pain medication to get

high than they are to have experimented with a variety of illicit drugs including Ecstasy, cocaine, crack, and LSD. The study reported that nearly one in five teenagers, or 4.3 million teenagers nationally, reported using the controlled substance Vicodin without a prescription; approximately ten percent, or 2.3 million teens nationally, reported using the controlled substance OxyContin without a prescription; and ten percent, or 2.3 million teenagers nationally, reported having used prescription stimulants, Ritalin and/or Adderall, without a prescription. Fifty percent of the teenagers surveyed indicated that prescription drugs are widely available; a third indicated that they were easy to purchase over the Internet; and 63 percent said they could easily obtain prescription opiates and painkillers from their own home.

The 2006 National Institute of Drug Abuse survey of drug use by teens in the eighth, tenth, and twelfth grades, "Monitoring the Future: National Results on Adolescent Drug Use", found that past-year nonmedical use of Vicodin remained high among all three grades, with nearly one in ten high school seniors using it in the past year. Despite a drop from 2005 to 2006 in past-year abuse of OxyContin among twelfth graders (from 5.5 percent to 4.3 percent), there had been no such decline among the eighth and tenth grade students, and the rate of use among the youngest students had increased significantly since it was included in the survey in 2002.

The consequences of prescription drug abuse are seen in the data collected by the Substance Abuse and Mental Health Services Administration on emergency room visits. In the latest data, "Drug Abuse Warning Network (DAWN), 2005: National Estimates of Drug-Related Emergency Department Visits," SAMHSA estimates that about 599,000 emergency department visits involved nonmedical use of prescription or over-the-counter drugs or dietary supplements, a 21 percent increase over 2004. Of the 599,000 visits, 172,000 involved benzodiazepines and 196,000 involved opiates. Overall, controlled substances represented 66 percent of the estimated emergency department visits. Between 2004 and 2005, the number of visits involving opiates increased 24 percent and the number involving benzodiazepines increased 19 percent. About a third (200,000) of all visits involving nonmedical use of pharmaceuticals resulted in admission to the hospital; about 66,000 of those individuals were admitted to critical care units; 1,365 of the visits ended with the death of the patient.

The most recent data available in the National Poison Data Base compiled by the American Association of Poison Control Centers show that in 2006 there were 21 pharmaceutical-associated fatalities in children under age 6, and 47 such fatalities in children 13 to 19 years. We may never know how many of these incidents affecting our children and youth are due to access to unused medications found in the home. Even so, it is important to look for opportunities to reduce the frequency of these incidents.

LOCAL AND STATE PROGRAMS OPERATED UNDER EXISTING LAW

The Drug Enforcement Administration administers the Controlled Substances Act and

its implementing regulations to ensure an adequate supply of controlled substances for legitimate medical, scientific, research, and industrial purposes, and to deter the diversion of controlled substances to illegal purposes. Controlled substances are drugs that have a potential for abuse and psychological and physical dependence; these include opiates, stimulants, depressants, hallucinogens, anabolic steroids, and drugs that are immediate precursors of these classes of substances. The substances are divided into five schedules. Schedule I substances have a high potential for abuse and have no accepted medical use in treatment in the United States. These substances may only be used for research, chemical analysis, or manufacture of other drugs. Schedule II–V substances have accepted medical uses and also have potential for abuse and psychological and physical dependence. Virtually all Schedule II–V controlled substances are available only under a prescription written by a practitioner licensed by the State and registered with DEA to dispense the substances. Overall, controlled substances constitute about 10 percent of all prescriptions written in the United States.

In enacting the Controlled Substances Act, Congress sought to control the diversion of pharmaceutical controlled substances into illicit markets by establishing a “closed system” of drug distribution governing the legitimate handlers of controlled substances. Under this closed system, all legitimate manufacturers, distributors, and dispensers of controlled substances must register with DEA and maintain strict accounting for all controlled substance transactions. DEA advises that current law does not allow a DEA registrant, such as a retail pharmacy, to acquire a controlled substance from a non-registrant, such as an individual patient, even for purposes of disposal. The individual determines whether or when to dispose of unneeded medications, although DEA recommends that controlled substances be disposed of in a way that does not allow them to be easily retrieved.

Communities have responded to the public health and environmental problems posed by unused pharmaceuticals by developing several different models of take-back and collection programs at the State or local level, including: Collecting unwanted pharmaceuticals at pharmacies, grocery stores, or other retail settings.

Having citizens turn over unwanted medications to law enforcement officers.

Accepting unwanted pharmaceuticals at periodic household hazardous waste collection events, often with law enforcement personnel present to take custody of controlled substances.

Collecting unwanted pharmaceuticals through caregivers in residential care settings (i.e. hospices, nursing homes, assisted living facilities, boarding homes, adult family homes, child care programs, schools, correctional facilities, and animal boarding facilities).

Using the U.S. Postal Service for mailing unwanted pharmaceuticals to a secure consolidation location for disposal.

Collecting pharmaceuticals lost or abandoned by residents or visitors from hotels, campgrounds, cruise ships, homeless shelters, and other temporary housing or recreational sites.

The volume of medications these programs have collected is stunning. In 2006, a one-day drug return program at 25 locations in Chicago netted 1,600 pounds of medications. Separate one-day take-back programs in Michigan and Milwaukee the same year each yielded more than a ton of medicine. In one day in November 2008, a community-based effort at the Detroit Medical Center Surgery Center in Madison Heights collected 300 pounds of prescription and over-the-counter medicines and sent them to an incinerator. In one week in April 2008, EPA's Great Lakes Earth Day Challenge collected nearly 4.5 million pills from throughout the Great Lakes region. Macomb County, Michigan's hazardous waste recycling program collects more than 1,000 pounds of drugs a year.

NATIONAL GUIDELINES

At the national level, both the public and private sectors have taken steps to address the problem of disposal of unused pharmaceuticals. In 2007, The White House Office of National Drug Control Policy, the Department of Health and Human Services, and EPA jointly released new guidelines for the proper disposal of unused, unneeded, or expired prescription drugs. The guidelines are designed to reduce the diversion of prescription drugs, while also protecting the environment. The new guidelines urge Americans to:

Take unused, unneeded, or expired prescription drugs out of their original containers.

Mix the prescription drugs with an undesirable substance, like used coffee grounds or kitty litter, and put them in impermeable, nondescript containers, such as empty cans or sealable bags, further ensuring that the drugs are not diverted or accidentally ingested by children or pets.

Throw these containers in the trash.

Flush prescription drugs down the toilet only if the accompanying patient information specifically instructs it is safe to do so.

Return unused, unneeded, or expired prescription drugs to pharmaceutical take-back locations that allow the public to bring unused drugs to a central location for safe disposal.

In addition, the pharmacy profession through the American Pharmacists Association has partnered with the Pharmaceutical Research and Manufacturers of America and the U.S. Fish and Wildlife Service in establishing the SMARxT DISPOSAL program to help protect the country's fish and aquatic resources. SMARxT DISPOSAL is a consumer awareness-heightening program that highlights the environmental threat posed by medications that are disposed of improperly, with the key message being “crush, don't flush.” It encourages consumers to dispose of most unused medications in household trash rather than through the wastewater system, to take advantage of state and local medication collection programs, and to consult with a pharmacist should any questions arise.

INTERNATIONAL PROGRAMS

Under British Columbia's Medications Return Program, the public can return expired or unused medications at participating community pharmacies across British Columbia. The pharmaceutical industry voluntarily established the program in November 1996. In 1997, provincial legislation made all brand-owners of pharmaceutical products responsible for the

collection and management of their left-over products. This program allows consumers to return unused or expired medications at no charge to over 90 percent of participating pharmacies in the province.

Spain's Integrated Waste Management System (SIGRE) allows citizens to return packaging and leftover medicines to pharmacies across the country free of charge. The program has been in place since 2002 and is funded by the pharmaceutical industry. Collected wastes are taken to a central processing facility for recycling or destruction.

France's medicine take-back program, established in 1995, is an industry-funded system that is run collaboratively among manufacturers, wholesalers, and community pharmacies. Households are invited to return all unused medicines and packaging. Bags and leaflets are handed out at the time of dispensing; window stickers and posters reinforce the message of safe disposal.

HAZARDOUS PHARMACEUTICAL WASTE

EPA has offered its support of pharmaceutical take-back programs by proposing to revise its rules for managing hazardous pharmaceutical waste. A small proportion of pharmaceutical waste meets EPA's definition of hazardous waste. The proposed amendment to EPA's universal waste rule would improve the management of hazardous pharmaceutical waste by providing a more streamlined waste management system, while ensuring that the waste is sent to hazardous waste management facilities, rather than municipal landfills, for final disposal. The streamlined standards include modified requirements for storage, labeling and marking, preparing the waste for shipment offsite, employee training, response to releases, and notification. In addition, no manifest would be required to transport the waste. This management system could also be used for safely collecting, transporting, and disposing of unwanted non-hazardous pharmaceuticals as part of a take-back program. Should these proposed rules be finalized, states operating EPA-authorized hazardous waste programs could adopt them to support their take-back programs.

WHAT THIS BILL WOULD DO

The Safe Drug Disposal Act of 2009 amends the Controlled Substances Act to allow end users, or caretakers of an end user, to safely dispose of unused prescription drugs and over-the-counter drugs through DEA-approved, state-run, drug take-back programs.

Accumulation of dispensed controlled substances in the hands of individual or institutional care takers, including those caring for animals, can be a serious concern. Long-term care facilities, nursing homes, hospitals, jails, schools, and veterinary clinics may act in a custodial capacity, holding controlled substances that are prescribed for an individual and belong to that individual. The care taker dispenses these medications as directed by a medical practitioner. As a result of these dispensing practices, when a patient dies, leaves the facility or their medication is discontinued or changed, the care taker may be left with excess controlled substances that must be disposed. Under present law, these care takers may dispose of controlled substances directly, but, unless they are registered with

DEA, they may not transfer controlled substances that have been dispensed to an individual to a DEA-registered entity for disposal.

Specifically, this bill directs DEA, within one year, to create five approved drug take-back program models from which states may choose. Should a state seek to implement a model not listed among those five DEA approved models, a state must seek approval from DEA for the modified version. In creating the five specific drug take back program models, DEA must comply with a specific set of criteria:

Protecting the public safety.

Allowing the ultimate user to dispose of their unused drugs though persons other than law enforcement.

Respecting environmentally sound practices for disposal (take-back programs may not include the disposal of drugs through public waterways or municipal solid waste landfills).

Being cost-effective for the state.

Including take-back program options for both rural and urban locations.

Successful take-back programs are likely to receive substantial volumes of medications, most of which will not be controlled substances. Under the Controlled Substances Act, Congress established a "closed system" of distribution designed to prevent the diversion of controlled substances. As part of this closed system, all persons who lawfully handle controlled substances must be either registered with DEA or exempt from registration by the Act or by DEA regulations. Another central element of this closed system is that DEA registrants must maintain strict records of all transactions in controlled substances. Consistent with the Controlled Substances Act, current DEA regulations employ a system to account for all controlled substances received, stored, distributed, dispensed, or otherwise disposed of.

Take-back programs are unlikely to have the resources to separate controlled substances from other medications or to provide a detailed accounting of the kind contemplated in the Controlled Substances Act. Take-back programs currently in operation have demonstrated that it is possible nonetheless to protect against diversion. It will be particularly important for DEA model programs to provide methods for tracking collected medications that are cost-effective for the state to implement and operate.

Finally, the Safe Drug Disposal Act prohibits pharmaceutical companies from recommending flushing as a means of disposal on prescription drug labels. Guidelines issued by the White House Office of National Drug Control Policy recommend that the general public dispose of their waste pharmaceuticals in household trash, except for thirteen substances which should be flushed down the toilet. The federal guidelines recommend the flushing of these thirteen substances because their drug labels (required of all pharmaceutical products and resulting from the Food and Drug Administration's approval process) recommend flushing.

This bill provides that, in approving an application for a medication, FDA shall ensure that the labeling not include any recommendation or direction to dispose of the medication by means of a public or private wastewater treat-

ment system, such as by flushing down the toilet. The bill also directs FDA to conduct a review of the labeling of medications already on the market, and to order any labeling that includes a recommendation or direction to dispose of the medication by means of a public or private wastewater treatment system, such as by flushing down the toilet, to be revised to exclude that recommendation or direction. This order would be required to be issued within one year of enactment of the bill.

CONCLUSION

Madam Speaker, it is clear that the lack of an effective disposal mechanism for excess controlled substances and other pharmaceuticals, including over-the-counter medications, is contributing to contamination of our drinking water supply and putting aquatic wildlife at risk. It is also associated with a dangerous increase in nonmedical use of pharmaceuticals, especially among our young people. While it is easy to identify the problem, it is more difficult to devise a solution that consumers and law enforcement professionals will both accept. This bill will allow States to adopt take-back programs suited to the needs of their communities, and as such will help our nation to move toward a comprehensive solution.

RESOLUTION CALLING ON THE EGYPTIAN GOVERNMENT TO RESPECT HUMAN RIGHTS AND RELIGIOUS FREEDOM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. WOLF. Madam Speaker, I rise today to ask my colleagues to join me in calling on the Egyptian government to respect human rights and religious freedom by supporting the resolution which I have just introduced.

Each year the United States gives Egypt approximately \$1.5 billion in foreign military assistance—with no strings attached. No strings attached.

The United States gives Egypt \$1.5 billion a year and the Egyptian government continues to arbitrarily detain and brutally torture human rights and democracy activists, bloggers, and members of opposition political parties in its attempt to suppress dissent.

The United States gives Egypt \$1.5 billion a year and the government of Egypt continues to show utter and blatant disregard for human rights and religious freedom.

The United States gives Egypt \$1.5 billion a year and Egypt continues to allow weapons to be smuggled to Hamas through elaborate networks of underground tunnels.

The United States gives Egypt \$1.5 billion a year and Egyptian government deploys an arsenal of Washington's heavy hitter lobbyists to peddle excuses for the deplorable conduct of the Egyptian government.

If you speak to the Egyptian on the street, you will find that they long for freedom. They long to speak without censure, assemble in absence of fear and worship in peace. So I call on the Egyptian government to respect these fundamental rights.

We too often forget how we are blessed to live in the United States of America. But to whom much is given, much is required. America has a responsibility to the world.

President Ronald Reagan once said that the Constitution is "a kind of covenant. It is a covenant we've made not only with ourselves but with all of mankind."

We have a rare opportunity before us. The fact is that we not only have the opportunity, we have the obligation to stand up for freedom where it is stifled, and to seek out justice where there is tyranny.

This nation was founded upon the principle that every man is endowed with certain inalienable rights. These are the principles which led this nation to rise to greatness. Let us not turn our backs on these principles now.

This resolution will put Congress on the right side of history. I urge its passage.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF MR. AND MRS. ROY JOHNSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Roy Johnson.

On March 7, 2009, the Johnsons will celebrate their 50th wedding anniversary. Both Roy and Sybil Johnson were born in the Alexandria/Saks area of Alabama. In fact, they were high school sweethearts. Over the years, Roy and Sybil have been blessed with two daughters, Delane O'Kelley and Ginger Gardner; and 4 grandchildren, Grant, Gray, Bradley and Brock. The Johnsons now also have one great grandchild, Katlyn Grace.

I would like to congratulate Roy and Sybil Johnson for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

ON RECOGNIZING NATIONAL PEACE CORPS WEEK AND THE 48TH ANNIVERSARY OF THE PEACE CORPS

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Ms. HIRONO. Madam Speaker, I rise today to celebrate National Peace Corps Week (February 23–March 2) and recognize the 48 years of commitment to peace made by our nation's Peace Corps volunteers.

Following a call to service by President John F. Kennedy, more than 195,000 Americans have served our country in the cause of peace by living and working in 139 developing nations.

Currently, 7,876 Peace Corp volunteers are making significant and lasting contributions to

improve the lives of individuals and communities in 76 countries. This selfless group includes the following volunteers from Hawaii: Claire Albrecht in Zambia; Kristel Balbarino and Holly Horcajo in Nicaragua; Jack Chow and Noa Thomas in Vanuatu, Theresa Duddy in Madagascar; Rachel Grossman in Ukraine; Ashley Jones in Micronesia; Kevin Kalhoefer in Cambodia; Serette Kaminski in Niger; Nicole Nakama in Botswana; Kevin Schmitz in Dominican Republic; Mai Shintani in Gambia; and Theodore Varns in Guatemala.

I also want to recognize and thank the many Peace Corps alumni who reside in Hawaii. I have many friends who are former Peace Corps members. To a person, each has told me that their time of service had a major impact on their lives.

Aloha and mahalo to all Peace Corps volunteers past and present for your work in strengthening the ties of friendship and understanding between the people of the United States and others around the world.

RECOGNIZING THE PEACE CORPS VOLUNTEERS FROM OREGON'S 3RD DISTRICT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. BLUMENAUER. Madam Speaker, President Kennedy, speaking 48 years ago at the establishment of the Peace Corps, remarked that, "The initial reactions to the Peace Corps proposal are convincing proof that we have, in this country, an immense reservoir of such men and women—anxious to sacrifice their energies and time and toil to the cause of world peace and human progress." As the proud father of a Peace Corps volunteer, I know what was true in 1961 is true today; Peace Corps Volunteers are an outstanding group of men and women serving the cause of humanity across the globe.

During this National Peace Corps Week, I want to honor the service and commitment of the Peace Corps Volunteers from Oregon's 3rd Congressional district and express my pride in my fellow Oregonians who have chosen to devote years of their lives in service to others.

In particular, I want to recognize those Peace Corps Volunteers who have begun their service in the past year: Laura Baetscher (Honduras); Laura Bradford (Belize); Meaghan Corwin (Armenia); Paul Council (Moldova); Reiana Darosa (Guatemala); Anna Dinh (Cameroon); Alana Harris (Guatemala); Matthew Jones (Malawi); Daniel Koza (Uganda); Serene Loh (Botswana); Elizabeth Nolan (Nicaragua); David Schilmoeller (Bulgaria); Lacey Sugarman (Uganda); Allison Wells (Jordan); and Erik Wells (Jordan).

Their work to empower people and communities in developing countries is an invaluable contribution to creating a safe and prosperous world, building bridges between America and the world, and establishing a better future for people everywhere.

THE TAXPAYER'S FREEDOM OF CONSCIENCE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Taxpayers' Freedom of Conscience Act, which forbids federal funds from being used for population control or "family planning." The recent executive order allowing those who perform and/or promote abortion overseas to receive taxpayer money brings new urgency to the need to protect pro-life Americans from being forced to subsidize abortion.

It is not enough to say that "family planning" groups may not use federal funds to perform or promote abortion. After all, since money is fungible, federal funding of any activities of these organizations forces taxpayers to underwrite the organizations' abortion activities. Thus, the Taxpayers' Freedom of Conscience Act is the only way to protect taxpayers from having to support what they "disbelieve and abhor."

Thomas Jefferson eloquently made the case for Taxpayer's Freedom of Conscience Act when he said that: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."

I hope all my colleagues will join me in helping end the "sinful and tyrannical" policy of forcing pro-life Americans to subsidize, either directly or indirectly, abortion by cosponsoring the Taxpayer's Freedom of Conscience Act.

HONORING MR. BEN GRAY

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. TERRY. Madam Speaker, Black History Month provides a wonderful opportunity to recognize the many successful and talented African-Americans in my district. Today it is my great honor to recognize one in particular—Mr. Ben Gray.

Ben Gray is an outstanding advocate for the youth of Omaha, Nebraska. After graduating from high school, Gray joined the U.S. Air Force. In 1973, he joined KETV television station located in Omaha. During his time at KETV, he worked his way from photo lab assistant to news photographer and producer and host of "Kaleidoscope", a weekly half-hour public service program. He has received local and national awards as a reporter and photographer.

Ben is actively involved with at-risk youth volunteering his time with C.W. Boxing Club. He is also Chairman of the Omaha Public Schools African-American Achievement Council, a group that works to close the achievement gap between black and white students. Ben is a familiar face, as he remains active in promoting equal rights and helping students to achieve success. He is active, involved and committed to helping children and bettering

our community. Our nation would benefit from more people like Ben.

RECOGNIZING BOSNIAN INDEPENDENCE DAY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. CARNAHAN. Madam Speaker, I rise today to pay tribute to Bosnian independence. As a founding member and Co-Chairman of the Bosnian Caucus, and having the distinct pleasure of representing a growing, vibrant community of Bosnian-Americans in St. Louis, Missouri—one of the largest Bosnian-American communities in the U.S.—I am pleased to offer these encouraging words to recognize March 1 as Bosnian Independence Day.

Their appreciation for this country and opportunities it affords is reflected in their hard work and determination to make a difference in their communities and nation. Collectively, and as self-reliant individuals they have reinvigorated our St. Louis region, and exemplify the definition of good neighbors and friends.

With an understanding that this nation's greatness was built by those who sought out America and all she has to offer, we can during these hard times take comfort, learn by their example, and see that with a sense of community and purpose there is no challenge too great to overcome.

Today, I join Bosnian-Americans with great pride and hearty congratulations.

INTRODUCTION OF THE TEACHING GEOGRAPHY IS FUNDAMENTAL ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Teaching Geography is Fundamental Act, a bill to help ensure that all young people acquire the vital global knowledge they need to compete in today's increasingly-connected world. I thank my colleagues, Representatives BLUNT, WALZ, and EHLERS, for their leadership and hard work on this issue.

Madam Speaker, our nation is facing a crisis in geographic knowledge. Sixty-three percent of young adults cannot locate Iraq on a map of the Middle East. Seventy-five percent cannot find Iran. Half cannot locate New York on a map of the United States.

These statistics are emblematic of a general lack of knowledge about the world that is troubling in a time when the United States must compete in a global marketplace. We need Americans to know and understand the countries and cultures that are or could become our political and economic partners. It is unacceptable that seventy-one percent of young Americans do not know that the United States is the world's largest exporter of goods. It is unacceptable that, despite the fact that it is

the world's largest democracy, nearly half of young adults do not know where India is located.

We need to improve our children's understanding of their world both within and beyond our country's borders. The Teaching Geography is Fundamental Act will do just that. It would authorize federal funding to improve student achievement, increase teacher training, encourage education research, and develop effective instructional materials and strategies for geography education. It will leverage and expand support for geography education partnerships. And it will prepare America's students to move forward and succeed in a rapidly-changing, competitive, global economy.

It is time to be sure that American citizens are informed citizens of the world. I ask my colleagues to join Congressmen BLUNT, WALZ, EHLERS, and me and support the Teaching Geography is Fundamental Act.

PAYDAY LOAN REFORM ACT OF 2009

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. GUTIERREZ. Madam Speaker, I rise today in support of the "Payday Loan Reform Act of 2009." During turbulent economic times like these, many Americans are searching for ways to meet their financial obligations. It is unfortunate that some in the financial services industry have actually profited from the financial pain of hard-working citizens who are doing their very best to provide for their families. This Congress should not and will not sit back and watch that happen.

For more than a decade, I have been concerned about my constituents becoming trapped in the cycle of debt caused by unfair payday loans. Consumers sometimes prefer these loans because the credit history requirement imposed by traditional banks is waived. Unfortunately, those who most need these loans are often the least able to repay them. The consumer is then subjected to exceptionally high interest rates, ranging from 261 percent to 913 percent annually.

The "Payday Loan Reform Act of 2009," which I am introducing today, provides significant new federal protections for payday loan consumers by restricting or prohibiting certain predatory payday loan terms and lending practices. The bill focuses on the two major concerns with regard to payday loans: the fees charged and the "cycle of debt" that occurs when consumers are not able to immediately repay their loans.

First, the bill caps payday loan fees and interest rates at a total of 15 cents for every dollar borrowed. This fee and rate cap is lower than the fees allowed in 23 states, and would save consumers roughly \$250 million annually through federally mandated lower fee levels. Undoubtedly, many in the payday industry will claim that fee and rate caps this low will drive lenders out of business. However, this fee is high enough to allow lenders to continue making such short-term credit advances, while at

the same time providing consumers a credit option that is less expensive than many credit card fees and rates, and substantially less expensive than overdraft protection charges through banks.

The second major concern addressed in this bill relates to the "cycle of debt" that too often traps consumers when they cannot repay their payday loan when first due. As a result, many payday lenders force borrowers to rollover their payday loan or obtain a new loan to pay off the initial loan, while piling on additional fees. The "Payday Loan Reform Act of 2009" prohibits these rollovers (i.e., extensions of the loan term in exchange for an additional fee).

Under the bill, payday lenders would be banned from rolling over loans, and they would be required to give consumers the option of entering into a repayment plan in the event that they could not repay their loan when due. The repayment plan will allow consumers to repay the loan over an extended period of time without any additional fees or other charges whatsoever. The bill's repayment plan requirements are generally far stronger than those found in the few state laws that mandate such plans.

These three key provisions—capping fees, prohibiting rollovers and requiring extended repayment plans—would supersede state law provisions when such state provisions are less consumer-friendly. In all other areas, the bill's requirements would provide a minimum national standard for consumer protections, with states free to enact tougher payday lending restrictions.

The legislation also mandates that consumers receive special warnings and disclosures, stating that these short-term payday loans are only intended for short-term needs, that credit counseling should be considered, that no criminal prosecution can occur for nonpayment nor may security interest be taken in the consumer's personal property, and that an interest-free, no-cost repayment plan will be available if needed. These disclosure notices must be given both in the loan documents before obtaining a payday loan and in similar disclosures posted in the lender's public business area, Web site and/or printed advertising and solicitation materials. Disclosures must be in English and in Spanish, as well as the language in which the loan was negotiated.

Finally, the legislation guarantees consumers additional protections relating to various potentially abusive terms and practices currently used by payday lenders. For example, I have already explained that the bill prohibits lenders from taking a security interest in a consumer's personal property or seeking to have the consumer prosecuted in criminal court for nonpayment of the loan. However, it would also prohibit unfair mandatory arbitration clauses and grant consumers the right to rescind a loan by notifying the lender in writing and returning the money no later than the end of the second business day after the loan agreement was executed.

Specifically, additional penalties of up to \$10,000 per violation could be imposed; and state attorneys general, as well as consumers, will be allowed to enforce the Act. Additionally, states will be free to provide consumers with additional or greater protections than are provided for in the "Payday Loan Reform Act of 2009."

I urge my colleagues to support this important consumer protection bill.

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding direct funding the Second Congressional District of Michigan received as part of H.R. 1105.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Detroit District of the U.S. Army Corps of Engineers
Address of Requesting Entity: 477 Michigan Avenue, Detroit, Michigan 48226-2550

Description of Request: Provide \$75,000 for operations and maintenance of Arcadia Harbor. Provide \$275,000 for operations and maintenance of Frankfort Harbor. Provide \$82,000 for operations and maintenance of Pentwater Harbor. Provide \$325,000 for operations and maintenance of Muskegon Harbor. Provide \$410,000 for operations and maintenance of Ludington Harbor. Provide \$546,000 for operations and maintenance of Holland Harbor. Provide \$1,218,000 for operations and maintenance of Grand Haven Harbor. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Bus and Bus Facility Program (Section 5309)

Requesting Entities And Addresses: Cadillac/Wexford Transit Authority, 1202 N. Mitchell St., Cadillac, Michigan 49601; Yates Dial-A-Ride, 1987 E. U.S. 10, Idlewild, Michigan 49642; Harbor Transit, 440 North Ferry St., Grand Haven, Michigan 49417; Muskegon Area Transit System, 2624 6th Street, Muskegon, Michigan 49444; Ludington Mass Transit, 5545 West Carr Street, Ludington, Michigan 49431; Macatawa Area Express, 171 Lincoln Ave. Suite 20, Holland, Michigan 49423; Benzie Transportation Authority, 12762 Honor Highway, Honor, Michigan 49640.

Description of Request: Provide \$285,000 for Cadillac/Wexford Transit Authority for the purchase of replacement transit buses and improved transit facility; provide \$190,000 for Yates Dial-A-Ride for the purchase of replacement transit buses; provide \$152,000 for Harbor Transit for the purchase of replacement transit buses; provide \$427,500 for Muskegon Area Transit System for the purchase of replacement transit buses; provide \$190,000 for Ludington Mass Transit for the purchase of replacement transit buses; provide \$256,500 for Macatawa Area Express for the purchase of replacement transit buses; and provide \$190,000 for Benzie Transportation Authority for the purchase of replacement transit buses.

This request is consistent with the authorized purpose of the Bus and Bus Facility Program in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824-9190

Description of Request: Provide \$346,000 for fire blight research at Michigan State University. Approximately, \$148,000 is for the salaries of laboratory and field research personnel; and \$36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$52,500 in FY09.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: USDA/Cooperative State Research, Education and Extension Services Research and Education

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide \$346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension Service.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Community Development Fund/Economic Development Initiative

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 188 Howard Ave., Holland, Michigan 49424

Description of Request: Provide \$142,500 in funding for the conversion of a former pharmaceutical plant into a center for bio-based start-up companies and research. Approximately 95 percent of the funding will go to equipment acquisition and plant re-conditioning. The project has received funding from and will be supported by Lakeshore Advantage, Holland-Zee-land Community Foundation, State of Michigan and U.S. Department of Labor.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Department of Energy/Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Michigan Alternative and Renewable Energy Center

Address of Requesting Entity: 200 Viridian Drive, Muskegon, Michigan 49440

Description of Request: Provide \$1,427,250 in funding for an offshore wind demonstration project at the Michigan Alternative and Renewable Energy Center. Approximately two-thirds of the funding will be used for the purchase and installation of the wind turbine. Approximately 30 percent will be used for technical support and interface, environmental impact, education and economic studies for the use of offshore wind turbines in Lake Michigan. The project will be supported by Grand Valley State University, Muskegon Area First and L-3 Communications.

TRIBUTE TO MELVIN CAULEY

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. MEEKS of New York. Madam Speaker, I am honored to recognize a true hero that has emerged in the New York Congressional Sixth District. Mr. Melvin Cauley, Jr. has served the Far Rockaway community for five years as a United States Postal Service Mail Carrier. He has walked the community's streets to deliver the letters and packages that are vital to the livelihood of many of my constituents. Now, Mr. Cauley walks the community's streets as a hero, as a citizen who went above and beyond his professional duties to save the life of Mrs. Margaret O'Brien, a 70-year-old resident of Rockaway Beach.

On January 29th, Mrs. O'Brien experienced a traumatic fall that rendered her helpless on her kitchen floor. For the next several days, Mr. Cauley delivered Mrs. O'Brien's mail without incident. Finally on February 5, Mr. Cauley took notice of the accumulated mail not collected by Mrs. O'Brien. This concerned him because Mrs. O'Brien often greeted him to receive his daily delivery. Mr. Cauley took action by notifying the 100th Police Precinct of her absence. At his insistence, the Police visited Mrs. O'Brien's home. Upon entering, they found Mrs. O'Brien lying on the floor unconscious, but alive. She was taken to a local medical facility where she was stabilized and has recovered since then. Mrs. O'Brien, who had lain on her floor for seven days, was saved because of the caring and decisive action of Mr. Cauley.

Beyond delivering letters and packages, the United States Postal Service is an important community partner in protecting the wellbeing of my constituents. For three decades, the Postal Service has had a "Carrier Alert" program in which Postal Carriers are empowered to alert social service agencies and law enforcement when they suspect a threat to the safety of their customers. The "Carrier Alert" program is a natural extension of the care that Postal Carriers have traditionally shown for their customers' wellbeing. Mr. Cauley has demonstrated the great impact that the program can have in protecting the lives of community members.

Mr. Cauley has established himself as a role model amongst his professional colleagues and community members, demonstrating what it is to be a dedicated citizen, on how to care for our neighbors, and the importance of rising

to an occasion when circumstances necessitate it. I know that Mrs. O'Brien, her family, and her friends are grateful for his caring actions. On behalf of the Congressional Sixth District, I thank Mr. Melvin Cauley, Jr. for helping to save the life of Mrs. Margaret O'Brien.

INTRODUCTION OF THE "SELECT AGENT PROGRAM AND BIOSAFETY IMPROVEMENT ACT OF 2009"

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Ms. HARMAN. Madam Speaker, no one can forget the 2001 anthrax letter attacks, which killed five people, paralyzed the Postal Service, and affects the flow of mail to Capitol Hill to this day.

In response, Congress expanded the Select Agent Program, which monitors the possession and use of potentially dangerous biological agents and toxins.

But, the program's authorization expired in 2007, and serious problems persist. Earlier this month, researchers at the Army Medical Research Institute of Infectious Diseases received another wake-up call.

They discovered serious gaps in record-keeping after finding germ samples not listed in their database. Since then, the Army has suspended some research at the lab while an inventory of dangerous agents is conducted.

That is why it is so important to reintroduce today the Select Agent Program and Biosafety Improvement Act with my friend MIKE ROGERS in the House and Senators KENNEDY and BURR in the Senate.

The bill requires an assessment of the government's ability to track and control the dangerous substances that can be used to construct dangerous weapons.

It reauthorizes and updates the Select Agent Program, which limits access to and controls the transfer of dangerous biological agents and toxins.

It requires the National Academy of Sciences to conduct a comprehensive evaluation of the program and recommend ways in which it can be restructured, to enhance biosecurity and international scientific collaboration.

It requires that the program consider newly discovered agents—such as genetically modified organisms, synthetic compounds, and other agents identified in Homeland Security risk assessments—to ensure that its database is current and comprehensive.

It encourages the sharing of information with State emergency planning officials, which is vital to ensuring that first responders have the tools they need to prevent or respond to an attack.

And it ensures minimum biosecurity and biosafety standards for the training of workers in the laboratories that deal with the most dangerous agents.

The threat of biological terrorism on U.S. soil is real and there is still room to improve the way our country tracks and transfers potentially dangerous materials that could be

used against us in an attack. This bill will help that effort.

Nearly a decade has passed since weaponized anthrax was anonymously mailed as an attack on Americans. We must act swiftly to improve our capabilities to eliminate these dangers.

TRIBUTE TO MIKE AND MARIA
VASQUEZ

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr CALVERT. Madam Speaker, I rise today to honor and pay tribute to two individuals whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mike and Maria Vasquez are two of those individuals. On January 17, 2009, Mike and Maria Vasquez were honored at the Corona Chamber of Commerce's 94th Annual Installation and Awards Gala and received the 2008 Citizen of the Year Award.

Mike and Maria Vasquez are wonderful people that have worked their way up from humble beginnings and turned one restaurant into a successful family empire. In 1973, upon receiving a Corona restaurant named Chile Pepper, they entered the restaurant business, renaming the establishment "Miguel's" in honor of Mike's grandfather. Maria developed dishes based on recipes from her childhood in Mexico. They focused on exceeding customer service expectations and delivering fresh great-tasting food while offering an inviting ambiance and providing a culture of integrity and self-responsibility. It was Mike and Maria's work ethic and undaunted ambition that has ensured the success of Miguel's.

In 1975, Mike and Maria purchased a fast-food restaurant two miles from the original. Miguel's Jr., as they called it, was immediately embraced by the community. Today, the original Miguel's has two locations in Corona including their newest location at Dos Lagos, and Miguel's Jr. has expanded to include seven locations. Following the same business philosophies and family traditions that founded the business, the Vasquez children are committed to growing Miguel's. Their youngest son, Javier, is the President, Michael oversees Miguel's Jr., and Carol and Sylvia serve in the corporate offices.

In a large effort to honor their parents, Javier worked with Corona City Councilman Eugene Montanez to create a special park in Corona to honor his parents' accomplishments and to be a place they could enjoy with their grandchildren. Their vision materialized this past August when the Citrus Park splash zone opened to throngs of happy families. I'm proud to say that the Citrus-themed playground is Corona's first ever water park and was designed based on Corona's proud citrus history. The water park is yet another successful venture of the Vasquez family and a testament to their continued willingness to give back to the community.

Mike and Maria's tireless passion for community service has contributed immensely to the betterment of Corona, California. Volunteerism is a major part of the Vasquez's life and from their business, they support many non-profit organizations and schools. For more than 35 years, the Vasquez family has achieved success by focusing on the things that matter: community, family, and tradition. I am proud to call Mike and Maria fellow neighbors, Americans and friends. I know that many community members are grateful for their service and we salute them in their recent award.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Manatee Community College

Address of Requesting Entity: 5840 26th Street West, Bradenton FL 34207

Description of Request: I secured \$200,000 for an Emergency Notification System using VOIP at Manatee Community College.

VOIP technology offers many advantages; one of the biggest is the convergence between voice and data, which offers possibilities beyond regular telephone or e-mail services. A good example is using VOIP for mass notifications, in which a user can send an alert message simultaneously to a large audience in multiple ways such as text messaging, voice mail and e-mail. Funds will be used to purchase equipment and the one-time cost of installation and set-up.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Sarasota Housing Authority

Address of Requesting Entity: 1300 Blvd. of the Arts, Sarasota, FL 34236

Description of Request: I secured \$237,500 for the Sarasota Housing Authority to build a LEED Certified community center.

Redevelopment is already underway. Plans call for a community center to be built to serve as a property management office as well as a resident services center that will be used to provide training and services to residents to become self sufficient. This center is slated to be a LEED Certified as a green building.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Manatee and Sarasota Counties

Address of Requesting Entity: 1112 Manatee Avenue West, Bradenton, FL 34205 (Manatee County) 1660 Ringling Blvd. Sarasota, FL 34236 (Sarasota County)

Description of Request: I secured \$475,000 Intelligent Transportation (ITS) project in Manatee and Sarasota Counties.

The counties are upgrading their signal systems in order to deploy a more advanced traffic management system. This project also complements a programmed State of Florida project to deploy ITS for the purpose of incident management on 1-75. It is expected to reduce vehicular delay by 9.5 million hours per year and reduce fuel consumption by 3.8 million gallons per year.

The counties have been coordinating their efforts. Manatee County will incur a greater cost on this project; as a result funding should be split 60-40 between the counties.

Manatee County's project is called Advanced Traffic management System (ATMS), while Sarasota County has designated theirs ITS.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Hardee County

Address of Requesting Entity: 412 West Orange Street, Room 103, Wauchula, FL 33873
Description of Request: I secured \$332,500 for Bridge costs on US-17.

Funds will be utilized to construct a 500' by 43' bridge in the Hardee County Line/CR 634 segment. The project is an important component of the larger project to four-lane US-17 in Hardee County.

This larger project is important for safety and economic reasons. US-17 four laned entirely will be a valuable evacuation route during hurricanes. Also, it would provide an economic boom as many businesses are looking to the area in their future plans.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Alternative Analysis

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd. Sarasota, FL 34236

Description of Request: I secured \$1,009,375 Sarasota County Bus Rapid Transit.

Sarasota County is expanding its transit system with the most fuel-efficient vehicles and the latest ITS technology. The Bus Rapid Transit Corridor Project will: connect areas of highest transit ridership access for key employment sites; improve the operating efficiency of transit services, and support regional long-term land use goals.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards

on member requests, I am submitting the following information regarding the earmarks I received as part of H.R. 1105, the FY09 Omnibus Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Special Research Grants

Project Name: Drought Mitigation

Amount: \$469,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 202 Agricultural Hall, Lincoln, Nebraska 68583

Description: This funding is for the National Drought Mitigation Center (NDMC) which conducts research and educational programs on drought mitigation and planning for drought. The project has assisted numerous states and municipalities in developing drought plans and implementing drought response action teams. The Center has received national visibility for providing information on the severity of drought throughout the United States. Both print and electronic mass media routinely use Center produced materials in their news stories on the drought.

The NDMC's program is directed at lessening societal vulnerability to drought through a risk-based management approach. The NDMC works with local, state, and tribal governments, federal agencies, and non-governmental organizations. The objectives of the NDMC are: (1) to develop and evaluate existing drought policies and plans in the United States and elsewhere with the goal of improving drought-coping capacity and (2) to develop and evaluate new techniques and methodologies for monitoring drought severity and its impacts, identifying and classifying users in the United States and elsewhere.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Buildings and facilities

Project Name: Systems Biology Research Facility

Amount: \$1,088,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 202 Agricultural Hall, Lincoln, Nebraska 68583

Description: This funding will be used toward construction of a University of Nebraska-Lincoln (UNL)/Agricultural Research Service (ARS) Research Facility. This facility would provide critically needed space for UNL and ARS research addressing two areas of national concern: renewable energy and water resource conservation and management. Agriculture is expected to provide almost 40 percent of the nation's liquid fuels within 30 years. This will further intensify demands on our soil and water resources. UNL and ARS scientists have been collaborating at UNL since the 1930s. Very strong collaborative programs continue today, including the ARS program at UNL that has been developing improved switchgrass varieties for 30 years and is the leading program in the world on the use of switchgrass for cellulosic ethanol. These scientists are scattered across the UNL campus and the proposed building will enable them to share collaborative, cutting-edge research space that will move this important re-

search forward more rapidly. This project would advance major research focused on essential national efforts.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: COPS Law Enforcement Technology

Project Name: Lincoln Police Department Security Upgrades

Amount: \$132,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: The Lincoln Police Department wants to take its first steps into the emerging technology of digital recording systems for police patrol cars. The proposal would equip 20 police patrol vehicles with digital video systems integrated with the Department's existing mobile data computers. These systems will capture video from car-mounted cameras onto flash memory media that can be downloaded for archiving. These systems will replace older analog video tape recorders and cameras. This would integrate digital content into our extensive Intranet resources, so digital video can be used by police and prosecutors. Although many departments are beginning to make the transition to digital recording equipment, this integration is the key component of this project that differentiates it from most. The equipment will allow for greater efficiencies within the Department and accelerate information-sharing with neighboring jurisdictions.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction
Project Name: Antelope Creek Flood Damage Reduction Project:

Amount: \$400,000

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066.

Description: The Antelope Creek Flood Damage Reduction Project is a critical element of a flood control, transportation and community revitalization project known as the Antelope Valley Project. The project is being constructed in central Lincoln adjacent to the University of Nebraska Lincoln main campus to improve flood control, transportation networks and community well-being in the city's down-town area.

Essential to progress on the entire Antelope Valley Project is the completion of the flood damage reduction component. This multi-purpose project is a partnership of the City of Lincoln, the University of Nebraska Lincoln, and the Lower Platte South Natural Resources District, along with the U.S. Army Corps of Engineers and the federal Departments of Transportation and Housing and Urban Development. The project reduces flooding threats to over 800 dwellings and businesses and 1,200 floodplain residents and removes 100-year floodplain restrictions on 400 acres.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction
Project: Sand Creek Environmental Restoration Project

Amount: \$400,000

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066.

Description: The Sand Creek Project will restore several types of historic wetlands and add to the national wetlands inventory in support of the Administration's "net gain" national wetlands policy. A quantitative analysis of all environmental outputs by the Corps of Engineers in addition to the Feasibility Study demonstrated a significant level of benefits for this wetland restoration project for the Lower Platte River watershed which serves the North American Central Flyway.

The Sand Creek Project supports the national goal of a net gain in American wetlands. Active pursuit of this goal also provides for improvements in water quality and water supply to achieve watershed improvement. Flooding in Wahoo along the U.S. 77 Expressway corridor occurred twice during 2006. Completion of the wetlands restoration structure will also provide flood damage reduction benefits and the roadway allowing completion of this expressway between Lincoln and Sioux City. This is a key segment of the expressway.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction
Project: Western Sarpy-Clear Creek Flood Damage Reduction Project Amount: \$2,775,000

Name and Address of Requesting Entity: Papio-Missouri River Natural Resources District located at 8901 S. 154th Street, Omaha, NE 68138.

Description: The Western Sarpy-Clear Creek Flood Damage Reduction Project is vital to the health and well-being of a large number of Nebraskans. It is planned to protect vital drinking water resources that supply up to 50% of Nebraska's population in the eastern part of the state from flooding due to potential ice jams on the Platte River. Elected officials at local, regional and state levels in Nebraska have been long committed to this project's construction because of risk to water supplies and other infrastructure.

Significant construction progress towards completion is vital to Nebraska in the year ahead. The Congress has provided construction funding for the past four years in the Energy and Water Development Appropriations Act.

In 1993, flooding in the Lower Platte severed one-half of the City of Lincoln's water supply and catastrophe was again threatened in 1997 from ice-jam induced flooding. That portion of the new Omaha Metropolitan Utilities District well field on the western side of the Platte River now under development south of U.S. Highway 92 will also receive vital protection from this project. Treatment facilities for water from this well-field will be completed in the months ahead.

Additionally, this project is needed to provide protection to: I-80 and U.S. Highway 6; The Burlington Northern Santa Fe Railroad, an

Amtrak line; Military facilities at the National Guard Camp at Ashland; National telecommunication lines; and Other public infrastructure.

Construction of a separate but companion levee at the Nebraska National Guard Camp at Ashland was fully funded by the Congress in the FY '04 Military Construction Appropriations Bill and is completed. Neither of these adjoining levees is effective without the other. Ice jams with the potential for flooding in the area around Camp Ashland and the 1-80 Bridge where it crosses the Lower Platte River occurred again as recently as 2001 and will continue to be a significant threat until both of these projects are completed.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction
Project Name: Missouri National Recreational River

Amount: \$335,000

Name and Address of Requesting Entity: U.S. Army Corps of Engineers located at 106 S. 15th Street, Omaha, Nebraska 68102

Description: This funding is for the Missouri National Recreational River (MNR), located on the Missouri River from Gavins Point Dam downstream to Ponca, Nebraska. Federal activities pursued within the MNR must protect and enhance the values for which it was designated—scenic, recreational, fish and wildlife, historic, and cultural. The U.S. Army Corps of Engineers' FY09 capability of \$9 million would be used for bank stabilization, easement acquisition, and fee title purchase.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Section 205

Project Name: Fremont Section §205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding is for the federal share to complete the Fremont South Section 205 Flood Control Study. Funding for this Section 205 project will continue urgent feasibility planning to strengthen an existing flood control levee in order to remove a portion of South Fremont from the threat of flooding in the 100 year flood plain. This Fremont South area will be soon identified by the Federal Emergency Management Agency ("FEMA") as within the designated flood plain. The total cost of the project is \$1,086,000 split equally between the Corps of Engineers and the nonfederal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Section 205

Project Name: Schuyler Section 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding under the Section 205 authority is for the federal share to continue the Schuyler, Nebraska Flood Control Study. The amount requested will continue the Schuyler, Nebraska §205 Flood Control Study. The purpose of the study is to plan for mitigation of flooding in 40% of the city which is anticipated to be placed in the flood plain for the first time when designated by FEMA. The total cost of the study is \$772,000 split equally between the Corps of Engineers and the non-federal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Energy Efficiency and Renewable Energy

Project Name: Bioenergy Demonstration Project: Value-Added Products from Renewable Fuels

Amount: \$1,903,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: The funding will be used by the University of Nebraska-Lincoln to establish a pilot-scale corn-ethanol bioenergy facility and research program. Research will focus on developing new fractionation processes for removing value-added components from corn before and after fermentation to biofuel and on exploring new commercial uses for these products. Establishment of a research facility and program will help ensure the economic viability of the rapidly expanding biofuel industry during periods of commodity price uncertainty for grain and ethanol. The ability to test feed formulations with greater amounts of biofuel co-products will be critical to the livestock industry as corn and soybean prices rise in response to expanded biofuel production. This research facility's goals align with the U.S. Department of Energy's goal of displacing 30 percent of 2004 gasoline demand with biofuels, primarily ethanol, by 2030. Achieving this ambitious goal requires a rapid expansion of the fuel ethanol industry and research on the most efficient and cost-effective means of producing ethanol and of utilizing the byproducts of that process.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Energy Efficiency and Renewable Energy

Project Name: Intelligent Controls for Net-Zero Energy Buildings

Amount: \$475,750

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: The funding will be used by the University of Nebraska-Lincoln to develop intelligent real-time controls for buildings using distributed electrical generation systems. The U.S. Department of Energy has set a goal of marketable net zero energy buildings with annual net energy consumption of zero by 2025. Because residential and commercial buildings consume almost 70% of U.S. electricity, reducing energy use in existing and

new buildings is critical to achieving zero energy buildings. Many large buildings needing an uninterrupted power supply, such as hospitals, schools, manufacturing facilities, hotels, and retail buildings, use distributed generation systems that include diesel generators and steam and gas turbines and could include solar, wind, and fuel cells. The intelligent controls developed by this project will decide in real time which energy source to employ and how much to charge and discharge storage systems to balance energy use and emissions over a year. These controls will enable operators to determine the optimal mix of on-site power generation and utility grid-supplied power needed for large buildings to maximize energy consumption and carbon emission credits. This research will lead to improved distributed generation applications in retrofit and new construction that reduce the energy use and carbon footprint of buildings.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: STAG Water and Wastewater Infrastructure Project

Project Name: City of Lincoln Wastewater Treatment Upgrades

Amount: \$550,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: New and stricter wastewater treatment NPDES effluent discharge permit limits were issued in January 2004 to the City of Lincoln for both the Theresa and Northeast Wastewater Treatment Facilities. Over the last five years, more than \$61 million in improvements have been made to these facilities to meet the new NPDES permits. The last of these improvements is nearing completion. The City continues to make improvements to the treatment facilities and collection system pipelines and pumping systems to be more cost efficient; reduce overall energy use; control and reduce odor emissions; reduce greenhouse gas emissions by further utilizing biogas generated by the treatment processes, and minimize the overall carbon footprint of facility operations. The City's six-year Capital Improvement Program (CIP) identifies \$17.7 million in treatment facility improvement projects and \$84.9 million for maintenance and improvement projects to the collection system. These improvement projects are essential for assuring air and water quality, protection of the environment, public health and safety of the community. The City expects to incur the majority of the costs to make improvements to the collection and treatment facilities through a capital construction program funded by user fees and federal assistance.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Higher Education (includes FIPSE)

Project Name: Northeast Community College

Amount: \$761,000

Name and Address of Requesting Entity: Northeast Community College located at 801 E. Benjamin Avenue, Norfolk, Nebraska 68702

Description: This funding is for a new collaborative education center in South Sioux

City, Nebraska. Northeast Community College (a comprehensive community college), Wayne State College (a regional comprehensive public state college), and South Sioux City, Nebraska, are partnering in this project. The new College Center will serve the area by creating a "one-stop" consolidated service center offering community and economic development resources in addition to providing educational opportunity for area residents at an affordable price. The primary purposes of the joint center are:

to improve access to higher education in an underserved area of Nebraska with special focus on the large number of minority and first-generation students in the region

to offer comprehensive "start-to-finish" degree programs that will allow place-bound students to earn associate's, bachelor's, and master's degrees in focus areas without having to relocate

to support economic and community development in the region through workforce training and consolidation of services

The vision for the Center is to meet the educational demands of the region, provide a combination of classroom and lab instructional space adapted to the customized needs of regional employers, as well as to collaborate with area high schools to provide academic transfer, career and technical instruction for secondary students. This project will serve regional needs of Northeast Nebraska and the greater Siouxland area, including the southeast portion of South Dakota, and the west central to northwest portion of Iowa.

The new College Center facility will be designed to serve 500 full-time students by providing space for general classrooms, specialized instructional spaces for distance learning, science labs, computer labs, nursing labs, and a multi-purpose conference area that can be used as training classrooms for business and industry and learning community activities. It will also include areas for support services and academic support spaces for testing, tutoring, library services, study commons, and conference spaces. The South Sioux City Community Development Agency has donated 57 acres of centrally located land to Northeast Community College. The College Center will be located at this site.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Centers for Disease Control and Prevention

Project Name: Environmental Health Informatics Database

Amount: \$238,000

Name and Address of Requesting Entity: University of Nebraska Medical Center located at 986380 Nebraska Medical Center, Omaha, Nebraska 68198

Description: This funding is for the University of Nebraska Medical Center to create a Midwest Health Informatics database to assess environmental influences on the development of diseases by collecting health information from 50,000 Midwesterners. Currently most information about the relationship between disease and the environment is generated by major databases located in large urban areas on the east and west coasts

which tend to be regionally specific and generally not applicable to rural areas. This database would be the first research cohort in the Midwest to study the relationship between rural populations, the environment, and disease development. This project could reveal environmental factors responsible for birth defects or lymphoma, a cancer with high incidence in Nebraska. The data will provide valuable information on the factors influencing development of deadly diseases like cancer and position UNMC Eppley Cancer Institute to be designated a National Cancer Institute (NCI) Comprehensive Cancer Center. This high distinction will allow for the most advanced patient care and research to be available in Nebraska. UNMC is the ideal institution to spearhead this database with its numerous resources, well-established statewide hospital network to collect data, a state-of-the-art cancer research team and facilities, and comprehensive database capabilities to collect and assess acquired data from this project.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Transportation, Community, and System Preservation

Project Name: Antelope Valley Transportation Improvements

Amount: \$570,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: The City of Lincoln is committing significant resources for road and pedestrian improvements associated with Antelope Valley. Some of the important projects that remain in the \$125 million transportation component of Antelope Valley Project include: construction of 5 miles of roadway (including the Antelope Valley Parkway from 17th & Y Streets to Capital Parkway) to improve traffic in the City's central core and Northeast Lincoln; reducing through traffic congestion on the University campus and on downtown streets; eliminating two dangerous mainline at-grade rail crossings, and providing a new overpass (16th Street Overpass) to the State Fair Park, Devaney Sports Center, state military areas, and surrounding neighborhoods. The federal assistance would be used in FY 2009 on Construction of P and Q Street bridges and roadways that are over the flood control channel that is to be constructed concurrently by the Corps of Engineers.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Transportation, Community, and System Preservation

Project Name: Nebraska Highway 35

Amount: \$380,000

Name and Address of Requesting Entity: Nebraska Department of Roads located at 1500 Highway 2, Lincoln, Nebraska 68502

Description: The intent of this project in northeast Nebraska is to develop the most efficient route from Norfolk to South Sioux City. Currently, the route is comprised of several short segments of highway winding its way to the northeast. This project has significant regional and national importance. It would pro-

vide substantial safety and economic development benefits. The Nebraska Department of Roads has classified the Highway 35 project as a planned expressway.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Transportation, Community, and System Preservation

Project Name: Rulo Bridge Replacement Project

Amount: \$95,000

Name and Address of Requesting Entity: Nebraska Department of Roads located at 1500 Highway 2, Lincoln, Nebraska 68502

Description: This funding is for the Rulo Bridge project between Nebraska and Missouri. The funding would be used for the initial planning and design of a replacement bridge. The current Rulo Bridge was built in 1939 and is too narrow to handle modern-day traffic. It also has dangerous curves in both of its approaches, limiting visibility and making it difficult for safe passage of vehicles meeting each other.

TRIBUTE TO THE UNIVERSITY OF SAN DIEGO ON ITS 60TH ANNIVERSARY

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mrs. DAVIS of California. Madam Speaker, I wish to pay tribute today to the University of San Diego, which celebrates its 60th anniversary this year.

The University of San Diego (USD) can trace its roots back to 1496 and the Spanish town of Alcalá de Henares, home and resting place of Saint Didacus (or San Diego). However, it was in 1949 that the Most Reverend Charles Francis Buddy, first Bishop of the Diocese of San Diego, and Reverend Mother Rosalie Clifton Hill, Vicar Superior of the U.S. Western Vicariate of the Society of the Religious of the Sacred Heart of Jesus, obtained charters from the State of California to establish San Diego University and the San Diego College for Women, respectively.

The San Diego College for Women opened its doors in February 1952 with 33 students, seven faculty members and 16 courses on a campus still under construction. Shortly after, the College for Men welcomed 39 students and the School of Law enrolled a co-ed class of 30. In 1972, the two colleges and the School of Law merged to form a single, Catholic coeducational University of San Diego.

Today, the 180-acre campus enrolls nearly 7,500 undergraduate, graduate and law students and is known for its commitment to teaching, the liberal arts, the formation of values and community service. The addition of the Joan B. Kroc School of Peace Studies now brings the university's total number of schools and colleges to six. Other academic divisions include the College of Arts and Sciences and the schools of Business Administration, Leadership and Education, Law, and Nursing and Health Science.

On May 2, 2009, USD will recognize several of its alumni by bestowing the Mother Rosalie Clifton Hill Service Award on L. Douglas Robert, the Bishop Charles Francis Buddy Humanitarian Award to Sandy M. Cassell Farrell. Zuzana Lesenarova, four-time NCAA All-American and 1999 Division I NCAA National Singles Champion of Women's Tennis, will also enter the Pagni Athletic Hall of Fame. In addition, seven outstanding alumni will receive the Author E. Hughes Career Achievement Awards in recognition of their outstanding humanitarian and professional achievements. These honorees are Heather Raffo (College of Arts & Sciences), Denise M. Boren (Hahn School of Nursing & Health Science), Judy Ann Kamanyi (Kroc School of Peace Studies), John M. Cappetta (School of Business Administration), Richard M. Bartell (School of Law), and Leona Makokis and Patricia A. Makokis (School of Leadership & Education Sciences).

Please join me, Madam Speaker, in wishing these alumni, as well as the students and administration, continued success and academic promise during USD's diamond anniversary and in the decades to come.

TRIBUTE TO DONALD A. LOWE
FOR HIS SERVICE TO THE TOWN
OF CLINTON, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to a dear friend and dedicated public servant who has made an extraordinary contribution to the quality of life in his beloved hometown of Clinton, Massachusetts. Tomorrow marks the last day Donald A. Lowe will serve as Director of Community and Economic Development for the Town of Clinton. I look forward to attending a celebration in Don's honor tomorrow night at the Old Timer Restaurant so that I can personally thank and congratulate him for his remarkable service. However, I did not want to miss the opportunity to also publicly recognize this rare and special individual on the floor of the U.S. House of Representatives. I readily acknowledge that the tribute paid to him by this esteemed body pales in comparison to the honor he will receive just two short weeks from now as a recipient of the prestigious shillelagh award from Clinton's Leprechaun Society. Nonetheless, I am pleased to offer these remarks just the same.

Affectionately known by many of his friends, colleagues and fellow Clintonians simply as 'Donnie', this man has earned the respect and admiration of an entire community. Don's tireless devotion to improving the educational system, social services and economic vitality of this unique and wonderful town is a powerful testament to the difference one man can make. As a former member and chairman of the Clinton School Committee, Don was a forceful advocate for children insisting on nothing less than the finest facilities, best educational programs and highest academic standards. His tenure on the school committee is widely remembered for the thoughtful man-

ner with which he approached the many challenges facing the school system at that time and the professionalism with which he discharged his duties.

Years later as Director of Community and Economic Development, Don was largely responsible for advancing Clinton's downtown revitalization through his relentless pursuit of competitive grant funding. The growth and expansion of NYPRO, Clinton's largest employer, benefited enormously from his skillful leadership. In fact, all business enterprises—large and small—found an eager and enthusiastic champion in Don Lowe these past seven years. His previous experience in the hi-tech sector brought an invaluable dimension to the role of local government in spurring economic development and job creation. Similarly, low and moderate income homeowners seeking help from the town received compassionate and capable assistance from Don. His volunteer service as a member of the board of directors for the Wachusett Health Education Action Team (WHEAT) and his long involvement with the Clinton Exchange Club and Polish American Veterans are just a few examples of the breadth of his extraordinary civic engagement.

Madam Speaker, all of us in public life routinely rely on the advice of loyal friends and trusted advisors. I will forever be grateful to Don Lowe for his unfailing friendship and good counsel as a colleague in government throughout my career in congress. However, I am just as grateful that while he is leaving his position with the Town of Clinton, Don will remain in public service as the newly appointed Administrator for the Town of Bolton. Now more than ever, we as a nation and as a commonwealth need professionals like him in municipal government to help steer us through these uncertain economic times. Bolton will soon be in the steady hands of one of the most talented and devoted public servants I have ever known. On behalf of the U.S. House of Representatives, I want to extend to Don and his wife, Liz, our very best wishes for continued good health, happiness and success with heartfelt appreciation for all you have accomplished for the good people of Clinton, Massachusetts. You are a credit to your family and your community and make us all very proud.

CONGRATULATIONS ON THE 20TH
ANNIVERSARY OF THE CONGRES-
SIONAL BLACK CAUCUS VET-
ERANS BRAINTRUST

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise during this Black History Month to congratulate Hons. SANFORD BISHOP, JR. (D-GA) and CHARLES RANGEL (D-NY) for joining me in convening the highly successful 20th Anniversary of the Congressional Black Caucus Veterans Braintrust during the Congressional Black Caucus Foundation's 38th Annual Legislative Conference (ALC) held in Washington, DC. The 20th anniversary celebration

covered three days of activities over September 24–26, 2008, with the collaboration of the African American Civil War Museum, the Vets Group and the National Association for Black Veterans. This was an important social, psychological and political achievement for the sustained work and growth of the Veterans Braintrust over more than twenty years. During that period the Veterans Braintrust has become the institutional memory for the Congressional Black Caucus on American veterans of African descent, much like the U.S. Naval Historical Center is for the Navy, and U.S. Army Center of Military History is for the Army. Thus, can justifiably be called the pre-eminent forum for debate, or discussion for public policy issues between veterans of African descent and government officials in the country. Second, the Braintrust deserves our special admiration for being the champion of diversity and inclusion for a much broader array of WWII, Korean, Vietnam, Persian Gulf and War on Terrorism constituencies; including our African veteran allies from abroad heretofore unrecognized and unrepresented. For example, the Ethiopian delegation that attended reminded us that Ethiopia fought by our side during the Korean Conflict; was the only African country never colonized, and led the way for the liberation of the rest of Africa. Equally important, the Veterans Braintrust long ago adopted the expanded definition of veteranhood to include: families and friends, in order to recognize the central importance of family and friends, particularly when any veteran goes into the hospital, and second, as an authentic voice for black veterans, their families, and communities nationwide.

Yet, no less important, the 20th Anniversary took place during two of the most challenging moments in American history—America's worse economic crisis since the Great Depression of the 20s and 30s, and the sixth year of the war on terrorism, now the second longest war in American history, in which 4,000 soldiers have been killed, 30,000 wounded, and 14,000 seriously disabled.

Hon. CHARLES RANGEL (D-NY) opened the morning tribute session of the forum, which was dedicated to recognizing the contributions of our nation's African American veterans, by briefly explaining the economic crisis and its impact on us all. He also honored our invited guest speakers Hons. NANCY PELOSI (D-CA), BOB FILNER (D-CA), and JOHN CONYERS, Jr. (D-MI).

Next he shared a small piece of his own story of returning from the Korean War (1952) as an Army Sergeant with a Bronze Star, four Battle Stars and a Purple Heart. But somehow forgot he was a high school drop-out and ended up pushing a clothing cart in New York City's garment district, before finally going to the VA to request assistance.

More importantly, he pledged his undying support for the GI Bill, because, as he put it, "the only difference between being a drop-out on Lenox Avenue and a chairman in Congress was the GI Bill!" before turning over the reins to Ron Armstead, Executive Director of the Veterans Braintrust, who has been with us since the beginning in 1988. Ron promptly began by saying "forums that begin with an invocation and end with a benediction are a blessed occasion," and invited Leon Bryant,

Sr., Pastor of Capitol City SDA Church to give the invocation.

Throughout the morning session more than 250 people were on hand as we paid special tribute to the courageous African American men and increasingly women of the military who dedicate their lives to preserving our precious freedom and continuing way of life. Our special guest, Emmy award nominee Actor John Amos, called the honor roll of black military units from the segregated World War II and Korean War eras to the integrated Vietnam, Persian Gulf, Afghanistan and Iraq wars. Remembering their selfless service and sacrifice to national defense throughout the entire 20th century, and returning home to join the fight for equal rights.

Most importantly, we focused on the long legacy of service of those who undertake the armed defense of the sacred principles of the Constitution, Declaration of Independence and Bill of Rights that all men (and now women) are created equal, have thus earned the right of every African American full citizenship through honorable military service, and as Dr. W.E.B. DuBois said in 1906, for "all true Americans." Thus Congress, the Executive Branch, states, commonwealths, territories, counties, municipalities and communities across the land ought to be deeply indebted to these all too often forgotten warriors who fought the most bitter of ironies in America's history: for democratic ideals abroad while the practice of racial discrimination persisted at home. But as the historic inauguration of President Barack Obama proves, their hope, faith and loyalty have been vindicated.

Seated on the dais were Anthony Brown, Lt. Governor from the state of Maryland, highest ranking black elected state official to serve in Iraq; Hon. SANFORD BISHOP, JR. (D-GA), Member of the House Appropriations Subcommittee on Military Construction and Veterans Affairs and I, Senior Member of the House Veterans Affairs Committee, Co-Chair of the Congressional Black Caucus Foundation 38th Annual Legislative Conference and Veterans Braintrust Co-Convenor; keynote speaker Secretary James Peake, MD, Department of Veterans Affairs; Rev. Dr. James Forbes, Jr., President & Founder of the Healing of the Nations Foundation of New York; special guest of honor Actor John Amos, Honorary Master Chief of the USCG and Navy, and New Jersey National Guardsman (best known for his role as Kunta Kinte on the hit CBS miniseries *Roots*, and NBC's Emmy award winning hit series, *The West Wing*, as Admiral Percy Fitzwallace, Chairman, Joint Chiefs of Staff); Hon. Louis Stokes (D-OH) Retired Congressman and Past Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies, Past Chairman of the Congressional Black Caucus Health Braintrust and WWII veteran, and Dr. Roscoe Brown, an original Tuskegee Airman and Congressional Gold Medal Recipient.

The afternoon session consisted of a unique Stakeholders Roundtable Discussion on Veterans' Issues supported by the Hon. BOB FILLNER (D-CA), Chairman of the House Veterans Affairs Committee and his senior committee staff. The roundtable was moderated by Dr. William King, and featured the following subject matter experts and discussants: Dr. Wil-

liam Lawson, MD, Ph.D., Dr. Shirley Marks, MD, MPH, Dr. Lorraine Blackman, Ph.D., LCSW, Dr. Cedric Bright, MD, Dr. Reginald Wilson, Ph.D., Dr. Beverly Coleman Miller, MD, Dr. Donna Holland Barnes, Ph.D., Dr. Cheryl Royster Branker, Ed.D., Judge Robert Russell, Jr., Haywood Fennel, Sr., Sidney Lee, Maceo May, Amy Fairweather, Col. Ann Wright, USA, Ret., Sgt. Natasha McKinnon & Jason Lindsay, disabled Iraqi veterans & students at North Carolina State University; SFC Vontella Fludd, USA, Ret., Two Tour Iraqi veteran and mother of two accompanied by First Sgt. Ronnie Robinson, USA, Ret. and Local Union Vice President, American Federation of Government Employees, along with committee staff members to address a lengthy list of black veterans issues and concerns.

Additionally, special invitations were extended to the major veterans' service organizations to enhance ways of building closer relationships between them and minority veterans. Further, the VA provided us with case workers who were present to respond to questions from individuals in the audience.

The roundtable discussion opened with brief presentations on PTSD and other health related issues such as VA health disparities, disability benefits difficulties, employment concerns and/or discrimination, post secondary education challenges and other issues of particular interest to black veterans. The outcome product was a video recording of the session, which in turn will be transcribed in order to produce a document, or written report for presentation back to Reps. BISHOP, JR. (D-GA), and RANGEL (D-NY) of the Veterans Braintrust, the House Veterans' Affairs Committee, Democratic leaders in the House, the Department of Veterans Affairs, and others recommending ways to address the unique needs of both Iraqi & Afghanistan returning soldiers, and their families, as well as African American, or black veterans and provide thoughtful proposals for legislation.

Later that evening I hosted the 20th anniversary gala reception and awards ceremony at the Washington Grand Hyatt Hotel. Among those publicly recognized and acknowledged on this special occasion were Judge Robert Russell, Jr. who was presented the Citizens Beneficiary Award by the Mike Handy Foundation and Fund, for his unique Buffalo Veterans Court Treatment Program in the state of New York along with the U.S. Army Freedom Team Salute recognizing Frederick Gray, President of the Black Iwo Jima Veterans Group; Brig. Gen. Robert Cocroft, President and CEO of the Center for Veterans Issues; and Joseph Stevenson, a World War II veteran.

Other 2008 Braintrust awardees included: Actor John Amos, Sgt. Nathaniel Bass, USA, Ret., Asa Gordon, Dr. Richard Danford, Jr., Ph.D., Dr. Edward Brown, Dr. Vincent Patton III, Maj. Gen. Rosetta Burke, NYANG, Ret., Thomas Jones, Sr., Christopher Moore, Dr. Charles Simmons, Howard Wright, Thomas Yarosz, Halley's Comet Foundation, Association for the Study of African American Life and History, Tubman African American Museum, Smithsonian's National Museum for African American History and Culture, Parting Ways Historical Site, Sankofa Restoration Project, Myrl Billings Memorial Veterans Center, and Doubleback Productions.

Finally singled out for special praise was the Association of the 2221 Negro Volunteers of World War II, who served in white Army infantry units during and after the Battle of Bulge. Afterward the private reception and awards ceremony was opened to the general public for a party with entertainment provided by Tori Robinson of Paris and Recording Artist Betty Wright.

My special thanks go to Roslyn Burrough, Anthony Hawkins, Mae Campbell, Forest Farley, Jr., Dr. Frank Smith, Jr., Brigadier General Robert Cocroft, Joe Wynn, Jack Evans, Dr. Vince Patton III, Belinda Foster, Dr. Martel Teasley, Dr. Michael Kane, Dr. Cheryl Royster Branker, Karen Freeman Wilson, Carmen Wilson II, Lucretia McClenney, Thomas Harris, Pastor Leon Bryant, Sr., Maceo May, Jason Young, Clarence Slaughter, Jean Davis, David Thompson, Maj. Myles Caggins, USA, Tonya Collins, Medgar Evers College and Congressional staff members Emile Milne, Kenya Handy, Holly Biglow, Kiwanis Harvey Styles, Roshan Hodge, Lee Footer, Alexandra Ward, Sonya Passi, Jonathan Halpern, Edwin Larkins, Tony Buckles and Malcolm Shorter.

May God continue to Bless America, and thank all veterans for their service.

48TH ANNIVERSARY OF THE PEACE CORPS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. RAHALL. Madam Speaker, I rise today to recognize the 48th Anniversary of the Peace Corps and in doing so, join many others around the nation in celebrating National Peace Corps Week. Their mission is to help the people of interested countries in meeting their need for trained men and women while helping to promote a better understanding of Americans on the part of the peoples served, as well as, a better understanding of other peoples on the part of Americans.

Since the establishment of the Peace Corps by President John F. Kennedy in 1961, more than 195,000 U.S. citizens have served their country in the cause of peace by living and working in 139 countries throughout the world. As of September 30, 2008, 7,876 Peace Corps Volunteers are making significant and lasting contributions to improve the lives of individuals and communities in 76 countries.

I am proud to say that three of those volunteers currently serving their country are from my district in West Virginia. Both Ashley M. Hess (Burkina Faso) and Garrett C. Prendergast (Mongolia) will finish up their two years' of service in August of 2010, while Stephanie D. Zorio will finish up her two years' of service in the Philippines in November of 2010.

Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, youth and the environment.

The 195,000 citizens, who have volunteered to serve their country since 1961, came from all walks of life and represent the best of what

the United States has to offer. The work they have done over the past 47 years has played an important role in developing nations and continues to provide opportunities for people of different backgrounds to come together to serve the cause of peace.

**SUPPORTING THE MEDAL OF
HONOR COMMEMORATIVE COIN
ACT OF 2009—**

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. KIRK. Madam Speaker, I am proud to join my good friend Congressman CHRIS CARNEY as an original cosponsor of the Congressional Medal of Honor Commemorative Coin Act of 2009. This bipartisan legislation will assist the Congressional Medal of Honor Foundation in raising the funds it needs to promote heroism and selflessness among our nation's youth—qualities which the Medal of Honor embodies.

First authorized by Congress in 1861, the Congressional Medal of Honor is our nation's highest award for valor in action against an enemy force. It is a symbol of how ordinary Americans can risk their lives and go above and beyond the call of duty in defense of our great nation.

Since its inception, fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces—approximately half during the Civil War. Today, there are only 111 living recipients. These select few exemplify the values of our great nation through their incredible acts of bravery and commitment to our country.

As the first U.S. Representative-reservist to be deployed to an imminent danger area since World War II, I know first hand the sacrifices and challenges our men and women in armed forces face. It was an honor to serve with uniformed Americans in Afghanistan and it is in their honor that I join Mr. CARNEY in introducing this legislation today.

**EXEMPLARY STUDENT
ACHIEVEMENT AWARD**

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. MEEKS of New York. Madam Speaker, There are wonderful examples of academic achievement and community service taking place in Southeast Queens high schools. Many students throughout the New York Congressional 6th District are performing at such a high level in their academic work and community activities that it deserves public recognition. I have been so inspired that I initiated the Exemplary Student Achievement (ESA) award program to honor these young citizens who are emerging as our community's future leaders.

Since the inception of the ESA program in September 2008, I have partnered with admin-

istrators and faculty in various Southeast Queens high schools to identify and honor worthy students. It has been my privilege to award the following students with Congressional Achievement Awards:

Andrew Sargeant of Business, Computer Applications & Entrepreneurship Magnet High School

Brian Herb of Queens High School for the Sciences at York College

Chandraika Niranjan of Math, Science Research & Technology Magnet High School

Cleelyn Murray of Humanities & the Arts High School

Deborah Hector of Humanities & the Arts High School

Dookumarie Persaud of Jamaica High School

Kevin Thom of Humanities & the Arts High School

LeeAnn Anderson of Queens High School

Mariama Donzo of Hillcrest High School

Marquise Moore of Business, Computer Applications & Entrepreneurship Magnet High School

Miriam Gonzalez of Hillcrest High School

Oniyebi Hinton of Humanities & the Arts High School

Peter Brown of Math, Science Research & Technology Magnet High School

Philipary Thuyamany of Jamaica High School

Reaz Khan of Jamaica High School

Robin Singh of Queens High School for the Sciences at York College

Shannon Gordon of Humanities and the Arts High School

Shelly Lekhray of Business, Computer Applications & Entrepreneurship Magnet High School

Tracy Ganga of Jamaica High School

Tracy Mangal of Hillcrest High School

Zora Jiles of Jamaica High School

Through their strong commitment to academic excellence and community service, these high school students have established themselves as peer role models amongst their classmates. I am proud to have such stellar students emerging within the Southeast Queens community. I encourage them all to continue their academic studies and social development at a higher education institution. I look to them to continue representing the high standards that our district's families, schools, and community organizations promote. The people of Southeast Queens look to these youth to utilize their academic knowledge, practical skills, and social networks to strengthen our community's cultural, civic, business, and political institutions.

It takes a village to raise a child, so it is important that I also recognize the family members, guardians, teachers, administrators, counselors, coaches, and mentors who have provided these students with the guidance and resources making it possible for them to blossom into exemplary young leaders. I thank all of these individuals for their dedication and contributions to our youth and our community's future.

**THE FEDERAL RESERVE
TRANSPARENCY ACT**

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Federal Reserve Transparency Act. Throughout its nearly 100-year history, the Federal Reserve has presided over the near-complete destruction of the United States dollar. Since 1913 the dollar has lost over 95% of its purchasing power, aided and abetted by the Federal Reserve's loose monetary policy. How long will we as a Congress stand idly by while hard-working Americans see their savings eaten away by inflation? Only big-spending politicians and politically favored bankers benefit from inflation.

Serious discussion of proposals to oversee the Federal Reserve is long overdue. I have been a longtime proponent of more effective oversight and auditing of the Fed, but I was far from the first Congressman to advocate these types of proposals. Esteemed former members of the Banking Committee such as Chairmen Wright Patman and Henry B. Gonzales were outspoken critics of the Fed and its lack of transparency.

Since its inception, the Federal Reserve has always operated in the shadows, without sufficient scrutiny or oversight of its operations. While the conventional excuse is that this is intended to reduce the Fed's susceptibility to political pressures, the reality is that the Fed acts as a foil for the government. Whenever you question the Fed about the strength of the dollar, they will refer you to the Treasury, and vice versa. The Federal Reserve has, on the one hand, many of the privileges of government agencies, while retaining benefits of private organizations, such as being insulated from Freedom of Information Act requests.

The Federal Reserve can enter into agreements with foreign central banks and foreign governments, and the GAO is prohibited from auditing or even seeing these agreements. Why should a government-established agency, whose police force has federal law enforcement powers, and whose notes have legal tender status in this country, be allowed to enter into agreements with foreign powers and foreign banking institutions with no oversight? Particularly when hundreds of billions of dollars of currency swaps have been announced and implemented, the Fed's negotiations with the European Central Bank, the Bank of International Settlements, and other institutions should face increased scrutiny, most especially because of their significant effect on foreign policy. If the State Department were able to do this, it would be characterized as a rogue agency and brought to heel, and if a private individual did this he might face prosecution under the Logan Act, yet the Fed avoids both fates.

More importantly, the Fed's funding facilities and its agreements with the Treasury should be reviewed. The Treasury's supplementary financing accounts that fund Fed facilities allow the Treasury to funnel money to Wall Street without GAO or Congressional oversight. Additional funding facilities, such as the Primary

Dealer Credit Facility and the Term Securities Lending Facility, allow the Fed to keep financial asset prices artificially inflated and subsidize poorly performing financial firms.

The Federal Reserve Transparency Act would eliminate restrictions on GAO audits of the Federal Reserve and open Fed operations to enhanced scrutiny. We hear officials constantly lauding the benefits of transparency and especially bemoaning the opacity of the Fed, its monetary policy, and its funding facilities. By opening all Fed operations to a GAO audit and calling for such an audit to be completed by the end of 2010, the Federal Reserve Transparency Act would achieve much-needed transparency of the Federal Reserve. I urge my colleagues to support this bill.

HONORING JUDY PEARL-LEE

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. TERRY. Madam Speaker, today I rise to recognize another of the many successful and talented African-Americans in my district. Today it is my great honor to recognize Judy Pearl-Lee.

Judy Pearl-Lee is President of Frontier Bag Company in Omaha, Nebraska. The company was started in 1946 by Judy's parents, Amos and Alberta. In the early years, the company provided products to the agricultural markets in Nebraska, Iowa and Missouri. Since then it has expanded into a variety of product lines, including duffle bags, briefcases and totes.

As minority business owners, the family faced many challenges including the floods and fires of the 1950's as well as the civil rights riots in the 1960's. The family and the business weathered these setbacks and are

now an established part of our Omaha business community.

Judy attended Spelman College in Atlanta and graduated from the University of Nebraska at Lincoln with a degree in Bachelor Science Textile Science.

In 1987 Judy took over the business and today the company can ship top-quality custom bags to anywhere in the country. Judy is also an active member of the Omaha Chamber of Commerce, Great Plains Minority Council, Kiwanis and Girls Inc. just to name a few.

Madam Speaker, I am pleased to share Judy's life and business success with my colleagues and wish her continued success.

IN TRIBUTE TO PRESTON WILCOX,
EDUCATOR AND ACTIVIST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 26, 2009

Mr. RANGEL. Madam Speaker, I rise today in recognition of the life and achievements of Preston Wilcox and his commitment to community empowerment, education, and public service. In 2006, the passing of Preston Wilcox removed from the world a scholar whose academic stature was as profound as its practical application. Though he is no longer with us we will not forget the contributions he has made to Harlem and to society at large.

Preston Wilcox was born in Youngstown, Ohio in 1923. He moved to New York after World War II. He went on to graduate from the City College of New York in 1949 and in 1957 he earned his Master's degree in social work at Columbia University. Mr. Wilcox utilized his skills to benefit the Harlem community from 1958–1964 where he served as a program

consultant to the East Harlem Summer Festival, a United Neighborhood Houses initiative which was designed to prevent juvenile delinquency. He continued in this vein for the Massive Economic Neighborhood Development, and anti-poverty program.

As a teacher, Mr. Wilcox taught courses in social work theory and community organization at Columbia University's School of Social Work, Clark Atlanta University, Medgar Evers College, along with other institutions of higher education. As a practitioner, Mr. Wilcox was a strong advocate for parent participation in curriculum development and in the hiring of school supervisors and teachers. He also participated as a social researcher in the Princeton University six week summer studies program for junior high school students for what has now become the Upward Bound Program.

After twenty years of involvement in the black educational movement he developed AFRAM Associates, a public service agency to provide technical assistance to community groups in the areas of education, economic development, and consumer rights. AFRAM operated a parent-implemented program in education funded by the Follow Through Program Division of Compensatory Education of the U.S. Office of Education. AFRAM also operated a farm experiment, AFRAM Farm, in upstate New York, as a campsite and recreational center for urban-bound families and groups.

After his death, the acquisition of his personal and professional papers, writings, office files, and printed matter documenting his dual career as an educator and community organizer, by the Schomburg Center comprising twenty-one linear feet, add an important name to the roster of black intellectuals who made Harlem their home.

Today, I am proud to pay tribute to the life of Mr. Preston Wilcox.

SENATE—Friday, February 27, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, great and eternal, You keep Your promises to those who serve You. Consecrate this day with Your presence the way our feet should go. Kindle in the hearts of our Senators a true love of You and guide them with Your wisdom. May the faith they confess with their lips put such courage and hope in their hearts that they may live each day in the spirit of Your love. Cleanse them, Lord, from every thought displeasing to Your goodness, that with pure hearts, clear minds, and calm hope they may honor You. Help them to remember that nothing can separate them from Your love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

We are going to move to the omnibus spending bill, which is a bill to fund the Government until October 1. The committees of jurisdiction in the House and the Senate, the Appropriations Committees, have worked very hard to come up with bipartisan legislation. No one can ever suggest there was not participation by Democrats and Republicans on this legislation. We hope to be able to move to that Monday. We are going to move to it Monday. We hope to do it without having to have a cloture vote. If we cannot get consent to move to the matter within the next few hours, we will file cloture on the motion to proceed to that bill. That will occur early in the morning on Monday. We have to do that so that we can have the 30 hours run as quickly as we can. We have to finish the bill next week because the funding runs out on March 6. So we hope that can be accomplished. If we can move to the bill, then we would leave Monday for the opportunity for people to speak about the legislation.

The bill would be managed, of course, by Senators INOUE and COCHRAN, two of the most experienced legislators we have. Monday would give us an opportunity for people to offer amendments, and we would be able to have those votes prior to the regular caucus luncheon on Tuesday. So we will await as to what happens during the day to determine what is going to happen on Monday. We could have a Monday morning cloture vote if we cannot get permission to move to that. If we do get permission, then we will have no votes on Monday and have that for debate and offering amendments, no votes.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 19, 20, and all nominations on the Secretary's desk in the Air Force and Navy; that the nominations be confirmed, en bloc, the motions to reconsider be laid on the table, en bloc, that no further motions be in order; that upon confirmation, the President be immediately notified of the Senate's action and the Senate resume legislative session; and that any statements relating to any of these nominations be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy while serving as the Attending Physician to the Congress, under Article II, Section 2, Clause 2 of the Constitution:

To be rear admiral

Capt. Brian P. Monahan

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael A. Brown

NOMINATIONS PLACED ON THE SECRETARY'S DESK**IN THE AIR FORCE**

PN78 AIR FORCE nominations (86) beginning BRIAN D. AKINS, and ending JEFFREY J. WIEGAND, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2009.

IN THE NAVY

PN79 NAVY nominations (24) beginning CHRISTOPHER M. ANDREWS, and ending EZEKIEL J. WETZEL, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2009.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I understand the Senate is in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

IRAQ TROOP WITHDRAWAL

Mr. McCAIN. I rise to address the President's plan to withdraw American troops from Iraq that he will announce today in Camp Lejeune, NC, as has been widely reported in the media.

Yesterday afternoon, I participated in a White House briefing with other Members of Congress, during which the President and his national security team described the contours of a plan to withdraw troops from Iraq. As he described it, this plan would aim to remove the bulk of combat troops by August of 2010, approximately 19 months, leaving up to 50,000 troops in place. That is a little over a third of the present troop level in Iraq. Most combat forces would remain in place for the duration of this year, ahead of national elections likely to take place in December. National elections in December are of the utmost importance. To have security and the ability of the Iraqi people to take part in that election is a vital part of the progress Iraq will make toward freedom and democracy. The President noted that he reserves the right to revisit the timeline currently envisioned based on conditions on the ground.

It is encouraging that the dramatic success of the surge strategy has enabled us to move from a discussion about whether the United States could bear the catastrophic consequences of failure in Iraq to planning the way in which to consolidate the success. Thanks to the leadership of GEN David Petraeus, Ambassador Ryan Crocker, GEN Ray Odierno, and the many brave men and women who have served under them, the failing situation in Iraq has been arrested and reversed.

It is important to point out that the President's plan is not without risk. We have not yet completed the mission in Iraq, and the gains we have made there remain fragile. We will need to be cautious as we withdraw troops so as not to jeopardize these achievements and listen closely to commanders on the ground as the administration determines the pace of withdrawals. The greatest risk will be present ahead of the December elections, and conditions could worsen before or even after they take place.

With these factors in mind, I believe the President's withdrawal is a reasonable one. The plan is reasonable. Given the gains in Iraq and the requirements to send additional troops to Afghanistan, together with the significant number of troops who will remain in Iraq and the President's willingness to reassess based on conditions on the ground, I am cautiously optimistic that the plan, as laid out by the President, can lead to success.

The American people should be clear. The President's plan, even after the

end of its withdrawal timeline is reached, will leave in place up to 50,000 U.S. troops. All will be in harm's way. Some will continue to conduct combat operations. They will play a vital role in consolidating and extending the remarkable progress our military has made since early 2007. That is why I believe the administration should aim to keep the full complement of 50,000, as briefed by Secretary Gates and Admiral Mullen, and not succumb to pressures, political or otherwise, to make deeper or faster cuts in our force levels. The President's plan, as briefed yesterday, is one that can keep us on the right path in Iraq.

I worry, however, about statements made by a number of our colleagues indicating that, for reasons wholly apart from the requirement to secure our aims in Iraq, we should aim at a troop presence much lower than 50,000. We have spent enormous amounts of American blood and treasure in Iraq. We all know that. After all the tragic losses of life, after the hundreds of billions of dollars spent, after all the other costs our country has absorbed as a result of the conduct of the war, we are finally on a path to success. Let us have no crisis of confidence now. Instead, let us welcome home our fighting men and women, not only thanking them for serving in Iraq, not just for ending the war in Iraq but thanking them for bringing us victory in Iraq.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL BAILOUTS

Mr. DORGAN. Mr. President, this morning's newspapers, once again, chronicle the difficulty that exists in this country. There is obviously a financial crisis, a collapse of the banking system, particularly on Wall Street.

Just to name two, today's paper says there is a place in the budget that is a holding pattern for a potential \$750 billion of additional funding that might be necessary for the big bank bailouts in this country. We also know from the newspapers and from news this morning that Citigroup has reached some sort of a deal with the Federal Government in order to make Citigroup via-

ble. So each day we see more and more discussion about these kinds of issues. It begs the question about who is doing what? What do we know about all of this? How open is this? How much should the American people know about how their money is used?

I have come to the Senate floor today to talk about just one part of it. At a time when there is so much discussion here about hundreds of millions of dollars, billions of dollars, tens of billions, hundreds of billions of dollars, and now trillions of dollars, I wish to trace just \$3.6 billion. That is a lot of money: \$3.6 billion that the American taxpayers paid in bonuses to some big shot executives that steered their institution into the ground. Let me tell my colleagues about the story.

This is a story about Bank of America buying Merrill Lynch. Our previous Secretary of the Treasury was concerned about Merrill Lynch having serious problems. He let Lehman go bankrupt, believed that was a mistake, and so Merrill Lynch is adrift and we have to find a marriage for Merrill Lynch. Apparently, the Treasury Department worked to get Bank of America to agree to buy Merrill Lynch. By the way, Bank of America had already purchased Countrywide Mortgage, which was a complete mess and a collapse and one of the big mortgage companies that, in my judgment, has caused much of this problem. Bank of America already had purchased Countrywide and the assets of Countrywide Mortgage. Now it was being encouraged to purchase Merrill Lynch. So that marriage was arranged by the Treasury Secretary and others, and that marriage was announced, by the way, last September and consummated in early January of this year.

Now what we discover is that Bank of America got substantial amounts of taxpayers' money in TARP funds and other guarantees. So Bank of America has taxpayers' money, and \$10 billion of the taxpayers' money that went to Bank of America would have been destined for Merrill Lynch had Bank of America not purchased it. Merrill Lynch, it turns out, when they were taken over, had just suffered a loss of some \$15 billion in the fourth quarter of 2008. That caused problems for Bank of America which had agreed to purchase Merrill Lynch because Bank of America, before buying Countrywide and Merrill Lynch, was a healthy company, and now all of a sudden it is not a healthy company and needs substantial funds from the American taxpayers. But now we find that Merrill Lynch paid bonuses to its employees in December of last year just before the takeover by Bank of America was completed.

Now, as I indicated, Merrill Lynch lost \$15 billion late last year, and they paid \$3.6 billion in bonuses in December. Let me describe the magnitude of

these bonuses. Six hundred ninety-four employees at Merrill Lynch, according to reports, received bonuses in excess of \$1 million. Let me say that again. Nearly 700 employees in that failed company—a company that lost \$15 billion in the fourth quarter of 2008 received bonuses of over \$1 million. It is unbelievable. Four top executives in that bank received \$121 million. The top 14 employees in that institution got \$250 million. Think of that: \$3.6 billion paid in bonuses in December to people at an institution that lost \$25 billion in the year. That \$3.6 billion could have just as well been transported through a pipeline from the pockets of the American taxpayers to these 700 people who got over \$1 million apiece because that is taxpayers' money. That money from TARP funds—\$25 billion and further money which guaranteed bad assets—that comes from the American taxpayers.

Had they not paid the \$3.6 billion in bonuses to these folks, their loss in the fourth quarter of 2008 would not have been \$15 billion, it would have been \$11.4 billion. Taxpayers would not have had to come up with that kind of funding through the TARP program. So I know where \$3.6 billion went; American taxpayers were asked to pay that \$3.6 billion in bonuses to the 700 people who got \$1 million apiece from a failed institution. Now Bank of America has this issue because Bank of America purchased Merrill Lynch. Bank of America now has serious financial trouble, and they have received even more funds as well. One of the questions about this is, How do we know the details about these bonuses? It is because an attorney general in the State government in New York had the guts and the intelligence to subpoena this information and demand that it be turned over to him. Question: Why is it that some committee in the Congress doesn't have this information? Why is no subpoena coming from the Congress on these issues? Why is there no systematic, significant investigation here? After all, this Congress is the institution that has triggered the funding. Yet these investigations are occurring with an attorney general in State government.

This Congress needs to do a lot more. There needs to be investigations and accountability. I have offered those amendments. We ought to get to the bottom of who did what, who got the money, and who left town with the cash from the American taxpayers. This morning's news about Citigroup being rescued—do you know what? We are told Citigroup is too big to fail. How did it become too big? The Federal Reserve Board, Alan Greenspan, Treasury folks, and both Republican and Democratic Members pushed legislation that allowed them to create big holding companies and become too big to fail. I understand you need banks,

and I understand you need big banks. But the big banks don't have to be so big that they are too big to fail, so when they make reckless decisions, the American taxpayers are told: We are too big to fail and you must bail us out. There is no inherent right for the biggest financial institutions in this country to continue to exist. I understand the circulatory system in this country and that a necessary part of it is the banking institutions. I understand how critical that is.

My point is not that we can do without banking institutions. My point is that there is no inherent right to exist for those banks that have their current names and are declared too big to fail. What about putting them through some sort of a "bank carwash" and getting rid of all that tar—those bad assets—and sell the good assets to an institution that is reconstituted as a new bank? What inherent right is there for banks that have run this country into the ditch and destroyed their financial capability—what inherent right do they have for them to continue to exist?

I am not suggesting we shut down the banking system. But perhaps this lesson ought to suggest to us that "too big to fail" is a doctrine that is a failure, because if you have decided you are going to allow institutions to become too big to fail, you have sent yourself down a road that is a dead end, in my judgment.

The culture, it seems to me, that is on Wall Street, and the culture in this town—precisely in Treasury and some in Congress—is a culture that suggests that what was is what has to be in the future. That is not the case at all. I have talked ad nauseam about 1999 on the floor of this Senate, when both Republicans and Democrats steered a different course and said let's get rid of those old protections we put in place after the Great Depression—Glass-Steagall and those things, those old-fashioned notions—and let's dump them and create the Nation of one-stop shopping for securities and virtually everything you want to do in securities, real estate, and finance. So the Congress did dump all those old-fashioned rules and laws that were put into place after the Great Depression. I was one of eight Senators who stood on the floor and said no—one of eight who voted no. I said then on the floor of the Senate that I think within a decade we are going to see massive taxpayer bailouts. It was a disastrous decision to have done it. Now we must reconnect it. There is no discussion here, and there needs to be about what do you reconnect? Do you go back to some semblance of whether it is Glass-Steagall, or some approach to Glass-Steagall, in which you begin to separate the essential functions of banking from other areas of substantial risk? If you don't do that, what do you do to provide pro-

tections that this would not happen again?

There is a culture here that suggests you cannot do that, it is impossible. There is a culture here that suggests we have to keep bailing out whatever it is. We have pumped \$700 billion out of this Chamber into something called a TARP fund to be used for the big banks. Now we are told there needs to be a marker to protect the potential of another \$750 billion. That is nearly \$1.5 trillion pumped into the top of our banking institutions, like putting oil in a crank case—and these are failed institutions. Yet the only investigation I see happening is coming out of an office in the attorney general's office in Albany, NY. It is unbelievable to me.

Does anybody here understand that \$3.6 billion was put in a hose directly from the taxpayers' pockets to bonuses for 700 people in a failed banking institution, so each of those 700 people got \$1 million or more, and the 4 top people, by the way, got \$120 million. By the way, let me point out that one of those top four people in Merrill Lynch, according to a news article in New York, got \$24.9 million and was just hired in September of last year. So he got almost \$25 million for 3 months of work. Then he quit. The day he quit, according to the news record, his wife closed on a \$36 million luxury co-op on Park Avenue. Pretty unbelievable. By the way, another top executive, Thomas Montage, who headed global sales and trading at Merrill Lynch, was reportedly given a guaranteed payment of \$39.4 million for 2008. Does this sound like fiction? It does to me.

This week, we were treated to a rant on television by a guy I saw standing on a trading floor, a derivatives trader, who was ranting about losers and about reckless behavior, about the losers who might get help to stay in their homes. We have had millions of people lose their jobs, some 2.6 million people last year. A good number of them are also losing their homes. Somebody says maybe you can try to find a way to help some of them stay in their homes, and that derivatives trader stood and ranted about the losers who have lost jobs and are about to lose their homes. I wonder if that derivatives trader might stand on the floor of an exchange and describe losers as people who make \$24.9 million for 3 months of work in a failed institution. Are they losers? How about the nearly 700 people who got over \$1 million each in bonuses from the American taxpayer? Are they losers? Or is it just the little folks, the casualties at the bottom of this economic wreckage, the people who lost their jobs, their homes, and who are losing hope? Then they see these stories about "too big to fail." When 700 people get bonuses of \$1 million each in an institution that lost \$15 billion in just one quarter last year and the institution pays \$3.6 billion in bonuses, I

wonder if the folks who are having an itch to rant today might want to rant about that kind of nonsense.

How about laying off the folks who don't have it so good, the folks who are struggling and trying to get by, hoping beyond hope that maybe they are not going to get laid off; or if they just got laid off, hoping beyond hope they might be able to find another job; or hoping beyond hope that if they got laid off and haven't yet found a job, they can find some way to scrape up enough money to make the next house payment so they will not be kicked out of their house. These people are losers, you say? I mean, of all the unbelievable things I have heard, for a derivatives trader to stand on the exchange floor and rant about the losers at the bottom of the economic scale, shame on him, in my judgment. I will tell you where the losers are. The losers are the folks who have wallowed in big bucks, getting bonuses from institutions that have failed and then asking for taxpayer money and then asking us to pry those bonus numbers out of the bowels of their financial records. They didn't give them up exactly voluntarily. It was an attorney general of New York who forced that information into the open. Well, where is the outrage about these things? Where is the outrage? Let me hear a rant from somebody standing on a trading floor about that—just one.

This Congress has a lot of work to do. This Congress has not begun to do the investigations that are necessary. We should not learn these things from an attorney general in New York who is issuing subpoenas. We should learn them by substantial investigations here to find out what happened, who got the money, and what happened to the first \$700 billion.

I have used the term "bank robbery," and I understand it is a pejorative term. When we think of bank robbers, we think of Jesse James in Northfield, MN, with a mask over his face and a gun and a fast horse. Well, a whole lot of folks have robbed big banks in this country of their financial viability and of their strength, through horrible, bad decisions—even as they have taken massive amounts of money from the banks for themselves. That is bank robbery. I know it is a different kind—with no violence and they are wearing suits and flying in private jets—but it is robbing America's financial institutions. As I have described, I think it also robs American taxpayers.

I want this country to do well. I want this financial wreckage to end. I want us to put America back on track. I want us to do the things that are necessary to prevent this from ever happening again. But you cannot do that unless you understand what happened. Accountability is looking backward and forward. I am talking about all this because when we have to discover

by reading the newspaper that a State official has finally subpoenaed records to find out that a company that lost 25 billion last year gave out \$3.6 billion in bonuses, probably from \$10 billion of the American taxpayers' money, we have a right to know that. I have indicated on the floor of the Senate before that much of this is about economic recovery. If we are going to get by this and through this—and I think we will—it is about confidence. It is about restoring confidence in the American people about their future. When the American people are confident about their future, they do things that expand the economy. When they are not confident, they do things that contract the economy. It is as simple as that.

I ask, how can Americans be confident when, day after day, they read these stories about how folks at the top get off with a lot of money and then their friends call the folks at the bottom losers. That is hardly inspiring, in my judgment. We have a lot of things to do. First, is to investigate all this and, at the same time, to understand what has happened; we need to begin working to figure out what kind of a banking and financial future we want. We are going to try to put people back to work with the economic recovery package, building infrastructure, trying to put people back on the payroll. That will give confidence and also build an asset for our country. All those things are necessary.

The other steps that are necessary is for us to think, what did we do in 1999 to say let's allow big bank holding companies to be created and grow banks that are too big to fail, and let's decide we don't want to regulate anything. How are we going to put that back together? Should we not revisit that decision that turned out to be so wrong and the issue of Glass-Steagall or some form of it? Shouldn't we revisit exactly what we want in terms of future regulatory oversight?

Let me make one other point while I talk about this. I sat across the table from a North Dakota banker some while ago at what was called a sauerkraut festival. I said to him—this is a town of 1,200 people or so. I said to this community banker: Do you have money to lend?

He said: Oh, sure.

I said: If the biggest company in your town—which is a small manufacturing company—if that company needed some funding for an expansion, would you have money?

He said: Oh, sure, we have money. We have done banking the old-fashioned way. We take deposits and we make loans, but we do underwriting for those loans. We sit across the table from someone who wants a loan to be sure they are able to pay that loan. That is called underwriting. We bank the old-fashioned way.

Would it not have been nice if some of the biggest institutions banked the old-fashioned way?

I got a call the other day from a woman who runs a company that makes steel buildings. She has lost 80 percent of her business; 80 percent of her business is gone. Maybe they won't make it. But she asked the question: Is there any help for us? Is there any program out there that would help bail out our company because we were doing pretty well; this was a good economy for us; we were selling steel buildings, and it was not our fault this thing took a bad turn. Is there anything that can help us stay in business? We have people on our payroll. Is there anything that can help us because every day, she said, I read about the big banks getting all this money.

I assume she will probably read something I have said that not only do they get all that money in Merrill Lynch, they got \$3.6 billion in bonuses for the very executives who helped lose \$25 billion last year.

The answer to that woman is, no, there is nobody here who has a program that says: You know what, let's pay as much attention to the Main Street business that is struggling this morning as is being paid to the biggest banks that are too big to fail. Nobody is talking about that small business.

By the way, when they lose, they lose everything. That small business, that dream, that risk of, in most cases, all the assets that family has, when that is gone, it is gone. Is there anybody here who has put together some structure that says: Let's help those folks. Maybe the economic engine also runs well when you help folks at the bottom. Maybe things percolate up in America.

I think it is a fair question to ask. It is a fair question to ask that many ask about rewarding reckless behavior, about what do you do in a country to try to put an economy that has been so savaged by bad decisions and, in some cases, bad luck, but also greed, a carnival of greed, what do you do to put it on track, to give people confidence about the future? There is not one solution. There is not one answer. There are a series of things to be done. It seems to me, first and foremost, we have to try to understand that the American people cannot continue to read this. They cannot continue to read that they are asked to come up with another \$750 billion because these institutions are too big to fail but apparently not smart enough to understand you don't need to give \$3.6 billion in bonuses to people who lost \$25 billion. There is no Main Street in America where that decision would be made.

As I conclude, let me say that I want this country to succeed so badly. The President said it the other day. He had a room full of Republicans and Democrats in a joint session of Congress, and

he said: I know everybody in this room loves their country. And we do. This country is in a lot of difficulty. It is not some natural disaster. This was not some Hurricane Katrina. This difficulty was caused by a lot of terrible decisions. Some people can call our offices and look at this Government and they can say: It was all Government policies. Let me just make this case as well that the consumer debt by the American people has gone up, up, up, straight up. That is not Government debt; that is consumer debt. That is also a problem. Giant trade deficits through unbelievably incompetent trade agreements, at \$700 billion a year. We have a lot of problems, and we need to address them all right now and begin fixing them and putting this country on course so that we have an economy people can believe in and so they can believe life will be better for their kids than it was for them because this is a country that cares about expanding the middle class and lifting everybody up.

We can do this. We can do it. But we won't do it by ignoring the things about which I just talked. We ought to face them and face them now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. I thank the Chair. (The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 503 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

E-VERIFY

Mr. SESSIONS. Mr. President, we have had a number of discussions in recent days about the E-Verify system that allows employers to do a quick computer check of an individual's Social Security number to validate whether it is a legitimate number before hiring them, an action that would help them avoid hiring people in the country illegally.

The discussion has been whether to extend that program which is currently set to expire in March. I offered an amendment to do that, an amendment similar to the one that passed in the House last year, 407 to 2, that would extend the E-Verify program for 4 years. There are 100,000 American businesses using it every day, and 1,000 to 2,000 new businesses a week are signing up

voluntarily—just voluntarily because it protects them.

They want to follow the law, as most of our businesses do. When they go through this process, if someone were to say: You deliberately hired someone illegally in the country, they could say: Well, we checked it out on the system and they showed up to be legitimate and we felt legitimate in hiring them. So it protects them and helps them follow the law.

But for some reason there has been a resistance here. It passed the House. It was in the House stimulus bill, that \$800 billion stimulus bill. It also provided, in the House legislation which was accepted and the majority of the House Members all voted for it on final passage, that everybody who gets a contract from the U.S. Government as part of this stimulus package must use E-Verify. In other words, it was designed to create and protect jobs for lawful Americans. The amendment, which was unanimously accepted in committee, said that beneficiaries of stimulus money must use the E-Verify system, and that E-Verify system would help ensure that only legal people would be hired. They could be green card holders; they could be legal workers; they did not have to be citizens. But they at least ought to be in the country legally. And this Senate systematically refused to allow us to have a vote on that amendment, so it was not in the Senate bill.

I asked three or four times to be able to have a vote on that amendment and was rejected. When they went to conference, sure enough, as I suspected, as I stated on the floor, the Senate version won. Our bill, which did not have this language in it, prevailed. They took the House language out at conference without any deliberation. This was a common sense amendment, and I think it would have passed overwhelmingly in this Senate had we been allowed to have a vote.

So this has caused me great concern. A lot of us have believed President Bush and his administration failed to aggressively enforce the law to ensure that jobs are going to American workers and not those in the country illegally. And I criticized him for that.

But it does appear this administration and this new Congress may be even more determined to not enforce the law. In fact, it appears they may be indeed taking steps to undermine some of the programs that President Bush and the ICE Agency and the Homeland Security Department have been taking that were at least making progress toward creating a system of lawful immigration that we can be proud of.

We are a nation of immigrants. Nobody wants to end immigration in America. Over 1 million people can enter our country lawfully each year and become citizens and contribute to our country in many positive ways.

But since so many people would like to come to our country, and we recognize we have to have a certain limit on the number who come, we have a legal system that requires them to make application, and by various standards they are approved or disapproved in their application. Those who are approved get to come to America, and those who do not have to wait until maybe later or maybe they, for one reason or another, are permanently unable to come. Maybe they have a criminal record or have other problems that would make them unacceptable for admission. No one has a constitutional right to come to America. We cannot have and do not have and should not have an open borders policy so that everybody who would like to come and work, can come and work.

So this is the situation we are in. In light of that, I was particularly troubled, I have to say, and all Americans should be troubled by a recent headline article in the Washington Times this week. It was about certain activist immigration rights groups criticizing the Obama administration because some of the agents in the Immigration Enforcement Division had raided an engine machine shop in Washington State and actually went so far as to detain certain illegal immigrants. They are not happy they actually went into a business and detained some individuals who were in the country illegally, and they complained about that. So, apparently, according to the article, the Obama administration itself seemed "taken aback by the raid by the United States Immigration and Customs Enforcement Agency." The new Secretary, Janet Napolitano, was "vowing to Congress that she would get to the bottom of it."

The article goes on to say that an official with the agency said, "The Secretary is not happy about it."

Well, that is troubling to me. In 2008, under the Bush administration, which was not, I think, particularly aggressive—as a matter of fact, not aggressive enough, ICE made 5,173 administrative arrests at work sites. Additionally, ICE made 1,101 criminal arrests in connection with worksite investigations. Those arrest represented criminal activity, gangs or drugs or other kinds of criminal activity. They were doing that, and periodic enforcement actions were taken because a company does not have a right to have hundreds and hundreds of illegal workers who perhaps certainly are working for less money than Americans would work for.

That is not good and creates unfair competition and undermines our lawful immigration system. But this worried me even more. According to the Washington Times article, immigrant rights groups said they had discussed this with the administration some time during the last election. They did not discuss it publicly, but they apparently

had discussions with the campaign, and they said this:

This was a fixture of our conversations and demands with him during the campaign. It has always been one that there would be a hold on the raids or a stop to the raids.

The National Council of La Raza has urged supporters to call the White House and demand that Mr. Obama lay out his immigration policy. In criticizing this, they said:

What are Latino and immigrant voters to think? They turn out in massive numbers and vote for change and yet the change we can believe in turns out to be business as usual.

Well, I think maybe the American people need to make some demands on this administration. Maybe that is the way you get things done; you make demands on the administration that they actually enforce the law and that they do not conduct investigations of the law enforcement personnel who were doing what the law required and who were, by all accounts, legitimately identifying illegal workers in America.

So now, according to this article, the Secretary of Homeland Security is investigating our law enforcement officers for simply doing their duty in response to some secret demand and agreement they made back in the campaign to undermine law enforcement in America. I do not think it is good.

This is why people are upset with Washington and upset with Congress. I believe in lawful immigration. I think we need to stop all of this. But what do we do? Nothing. Whenever something starts happening and has some possibility of being successful, well, politicians intervene and stop the law enforcement officers from doing their duty.

I am really concerned about it. The Immigration and Customs Enforcement Agency says in their statement about the operation that they were investigating criminal activity, and they apparently discovered in the course of that the hiring records revealed a significant number of people were using bogus Social Security numbers and counterfeit identity documents. That is why they did their jobs. They went and checked it out and found 28 people at this company who were not here lawfully.

So now the Secretary of Homeland Security has promised to get to the bottom of it—not to the bottom of why this company was hiring 28 illegal workers, not asking whether this company ever used the E-Verify system, they are going to get to the bottom of why the law enforcement officers of the U.S. Government, paid for by the taxpayers, had the temerity to actually go out and investigate criminal activity and detain people in the country illegally.

So I have to tell you, this is not going to fly. We are not going to go quietly about this issue. We need a

vote in the Senate, and we need one soon to extend E-Verify. It is unthinkable that this highly successful, proven system that over 100,000 businesses voluntarily are using would be allowed to expire.

The only reason it would be allowed to expire would be we do not want the laws enforced. And, by the way, E-Verify does not raid any businesses. E-Verify does not call for a single investigator, not a single detention facility. All it says is the business owner could check and not hire someone if they did not have good documents. That is all. They do not arrest them. They do not call the police. Nothing happens. You just eliminate the jobs magnet, as the Border Patrol people tell us, that is causing people to come to our country illegally to get jobs, and that magnet is a factor. E-Verify would diminish that.

I wished to share those thoughts. I believe this is a troubling event. We need to consider it and not go down this path. It signals a further erosion of the efforts to bring a lawful system to this unlawful system we have today.

The Secretary does deserve credit for one statement she made, that businesses do need to be held accountable for exploiting the illegal labor market. I thought that was a good statement. She went on to state that there is an impact of illegal workers in the country and “that has impacts on American workers, and it has impacts on wage levels, often has undue impacts on illegal workers themselves.”

This is also true. There are costs to the American worker in terms of wages, the ability to get a job, when we allow huge numbers of illegal workers into the country.

I hope our colleagues will consider this issue. The American people have a different view than some about the need to enforce our laws. The American people would like to see that, before we start talking about amnesty and a lot of other things. If we are not going to enforce the law, why should we go forward with some of these expansive programs that have been proposed to allow persons who only recently broke into the country to be placed on legal status? The American people are not naive about this. They want something done, and they have a right to expect it. We in Congress have to figure out a way to be responsive to their demands and not focus only on the demands of special interests, certain big businesses, and certain activist groups, but to focus on legitimate demands of the public for good public policy. Good public policy requires the end of the illegality in immigration and the establishment of a lawful system of immigration that honors our great heritage of immigration of which we have always been proud.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

SUPPORTING SCIENCE AND ENGINEERING

Mr. KAUFMAN. Mr. President, America's economy is in crisis. We can either drown under the weight of the problem, or we can ride the wave of opportunity that it offers.

To do that, we must put science, engineering, and innovation back in their rightful place in our economy.

If every cloud has a silver lining, this economic crisis can benefit America, we use this opportunity to restore our leadership in the world, if we create anew the industries, businesses and products that will shape the new economy.

As the only Senator holding an engineering degree, I remember when engineering ranked far ahead of business administration as the premier college degree for those who had ambition and the determination to succeed.

After the Soviet Union's 1957 surprise launch of Sputnik 1, American leaders spurred the Nation to catch up, to increase our national commitment to science.

The Sputnik crisis led to the creation of NASA and other government research agencies, as well as an increase in U.S. Government spending on scientific research and higher education.

It doesn't seem that long ago, but I was one of the young students who were drawn by Sputnik and our leaders' call to seek an engineering degree.

More recently, though, more and more of America's best and brightest college students opted instead to take their “quant” skills in math and analysis to Wall Street.

From what I understand, of all the undergraduate majors in the 2008 class at the Massachusetts Institute of Technology, 11.4 percent took jobs in finance. This is the Massachusetts Institute of Technology, our leading engineering school, sending over 10 percent of its graduates to Wall Street.

The stark truth is that during the go-go years on Wall Street, America's engineering and innovation expertise declined.

And it is not just that engineers have been choosing finance over traditional engineering careers; fewer students having been choosing to study engineering, period.

Back in 1986—not that long ago—engineering and engineering technology students earned close to 10 percent of U.S. bachelor's degrees. Despite attractive starting salaries, often above \$50,000 a year, the percentage today is only about 5 percent.

Only about 121,000 people earned degrees in engineering in 2007, and that includes bachelors, masters, and doctoral degrees.

Today's financial crisis has given our young people an opportunity to take a hard look at how they want to spend their lives.

It gives America's political and educational leaders an opportunity to reorder their resources, to open a pipeline to produce students skilled in science, technology, engineering and mathematics, STEM.

According to the U.S. Department of Labor, about 80 percent of the new jobs created in the next 10 years will require these critical STEM skills.

While America must remain a leader in finance, it is clear we must also be a world leader in energy, biotech, biomed and many other industries based on science, technology, and mathematical skills.

Here is what we should do right away:

We need to find more and better ways to marry public policy and engineering. Many universities have begun to do this, but we also must act on a national level, with the support and coordination of national policies.

To take one key example, our Nation, and indeed our planet, is facing a potential crisis in the supply and demand for clean energy and water.

How these issues are resolved will define our children's future. These problems require technical solutions, designed by scientists and engineers who also have an understanding of cultures, religions, and policy.

We also need to develop programs that allow students to "make a difference," to tap the idealism our young people are eager to express.

For example, we should create an engineering jobs corps—similar to the Peace Corps or Teach for America—to help channel the young talent emerging from our engineering schools.

The fields of biotech and biomed, energy and environment should attract socially conscious students who want to improve the quality of life for us all.

Prior to graduating, engineering students typically must write a final paper addressing a problem to solve. We should make those papers part of our national dialogue, publish them, and make them available to government and to the business community, with authors' rights kept secure.

Finally, we need to reach out to women and other students who have traditionally been underrepresented in engineering.

The United States cannot maintain its position as a technological leader nor can we solve the problems we face without the perspectives and participation of all members of our society.

We are in a struggle to define our nation's future. We must recruit all of the talent we can find.

We know our competitors in countries like China are throwing their resources into science and engineering. We can do no less.

When I went to college I wanted to be an engineer, in part because 52 years ago the United States was supporting science and engineering on an unprece-

dent level. America's competitive spirit helped us meet the challenges of those times.

Thousands of technical innovations created new products, new jobs, new industries, and new levels of economic productivity. We can do this again.

The financial crisis—and our recognition of the misplaced priorities and resources that created it—can help lead a cultural shift back to the strong foundations of innovation and know-how that have always been the American way.

The Federal Government can and should lead in supporting the basic scientific, medical and engineering research that will spur discoveries and innovations.

Our entrepreneurs have always been ready to build on those foundations, to create millions of new jobs and shape a bright American future.

I look forward to working with my colleagues and the administration to restore the prestige and leadership of science and engineering in our country.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1105

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 2, at 2 p.m., the Senate proceed to the consideration of Calendar No. 26, H.R. 1105, the Omnibus appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

• Mr. KENNEDY. Mr. President, in accordance with rule XXVI.2. of the Standing Rules of the Senate, I submit for publication in the RECORD the rules of procedure for the Committee on Health, Education, Labor, and Pensions, as unanimously adopted by the committee on February 26, 2009.

I ask unanimous consent that the text of the rules of procedure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

Rule 1.—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

Rule 3.—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

Rule 4.—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

Rule 5.—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the

specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk's designee, shall have the responsibility to make appropriate arrangements to implement this rule.

Rule 8.—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

Rule 14.—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

Rule 16.—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

Rule 17.—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

Rule 18.—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the

committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

Rule 19.—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 20.—When the ratio of members on the committee is even, the term "majority" as used in the committee's rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

Rule 21.—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

Rule 22.—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
 2. Aging.
 3. Agricultural colleges.
 4. Arts and humanities.
 5. Biomedical research and development.
 6. Child labor.
 7. Convict labor and the entry of goods made by convicts into interstate commerce.
 8. Domestic activities of the American National Red Cross.
 9. Equal employment opportunity.
 10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
 11. Individuals with disabilities.
 12. Labor standards and labor statistics.
 13. Mediation and arbitration of labor disputes.
 14. Occupational safety and health, including the welfare of miners.
 15. Private pension plans.
 16. Public health.
 17. Railway labor and retirement.
 18. Regulation of foreign laborers.
 19. Student loans.
 20. Wages and hours of labor.
- (2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

* * * * *

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more

than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

* * * * *

GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS

HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the Senate to publicly announce the date, place,

and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.●

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the

Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Disaster Recovery adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Ad Hoc Subcommittee on Disaster Recovery.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

2. Quorums.

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and the Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

DC VOTING RIGHTS

Mr. DODD. Mr. President, I had intended to speak briefly yesterday on a very important piece of legislation, S. 160, the District of Columbia House Voting Rights Act of 2009, but I was delayed by meetings and so wanted to have an opportunity to address this bill today. S. 160 provides the people of our Nation's capital with permanent voting representation for the first time in over 200 years. Legislation on this matter has been bottled up for many years in the Senate, and I am hopeful that this year it will finally be enacted.

Despite our Nation's great progress over the years toward removing unnecessary and irrelevant voting restrictions—including those based on race, sex, wealth, property ownership, and marital status—about half a million U.S. citizens are effectively unrepresented in the U.S. Congress. Major decisions in domestic and foreign policy are made in these citizens' backyards, but they have no one to represent their concerns as a voting Member of Congress.

As a recent New York Times editorial stated, "Washington's lack of

representation is profoundly undemocratic. Its residents are American citizens who pay taxes, vote for the president and serve and die in the military. Although the city is relatively small, it is more populous than Wyoming and nearly equal to those of Vermont and Alaska." DC residents pay the second highest per capita Federal income taxes in the country but have no vote on how the Federal Government spends their money. The famous phrase, "no taxation without representation," that ignited the American Revolution and launched the original Thirteen Colonies on their quest for independence is still displayed prominently on DC license plates today.

It is ironic that the city most closely associated with our democratic Government is the very place that U.S. citizens remain without a voice or a vote in Congress. In the words of Thomas Paine: "The right of voting for representatives is the primary right by which other rights are protected." It is, in fact, the right on which all others in our democracy depend. The Constitution guarantees it, and the U.S. Supreme Court has repeatedly underscored that it is one of our most precious and fundamental rights as citizens.

I know that some opponents argue that the reasons the Founders made the Nation's Capital a separate district, rather than locate it within a State, remain sound, and therefore we should not tinker with their work, even at the cost of continued disenfranchisement of DC's citizens. That argument ignores the commitment we all must have to extending the full franchise to all Americans and to ensuring their representation in Congress. And it ignores the fact that article I of the Constitution explicitly gives Congress legislative authority over the District "in all cases whatsoever." The courts have over time described this power as "extraordinary and plenary" and "full and unlimited," and decades of legislative and judicial precedents make clear that the simple word "states" in article I—which provides that the House of Representatives "shall be composed of members chosen by the people of the several states"—does not trump Congress's legislative authority to grant representation in the House to citizens of the District. Even so, to address the concerns of some, section 2(a)(2) of the bill states that "The District of Columbia shall not be considered a State for purposes of representation in the United States Senate."

The current bipartisan compromise embodied in this bill would increase the number of seats in the House of Representatives from 435 to 437. It would provide one seat for a voting Member representing DC that is predominantly Democratic and one at-large seat for Utah in a district that is predominantly Republican-leaning and

which was next in line for congressional representation in the House according to 2000 census data. This legislation strikes the appropriate balance by allowing additional representation for both DC and Utah without disadvantaging either national political party. It embodies a reasonable compromise and allows for a responsible reassessment during the next reapportionment effort.

Congress has never granted the DC Delegate full voting rights in the House. Whether such a Federal law is constitutional has never been placed squarely before the courts. While no one can respond to the constitutionality question with certainty until the U.S. Supreme Court issues a binding decision directly on point, a bipartisan group of academics, judges, and lawyers have concluded that Congress has the authority to provide for voting representation for the District's people. Upon review of the arguments on both sides, I agree. I believe that the Constitution vests in Congress broad power to regulate national elections and plenary authority over DC under article I, section 8, clause 17, known as the "District clause," to address this problem legislatively without the need for a constitutional amendment.

When even conservative legal scholars—from Judges Ken Starr, former U.S. Solicitor General appointed by President George H.W. Bush, to former Assistant Attorney General Viet Dinh appointed by President George W. Bush—have done exhaustive legal analyses which outline the positive case for Congress granting representational rights to citizens of the District, you know there is a strong case to be made. In any event, it is clear to me that these important constitutional questions should ultimately be resolved by the U.S. Supreme Court, and enactment of this bill would enable us to do just that. If opponents of the bill are so certain of their constitutional arguments, they should, it seems to me, allow those arguments to be tested in the full light of day, in the courts, and be resolved once and for all. If it were to be enacted and then struck down because of constitutional infirmities, it would then be clear that a constitutional amendment is the only viable alternative left to DC citizens. This bill provides for expedited review by the courts of the constitutionality of the law, a prudent step in my view.

Mr. President, I would like to briefly address the issue of the fairness doctrine, which was the subject of two votes yesterday. This doctrine, enforced by the Federal Communications Commission, FCC, for over 30 years, required broadcast licensees to cover issues of public importance in a fair, balanced manner.

The fairness doctrine was established to ensure that there would be a diversity of views available to the public in

the limited media market available at the time of its adoption. At the time of its establishment, there were just three major television networks and a far smaller number of radio stations. However, in 1987, the FCC rescinded the policy after concluding that the doctrine was no longer necessary given the abundance of media outlets available to the public.

I have been supportive of the fairness doctrine in the past because a well-informed citizenry is of fundamental importance to our democracy. However, given the incredible communications innovations just over the last decade and the explosion of new news sources, I believe that reinstating the fairness doctrine could prove unnecessary and unmanageably complex. Today, citizens can get their news from the major broadcast television networks, a growing number of 24-hour cable news networks, dozens of radio stations, and hundreds or thousands of Internet news outlets and blogs.

I supported the amendment offered yesterday by Senator DEMINT because, in my view, such a fundamental issue as how the public gets its news deserves a larger forum for debate than the FCC provides. The DeMint amendment ensures that only Congress would have the authority to reinstate the fairness doctrine. While the FCC will continue to play a critically important role in regulating telecommunications, as the elected representatives of the people, the Members of this body and the House of Representatives must be involved in whether to reinstate such a far-reaching policy.

Mr. President, what is at stake with the DC voting rights legislation is nothing less than a fundamental issue of fairness in voting. Every eligible citizen, regardless of where he or she lives, has a constitutionally guaranteed right to be represented in Congress by a voting Member. This bill is another step forward in our efforts to ensure that all Americans are represented equally before this Government. It is the right thing to do, and this century is the right time to do it. In fact, it is long past due. I commend my colleague from Connecticut, the chairman of the Homeland Security and Governmental Affairs Committee, for bringing this important measure before the Senate and for getting it adopted by the Senate yesterday, even with the unnecessary and unwise addition of the gun provisions, which I hope will be stripped from the final bill. I hope the House will act favorably on it next week and that we will soon have a conference report before us to vote on. The President has made clear he would sign it, and I hope it will be enacted soon. The people of the District have waited much too long for that happy day.

COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. LAUTENBERG. Mr. President, I rise to commemorate the 100th Anniversary of the National Association for the Advancement of Colored People, NAACP. I strongly support the NAACP and I am proud to be a lifelong member. Today, I wish to recognize this organization and the tremendous work it has done fighting for political, educational, social and economic equality for all. America would be a less equal and less just nation without the work and lasting influence of the NAACP.

One hundred years ago on the centennial of Abraham Lincoln's birth, a distinguished group of Americans came together to fight racial hatred and racial discrimination through non-violence. In the intervening years, the NAACP has become one of the most respected civil rights organizations in the United States, having fought some of country's greatest civil rights battles.

Since its inception, the NAACP has been on the frontlines fighting for racial equality in all areas of life. A team of NAACP lawyers, led by Thurgood Marshall, fought successfully for the desegregation of public schools in the landmark case *Brown v. Board of Education* in 1954. The NAACP also played a key role in ensuring the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act, laws that are essential to guaranteeing all Americans' full participation in our democracy.

Whether it is combating racial profiling, reauthorizing the Voting Rights Act, or fighting hate crimes and pay discrimination, I have been proud to stand side by side with the NAACP throughout my Senate career.

There is no better way to honor the NAACP's work than to continue its fight for justice and equal opportunity. This fight starts with getting the Nation's economy moving again, and giving every child access to quality education and every family access to affordable health care. I look forward to working with the NAACP and with all my Senate colleagues to make these goals a reality.

FILLING GUN LAW GAPS

Mr. LEVIN. Mr. President, while Congress frequently considers important matters, not every day does it pass legislation capable of actually saving lives. The Brady bill, however, signed into law November 30, 1993, has proven to be such a piece of legislation. The Brady law requires that a prospective gun purchaser undergo a criminal background check before obtaining any firearm from a Federal firearm licensee. Created to prevent felons, fugitives, domestic abusers and other prohibited persons from access to guns,

the Brady law has been an important tool in the fight to keep our families and communities safe.

According to the Brady Center to Prevent Gun Violence, Brady background checks have blocked more than 1.6 million attempts by high-risk people to buy a gun from licensed dealers through the end of 2007, including an estimated 842,000 convicted felons, 236,000 people convicted of domestic abuse and 68,000 fugitives from justice. Also, during this 15-year period, the total number of robberies and aggravated assaults committed with a firearm decreased from 564,648 in 1993 to 377,331 in 2006, a decrease of 33 percent. The number of murders committed with a firearm also declined 32 percent, from 17,048 in 1993 to 11,566 in 2006.

Despite these significant reductions in crime, much more needs to be done. Brady background checks, for example, are currently only required for purchases from a licensed gun dealer, which only account for approximately 60 percent of gun sales. They are not required for sales between unlicensed persons, such as sales at gun shows. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, almost one-third of all trafficked guns are acquired at gun shows and flea markets. These types of settings provide the perfect loophole for unlicensed sellers to offer countless guns for sale with no questions asked. Someone that would not be able to pass a background check in a licensed gun store currently is able to purchase as many guns as they want at gun shows.

As we begin the first session of the 111th Congress, it is my hope that we will take this opportunity to build upon the success of this law. I urge my colleagues to pass sensible gun safety legislation that will fill the gaps in our gun laws.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find

solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

First I do not know why I am writing this since I doubt that the Senate will really hear me, but since you gave me the opportunity to vent here goes.

My husband and I have been married for nine years. Our goal has always been to live within our means. He is an electrician and makes a decent wage and has good health benefits. I am a stay-at-home mom and am busy taking care of our three children (soon four). We have tried to stay out of debt our whole marriage. We currently have our house payment which takes up 27% of my husband's take-home pay each month (This can be lowered if he works overtime but for this sake it is just working a 40-hour week). We then have life insurance policies that are cash policies that take up 08% of our income. We contribute 10% to our faith each month. Then there is 11% used for utility bills, car insurance, etc. The rest is used for gasoline, food, clothing, and unexpected expenses. Last year we were saving 12.5% of my husband's income monthly. This year we are barely making it monthly and saving only 3% if possible.

We can foresee that if energy prices continue it will be hard for my husband to keep working as an electrician. Pay has not increased as well as costs and living where we do in Idaho we cannot stay in the same town to work. Last year he was traveling over 120 miles a day to go to work and home. It is not unusual for electricians in Idaho to travel at least 60 miles one way. We have tried to accommodate his traveling and moved to the middle of where he has worked but still we figured it costs him 400 dollars a month in gasoline to go to work which is 11% of his income. It is easy to see why we are barely making it.

We are frugal citizens. I do the cooking of food, we pack lunches from home, we have no cable television or cell phones, we grow our own garden, I can our own fruit and vegetables, my husband hunts for venison in the fall which we package ourselves (being the majority of our meat source), and we try to stock up monthly on our food storage. I have been doing less storage because we have less income. I also as the primary shopper have noticed that our food is costing more to purchase.

The problem is not that gasoline is just high. Because it is high food prices are higher, parts for vehicles are higher (we do the majority of our vehicle repairs too), electricity and utilities have raised, taxes are raised to pay for the increase in cities budgets, etc. The 11% we are seeing in gas does not compensate for all the increases because of gas. If we take that into account we would probably see that number grow exponentially.

So we see what gas is doing, what are we doing about it? 1) As a family we are trying to start a business that we can do on the side from home. We sent my husband to Taxidermy School so he can maybe earn a little on the side along with being an electrician. This has been very difficult to do since it costs money and we have very little extra to spend. It has taken us a year to pay for the supplies and tools that are needed. We have spent our savings hoping that in the future it will work out. 2) We make sure he carpools with coworkers so our gas bill is minimal.

This so far has been great but we cannot always count on it working out as smoothly as it has. 3) We do not travel; I go out very little and drive only about 50 miles a week. The rest of the time I am home with our kids. On the weekends we stay home and try to entertain ourselves in our yard. We have planted a larger garden to hopefully help us keep out of the grocery store less. We try to stay active as a family. We no longer fish, hiking, camping, or geocaching as a family. It is too expensive to go. I have not enrolled our children in anything extra such as soccer, tee ball, swim lessons, etc. because the money is not there to accommodate such wants. With such cuts we are still able to barely make it.

The time has come for people to be extremely frugal, work more than one job, or go into extreme debt to make ends meet. We once were a nation to progress, to succeed, to set the standards . . . are we now becoming a nation in steady decline? How do we reverse such a movement? Will our government written by the people and for the people help us or hinder us? Let us start the upward movement before the decline is too hard for many of our citizens to climb out of. Curbing the costs of gasoline and educating the public on financial security will help many get out of the holes they have dug themselves into, and help others from digging any holes at all. Thanks.

SESHA, *Shelley*.

Thank you for caring enough to listen to the folk in Idaho. Why does it matter how we feel or what we think? Nothing will change for the working man.

Idaho Power will continue to raise our energy bills. Gas is rising each day and now food, then gas heat, etc. It is a domino effect. Why does nothing ever go down? Taxpayers keep getting hit time and again for everything, including illegal immigrants. Get them back home to where they came from that would save a bunch of money right there, in gas, food, welfare, and money paying their medical hospital/ER bills, etc. Have you seen the new laws of Ada County, having to cover illegal immigrants and their medical problems? I can barely take care of my own anymore.

I wish I earned hundreds of thousands like [so many people who make policy decisions. Perhaps more need to know that it's like to] hope you have enough money after buying food for your family and prescriptions for your child for gas for your car—no more fun vacations that we remember as children for my kids; instead, I am doing all I can to keep myself and my family above water and working for benefits.

Why should we be proud to be Americans anymore? Our government gives and gives to other countries, and sends our men and women to a senseless waste of time war—costing billions, and what do we all get in return? The vets come home with hardly any thanks, and we Americans get [the short end] one way or another, by money, tax and politics, and the system in general.

UNSIGNED.

Thank you for standing up for the working class who are being profoundly affected by the rising gasoline and energy costs. The rising cost of gasoline is affecting the cost of food and commodities as well. It is getting more difficult all the time to make ends meet. My husband and I are in our 60s and have turned to riding scooters to be able to afford the gasoline which has gone from costing \$200 per month to over \$450 per month

just to be able to get to work! We definitely need to increase our domestic oil production, provide refineries to process it. We must remember that the oil is a finite resource and therefore we must expand nuclear energy research and develop incentives for conservation. We need to fix some very serious problems in our country. We have major health care issues—insurance companies getting rich and employers having to reduce benefits and all of it basically comes right out of our pockets. We have hungry people in our own country and we should be taking care of business at home, work on becoming much more self sufficient in providing our own energy resources and fix the problems to give Americans back a life that is affordable.

SHERRY, *Meridian*.

I am 27 years old, married with no children, and working the hard grind like everyone else. I am currently enrolled at BSU working diligently towards a doctorate degree in chiropractics.

While attending BSU, I was able to take an English class that was focused around the environment and problems that have recently arisen. One of the assignments that we were given was to think of a particular crisis that we as humans are facing and come up with a reasonable solution. The topic that I choose to write on was alternate fuels sources. After much research I found that one of the easiest and most abundant fuel sources we have is hydrogen (H).

I understand that you set up this email to hear from the people of Idaho with concerns, ideas or whatever to come up with a solution to the current crisis we are in, and everything that I have noticed is everyone is worried just about the cost of fuel. Inflation is a real thing, and it was coming sooner or later . . . but why do we have to focus on using old technology? Why can we not focus on using alternate fuels in Idaho? I am an Idaho native, and I personally believe this is the greatest state to live in because of the quality of life this great state provides. The problem is we are destroying that quality by still utilizing fossil fuels.

I recently went to the movies with my wife and saw an inspiring short film about the town of Greensburg, Kansas. If you are not familiar with the phenomenon that is occurring in this town I will briefly describe it. Recently this town of Greensburg was devastated by numerous tornadoes to the point of there were no sound structures still standing . . . instead of the people of the community just giving up and moving, they decided to rebuild the city but to rebuild it as the "greenest" city on earth. They made a commitment to not only better the environment, but also the community and the quality of life. This short story struck a chord with me . . . why combat the prices of fuel? Why not combat the harmful fuel itself? Through the basic laws of physics we know that mass cannot be destroyed, just changed. Hydrogen (H) is the simplest form of a molecule known to man, and once combusted with Oxygen it creates water. I know you are a very educated man and probably do not need physics or chemistry lessons but I do have a point. Being our Senator and our voice, and acknowledging the crisis we are in I applaud you for your ongoing efforts, but I personally think we should not only focus our efforts to help alleviate the hardships on Idahoans but make the quality of life better. Become the first State in this great nation to do something different, make a difference, and show the rest of the nation what Idahoans are all about.

Fuel will always be needed, but why limit what fuel that is? We have a chance to make a difference, become leaders and not followers. Set a trend that will improve our economic standings, make miracles happen and change the world. I understand that you are one among a very powerful group of people . . . but you have the state of Idaho behind you to make a difference. The only thing I ask is for you to enlist into a righteous cause and make a difference that the world can see and will follow.

Thank you for your efforts and your time in reading this; it is my pleasure to have a representative who cares in office.

MIKE.

I did not receive your email request because I am not a registered Republican. However, whether Republican or Democrat, we are all suffering the same crisis with the rising fuel costs.

I will not go into the politics of this because I just do not understand how big oil business can control the whole world like this.

What I do know is this: I moved my daughter out to Meridian a few years ago so I could be more help raising her three children. She is a single mother who is not receiving child support, but makes too much money for state help. We both work in Boise. She keeps her children involved in sports to help keep them out of trouble. Now she has to decide—drive to work, drive the kids to sports, or buy groceries. My other daughter (she and I are both single also) and I help buy groceries, help her with expenses, and help drive the kids to sports events. Now we are all suffering.

My daughter (with the children) received a 2% raise this year, but her power just went up 10%, gas has gone up 100%, and her medical insurance deduction from her check went up 20%. It has reached the point where we are all selling our homes and moving into one to help with expenses. The days of multiple generation homes has come back. I really do not know how the elderly on limited incomes are surviving.

Thanks for listening, and I hope answers will be coming very soon. This just has to stop.

ARDEN, *Meridian*.

I just wanted to share that we are one of many grandparents that are raising a grandchild. I have chosen to stay at home to raise her so we are now a one-income family. My husband works in Boise, and we live in Middleton. It is costing us over \$200 a month for gas for him to go to work. Our granddaughter's father is in a work camp in St. Anthony and every year we take her to see him. She lives for that visit, but this year we had to break the news to her that we could not afford to make this trip. She was brokenhearted. But if the cost of fuel keeps going up, we may have to also break the bad news to her that she will not be able to continue with her dance classes. She has been taking ballet for 7 years, but we will have to make the choice of food and gas over her dancing. I have also been able to help at her school during the day, but again this year that may not happen. If the gas prices do not go down and the state raises the price on registrations I will have no option but to park my car and not use it at all. My husband always goes to a church mission every year to help the poor and needy with house repairs, but not this year, as they have to supply their own gas back and forth.

We are at the point with gas prices and food prices and utilities and property taxes

going up and wages staying the same we do not have anything left at the end of each pay period. There is no fun time for us now, no vacations, eating out, or going to a movie. We are saving our dimes this year to just go to the fair, which our little girl looks forward to also. I pray I do not have to say no to her again.

I also have a father who lives here in Midleton; he is 84 years old and has cancer and has to drive everyday to Boise for treatments. He has not complained but I am sure being on a fixed income he is giving something up to get that gas to receive his radiation. Please help all of us people. I know there are people who are worst off than we. This is just not fair or just.

DIANA.

My story is as follows: I am a (divorced) single parent of three. I work fulltime and am buying my home. I receive a small amount of child support along with my salary. It has become nearly impossible to be able to afford to just drive to work and back. Taking my children anywhere for a summer vacation has become an impossibility this year. It has already reached the point that I have to choose between gas and anything else (including running my air conditioner in my home or car). If the cost of fuel keeps rising, I will definitely have to mortgage my house just to get through the remainder of the year. It is not right! We are living hand to mouth, and the United States has resources we should be utilizing. Even if the oil off-shore will not immediately alleviate the cost of fuel, we need to start drilling in order to stabilize our economy. In the mean time, the "negotiators" who buy the oil from other countries could cut back their bonuses and cut our costs drastically.

JEANNA, Boise.

How much energy can the sun provide?

According to the American Solar Energy Society, enough sunlight falls on the earth's surface each minute to meet world energy demand for an entire year. <http://www.powerhousetv.com/>.

The above info blows me away. Why aren't we harnessing this energy?

I live in an older home with an oil furnace. We use it conservatively, turn it off during the day, down when we go to sleep for the night, use a couple of space heaters—and still my oil bill is pushing \$400 a month. . . . And winter went long this year.

We already have the technology to utilize solar energy, whereas cellulosic, or any viable, biofuel is years away. Why do not we put tax dollars into constructing power plants that will capture solar energy and give meaningful assistance to people to convert from oil-consuming applications?

CAROL, Twin Falls.

This letter is written with intent to describe our ever-diminishing economy from a manufacture's point of view. FAB TEC, Inc is a small business that manufactures aggregate handling equipment, including; rock crushers, screening plants and material conveying products. We employ approximately 50 people. Our industry uses primarily steel. From raw stock steel products, to axles with wheels and tires and all the necessary hardware to complete this equipment.

Over the past two and a half years our company has endured huge price increases in our consumables needed to produce our products. Such as steel, and petroleum based products along with all other consumables needed to manufacture our product.

Steel prices have soared approximately 300% over the last three years. 50% increase since December of 2007 pricing. Fuel prices have also gone out of control. FAB TEC uses many petroleum based products such as large amounts of conveyor belting, tires and paint products. Not to mention the fuel it takes to bring in and ship out our products. The manufacturer, and also the end user of products like ours are absorbing huge costs due to the out of control pricing of the consumables we use in the production of the product we sell.

With the public's whispered word "recession" at hand, we think it is time our government steps in to control the price gouging large corporations have forced on all of us, especially including the individual standing in line at the grocery store to buy his bare necessities to survive the ever increasing cost due to out of control fuel costs. I would hope someone or entity would do something soon before it is too late.

These statements are solely based on my opinion, but I feel as many do, we must do something now before it is too late to reverse our dwindling economy.

FRANK, Moscow.

ADDITIONAL STATEMENTS

TRIBUTE TO MAYOR KATHLEEN NOVAK

• Mr. UDALL of Colorado. Mr. President, I am joined by my distinguished colleague, Mr. BENNET from Colorado.

Next week, several thousand city and town leaders from across the country will visit us in Washington, DC, to discuss the major issues of the day. They will be gathered under the auspices of the National League of Cities, NLC, whose president is one of our distinguished mayors—Northglenn, CO, Mayor Kathleen Novak.

Senator BENNET and I will have the honor of meeting with Mayor Novak and a group of other Colorado municipal leaders working through NLC and the Colorado Municipal League.

I want to take this opportunity to recognize Mayor Kathleen Novak. Mayor Novak was elected to Northglenn's City Council on July 11, 1991, after years of serving the community. She was elected mayor in November 2001 and then reelected in November 2005, serving two 4-year terms.

It was Mayor Novak's interest in planning for the city's future that led the city council to develop goals and adopt a strategic plan to help guide the city into the future. Each year, the Northglenn City Council identifies critical issues that can impact and shape Northglenn's future and develops an action agenda to prioritize and address these pressing issues. This has allowed the city to make tremendous progress on many fronts throughout the mayor's term in elected office.

Over the years, Novak helped continue to provide the top-notch services that residents have grown to appreciate while balancing the community's transportation and infrastructure

needs through upgrades to the city's infrastructure and facilities. While Mayor Novak was in office, Northglenn built a new wastewater treatment facility and a new maintenance and operations facility and self-funded the 112th Avenue Overpass to make traveling from east to west easier for the city's residents. Northglenn was the first city in Colorado to promote water conservation efforts such as instituting a lottery system whereby city residents could secure free high-efficiency water features for their homes. Through these efforts, the city expects to save 20-25 acre-feet of water annually and thereby save the city and its citizens money from the conserved water.

Northglenn also applies biosolids from water treatment to fertilize farms in Weld County. Through such applications, the city grew, harvested, and sold 2,500 tons of crops. Since recycling conserves precious natural resources, over the past 9 years, the city has been heating two shop buildings with used motor oil that residents have placed at the curb for recycling.

In 2008, Mayor Novak's interest in reconnecting government to all age groups led the city to be the first in the State to be named a Playful City USA by KABOOM, as unique offerings of play continued to take shape in Northglenn. Early in Novak's tenure, Northglenn received America's Crown Community Award by American City and County Magazine for the rehabilitation and redesign of Webster Lake and E.B. Rains Jr. Memorial Park. The park included an innovative concept of providing unique opportunities of play for all—Northglenn's Sensory Playground. The playground offers children with a range of disabilities the opportunity to experience play and exceeds the Americans with Disabilities Act requirement of 50 percent accessibility by providing nearly 100 percent accessibility for people who use wheelchairs.

Most recently, the renovation of the Croke Reservoir Nature Area earned the city the 2009 Colorado American Public Works Association Award for Engineering and Construction Management for medium-sized communities. The project included stabilization of the eastern shoreline, removal of sediment to improve fishery and wildlife habitat, and improvements to stormwater detention in the area.

Throughout her service, Mayor Kathleen Novak has worked hard to ensure that the city of Northglenn maintains its high quality of life. Last December, in recognition of her efforts, Mayor Novak was unanimously elected by her national peers to serve as the president of the National League of Cities, the voice of municipal government in this country. Senator BENNET and I thank Mayor Novak for her leadership and dedication to Northglenn, CO, and to the Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-834. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridges (including 3 regulations beginning with USCG-2007-0172)" (RIN1625-AA09) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-835. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 27 regulations beginning with USCG-2007-0083)" (RIN1625-AA87) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-836. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas (including 2 regulations beginning with USCG-2008-0468)" (RIN1625-AA09) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-837. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with USCG-2008-0268)" (RIN1625-AA08) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-838. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 50 regulations beginning with USCG-2007-0162)" (RIN1625-AA00) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-839. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmit-

ting, pursuant to law, a report entitled "Emissions of Greenhouse Gases in the United States 2007"; to the Committee on Energy and Natural Resources.

EC-840. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC-841. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Pollution Prevention Equipment" ((RIN1625-AA90) (Docket No. USCG-2004-18939)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Energy and Natural Resources.

EC-842. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, two Uniform Resource Locators (URLs) for documents that the Agency has recently issued, received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC-843. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Action of Section 126 Petition from Delaware" (FRL-8774-6) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC-844. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities" (FRL-8774-1) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC-845. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; 2009 Motor Vehicle Emissions Budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-Hour Ozone Nonattainment Area" (FRL-8771-3) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-846. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL-8771-8) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-847. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Florida" (FRL-8769-5) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-848. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"Outer Continental Shelf Air Regulations Consistency Update for North Carolina" (FRL-8769-6) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-849. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee Airports: Addition of St. Augustine Airport, St. Augustine, Florida" (CBP Dec. 09-04) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-850. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA)" (RIN0938-AP59) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-851. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Safe Harbors for Sections 143 and 25" (Rev. Proc. 2009-18) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculation of Volume of Alcohol for Fuel Credits; Denaturants" (Notice 2009-06) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-853. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Contribution Arrangements" (RIN1545-BG80) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Finance.

EC-854. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "RRTA Desk Guide" (LMSB-4-0908-048) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Finance.

EC-855. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates - March 2009" (Rev. Proc. 2009-8) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Finance.

EC-856. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of the Danger Pay Allowance for Kuwait; to the Committee on Foreign Relations.

EC-857. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting,

pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000; to the Committee on Foreign Relations.

EC-858. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan; to the Committee on Foreign Relations.

EC-859. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$50,000,000 or more with Canada and Mexico; to the Committee on Foreign Relations.

EC-860. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with France; to the Committee on Foreign Relations.

EC-861. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of technical data, defense services, and defense articles in the amount of \$100,000,000 or more with Belgium; to the Committee on Foreign Relations.

EC-862. A communication from the Ombudsman for Part E, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report entitled "2008 Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program of the U.S. Department of Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-863. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Requirements for Submission of Bioequivalence Data; Final Rule" (RIN0910-AC23) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-864. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Director of National Drug Control Policy, received in the Office of the President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC-865. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Alabama Advisory Committee; to the Committee on the Judiciary.

EC-866. A communication from the Management Analyst, Citizenship and Immigra-

tion Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Employment Authorization and Verification of Aliens Enlisting in the Armed Forces" (RIN1615-AB78) received in the Office of the President of the Senate on February 23, 2009; to the Committee on the Judiciary.

EC-867. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Paso Robles Viticultural Area (2008R-073P)" (RIN1513-AB47) received in the Office of the President of the Senate on February 24, 2009; to the Committee on the Judiciary.

EC-868. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Snipes Mountain Viticultural Area (2007R-300P)" (RIN1513-AB51) received in the Office of the President of the Senate on February 24, 2009; to the Committee on the Judiciary.

EC-869. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; First Quarter of FY 2009"; to the Committee on Veterans' Affairs.

EC-870. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; First Quarter of FY 2009"; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. DURBIN, and Mrs. LINCOLN):

S. 502. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 503. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS:

S. 504. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Ms. LANDRIEU):

S. 505. A bill to establish a National Catastrophe Risks Consortium and a National Homeowner's Insurance Stabilization Program, and for the other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. WICKER):

S. Res. 59. A resolution designating April 4, 2009, as "National Association of Junior Auxiliaries Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 488

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 499

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 499, a bill to amend the Energy Policy Act of 2005 to repeal the ultra-deep-water and unconventional onshore natural gas and other petroleum research and development program.

S. 501

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 501, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 503. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the

western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that I believe represents a true compromise to end a three-decade dispute over oil development in northern Alaska. Today, I am introducing legislation that would permit oil and gas to be siphoned from underneath the Coastal Plain of the Arctic National Wildlife Refuge in northern Alaska but without there being any permanent roads, wells, buildings, pipelines, or structures erected that may interrupt the beauty of the Coastal Plain.

Today, I am happy to announce that I am being joined by my colleague from Alaska, Senator BEGICH, in introducing the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act.

For 29 years since passage of the Alaska National Interest Lands Conservation Act in 1980, there has been a controversy that has raged over whether oil and natural gas development should occur from within this 1.5 million acres of the Arctic Coastal Plain. This is located right inside the Arctic National Wildlife Refuge in northern Alaska. According to the USGS, the area has a mean chance of containing 10.36 billion barrels of oil and 8.6 trillion cubic feet of natural gas and a high chance of producing 16 billion barrels. This is the largest likely undiscovered onshore conventional oil deposit in North America.

Over the years, environmentalists have argued that this area cannot be developed without causing disturbance and perhaps environmental damage to the surface of the Coastal Plain which could harm the Arctic porcupine caribou herd that roam in the area and also harm the bird life that utilizes the Refuge during the brief Arctic summer.

Over the years, this argument and controversy has been fought with near religious intensity. But now what we have is a technology that has been developed that offers a compromise solution that may allow much of the area's energy to be produced without surface damage or disturbance when wildlife is in the area. The solution is to permit oil and gas development to occur without any surface occupancy, meaning without construction of any structures above the ground within the area of the Coastal Plain protected by section 1002 of ANILCA. This is possible since the extended-reach directional drilling technology now permits oil wells to be drilled on the western Alaska State-owned lands, outside of the Refuge's boundary, or from the State waters up to the north, and still be able to tap oil and gas deposits located between 8 to 10 miles inside the Refuge.

Some have suggested this is incredible. How can you place a well and be

able to drill directionally or tap into resources directionally a length of perhaps 8 miles? Proof for this concept comes from British Petroleum's efforts just last season in the 2008 to 2009 drilling season to develop Alaska's North Slope Liberty oilfield. They are using the directional drilling technology that will allow them to tap reserves up to 48,000 feet from the well pad.

What we are talking about here is placement of a drill and then going directionally out in all areas in a length or a distance of up to 8, possibly 10, miles in all directions. It is like an invisible straw that would essentially be able to siphon the oil from under the Coastal Plain area and provide for the resource we need without surface disruption. According to estimates last year by the U.S. Department of Interior's BLM, up to 1.23 billion barrels of oil and 7 trillion cubic feet of natural gas may be accessible initially using this directional drilling technology.

This proposal will require that three-dimensional seismic and other tests be conducted within the Coastal Plain to pinpoint exactly where we want to drill for the location of the hydrocarbons. But these can be conducted in the wintertime from ice roads when we do not have any wildlife in the area.

Eventually, more of the oil and gas from the Coastal Plain may be accessible either as the directional drilling technology improves and expands its reach or as other subsurface oil development technology is developed.

Regardless, if there are no pipelines, if there are no wells, no physical structures that are permitted on the surface of the land, there can be no impact on the wildlife and no degradation to the wilderness characteristics to the Coastal Plain for visitors. Meanwhile, oil to help improve the Nation's supplies and to lower prices can start to be produced quickly since the infrastructure over in Prudhoe Bay already extends to nearly the border of the Refuge.

Finding more oil in America is vital to prevent oil prices from again spiking as the global economy recovers and energy demand increases. Not one of us can forget the pain of just last summer when world prices of \$147 per barrel for crude oil triggered prices of \$4 to \$5 a gallon at our filling stations. Without more domestic oil being developed, prices can again be expected to skyrocket, especially if OPEC is successful in current efforts to reduce the world's oil supplies.

There may be some who question whether there is precedent to do something as we are suggesting today. There is clearly precedent. Congress, back in 2007, approved a Wyoming wilderness lands bill. This was the Wyoming Range Legacy Act that permitted subsurface resource extraction provided that no surface occupancy occurs.

Our legislation would guarantee that royalties from any oil and gas produced

would be split equally between the Federal and State treasuries, as is required by current Federal law. It provides for full environmental protections and project labor agreements for any development that results. The bill further proposes that \$15 million a year be made available to mitigate any developmental impacts that might result and allocates 50 percent of the Federal share of total revenues to fund renewable energy.

Senator Stevens, when he was in the Congress last year, and I had introduced legislation to open ANWR. Within that ANWR legislation, it was, again, directing a substantial portion of the revenues to enhance the buildout of our renewable energy. We are proposing that in this legislation as well: 50 percent of the Federal share of the total revenues to fund renewable energy, another 25 percent for fish and wildlife habitat and conservation programs, and then the balance of 25 percent would go to the general Treasury.

The mitigation aid I just mentioned will guarantee that any Alaskan community impacted by development, especially residents of the North Slope Borough and the village of Kaktovik, will be protected from the indirect impacts of increased development activity.

What we can anticipate from this is a bill that would funnel tens to perhaps hundreds of billions of dollars toward construction of renewable energy over the life of the prospective oilfields. According to a report by the Congressional Research Service, ANWR's opening could provide the Federal Treasury with \$91.7 billion of revenues—and this assumes oil at a price of \$60 a barrel—and with \$191 billion, assuming oil prices of \$125 a barrel.

This all assumes a mean case estimate that 10.3 billion barrels will ultimately be produced. Obviously, with the legislation we have, the revenues would initially be much less because with the protection for the surface disruption we simply cannot extract as much. But as the technology improves, certainly we could see that amount increase.

Given that the Obama administration is seeking at least \$15 billion a year to fund renewable energy, this measure could go a long way toward meeting the administration's goal to pay for green, renewable energy in the future. It will certainly provide a massive boost to funding for existing fish and game habitat and wildlife conservation programs across the Nation.

This proposal is a clear benefit for America. We gain the oil and natural gas that is crucial to provide a bridge until a new era of nonfossil fuel, renewable energy can power our lights and move our vehicles. But it also guarantees that none of the Arctic porcupine caribou herd that migrates across the

Coastal Plain between June and August will ever see, hear, or feel oil development. The proposal also means that none of the migratory birds that nest on the Coastal Plain will ever be impacted by oil development. And it means that no hiker or wilderness enthusiast who visits the Coastal Plain or floats its river in the brief Arctic summer will ever see, hear, or feel oil and gas development.

With the proposal and the environmental safeguards this legislation allows the Secretary of the Interior to establish, there is no danger that any of the few species that overwinter on the coastal plain will be impacted by seismic or other activities, and it protects the subsistence resources and activities for Alaskan natives. We clearly have the ability to prevent any impacts to the few polar bears that sometimes den on the coastal plain or the musk oxen that sometimes visit the area in the winter.

For decades now, Alaskans have been seeking permission to explore and to develop oil in the 1002 area. Given the general estimates the USGS has indicated, we recognize that it offers this country the best chance for a major oil find of any spot onshore in North America, and the technology has advanced so that we now have the possibility of resolving this dispute to the satisfaction of all sides.

For years, Mr. President, this debate has raged with an intensity that is quite remarkable. I would hope that in this era of change, this bill will change the tone of this debate and permit oil and gas production to go hand in hand with responsible environmental stewardship.

I thank the Chair for his attention this morning, and I hope that Members of this body who have been engaged in the debate on the potential opening of ANWR for development would look at this proposal with fresh eyes. I hope they will set aside some of the political rhetoric this has generated over the past 25-plus years and look at this as a meaningful way to help enhance our Nation's energy security, while at the same time respecting the land that we have up North.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **COASTAL PLAIN.**—The term "Coastal Plain" means the area identified as the "1002 Coastal Plain Area" on the map.

(2) **FINAL STATEMENT.**—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) **MAP.**—The term "map" means the map entitled "Arctic National Wildlife Refuge", dated September 2005, and prepared by the United States Geological Survey.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) **WESTERN COASTAL PLAIN.**—The term "Western Coastal Plain" means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) **IN GENERAL.**—

(1) **AUTHORIZATION.**—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) **ACTIONS.**—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) **COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.**—

(1) **COMPATIBILITY.**—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) **ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.**—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) **RELATIONSHIP TO STATE AND LOCAL AUTHORITY.**—Nothing in this Act expands or limits any State or local regulatory authority.

(d) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) **REVISION OF REGULATIONS.**—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

SEC. 4. LEASE SALES.

(a) **QUALIFIED LESSEES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) **EXCLUSION.**—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) **PROCEDURES.**—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) **LEASE SALE BIDS.**—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) **ACREAGE MINIMUM IN FIRST SALE.**—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) **TIMING OF LEASE SALES.**—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) **IN GENERAL.**—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the quantity or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”) to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, \$15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) \$15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) 50 percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) 25 percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (commonly known as the “Wallop-Breaux Act”) (16 U.S.C. 777 et seq.).

(C) 25 percent shall remain in the general fund of the Treasury.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 59—DESIGNATING APRIL 4, 2009, AS “NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY”

Mrs. LINCOLN (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Whereas the National Association of Junior Auxiliaries and its members provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that are beneficial to the general public, with a particular emphasis on providing for the needs of children; and

Whereas, since its founding in 1941, the National Association of Junior Auxiliaries has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2009, as “National Association of Junior Auxiliaries Day”;

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to correct the notice of a hearing before the Committee on Energy and Natural Resources previously announced on February 24.

The hearing will be a legislative hearing, rather than an oversight hearing. It will focus on draft legislative proposals on energy research and development.

In addition, the hearing will be held in SH-216, rather than in SD-366.

The hearing will still be held on Thursday, March 5, 2009, at 9:30 a.m.

SCHOOL SOCIAL WORK WEEK

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 58 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 58) designating the week of March 1 through March 8, 2009, as “School Social Work Week.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 58

Whereas the Senate has recognized the importance of school social work through the inclusion of school social work programs in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of “School Social Work Week” highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 1 through March 8, 2009, as “School Social Work Week”;

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe “School Social Work Week” with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 59, submitted earlier today by Senator LINCOLN.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 59) designating April 4, 2009, as “National Association of Junior Auxiliaries Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 59

Whereas the National Association of Junior Auxiliaries and its members provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that are beneficial to the general public, with a particular emphasis on providing for the needs of children; and

Whereas, since its founding in 1941, the National Association of Junior Auxiliaries has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 4, 2009, as “National Association of Junior Auxiliaries Day”;

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

ORDER FOR RECORD TO REMAIN
OPEN

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the RECORD remain open until 1 p.m. for the purpose of adding cosponsors and submitting statements.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 2,
2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, March 2; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; and the Senate proceed to the consideration of H.R. 1105, the Omnibus appropriations bill, as under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, today we were able to reach an agreement that would permit the Senate to begin consideration of the Omnibus appropriations bill on Monday. The bill will be open for debate and amendments on Monday; however, there will be no roll-call votes. Senators should expect the next vote Tuesday morning.

ADJOURNMENT UNTIL MONDAY,
MARCH 2, 2009, AT 2 P.M.

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 11:59 a.m., adjourned until Monday, March 2, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

DAVID J. HAYES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE INTERIOR, VICE PATRICIA LYNN SCARLETT, RESIGNED.

SMALL BUSINESS ADMINISTRATION

KAREN GORDON MILLS, OF MAINE, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE STEVEN C. PRESTON, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, February 27, 2009:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY WHILE SERVING AS THE ATTENDING PHYSICIAN TO THE CONGRESS, UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION:

To be rear admiral

CAPT. BRIAN P. MONAHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL A. BROWN

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. AKINS AND ENDING WITH JEFFREY J. WIEGAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2009.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER M. ANDREWS AND ENDING WITH EZEKIEL J. WETZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2009.

HOUSE OF REPRESENTATIVES—Monday, March 2, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 2, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

AMERICA IS FACING A CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Madam Speaker, America is facing a crisis. The budget request projects a \$1.8 trillion deficit this year and a \$533 billion deficit in fiscal year 2013, and red ink is as far as the eye can see.

We have over \$56 trillion in unfunded obligations for Social Security, Medicare, and Medicaid. The national debt is nearing \$11 trillion and growing every day.

Standard & Poor's investment service predicts the loss of America's AAA bond rating as early as 2012, and that will be devastating.

Every day seems to bring more bad news. The stock market continues to plummet, dropping below 7,000 this morning, and Americans everywhere understand that our Nation is in trouble. When I left my office today, the stock market was down over 200 points.

Most Americans realize that Congress is broken, and it will take a special process to address this runaway spending.

The action that will lead to a solution is the bipartisan commission that

Congressman COOPER of Tennessee and I have proposed, with every spending program on the table along with tax policy. Congress, under this process, would be forced to vote on the commission's recommendations, and over 111 Members of the House pledged their support to this last year, and it would be bipartisan.

This process, which also would have outside experts, would help establish confidence. In the Webster Dictionary it says in the definition of confidence, "the faith or belief that one will act in a right, or effective, way." And boy, do we need that now.

Congress is paralyzed by partisan bickering, and so far, this Congress has chosen to hide behind the mantra of "regular order." But this problem will not fix itself.

There is a bridge linking Trenton, New Jersey, with Morrisville, Pennsylvania, and there's a sign on the bridge that said, "Trenton Makes, the World Takes." Well, Trenton doesn't make anything anymore, and the sign ought to say, "The World Makes, Trenton Takes." And all you have to do is get on the train from Washington going up to New York, and all the factories are closed and in decay, and the windows are broken.

A bipartisan commission would renew America's confidence in the economy. It would create a renaissance in the ability of our elected leaders to act. It would provide a bigger and brighter future for the next generation of America's young people and ensure that we have discretionary dollars for math and science and physics and chemistry and biology and cancer research, research for autism, research for Alzheimer's. It would also help create manufacturing.

For the sake of this country, this Congress and this administration should act to set up a bipartisan panel to help us give some hope to our children and our grandchildren.

In closing, Madam Speaker, I would also say to the leaders of this Congress, this is also a moral issue. This is also a moral issue. Is it appropriate for one generation to be living so well, knowing that their children and grandchildren will have to pay?

And to close, I read a quote by Deitrich Bonhoeffer, who was a Lutheran pastor who stood up to the Nazis and was killed, hung, by the Nazis in Flossenbergr Prison just before the end of the war. Deitrich Bonhoeffer said, "The ultimate test of a moral society is the kind of world that it leaves to its children."

This Congress, as of now, is failing that moral test.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 35 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HIRONO) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the beginning, You created Adam and Eve, not because You needed mankind but because You wished to share Your friendship and Your gifts with humanity.

Even now, Lord, You do not need our prayers. You need not our service as if You could not shift the pattern of the world without our intent or efforts at goodness and justice.

Rather, it is by Your grace You lead us to do what is right and timely. By following Your commands and prophetic word, we find salvation for ourselves and search out the ways of peace with others. Simply by doing Your will are we led to where we belong and prove our connectedness to You and the world around us.

So, in all we say or do, we can either consciously or unknowingly give You glory, honor and praise both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Nebraska led the Pledge of Allegiance as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GENERAL SAM HOUSTON AND MARCH 2

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, this day, March the 2nd, 1836, marks the day Texas declared independence from Mexico and its dictator, Santa Anna. Texas became a free, independent nation for 9 years.

March 2 also marks the birth of the person who led Texas to independence, Sam Houston. Born in Virginia in 1793, he fought the Creeks with Andy Jackson, became a Congressman and a Governor from Tennessee.

He went to Texas to champion the cause of Texas liberty, and was the commander of the outnumbered Army of Texas that defeated Santa Anna. General Sam became President of the Republic of Texas and, later, Governor and U.S. Senator when Texas was a State.

When the War Between the States broke out—ironically, on Sam's birthday and on the 25th anniversary of Texas independence, March the 2nd, 1861—Texas left the Union and joined the Confederacy. Houston refused to take the oath to support the South, so the Texas legislature removed Governor Houston from office.

Houston is the only person to have served in Congress from different States, as Governor of two States and as president of a nation. His last words were "Texas, Texas."

And that's just the way it is.

THE U.S. SENATE'S CONSIDERATION OF THE \$412 BILLION OMNIBUS APPROPRIATION

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, today, the Senate will consider the \$412 billion omnibus appropriation bill in the same month as the Fiscal Responsibility Summit.

The legislation contains 9,000 earmarks, including 12 potentially criminal earmarks. It is the spending for the clients of Paul Magliochetti & Associates, a lobbying firm raided by the FBI 3 months ago. We expect indictments soon. But the leaders of this House approved those 12 potentially criminal earmarks, and they are separate budget items now, totaling over \$8 million of the taxpayers' funds.

The Politico reported that the Speaker is concerned about the vetting process used by the Appropriations Committee. The concern is well-placed,

and now the Senate should delete funding for these 12 potentially criminal PMA earmarks.

HONORING NINE YOUNG MEN WHO HAVE BECOME EAGLE SCOUTS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, I rise today to congratulate nine young men in my district who exemplify leadership, commitment and perseverance—Kendall Belcher, Carter Boyd, Alec Giglio, and Austin Hunter from Shreveport, Louisiana, and Lincoln Hall, Gabe Castro, David Chatelain, Anthan Adkins, and Samuel Wisher from Natchitoches, Louisiana. They have all been named Eagle Scouts.

The award is the highest achievement in scouting and represents excellence in the three goals of scouting—citizenship training, character development and personal fitness. These nine young men proved they are worthy of an honor given to only 5 percent of all scouts, not to mention the population in general.

I congratulate these young men for this tremendous accomplishment, and I urge them to continue on the path of leadership.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 27, 2009, at 10:09 a.m.:

That the Senate passed S. 160.

That the Senate passed S. 387.

Appointments:

Congressional Advisors on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

COCOPAH LANDS ACT

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 326) to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cocopah Lands Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The reservation of the Cocopah Tribe of Arizona is located in Yuma County, Arizona.

(2) That reservation was created by an Executive order signed by President Woodrow Wilson in 1917.

(3) The Tribe's land holdings are located within 3 noncontiguous reservations comprising a total of approximately 6,226.3 acres of trust land.

(4) The Tribe purchased the additional lands to provide infrastructure to housing areas, water, and economic development to tribal members.

(5) The current trust land base of the reservation is insufficient to provide such needs.

(6) The Tribe acquired 7 parcels of land contiguous to its present reservation lands in 1986, 1993, 1997, and 2005, and these parcels are currently classified as "Tribal fee lands" under Federal law.

(7) The acquired parcels shall not be taken into trust for gaming purposes.

(8) The best means of solving the Tribe's land and economic needs to its tribal members is to require the Secretary to take lands in Yuma County, Arizona, that are acquired by the Tribe into trust for the Tribe subject to the provisions of this Act.

SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply:

(1) **TRIBE.**—The term "Tribe" means the Cocopah Tribe of Arizona.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

SEC. 4. LANDS TO BE TAKEN INTO TRUST.

(a) **LANDS TO BE TAKEN INTO TRUST.**—If the Tribe transfers title to the land described in subsection (b) to the Secretary, the Secretary shall take that land into trust for the benefit of the Tribe, if at the time of such transfer there are no recognized environmental conditions or contamination related concerns and no adverse legal claims to such land, including outstanding liens, mortgages, or taxes owed.

(b) **LAND DESCRIBED.**—The land referred to in subsection (a) is described as follows:

(1) **PARCEL 1 (SIBLEY PURCHASE 1986).**—Lot 4 and the SW¼ of the NW¼, of Sec. 1, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, except that portion of the SW¼ of the NW¼, of said Sec. 1, T. 10 S., R. 25 W., lying southeasterly of the north right-of-way line of the Bureau of Reclamation levee.

(2) **PARCEL 2 (SIBLEY PURCHASE 1986).**—Lot 1 and the SE¼ of the NE¼, of Sec. 2, T. 10 S.,

R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(3) PARCEL 3 (MCDANIEL PURCHASE 1993).—That part of the E½ of the SE¼, lying south of the East Main Bureau of Reclamation Canal right of way in Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(4) PARCEL 4 (HOLLAND PURCHASE 1997).—That portion of the NW¼ of the NE¼, of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal; except the north 220 feet.

(5) PARCEL 5 (HOLLAND PURCHASE 1997).—An easement over the easterly 15 feet of the north 220 feet of that portion of the NW¼ of the NE¼, of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal for irrigation purposes.

(6) PARCEL 6 (POWERS PURCHASE 1997).—Lots 21, 24, and 25, Sec. 29, and Lots 16 and 17 and the N½ of the SW¼ of the SE¼, of Sec. 30, T. 16 S., R. 22 E., of the San Bernardino Meridian, Yuma County, Arizona, according to the dependent resurvey of the Bureau of Land Management, accepted December 9, 1960.

(7) PARCEL 7 (SPEED WAY PURCHASE 2005).—That portion of the W½ of the SE¼ of Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying south and east of the East Main Canal; except the south 33 feet thereof; except one-third interest in and to all mineral rights, as reserved in the deed recorded in Docket 1461, page 600, records of Yuma County, Arizona.

(c) LANDS TO BE MADE PART OF THE RESERVATION.—Land taken into trust pursuant to subsection (a) shall be considered to be part of the Tribe's initial reservation.

(d) SERVICE AREA.—For the purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be Yuma County, Arizona.

(e) GAMING PROHIBITED.—Land taken into trust for the benefit of the Tribe under this Act shall not be used for gaming under the Indian Gaming Regulatory Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. I yield myself such time as I may consume.

Madam Speaker, the pending measure sponsored by our colleague, Representative RAÚL GRIJALVA, would place land into trust for the Cocopah Indian Tribe of Arizona. This land will be used for housing, water and non-gaming economic development opportunities.

These lands, which are currently owned by the Cocopah, will be consid-

ered part of the tribe's initial reservation. Further, this legislation prohibits these lands from being used for gaming purposes under the Indian Gaming Regulatory Act. A similar measure was introduced in the 107th Congress and in the 109th Congress. In the last Congress, the House passed an identical version of this measure by unanimous consent.

The resolution of this matter is well-overdue. I urge my colleagues to support the passage of H.R. 326.

I reserve the balance of my time.

Mr. SMITH of Nebraska. I yield myself such time as I may consume.

Madam Speaker, the majority has adequately explained the purpose of H.R. 326. This legislation is the same as H.R. 673 that passed by unanimous consent in the House in 2007 but did not move in the Senate.

At present, the tribe benefiting from this legislation has a reservation that consists of several noncontiguous trust lands. H.R. 326 places tribal fee lands in trust to fill in some of the gaps in these reservation properties, and thereby, improves travel management and governance of the reservation.

The text of H.R. 326 reflects changes that had been recommended by the Bush administration in the last Congress. To the best of our knowledge, the bill is noncontroversial; and, therefore, we have no objections to it.

I reserve the balance of my time.

Mr. HOLT. May I ask if the gentleman has any further speakers.

Mr. SMITH of Nebraska. No, we haven't.

Mr. HOLT. With that, Madam Speaker, I again urge my colleagues to support the passage of H.R. 326.

I yield back the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 326.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SHARK CONSERVATION ACT OF 2009

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 81) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 81

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Shark Conservation Act of 2009".

SEC. 2. AMENDMENT OF HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)) is amended—

(1) by striking so much as precedes paragraph (1) and inserting the following:

"(a) IDENTIFICATION.—The Secretary shall identify, and list in the report under section 607—

"(1) a nation if—";

(2) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(4) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(5) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(2) a nation if—

"(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices that target or incidentally catch sharks; and

"(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions."

SEC. 3. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Section 307(1) of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by amending subparagraph (P) to read as follows:

"(P)(i) to remove any of the fins of a shark (including the tail) at sea;

"(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

"(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

"(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;" and

(2) by striking the matter following subparagraph (R) and inserting the following:

"For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) and that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1415

Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 81, the Shark Conservation Act of 2009. Sharks are vital to the health of marine ecosystems, but the practice of shark finning is driving the decline of their populations worldwide.

Nine years ago, Congress passed the Shark Finning Prohibition Act to protect these important species. The pending measure reconfirms the original intent of Congress to prevent shark finning by prohibiting the removal of fins at sea and the possession, transfer or landing of fins, which are not naturally attached to the corresponding carcass.

Reducing shark finning is imperative to conserving sharks, a critical species within marine ecosystems. This bill passed the House during the last Congress but was not acted upon by the other body. Today, we are repeating our effort for this important conservation.

I especially want to acknowledge the efforts of MADELEINE BORDALLO, the Chair of the Insular Affairs Oceans and Wildlife subcommittee. She has worked hard on this. And for the sake of the ecosystem of our world's oceans, I urge my colleagues to support the passage of this bill.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I rise in support of H.R. 81, the Shark Conservation Act of 2009. Due to an unfortunate court ruling, a loophole was opened in the Shark Finning Prohibition Act of 2000 which allows fishermen to transfer shark fins from fishing vessels to transshipment vessels at sea. This type of at-sea transfer was clearly a violation of the Act, but the court ruled otherwise.

Another provision in the Shark Finning Prohibition Act of 2000 required fishermen to land the carcasses of the sharks they had caught so that fishery managers could determine the number and type of shark species being harvested. H.R. 81 takes that one step further and requires U.S. fishermen to land sharks with the fins still attached.

While the change in shark management included in this legislation is consistent with the regulations developed by the Secretary of Commerce for Atlantic shark fisheries, management

measures for sharks in the Pacific are normally developed through the Western Pacific Fishery Management Council.

I yield back the balance of my time.

Mr. HOLT. Madam Speaker, as the gentleman said, this bill will correct an oversight in the existing law, and I urge my colleagues to support this legislation.

Mr. BROWN of South Carolina. Madam Speaker, in the 106th Congress, we enacted the Shark Finning Prohibition Act of 2000. At the time fisheries managers were unable to quantify the number and the species of sharks being harvested in some fisheries and this made shark management unsuccessful. The Shark Finning Prohibition Act required that fishermen land the carcass of the shark along with the fins so that fishery managers could track shark mortality.

Unfortunately, some shark fin buyers attempted to create a loophole in the law by purchasing fins without the carcasses at sea from fishermen and then "transferring them to transshipment vessels. This clearly violated the intent, if not the actual provisions, of the law.

To make things worse, a court ruling seems to have sanctioned this unintended loophole in the law.

This legislation closes that loophole and I support this legislation.

Mr. HOLT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 81.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 146) to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Revolutionary War and War of 1812 Battlefield Protection Act".

SEC. 2. BATTLEFIELD ACQUISITION GRANT PROGRAM FOR BATTLEFIELDS OF THE REVOLUTIONARY WAR AND WAR OF 1812.

(a) DEFINITIONS.—In this Act:

(1) BATTLEFIELD REPORT.—The term "battlefield report" means the document titled

"Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States", prepared by the National Park Service, and dated September 2007.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government.

(3) ELIGIBLE SITE.—The term "eligible site" means a site that—

(A) is not within the exterior boundaries of a unit of the National Park System; and

(B) is identified in the battlefield report.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program for nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under which the Secretary may make grants to eligible entities to pay the Federal share of the cost of acquiring fee-simple or lesser interests from willing sellers in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this section in partnership with nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATIONS ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(f) WILLING SELLER.—Acquisitions of land and interests in land under this Act shall be limited to acquisitions, from willing sellers only, of conservation easements and fee-simple purchases of eligible sites.

(g) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the activities carried out under this section.

(2) UPDATE ON BATTLEFIELD REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that updates the battlefield report to reflect—

(A) preservation activities carried out at the 677 battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the update;

(B) changes in the condition of the battlefields and associated sites during that period; and

(C) any other relevant developments relating to the battlefields and associated sites during that period.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this Act \$10,000,000 for each of fiscal years 2010 through 2014.

(2) UPDATE OF BATTLEFIELD REPORT.—There are authorized to be appropriated to the Secretary to carry out subsection (g)(2), \$500,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Madam Speaker, I rise as the sponsor of H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act, which I introduced for myself and a number of other Members. I would like to thank Chairman RAHALL and Chairman GRIJALVA for their help in bringing this legislation to the floor.

Madam Speaker, from the shot heard around the world in Lexington to the beginning of the winning, when Washington and his soldiers crossed the Delaware, on to the surrender of Lord Cornwallis at Yorktown, the stories of the American Revolution bring to life the ideals of liberty and democracy fostered by our Nation's founders.

As noted historian, David Hackett Fischer, testified before the Natural Resources Committee last year, "from long experience I can testify that one of the best ways to learn about history is to go to sites, and get on the ground." I could not agree more.

While one can read about the American Revolution and the values that were fought for and established at that time, or read about the War of 1812 when the fledgling country fought to maintain its independence, history is best experienced, however, not by reading but by feeling, touching and living what was experienced in those trying times. There is no better way to experience the history of the founding of our great Nation than on the hallowed ground where the epic struggle for our Nation's independence took place.

Preserving these American historic treasures is essential to remembering the sacrifices that our forefathers made to secure our freedom and our independence, and it is vital for educating the current generations and future generations and about our rich cultural heritage. Unfortunately, urbanization, suburban sprawl and unplanned development continually encroach on many of the significant battlefields of that period. This encroachment poses a severe and growing risk to the preservation of these historic significant sites.

Last spring, the National Park Service published its report to Congress on the status of the Revolutionary War and the War of 1812 sites in the United States. This report demonstrates that there is a great need to act and to act quickly to preserve many of these sites. Out of the 677 naturally significant battlefields and associated sites of the Revolutionary War and the War of

1812, 99, according to the National Park Service, are lost forever already; 234 are fragmented or in poor condition; an additional 170 are in danger of being destroyed within the next decade.

H.R. 146 would help State and local governments and non-profits protect and preserve these battlefields and historic sites by authorizing the use of money from the Land and Water Conservation Fund to provide up to 50 percent of the costs of purchasing battlefield land threatened by sprawl and commercial development. This legislation is patterned after the successful Civil War Battlefield Protection Program that has been in effect for quite some time now.

I might add, it was an oversight, I would say, that decades ago, these battlefields and sites of the War of 1812 and the Revolutionary War were not included under the same umbrella. Now is the time to do it. Now is past the time to do it.

My home State of New Jersey played a unique role in the American Revolution. I was pleased when, a couple of years ago, Congress took action to protect the battlefields in historic sites where this conflict took place. We passed legislation that created the Crossroads of the American Revolution National Heritage Area linking hundreds of sites across 14 counties in New Jersey where more military engagements took place than in any other States. New Jersey was truly the crossroads of the American Revolution for a number of reasons, and I'm pleased we're taking steps to preserve the record of those engagements.

There's a fundamental misconception that the American Revolution and War of 1812 took place only in the Northeast. In truth, the story of the American Revolution and the War of 1812 crisscrosses 33 States, from New York to Louisiana, from Georgia to Oregon. Enacting this legislation would allow each of these States to preserve better their history and their role in the War of 1812 and the American Revolution.

Soon, I will be introducing legislation that will provide additional funding for the program created in this legislation, H.R. 149. That legislation, the American Revolution and War of 1812 Commemorative Coin Act, is modeled after the Civil War Battlefield Commemorative Coin Act of 1992, which has raised over \$6 million for battlefield preservation.

Enacting that bill will allow many more historic battlefields to be preserved. Enacting this bill will make it possible for our children and their children and other generations to enjoy and learn. We want to give Americans the opportunity to learn history, to feel history, to experience history so that they understand the principles on which this country was founded. People who know history can be better citizens, more engaged in current civic af-

fairs and more cognizant of their place in history.

I urge my colleagues to support and vote for this important legislation.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield myself as much time as I may consume.

During hearings on this bill in the 110th Congress, the Committee on Natural Resources heard testimony from historian David Hackett Fischer. Mr. Fischer's writings on the Revolutionary War point out General Washington's support for property rights and the strong actions he took to ensure that his soldiers respected the property of civilians, even when the property belonged to a Tory sympathizer. Washington personally gave strict orders to forbid looting even though plunder was the norm at the time and even though many of his men were hungry, dressed in rags and marched barefoot in the snow.

It is remarkable that in so desperate a situation and with so noble a cause, he imposed on the Patriot side such a high standard of conduct.

Washington's honorable policy stood in stark contrast to the routine seizures by the British and Hessian troops. It is no accident that over the course of the early years of the war, 1776 and 1777, in the battleground State of New Jersey, a population that was once evenly divided in its loyalty threw its support to the American cause.

There are lessons we can learn from Washington's example. In earlier battlefield protection efforts, the National Park Service used its eminent domain powers to seize lands from unwilling sellers. The justified resentment this caused hurt subsequent efforts.

I hope that as we set out to preserve historic sites, we emulate George Washington and not George III.

I yield back the balance of my time.

Mr. HOLT. Madam Speaker, with the urging to my colleagues to support this legislation, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 146, as amended. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Nebraska. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2009

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 548) to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Civil War Battlefield Preservation Act of 2009”.

SEC. 2. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

The purpose of this Act is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

SEC. 3. PRESERVATION ASSISTANCE.

(a) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 annually to carry out this section, to remain available until expended.

SEC. 4. BATTLEFIELD ACQUISITION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BATTLEFIELD REPORT.—The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means a State or local government.

(3) ELIGIBLE SITE.—The term “eligible site” means a site—

(A) that is not within the exterior boundaries of a unit of the National Park System; and (B) that is identified in the Battlefield Report.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide

grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(f) WILLING SELLERS.—Acquisitions of land and interests in land under this Act shall be limited to acquisitions, from willing sellers only, of conservation easements and fee-simple purchases of eligible sites.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$10,000,000 for each of fiscal years 2009 through 2013.

SEC. 5. REPEAL.

This Act shall be repealed on September 30, 2019.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Madam Speaker, since its inception in 1996, the American Battlefield Protection Program has provided grants for preserving endangered battlefields of the Civil War, which are specifically not part of the National Park system.

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The program contains two components. The Battlefield Preservation Grants Program is designed to help State and local governments, private organizations and citizens protect battlefield sites.

The Battlefield Acquisition Grant Program provides matching funds to help State and local governments acquire and preserve battlefield sites. Together, these two programs have helped protect more than 15,000 acres at 72 Civil War battlefields. They have leveraged more than \$50 million in non-Federal funding for battlefield protection.

Madam Speaker, as we all know, several time-sensitive pieces of legislation were caught up in the lengthy debate about public lands issues in the other body. Because of that delay, the original law for this program lapsed last

September. H.R. 548 would restore this important program and authorize it through 2019.

As I said in connection with the previous bill on battlefields of the War of 1812 and the Revolution, preserving these historic sites is important not for looking back, but for looking forward, for knowing where we came from and where we are going, for knowing that we are a Nation conceived in liberty and dedicated on the proposition that all are equal. The lesson of the Civil War battlefields is a lesson for today’s children, for tomorrow’s children, for all citizens.

I commend our colleague, Representative GARY MILLER of California, for his leadership on this issue and his commitment to historic preservation.

I urge my colleagues to support passage of H.R. 548.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield myself such time as I may consume.

The American Civil War captures the imagination of people like no other event in our history. In bookstores, most shelves in the history section are devoted to events of the 1860s. On weekends, battles are re-enacted by serious hobbyists who strive for authenticity in costume, weaponry, and skirmish details. Pictures of Lincoln are found in countless homes and classrooms, Confederate flags adorn pick-up trucks, and the words of the Gettysburg Address are as familiar as the 23rd Psalm.

As a Nation, we clearly recognize the continuing importance of the War Between the States, so it is natural that we should try to find appropriate ways to keep safe the places where our great grandfathers witnessed events so noble and so horrific. But since our country is about liberty rather than glorification of the State, we have to safeguard not just the hills and the mud on which they fought, but also the freedoms for which they fought. Therefore, it would be tragic if we would allow our well-meaning enthusiasm for protecting historic sites to result in programs that diminish the property rights of our fellow citizens.

This bill has two important safeguards. First, a “willing seller” provision—and we need to make sure the seller’s willingness is uncoerced. Second, a sunset provision so that Congress will have an opportunity to see if this program merits continued Federal support. The bill’s author, Congressman GARY MILLER, is to be commended for including these good government provisions.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding time.

This bill is about history, American history. And sometimes we forget our own history, no matter what it is. But if you recall, it all started in 1861, the War Between the States. And after the smoke cleared, there were 600,000 Americans from the North and from the South killed—250,000 from the South, 350,000 from the North, and many more died years later from wounds that they had received.

Many of those battles that took place took place in Virginia. One such battle was the Battle of the Wilderness on May 5–7 of 1864. In that battle, 145,000 troops from the Union and the South fought each other. Madam Speaker, that's the number of troops we have in all of Iraq. They assembled together in Orange County, near Fredericksburg, to do battle.

After that battle was over with, between 18,000 and 20,000 died in those 3 days of battle. And that is one of the areas that this bill would affect. It would help preserve the surrounding community to sellers that would willfully sell their land to help preserve the battlefield.

One such location near Fredericksburg is a location where the profit motive is moving in. None other than Wal-Mart wants to build a Wal-Mart on the very spot where Union troops assembled before that battle started. And this bill would help protect and preserve that location.

This bill is especially important to me and this battle is especially important to me because, although the casualties were great on both sides, the State of Vermont lost a great percentage of the soldiers from Vermont that fought in that battle. And being from Texas, Texas had the same result on the south; 86 percent of the Texans that went to battle in those 3 days were killed or wounded. And it would be important that battles such as the Battle of the Wilderness and all the other battles from the War Between the States be preserved for our heritage because history, Madam Speaker, is what we do in this country.

Mr. SMITH of Nebraska. Madam Speaker, I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I thank the distinguished gentleman, my friend and colleague from Texas, for those eloquent remarks reminding us that this is not just for land preservation, it is for values preservation that we are supporting Mr. MILLER's bill. And I thank my colleagues also for recognizing the work that Mr. MILLER has put into this.

With that, I urge my colleagues to pass this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr.

HOLT) that the House suspend the rules and pass the bill, H.R. 548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MARINE MAMMAL RESCUE ASSISTANCE AMENDMENTS OF 2009

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 844) to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Amendments of 2009".

SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.

(a) COLLECTION AND UPDATING OF INFORMATION.—Section 402(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting "or entangled" after "stranded".

(b) ENTANGLEMENT RESPONSE AGREEMENTS.—

(1) IN GENERAL.—Section 403 of such Act (16 U.S.C. 1421b) is amended—

(A) by amending the section heading to read as follows:

"SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.;"

and

(B) in subsection (a) by inserting "or entanglement" before the period.

(2) CLERICAL AMENDMENT.—The table of contents at the end of the first section is amended by striking the item relating to section 403 and inserting the following:

"Sec. 403. Stranding or entanglement response agreements."

(c) LIABILITY.—Section 406(a) of such Act (16 U.S.C. 1421e(a)) is amended by inserting "or entanglement" after "stranding".

(d) ENTANGLEMENT DEFINED.—

(1) IN GENERAL.—Section 410 of such Act (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) in order as paragraphs (2) through (7); and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) The term 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

"(A) on a beach or shore of the United States; or

"(B) in waters under the jurisdiction of the United States."

(2) CONFORMING AMENDMENT.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f-1(a)(2)(B)(i)) is amended by striking "section 410(6)" and inserting "section 410(7)".

(e) JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Section 408(h) of such Act (16 U.S.C. 1421f-1(h)) is amended—

(A) by striking "\$5,000,000 for each of fiscal years 2001 through 2003" and inserting "\$7,000,000 for each of fiscal years 2010 through 2013"; and

(B) in paragraph (1) by striking "\$4,000,000" and inserting "\$6,000,000".

(2) ADMINISTRATIVE COSTS AND EXPENSES.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended—

(A) by adding at the end of subsection (a)(1) the following: "All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f)."; and

(B) by amending subsection (f) to read as follows:

"(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the grant program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided as grants under subsection (a)."

(3) EMERGENCY ASSISTANCE.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended—

(A) in subsection (a) by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) Subject to the availability of appropriations, the Secretary may also enter into cooperative agreements, contracts, or such other agreements or arrangements as the Secretary considers appropriate to address stranding events requiring emergency assistance."

(B) in subsection (d) by inserting "(1)" before the text, and by adding at the end the following:

"(2) Funding for emergency stranding projects shall not be subject to the funding limit established in paragraph (1).";

(C) in subsection (e)—

(i) in paragraph (1) by striking "The non-Federal" and inserting "Except as provided in paragraph (2), the non-Federal";

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

"(2) EMERGENCY ASSISTANCE.—No non-Federal contribution shall be required for funding for a response to an emergency stranding event."; and

(D) in subsection (g) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2) EMERGENCY ASSISTANCE.—The term 'emergency assistance' means assistance provided for a stranding event that—

"(A) is not an unusual mortality event as defined in section 409(6);

"(B) leads to an immediate increase in required costs for stranding response, recovery, or rehabilitation in excess of regularly scheduled costs;

“(C) may be cyclical or endemic; and
 “(D) may involve out-of-habitat animals.”.

(4) CONTRIBUTIONS.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended by adding at the end the following:

“(i) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests.”.

(f) AUTHORIZATION OF APPROPRIATIONS FOR MARINE MAMMAL UNUSUAL MORTALITY EVENT FUND.—Section 409(3) of such Act (16 U.S.C. 1421g(3)) is amended by striking “fiscal year 1993” and inserting “each of fiscal years 2010 through 2013”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Madam Speaker, the pending measure, the Marine Mammal Rescue Assistance Amendments of 2009, was introduced by our esteemed colleague from Alaska, Representative DON YOUNG. The bill would extend through fiscal year 2013 the authorization of appropriations for the John H. Prescott Marine Mammal Rescue Assistance Grant Fund and the Marine Mammal Unusual Mortality Event Fund.

H.R. 844 would direct the relevant Secretary to collect and update procedures for rescuing and rehabilitating marine mammals entangled in fishing gear, rope, line, or entangled in any way other. The bill also authorizes the Secretary to enter into agreements for marine mammal stranding events requiring emergency assistance.

The 110th Congress passed a similar bill by voice vote, but the legislation did not pass the other body. We support this bill and commend Representative YOUNG for his leadership on this issue.

I ask Members on both sides to support passage of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. I rise in support of H.R. 844, the Marine Mammal Rescue Assistance Amendments of 2009. This legislation, introduced by Congressman DON YOUNG, will extend the John H. Prescott Marine Mammal Rescue Assistance Grant Program.

The program was first authorized in 2000 to address the funding needs of facilities assisting in the recovery and rehabilitation of stranded marine mammals. The Prescott Grant Program has been very successful in sup-

porting facilities around the Nation, volunteering facility space and staff time to rehabilitate stranded marine mammals and return many of them to the wild.

While the Prescott Grant Program has been successful in many areas, some areas of the country do not have appropriate coverage. The Alaska region and the southeast region are two examples. This legislation will provide funding for the Department of Commerce to help address the lack of coverage in certain areas, and will also increase the number of grants that can be issued each year.

I urge an “aye” vote on H.R. 844.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding to me.

Madam Speaker, I rise in support of H.R. 844, the Marine Mammal Rescue Assistance Amendments of 2009. This important piece of legislation continues to build upon the original legislation this body passed in 1972, the Marine Mammal Protection Act.

Continuing to recognize the importance of marine mammals and the fragile state of some of their populations, Congress passed the Marine Mammal Rescue Assistance Act in 2000 and created the John H. Prescott Marine Mammal Assistance Program.

Keeping with the spirit of these achievements in marine mammal protection, I introduced this legislation which builds upon our earlier successes and expands the Prescott Grant Program. This bill will allow the Secretary of Commerce to provide grants to participants who assist in removing ropes and other materials from marine mammals while at sea.

By providing grants to institutions such as the Alaskan Sealife Center, untold numbers of marine mammals have been positively impacted. Support for this bill will further invest in the health of our oceans and its numerous marine resources.

Again, I urge my colleagues to support marine mammals and the passage of H.R. 844.

Mr. SMITH of Nebraska. Madam Speaker, I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 844.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WILLIAM BARRETT TRAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, today is March the 2nd; and on March 2, 1836, my native State, Texas, declared independence from Mexico.

It all started back when Texas was a part of Mexico. Mexico revolted from the Spanish empire, won that revolution, and then Texas became a part of northern Mexico. And there was a constitutional republic in Mexico, it was the Constitution of 1824, drafted somewhat after the American Constitution. But things turned sour when a guy by the name of Santa Anna became dictator of Mexico, abolished the constitution, and eliminated civil rights. And people who lived in Texas, both white, brown and black, were offended by that, and so in 1835 revolution started in Texas, or northern Mexico. And on March 2, 1836, Texas declared independence from Mexico.

It was an interesting time of the year because, you see, on March the second, there were already 187 volunteers in a beat-up old Spanish church not far from where Texas independence was declared, that being Washington on the Brazos. In that beat-up old Spanish church, a mission, it was called the Alamo. And those 187 volunteers from every State in the Union, from 13 foreign countries, including Mexico, of all races stood defiant against Santa Anna's invading Army of about 6,000 that came in to quell the revolution.

□ 1445

We all know what happened at the Battle of the Alamo. For 13 days those 187 volunteers withheld the onslaught, and finally on March 6, 4 days hence, the Alamo fell.

The Alamo was commanded by my favorite person in all of history, William Barrett Travis. He was a 27-year-old lawyer from South Carolina, then Alabama, and then came to Texas. And one of his last letters from the Alamo pleading for other Texans to come to his help and help Texas' independence was written on February 24, 1836. It goes like this, Madam Speaker:

“To the people of the world and all of Texas, I am besieged by a thousand or more of the enemy under Santa Anna. I have sustained a continual bombardment and cannon fire for over 24 hours, but I have not lost a man. The enemy has demanded surrender at its discretion. Otherwise, the fort will be put to

the sword. I have answered that demand with a cannon shot. And the flag still waves proudly over the wall.

"I shall never surrender or retreat. I call upon you, in the name of liberty and everything dear to our character, to come to my aid with all dispatch. If this call is neglected, I am determined to sustain myself for as long as possible and do what is necessary for my honor and my country. Victory or death.

"God and Texas, William Barrett Travis."

That was one of the last letters he wrote, and except for 32 men from the small town of Gonzales, no one came to Travis's aid, and the Alamo fell on March 6, 1836. All 187 Texans were killed and about 10 times that number from the Mexican army fell as well.

Texans started fleeing to the east to get away from the invading armies, and General Sam Houston was elected as the commander in chief to try to rally what Texans were left to do battle. And on April 21, 1836, where Buffalo Bayou meets the San Jacinto River in what is now Houston, Texas, they did battle with Santa Anna's invading army. It took place in the afternoon on April 21. Madam Speaker, we all know that battles take place in the morning, but yet this battle took place in the afternoon. The outnumbered Texans caught Santa Anna's army sleeping, and in 18 minutes it was complete victory and Texas won its independence. It became a republic. It claimed not only Texas but part of Oklahoma, New Mexico, Kansas, Colorado, and Wyoming, all the way to the Canadian border. Texas remained an independent nation for 9 years. Then in 1845, it was allowed into the Union by one vote. Some wished the vote had gone the other way. But be that as it may, Texas was an independent republic for 9 years.

And on this day, March the 2nd, we from Texas celebrate the Republic of Texas and Texas' independence and that spirit that gave all Americans what we have today: a free and independent Nation. And we also honor the likes of William Barrett Travis, Sam Houston, Davy Crockett, Jim Bonham, and Jim Bowie.

And that's just the way it is.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOLT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 6 and 9.

Mr. JONES, for 5 minutes, March 6 and 9.

Ms. ROS-LEHTINEN, for 5 minutes, March 3.

Mr. BURTON of Indiana, for 5 minutes, today, March 3, 4, 5 and 6.

Mr. OLSON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 387. An act to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. POE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 3, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

743. A letter from the Board of Governors, Federal Reserve System, transmitting the System's semiannual Monetary Policy Report, pursuant to Public Law 106-569; to the Committee on Financial Services.

744. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

745. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

746. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "Citizen's Report: FY 2008 Summary of Performance and Financial Results"; to the Committee on Oversight and Government Reform.

747. A letter from the Management Analyst, Department of Homeland Security, transmitting the Department's final rule — Employment Authorization and Verification of Aliens Enlisting in the Armed Forces [CIS No.: 2463-08; Docket No.: USCIS-2008-0072] (RIN: 1615-AB78) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

748. A letter from the Executive Director, National Association of Police Organizations, Inc., transmitting the Association's Notice of Appointment — Law Enforcement Congressional Badge of Bravery State and Local Law Enforcement Board, pursuant to

Public Law 110-298, section 203(c)(1)(E); to the Committee on the Judiciary.

749. A letter from the Federal Register Liaison Officer, Department of Treasury, transmitting the Department's final rule — Establishment of the Snipes Mountain Viticultural Area (2007R-300P) [Docket No.: TTB-2008-0003; T.D. TTB-73; Re: Notice No. 82] (RIN: 1513-AB51) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

750. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Expansion of the Paso Robles Viticultural Area (2008R-073P) [Docket No.: TTB-2008-0005; T.D. TTB-72; Re: Notice No. 85] (RIN: 1513-AB47) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

751. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — RRTA Desk Guide [LMSB-4-0908-048] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

752. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — March 2009 (Rev. Rul.2009-8) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

753. A letter from the Director, Office of Counternarcotics Enforcement, Department of Homeland Security, transmitting the Department's biennial Southwest Border Counternarcotics Strategy for calendar year 2008; jointly to the Committees on Homeland Security, the Judiciary, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 157. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes; with an amendment (Rept. 111-22). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. NORTON:

H.R. 1241. A bill to increase the penalty for failure to file a partnership or S corporation return; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. KING of New York, Mr. MEEKS of New York, Mr. JONES, Mr. ELLISON, Mr. SENSENBRENNER, Mr. HINCHBY, Mr. GOODLATTE, and Mr. MCGOVERN):

H.R. 1242. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide for additional monitoring and accountability of the Troubled Assets Relief Program; to the Committee on Financial Services.

By Mr. BACA (for himself and Mr. AL GREEN of Texas):

H.R. 1243. A bill to provide for the award of a gold medal on behalf of the Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on Financial Services.

By Mr. BACA:

H.R. 1244. A bill to provide for the award of a gold medal on behalf of the Congress to Tiger Woods, in recognition of his service to the Nation in promoting excellence and good sportsmanship, and in breaking barriers with grace and dignity by showing that golf is a sport for all people; to the Committee on Financial Services.

By Mr. CALVERT:

H.R. 1245. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mrs. CAPPS (for herself, Mrs. EMERSON, and Ms. SUTTON):

H.R. 1246. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Energy and Commerce.

By Mr. ELLISON (for himself, Ms. WATERS, Mr. CAPUANO, and Mrs. MCCARTHY of New York):

H.R. 1247. A bill to protect the interests of bona fide tenants in the case of any foreclosure on any dwelling or residential real property, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mr. NADLER of New York, and Mr. CUMMINGS):

H.R. 1248. A bill to establish the National Commission on the Anthrax Attacks Upon the United States to examine and report upon the facts and causes relating to the anthrax letter attacks of September and October 2001, and investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that can be taken to prevent and respond to acts of bioterrorism; to the Committee on the Judiciary.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. LATHAM):

H.R. 1249. A bill to amend the Internal Revenue Code of 1986 to provide special rules for charitable contributions of alternative energy property for educational purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself and Mr. HERGER):

H.R. 1250. A bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1251. A bill to amend title 39, United States Code, to provide that the United States Postal Service may not carry out a change-of-address request unless it first receives a signed confirmation that the request was in fact made by or on behalf of the addressee; to the Committee on Oversight and Government Reform.

By Mr. KUCINICH (for himself, Mr. SHIMKUS, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. ROGERS of Michigan, Mr. DOYLE, Mr. RUSH, Ms. SHEA-PORTER, Mr. COSTELLO, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. DINGELL, Mr. VAN HOLLEN, Mr.

GUTIERREZ, Mr. SARBANES, Mr. BARROW, Mr. BOUCHER, Mr. SHUSTER, Mr. MCCOTTER, Mr. KANJORSKI, Mr. SEXTAK, and Mrs. BIGGERT):

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCMAHON, Mr. ISRAEL, Mr. LEE of New York, Mr. HINCHEY, Mr. SERRANO, Mr. HALL of New York, Mrs. MCCARTHY of New York, Mrs. MALONEY, Ms. CLARKE, Mr. PASCRELL, Mr. HIGGINS, and Mr. TOWNS):

H. Res. 201. A resolution recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks; to the Committee on Homeland Security.

By Mr. SESSIONS (for himself, Mr. PENCE, and Mr. BURTON of Indiana):

H. Res. 202. A resolution expressing the sense of the House of Representatives that the Commissioner of Food and Drugs should evaluate the scientific evidence on the question of whether to add more folic acid to enriched grain products and expand folic acid fortification into cornmeal and corn-based food products to help prevent further serious birth defects; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CROWLEY introduced A bill (H.R. 1252) for the relief of Wahab Munir and Hunain Munir; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Ms. SCHAKOWSKY, Mr. GRAVES, Mr. MCNERNEY, Mr. GRIJALVA, Ms. SHEA-PORTER, Ms. CORRINE BROWN of Florida, Mr. SIRE, Mr. ISRAEL, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. MCCOLLUM, Mr. ALTMIRE, and Mr. MANZULLO.

H.R. 61: Mr. DAVIS of Illinois.

H.R. 81: Ms. SCHAKOWSKY.

H.R. 144: Mr. NADLER of New York, Mr. SERRANO, and Mr. KUCINICH.

H.R. 155: Ms. KAPTUR.

H.R. 197: Mr. DENT, Mr. GUTHRIE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. REHBERG, and Mrs. CAPITO.

H.R. 265: Mr. GENE GREEN of Texas.

H.R. 292: Mr. WAMP.

H.R. 333: Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Mr. MEEK of Florida, Mr. KAGEN, Mr. BRIGHT, and Mr. CARNAHAN.

H.R. 442: Mr. ROHRABACHER, Mr. MURTHA, Mr. SCALISE, Mr. CHAFFETZ, and Mrs. CAPITO.

H.R. 450: Mr. GOODLATTE, Mr. BILBRAY, and Mrs. BACHMANN.

H.R. 484: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 527: Ms. SCHAKOWSKY.

H.R. 578: Mr. DOGGETT.

H.R. 627: Ms. TSONGAS, Mr. VISCLOSKEY, and Mr. WU.

H.R. 630: Mr. BISHOP of Utah.

H.R. 699: Mr. POLIS of Colorado.

H.R. 734: Mr. TERRY, Ms. NORTON, Ms. LEE of California, Mr. CARSON of Indiana, Mr. MINNICK, and Mr. DAVIS of Illinois.

H.R. 756: Ms. KAPTUR, Ms. BALDWIN, and Ms. SUTTON.

H.R. 764: Mr. SCALISE.

H.R. 775: Mr. FATTAH, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. CARNAHAN, Mr. LARSON of Connecticut, Ms. MARKEY of Colorado, Mr. GUTHRIE, and Mr. SPACE.

H.R. 795: Mr. HINCHEY and Mr. SARBANES.

H.R. 868: Mr. PLATTS and Mr. MCGOVERN.

H.R. 877: Mr. DANIEL E. LUNGREN of California, Mrs. BACHMANN, Mr. BOOZMAN, Mr. CANTOR, and Mr. SOUDER.

H.R. 968: Mr. COBLE.

H.R. 997: Mr. SCALISE, Mr. PUTNAM, Mr. GOODLATTE, Mr. FORTENBERRY, and Mrs. CAPITO.

H.R. 998: Mr. PAUL.

H.R. 1032: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. MURTHA, Mr. ROTHMAN of New Jersey, Mr. SPACE, Mrs. MCCARTHY of New York, Mr. HALL of New York, and Mr. GUTIERREZ.

H.R. 1086: Mr. MATHESON.

H.R. 1121: Mr. WATT, Mrs. MYRICK, Mr. MCINTYRE, Mr. MCHENRY, Mr. JONES, Mr. KISSALL, Mr. SHULER, Mr. PRICE of North Carolina, Mr. MILLER of North Carolina, and Mr. COBLE.

H.R. 1197: Mr. PASTOR of Arizona and Mr. SESTAK.

H.R. 1211: Mr. SESTAK and Mr. MICHAUD.

H.R. 1219: Mr. HUNTER.

H.R. 1222: Mr. ELLISON and Mrs. BACHMANN.

H. Con. Res. 49: Mr. SMITH of Washington, Mr. CARSON of Indiana, Mr. KAGEN, Mr. LUCAS, Mr. COSTELLO, and Mr. BROWN of Georgia.

H. Con. Res. 55: Mr. INGLIS, Mr. LANGEVIN, Mr. SCHIFF, Mr. MCCAUL, Mr. SOUDER, Mr. PIERLUISI, Mr. WALDEN, Mr. DREIER, Mrs. CHRISTENSEN, Mr. CARTER, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 59: Ms. KAPTUR.

H. Res. 146: Mr. PERLMUTTER, Mr. GERLACH, Mr. HONDA, Mr. LANCE, Mr. BARROW, Mr. CONNOLLY of Virginia, Mr. BACA, Mr. MILLER of North Carolina, Mr. REICHERT, Mr. UPTON, Mr. PETRI, Mr. WEXLER, and Mr. GORDON of Tennessee.

H. Res. 195: Mrs. KIRKPATRICK of Arizona and Mr. LUJAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. RANGEL

H.R. 1241, a bill to increase the penalty for failure to file a partnership or S corporation return, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

SENATE—Monday, March 2, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Most holy and gracious God, who turns the shadow of night into morning, satisfy us with Your mercy that we may rejoice and be glad this day. Lift the light of Your countenance upon our lawmakers. Calm every troubled thought and guide their feet into the way of peace. Lord, perfect Your strength in their weakness and help them to serve You in the spirit that honors Your Name. Guide their debates to expose truth, to produce creative compromise, and to bring solutions that will keep America strong. May they use their talents to restore and renew our Nation and world. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following the remarks of the two leaders, the

Senate will consider the Omnibus appropriations bill. The bill will be open for debate and amendments. There will be no rollcall votes today as we announced previously. Senators should expect the next vote to occur prior to the caucus luncheons tomorrow. There will be a joint meeting of Congress on Wednesday at 11 a.m. British Prime Minister Gordon Brown will address Members of Congress in the Hall of the House of Representatives. Senators are encouraged to gather in the Senate Chamber at 10:30, those who wish to, to proceed to the House as a body so we can get there in time for the 11 o'clock session.

GOOD FAITH

Mr. REID. Mr. President, as a majority, we have done a good job of showing that the Senate can act in a reasonable manner. We have had amendments. We have shown good faith by allowing amendments on basically everything. This bill that is now before us is a big bill. I know there will be speeches given about how big it is. But keep in mind what is in the bill. Last year, we couldn't work anything out with the President, so we funded everything except Defense, Homeland Security, and military construction with a continuing resolution that took us until March 6. March 6 is upon us. The reason I am talking about the bill being the size it is, remember, it includes appropriations for the year dealing with Agriculture—extremely important—Commerce, Energy, Treasury, Interior, Labor, legislative branch—I was chairman of that subcommittee for a long time, and very important items are included in that—State Department. Of course, there are lots of other things that go into those. I have just mentioned the main name on the bill that is in the omnibus.

This process has been as open as anything could be. The full committee was open. Each one of the subcommittees had full input by all ranking members. It is time we move on to get into a regular process where we have not 9 bills but 12 bills that we bring before the Senate. That is what I intend to do.

As we have shown good faith, I think the Republicans have shown good faith. Although there are some amendments I wish they had not offered, that is how things work out here. On this bill, we have to make sure that reciprocity is also the same. We have shown good faith. I have had a lot of people come to me and say: Look, this bill is so important. Let's not have any amendments. Let's go ahead and get 60 votes

and get it out of here. I think that is not the right thing to do. As I have announced, there will be amendments. As much as we can, we are not going to have a bunch of amendments pending because we are working on a very short timeframe, and we will work as closely as we can with the minority. We have two terrific managers of this bill, Senators INOUE and COCHRAN.

I was told Senator MCCAIN was going to be here to offer an amendment. I was told he was going to offer an amendment and that we would have a CR and not the omnibus. That is a reasonable amendment to offer. I think that is appropriate. We will need a little time to talk about that. But I think that is appropriate. I believe in reciprocity and good faith. I had a conversation the other day with the Republican leader. He didn't mention who was going to offer the amendment, but both of us thought there would be such an amendment offered.

I look forward to completing this legislation. We need to do it by Thursday. I hope we can work our way through this. If it is the CR amendment—and I have no other information other than staff told me walking in that that was going to be the case—I think that is an amendment that will take a little bit of time for us to discuss. There is not much to look at. It is probably one line long. I think I have made myself clear. This is an important piece of legislation for our country. It is an important piece of legislation for the Senate so we can get back to our regular appropriations process. We have done a good job of cutting, significantly, Government-directed spending. I have been on the record some time ago saying we have a constitutional obligation to make sure we are involved in how the country spends its money. We shouldn't leave how it is spent to bureaucrats in big offices here in Washington, made up of people who I don't think know my State as well as I do.

We should have a good, stout debate on a number of issues in the next few days and hopefully move on to other matters next week.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AMENDMENT PROCESS

Mr. McCONNELL. Mr. President, I listened carefully to the remarks of my friend the majority leader about the

amendment process. I certainly commend him for the way in which we have operated this year. As he well knows, 41 Republicans signed a letter to him a couple months ago indicating this is an issue about which Republican Members, regardless of their particular political philosophy—and we do have lots of different philosophies represented in those 41 Members—felt very strongly about. I commend the majority leader for responding. I think it has given the Senate an opportunity to operate again such as it did in the past. I think Members are, by and large, on both sides of the aisle, comfortable with voting. People send us here to vote. My 41 Republicans represent half the American population, and they are certainly entitled to have their say. I think we are operating in a way that is widely accepted and popular on both sides of the aisle.

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. With regard to the bill before us, the Omnibus appropriations bill that arrived from the House certainly is an important piece of legislation, but it is not an emergency. Congress approves it every year. There is no need to rush something Congress approves every year. In fact, in January I recommended several times to the President and to the Democratic leaders in Congress that we move the omnibus before the stimulus. By determining what we would fund in an omnibus first, Democratic leaders would have been encouraged to be more timely, temporary, and targeted as they put together the stimulus. Instead, we have had the order reversed. The result is that now we have significant double spending showing up in both the stimulus and in the omnibus. We have known about the Friday deadline for months, so no one should suddenly point to it now as a reason to rush \$410 billion in spending.

Americans are getting whiplash from all the spending we are doing around here. Let me say that again. Americans are getting whiplash from all the spending we are doing around here. We need to slow down and consider the consequences of every dollar we spend. What we know about this bill already is cause for serious concern. As I said, it adds money for 122 programs. It adds money for 122 programs that were already in the stimulus. It represents an 8-percent increase over last year's bill.

Much of the funding it adds or eliminates calls for scrutiny. The new administration has repeatedly criticized Congress for rushing through legislation before the public has a chance to review it. During his campaign, the President said he wouldn't sign any nonemergency spending bill the American people had not had at least 5 days to review on the White House Web site. There is no reason for us to rush this

massive bill when the White House has already promised it would not sign it without the requisite 5-day review. I would suggest, as we begin this debate, that the House prepare a short-term continuing resolution. There is no reason for either the Senate or the American people to feel artificially rushed, particularly on a bill of this magnitude.

It may seem quaint to some people, but a month ago many of us were concerned about a \$1.2 trillion deficit. Then we watched it grow, as we passed a \$1 trillion stimulus bill and a \$33 billion bill for SCHIP. Then last week the President proposed a \$3.6 trillion budget, including a \$634 billion "downpayment" on health care reform and a major tax increase on small businesses. We expect to be asked to spend \$1 to \$2 trillion to stabilize the financial sector, and we have been told the administration's housing plan, which is set to start this week, will cost a quarter of a trillion dollars.

We need to step back, look at the bigger picture, and think about what we are doing. That means slowing down before we spend another \$410 billion.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, as I have indicated, the omnibus bill has been fully vetted by the various committees, Democrats and Republicans alike. As to the issue the Republican leader raised, that people need more time to review this, this has been on the Web site for well more than a week. People could look at it and have it memorized by now. We also know the issues the Republican leader raised, that President Obama is talking about health care. Does anyone think that we can not do anything dealing with health care? People have said: How much is it going to cost to try to take care of health care?

How much is it going to cost to do nothing about health care? Fifty million people have no health insurance and millions of others are uninsured. If they have a private physician, every time they get sick and hurt, they go right to the emergency room. The highest priced medical care rendered anywhere in the Nation is in these emergency rooms. It drives up taxes, the cost of a doctor, the cost of hospitalization and, of course, insurance premiums. So we have to do something with health care.

Energy? We are importing 70 percent of our oil. We have to do something about energy. Education? We are failing American children by not doing more for education. So these issues we are going to take up in the future should have nothing to do with getting this most important legislation passed.

We are looking forward to moving this matter as quickly as possible. It is something that is important for the

country because we have a lot of issues we need to get to after we fund the Government—something we should have done last year but we could not because of the difficulty we had working with President Bush.

I think what Senator INOUE and Senator COCHRAN have done is in keeping with the traditions of this body in meeting the needs of the American people. There is no wasteful spending in this most important piece of legislation. It is important to all 50 States. I am hopeful and confident we will pass this in the next few days.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 1105, which the clerk will report by title.

The legislative clerk read as following:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise today in support of H.R. 1105, the Omnibus Appropriations Act of 2009. This is a measure that should have been completed last year but was not because of the previous administration's unwillingness to negotiate in good faith. But today we have the opportunity to put partisanship behind us and to continue the task of rebuilding our economy, reinvesting in America and, frankly, making our Government work again.

I want to point out that today is March 2. We are now almost halfway through the fiscal year. Except for Defense, Veterans, and Homeland Security, our executive branch agencies are all still operating on a continuing resolution.

Under the continuing resolution, no new programs can begin. Funding levels are held to last year's level. This means that even things such as price increases due to inflation and the cost of civil servant pay raises must be absorbed within the existing agency funding levels.

Many worthy initiatives which were approved by the Appropriations Committee are being held at artificially low spending totals. And, as we all know, the continuing resolution will expire on Friday—this Friday.

It is not in the best interests of the taxpayer or the agencies we are funding to operate the Federal Government on autopilot. A yearlong continuing

resolution does not allow a Federal agency any flexibility to address changing priorities. Passage of H.R. 1105 begins the process of returning our Departments and agencies to a more regular order. We simply must complete this bill this week—in fact, this Thursday.

The 2009 omnibus bill has strong support from both sides of the aisle, including the vice chairman of the Appropriations Committee, Senator THAD COCHRAN. Further, the distinguished minority leader was accurate with his comments in January that this bill has been fully vetted and is ready for immediate passage.

This measure is not, as some have suggested, duplicative of the spending provided by the recently enacted American Recovery and Reinvestment Act. This argument misses the point entirely. The purpose of the recovery package is to jump-start economic growth by making significant investments above the annual budget. The omnibus is the baseline budget.

But equally important to the funding contained in the bill is the fact that the omnibus bill will provide much needed guidance to executive branch agencies that have been operating without such guidance under the continuing resolution. In addition, there are a number of new initiatives across the Government that cannot be implemented without passage of this bill.

So it is my sincere hope this is the last omnibus bill we will see for some time to come, as it is my intention as chairman of the Appropriations Committee to pass each of our annual appropriations measures through the regular order. But having said that, it is clearly impossible for fiscal year 2009, and for all the reasons mentioned above, there is no doubt that this bill is far superior to yet another continuing resolution.

The \$410 billion in spending contained in this measure will accomplish a number of objectives, including giving extra momentum to the American Recovery and Reinvestment Act, by funding additional projects and, therefore, saving thousands of additional jobs. In this time of economic crisis, nothing is more important than keeping America working.

I will offer a few examples of the kinds of initiatives that I included in this 2009 omnibus.

Energy security: There is perhaps no issue more critical to the future safety and prosperity of our Nation than energy security. This omnibus bill invests in America's security by prioritizing research and development of renewable energy and energy efficiency, including solar power, biofuels, vehicle technologies, energy-efficient buildings, and advanced energy research.

Law enforcement: In the absence of strong support for law enforcement,

the current economic downturn threatens to increase violent crime throughout our Nation. As cash-strapped States struggle with tight budgets, this bill will help keep Americans safe by supporting the Community Oriented Policing Services or the COPS Program, and the Byrne Justice Assistance Grants, which help State and local law enforcement fight and prevent crime in communities across America.

Public health and safety: In the wake of disturbing incidents of compromised food safety that have jeopardized the health of our citizens, we have significantly increased investments for the Food and Drug Administration to strengthen the Food Safety and Inspection efforts. This bill will also protect the health and well-being of Americans by cleaning our air and our water. It contains investments significantly above the former administration's inadequate request for clean drinking water and wastewater, cleaning up hazardous waste and toxic sites, and for the implementation of the Clean Air Act.

Health care: Millions of Americans are struggling to gain access to quality affordable health care, particularly during these difficult economic times. This measure will give scores of Americans better access to health care through State access health grants and State high-risk insurance pools and by supporting community health centers and rural health facilities.

Education: As our economy struggles to regain its footing, millions of Americans are understandably fearful they will not be able to afford to pay for their children's college education. This measure provides \$1.9 billion to support student financial aid programs, including Perkins loans and Federal supplemental educational opportunity grants.

Every day, thousands of Americans are losing their jobs—every day. Every day, State and local governments see increased demand and decreased resources. Every day, projects that could provide good jobs for working Americans are delayed or canceled due to an inability to properly fund them.

This Omnibus appropriations act will provide resources, guidance, and new initiatives at a time when they are desperately needed. I urge my colleagues to join me in supporting the passage of this measure.

Mr. President, I have two documents, one relating to reasons why this omnibus bill should be enacted and the other a copy of a press release made a few weeks ago. I ask unanimous consent that these two documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

25 REASONS WHY THE FY 2009 OMNIBUS SHOULD BE ENACTED

FUNDING IMPACTS ON EXISTING CRITICAL PROGRAMS

Safety of consumer goods and products

(1) Food and Medical Product Safety Inspections: H.R. 1105, the Omnibus Appropriations Act of 2009, would provide the Food and Drug Administration with an increase of nearly \$325 million, of which \$150 million is included in the current Continuing Resolution (CR). If H.R. 1105 is not enacted into law, the proposed increased funding level for the FDA would be reduced by \$175 million. This reduction in funding would significantly decrease the number of food and medical product safety inspections, both domestic and overseas, that FDA could perform. [Division A—AGRICULTURE]

(2) Consumer Product Safety: H.R. 1105 would provide the Consumer Product Safety Commission (CPSC) with an increase of \$25.4 million, or 32 percent, above the FY 2008 enacted level. Without this funding increase, the CPSC would not be able to implement many of the reforms and new directives contained in the newly-enacted Consumer Product Safety Improvement Act of 2008 to make children's products safer, such as the consumer complaint database, an overseas presence, and increased Inspector General staffing, and CPSC staffing generally. [Division D—FINANCIAL SERVICES]

Keeping families in their homes

(3) Families Will Lose Housing: H.R. 1105 includes over \$15 billion for the renewal of Section 8 Tenant-Based vouchers. This program provides housing for eligible families that cannot afford housing. As the economy has worsened, an increasing number of families are in need of affordable housing options. The FY 2009 Omnibus Appropriations bill would provide an increase of \$340 million over the FY 2008 enacted level. If H.R. 1105 is not enacted into law, nearly 45,000 families could lose their housing from the Section 8 tenant-based account being flat-funded. [Division I—TRANSPORTATION/HUD]

(4) The Federal Housing Administration (FHA) will have to stop helping families facing foreclosure to refinance into affordable mortgages: The FY 2009 Omnibus appropriations bill would increase the volume cap for FHA loan guarantees to \$315 billion, from the FY 2008 enacted level of \$185 billion. In the absence of this increase, FHA's increasingly central role in addressing the foreclosure crisis will cause it to reach the lower cap before the close of the current fiscal year. At that point, new homebuyers, and distressed current homeowners needing to refinance, will be unable to access safe, affordable FHA-guaranteed home mortgages. [Division I—TRANSPORTATION/HUD]

(5) Single-Family Guaranteed Housing Loans: The CR provides for a level of \$5.2 billion for Section 502 guaranteed rural housing loans. H.R. 1105 would provide for a level of \$6.2 billion. Demand for this program is rising at a substantial rate. Given the role of housing markets in the current economic downturn, increased funding for these housing loans will help ease the credit shortfall by allowing current borrowers to refinance existing Rural Housing Service (RHS) loans, and to refinance non-RHS loans if the borrower would now be eligible for an RHS direct loan. The additional \$1.0 billion in guaranteed rural housing loans also would increase the availability of funding for potential borrowers seeking home ownership, thereby removing existing vacant housing from the market which will in turn help to

stabilize the overall housing market. [Division A—AGRICULTURE]

Fighting crime

(6) Federal Law Enforcement Efforts through the Department of Justice (DOJ): H.R. 1105 would increase funding to the Department of Justice by \$2.7 billion above the enacted level. If the FY 2009 Omnibus is not enacted, \$550 million less would be provided for the FBI to protect our Nation and our communities from terrorism and violent crime. The FBI would have to institute an immediate hiring freeze of agents, analysts, and support staff. This will mean 650 fewer FBI special agents, and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil. In terms of the Drug Enforcement Administration (DEA), failure to pass the FY 2009 Omnibus would result in \$52 million less for the DEA to target and stem the flow of illegal narcotics seeping into our Nation and our communities. The DEA would have to institute an immediate hiring freeze of agents, as well as a 13 day furlough of all agents. As a result, DEA will carry out 90 fewer raids against drug production and trafficking organizations. [Division B—COMMERCE, JUSTICE, SCIENCE]

(7) Anti-terrorist Enforcement Programs at the Department of Treasury: Funding of \$153.3 million, an \$11 million increase above the FY 2008 enacted level, for the Office of Terrorism and Financial Intelligence and the Financial Crimes Enforcement Network will make key enhancements to tracking, detection and prevention of terrorist financing, enforcement of economic sanctions against terrorist networks, and coordination of enforcement with other countries. [Division D—FINANCIAL SERVICES]

Protecting the public

(8) U.S. Attorneys: H.R. 1105 would provide an additional \$76.5 million for our U.S. Attorneys. If the FY 2009 Omnibus is not enacted into law, the lack of increased funding would require layoffs of 850 positions, including 451 attorneys, or furloughing all U.S. Attorney staff for 16 days. Either option would result in U.S. Attorneys cutting prosecution caseload by 11,275 cases. U.S. Attorneys are the Nation's prosecutors responsible for prosecuting violent gun, drug and gang crimes, child exploitation, public corruption, money laundering and terrorism cases before U.S. federal courts. [Division B—COMMERCE, JUSTICE, SCIENCE]

(9) Security Requirements for Protecting the President and Vice President: The FY 2009 Omnibus bill would provide an additional \$100 million in urgently needed funding for the U.S. Secret Service to meet the increased security requirements for President Obama and Vice President Biden. Funding is provided for additional agents, intelligence personnel, associated training, and for improved White House and Secret Service communications. [Division J—FURTHER PROVISIONS]

(10) Enforcement of Securities Laws: Inadequate resources for the Securities and Exchange Commission would hamper their ability to undertake vigorous enforcement of securities laws to help bolster the integrity of the financial markets, just when such enforcement is needed most. [Division D—FINANCIAL SERVICES]

(11) Worldwide Security Protection: H.R. 1105 would provide \$1.12 billion for the Department of State's (DOS) Worldwide Security Protection for non-capital security upgrades, an increase of \$355 million above the FY 2008 enacted level. This account funds all

the Diplomatic Security agents at every post world-wide, armored vehicles, and training. If H.R. 1105 is not enacted into law, DOS would be unable to hire additional personnel to increase protection at high-threat embassies overseas or to add oversight of security contractors in Iraq, Afghanistan and Israel-West Bank. [Division H—STATE]

(12) Nuclear Nonproliferation Programs: H.R. 1105 would increase funding for the National Nuclear Security Administration's nuclear nonproliferation programs by \$146 million over FY 2008. This increased funding is critical to the United States' efforts to secure weapons grade nuclear material around the world that could be used by terrorists. [Division C—ENERGY]

Environmental and natural resources

(13) Fixed costs associated with programs of the Department of Interior (DOI) and the Environmental Protection Agency (EPA): H.R. 1105 would provide an additional \$1.0 billion in funding for the programs included under the Interior title of the Omnibus appropriations bill. Of that amount, 68 percent is attributable to fixed and other inflationary costs. If H.R. 1105 is not enacted into law, DOI, EPA, the Forest Service and the Indian Health Service would be required to cut current services further to absorb those fixed costs. [Division E—INTERIOR]

(14) Weather and Climate Satellites: H.R. 1105 would provide an increase in \$309 million in funding for the National Oceanic and Atmospheric Administration's (NOAA) weather and climate satellites. Without this increase in funding, there will be \$235 million less in funding for the next generation of weather satellites to provide warnings and protect communities from severe weather. The procurement for these critical new satellites would have to be paused in 2009, delaying construction of the new satellites and resulting in severe gaps in forecasting coverage in future years. This means that communities would not get accurate weather reporting, and would not be warned of incoming natural disasters. Further, there would be \$74 million less in funding for satellite climate sensors. There will be no funding under a full-year CR to restore critical climate modeling equipment that was removed by the previous Administration from the next generation polar orbiting satellites. These sensors will help us better understand and predict changes in the Earth's climate. [Division B—COMMERCE, JUSTICE, SCIENCE]

(15) Diesel Emission Reduction Act Grants: The FY 2009 Omnibus would provide \$60 million for the national Diesel Emission Reduction Act grant program, a 22 percent increase over the FY 2008 enacted level of \$49 million. These grants are used to replace or retrofit aging diesel engines, particularly for heavy trucks and school buses, reducing air pollution and improving public health. [Division E—INTERIOR]

(16) Hazardous Fuels: The FY 2009 omnibus would provide \$531 million for the Forest Service and Department of the Interior to fund hazardous fuels reduction projects, an increase of \$21 million over the FY 2008 enacted level of \$510 million for both agencies. These funds are used for forest thinning projects on Federal lands that reduce the frequency and severity of catastrophic wildfires, protecting public safety and natural resources. These funds will also help reduce the skyrocketing cost of fighting wildfires; last year, the Federal government alone spent nearly \$2 billion fighting wildfires. [Division E—INTERIOR]

Health

(17) Influenza Pandemic: H.R. 1105 would provide approximately \$500 million to pre-

pare for and respond to an influenza pandemic. Funds are available for the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools. [Division F—LABOR/HHS]

(18) Global Health and Child Survival (GHCS): H.R. 1105 would provide \$7.114 billion for Global Health and Child Survival, an increase of \$737 million above the FY 2008 enacted level. Without the additional resources proposed in the FY 2009 Omnibus, USAID would not be able to expand the malaria programs in Africa where a million people, mostly children, die from malaria annually. In addition, without the Omnibus bill, funding for family planning services would be reduced by \$63 million, limiting access for poor women. Further, funding for life-saving immunization programs would be reduced by \$48 million, resulting in higher maternal and infant mortality for entirely preventable illnesses. [Division H—STATE]

(19) HIV/AIDS: The FY 2009 Omnibus would provide a total of \$5.509 billion for programs to combat HIV/AIDS, \$459 million above the FY 2008 level. Without the additional funding in FY 2009, the United States will not be on target to meet the goals set in the PEPFAR Reauthorization Act to increase treatment to 3 million people (up from 2 million people currently served), 12 million infections prevented (up from 10 million) and care for 12 million (up from 10 million), including 5 million Orphans/Vulnerable Children (up from 4 million). [Division H—STATE]

Science and research and education

(20) America Competes Act—Department of Energy's (DOE) Office of Science: H.R. 1105 would provide an increase of \$754 million above the FY 2008 enacted level for DOE's Office of Science. The funding level provided in the FY 2009 Omnibus is in response to passage of the America Competes Act, and the expressed goal of doubling the U.S. investment in science over 10 years. Without this funding increase, Congress would fail to advance the bipartisan vision of the America Competes Act. [Division C—ENERGY]

(21) America Competes Act—the National Institute of Standards and Technology (NIST) and the National Science Foundation (NSF): H.R. 1105 would provide an increase of \$426 million in funding for activities authorized by the America Competes Act, of which \$63 million in funding would be for NIST and \$363 million in funding would be for NSF. Without the funding increase for NIST, the United States' ability both to keep up with advancements in industry technology and to compete in the global economy are hampered. Without the funding increase for NSF, fewer research grants will be awarded, engaging a smaller workforce of scientists, technicians, engineers, and mathematicians. [Division B—COMMERCE, JUSTICE, SCIENCE]

(22) Development of the next U.S. Human Space Transportation Vehicle: H.R. 1105 would provide an additional \$650 million above the level of funding provided by the CR for the National Aeronautics and Space Administration's (NASA) Constellation program, which is the development of the next U.S. human space transportation vehicle (called Orion and Ares). Without this increase in funding, NASA will be required to cut over 4,000 jobs in 2009. Layoff notices for employees in Florida, Texas, Mississippi, Alabama, Utah, and Louisiana will be mailed in March, and layoffs will begin in May. In addition, the lack of increased funding will have long term impact on the actual development of Orion and Ares which will be delayed by over 6 months, exacerbating the 5-

year gap in time during which the United States will not have its own vehicle to access space after the Space Shuttle is retired. [Division B—COMMERCE, JUSTICE, SCIENCE] *Infrastructure and workforce investments*

(23) Endangering Continuation of Amtrak Route and Wage Agreement: A full year CR would hold Amtrak operating assistance at \$475 million instead of the \$550 million provided in the FY 2009 Omnibus. This funding reduction could endanger the continuation of all existing Amtrak routes and would eliminate funding for the labor settlement payment owed to all Amtrak wage employees under their collective bargaining agreement. [Division I—TRANSPORTATION/HUD]

(24) Worsening the Shortage of Fully Trained Air Traffic Controllers: The Federal Aviation Administration (FAA) faces a crisis in maintaining an adequate workforce of trained air traffic controllers. Without the increases provided in the FY 2009 omnibus, the FAA would be forced to freeze or reduce the number of new air traffic controllers the agency can bring on board and train—worsening the experience shortage we already have in our air traffic control towers. [Division I—TRANSPORTATION/HUD]

(25) Committee funding for U.S. Senate: At the beginning of the 111th Congress, Democratic Leadership committed to holding the minority harmless at the FY 2008 funding level, and using that funding level as the FY 2009 baseline for funding a 60/40 Democratic/Republican split. This agreement would prevent significant reductions in force throughout the Republican Committee structure. The FY 2009 bill provides an additional \$8.4 million in committee funding. Without this funding increase, minority staffing levels will need to be reduced. [Division G—LEGISLATIVE BRANCH]

HOUSE AND SENATE APPROPRIATIONS COMMITTEES ANNOUNCE ADDITIONAL REFORMS IN COMMITTEE EARMARK POLICY

INITIATIVES BUILD ON UNPRECEDENTED TRANSPARENCY INSTITUTED IN THE 110TH CONGRESS

(For Immediate Release, Tuesday, Jan. 6, 2009)

WASHINGTON.—Today, Rep. Dave Obey (D-WI), Chairman of the House Appropriations Committee, and Sen. Daniel K. Inouye (D-HI), incoming Chairman of the Senate Appropriations Committee, announced three significant changes to further increase transparency and reduce funding levels for earmarks, building on reforms brought about in the last Congress.

Previously implemented reforms:

2007 Moratorium: In January of 2007, Democrats imposed a one-year moratorium on earmarks for 2007 until a reformed process could be put in place.

Rules for Transparency: Under the 2007 rules, each bill must be accompanied by a list identifying each earmark that it includes and which member requested it. Those lists are available online before the bill is ever voted on. In the House, each earmark on those lists is backed up by a public letter from the requesting member identifying the earmark, the entity that will receive the funds and their address, what the earmark does, and a certification that neither the requesting member nor their spouse will benefit from it financially. In the Senate, each Senator is required to send the committee a letter providing the name and location of the intended recipient, the purpose of earmark, and a letter certifying that neither the Senator nor the Senator's immediate family has a financial interest in the item requested.

The certification is available on the internet at least 48 hours prior to a floor vote on the bill.

Significant Reductions: In the 2008 bills, the total dollar amount earmarked or non-project-based accounts in appropriations bills was reduced by 43%.

Other Measures: Earmarks produced by conference committees, not in the original House or Senate bills, are clearly identified with an asterisk. Members are able to offer floor amendments on earmarks under the rules of the House and Senate.

In our continuing effort to provide unprecedented transparency to the process, new reforms to begin with the 2010 bills include:

Posting Requests Online: To offer more opportunity for public scrutiny of member requests, members will be required to post information on their earmark requests on their Web sites at the time the request is made explaining the purpose of the earmark and why it is a valuable use of taxpayer funds.

Early Public Disclosure: To increase public scrutiny of committee decisions, earmark disclosure tables will be made publically available the same day as the House or Senate Subcommittee rather than Full Committee reports their bill or 24 hours before Full Committee consideration of appropriations legislation that has not been marked up by a Senate Subcommittee.

Further Cuts: Earmarks will be further reduced to 50% of the 2006 level for non-project-based accounts. In FY 2008, earmark funding levels were reduced by 43% below the 2006 level. Earmarks will be held below 1% of discretionary spending in subsequent years.

"Today we build on the unprecedented reforms made to earmarks since Democrats took control of the Congress in 2007," said Obey and Inouye. "These reforms mean that earmarks will be funded at a level half as high as they were in 2006, face greater public scrutiny, and members of Congress will have more time and access to more information before they vote on bills and as they prepare amendments."

Mr. INOUE. Mr. President, I ask unanimous consent that I may yield to the vice chairman of this committee with the understanding that I will hold the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join my friend, the distinguished Senator from Hawaii, in presenting the 2009 Omnibus Appropriations Act to the Senate. This bill contains the nine regular appropriations bills that have not been enacted and accounts for nearly half of all regular discretionary spending for the 2009 fiscal year.

I am supporting the approval of this bill by the Senate even though the process that has brought us to this point has left a lot to be desired.

I also share with those on my side of the aisle the concerns about the level of discretionary spending contained in this bill, which is \$20 billion over President Bush's request.

I voted against the budget resolution that established the discretionary spending allocations for this bill, and I

voted in favor of Senator GREGG's motion to instruct the conferees on the budget resolution to lower the discretionary caps to more modest levels. That motion was defeated by one vote, and the conference report on the budget resolution was adopted.

I commend my distinguished friend from Hawaii for resisting pressures to add controversial new policy matter to this bill. This is new legislation as opposed to a conference report, and as such any number of policy riders could have been included in the bill. A few provisions, such as language dealing with the Endangered Species Act, were included, but, largely, the bill stays within the legislation represented by the House and Senate bills.

Of the nine bills in this omnibus measure, none were ever considered on the floors of the House or the Senate. Two of the bills were never marked up in the Senate committee, and six of the bills were not marked up in the House committee. But I can assure the Senate that the content of the legislation before us is consistent with the parameters established by the individual House and Senate bills, even though some of those bills were never presented formally to either body.

Previous omnibus bills have been comprised of individual bills reported by the House and the Senate committees, and generally of bills that were passed by at least one of the legislative bodies. The bill before us today is a new kind of legislative document which I hope we will not see replicated in the future.

Last year, the bicameral leadership made a conscious decision not to engage President Bush on spending issues and to avoid taking votes on extending the ban on Outer Continental Shelf oil and gas leasing. Perhaps that decision had some political benefits for some Members, but procedurally and substantively, it had detrimental impacts.

First of all, the moratorium on Outer Continental Shelf oil and gas leasing has been removed from the Interior appropriations bill. Second, for the last 6 months, most Federal agencies have been compelled to operate at funding levels very similar to those they would have received had we simply enacted the individual bills in a form that President Bush would have signed.

Today, we could be discussing the merits of supplemental appropriations if they had been needed rather than starting from scratch halfway through the fiscal year. Had we enacted the appropriations bills last fall, agencies would have been carrying out their responsibilities with approved levels of funding.

Funding for buildings, roads, trails, and water projects would have provided jobs and would have been obligated by now. To the extent those activities

might have helped stimulate the economy, they would have been very beneficial. Instead, due to inaction by Congress, agencies have been in a holding pattern for nearly half of the fiscal year under the terms of the continuing resolution.

Two weeks ago, Congress sent to the President a huge stimulus bill. It contains some \$311 billion in appropriations for a variety of programs. We had a vigorous debate about the bill in the Senate, and it passed with the minimum number of votes required. I voted against the stimulus bill in part because the bill included large amounts of funding for programs that are not immediately stimulative such as health information technology and broadband deployment. These would have been more appropriately considered in the context of a Presidential budget and at the more measured pace of the annual appropriations process. We will be living with the impacts of these decisions made in the stimulus bill—all made in great haste—for years to come. It is fair to ask to what degree does the omnibus bill duplicate the stimulus bill.

There is no question that the order in which we are considering the stimulus and the omnibus is exactly backward. We should have used the stimulus bill to supplement regular appropriations, not the other way around.

There are a number of accounts and programs funded in this omnibus bill that are also funded in the stimulus bill. In most cases the omnibus funds those programs at or near prior year levels, and one can argue the stimulus funding for those programs was a deliberate supplement. In other cases, the omnibus funds the same accounts contained in the stimulus but for different purposes. There are a few programs in the omnibus that, quite frankly, should have been scaled back based on the contents of the stimulus bill. So despite the unconventional and unfortu-

nate process by which this bill was produced, it does represent a product that was fairly negotiated.

Some would like us to enact a continuing resolution for the remainder of the year that holds programs to their fiscal year 2008 funding levels, thereby saving billions of dollars. But knowing the impact that a full-year continuing resolution would have on individual programs, I don't think the majority would propose such a measure, and I don't think the President would sign it either.

Another possible outcome would be a modified continuing resolution similar to that enacted for fiscal year 2007—something that would eliminate all manner of congressional directives and oversight mechanisms but spend no less money than we are currently considering. Surely there are other possible outcomes. But, in my view, continued uncertainty in the day-to-day operations of the Federal Government at a time of national crisis is not worth the marginal and highly speculative gains that might come from defeating this bill.

We now have received a preliminary budget from the new President. In a few weeks, we will be considering the budget resolution for fiscal year 2010, and we will be debating such things as appropriate discretionary spending levels. I look forward to a debate on that as there is much in the President's budget request worth debating.

But it is time to put the fiscal year 2009 budget to rest. I am committed to do everything in my power not to repeat the dismal process that has brought us to this juncture, and I know the chairman of the committee, the distinguished Senator from Hawaii, shares that commitment. Neither of us wants to deny Senators the opportunity to help shape appropriations bills in the early parts of the process through amendment and discussion of alternatives. Neither of us wants to

hide anything from the scrutiny of the legislative process, and neither of us wants Members to have to pass judgment on nine appropriations bills all at once rather than individually.

I thank the distinguished Senator from Hawaii for the job he has done as chairman of the Appropriations Committee. He is leading the committee through a trying time, but he is doing it in the very best sense of bipartisanship and establishing working relationships that will serve the interests of not only the Senate but of the American people. These are relationships our committee can contribute to in the future, and I know they will under his leadership. I look forward to continuing to work with him to achieve timely and open consideration of other appropriations bills.

I thank the distinguished Senator for yielding to me.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. I thank my distinguished vice chairman for his remarks.

Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the explanatory statement offered by the Chairman of the Committee on Appropriations of the House of Representatives which accompanies the bill H.R. 1105 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill. Additional information is provided below to augment or correct the explanatory statement.

CONGRESSIONALLY DIRECTED SPENDING ITEMS

Account	Project	Funding	Member
SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES			
Animal, Plant, Health Inspection Service.	State of Delaware's Department of Agriculture, Dover, Delaware, for a full-service, fully functional, modern animal health diagnostic laboratory	\$69,000	Kaufman
Special Research Grants	University of Delaware, Newark, Delaware, to upgrade Delmarva's avian flu diagnostic and biocontainment facilities to combine Delaware and Maryland's laboratory information management system.	\$94,000	Kaufman
Special Research Grants	University of Delaware, Newark, Delaware, to continue the work of the Institute for Soil and Environmental Quality (ISEQ) by supporting programs and acquiring equipment that is essential for Critical Zone research.	\$70,000	Kaufman
Special Research Grants	National Beef Cattle Genetic Evaluation Consortium, (of which Cornell University is a part), to analyze beef records of seedstock cattle throughout the country.	\$655,000	Gillibrand
Special Research Grants	Agribusiness research through the Viticulture Consortium, Cornell University and University of California	\$1,454,000	Gillibrand
Special Research Grants	Apple fire blight, Cornell University/New York State Agricultural Experiment Station, University of Michigan	\$346,000	Gillibrand
Special Research Grants	Virginia Tech Research Grant—Biodesign and Processing	\$868,000	Warner
Research Education/Federal Admin.	High Value Horticulture and Forestry Crops (VA)	\$502,000	Warner
Special Research Grants	Aquaculture	\$139,000	Warner
Special Research Grants	Fish and Shellfish Technologies (Virginia)	\$331,000	Warner
Special Research Grants	Sustainable Engineered Materials from Renewable Resources—Virginia Tech University	\$485,000	Warner
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES			
Procurement, Acquisition and Construction/National Oceanic and Atmospheric Administration.	University of Delaware, Newark, Delaware, for a real-time satellite receiving station	\$750,000	Kaufman
COPS Technology/Department of Justice.	City of Newark Police Department, Newark, Delaware, for video surveillance cameras in downtown area	\$115,420	Kaufman
COPS Technology/Department of Justice.	Delaware State University, Dover, Delaware, to continue work on the Crime Scene and Evidence Tracking Project which develops and tests day-to-day law enforcement and public safety application.	\$2,000,000	Kaufman
COPS Technology/Department of Justice.	Delaware State Police, Dover, Delaware, to perform preliminary engineering assessments before message switcher upgrades	\$100,000	Kaufman

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

Account	Project	Funding	Member
COPS Technology/Department of Justice.	Delaware State Police, Dover, Delaware, for the purchase and installation of in-car cameras and related equipment	\$500,000	Kaufman
COPS Technology/Department of Justice.	Delaware State Police, Dover, Delaware, for the purchase of a mobile gunshot locator system	\$250,000	Kaufman
COPS Technology/Department of Justice.	New Castle County Police Department, New Castle, Delaware, for a program to increase the efficiency and effectiveness of license plate scanning technology.	\$200,000	Kaufman
Juvenile Justice/Department of Justice.	Jobs for Delaware Graduates, Inc., Dover, Delaware, to expand services delivered to at-risk middle and high school students	\$1,353,000	Kaufman
Juvenile Justice/Department of Justice.	University of Delaware, Newark, Delaware, for the Center for Drug and Alcohol Studies, to continue a statewide survey of youth that provides estimates and trends in student substance abuse, crime, and gambling.	\$65,000	Kaufman
National Institute of Standards and Technology.	Nanoscale fabrication and measurement project at the University at Albany (SUNY), College of Nanoscale Science and Engineering (CNSE)	\$1,000,000	Gillibrand
Byrne Discretionary Grants/Department of Justice.	Real Estate Fraud Unit in the Kings County District Attorney's Office for the investigation and prosecution of deed theft, mortgage fraud, and related real estate-based crimes, Kings County, New York.	\$875,000	Gillibrand
COPS Methamphetamine/Department of Justice.	City of Rochester, Rochester, New York, to intensify patrols, improve the tracking of narcotics shipments, provide technical support and enhance local crime prevention programs for at-risk youth.	\$675,000	Gillibrand
National Aeronautics and Space Administration.	Binghamton University to develop a focused research and development initiative on large area flexible solar cell modules, Binghamton, New York	\$500,000	Gillibrand
Byrne Discretionary Grants/Department of Justice.	Information-sharing database to analyze gang related crime in the Oneida County District Attorney's Office, Utica, New York	\$215,000	Gillibrand
COPS Technology/Department of Justice.	Countywide interoperable public safety communications system, Rockland and Westchester Counties, New York	\$1,670,000	Gillibrand
COPS Technology/Department of Justice.	City of Yonkers Police Department to reduce non-emergency 3-1-1 calls through the creation of a new public hotline	\$400,000	Gillibrand
Byrne Discretionary Grants/Department of Justice.	Oliver Hill Courts Building security upgrades	\$400,000	Warner
Juvenile Justice/Department of Justice.	City of Chesapeake gang deterrence program	\$100,000	Warner
Operations, Research and Facilities/National Oceanic and Atmospheric Administration.	Assistance to MD/VA watermen affected by Blue Crab harvest restrictions	\$10,000,000	Warner
Byrne Discretionary Grants/Department of Justice.	Northern Virginia Gang Task Force	\$2,500,000	Warner
Byrne Discretionary Grants/Department of Justice.	Northwest Virginia Regional Drug Task Force	\$750,000	Warner
COPS Technology/Department of Justice.	City of Radford Police Force relocation	\$250,000	Warner
COPS Technology/Department of Justice.	Virginia State Police SWVA Drug Task Force	\$250,000	Warner
Juvenile Justice/Department of Justice.	An Achievable Dream Newport News	\$700,000	Warner
Science/National Aeronautics and Space Administration.	NASA Wallops Island Flight Facility—Launch Pad Improvements	\$14,000,000	Warner
Space/National Aeronautics and Space Administration.	NASA Wallops Island Flight Facility—Small Satellites and unmanned aerial systems	\$5,000,000	Warner
Operations, Research and Facilities/National Oceanic and Atmospheric Administration.	Oyster Restoration in Chesapeake Bay	\$2,000,000	Warner
Operations, Research and Facilities/National Oceanic and Atmospheric Administration.	VIMS—Virginia Trawl Survey	\$150,000	Warner
Cross Agency Support/National Aeronautics and Space Administration.	Accomack and Northhampton Counties—Broadband deployment (Eastern Shore)	\$2,000,000	Warner
Operations, Research and Facilities/National Oceanic and Atmospheric Administration.	Virginia Institute of Marine Science, Virginia Trawl Survey, Gloucester, VA	\$150,000	John Warner, Webb
Byrne Discretionary Grants/Department of Justice.	City of Vancouver, new records management system, Vancouver, WA	\$500,000	Murray only
Byrne Discretionary Grants/Department of Justice.	National Council of Juvenile and Family Court Judges, Child Abuse Training Programs for Judicial Personnel: Victims Act Model Courts Project, Reno, Nevada.	\$920,000	Reid, Ensign, Reed, Schumer, Sessions, Smith, Voinovich, Whitehouse, Wyden, Bennett, Biden, Hatch, Kennedy, Kerry, Landrieu, Lautenberg, Leahy
Byrne Discretionary Grants/Department of Justice.	National Crime Prevention Council, Arlington, Virginia	\$500,000	Kohl, Leahy, Reed, Crapo, Whitehouse only
Byrne Discretionary Grants/Department of Justice.	Safe Streets Campaign, Pierce County Regional Gang Prevention Initiative, Tacoma, Washington	\$1,000,000	Murray

SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

Investigations	Army Corps of Engineers Wave Data Study Coastal Field Data Collection Project, Delaware, for the collection and analysis of coastal weather and sea condition data.	\$500,000	Kaufman
Investigations	Army Corps of Engineers Christina River Watershed Feasibility Study, New Castle County, Delaware, to continue investigations for flood damage reduction, ecosystem restoration, water quality control, and other related purposes.	\$287,000	Kaufman
Investigations	Army Corps of Engineers White Clay Creek Flood Plain Management Services study, New Castle, Delaware, to continue a study to evaluate flooding and flooding damage as a result of tropical storms.	\$200,000	Kaufman
Operation and Maintenance.	Army Corps of Engineers Harbor of Refuge project, Lewes, Delaware, to perform stability analysis, condition surveys, and repairs	\$235,000	Kaufman
Operation and Maintenance.	Army Corps of Engineers Indian River Inlet and Bay project, Sussex County, Delaware, to survey and analyze scour holes	\$235,000	Kaufman
Operation and Maintenance.	Army Corps of Engineers Intracoastal Waterway project, Delaware River to Chesapeake Bay in New Castle County, Delaware, for maintenance and dredging (Multi-State; Delaware request was \$5,150,000).	\$13,710,000	Kaufman
Operation and Maintenance.	Army Corps of Engineers Mispillon River Project, Kent and Sussex Counties, Delaware, for maintenance dredging and field inspections	\$249,000	Kaufman
Operation and Maintenance.	Army Corps of Engineers Wilmington Harbor project, Wilmington Harbor to Newport, Delaware, for aggressive management and capacity restoration of federal disposal areas and chemical sediment testing.	\$3,479,000	Kaufman

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

Account	Project	Funding	Member
Department of Energy—Energy Efficiency and Renewable Energy.	Delaware State University, Dover, Delaware, for the Center for Hydrogen Storage Research for research and development of a hydrogen storage system.	\$1,427,250	Kaufman
Department of Energy—Energy Efficiency and Renewable Energy.	University of Delaware Lewes Campus, Lewes, Delaware, for a wind turbine model and pilot project for alternative energy	\$1,427,250	Kaufman
Expenses	Delaware River Basin Commission, (headquartered in) West Trenton, New Jersey, for water quality, monitoring and assessment, habitat restoration, drought coordination, public sewer water supply protection, and integrated water resource planning.	\$715,000	Kaufman
Investigations	Army Corps of Engineers to manage the Upper Delaware River Watershed, New York	\$96,000	Gillibrand
Construction	Fire Island Inlet to Montauk Point for the New York Hurricane Protection and Storm Damage Reduction Project	\$2,010,000	Gillibrand
Department of Energy—Energy Efficiency and Renewable Energy.	Landfill Gas Utilization Plant Count of Chautauqua at the county landfill in Ellery, New York	\$1,903,000	Gillibrand
Department of Energy—Office of Science.	For work to be done in Otsego, New York, on supercapacitors at Sandia National Laboratories	\$1,500,000	Gillibrand
Investigations	Army Corps of Engineers' Forge River Watershed Project, Long Island, New York	\$119,000	Gillibrand
Operation and Maintenance.	Appomattox River	\$527,000	Warner
Construction	Combined Sewer Overflow Lynchburg	\$287,000	Warner
Construction	Combined Sewer Overflow Richmond	\$287,000	Warner
Construction	James River Deepwater Turning Basin	\$766,000	Warner
Investigations	Upper Rappahannock River (Phase II)	\$96,000	Warner
Investigations	AIWW—Bridge Replacement at Deep Creek	\$478,000	Warner
Investigations	Chowan River Basin, Virginia	\$96,000	Warner
Investigations	Dismal Swamp and Dismal Canal	\$59,000	Warner
Operation and Maintenance.	Norfolk Harbor and Channels	\$9,808,000	Warner
Construction	Norfolk Harbor and Channels—Deepening	\$478,000	Warner
Operation and Maintenance.	Rudee Inlet	\$344,000	Warner
Investigations	Vicinity of Willoughby Spit, Norfolk VA	\$287,000	Warner
Construction	Virginia Beach Hurricane Protection	\$1,340,000	Warner
Investigations	Belle View/New Alexandria Flood Plain Management Services Program Studies	\$200,000	Warner
Investigations	Four Mile Run Restoration	\$239,000	Warner
Construction	Roanoke River (Upper Basin)	\$1,029,000	Warner
Department of Energy—Fossil Energy Research and Development.	Center for Advanced Separation Technologies	\$2,854,500	Warner
Investigations	Clinch River Watershed	\$96,000	Warner
Construction	Grundy Flood Control Project	\$8,000,000	Warner
Investigations	New River, Claytor Lake	\$96,000	Warner
Construction	Chesapeake Bay Oyster Recovery	\$2,000,000	Warner
Construction	Non-Native Oyster EIS	\$328,000	Warner
Construction	Tangier Island, Accomack County	Warner
Construction	Village of Oyster Northampton County VA	Warner
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT			
Small Business Administration, Salaries and Expenses.	New Castle County Chamber of Commerce for an Emerging Enterprise Center, business incubator	\$499,000	Kaufman
Small Business Administration, Salaries and Expenses.	Virginia's Center for Innovative Technology, Mine safety technology and communication improvements, Herndon, VA	\$237,500	Warner
SUBCOMMITTEE ON DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES			
Environmental Protection Agency, State and Tribal Assistance Grants Program.	City of Wilmington, Delaware, for the Wilmington Wastewater Treatment Plant Headworks Upgrade	\$300,000	Kaufman
Environmental Protection Agency, State and Tribal Assistance Grants Program.	Government of New Castle County, New Castle Delaware, for Old Shellpot Interceptor upgrades	\$698,000	Kaufman
Forest Service, State and Private Forestry (Forest Legacy Program)–.	Delaware Department of Agriculture—Forest Service, Camden, Delaware, for the purchase of forestland to be added to Redden State Forest	\$2,000,000	Kaufman
Environmental Protection Agency, State and Tribal Assistance Grants Program.	Town of Onancock Wastewater Treatment Plant	\$500,000	Warner
Forest Service, Land Acquisition.	Appalachian Trail Right of Way and Greenway Acquisition—(Listed as “land acquisitions in the George Washington and Jefferson National Forest”	\$1,775,000	Warner
National Park Service, Land Acquisition.	Shenandoah Valley Battlefields Foundation	\$1,985,000	Warner
Fish and Wild Service, Land Acquisition.	Rappahannock River Valley National Wildlife Refuge	\$1,500,000	Warner
Environmental Protection Agency, State and Tribal Assistance Grants Program.	City of Lynchburg Combined Sewer Overflow	\$500,000	Warner
Environmental Protection Agency, State and Tribal Assistance Grants Program.	City of Opa Locka, Wastewater System Improvements	\$500,000	Nelson, Bill
Environmental Protection Agency, State and Tribal Assistance Grants Program.	Palm Beach County, Lake Region Water Treatment Plant	\$500,000	Martinez
Environmental Protection Agency, State and Tribal Assistance Grants Program.	Southwest Florida Water Management District, Upper Peace River Restoration of the West-Central Florida Water Action Restoration Plan	\$500,000	Martinez
SUBCOMMITTEE ON DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES			
Elementary & Secondary Education (includes FIE).	Delaware Department of Education, Dover, Delaware, for the Starting Stronger for Student Success program to eliminate school-entry readiness gaps.	\$190,000	Kaufman
Elementary & Secondary Education (includes FIE).	Delaware Department of Education, Dover, Delaware, to increase the English proficiency of English Language Learners by providing high quality instructional programs.	\$190,000	Kaufman
Elementary & Secondary Education (includes FIE).	Metropolitan Wilmington Urban League, Wilmington, Delaware, to expand the “Achievement Matters!” project to more students	\$190,000	Kaufman

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

Account	Project	Funding	Member
Centers for Disease Control and Prevention (CDC).	Delaware Division of Public Health, Dover, Delaware, to assist in implementing several key recommendations of a state task force on infant mortality.	\$190,000	Kaufman
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Beebe Medical Center, Lewes, Delaware, for the construction of a new School of Nursing	\$476,000	Kaufman
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Christiana Care Health System, Wilmington, Delaware, to renovate and expand Wilmington Hospital's Emergency Department	\$285,000	Kaufman
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	St. Francis Hospital Foundation, Wilmington, Delaware, to make capital infrastructure improvements	\$285,000	Kaufman
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	University of Delaware, Newark, Delaware, for the Delaware Biotechnology Institute for high-end, state-of-the-art research equipment	\$190,000	Kaufman
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Wesley College, Dover, Delaware, for the expansion of the nursing school program	\$333,000	Kaufman
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Westchester County Department of Labs & Research, Valhalla, New York, for construction, renovation, and equipment	\$809,000	Gillibrand
Administration on Aging (AOA).	Town of North Hempstead, New York, for the Project Independence naturally occurring retirement communities demonstration project	\$333,000	Gillibrand
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Staten Island University Hospital, Staten Island, New York, for construction, renovation, and equipment for the emergency department	\$476,000	Gillibrand
Employment and Training Administration (ETA)—Training & Employment Services (TES).	United Auto Workers Region 9, Local 624, New York, for incumbent worker training	\$428,000	Gillibrand
Employment and Training Administration (ETA)—Training & Employment Services (TES).	Manufacturers Association of Central New York, Syracuse, New York, to improve employment and training in the manufacturing sector	\$285,000	Gillibrand
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Greater Hudson Valley Family Health Center, Inc., Newburgh, New York, for construction, renovation, and equipment	\$476,000	Gillibrand
Institute for Museum and Library Services.	George Eastman House International Museum of Photography and Film, Rochester, New York, for educational programs	\$381,000	Gillibrand
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Catholic Health System, Buffalo, New York, for telemedicine equipment for acute stroke assessment	\$143,000	Gillibrand
Higher Education (includes FIPSE).	Dowling College, Oakdale, New York, to create and establish a school of Banking and Financial Services	\$190,000	Gillibrand
Higher Education (includes FIPSE).	Union Graduate College, Schenectady, New York, for program support of a Masters degree in Emerging Energy Systems	\$285,000	Gillibrand
Higher Education (includes FIPSE).	St. Bonaventure University, St. Bonaventure, New York, for the Father Mychal Judge program, which may include student scholarships and travel costs for student exchanges and visiting professorships.	\$285,000	Gillibrand
Administration for Children and Families (ACF)—Social Services.	Nassau County Coalition Against Domestic Violence, Inc., Hempstead, New York, to provide legal services to low-income victims of domestic violence.	\$381,000	Gillibrand
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Niagara University, Niagara Falls, New York, for the Nursing Leadership project	\$95,000	Gillibrand
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Cold Spring Harbor Laboratory, Cold Spring Harbor, New York, for The Women's Cancer Genomics Center	\$714,000	Gillibrand
Higher Education (includes FIPSE).	Virginia Department of Correctional Education—Transition Program for Incarcerate Youth	\$95,000	Warner
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Hampton University—Proton Beam Therapy Facility—Cancer Treatment Initiative	\$571,000	Warner
Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment.	Arlington Mental Health and Substance Abuse Crisis Intervention and Diversion Program	\$143,000	Warner
Elementary & Secondary Education (includes FIE).	Boys & Girls Club of Greater Washington (Virginia Clubs)	\$95,000	Warner
Elementary & Secondary Education (includes FIE).	Child and Family Network Centers—Leveling the Playing Field (SEFS)	\$95,000	Warner
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Inova Health System; Claude Moore Health Education Center	\$523,000	Warner

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

Account	Project	Funding	Member
Employment and Training Administration (ETA)—Training & Employment Services (TES).	NW Works—Autism Inclusion Initiative	\$95,000	Warner
Elementary & Secondary Education (includes FIE).	Dinwiddie County Public Schools Library/Media Program	\$95,000	Warner
Elementary & Secondary Education (includes FIE).	The Institute for Advanced Learning and Research—The STEM Mobile Learning Laboratory Project	\$95,000	Warner
Higher Education (includes FIPSE).	Dickenson County Industrial Development Authority Clintwood, VA	\$95,000	Warner
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Norton Community Hospital—Women's Center/Technology Enhancement Project	\$95,000	Warner
Substance Abuse and Mental Health Services Administration (SAMHSA)—Substance Abuse Treatment.	Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services, Richmond, VA, to provide treatment services for addiction to prescription pain medication.	\$285,000	Warner
Health Resources and Services Administration (HRSA)—Health Facilities and Services.	Eastern Shore Rural Health System—Onley Community Health Center	\$476,000	Warner
Higher Education (includes FIPSE).	The Virginia Foundation for Community College Education—Great Expectations Program	\$95,000	Warner
SUBCOMMITTEE ON TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES			
Buses and Bus Facilities.	University of Delaware, Newark, Delaware, for an Automotive-Based Fuel Cell Hybrid Bus Program	\$475,000	Kaufman
Interstate Maintenance Discretionary.	Delaware Department of Transportation Newark Toll Plaza, Newark, Delaware, to improve the toll facility to incorporate highway speed E–Z Pass toll lanes.	\$2,375,000	Kaufman
Interstate Maintenance Discretionary.	Delaware Department of Transportation, Dover, Delaware, to add a fifth lane to I–95/SR–1 interchange	\$1,900,000	Kaufman
Transportation, Community and System Preservation.	Delaware Department of Transportation, Dover, Delaware, to replace the bridge along SR–1 over the Indian River Inlet	\$1,900,000	Kaufman
Economic Development Initiatives.	Delaware Children's Museum, Wilmington, Delaware, for construction	\$190,000	Kaufman
Economic Development Initiatives.	Easter Seals Delaware & Maryland's Eastern Shore, New Castle County, Delaware, to expand the existing facility	\$142,500	Kaufman
Economic Development Initiatives.	St. Michael's School and Nursery, Wilmington, Delaware, for HVAC replacement	\$285,000	Kaufman
Economic Development Initiatives.	Ministry of Caring, Wilmington, Delaware, for handicap accessibility to a women's homeless shelter	\$475,000	Kaufman
Economic Development Initiatives.	Wilmington Housing Authority for exterior façade repair of fire damage to low-income housing	\$475,000	Kaufman
Transportation, Community and System Preservation.	Main Street Multimodal Access and Revitalization Project, Buffalo, New York	\$950,000	Gillibrand
Economic Development Initiatives.	Development of a pedestrian bridge in Poughkeepsie, New York	\$950,000	Gillibrand
Federal Lands (Public Lands Highways).	New York State Department of Transportation for the Fort Drum Connector (I–81 to Fort Drum North Gate), New York	\$1,425,000	Gillibrand
Surface Transportation Priorities.	Establishment of railroad quiet zones in the Town of Hamburg, New York	\$475,000	Gillibrand
Buses and Bus Facilities.	Niagara Falls International Railway Station/Intermodal Transportation Center, City of Niagara Falls, New York	\$950,000	Gillibrand
Surface Transportation Priorities.	Campus loop road extension for St. John Fisher College, Monroe County, New York	\$475,000	Gillibrand
Alternatives Analysis	New York State Metropolitan Transportation Authority for the West of Hudson Regional Transit Access Project	\$1,900,000	Gillibrand
Surface Transportation Priorities.	New York State Department of Transportation for New York State Route 12 in Broome, Chenango, Madison, Oneida, and Herkimer Counties, New York	\$475,000	Gillibrand
Surface Transportation Priorities.	Town of Clarkstown, New City Hamlet, New York, to revitalize South Main Street	\$475,000	Gillibrand
Capital Investment Grants.	New York State Metropolitan Transportation Authority for the Second Avenue Subway—Phase I, New York, New York	\$277,697,000	Gillibrand
Capital Investment Grants.	New York State Metropolitan Transportation Authority for the Long Island Rail road East Side Access, New York	\$209,623,898	Gillibrand
Surface Transportation Priorities.	Gate and Intersection Improvements at Fort Lee, VA	\$1,425,000	Warner, Mark
Interstate Maintenance Discretionary.	I–95/Fairfax County Parkway Interchange, VA	\$1,900,000	Warner, Mark
Surface Transportation Priorities.	Route 1/Route 123 Interchange Improvements, VA	\$950,000	Warner, Mark
Transportation, Community, and System Preservation.	US 17/Dominion Blvd Widening (Cedar Rd to Great Bridge Blvd) and Drawbridge Replacement (over Atlantic Intercoastal Waterway), Chesapeake, VA	\$237,500	Warner, Mark, Webb
Federal Lands—Highways.	US Route 1/VA Route 619 Traffic Circle/Interchange, at the entrance of USMC Quantico Marine Corps Base, Prince William County, VA	\$1,187,500	Warner, Mark
Capital Investment Grants.	VRE Rolling Stock, VA	\$5,000,000	Warner, Mark
Buses	Greater Richmond Transit Company (GRTC) Bus Replacement, VA	\$617,500	Warner, Mark
Buses	Southside Bus Facility Replacement in Hampton Roads, VA	\$1,235,000	Warner, Mark
Buses	WMATA Bus and Bus Facility Safety Initiative, MD	\$475,000	Warner, Mark
Capital Investment Grants.	Dulles Corridor Metrorail, VA	\$29,100,000	Warner, Mark
Capital Investment Grants.	Norfolk LRT, VA	\$23,592,108	Warner, Mark
Capital Investment Grants.	Largo Metrorail Extension, DC/MD	\$34,700,000	Warner, Mark
Capital Investment Grants.	Improvements to the Rosslyn Metro Station, VA	\$2,000,000	Warner, Mark
Capital Investment Grants.	BRT, Potomac Yard-Crystal City, City of Alexandria and Arlington County, VA	\$1,000,000	Warner, Mark
Economic Development Initiatives.	Boys and Girls Club of Fauquier County, VA, for facility renovations in support of the new building, including making the building handicap accessible.	\$198,000	Warner, Mark
Economic Development Initiatives.	Newport News, VA, for acquisition, demolition and relocation activities, and capital improvements of dilapidated housing	\$432,250	Warner, Mark
Surface Transportation Priorities.	Railroad Grade Separation Undercrossing, Livingston, MT	\$332,500	Tester

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

Account	Project	Funding	Member
Buses and Bus Facilities.	Greater Minnesota Transit Capital, MN	\$2,850,000	Klobuchar
Transportation, Community, and System Preservation.	Pinon Hills Boulevard East and Animas River Bridge, NM	\$895,375	Bingaman
Airport Improvement Program.	Des Moines International Airport, Runway 13R/31L Land Acquisition, IA	\$475,000	Grassley
Interstate Maintenance Discretionary.	Pedestrian Bridges over I-80, Iowa City, Johnson County, IA	\$475,000	Grassley
Surface Transportation Priorities.	Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA	\$760,000	Grassley
Surface Transportation Priorities.	Wapsi Great Western Line Trail, Mitchell County, IA	\$570,000	Grassley
Transportation, Community and System Preservation.	24th Street/23rd Avenue Corridor Improvement, Council Bluffs, IA	\$237,000	Grassley
Transportation, Community and System Preservation.	4-Laning of US 20 from Sac-Calhoun County Line to Molville, IA	\$570,000	Grassley
Transportation, Community and System Preservation.	Mississippi Drive Corridor, Muscatine, IA	\$475,000	Grassley
Surface Transportation Priorities.	North Access Road at Jacksonville International Airport, FL	\$570,000	Martinez
Transportation, Community and System Preservation.	Design and Construction for the Widening of US 331, Walton County, FL	\$237,500	Martinez
Transportation, Community and System Preservation.	I-12 Interchange at LA-16, Denham Springs, LA	\$950,000	Vitter
FTA Priority Consideration.	Gainesville-Haymarket Virginia Railway Express (VRE), VA		Webb

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, we are looking right now at a \$410 billion piece of legislation approved by the House last week, largely on party lines, that we are beginning to debate today. It is 1,123 pages. It is interesting that it is accompanied by a 1,844-page statement of managers. Put them together, and we have 2,967 pages of legislation. Not surprisingly, the measure has unnecessary and wasteful earmarks. So much for the promise of change. So much for the promise of change. This may be—in all the years I have been coming to this floor to complain about the earmark, porkbarrel corruption that this system has bred, this may be probably the worst—probably the worst.

I just went through a campaign where both candidates promised change in Washington; promised change from the wasteful, disgraceful, corrupting practice of earmark, porkbarrel spending. We have former Members of Congress residing in Federal prison. We have former congressional staffers under indictment and in prison. So what are we doing here? Not only is this business as usual, but this is an outrageous insult to the American people.

Today we find out that the unemployment rate in the great State of California just went over 10 percent. It just went over 10 percent. So what are we going to do? We are going to spend

\$1.7 million for pig odor research in Iowa. We are going to spend \$2 million for the promotion of astronomy in Hawaii. Why do we need—I ask the Senator from Hawaii: Why do we need to spend \$2 million to promote astronomy in Hawaii when unemployment is going up and the stock market is tanking? Do we really need to continue this wasteful process?

This includes \$6.6 million for termite research in New Orleans; \$2.1 million for the Center for Grape Genetics in New York. You will notice there is a State or a district or a town or a location associated with all of these projects. You will notice that because that is what it is: \$1.7 million for a honey bee factory in Weslaco, TX. Forgive me if I mispronounced the name of the town in Texas.

So here we are. Here we are promising the American people hope and change, and what do we have? Business as usual. What does the administration say? What does the administration say? Mr. Peter Orzag—an individual I don't know—brushed off questions during his appearance on "This Week" about whether the President would sign a spending bill that contains 9,000 earmarks—9,000 earmarks. Noting that during the campaign President Obama said he would work to limit earmarks and make them more transparent, his response was: This is last year's business. We want to just move on.

Last year's business? The President will sign this appropriations bill into law. It is the President's business. It is the business of the President of the United States. It is the business of the President of the United States to do what he said. When we were in debate seeking the support of the American people, he stated he would work to eliminate—eliminate—earmarks.

Last September, President Obama said during the debate in Oxford, MS:

We need earmark reform and when I am President, I will go line-by-line to make sure we are not spending money unwisely.

That is the quote of the promise the President of the United States made to the American people in a debate with me in Oxford, MS.

So what is brought to the floor today? Nine thousand earmarks, billions and billions of dollars of unneeded and wasteful spending, and the President's budget person says: This is last year's business. We want to just move on. That is insulting to the American people.

White House Chief of Staff Rahm Emanuel appeared on "Face the Nation." According to the New York Times, Mr. Emanuel said:

Mr. Obama was not happy with the large number of earmarks in this bill, but—

Mr. Emanuel said—

the President kept lawmakers from adding a single earmark to this \$287 billion stimulus package and a \$32.8 billion plan to the State Children's Health Insurance Program.

By the way, that statement is disingenuous on its face.

So I guess we are doing last year's business. Does that mean last year's President will sign this porkbarrel bill? I wish to freely acknowledge—I wish to freely acknowledge that Republicans were guilty of this as well. I have said time after time there are three kinds of Members of Congress: Republican Members, Democrat Members, and appropriators.

If it sounds as if I am angry, it is because I am. The American people today want the Congress to act in a fiscally responsible manner, and they don't want us to continue this corrupting practice.

My colleague from Oklahoma is here. He calls it a gateway drug—a gateway drug. I am not going to pick up this managers' package. Look at this. Look at this. Look at this. Have we had a

single one of these projects authorized? Has any of them gone through the authorizing committee? Have any of these projects been examined for whether they are better or worse or more meritorious than others? No. They are in there because of the political clout and seniority of Members of Congress. That is what this is all about—political influence.

Maybe one could argue when this economy was good and we were in a surplus this kind of wasteful spending could be brushed aside; that it was somehow, in the view of some, acceptable. It is not now. It is not now. There are millions of Americans out of work, unemployment is climbing, and the stock market is tanking.

So what do we do in response to that, as every American family is having to tighten their belts, sitting around the kitchen table figuring out how they are either going to keep a job or get health insurance, keep their families together and stay in their homes? We are going to spend \$333,000 for the design and construction of a school sidewalk in Franklin, TX. Now, maybe that Franklin, TX, school needs a sidewalk. Maybe other places need a sidewalk too.

We are going to spend \$951,500 for a sustainable Las Vegas. What does that mean? What does sustainable Las Vegas mean?

We are going to spend \$143,000 for Nevada Humanities to develop and expand an online encyclopedia.

Is there no place besides Nevada that they need to expand an online encyclopedia? There hasn't been a lot of coverage on the \$200,000 for a tattoo removal violence outreach program in the L.A. area. Is that program also needed in other areas? Why did we pick out L.A.? There is \$238,000 for the Polynesian Voyaging Society in Honolulu, HI. We have \$238,000 for the Polynesian Voyaging Society in Honolulu, HI, when people are out of a job. There is \$100,000 for the regional robotics training center in Union, SC. There is \$238,000 for the Alaska PTA. There is \$150,000 for a rodeo museum in South Dakota.

Americans are angry, Mr. President, and they are going to know a lot more about this bill before we have a final vote. They are going to know a lot more about it. Americans are going to be angry. Americans are angry now at what we have done. The approval rating of Congress is incredibly low. So we will be going through a lot of this.

By the way, there is an outfit called PMA. A lot of Americans haven't heard of PMA. It is a lobbying organization. Contained within this legislation are 14 earmarks that the managers of the bill put in, and these 14 earmarks total nearly \$9.7 million. Guess to whom they are directed—clients of the PMA Group. The PMA Group, for the benefit of my colleagues, is a lobbying group, a

firm recently forced to close its doors after being raided by the FBI for suspicious campaign donation practices. The firm is under investigation. So what did they do? They went out and got \$9.7 million worth of your taxpayer dollars, totaling \$9.7 million, after being raided by the FBI for suspicious campaign donation practices. They remain under investigation. Do you think maybe we could take that out?

I have long spoken about a broken appropriations process, vulnerable to corruption and abuse, and the allegations against the PMA Group and some Members of Congress stand as a testament to the urgent need for reform. How could we allow these provisions to move forward while their principal sponsor is under Federal investigation? How do we do that?

Mr. President, we will be talking a lot more in the days ahead as we go through this legislation. I hope the American people will rise up and demand that what we need to do is just have a continuing resolution, continue with the spending levels that were part of the continuing resolution. If this is a "change," then let's start implementing change.

If there is any testament to business as usual here in the Congress of the United States, it is this bill before us. Americans all over this country hope for change. They hope the corruption, earmarking, and porkbarrel practices will stop. What are we giving them? We are giving them a slap in the face, that is what we are giving them.

I know my colleague from Oklahoma is here. I will be glad to hear the explanation from my colleagues, the distinguished managers of the bill, as to why 14 earmark projects obtained by the PMA Group, which has been shut down and is under FBI investigation, why we need \$1.7 million for pig odor research in Iowa, and why we have 1,100 pages of the managers' statement. A managers' statement is supposed to be a description of the bill. What has happened over the years is that we have stuck in more and more provisions in the managers' statement which then, according to the agencies of Government, have the force of law. So we get tens of billions of dollars of unnecessary and wasteful earmarks. So much for the promise of change.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COBURN. Mr. President, before we get started—

Mr. INOUE. Will the Senator yield?

Mr. COBURN. Yes, I am happy to yield to the chairman.

Mr. INOUE. Is the Senator going to propose an amendment?

Mr. COBURN. I will not at this time.

Mr. INOUE. Thank you.

Mr. COBURN. Mr. President, it is interesting—and the American people ought to pay attention to this—what we have right now is a bill that is \$410 billion. It is \$363 million a page. And now we have instructions from the majority leader that no amendments are allowed to be offered. That is what the intent of the quorum call was. That is why the honorable chairman asked me that question. The only way I can talk on the floor is if I agree not to offer an amendment to \$410 billion worth of spending, at \$363 million per page. What are we coming to? Now we can't offer amendments. I reached out to Senator REID and said I would work with him on packaging amendments in a way that would not delay this bill, in a way that we can still have a good debate and lots of amendments offered. My goodness, you have 57 votes. You can win almost any vote here. Why do you not want to have amendments? They don't want to have amendments because they really don't want the American people to know what is in this bill. That is why.

This bill represents the spending for all of these agencies we have not sent the money to this fiscal year. But it also represents the worst excesses of Congress. It represents parochialism ahead of principle. It represents putting politicians first and putting the people last. That is what this bill represents. It represents the exact opposite of what our President said he wanted, which was "change you can believe in." Now we have change that is exactly what we saw before President Obama became President. We have the same standard of behavior. Tons of earmarks are in this bill. That is a totally different question. This bill has grown by over \$32 billion from the same period last year, of which we just increased most of these agencies on an average of around 80 percent with the stimulus bill. Now we are going to increase it another 8.4 percent, and we are not supposed to offer amendments. We are not supposed to take out things that are obviously quid pro quo in terms of earmarks and campaign contributions, as the Senator from Arizona just mentioned, from the donors we are seeing who are being investigated right now.

The way to get our Government back is to have free and honest debate in the greatest deliberative body in the world, which is supposed to be the U.S. Senate. Now we cannot offer amendments on a bill that is almost half of the entire discretionary spending of the country because we are not sure they want

to take a vote on a bill. I have not been bashful about what I want to do.

There is an Emmett Till bill that we passed under controversy here. We got it passed. There is not one penny for funding for the Emmett Till Unsolved Civil Rights Crimes in this bill, which your side totally promised would be in this spending. You are abandoning Alvin Sykes and all these families who had unsolved civil rights crimes over the last 30, 40 years in this country and reneging on a promise that said you would put the money in the Justice Department. Yet there is not a penny there. We are high and mighty when it comes to authorizing and when we promise we will do the right thing. But when it comes down to it, we would rather give earmarks for pig smell than fund the solution for unsolved civil rights crimes. I tell you, by doing that, I think we have dishonored a great number of people who worked hard to make sure that bill got passed, the least of which is not Alvin Sykes, a man who has dedicated the last 10 years of his life to seeing that justice was not denied to these families. Here we have a bill which we made promise after promise that we would take care of, and we have done nothing. Of course nobody wants to change this bill. They don't want to change the bill because we are running up to a deadline we have known about since the fiscal year started. No, you cannot change the bill because we will have to extend the CR. There are a lot of benefits to extending the CR: One, we save our grandkids \$38 billion—that is one of the benefits—and two, we don't reward behavior that causes us to be less than honorable.

There are 8,570 earmarks in this bill. I am not opposed to earmarks if they are authorized and go through a committee and Senators say they are a priority. But the average American, when they look at all these earmarks, is going to say: How in the world is that a priority? Yet we spend \$7.7 billion out of that \$30 billion—increased spending—so we can help Senators get reelected and so they will look good at home.

Mr. President, I worry about our Republic. You should be worried too. In the face of the greatest economic difficulty we have seen in over half a century in this country, the status quo has not changed in the Senate. We have not called up the courage to do what is best for this country. What we have done is relied on what is best for the politicians. I worry about what our kids are going to see, what standards of living they are going to have, because it is exactly this behavior that will mortgage their future, and it is not just the dollars, it is the misdirection of funds against a standard that common sense would say is not a priority now. We ought to be doing what is most important for this country first and what is best for the politicians last. This bill has it wrong. It has it backward.

I told the majority leader a moment ago that I would work with him to make sure we didn't obstruct. But maybe we should obstruct this bill, we should stop this bill. Based on the waste in it, the lack of oversight, lack of metrics in the programs, the earmarks in it, and the outright greed for the special class in this country—and that special class is the connected class of the politician. That is who benefits most from this bill. It makes me want to vomit.

You should worry about process in this Chamber because process is the thing that creates transparency. The American people are going to get to see—if we get an opportunity to offer amendments—what is really in this bill.

I will finish my rant by saying that I wonder what the Senators before us, 50 and 100 years ago, would say about what is going on with process in this Chamber right now. You have the votes to defeat anything. Yet you don't want to have an amendment that you have to take a vote on that says this is a priority or this isn't a priority.

To me, I think that lacks honor, I know it lacks courage, and it lacks the dignity this institution deserves.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Hawaii.

Mr. INOUE. Madam President, does the Senator from Texas wish to speak?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I thank the distinguished bill managers for the opportunity to speak by unanimous consent as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS INDEPENDENCE DAY

Mr. CORNYN. Madam President, I rise to speak on behalf of Texas Independence Day, March 2. On this date in 1836, delegates from 59 Texas settlements in what was then Mexico declared their independence from that country and their determination to live in liberty. The delegates who met in this small town known as Washington-on-the-Brazos were a diverse group. Two of the delegates were native Mexicans, Jose Francisco Ruiz and Jose Antonio Navarro. The rest were immigrants from Europe, from Mexico, and, yes, from the United States. Two-thirds of the delegates were less than 40 years old.

Several of the delegates had political experience, men such as Sam Houston, who had been Governor of the State of Tennessee. He, Robert Potter, and Samuel Carson had all served in the Congress. Richard Ellis had participated in the constitutional convention of the State of Alabama, and Martin Parmer had done the same in Missouri.

These delegates, and the people they represented, had a clear goal. They

wanted freedom. In this case, the freedom guaranteed to them under the Mexican Constitution but which had been lost under the dictatorship of then-President Antonio Lopez de Santa Anna.

The Texas delegates modeled their declaration of independence on the one signed in Philadelphia 60 years earlier. They expressed their grievances, their determination to protect their freedoms, and their vision for a new nation—the Republic of Texas.

The "Unanimous Declaration of Independence by the Delegates of the People of Texas" was signed by those 59 delegates on March 2. Five copies were sent to the towns of Bexar, Goliad, Nacogdoches, Brazoria, and San Felipe. Because there were no printing presses in Washington-on-the-Brazos, the printer in San Felipe was ordered to print 1,000 copies in handbill form. The original copy was sent to the U.S. Department of State in Washington, where it would stay for six decades before being returned to the State where it was written.

Even as the delegates signed this historic document, they knew their love of liberty might demand the ultimate sacrifice. At that moment, less than 200 miles to the west, Santa Anna's army was laying siege to the Alamo. Just days earlier, its young commander, William Barret Travis, sent out this letter. He wrote:

Fellow citizens & compatriots—I am besieged, by a thousand or more of the Mexicans under Santa Anna—I have sustained a continual Bombardment & cannonade for 24 hours & have not lost a man—The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken—I have answered the demand with a cannon shot, & our flag still waves proudly from the walls—I shall never surrender or retreat. Then, I call on you in the name of Liberty, of patriotism and everything dear to the American character, to come to our aid, with all dispatch—The enemy is receiving reinforcements daily & will no doubt increase to three or four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible & die like a soldier who never forgets what is due to his own honor & that of his country—Victory or Death!

Madam President, death came to the defenders of the Alamo, but victory came to the people of Texas shortly thereafter. On April 21 of that year, Sam Houston and about 900 Texas soldiers defeated the larger Mexican Army at the Battle of San Jacinto. The surprise attack was so successful. It lasted all of 18 minutes, and the next day, Santa Anna himself was captured. By this victory, Texans won the independence they had declared less than 2 months earlier.

Sam Houston went on to serve as President of the Republic of Texas, after serving as Governor of Tennessee, a Member of the House of Representatives from Tennessee, then as President of the Republic of Texas. And

after statehood, he served right here in the Senate as one of the first two Senators from our State.

I am honored to hold the same seat in this body that was first held by Sam Houston. He served here for 13 years. He was a champion of Native Americans and raised his voice against secession and Civil War.

Today, Texans honor the courage and sacrifices of those who won our independence and those who have followed in their footsteps to this day.

In the past year alone, I have had the honor to present a Bronze Star to a native of Harlingen, TX, who helped lead the breakout from a beachhead in Anzio during World War II. I was honored to present a Purple Heart to a resident of Seguin who was severely wounded by mortar fire in Korea. I have seen tears of sorrow and of pride of those who have lost loved ones in Iraq. And I have honored young men and women who even now are completing their first year of study at our Nation's service academies.

All these heroes and their families have paid the ultimate tribute to those who stood for freedom 173 years ago. In remembrance of all those who have risked their lives to keep Texas and the United States a land of liberty, I close with the words of our State song:

God bless you Texas! And keep you brave and strong,
That you may grow in power and worth,
Thro'out the ages long.

Madam President, I yield the floor.

Mr. INOUE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 592

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 592.

(Purpose: To continue funding at fiscal year 2008 levels through the end of fiscal year 2009)

Strike all after the enacting clause and insert the following:

SECTION 1. CONTINUING 2008 FUNDING LEVELS.

Section 106(3) of Public Law 110-329 is amended by striking "March 6, 2009" and inserting "September 30, 2009".

Mr. MCCAIN. Madam President, this amendment is very simple and straightforward. Instead of the bloated, earmark-filled \$410 billion Omnibus appropriations bill and statement of managers totalling 2,967 pages that no Member could possibly have read given

the sheer volume, this amendment would provide for a long-term CR to fund the Federal Government through the end of this fiscal year. It is a one-page amendment. It approaches fiscally responsible discipline in an expeditious way which is why just 2 years ago we agreed to nearly the exact same approach when we agreed by a vote of 81 to 15, on February 14, 2007, to revise the continuing appropriations resolution 2007.

I note no Member of the majority voted in opposition to that approach which, similar to the amendment I am proposing, funded nearly all the agencies of the Federal Government, except the Department of Defense and the Department of Homeland Security which had been enacted as regular appropriations bills. The only difference today is the MILCON-VA funding was approved last year and is not part of this continuing resolution, that and the fact that the majority is in control of the House, Senate, and White House.

When are we going to grasp the seriousness of the economic situation confronting us? We learned Friday that the GDP sank 6.2 percent in the last quarter of 2008, far worse than what was expected. With the economy contracting by the fastest pace in a quarter century, this needs to serve as a wakeup call. We cannot afford literally to continue under this same status quo.

Let's consider some cold, hard facts. The current national debt is \$10.7 trillion. The 2009 projected deficit is \$1.2 trillion. The total cost of the economic stimulus enacted 2 weeks ago is \$1.24 trillion. That is \$789 billion plus interest. TARP I and II, \$700 billion; TARP III, \$250 billion to \$750 billion or more; the President's budget request for 2010, \$3.6 trillion. And now here we are debating a pork-filled \$410 billion Omnibus appropriations bill to fund the Federal Government through the second half of the fiscal year at a funding level that is nearly 10 percent greater than spending for the last fiscal year, which, according to the ranking minority of the House Appropriations Committee, represents the largest increase in annual discretionary spending since the Carter administration.

Combine the total costs of this omnibus with the Defense and Homeland Security and Military Construction bills passed last year, and spending for fiscal year 2009 will top \$1 trillion.

Now let's consider the impact of the funding increases in this bill, combined with the billions of dollars provided to these agencies in the stimulus. According to a document prepared by the House Appropriations Committee minority, the combined cost of the omnibus and the recently passed stimulus bill results in the following increases in this year's spending in billions of dollars: Agriculture, the percent increase over last year is 45 percent.

That is \$26.1 billion. Commerce, State and Justice—this is with the stimulus and the bill before us, with its 1,100 pages of managers' statement—is a 41 percent increase. Energy and water, a 151 percent increase; financial services, 43 percent; Interior, 45 percent; Labor-HHS, 91 percent; legislative branch, 12 percent; State and foreign ops, 13 percent; Transportation, 139 percent—a total of an 80-percent increase over last year's spending.

We are committing generational theft because we are going to ask our kids and our grandkids to pay this bill.

While I wish to say it is time to put a halt to business as usual, I find myself thinking this level of funding defies that description. It is beyond anything I have ever witnessed and is extremely alarming. That is why we should adopt this long-term continuing resolution that will effectively freeze spending to last year's level and eliminate wasting an additional \$7.7 billion on more than 9,000 wasteful earmarks.

Just as the chairman of the Appropriations Committee, Senator BYRD, said during the February 2007 debate on a continuing resolution, it is a fiscally disciplined resolution, and so is this one. During the week, there will be many discussions on the floor about the questionable funding contained in this omnibus spending bill. It is difficult even for me to grasp the level of unnecessary spending proposed in this bill. It may be the most egregious pork-barrel spending I have witnessed in all my years here.

Over the past few days, I have been listing a top 10 each day of some of the most stunning provisions. I have been twittering. Remarkably, it would take me almost 3 years to list every earmark—if I continued to list the top 10—until all the more than 9,000 were mentioned. I state this to put some perspective on the enormity of this level of earmarking.

I have been through some of them before, but they make you laugh and they make you cry: \$190,000 for the Buffalo Bill Historical Center in Cody, WY; \$951,500 for the Oregon Solar Highway.

Some of these projects may be worthwhile. They may be projects we all need. If they are, they should go through the process of authorization and appropriation. They are not. They are inserted in an appropriations bill in a fashion that no Member of this body has read this managers' statement or this bill. That is what is wrong with it.

There will be arguments in favor of a certain earmark. There will be an argument for \$6.6 million for termite research in New Orleans. Then why didn't it go through the proper authorizing committee and then have the funds appropriated? That is what is required by the procedures of the Senate, which have been violated more and more and more. And unfortunately, what happens when you commit any egregious

breach, when you engage in activities that are unethical, they grow and they grow. And I say—and I say again—this is serious stuff. We have former Members of Congress and their staffs residing in Federal prison.

The Senator from North Dakota and I spent a couple of years investigating Mr. Abramoff, and we did so under the authorizing committee of the Indian Affairs Committee—what some view as an obscure committee—and we uncovered these egregious activities of ripping off Native Americans of millions of dollars; of the incestuous relationship between staffers and Members of Congress and this process. We confined our activities to Native Americans. There was much more evidence of wrongdoing. But because we were the Indian Affairs Committee, we kept our investigation to those.

I don't know how many people are now in prison, but I know recent indictments have come down. So this is not trivial stuff we are talking about. This is corruption. And when we do things such as this, then it encourages a practice.

I asked earlier in my comments how in the world could we appropriate items which had been lobbied for by a group called PMA, whose offices were raided by the Federal Bureau of Investigation? How can we insert their earmarks into an appropriations bill? I don't get it.

My amendment is simple. It goes back to a continuing resolution and funds the activities of the Government at last year's levels, which obviously were sufficient last year. We need to do some belt tightening, I don't think there is any doubt about that. We are asking every American family to do that today. And every American family is having to do it today as we face an unprecedented economic distress which is affecting literally every family in America. It is a great and ongoing tragedy. It seems to me that we, as a Congress, can at least not increase the spending over last year's level as Americans have lost at least half of their savings in the stock market in the last year.

I hope we will approve this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

HEALTH CARE REFORM

Mr. WYDEN. Madam President, I thank the distinguished chairman of the committee for the chance to speak at this time. I am going to talk a bit about the cause of health care reform, and I know the chairman has been a leader in this area for these many years.

For some time, the planets have started to align for the cause of health reform, and today the President put in place some stars in Kathleen Sebelius and Nancy-Ann DeParle for key assignments in this health reform effort. Both of them bring extraordinary qualifications to their positions.

Kathleen Sebelius is a renowned expert on the cause of insurance reform. This is going to be especially important because the insurance model today is fundamentally flawed. It is all about cherry-picking—taking healthy people and sending sick people over to government programs more fragile than they are. Under Kathleen Sebelius, I am of the view we will reinvent that insurance system. Private insurers will compete on the basis of price, benefit, and quality.

I believe we will have bipartisan support for that effort. The President has talked about it. Chairman BAUCUS has it in his white paper. Chairman KENNEDY has long advocated this very different model of private insurance. I am pleased to say in our bipartisan Healthy Americans Act, which Senator BENNETT and I have sponsored, we include it as well. With Kathleen Sebelius and her expertise in the insurance field, we will be in a position to get it done and get it done with bipartisan support.

Nancy-Ann DeParle brings the same qualifications to the task of fixing health care. She is an expert in health care numbers. She was involved what was then the Health Care Finance Administration. But what I like the most about Nancy-Ann DeParle is that she has always understood that enduring solutions to big questions—such as fixing health care—are going to require that we bring together bipartisan support for those efforts.

To his credit, the President has emphasized how important it is to have bipartisan support for this challenge. I believe at this point Democrats and Republicans can come together and end the gridlock over health care reform. I think we are now seeing emerge a bipartisan consensus that each party has been right on fundamentals with respect to health care.

Democrats have been right about the proposition that you cannot fix the system without covering everybody. If you don't cover everybody, the people who are uninsured shift their bills to the insured, and they shift the most expensive bills. So my view is my party has been right on the question of coverage, and it is time to get all Americans good quality, affordable health care.

I also believe Republicans have contributed significantly because we do need a strong private sector, one that encourages innovation, one that steers clear of price controls and a one-size-fits-all Federal solution. So I think there is opportunity now for private sector choices as well as expanding coverage. Again, President Obama has included that kind of thinking, Chairman BAUCUS has, Chairman KENNEDY has, and we have it in the Healthy Americans Act as well.

Some are saying—and we have heard this repeatedly in recent weeks—that

our country, with our fragile economy, can't afford health care reform. I am of the view that our economy can't afford the status quo. If you think about what is going on in North Carolina, the reason people's take-home pay doesn't go up is because it is all going to health care. The fact is that fixing the economy and fixing health care are two sides of the same coin. The Obama administration—particularly Peter Orszag, the Budget Director—has long recognized this.

The President was right to say that after 60 years of talking about health care, he didn't want to wait until year 61 to get something done; he wanted to do it this year. Today, by appointing Kathleen Sebelius and Nancy-Ann DeParle, he got these efforts off to a very strong start.

This Thursday we will have a health care summit. Proponents, opponents, and those of differing views will be around the table. Again, the President has made the right call by inviting some who haven't been advocates for health care reform in the past. But I think we are seeing a dramatic departure from a lot of the positions of the past, and that is what is going to make Thursday's session very exciting and I believe very productive.

For example, in 1993 and 1994, when our country debated health care reform under the Clinton plan, the business community said, We can't afford to fix health care. Now the business community—businesses small and large and of all philosophies—are saying, We can't afford the status quo. Chairman BAUCUS and Chairman KENNEDY and their ranking minority members, CHUCK GRASSLEY and MIKE ENZI, have a long record of being able to work in a bipartisan fashion to build on those new sentiments coming from the business community.

I believe Senator BENNETT and I, with the 13 Senators who are part of the Healthy Americans Act coalition, can bring to the President, can bring to our chairs and ranking minority members, some ideas that can pick up bipartisan support. They know we are anxious to work with them and to work with them quickly. To stick to the President's timetable is going to require that kind of bipartisan goodwill, and I believe it is now there.

I believe that the health care challenge in this country, with exploding costs and demographics that are relentless, requires a lot of the old thinking be set aside. I believe it is doable. In the course of the last 2 years, I have had a chance to visit more than 80 of our colleagues in their offices, to listen to them, to get their thoughts on what needs to be done in health care, and to a person, I found a desire to act and to act now.

I think, as the President knows, you can't have a town meeting—whether it is North Carolina or Oregon, or anywhere else in this country—without

health care dominating the discussion. So this Thursday provides an opportunity to bring people together. We will have the nominations of Kathleen Sebelius and Nancy-Ann DeParle going forward. I am certain they are going to be approved with very substantial bipartisan support, and then we will be down to the task of writing legislation.

On the key issues there is agreement among reformers. Clearly, you have to cover everybody to stop cost shifting. You have to change the insurance model so that instead of spending time scouring out the bad risks and taking only healthy people, there is a different model of private insurance where plans compete on the basis of price, benefit and quality. We are going to come together and make sure we are purchasing value for our health care dollar.

Dr. Orszag has pointed out on many occasions that something like 30 percent of the health care dollar goes for services of little or no value. That is these services don't help patients get healthier. Chairman BAUCUS and Chairman KENNEDY have some good ideas for changing that as well.

I think, finally, there will be a very sharp new focus on prevention and wellness. When Senator BENNETT and I were talking about the Healthy Americans Act, we thought there were a number of key areas we felt strongly about. But what we felt most strongly about was getting a new emphasis on prevention and wellness. That is why we called it the Healthy Americans Act—because to a great extent, Madam President, we don't have health care at all in this country. We have sick care.

Medicare Part A, the biggest health care program in our country, will pay thousands of dollars for senior citizens' hospital bills, and Medicare Part B, on the other hand, will not do anything to award prevention and to keep people healthy. So in the Healthy Americans Act we say seniors who make efforts to lower their blood pressure or lower their cholesterol will get lower Part B premiums.

The fact is, the entire health system does little to encourage prevention. For example, with the typical workers changing their jobs every few years—right now the workers, by the time they are 40, change their jobs 11 times—there is not a great incentive for private insurers to invest in prevention. So what the President seeks to do—and Chairman BAUCUS, Chairman KENNEDY, Senator BENNETT, myself, distinguished chairman of the Appropriations Committee who is part of our legislation—we are saying let's make health coverage portable so you can take it from place to place as you change your job, and in the future private insurance companies will have an incentive to invest in wellness and prevention and good health care because people will be staying with them. In to-

day's system, when workers jump from one job to another every year or year and a half there is no incentive for the insurance company to invest in your health.

Madam President, I said the planet was aligning for the cause of health reform. With the appointment of two true stars, Kathleen Sebelius and Nancy-Ann DeParle, the President took another significant step toward achieving our goal today. I believe, after 60 years of bickering about this subject—it literally goes back to the 81st Congress with Harry Truman—there is new momentum for an enduring fix for the challenges of American health care. To make an enduring solution to those challenges requires that Democrats and Republicans come together. I think that is going to be possible with both parties having the ability to secure major objectives they have worked for in the past.

With Thursday's summit coming up, I think the American people will see that now the hard work is going to go forward. This time, after years and years of polarizing debates, there is going to be an opportunity to come together. I believe the Congress, with the leadership of President Obama, is going to take that opportunity.

I yield the floor.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, I would like to speak to the fiscal year 2009 appropriations bill, or what we call the Omnibus appropriations bill, that is before us right now, beginning with a general discussion and then some of the concerns that many of us on the Republican side have with this legislation.

As I think most folks know, this is the second half of funding for the fiscal year we are in right now. The first half went through March—or basically through the end of this coming week—and then the second half of the year we said we would do late, and that is this legislation. I will discuss more of the process later, but the reason this was done in two pieces, I think, is twofold.

First of all, the majority was not able to get the entire bill done last year, either intentionally or because it represented a lot of work—although that is the way we do it every other year—and second, I think there was a feeling there was a good likelihood they would add to their numbers on the majority side and potentially have a Democratic President, and so there may be some policy changes and other

changes they would want to make in the legislation that they would have an easier chance to get passed than if they had done that when there were more Republicans in this body, for example, and a Republican President who could veto the bill.

I say that because some of the things that are in this bill clearly represent changes from what was going to be the funding for this fiscal year until this special process was indulged. I do think and hope my colleagues on the Democratic side appreciate one of the reasons Republicans have concerns about this are these changes that have been made.

In general terms, the \$410 billion funding level is \$32 billion or 8 percent higher than the fiscal year 2008 enacted level. At a time when we are suffering from pretty tough economic times, this is a pretty healthy increase in spending over last year. According to the House Republican appropriators, if you exempt the 9/11 funding in the bill, it is the largest increase in annual discretionary spending since the Carter administration. The bill is long—it is 1,124 pages long—and in addition to that there is a 1,000-page joint explanatory statement.

I confess I have not gotten through all of those things. But staff have tried to read through it and have identified some of the things I want to discuss this afternoon.

If you add the bills we did pass to fund the Government for the entire year—the Defense bill, Homeland Security and Military Construction—then the total of the discretionary funding for the year will exceed \$1 trillion for the first time in the history of the United States.

So it is a big spending bill. The total, as I said, is about \$21 billion above President Bush's fiscal year 2009 request.

Some of the spending concerns specifically are the following: Probably the biggest is the fact that when we did the so-called stimulus bill, we spent almost \$1 trillion. Much of that was spent on programs that are actually imbedded in this Omnibus appropriations bill. Constituents may be a little bit confused on that point. We know they know we have an appropriations bill that got us started on the year 2009.

They know we had this \$1 trillion-plus so-called stimulus bill. So why are we doing an Omnibus appropriations bill on top of that? It is a good question, especially in those areas where there is duplicative funding, which there is a lot of. There are 122 programs that already received hundreds of billions of dollars in the stimulus bill. You would think they would not be included in this bill, so that you had duplicate spending.

But, no, they were both in the stimulus bill and also in this bill. According

to, again, the House Appropriations Committee Republicans, the omnibus and stimulus together include \$680 billion for new programs. There are also program expansions, there is one-time spending. If you add all these things together, you have an 80-percent increase in the funds for those accounts over the 2008 level. Think of that, an 80-percent increase.

Now, you can even rationalize maybe a 6- or 8-percent increase over the previous year. But an 80-percent increase? That is obviously way too much. Just a couple of examples of things that got into this bill. There is \$15 million for beginning of a study for a new House office building. I served time in the House of Representatives, and actually worked in two different office buildings in the House. Working in the Rayburn House Office Building, a beautiful new building, there is plenty of room.

I think we would all like bigger space, but is that something we want to be spending money on this year, given our current economic environment and the fact that we just got through funding the new Congressional Visitor Center, which was massively over budget?

But more important than some of these spending items are the policy concerns. These are the areas of the bill that certainly Republicans would not have agreed to as part of the process: School Choice for the District of Columbia. This bill effectively eliminates the School Choice Program by prohibiting any student from participating in the program after the 2009–2010 school year unless Congress reauthorizes the program and the DC Council approves the bill. So you are setting up two big roadblocks to the continuation of what has been a very popular program for folks in the District of Columbia.

A provision on greenhouse gas emissions. This bill, with this provision, takes a large step toward allowing the Endangered Species Act to literally be used to regulate greenhouse gas emissions, although it was obviously never intended for that purpose.

Specifically, it allows the Interior Department to withdraw two specific Endangered Species Act rules within 60 days of enactment without any public notice or comment. The practical effect of this rule withdrawal is that any acts that increase carbon dioxide or greenhouse gas emissions, which means almost anything we do, since, of course, we breathe carbon dioxide, would be subject to a lawsuit if it did not first consult the U.S. Fish and Wildlife Service on mitigation against potential impacts of climate change and harm to polar bears. That is the specific rule we are talking about.

Examples of actions subject would include construction projects, energy production, agricultural practices, to name a few. This is a radical departure

from anything we have done in the past. It is a policy change that most Republicans simply cannot agree with.

There is something called nominal drug pricing, which would allow Planned Parenthood and other organizations to buy certain drugs for nominal prices and then resell those drugs at a profit. This is not what they are in business to do.

There is a very controversial section on family travel to Cuba. Section 620 and 621 of the Financial Services Division weakens the existing travel restrictions to Cuba. Now, that is the kind of serious policy which we need to have a serious policy debate about in this Congress. Is that the kind of thing we want to include in this appropriations bill? I think not.

The so-called Kemp-Kasten: Section 7079(b). This is a section we have had in the law forever. This particular section includes language which would undermine this longstanding Kemp-Kasten language. I said “forever.” It has been since 1984. It is a provision that denies Federal funding for organizations that are involved with coercive abortions. While the Kemp-Kasten provisions are still intact in the omnibus, an exemption is created for a very important organization, the U.S. Population Fund or the UNFPA, which is a controversial program that the United States has not funded in the past due to its past involvement with China’s one-child policy. Again, it is a very important change in policy. If we are going to do things such as that, we should debate it on the floor of the House and Senate and make a decision, not just fold them into an appropriations bill.

Finally, we hear a lot on the earmarks these days. I was surprised to learn this bill includes earmarks totaling about \$7.7 billion, 8,750 earmarks, allegedly. Nobody argues that every single expenditure Congress directs is inappropriate, especially if they have already been authorized. But I suspect that in these 8,750 earmarks, there is an awful lot that does not represent authorized spending by the Congress.

I would note that the three security-related appropriations bills enacted last fall added another \$6.6 billion in earmarks, which would bring the total in this bill to \$14.3 billion in disclosed earmarks. That is not acceptable.

The President supported an amendment to the budget resolution for 2009, the so-called DeMint amendment, with Senator McCain and Senator Clinton, to establish an earmark moratorium for fiscal year 2009. The vote on that failed 29 to 71. But I would hope the President, as a result of his position on this, would weigh in.

Finally, I mentioned in the very beginning the process, how we got to this point. Why are we considering, after a recordbreaking stimulus bill of over \$1 trillion, why are we passing another appropriations bill now, before we have

done a budget for this year and before we do the appropriations bills for the coming year? Well, it is because last year the Congress did not fund the entire year of Federal agency funding. Congress only funded the first 6 months.

Some people like to blame President Bush for this. President Bush had nothing to do with it. He was the President. He does not write the appropriations bills. He does not pass the appropriations bills in the Congress. I really think, as I said, it was a combination of factors.

For one thing, some bills, at least one that I know—well, two—the Interior bill and the legislative branch bill—were never passed out of committee. President Bush had nothing to do with that. It is a failure of Congress to get these bills passed out of the committee. Remember that the Interior bill never got out of Committee in either the House or Senate because the majority was worried about taking the offshore drilling, the so-called oil shale and OCS oil exploration and drilling votes.

That bill got out of neither committee. It had nothing to do with the President. Given the delay in bringing the omnibus bill to the floor; in other words, waiting until the very week in which the resolution that funded the first half of the Government expires, we are clearly taking a chance that either we are going to rush through this and not give it appropriate time or we are going to have a continuing resolution of at least some length of time. I presume it should not have to be for very long, but I would find it very doubtful that we could pass this bill, especially with the other things we have to do tomorrow, before the end of Thursday evening of this week. So there will be a lot of amendments, obviously, proposed to it. I think we should expect right now we will have to at least extend for a few days the funding for the second half of the year.

My own thought would be we should actually have something like a continuing resolution for the remainder of the year, especially if the price for not doing that is to adopt these many policy changes which are serious, significant, and require a lot more debate on the Senate floor than simply having been included in an appropriations bill, that would not enable them to get the kind of debate that I think ordinarily would attend to them.

This is the outline of the bill we have before us. Obviously, we are going to have a lot of amendments to it. Some will deal with the amounts of money in the bill, others will deal with the policy that is embedded in the bill. I hope my colleagues on both sides of the aisle would be willing to allow this debate, a fulsome debate, with the amendments that need to be offered, in order to conclude the bill in a responsible fashion.

Mr. INOUE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACEFUL REUNIFICATION OF CYPRUS

Mr. DURBIN. Madam President, in the last few decades we have seen historic changes around the world—the end of apartheid in South Africa, the peaceful collapse of the Soviet Union, the dismantling of the Berlin Wall, a wave of democratization across Eastern Europe and Latin America. My mother's homeland, her land of birth, the country of Lithuania, was once occupied by Nazis and then the Soviets. Today, it is a free, prosperous, democratic nation. These have all been moments of hope and inspiration. Yet, sadly, despite so much progress, we continue to be challenged by a number of longstanding internal conflicts in different corners of the world. From Sudan, to Kashmir, to Sri Lanka, internal divisions in the historical grievances have led to divided people and unnecessary human suffering.

Recently, during the Presidents Day break 2 weeks ago, I had the opportunity to visit one such impasse that today shows at least the promise for resolution—the island of Cyprus. U.N. peacekeepers first came to Cyprus in 1964 due to intercommunal fighting. Since 1974, Cyprus has been divided into the government-controlled two-thirds of the island and the remaining one-third of the island which is administered by Turkish Cypriots. The Republic of Cyprus, which joined the European Union in 2004, continues to be the only internationally recognized government on the island.

Tragically, Cyprus has been divided now for more than 30 years, with the U.N. buffer zone separating the entire island, the so-called green line. Violence today is rare, thank goodness, but the long-term impacts of the separation are stark—displaced people, memories of family members killed in earlier violence, and lost property rights. Quite simply, a people who share a common island have been unnecessarily divided for far too long.

In recent years, a number of important steps have been taken to improve relations toward eventual reunification. Crossing points between the two sides have opened. Thousands of people pass peacefully between the two sides of the island without incident.

A Committee on Missing Persons comprised of scientists from both the

Turkish and Greek Cypriot communities has been established. Of all the things we visited during the course of the 48 hours, an intensive visitation on the island of Cyprus, it is a cruel irony that one of the most hopeful was this Committee on Missing Persons. This is what they do. They have identified some 2,000 missing people, in some 40 years or more, 1,500 on the Greek side, 500 on the Turkish side, and they are trying to find the remains of their loved ones who have been gone for so long. They take DNA samples from all members of the family, and then they wait for anonymous, confidential reports of grave sites. They send their archaeologists out to excavate the grave sites, bring the skeletal remains into a laboratory, where scientists, both Turkish and Greek, try to reassemble skeletons and then take DNA samples and link them with families who reported missing persons. So far, over 130 of those missing persons have been identified. They have been brought back to their families. There has been a moment of closure and peace.

One would think, because these people disappeared in the most tumultuous and violent times, that, in fact, this would be another excuse, another opportunity for exploitation politically. But it doesn't happen. These families, after waiting for decades, have finally come to closure with the death of their loved one and really want to look forward. It is a very sober and dignified program and one that gives me some hope for this island, that people whose lives have been touched with violence can still find their way to peaceful resolution in their own minds when they finally are given the remains of someone they love. Thus far, no politician has taken advantage of these identifications to further more division or mistrust.

Most importantly, today there are two leaders who are extraordinary. Demetris Christofias is the President of the Republic of Cyprus. Mehmet Ali Talat leads the other side of the island on the Turkish side. They are engaged in serious negotiations to reunify the island. I had a chance to meet with both of them, speak to them at length. At great political risk, they are sitting down to try to work out their difficulties. They need help. They need the support of the Greek and Turkish Governments because although they may not have a direct presence—in the case of Turkey, their troops are there, and there is a direct presence—there is a community of interest between the Turkish Cypriots and Turkey and the Greek Cypriots and Greece. The support of those two nations can be very helpful in bringing the peaceful reunification of the island.

Christofias and Ali Talat are friends. They have made a peaceful and lasting agreement, or at least they have worked for one which unifies the island

their top priority, and it should be one we encourage and support. Their efforts are brave and forward-thinking. They are to be commended for working to make history for the people of Cyprus.

While the negotiations are a Cypriot-led process, the United Nations has a representative and special adviser, Alexander Downer, whom I met with and who is trying to find ways to bring the two sides together. He is an important symbol of the world's interest in the effort to find lasting peace on the island. We need to support his work.

After visiting Cyprus, I had the opportunity to visit both Greece and Turkey, two key NATO allies and friends of the United States. I was heartened there by leaders in both countries expressing hope for the peaceful reunification of the island of Cyprus.

These are important and inspiring steps forward, but there is still a great deal to be done toward final agreement. Many issues still need to be negotiated, and there is room for more confidence-building measures such as the Committee on Missing Persons and the opening of more crossing points. I am also concerned that failure to reach some kind of agreement this year may result in missing one of the most hopeful, perhaps last great opportunities in recent times to reunify the island.

For more than a generation, the situation in Cyprus has left an island and a region divided. People have died. Families have been separated. There has been a great deal of pain inflicted on the people of this island.

Cyprus, Greece, and Turkey are all friends of the United States and important to the region. While this is a Cypriot-led process and negotiation, I wish to express my strong hope and support for the current negotiations to bring peaceful and enduring settlement to the island.

One of the last visits I made, as I left Turkey, was to stop in Istanbul and meet with the Ecumenical Patriarch, the leader of the Greek Orthodox church. The Patriarch represents a church that has been in Istanbul for 17 centuries. There are now about 5,000 Greek Orthodox left in Istanbul. It is a small and dwindling community. But Istanbul as a city has a great symbolic importance to the patriarch and his church. He told me one of his highest priorities was the closing of the Halki Seminary 38 years ago. I told him I would reach out to the Turkish side in the hopes that they would meet with the patriarch and reopen discussions about this issue. I recently spoke to Secretary of State Hillary Clinton about this as well. I know she is headed to the Middle East. I hope she will raise it.

This gentle man, the Ecumenical Patriarch, is asking for a chance for a seminary class so that his priests and bishops can be trained and prepared for

the priesthood and for the hierarchy of his church. It is not an unreasonable request. I hope there is a way we can find within the constitution, within the laws, within the treaties involving Turkey to give them this opportunity. This gentle man, who prays for peace every day, should be rewarded with the reopening of his seminary. I hope the leaders of Turkey in Ankara, who were kind enough to meet with me, will find a way after decades to reopen these negotiations.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

REALITIES IN CUBA

Mr. MENENDEZ. Madam President, there will be parts of my comments that, for historical purposes, will be said in Spanish, and then I will translate them into English, so I ask unanimous consent that be permitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Madam President, February 16 of this year marked 50 years since the revolution in Cuba that brought Fidel Castro and his brother, Raul, to power. Some have used this anniversary as an opportunity to put forth some romantic views of the revolution. So I have come to the floor to talk about the realities of the situation in Cuba. The reality is that this golden anniversary for the Castros is an impoverished anniversary for the rest of the country.

Over the course of 50 years, the tides of romanticism have come and gone, but they have always crashed hard against the rocks of reality. All the pictures of Che Guevara on T-shirts cannot hide the brutality of the declaration he made before the United Nations in 1964. He said then:

hemos fusilado, fusilamos y seguiremos fusilando mientras sea necesario—

Translated that means:

[We have executed people, we execute people now and we will continue executing people for as long as we deem necessary.

No words better sum up the character of the revolution. The Cuban regime has bent and gilded the spirit of their people over a rotten core of brutality, depravation, and fear.

Here are the realities of the last five decades on the island:

According to the Free Society Project of the Cuban Archive, which has verification for every case, the number of people the regime has murdered or abducted numbers in the thousands, if not the tens of thousands. Hundreds of thousands of children have been separated from their parents. Millions of men, women, and young people have been forced into the fields to cut sugarcane and perform other hard labor against their will.

Here are the realities of Cuba today:

The Government is, pure and simple, a brutal dictatorship. Every now and then, the regime stages meaningless

elections with 609 candidates, all 609 chosen by the regime, vying for only 609 seats in a National Assembly that does not do anything without the approval of the Castro brothers.

Despite fertile soil and perfect climate, as well as significant financial assistance, access to food is tightly rationed. The average Cuban worker lives on an income of less than \$1 a day.

World Bank statistics show that fewer people have telephones, televisions, computers, and cars than in almost any other country in Latin America. The regime makes sure as few people as possible can use the Internet, so that the percentage of people who have access in Cuba is less than in Haiti.

The regime's claims about great progress in health care and education are immediately undermined by the costs paid—in lives lost, economic opportunities stolen, and freedoms denied. The island was not rich in 1959. Yet Cubans have fewer opportunities to get ahead than they did 50 years ago.

Across a wide variety of indicators of human development, Cuba has watched other countries in Latin America make similar or even greater gains. This poverty has an enormous cost. The widespread desperation of families has forced far too many young girls and boys into becoming sex workers, even though defenders of the revolution constantly cite the elimination of prostitution as one of its supposed accomplishments. In fact, a few years ago, Cuba was listed by *Voyeur Magazine* as the sex tourism hotspot of the world. So much for that success of the revolution of eliminating prostitution.

The Castro revolution has been most adept not at spreading education and prosperity but at instilling penetrating fear and terror, perpetuating their own power through a Stalinist police state.

The Cuban security forces were trained to torture by the dreaded Stasi of East Germany and carry on that legacy today. If you doubt that, ask Senator McCain about one of his torturers in Vietnam, a Cuban agent.

The world has expressed outrage at the treatment of detainees in the prison at Guantanamo Bay, and President Obama announced he would close it within a year. When the news of that decision reached Juan Carlos Herrera Acosta, who has spent more than 6 years in jail for his political views, he said:

¿Cuándo el mundo abrirá sus ojos y dirá que hay que cerrar los otros guantánamos que existen en Cuba?

Translated that means:

When will the world open its eyes and say that it's time to close the other Guantánamos in Cuba?

There is no excuse for turning a blind eye to the 300 other prisons on the island, prisons that make Guantanamo Bay look tame by comparison.

Armando Valladares, who wrote the prize-winning book "Against All

Hope," was imprisoned in the infamous Isla de Pinos in 1960 for his opposition to communism. He lived through the hell of Castro's jail, suffering violence, forced labor, and solitary confinement.

His writings were smuggled out, read throughout the world, and he was finally released after intense international pressure, 22 years after he was taken prisoner. Here are some of his memories of his captivity:

I recall the two sergeants, Porfirio and Matanzas, plunging their bayonets into Ernesto Diaz Madruga's body. . . . Boitel, denied water, after more than fifty days on a hunger strike, because Castro wanted him dead; Clara, Boitel's poor mother, beaten by Lieutenant Abad in a Political Police station just because she wanted to find out where her son was buried. . . . Officers . . . threatened family members if they cried at a funeral.

I remember Estebita and Piri dying in blackout cells, the victims of biological experimentation. . . . So many others murdered in the forced-labor fields, quarries and camps. A legion of specters, naked, crippled, hobbling and crawling through my mind, and the hundreds of men mutilated in the horrifying searches [they went through].

Eduardo Capote's fingers chopped off by a machete. Concentration camps, tortures, women beaten. . . .

And in the midst of that apocalyptic vision of the most dreadful and horrifying moments in my life, in the midst of the gray, ashy dust and the orgy of beatings and blood, prisoners beaten to the ground, a man emerged, the skeletal figure of a man wasted by hunger with white hair, blazing blue eyes, and a heart overflowing with love, raising his arms to the invisible heaven and pleading for mercy for his executioners.

"Forgive them, Father, for they know not what they do." And a burst of machine-gun fire ripping open his chest.

Those are Armando Valladares' live memories of the 22 years he spent in Castro's jails.

This has been going on since 1959, but, unfortunately, it is not a thing of the past.

In 2003, armed security forces raided 22 libraries and sent 14 librarians to jail with terms of up to 26 years in prison, simply because they established a library in their community. Oh how dreadful is the power of a book that could cause those people who created libraries to spend a quarter of a century in prison.

That year, it rounded up 75 journalists, human rights activists and opposition leaders and gave them summary trials and sent them to jail for up to 28 years.

To put a human face on this, because sometimes we talk about dictatorships and the consequences of their actions and we talk about people in mass numbers—but these are the faces: Oswaldo Paya; Marta Beatriz Roque; Oscar Espinosa Chepe; Armando Valladares, whom I quoted; and others who actually languish inside the jails in Cuba and who have been beaten and/or who ultimately have been harassed in the pursuit of peaceful civil society movements.

In 2003, Fidel Castro ordered one of the most sweeping, brutal crackdowns on opposition figures in years—a roundup of 75 dissidents and their summary trials.

In that black spring, his agents took away Marta Beatriz Roque. She is an economist, a leader of a group called the Assembly for Promoting Civil Society, a coalition of nongovernmental organizations dedicated to peaceful democratic change on the island. In 2003, she was sentenced to 20 years behind bars for the crime of wanting peaceful change, for the crime of speaking her mind.

In prison, her diabetes and blood pressure made her so ill that the regime let her leave her tiny cell. But they did not let her go far. Two years later, the Government sent a mob to attack her as she was traveling to meet a U.S. diplomat. They beat her. And when she tried to leave to get medical care, they trapped her in her home. She was 60 years old.

Now, every day of her life, she knows she could wake up and be thrown in a cell once more, left to die for the crime of thinking independent thoughts, for the crime of asking for change.

During the crackdown in the spring of 2003, Fidel Castro also arrested Dr. Oscar Elias Biscet. Dr. Biscet founded the Lawton Foundation for Human Rights, one of the first independent civic groups in Havana.

On February 27, 1999, he was arrested for hanging the national flag sideways at a press conference, and he was sentenced to 3 years in jail. He was protesting the forced abortions he was ordered to perform. After his release, he organized seminars on the Universal Declaration of Human Rights for Cubans. And he was arrested again in December of 2002 for organizing these seminars.

In April of 2003, he was sentenced to 25 years in jail and sent to a special state prison. I have, in the Chamber, this picture of his jail cell. His dark, damp cell is barely bigger than he is. In 2007, he was awarded the Presidential Medal of Freedom, the highest civilian honor this country gives to anyone. But he still has not won something far more important: his own freedom. He still languishes in a cell like this.

It is a myth that detentions of activists has dropped off since Raul Castro, Fidel Castro's brother, took power. More than 1,500 were rounded up last year, according to the Cuban Commission on Human Rights and National Reconciliation, an independent observer group. They may be released temporarily, but they are always subject to rearrest.

Multiple human rights organizations confirm that the Cuban regime is still holding more than 200 political prisoners whom we know of—independent journalists, economists, human rights workers, and doctors all jailed for speaking their minds.

In the United States, we saw an election last year that was all about a powerful call for change. The year before, 70 young Cuban youth were walking down the streets of Havana and detained simply for wearing a white wristband that has one simple word on it: "CAMBIO"—"Change." All they did was wear a simple, white wristband to express what they wanted to see.

While in the United States, the mantra of change can get you elected to the Presidency of the United States. In Cuba, the mere suggestion of change can get you arrested. What an irony.

The dictatorship maintains a network of spies on every single block. It is called "El Comité por la Defensa de la Revolución." It is a block-watch organization in every city, in every village, in every hamlet. If they suspect you, first, you will find yourself quietly demoted at work. Then you will lose your job. You will wake up one morning and your house will be covered in graffiti calling your family worms. You will walk outside and four former friends will now spit in your path.

The case of Adolfo Fernández Sainz could hardly be more representative. He is a journalist forced to spend 15 years of his life behind bars, in part for the crime of owning the novel by George Orwell, "1984." Fifteen years of his life behind bars.

But the saddest proof that a country is operated like a prison is when people are shot trying to escape. It was a hallmark of Soviet Russia and East Germany, Communist Hungary and Czechoslovakia, but today the Caribbean is the Cuban's Berlin Wall. All boats and building materials belong to the State, so taking a shipment to the waters or even building a raft can be considered crimes, often punishable by death. Cuban planes have attacked ships from the air. The Cuban Navy has attacked ships from the sea, surrounding boats, sinking them, sending men, women, and children to the bottom of the ocean.

The Cuba Archive has documented almost 250 cases of assassinations as people fled, in addition to the countless thousands who have died at sea, either drowning or being killed by sharks. Those Florida Straits, as people searched for freedom, are the burial grounds of so many that we don't know.

Cubans know the risks, and yet they continue to seek freedom. Since 2005, the Washington Post cites the number who have fled to America or sought to flee to America at 80,000—some of the country's best and brightest, risking arrest and death, leaving under the cover of darkness. Since 1959, according to the Center for the Study of International Migrations, nearly 1.7 million Cubans have been forced into exile.

For those who cannot leave, there is another sign of despair on the island. The World Health Organization data

reveals a sad fact: that Cuba has one of the highest suicide rates in the hemisphere.

For over five decades we have seen democracy take hold in every country on the Western Hemisphere but one—one island, suspended in the past, resisting the tide of history, its people waiting for something to change. In 1962, the United States restricted commerce within travel to Cuba. It stands as a legal, political, and moral statement that we reject the dictatorship's abuses and it serves as a way to weaken the regime. At the beginning, it was embargoed in name only. U.S. foreign subsidiaries were allowed to freely commerce with Cuba and it wasn't until the mid-1980s that these loopholes were closed. The Cuba Democracy Act and later the Libertad Act caused the Cuban regime to downsize what had become the third largest military per capita in the Western Hemisphere. That was good for the Cuban people and good for the hemisphere because Castro could no longer send his troops to promote revolution and to destabilize Latin American countries.

But that came about not out of ideological change by the Castro brothers; it came about as a result of economic necessity. The U.S. dollar—the most hated symbol of the revolution and illegal to own for quite some time—is now eagerly sought by the regime, creating a divide in Cuba. It is a divide between those who have access to U.S. dollars from their families and can use them at state-run dollar stores with prices that gouge those Cubans—and millions who have no family to send them dollars and chafe at that disparity. They question a regime that doesn't allow the freedom to work at jobs such as tourism and others, that might give them access to those dollars. This conflict exists because these circumstances came about not as a change in Castro's ideology; they came about because of economic necessity. Economic necessity, not ideological change, further drove the regime to accept international investment—specifically, in tourism and mining—something that was also previously illegal. This has created resentment by Cubans who are sent to work at these establishments by a state employment agency; and where the Cuban who goes to work at these foreign companies, their labor is sent there, they have to go work there, they get paid in worthless Cuban pesos, while the state gets paid in dollars for their labor. They get a fraction of the cost of their labor.

In addition, foreign companies summarily fire workers without recourse and get new workers from the state employment agency—no questions asked. Cubans have been denied access to visit these hotels in their own country and now—only now—are they told they can do so if they can pay hundreds of dollars a night when they make less than a dollar a day.

Notwithstanding these economic challenges that have created pressure for change in Cuba, opponents of the embargo are quick to point out that it has been in place for many years and the Castros remain in power. They seem very confident that allowing more American money to flow into Cuba will magically topple the regime. The truth is their prediction about cause and effect runs completely contrary to what has actually happened there. Over the years, millions of Europeans, Canadians, Mexicans, South and Central Americans, among others, have visited Cuba, invested in Cuba, spent billions of dollars, signed trade agreements, and engaged politically. And what has been the result of all of that money and all of that engagement? The regime has not opened up; on the contrary, it has used resources to become more oppressive. Foreign funds often temporarily reach the hands of Cuban families, but they are then forced to spend those dollars in government-run dollar stores so that the money ultimately winds up in the hands of the Cuban Government and many suspect in the secret bank accounts of the Communist Party elite.

So allowing Americans to sit on beaches which Cubans cannot visit unless they work there; smoking a Cuban cigar for which a worker gets slave wages, sipping a Cuba libre, which is an oxymoron, will not bring the Cuban people their liberty. When the government isn't manipulating international aid, it sometimes rejects it altogether, as it did during last year's hurricane season, further punishing its people.

So I ask those who argue that lifting the economic embargo on Cuba means the demise of the Castro regime—nothing I would want to see more—why, then, has lifting the embargo been the No. 1 foreign policy objective of the Castro regime? Does it seek its own demise after 50 years? Certainly not. What it seeks is the economic viability to continue to perpetuate itself.

But beyond the practical realities, I think there is also a broader principle at stake. Now, as power has passed somewhat—because Fidel is still alive—from Fidel to Raul, from one dictator to another, are we to declare that their tyranny outlasted our will to resist it? When a murderer escapes the police and is a fugitive, do we declare them innocent after a few years because we haven't caught them? Should we suddenly say it is too much for the Cuban people to be able to decide for themselves what course their nation will take? Should we decide to suddenly legitimize the behavior of the regime and strengthen its ability to continue perpetuating crimes? Which one of the freedoms we seek for the Cuban people as a condition of our full engagement as a country are we willing to deny them? Which one—free speech, free association, freedom of re-

ligion, freedom to politically organize and elect their own leadership? Which one? Which one of those freedoms that we are willing to say to the Cuban people they cannot enjoy are we willing to give up?

I have also heard the suggestion from opponents of legal restrictions on Cuba that the United States has dealt with other brutal dictatorships more openly than this one. Those who make that argument must have a strange definition of a successful policy. If we consider prison camps and child labor, forced abortions and slavery, violent suppression of protest, Tiananmen Square, ethnic cleansing of Tibet, and denial of human rights, be it in China or anywhere around the world, anywhere these violations are happening, if we are willing to accept that as successful engagement, I believe we are deeply mistaken. The disregard of human rights violations for the sake of economic gain in the past is never an argument to do it again in the future.

A full and open discussion of the real situation in Cuba is timely for more reasons than the fiftieth anniversary of Castro's revolution. It is timely because in this Omnibus appropriations bill that we have before us there are some who have attempted to sneak in changes to our current policy. But perhaps the greatest irony of all is that this bill includes three important foreign policy changes with respect to Cuba that have not been subjected to debate in this body. They have not been questioned for their impact on both our national interests and our national security. They have not gone through the Foreign Relations Committee. They have not been subjected to a vote on the floor of either the House of Representatives or the Senate. These modifications deserve a full examination. They should be subjected to vigorous debate. We should gather evidence, bring a wide range of voices to the table, and make careful and thoughtful considerations of their implications. But this isn't what is taking place. Instead, this body is being asked to swallow these changes in the crudest process I can imagine: without analysis, without inclusion, and without debate.

Now, supporters of these modifications claimed that they are carrying them out in the hopes of fostering democratic change in Cuba, even as they do so in a way that silences democratic debate in our country. The United States cannot claim to be a model for democratic process and inclusive change if we find ourselves resorting to such undemocratic means. Jamming these foreign policy changes in an Omnibus appropriations package by a handful of Members at the exclusion of the rest of this body, not to mention the rest of the other body, and not to mention the executive branch, whose jurisdictions these changes fall within, is simply not democratic.

These changes come in the same week that the Senate Foreign Relations Committee's ranking member, and my very dear, distinguished colleague from Indiana, Senator LUGAR, produced a staff trip report. I have seen it quoted as the "committee's report." It is the staff trip report, and I respect that it has some value, but it is not the full committee's undertaking and approval.

The memo suggests some of the very things we see in this omnibus. But instead, in my view of a responsible report, this document presents a loose set of recommendations based upon a few days of observations on the island by a single source, and none of it quotes the fact that there was an engagement with one human rights activist, with one political dissident, with one democracy activist, with one independent journalist—not one.

Now I ask my colleagues: Does it make any sense that we would see such a basis for a report based upon what are clearly superficial observations, followed by sweeping and untested recommendations about how we should engage with the last totalitarian dictatorship in the Western Hemisphere? Let me point out a few of the main contradictions in that report.

First, the lack of focus on democracy and human rights in the memo was astonishing to me. In a literal and in a legal sense, support for Cuba's pro-democracy movement is at the core of United States policy toward Cuba. It is represented in law under the Cuban Liberty and Democratic Solidarity Act of 1996. The report doesn't even mention the centrality of representative democracy in United States policy toward Cuba and the entire hemisphere. By the same token, the memo does not even mention that the United States of America is the world's—the world's—largest provider of humanitarian assistance to the people of Cuba through both individual assistance and non-governmental organizations.

This fact makes it indisputably clear: The focus of United States policy is the Cuban people—not its regime—advocating for their freedom and empowering them to bring change.

The way the memo addresses the economic situation on the island is no less of an enormous flaw. On the one hand, this memo claims that economic sanctions have been ineffective, but on the other hand, it says: "Popular dissatisfaction with Cuba's economic situation is the regime's vulnerability."

What a contradiction. But it would be even more of a contradiction for the United States to do anything to rescue the regime by improving its economic portion, therefore neutralizing its vulnerability. This report says that "popular dissatisfaction [that people's dissatisfaction] with Cuba's economic situation is the regime's vulnerability." But it would be even more of a contradiction for the U.S. to do anything

to rescue the regime by improving its economic fortunes, therefore neutralizing its vulnerability.

Yet that is exactly what one of the recommendations in the memo that is included in the omnibus would do. That suggested policy change would give the Cuban regime financial credit to purchase agricultural products from the United States. On its face, that would seem like a concession to American farmers. We certainly want to see American farmers sell all over the world. But let's think about this for a moment.

Anyone applying for even a small loan in our country right now has to undergo—if their credit record is poor, they would be rejected for that loan. Well, Cuba's credit history is horrible. The Paris Club of creditor nations recently announced that Cuba has failed to pay almost \$30 billion in debt. Among poor nations, that is the worst credit record in the world. So I ask: If the Cuban Government has put off paying those it already owes \$30 billion, why does anybody think it would meet new financial obligations to American farmers?

Considering the serious economic crisis we are facing right now, we need to focus on solutions for hard-working Americans, not subsidies for brutal dictatorships.

We should evaluate how to encourage the regime to allow a legitimate opening—not in terms of cell phones and hotel rooms that Cubans can't afford to own, but in terms of the right to organize, the right to think and speak what they believe.

However, what we are doing with this omnibus bill is far from evaluation. The process by which these changes have been forced upon this body is so deeply offensive to me and so deeply undemocratic that it puts the Omnibus appropriations package in jeopardy, despite all the other tremendously important funding this bill would provide.

The real reason why so many—and we have seen this barrage of reports that come particularly from outside of this body, whose work, by the way, is often subsidized by business interests—advocate Cuba policy change is about money and commerce; it is not about freedom and democracy.

It makes me wonder why those who spend hours and hours in Havana listening to Fidel Castro's soliloquies cannot find minutes for human rights and democracy advocates. It makes me wonder why those who go and enjoy the sun of Cuba will not shine the light of freedom on its jails full of political prisoners. It makes me wonder how they advocate for labor rights in the United States but are willing to accept forced labor in Cuba. They talk about democracy in Burma, but they are willing to sip rum with Cuba's dictators.

There is another report that came out last week, which I hope this body

does not vote on the omnibus bill without reading. It is the State Department's 2008 Human Rights Report. I want to read from it at length, in case my colleagues don't have the opportunity. It says, referring to Cuba's human rights situation:

The government continued to deny its citizens their basic human rights and committed numerous, serious abuses. The government denied citizens the right to change their government. . . . As many as 5,000 citizens served sentences for "dangerousness," without being charged with any specific crime. The following human rights problems were reported: beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and State security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denials of fair trials; and interference with privacy, including pervasive monitoring of all private communications.

It goes on to say:

There were also severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their hometowns; restrictions on freedom of religion; and refusal to recognize domestic human rights groups or permit them to function legally. Discrimination against persons of African descent, domestic violence, underage prostitution, trafficking in persons, and severe restrictions on worker rights, including the right to form independent unions, were also a problem.

That is the end of the quote from the latest State Department Report on Human Rights—in this case talking about Cuba.

President Obama often repeats what Martin Luther King understood—that injustice anywhere is a threat to justice everywhere. The people of Cuba have never given up on their aspirations for democracy and economic freedom. Now is not the time to give up on them. Because we can't do everything doesn't mean we should not do everything we can.

A new American President does mean an opportunity for change. President Obama, who saw repression in Indonesia when he was a child, promises us this. He said this in a speech in Florida as a candidate:

My policy toward Cuba will be guided by one word: libertad [that means freedom]. And the road to freedom for all Cubans must begin with justice for Cuba's political prisoners, the rights of free speech, a free press and freedom of assembly; and it must lead to elections that are free and fair.

So here is what I think we can do to help that happen. Much has been written about seeking change in our policy. Let me offer some changes as well, as someone who has followed this his whole life.

In exchange for more liberal remittances to Cuban families, let us insist

that the Cuban regime not charge 20 percent of every dollar sent to Cuba. Say I have family in Cuba and I want to send them money to help them out in desperate times, and I send them \$100. The Cuban regime takes \$20 of that. Why? If you go to Western Union and send money anywhere in the world, it's maybe 3, 4, or 5 percent—not 20. The regime is taking money for itself, denying Cuban families the very opportunity to have more.

Let us also allow remittances, via license, to human rights activists, democracy activists, and other civil society advocates.

Some suggest that there be cooperation with Cuba on narcotics trafficking. Well, let them hand over the 200 fugitives from the United States that the FBI knows are in Cuba, including JoAnne Chesimard, the convicted killer of New Jersey State Trooper Werner Foerster. Let her come back to the United States and face justice. There are 200 of them.

In exchange for more frequent visits from Cuban-American families who bring money and resources to the island, let us insist that the Cuban regime permit those who want to travel to Cuba and visit human rights activists, democracy activists, independent journalists, and other civil society advocates, be given visas as well.

Today, Members of Congress and others who want to promote democracy and human rights in Cuba, as we do in organizations throughout the world, are routinely denied entrance into Cuba. Those who want to sit with Castro and let him speak for hours about the revolution get a visa. Those who want to go talk to these people in the photos, who languish inside either Cuba's jails or are detained in their homes and are struggling to create democracy, no, you cannot get a visa. They are happy to accept those who bring dollars but not those who speak truth to power.

Let us have the United States offer more visitor and student visas for eligible Cubans to come to the United States to see and live our way of life. Having Americans travel to Cuba could never be as powerful as having Cuban youth see the greatness of our country and its pluralistic, diverse representative democracy. That taste of freedom would be infectious.

In return, we simply seek a commitment from Cuba to accept their citizens' return, and to guarantee the issuance of exit permits for all qualified migrants.

Cuba is one of the few countries in the world that will not permit its citizens to travel even when they have a legitimate visa to do so. And when they give them license to leave, they must pay to do so.

If we want to facilitate the sales of food to Cuba, let us insist they be sold in open markets, available to all Cubans, without it being part of Castro's

food rationing plan—a plan meant to further control the Cuban people.

For those who disagree with our policies toward Cuba, let them ask themselves:

What are they doing to promote democracy, human rights, and civil society in Cuba?

What are they doing to support Antunez, Oswaldo Paya, Marta Beatriz Roque, and Oscar Elias Biscet?

What are they doing to cast an international spotlight on Cuba's valiant human rights activists, Cuba's equivalents of Aleksandr Solzhenitsyn, Vaclav Havel, or Lech Walesa?

Do they sit back as they languish in jail or are harassed or do they invite them to their embassies in Cuba, to speak in their countries about their struggles for freedom? Do they raise the issue of human rights in Cuba with the Castro regime? Do they cast a spotlight on these people, as we did in Poland with Lech Walesa, or in the former Czechoslovakia with Vaclav Havel, and with Solzhenitsyn?

In pursuing any proposal or policy change, we have to recognize, as President Obama made clear to repressive regimes throughout the world in his inaugural address, that we extend a hand if they are willing to unclench their fist. However, if the omnibus bill is signed by the President as is, he will be extending a hand while the Castro regime maintains its iron-handed clenched fist.

During his Presidential campaign, then-Senator Obama promised this. He said:

I will maintain the embargo. It provides us with the leverage to present the regime with a clear choice: If you take significant steps toward democracy, beginning with the freeing of all political prisoners, we will take steps to begin normalizing relations.

He said:

That's the way to bring about real change in Cuba—through strong, smart and principled diplomacy.

That was the policy that Americans understood he would pursue when they voted for him.

I believed then that Candidate Obama meant what he said, and I believe now that President Obama intends to remain true to his word.

Following our conscience and our laws, we simply cannot let up our pressure on the regime without seeing symbols of progress.

The United States and the international community must continue to work diligently to help bring freedom to Cuba. But we cannot forget how many valiant efforts have come within Cuba itself, how decades of fear and repression have also led to acts of courage. I stand here today in solidarity with all of those brave Cubans who have sacrificed and shown remarkable courage so that one day the Cuban people will finally know the basic blessings of liberty that we are entitled to

as human beings and that we in this Nation enjoy.

Just days ago, 130 Cubans kept vigil outside of the Placetos Hospital, waiting for news about the condition of a young activist, Iris Tamara Perez Aguilera, who had gone into hypoglycemic shock after a hunger strike to protest the regime.

This is not the best picture, but it is what we got out of Cuba. It is a picture of some of them talking about:

In this home live those who are having a hunger strike for peaceful change and for respect for human rights and specifically talking against the torture of one of their colleagues.

She has been joined in her hunger strike by her husband Jorge Luis Garcia Perez "Antunez," along with Segundo Rey Cabrera and Diosiris Santana Perez. They have avowed to continue their protest until the torture of political prisoner Mario Alberto Perez Aguilera, held at the Santa Clara Provincial Prison, ceases immediately. They will continue their protest until he is taken out of a tiny solitary confinement cell, until he is no longer beaten and forced to starve, until the regime allows Antunez's sister, Caridad Garcia Perez, to rebuild her home destroyed by the hurricanes last year, which they have not allowed as further punishment to these activists.

Imagine that: Your home is lost in a hurricane. You want to rebuild it, and the regime stops you from being able to rebuild the home as further punishment because of your peaceful efforts to try to create change and respect for human rights in the country.

When Iris emerged from the hospital the other day, the Cuban citizens waiting outside surrounded her to express their thanks and support for what she was doing. They hoped she would keep up her work for an organization named after an American pioneer they deeply admire. It is called the el Movimiento Feminista de Derechos Civiles Rosa Parks—the Rosa Parks women's civil rights movement.

The hundreds of political prisoners and all Cubans who live with the daily chains of political repression have shown their commitment that Cuba will change, and this change will come from within, from the Cuban people. But they need our help. We must continue to fight here to do what we can to empower them. We must continue to acknowledge them when they empower themselves.

Let me close with what President Obama has quoted. He quoted Jose Marti who once wrote:

It is not enough to come to the defense of freedom with epic and intermittent efforts when it is threatened at moments that appear critical. Every moment is critical for the defense of freedom.

This year, 50 years later, Cuba is still in the cold winter of poverty and oppression. But I hold up hope that peo-

ple all around the world, and most importantly within Cuba itself, will use this remarkable moment and every moment, as they are doing, as these men and women are doing, to bring about a new birth of freedom, to rise up in a groundswell that will thaw the frost of tyranny and bring about a spring of hope and change—change the Cuban people can believe in, change that they are praying for.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The majority leader.

Mr. REID. Mr. President, before my friend leaves the floor, I have had the opportunity to listen to not all but 80 percent of what he said. I had meetings going on in my office, and I had not been able to watch it all.

As the distinguished Senator from New Jersey knows, I have locked arms with Congressman and now Senator from New Jersey for many years. In fact, my votes in years past have not always been in the majority, but they have always been something I felt comfortable doing and still feel comfortable doing.

I appreciate the statement made by my friend from New Jersey. I am committed to work with him to see what we can do to resolve the injustice that is taking place 90 miles off the shore of America and, once and for all, give those people who live in Las Vegas—people do not realize the largest number of Cuban Americans live in Florida, next is New Jersey, and, surprisingly, next is Nevada.

I worked with my friends there, Tony Alamo and many others, over the years to try to bring justice to an unjust system. I appreciate very much the statement made by my friend from New Jersey. I look forward to working with him on all other issues.

Mr. MENENDEZ. Mr. President, will the majority leader yield for a moment?

Mr. REID. Yes.

Mr. MENENDEZ. I wish to thank the distinguished majority leader for his longtime support for the Cuban people, for taking the votes and positions when it is not within the popular mainstream. And I appreciate his expression of support today as a continuation of that long history. He has my personal admiration. More importantly, those who are struggling for freedom and democracy inside Cuba appreciate it as well.

Mr. REID. Mr. President, Virginia, Nevada, New Jersey, and the other 47 States are well served by my friend from New Jersey.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, tomorrow I will rise to offer a pro-life and pro-child amendment to the fiscal year 2009 Omnibus Appropriations Act. But more than that, it will be an amendment that is profreedom that follows in

the line of reasoning of my friend and my colleague from New Jersey. It is anti-oppression, prowoman and anticoercion.

My amendment tomorrow will restore the Kemp-Kasten anticoercion population control provision that has been a fundamental part of our foreign policy for almost a quarter of a century.

Since 1985, the Kemp-Kasten provision has denied Federal funding to organizations or programs that, as determined by the President, support or participate in a program of coercive abortion or involuntary sterilization. Should my amendment be adopted, then President Obama would be able to make an official determination as to whether organizations engage in such coercive practices.

The Kemp-Kasten amendment has been included in appropriations bills without substantial changes for 23 years, until today. Perhaps at this point it would be helpful to my colleagues if I outlined the differences between the Mexico City policy and the Kemp-Kasten provision.

Already, as one of his very first acts as President, President Obama chose to nullify the so-called Mexico City policy. The Mexico City policy said the United States would not federally fund groups that promote or provide abortion as a method of family planning. According to a Gallup poll released last month, overturning this pro-life policy was the least popular of the President's actions in his first week in office. Only 35 percent supported funding groups that promote or provide abortions as a method of family planning, and 58 percent oppose this new Obama administration policy.

I disagreed with President Obama on his Mexico City policy. I think most Americans, frankly, disagree with President Obama on this Mexico City decision. I think most Americans would rather not spend taxpayer dollars on international organizations that promote abortion as a method of family planning.

Having said that, I am not surprised by the President's decision. He ran, frankly, as a pro-abortion candidate. Senator MCCAIN ran as a pro-life candidate. I think the decision in the election came down to other issues. Elections have consequences, but can we not all agree that forced abortion is wrong? Can we not all agree that coerced sterilization is wrong? That is what Kemp-Kasten has stood for for almost a quarter of a century.

Regardless of how Senators come down on the pro-life or pro-choice debate, can we not all at least agree on this one proposition, that the United Nations should not be able to spend American tax dollars on coercion in the name of family planning? That is the issue dealt with in Kemp-Kasten, and that is the only issue addressed in my amendment.

Here is what the bill language currently does. It purports to retain Kemp-Kasten, but then goes on to direct funds to the United Nations Population Fund "notwithstanding any other provision of law." "Notwithstanding any other provision of law"—these six words, in effect, nullify the Kemp-Kasten anticoercion provision. It is either contradictory or purposely deceptive that one portion of the omnibus bill purports to retain Kemp-Kasten while another paragraph has the real effect of gutting Kemp-Kasten.

One might inquire: Why does the majority party not trust a President of their own party to make a determination about whether U.N. funds are provided to coercive abortion programs? Surely a majority of this body does not favor funding UNFPA even if the organization is engaging in coercion. Surely we can all agree on that. Perhaps not.

The truth is, the U.N. Population Fund, UNFPA, has actively supported, comanaged, and whitewashed pervasive crimes against women in the guise of family planning. Just last year, the U.S. State Department found, once again, that the UNFPA violated the anticoercion provision of Kemp-Kasten and, accordingly, reprogrammed all funding originally earmarked to the UNFPA to other maternal health care and family planning projects.

The most recent State Department report on UNFPA activities in China shows that UNFPA funds are, indeed, funneled to Chinese agencies that coercively enforce the one-child policy.

What has changed in less than a year? Are we to believe that all these organizations have suddenly shifted their policies? This bill gives UNFPA a 25-percent funding increase and a deadly exception.

What has really changed is that we have a new administration with a pro-abortion agenda. I don't think coerced abortions were what the American people voted for last November. Creating this exception specifically for UNFPA makes a mockery of longstanding U.S. policy to protect human rights abroad. If we cannot stop the abuse in other parts of the globe, at the very least we should not be encouraging abuse with U.S. funds. We should be pressing the UNFPA to conform to human rights standards, instead of trying to change human rights standards to conform to the oppressive Chinese population control program.

By creating a loophole for UNFPA, we regrettably send a message to oppressive governments that coercive abortion is not a serious concern for American citizens. This message could not be further from the truth.

I urge my colleagues tomorrow to support the Wicker amendment and continue our longstanding policy against coercive abortion. Let's continue the time-honored Kemp-Kasten policy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent that two amendments that I have filed at the desk to H.R. 1105 be called up and made pending.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Thank you, Mr. President. If I might speak to one or both of these amendments, one in particular right now that I would like to reference, let me start by saying that H.R. 1105, which is under consideration now by the Senate, is yet another voluminous document, not unlike the stimulus bill we considered a couple of weeks ago. This one actually is 1,122 pages long and represents over \$400 billion of spending by our Government. The fact that it is this long and represents several hundred million dollars per page here of spending would suggest that it ought to be legislation that is given a lot of consideration in the Senate, on which many amendments can be offered and different points of view expressed. It would appear that process is going to be short-circuited on this bill and that we are not going to have the opportunity to offer amendments to it.

With regard to the general bill itself, I would simply point out what a number of my colleagues already have; that is, this appropriations bill, although having passed a trillion-dollar stimulus bill a couple of weeks ago, still represents over an 8-percent increase over the previous year's level.

So 2009, fiscal year 2009, which we are currently in, this is work that did not get completed last year by September 30, which is the end of the fiscal year. So we passed a continuing resolution that expires on March 6; therefore, the reason we have to be before the Senate trying to pass nine appropriations bills that were not completed in the form of this 1,122-page Omnibus appropriations bill. But an 8.3-percent increase over the same nine appropriations bills that were passed last fiscal year, after having already passed over \$1 trillion in the stimulus bill, much of which will be directed to the agencies that will receive the plussed-up funding under this bill. But over 8 percent is more than twice the rate of inflation. So having passed a trillion-dollar stimulus bill, we are now coming on the heels of that and taking up a piece of legislation

that is going to increase Federal spending by over 8 percent over last year's spending level.

That would suggest that this is something we ought to take a little time with because many of the agencies that are funded under this appropriations bill already received huge infusions of new funding in the stimulus bill. The Labor, Health, and Human Services-Education bill, along with the stimulus bill, and the funding that is included in this bill, will receive a 99-percent increase in funding over last year. There is another appropriations account that will get a 150-percent increase over last year's appropriated level. These are gargantuan increases in funding.

It would seem to me that we ought to at least be able to bring this appropriations bill in at last year's level. There is going to be an amendment, perhaps one already offered by Senator MCCAIN, to extend the continuing resolution which would save taxpayers over \$32 billion because that would represent the 8.3-percent increase that is included in this bill on top of all the additional funding that many of these agencies are going to receive as a result of the stimulus bill.

I regret the fact that the majority is not going to allow us to offer amendments to this bill. It would appear they want to move this quickly. I can see the rationale for that, when you are spending this amount of money in this short of a time period. The more the American people have an opportunity to see what is in it, the more concerned and the more resistance would build and you would see a tremendous at-the-grassroots level movement to try and stop this kind of spending spree we have seen in Washington. I would hope the process will be opened whereby Members on both sides can offer amendments to this bill that can be considered and perhaps voted on and maybe even bring some fiscal sanity to it by getting us back into a form that actually would save the American taxpayers a significant amount of money, after we have just asked the American taxpayers and our children and grandchildren to fund a stimulus bill to the tune of over \$1 trillion with interest and much more than that, over \$3 trillion, if much of the spending in that bill is continued and not terminated in the 2-year period for which it was intended.

I wanted to speak to an amendment that I have filed at the desk and asked to have made pending, which was objected to by the majority—again, an indication of how amendments are going to go on this piece of legislation. I offer this amendment because last week 87 Members of the Senate voted to uphold our first amendment rights by supporting a statutory prohibition of the so-called fairness doctrine. This amendment was accepted as part of the DC voting rights bill, which is cur-

rently awaiting action by the House of Representatives.

My concern is that once the House considers this bill, whenever it may be that the Senate and House versions get conferenced together, that provision will no longer be part of the final DC voting rights bill. I am hopeful the DeMint amendment is retained in the final version of the DC Voting Rights Act, but I am fearful it will be stripped out behind closed doors.

I filed an amendment at the desk to the Omnibus appropriations bill that would prohibit the FCC from using any funds to reinstate the fairness doctrine during the remainder of fiscal year 2009. If this amendment is accepted to the omnibus bill, the 87 Senators who last week supported this prohibition will have assurances that the fairness doctrine will not be reinstated for the remainder of this year, regardless of whether the DeMint amendment remains part of the DC voting rights legislation.

By way of background, many of my colleagues heard this discussion last week, but the so-called fairness doctrine has a long and infamous history. The FCC promulgated the fairness doctrine in 1949 to ensure that contrasting viewpoints would be presented on radio and television. In 1985, the FCC began repealing the doctrine after concluding that it actually had the opposite effect. They concluded then what we all know today: that the fairness doctrine resulted in broadcasters limiting coverage of controversial issues of public importance. Recently, many on the left have advocated reinstating the doctrine, arguing that broadcasters, including talk radio, should present both sides of any issue because they use the public airwaves. However, recent calls to reinstate the fairness doctrine fail to take into account several considerations.

The first is, in reality the fairness doctrine resulted in less, not more, broadcasting of issues of importance to the public. Because airing controversial issues subjected broadcasters to regulatory burdens and potentially severe liabilities, they simply made the rational choice not to air any such content at all.

Second, the number of radio and TV stations and the development of newer broadcast media such as cable and satellite TV and satellite radio have grown dramatically in the past 50 years. In 1949, there were 51 television and about 2,500 radio stations. In 1985, there were 1,200 television and 9,800 radio stations. Today there are nearly 1,800 television and nearly 14,000 radio stations. There is simply no scarcity to justify content regulation like the fairness doctrine.

The third observation is that the development of new media, social networking, and access to the Internet has changed media forever. Supporters of

government-mandated balance either ignore the multiple new sources of media or reveal their true intention, which is to regulate content of all forms of communication and ultimately stifle certain viewpoints on certain media such as talk radio.

The fourth observation I would make is this: Broadcast content is driven by consumer demand. Consumers of media show whether they are being served well by broadcasters when they choose either to tune in or turn off the programming that is being offered. The fairness doctrine runs counter to individual choice and freedom to choose what we listen to or see on the air or read on the Internet. The fairness doctrine should not be reinstated.

Last week, the Senate acted in a strong bipartisan manner in opposition to the fairness doctrine. What I am asking the Senate to do is to consider one additional measure to ensure that our first amendment rights are protected and that consumers have the freedom to choose what they see and hear over our airwaves. This amendment ensures that the FCC does not use any resources to reinstate the fairness doctrine through the end of the fiscal year until a more permanent solution can be reached through a statutory prohibition.

It is a very straightforward amendment and one that follows along the lines of the debate held last week. I wish I was confident that the prohibition on reinstatement of the fairness doctrine that was included last week in the DC voting rights bill would be retained in the conference with the House. I have reason to believe that will be stripped out, and this is one additional way in which this body can weigh in and ensure that the fairness doctrine is not reinstated, not put back into effect, and that American consumers have the freedom to choose what they want to see and what they want to hear over our airwaves.

I hope at some point I will be able to get it pending, to perhaps have a vote on it. It would be unfortunate on a bill of this consequence and magnitude, when, again, we are talking about 1,122 pages of this legislation, all of which is spending another \$400-some billion—\$410 billion or thereabouts in additional spending on top of the \$1 trillion stimulus passed a couple weeks ago—that we would have an opportunity at least to offer amendments, to debate amendments, to get amendments voted on, and this is one that I would like to have a vote on. It would certainly be my sincere hope that the majority at some point would open the door to those of us on both sides who would like to have amendments voted on which, frankly, could improve the bill. There will be others that will be offered and, hopefully, considered which will get at the overall size and cost of the bill which, as an 8.3-percent increase over last year's appropriated

level, last year's spending level, a \$32 billion increase over last year's level, is an enormous amount of money in light of all the spending that is going on around here.

I might mention as well, that is the largest 1-year hike in annual appropriated spending since the Carter administration. What we are talking about is 8 percent, over 8 percent, more than twice the rate of inflation, but also the largest 1-year hike in annual appropriated spending since the Carter administration. That is, again, on the heels of \$1 trillion spent a couple of weeks earlier, much of which was directed at these very same agencies of Government that will receive funding under this 1,122-page bill.

We need to open this process. We need to be able to offer amendments. We need to get amendments voted on. It would certainly be my hope that would be the case.

I have one other amendment which I will speak to perhaps tomorrow which would move some money from one account to another to fund something that was a very important priority the Congress established last year during the PEPFAR debate. I offered, along with Senators DORGAN and KYL, Senator Clinton and a number of others, an amendment that carved a couple billion out of that \$50 billion authorization for needs on Native American reservations; specifically directed to law enforcement, which is a security issue; to health care, which is something that is desperately lacking on many reservations; and at water development—all critical needs and all important priorities and things we ought to be concerned with.

I would move money from another account in this bill to actually provide funding for the authorization that Congress created as part of the PEPFAR bill a year ago. This ought to be a priority for the Congress. We are talking about spending this amount of money and funding all these various accounts and agencies. We certainly ought to find room to fund some of the priorities that were created as a result of the PEPFAR legislation.

I will be offering that amendment as well and will also be requesting that it be made pending and that we have an opportunity to vote on it. It would seem to me that many of the other amendments that Members on our side would like to offer, as well as Members on the other side would like to offer, ought to be able to be put before the Senate and voted upon in an attempt to try to make this bill stronger and better. We all have different ideas about how to make this a better bill. I hope the majority will allow us to do that.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

resumes consideration of H.R. 1105 tomorrow, Tuesday, March 3, the time until 11:45 a.m. be for debate with respect to the McCain amendment No. 592, with the time equally divided and controlled between Senators INOUE and MCCAIN or their designees, with no amendment in order to the amendment prior to a vote in relation to the amendment; that at 11:45 a.m., the Senate proceed to a vote in relation to the amendment No. 592.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, while I have two of my Republican colleagues on the floor, and others, of course, listening, I have been told by the Republican leadership there is a number of extremely important amendments from the minority's perspective. No. 1 is this amendment that Senator MCCAIN has offered. Another one that comes to my mind is one that a number of people on the other side of the aisle have talked about often, which would lower the amount of spending to the CR level. I do not how much money that is. So we are waiting for someone to offer that.

We heard a presentation made by Senator WICKER this afternoon that he has an abortion-related amendment. We understand Senator VITTER has an abortion-related amendment. I have had several conversations today with Dr. COBURN, and he has been very constructive in working with us in coming up with four amendments, none of which I like. But there are four amendments, and we are going to work our way through these, where people have ample time to talk about them, as soon as we can.

But I thought it was important, before we have our caucus tomorrow, to at least get this one amendment the minority feels very strongly about. We will work our way through this and see what happens tomorrow.

There is no end to amendments that could be offered on this bill. This is a very big bill. It is nine subcommittees. I hope everyone would focus on what would happen if we could pass this bill. It would be good for the institution. We could get back to a process where we do 12 individual appropriations bills. That would be so important because this is not the way to legislate, having these great big bills. We have done it in the last several years, and it is not in keeping with—I am no longer a member of the Appropriations Committee, but I was on the Appropriations Committee for a quarter of a century, or something like that. It is a wonderful committee. But it has not been doing the job it is supposed to do for this institution.

So I hope we, by the end of this week, can pass this omnibus bill. I want to make sure the minority has the opportunity to offer amendments. But as I have indicated, there will come a time

sometime when we will have to stop amending and try to get the matter passed. But that will come at a later time.

Mr. THUNE. Mr. President, will the leader yield for a question?

Mr. REID. Mr. President, I am happy to.

Mr. THUNE. Mr. President, I will simply ask, through the Chair, if I might: The leader talked about being able to offer amendments. I have filed a couple amendments. Is there some point at which—you mentioned the one amendment you have an agreement on now that will be voted on tomorrow—where other amendments will be able to be made pending and voted on, that Members will be able to get their amendments actually—

Mr. REID. The answer, through the Chair to my friend from South Dakota, is, yes, we are going to try to get to as many amendments as we can. With a bill as complex as this, we cannot stack up endless amendments, so we are going to have to work out a process where if we stack amendments, they will have to be few in number. And "few" is in the eye of the beholder. But the answer to the Senator's question: There is no reason that I know of—I do not know the subject matter of the Senator's amendment or amendments—but I have no reason to believe that we should not be able to get to his amendment.

Mr. THUNE. I thank the Chair.

Mr. REID. The point I am trying to make is, we are not trying to avoid voting on tough amendments. I have outlined to you some pretty difficult amendments. Dr. COBURN did not think up his amendments riding the subway over from his office in one of the office buildings. A lot of thought has gone into his amendments, and they are very difficult amendments. I would like to avoid them, but I do not see any reason how I can do that. So in answer: I repeat, there will be time for amendments. It is just a question of when there will be enough time. Certainly tomorrow. And I hope we can work through these on Wednesday and have a better feel where we need to go.

Mr. THUNE. Through the Chair, I thank the leader for his answer. And I will be available. Mine are filed, and I would love to get them actually up.

Mr. ALEXANDER. Mr. President, I understand the majority leader may want to close, and I am happy to wait until he does, if he wishes.

Mr. REID. Mr. President, I have been told we can do what we call wrap-up. It will take a minute or two. If my friend from Tennessee would withhold, we will rip right through this.

Mr. ALEXANDER. Mr. President, I will be delighted.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am writing to you to help you see the impact that the recent rise in energy costs in this country has done to my family and many other hard working, middle class families in this great State. My wife of ten years and I have been blessed with four wonderful children and have chosen Idaho like our fathers before us as the place we want to raise our children. We love the outdoor recreation that this area affords us. We like to camp and enjoy many motorized recreational activities. We also live in an area where driving is needed for my employment and necessary for everyday survival. Idaho does not have a large amount of public transportation. Our population base does not support it. With many kids I drive a Suburban which is out of necessity, not indulgence as many may think. We need the four-wheel drive for our winters here and the room for all of our children. It is a great way to have one vehicle for all seasons.

Please begin to drill offshore and in ANWR right away. I believe that with increased production and additional refineries we can make a lasting positive effect on the supplies of oil and gasoline in this country for generations to come. I also plead with you to build more nuclear plants which offer the most clean, high output energy we can produce. We are way behind in this area also considering other countries who generate most of their power with Nuclear Energy. I believe we should take care of our own needs and when I hear that we have more oil reserves than all of the Middle East combined I feel as though our enemies are within not

without. If Congress is waiting for a time to act on this, it is now. If our reserves are available and silly legislation is keeping us from them, we need a new group of leaders who are willing to protect the interests of U.S. citizens over all else. Our country is strong but we need affordable energy to stay ahead of the game. I do not mean subsidized energy, for that will only be paid in taxes instead of at the pump. Increase the supplies and sell it to us, and restrict sales to other outside countries. Allow less regulation on refineries, and drilling rigs to promote U.S. companies involvement in increasing the supplies needed now.

SCOTT, *Idaho Falls.*

I do not need to tell you a story—they are all the same everywhere. We need to drill in the United States now. We are crippled by our own inaction. The longer we do nothing the longer there will be no relief in sight for high fuel and natural gas prices. We have not seen the worst I am sure. We also need to build oil refineries, nuclear power plants, liquefy coal and expand wind farms. We need to stop diverting precious farm land to ethanol production. Ethanol has turned out to be a huge, wasteful mistake. It uses far too many non-renewable resources to produce a gallon. The net effect is nothing in terms of reducing our dependence on foreign oil and look how it has affected the price of food and will continue to do so. To summarize: Drill here, drill now, pay less. Thank you sir for asking Idahoans for their opinion.

PAM, *Homedale.*

I listen every day to the news, telling me how much oil prices rose overnight and how much of an increase I will expect to see at the pump. Each time I hear a one cent or two cent rise, I panic. Not for myself, but for my family. My parents own a ranch in small town Idaho, where fuel prices exceed even our big city imaginations.

I wonder how they will afford to fill the tractors to plow fields to make the corn that our nation loves to consume. I wonder how they will be able to haul the cows to market in order to sell them for pennies, barely enough to cover the fuel of hauling them.

Then I hear the government saying they should switch from diesel trucks to smaller cars . . . I have never seen a hybrid that can pull a stock trailer with 12 cows. I hear the government say no more drilling in Alaska, yet they also say we will run out of oil soon. I listen to economists say that our economy is on the downfall. Gas prices rise, food prices rise, Idaho minimum wage stays the same, they continue to develop on the farmland that could provide food for cheaper prices. What are you doing in Washington that is helping middleman America? Nothing and, by doing so, you are killing the America dream one gas pump at a time.

You ask for opinions, but where's the change? By allowing oil companies to monopolize the industry, the American people have no way of overcoming the fuel shortage.

Ways you can help:

Open oil reserves in Alaska.

Put a price cap on the cost of fuel, forcing lower profit margins for big business oil companies.

Provide an incentive for creating alternate fuel sources that can meet the needs of ALL Americans (including farmers and ranchers).

Make hybrid cars more affordable and give incentives to those who want to purchase one.

Stop giving economic stimulus checks for \$600 to the richest and only \$300 to the poor/

middleman. The middle American needs the \$600 more than the person that made \$30,000 last year.

TERRA.

The only real solution to high energy prices is to consume less. I am using less diesel myself by planning trips carefully, carpooling, walking and biking. I see many others in Boise doing the same. I support a higher federal tax on carbon-producing energy sources, with the revenue used to support rail shipping and travel and transit.

MARILEE, *Boise.*

Wow, it almost sounds like you are running a commercial for the oil and gas or the nuclear industry. Yes, energy price increases have hurt all Americans, but part of the blame lies with the oil/gas and nuclear industry as well as the average Joe, who have continued to buy gas-guzzling vehicles, buy huge homes that are 40-60 miles from their work location. The oil and gas industry has done little to expand capacity and have repeated huge profits in recent history.

I have a diesel pickup that rarely moves, only when pulling the horse trailer or hauling the flat bed trailer to move hay, etc. I use coupons at the store whenever possible because of the rising food costs, and we have cut back on going out to dinner, movies, etc.

But drilling oil in the Arctic or off the coast is not going to solve the problem; the Alaska Pipeline was supposed to solve the oil crises when it was built.

Every day I commute from Nampa to Boise. I wish I could find someone to commute with or work from home, but the work just does not allow it. But I know lots of people speeding down the highway, who are driving alone in their cars to the same work location, and Idaho has done virtually nothing to conserve fuel, no HOV lanes, no rapid transit, metered on ramps, fact is the Idaho legislature is doing everything they can to prevent finding ways to conserve previous resources and the U.S. Congress has done little to help. Congress has repeatedly voted not to increase the average fuel economy of vehicles until recently or assist with mass transit projects. Our rail system is falling apart, and Congress is not helping. Moving products by rail is one of the most economical ways to move material.

Yes, we need to get a handle on high fuel prices, but the best way is to reduce demand. I would support limited drilling for oil and gas, and development of nuclear energy but relaxing regulations is not the way, we need to ensure lots of oversight to make sure it is done right. I have seen hundreds of dead migratory birds caught in oil overflow ponds at drilling sites. I have witnessed the mining industry use toxic waste product as a soil binder on county roads. I have seen companies contracted to build interstate highways steal sand and gravel from the U.S. government, so I have no faith in industry.

So, please, find a real solution that works. Thanks.

ROB, *Nampa.*

I am writing in regards to your request on how the energy prices have affected our household. It is hitting us hard, my husband works construction and is not getting the hours that he got last year so we are on a lower budget than ever. We used to do a little traveling, not far but weekend trips to livestock shows and to see friends, but now a trip to the grocery store is about all we get to do. No quick trips to the store, if we need something it waits until we have a good list.

We used to eat out a couple times a week since we both work, and that does not happen often either anymore. We have sold all but a handful of our animals (South African Meat Goats and dairy goats) due to what the feed increases are.

The other thing that is amazing to us is that, in 1991, when we bought a Geo Metro, it got 60 mpg easily. Why is it that the manufacturers cannot do that now unless it is a "hybrid". If they could do it 17 year ago, what is the problem now? This is just my 2 cents.

LAURI, *Blackfoot.*

Thank you for asking for our input. The energy crisis is hitting our family particularly hard because of the slowdown in the economy. I am a self-employed architect, and, though we had a good year last year, the slowdown has brought our firm to a standstill. I share this because as the fuel prices rise, they affect every sector of our economy. Because our work has decreased, this means even more money needs to go to higher fuel and utility costs, money which we do not have right now.

I suggest that instead of Congress blaming the President for not having an energy policy that they look themselves in the mirror and ask themselves why they continue to vote in such a way that keeps us in bondage to oil from overseas. If Congress could address this one issue in a unified manner, maybe then their job approval rating would not be lower than the President's job approval rating as it is right now.

The bottom line is this: we must become energy independent from countries that support terrorism and are not in the best interests of the US. This means increasing US Oil drilling, production, refining, distribution, and increasing our research (working with Oil companies) to create alternatives to oil to run our country: such as hydrogen fuel cells, electric hybrids, etc. We must be able to drill in ANWR, oil shale in Colorado, Utah, and North Dakota; oil in Wyoming, oil in the Gulf, etc. At the same time, we need to transition out of using oil into other energy sources: nuclear, etc. No decision now is still making the decision to procrastinate. Procrastination is not an option.

BRIAN, *Boise.*

As an average American citizen making just under \$30,000 a year, skyrocketing gas prices are hurting the pocketbook. A full tank of gas is costing around \$55, which is just crazy to think. It is hard to imagine that just ten years ago gas prices in the state of Idaho averaged \$.96 a gallon. With a recession looming, the dollar growing weaker by the day, and unemployment rates on the rise it is a scary time for America. One solution that I can see to help with the gas prices is by suspending all sales of oil on the futures market. It is evident that forecasts by the speculators are driving the prices sky high. While investors are making money on these hedge fund investments, millions of Americans are suffering from paying these high prices. My solution would be to suspend all oil sales on the futures market for 3 to 6 months just to see what effect it would have. I believe it is the speculators that are driving the prices with their forecasting of a bad hurricane season or low supply of oil available they are the ones that are the problem. They are the reason for the high prices of oil. By suspending the sale of oil on the futures market this would take them out of the equation and hopefully stabilize the prices. Even by just setting a limit on prices of oil

sales per barrel would help stabilize the high prices of gasoline. Overall this is just another example of the rich getting richer and the poor getting poorer.

KENNETH.

I appreciate the opportunity to share how fuel prices are impacting our family. We are one of the many that own a diesel truck and have been impacted in a very big way. We purchased our diesel in the summer of 2005 and the price of fuel was \$2.11/gal and, as you know, today it is \$4.85/gal. That is a 130% increase in the cost of fuel! And to further compound the increase in cost, tighter emissions restrictions have been implemented. When we purchased our truck we were able to get 23 mpg and now that the ultra low sulfur fuel has been mandated our economy has dropped to 17 mpg. That is a 26% reduction in economy. As an engineer, I have a difficult time seeing the reasoning behind reducing the pollutants per gallon to only decrease mileage which ultimately increase the amount of pollutant per mile driven. This is very apparent on the new diesel trucks which are struggling to get 12 mph because of the emission controls. I have to ask the question is more than a 50% reduction in pollutants to justify the 50% reduction in economy. There is something that could be done right now and that is to relax the emission on diesel fuel so many families and the trucking industry would get an immediate increase in economy. We saw this during Katrina when the restrictions were lifted, our economy went back up to 23 mpg. Americans would see this relief immediately.

Our family has taken many measures to help offset the cost of the increasing fuel prices. We have basically parked our truck and become a one car family. We cancelled our kids swimming lessons and our spring/summer outdoor activities (camping, fishing, and hunting) to reduce the cost of fuel. In addition to limiting our driving we have stopped eating out (fast food and sit down) and other non-essential activities. We are fortunate to have planned extra budget for unaccounted costs, however, the increase fuel costs have taken all the extra and we as a family are extremely concerned that Congress is unwilling to act and make the difficult choice.

What has to happen to have Congress understand the simple principle of supply and demand? I, like many Americans, would like to be able to use a cleaner energy source but, until one is viable with a sound delivery network in place, we have to use the one we have and that is oil. And with the world's political climate, we also strongly believe it is a matter of national security to become less dependent on others for oil.

We strongly support expanding oil exploration and production in the United States. We also strongly support drilling in protected areas of Alaska. We agree with Ted Stevens when he points out that we as Americans would have that million barrels a day right now if President Clinton would not have vetoed the bill. People that are against drilling in Alaska simply do not understand how little an impact is has on the area. I challenge any person to visit the North Slope and see the operations there and see how exploration is done with little to no impacts with ice roads and the modern techniques. As an Idaho family, we strongly support all measures that will increase the domestic supply of oil. Thank you for your hard work in this effort.

CORTNEY and LORI, *Star.*

You asked for a line or two as to how the energy expenses have affected our lives. Cer-

tainly via the pocketbook, but equally in lifestyle and choices we make. I have reached a time in my life that I wanted to see some of our country that I have not yet been privileged to see. I wanted to drive across Montana and see the Big Horn Battlefield and on to the Black Hills. Drop into Nebraska to see family, then who knows where we ended up. Not now. I cannot afford to spend a thousand dollars or more on fuel. I realize that there are new automobiles that are more fuel efficient, only \$20,000-\$30,000+) but if we find ourselves upside down now on a Ford F150 truck that gets 15-18 MPG and nobody wants to buy it because it cannot get 30+ MPG you adjust. Trips now will consist of short radius excursions. Long distance is out. Such ventures are not economically possible. Fuel expense as a percentage of my income has risen notably. The more affluent folks can fill their tanks and shake it off. Some of us feel more than a pinch.

We also are associated with property under the current CRP program in Power County. Once CRP is removed and the land is resolved to be put into production it will take 3-4 years to prepare the ground for planting. All with no return income in return. Dry land farming has never been a high profit endeavor, but with the expense of the machinery and the 100+% increase in fuel, the small farmer will undoubtedly be out of business—out of business being the operative phrase here.

I worry for our country if we are indeed slaves to foreign oil and big money refuses to allow a phase-out. We are not a nation of sheep, or are we? We have the technology to fuel our autos using water for crying out loud. Why is not this technology in use? Who is stopping it from becoming an affordable reality? I have asked such questions before of our representatives and have never received a response. Maybe you could be the first. Thanks for listening.

DAN, *Idaho Falls.*

Unfortunately our family has had to cancel our vacation and any other fishing trips this year. In fact, we will not venture out to any of Idaho's beautiful cities this summer. The cost of fuel and food and our daughter's education have us questioning if we will be able to make ends meet. New technology for transportation will come too late for most working citizens. That is why we need to drill for oil now before the platforms have other countries flags flying.

RANDY.

The story is the failure of Congress to act in the interest of the American public. Congress continually is bowing to the environmentalist (how they became the majority is beyond me). The current gas price just shows another failure of government. There is an old saying "Lead, follow or get out of the way"—[it seems like our country is failing on all three.]

When you sit down at dinner tonight, think about the 85-year-old couple who retired 20 years ago and are drawing Social Security in the amount of \$980 month. How would you put food on the table, pay for health care, housing, transportation and enjoy your golden years. The story is the failure of Congress to act beyond personal interest.

DEAN.

ADDITIONAL STATEMENTS

TRIBUTE TO BETSY J. KEELING

• Mr. CARPER. Mr. President, I am pleased to ask my colleagues to join me in recognizing Ms. Betsy J. Keeling as she retires after nearly 32 years of Federal service, which included working for 6 years in the U.S. Senate. Her dedicated public service and tireless commitment to keeping appropriate congressional committees fully and currently informed of the activities of her agency should be recognized and appreciated by all in this Chamber.

A native of Nashville, TN, Ms. Keeling graduated from the University of Tennessee in 1977. She then joined the staff of our esteemed former majority leader, Senator Howard Baker of Tennessee, in June of 1977, where she served as an office manager, formulating the Senator's office budget and supervising 30 full-time employees with a variety of responsibilities.

In August of 1983 she joined the office of Commissioner Frederick Bernthal of the U.S. Nuclear Regulatory Commission, NRC. As his administrative assistant, she handled all day-to-day operations of the office and managed work flow within the Commissioner's office.

At the end of Commissioner Bernthal's term in June of 1988, Ms. Keeling joined the staff of NRC's Office of Congressional Affairs. She served as a congressional affairs officer for almost 12 years and was then promoted to senior congressional affairs officer in 2000. She served in that capacity until September of 2005. As a senior congressional affairs officer, she assisted in formulating congressional relations policy and programs, performed liaison duties, analyzed legislation and coordinated congressional briefings and hearings.

Ms. Keeling was recognized for her outstanding service by the NRC with a Meritorious Service Award, the agency's second-highest award given to its employees, in 2003. She received this award "in recognition of her exceptional versatility, dedicated service, and adroit handling of Congressional affairs." Ms. Keeling was also the recipient of numerous performance and special achievement awards throughout her career at the NRC.

In September 2005, Ms. Keeling was appointed associate director for congressional affairs in NRC's Office of Congressional Affairs. She has been in this position since that time and it is from this position that Ms. Keeling retired from Federal service on February 27, 2009. She will be returning to her beloved State of Tennessee to be with her family and friends in Nashville.

Mr. President, I am pleased to ask my colleagues to join me in congratulating Ms. Keeling on her retirement and thanking her for her service to the

U.S. Senate and her country through her work at the Nuclear Regulatory Commission.●

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

S. 473. A bill to establish the Senator Paul Simon Study Abroad Foundation; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself, Mr. WHITEHOUSE, Mrs. MCCASKILL, and Mr. NELSON of Florida):

S. 506. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, Mr. INOUE, and Mr. BEGICH):

S. 507. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself and Mr. REID):

S. 508. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY:

S. 509. A bill to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. CARDIN, Mr. WHITEHOUSE, Mr. DODD, Mr. BROWN, Mr. BURRIS, and Mr. PRYOR):

S.J. Res. 12. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself and Mr. VOINOVICH):

S. Res. 60. A resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization; to the Committee on Foreign Relations.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. Res. 61. A resolution commending the Columbus Crew Major League Soccer Team for winning the 2008 Major League Soccer Cup; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Ms. SNOWE, Ms. LANDRIEU, Mr. PRYOR, Mr. LAUTENBERG, Mr. SANDERS, and Mr. DORGAN):

S. Con. Res. 9. A concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 182

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 277

At the request of Mrs. SHAHEEN, her name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 428

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Illinois (Mr. DURBIN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 456

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 473

At the request of Mr. DURBIN, the names of the Senator from Ohio (Mr.

VOINOVICH), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 492

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 492, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from Social Security tax coverage.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Pennsylvania (Mr. CASEY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Con. Res. 4, a concurrent resolution calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. RES. 20

At the request of Mr. VONOVICH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. WHITEHOUSE, Mrs. McCASKILL, and Mr. NELSON of Florida):

S. 506. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, America has been knocked flat on its back by the current financial crisis, but the American fighting spirit hasn't given up. We are battling back.

Congress recently passed an \$800 billion recovery bill to jumpstart the economy with new jobs and investments. That \$800 billion is on top of the \$700 billion we set aside earlier to re-

vive the credit markets and recapitalize the financial institutions that got us into this mess. Those steps weren't easy to take and represent a lot of money going out the door.

That is why, today, I am introducing the Stop Tax Haven Abuse Act, along with Senators WHITEHOUSE, McCASKILL and BILL NELSON, to stop tax cheats who drain our treasury of funds needed to pay for our recovery. The bill's target is offshore tax abuses that rob the U.S. Treasury of an estimated \$100 billion each year, reward tax dodgers using offshore secrecy laws to hide money from Uncle Sam, and offload the tax burden onto the backs of middle income families who play by the rules.

It is time for Congress and this administration to take a stand against offshore tax evasion. It is unfair; we can't afford it; and there is a whole lot more we can do to stop it.

The bill we are introducing today is an improved version of the Stop Tax Haven Abuse Act that I introduced in February 2007, with Senator Coleman and then Senator Obama, and that Congressmen LLOYD DOGETT and Rahm Emanuel introduced in the House with the support of 47 cosponsors. No action was taken last Congress on either bill, even though evidence has continued to pour in about the extensive and serious nature of offshore tax dodging.

In July 2008, for example, the Senate Permanent Subcommittee on Investigations, which I chair, held two days of hearings and released a report that broke through the wall of secrecy that normally surrounds banks located in tax haven jurisdictions. The Subcommittee presented multiple case histories exposing how two such banks, UBS AG of Switzerland and LGT Bank of Liechtenstein, used an array of secrecy tricks to help U.S. clients hide assets and dodge U.S. taxes.

The hearing showed, for example, that UBS had opened Swiss accounts for an estimated 19,000 U.S. clients with nearly \$18 billion in assets, and did not report any of those accounts to the U.S. Internal Revenue Service. A UBS private banker based in Switzerland pled guilty to conspiring to helping a U.S. billionaire hide \$200 million and evade \$7.2 million in tax, and provided sworn deposition testimony to the Subcommittee about how UBS Swiss bankers sought and serviced clients right here in the United States. A more senior UBS official asserted his Fifth Amendment rights at the hearing rather than answer questions about UBS conduct.

The Subcommittee investigation also presented seven case histories of U.S. persons who had secretly stashed millions of dollars in accounts at LGT Bank, a private bank owned by the Liechtenstein royal family. These case histories unfolded like spy novels, with secret meetings, hidden funds, shell

corporations, and complex offshore transactions spanning the globe from the United States to Liechtenstein, Switzerland, the British Virgin Islands, Australia, and Hong Kong. What the case histories had in common were officials from LGT Bank and its affiliates acting as willing partners to move a lot of money into LGT accounts, while obscuring the ownership and origin of the funds from tax authorities, creditors, and courts.

A former LGT employee, now in hiding for disclosing LGT client information, provided videotaped testimony during the hearing describing a long list of secrecy tricks and deceptive practices used by LGT to conceal client assets. They included using code names for LGT clients; requiring bankers to use outside pay phones to call clients to prevent those calls from being traced back to the bank; establishing offshore shell corporations which clients could use to route money into and out of their LGT accounts without incurring wire transfers; and creating elaborate offshore structures involving foundations, trusts, and corporations to conceal client ownership of assets. In addition, four U.S. persons asserted their Fifth Amendment rights at the hearing and declined to answer questions about their LGT accounts.

More than 150 U.S. taxpayers are now under investigation by the IRS for having undeclared Liechtenstein accounts. The IRS is not labouring alone. Nearly a dozen countries have investigations underway into possible tax evasion involving Liechtenstein accounts. Germany, for example, is working through a list of 600 to 700 German taxpayers with LGT accounts, including a prominent businessman who allegedly used LGT accounts to evade \$1.5 million in taxes.

LGT was invited to the July Subcommittee hearings to defend its actions, but chose not to appear. UBS, to its credit, appeared and announced at the hearings that it would take responsibility for its actions. It apologized for past compliance failures, promised to close all 19,000 Swiss accounts unless the U.S. account holder agreed to disclose the account to the IRS, and announced it would no longer offer U.S. clients the option of opening Swiss accounts that are not disclosed to the IRS. A few months later, Liechtenstein signed its first tax information exchange agreement with the United States, and LGT announced its intention to change its business model and begin cooperating with foreign tax authorities.

The actions taken by UBS and LGT have reverberated around the tax haven world, raising questions about whether the game is finally up and the international community is ready to take action to put an end to offshore secrecy and tax abuses. Some banks, like Credit Suisse, Switzerland's largest bank after UBS, have decided to

follow UBS' lead and stop offering hidden Swiss bank accounts to U.S. clients. But many other tax haven banks continue their secret ways and continue to engage in practices that facilitate tax evasion.

The United States Government is continuing its efforts to combat offshore secrecy. In November 2008, the U.S. Department of Justice, DOJ, indicted a senior UBS official, then head of the UBS private bank, for conspiring to help other U.S. clients dodge U.S. taxes. Because he has refused to face the charges, he remains a fugitive from justice in Switzerland. In February, DOJ indicted UBS itself, again for conspiring to help U.S. clients dodge U.S. taxes. That criminal prosecution was then deferred, because UBS admitted to the underlying facts, paid a \$780 million fine, turned over the names of at least 250 clients with Swiss accounts, and promised to no longer open Swiss accounts for U.S. clients without notifying the IRS. A U.S. indictment of a major bank is rare; an indictment of a major bank for helping clients evade U.S. taxes may be unprecedented.

In addition to filing these criminal prosecutions, DOJ served UBS with a John Doe summons seeking the names of the other 19,000 U.S. clients with Swiss accounts hidden from the IRS. UBS said at the Subcommittee hearing in July that it was ready to cooperate, but virtually none of the information requested by the John Doe summons has been turned over, primarily because the Swiss Government has taken the position that turning over this client account information would violate Swiss secrecy laws. DOJ has asked the U.S. court that approved the summons to enforce it, and a trial to resolve the issue is now scheduled for July 2009, one year after the initial request for the information. The fact that the United States is having such a difficult time getting the client names, despite catching UBS red-handed and obtaining its admission of wrongdoing, shows how tough the offshore tax evasion problem is.

It is worth noting that Switzerland is refusing to allow UBS to provide the names of potential U.S. tax cheats, while at the same time attempting to claim it is not a tax haven and it is not a secrecy jurisdiction. It is also worth noting that top Swiss government officials have now formed a "strategic delegation" charged with defending Swiss bank secrecy against efforts by the United States, European Union, and other countries to change Swiss practices.

Right now, tax haven governments and tax haven banks often dress up their secrecy laws and banking practices with phrases like "financial privacy" and "wealth management." Some enter into tax treaties and tax information exchange agreements with the United States, while setting up

procedures that deny or delay providing information essential for effective tax enforcement. They also use their secrecy laws and practices to hide, not only the wrongdoing of the taxpayers, but also the actions of the tax haven participants who aid and abet the wrongdoing.

Secrecy breeds tax evasion. Tax evasion eats at the fabric of society, not only by starving health care, education, and other needed government services of resources, but also by undermining trust—making honest folks feel like they are being taken advantage of when they pay their fair share.

We can fight back against offshore secrecy jurisdictions and offshore tax abuses if we summon the political will. Our bill offers powerful new tools to tear down the tax haven secrecy walls in favour of transparency, cooperation, and tax compliance. To tear down those secrecy walls, protect honest taxpayers, and obtain the revenues essential for critical needs, I hope my colleagues will act during this Congress to enact our legislation to shut down the \$100 billion in offshore tax abuses.

The Stop Tax Haven Abuse Act is the product of years of work. My Subcommittee, through reports and hearings, has exposed numerous abusive practices involving offshore tax havens as well as home-grown abusive tax shelters. In the 109th Congress, we confronted these twin threats to our treasury by introducing S. 1565, the Tax Shelter and Tax Haven Reform Act. In the 110th Congress, we introduced an improved version of that legislation, S. 681, reflecting not only the Subcommittee's additional investigative work but also innovative ideas to end the use of tax havens and to stop unethical tax advisers from aiding and abetting U.S. tax evasion.

Today's bill is very similar to S. 681, but with three new additions. A new Section 103 addresses the tax dodging that occurs when a business incorporates in a tax haven, pretending to be a foreign corporation for U.S. tax purposes, while, in reality, being managed and controlled from the United States. A new Section 108 seeks to put an end to financial gimmicks being used by offshore hedge funds and others to dodge payment of U.S. taxes on U.S. stock dividends. A new Section 109 expands reporting requirements for U.S. persons who benefit from a passive foreign investment corporation. These new sections offer powerful new tools to combat offshore tax abuse.

I will now describe some of the tax abuses that need to be addressed and explain what our bill would do to stop them. First, I will look at the offshore tax problem and then at some of our home-grown abusive tax shelters.

TAX HAVEN ABUSES

A tax haven is a foreign jurisdiction that maintains corporate, bank, and tax secrecy laws and industry practices

that make it very difficult for other countries to find out whether their citizens are using the tax haven to cheat on their taxes. In effect, tax havens sell secrecy to attract clients to their shores. They peddle secrecy the way other countries advertise high quality services. That secrecy is used to cloak tax evasion and other misconduct, and it is that offshore secrecy that is targeted in our bill.

The Tax Justice Network, an international non-profit organization dedicated to fighting tax evasion, has estimated that wealthy individuals worldwide have stashed \$11.5 trillion of their assets in offshore tax havens. The IMF has estimated that, in 2000 alone, \$1.7 trillion in investments were sent through offshore tax havens. A series of 2007 Tax Notes articles estimated that over \$1.5 trillion in hidden assets were located in just four tax havens, Guernsey, Jersey, Isle of Man, and Switzerland, characterizing those assets as beneficially owned by non-resident individuals likely avoiding tax in their home jurisdictions. At one Subcommittee hearing, a former owner of an offshore bank in the Cayman Islands testified that he believed 100 percent of his former bank clients were engaged in tax evasion. He said that almost all were from the United States and had taken elaborate measures to avoid IRS detection of their money transfers. He also expressed confidence that the offshore government that licensed his bank would vigorously defend client secrecy in order to continue attracting business.

In connection with a hearing held in August 2006, the Subcommittee released a staff report with six case studies describing how U.S. individuals use offshore tax havens to evade U.S. taxes. In one case, two brothers from Texas, Sam and Charles Wyly, established 58 offshore trusts and corporations, and operated them for more than 13 years without alerting U.S. authorities. To move funds abroad, the brothers transferred over \$190 million in stock option compensation they had received from U.S. publicly traded companies to the offshore corporations. They claimed that they did not have to pay tax on this compensation, because, in exchange, the offshore corporations provided them with private annuities which would not begin to make payments to them until years later. In the meantime, the brothers directed the offshore corporations to cash in the stock options and start investing the money. The brothers failed to disclose these offshore stock transactions to the SEC despite their position as directors and major shareholders in the relevant companies.

The Subcommittee was able to trace more than \$600 million in stock option proceeds that the brothers invested in various ventures they controlled, including two hedge funds, an energy

company, and an offshore insurance firm. They also used the offshore funds to purchase real estate, jewelry, and artwork for themselves and their family members, claiming they could use these offshore dollars to advance their personal and business interests without having to pay any taxes on the offshore income. The Wyllys were able to carry on these tax maneuvers in large part because all of their activities were shrouded in offshore secrecy.

In another of the case histories, six U.S. taxpayers relied on phantom stock trades between two offshore shell companies to generate fake stock losses which were then used to shelter billions in income. This offshore tax shelter scheme, known as the POINT Strategy, was devised by Quellos, a U.S. securities firm headquartered in Seattle; coordinated with a European financial firm known as Euram Advisers; and blessed by opinion letters issued by two prominent U.S. law firms, Cravath Swaine and Bryan Cave. The two offshore shell companies at the center of the strategy, known as Jackstones and Barneville, supposedly created a stock portfolio worth \$9.6 billion. However, no cash or stock transfers ever took place. Moreover, the shell companies that conducted these phantom trades were so shrouded in offshore secrecy that no one would admit to knowing who owns them. One U.S. taxpayer used the scheme to shelter about \$1.5 billion from U.S. taxes. Another sought to shelter about \$145 million. Both have since agreed to settle with the IRS.

The persons examined by the Subcommittee are far from the only U.S. taxpayers engaging in these types of offshore tax abuses. Two experts, Joseph Guttentag and Professor Reuven Avi-Yonah, have estimated that U.S. individuals are using offshore tax schemes to avoid payment of \$40 to \$70 billion in taxes each year.

Corporations are also using tax havens to avoid payment of U.S. taxes. Data released by the Commerce Department indicates that, as of 2001, almost half of all foreign profits of U.S. corporations were in tax havens. A study released by the journal *Tax Notes* in September 2004 found that American companies were able to shift \$149 billion of profits to 18 tax haven countries in 2002, up 68 percent from \$88 billion in 1999. Professor Kimberly Clausing has estimated that corporate offshore abuses utilizing transfer pricing schemes resulted in \$60 billion in lost U.S. tax revenues in 2004, and other experts have estimated similar amounts.

Corporate use of tax haven jurisdictions is also widespread. In January 2009, Senator DORGAN and I released a report by the Government Accounting Office (GAO) which shows that out of the 100 largest U.S. publicly traded corporations, 83 have subsidiaries in tax

havens. Of the 100 largest federal contractors, 63 have tax haven subsidiaries. Using data from their corporate filings with the Securities and Exchange Commission, GAO listed the number of tax haven subsidiaries for each of these corporations. GAO determined, for example, that Morgan Stanley has 273 tax haven subsidiaries, while Citigroup has 427, with 90 in the Cayman Islands alone. News Corp. has 152, while Procter and Gamble has 83, Pfizer has 80, Oracle has 77, and Marathon Oil has 76. My Subcommittee is currently engaged in an effort to understand why so many of these corporations have so many tax haven affiliates. To do that we are going to have to battle secrecy laws in 50 different jurisdictions.

Here's just one simplified example of the gimmicks being used by corporations to transfer taxable income from the United States to tax havens to escape taxation. Suppose a profitable U.S. corporation establishes a shell corporation in a tax haven. The shell corporation has no office or employees, just a mailbox address. The U.S. parent transfers a valuable patent to the shell corporation. Then, the U.S. parent and all of its subsidiaries begin to pay a hefty fee to the shell corporation for use of the patent, reducing its U.S. income through deducting the patent fees and thus shifting taxable income out of the United States to the shell corporation. The shell corporation declares a portion of the fees as profit, but pays no U.S. tax since it is a tax haven resident. The icing on the cake is that the shell corporation can then "lend" the income it has accumulated from the fees back to the U.S. parent for its use. The parent, in turn, pays "interest" on the "loans" to the shell corporation, shifting still more taxable income out of the United States to the tax haven. This example highlights just a few of the tax haven ploys being used by some U.S. corporations to escape paying their fair share of taxes here at home.

Our Subcommittee's 2008 investigation into tax haven banks and our 2006 investigation into offshore abuses also highlight the extent to which offshore secrecy rules make it possible for taxpayers to participate in illicit activity with little fear of getting caught. Through a series of case studies, the Subcommittee has shown how U.S. taxpayers, with the help of offshore financial institutions, service providers, legal counsel, and tax professionals, set up financial accounts and entities in secrecy jurisdictions to hide assets and dodge taxes. The case studies showed how some U.S. persons created complex offshore structures to hide their ownership of offshore bank accounts. Others formed offshore entities which they claimed were independent but, in fact, exercised control over them through compliant offshore trustees, officers,

directors, and corporate administrators. Because of offshore secrecy laws and practices, offshore businesses could and did take steps to protect their U.S. clients' identities and financial information from U.S. tax and regulatory authorities, making it extremely difficult, if not impossible, for U.S. law enforcement authorities to get the information needed to enforce U.S. tax laws.

The extent of the offshore tax abuses documented by years of Subcommittee reports and hearings demonstrates the importance of obtaining new tools to combat offshore secrecy and restore the ability of U.S. tax enforcement to pursue offshore tax cheats. I'd now like to describe the key measures in the Stop Tax Havens Act providing those new enforcement tools. They include new legal presumptions to overcome offshore secrecy barriers, special measures to combat persons who impede U.S. tax enforcement, treatment of offshore corporations as domestic corporations when controlled by U.S. persons, elimination of the offshore dividend tax loophole, greater disclosure of offshore transactions, and more.

PRESUMPTIONS RELATED TO OFFSHORE SECRECY JURISDICTIONS

The 2006 Subcommittee staff report provided six case histories detailing how U.S. taxpayers are using offshore tax havens to avoid payment of the taxes they owe. These case histories examined an Internet based company that helped persons obtain offshore entities and accounts; U.S. promoters that designed complex offshore structures to hide client assets, even providing clients with a how-to manual for going offshore; U.S. taxpayers who diverted business income offshore through phony loans and invoices; a one-time tax dodge that deducted phantom offshore stock losses from real U.S. stock income to shelter that income from U.S. taxes; and the 13-year offshore empire built by Sam and Charles Wyly. Each of these case histories presented the same fact pattern in which the U.S. taxpayer, through lawyers, banks, or other representatives, set up offshore trusts, corporations, or other entities which had all the trappings of independence but, in fact, were controlled by the U.S. taxpayer whose directives were implemented by compliant offshore personnel acting as the trustees, officers, directors or nominee owners of the offshore entities.

In the case of the Wyllys, the brothers and their representatives communicated Wyly directives to a so-called trust protector who then relayed the directives to the offshore trustees. In the 13 years examined by the Subcommittee, the offshore trustees never once rejected a Wyly request and never once initiated an action without Wyly approval. They simply did what they were told. A U.S. taxpayer in another

case history told the Subcommittee that the offshore personnel who nominally owned and controlled his offshore entities, in fact, always followed his directions, describing himself as the "puppet master" in charge of his offshore holdings.

When the Subcommittee discussed these case histories with financial administrators from the Isle of Man, the regulators explained that none of the offshore personnel were engaged in any wrongdoing, because their laws permit foreign clients to transmit detailed, daily instructions to offshore service providers on how to handle offshore assets, so long as it is the offshore trustee or corporate officer who gives the final order to buy or sell the assets. They explained that, under their law, an offshore entity is considered legally independent from the person directing its activities so long as that person follows the form of transmitting "requests" to the offshore personnel who retain the formal right to make the decisions, even though the offshore personnel always do as they are asked.

The Subcommittee case histories illustrate what the tax literature and law enforcement experience have shown for years: that the business model followed in all offshore secrecy jurisdictions is for compliant trustees, corporate administrators, and financial institutions to provide a veneer of independence while ensuring that their U.S. clients retain complete and unfettered control over "their" offshore assets. That's the standard operating procedure offshore. Offshore service providers pretend to own or control the offshore trusts, corporations, and accounts they help establish, but what they really do is whatever their clients tell them to do. In truth, the independence of offshore entities is a legal fiction, and it is past time to pull back the curtain on the reality hiding behind the legal formalities.

The reality behind these offshore practices makes a mockery of U.S. laws that normally view trusts and corporations as independent entities. They invite game-playing and tax evasion. To combat these offshore abuses, our bill takes them head on in a number of ways.

Section 101—Rebuttable evidentiary presumptions and initial list of offshore secrecy jurisdictions

The first section of our bill, Section 101, tackles this issue by creating several rebuttable evidentiary presumptions that would strip the veneer of independence from the U.S. person involved with offshore entities, transactions, and accounts, unless that U.S. person presents clear and convincing evidence to the contrary. These presumptions would apply only in civil judicial or administrative tax or securities enforcement proceedings examining transactions, entities, or ac-

counts in offshore secrecy jurisdictions. These presumptions would put the burden of producing evidence from the offshore secrecy jurisdiction on the taxpayer who chose to do business there, and who has access to the information, rather than on the federal government which has little or no practical ability to get the information. The creation of these presumptions implements a bipartisan recommendation in the August 2006 Subcommittee staff report on tax haven abuses.

The bill would establish three evidentiary presumptions that could be used in a civil tax enforcement proceeding: (1) a presumption that a U.S. taxpayer who "formed, transferred assets to, was a beneficiary of, or received money or property" from an offshore entity, such as a trust or corporation, is in control of that entity; (2) a presumption that funds or other property received from offshore are taxable income, and that funds or other property transferred offshore have not yet been taxed; and (3) a presumption that a financial account controlled by a U.S. taxpayer in a foreign country contains enough money—\$10,000—to trigger an existing statutory reporting threshold and allow the IRS to assert the minimum penalty for nondisclosure of the account by the taxpayer.

In addition, the bill would establish two evidentiary presumptions applicable to civil proceedings to enforce U.S. securities laws. One would specify that if a director, officer, or major shareholder of a U.S. publicly traded corporation were associated with an offshore entity, that person would be presumed to control that offshore entity. The second provides that securities nominally owned by an offshore entity are presumed to be beneficially owned by any U.S. person who controlled the offshore entity.

These presumptions are rebuttable, which means that the U.S. person who is the subject of the proceeding could provide clear and convincing evidence to show that the presumptions were factually inaccurate. To rebut the presumptions, a taxpayer could establish, for example, that an offshore corporation really was controlled by an independent third party, or that money sent from an offshore account really represented a nontaxable gift instead of taxable income. If the taxpayer wished to introduce evidence from a foreign person, such as an offshore banker, corporate officer, or trust administrator, to establish those facts, that foreign person would have to actually appear in the U.S. proceeding in a manner that would permit cross examination in order for the taxpayer to rebut the presumption. A simple affidavit from an offshore resident who refused to submit to cross examination in the United States would be insufficient.

There are several limitations on these presumptions to ensure their operation is fair and reasonable. First, the evidentiary rules in criminal cases would not be affected by this bill which would apply only to civil proceedings. Second, because the presumptions apply only in enforcement "proceedings," they would not directly affect, for example, a person's reporting obligations on a tax return or SEC filing. The presumptions would come into play only if the IRS or SEC were to challenge a matter in a formal proceeding. Third, the bill does not apply the presumptions to situations where either the U.S. person or the offshore entity is a publicly traded company, because in those situations, even if a transaction were abusive, IRS and SEC officials are generally able to obtain access to necessary information. Fourth, the bill recognizes that certain classes of offshore transactions, such as corporate reorganizations, may not present a potential for abuse, and accordingly authorizes Treasury and the Securities and Exchange Commission to issue regulations or guidance identifying such classes of transactions, to which the presumptions would then not apply.

An even more fundamental limitation on the presumptions is that they would apply only to transactions, accounts, or entities in offshore jurisdictions with secrecy laws or practices that unreasonably restrict the ability of the U.S. government to get needed information and which do not have effective information exchange programs with U.S. law enforcement. The bill requires the Secretary of the Treasury to identify those offshore secrecy jurisdictions, based upon the practical experience of the IRS in obtaining needed information from the relevant country.

To provide a starting point for Treasury, the bill presents an initial list of 34 offshore secrecy jurisdictions. This list is taken from actual IRS court filings in court proceedings in which the IRS sought permission to obtain information about U.S. taxpayers active in the named jurisdictions. The bill thus identifies the same jurisdictions that the IRS has already named publicly as probable locations for U.S. tax evasion. Federal courts all over the country have consistently found, when presented with the IRS list and supporting evidence, that the IRS had a reasonable basis for concluding that U.S. taxpayers with financial accounts in those countries presented a risk of tax non-compliance. In every case, the courts allowed the IRS to collect information about accounts and transactions in the listed offshore jurisdictions.

The bill also provides Treasury with the authority to add or remove jurisdictions from the initial list so that the list can change over time and reflect the actual record of experience of the United States in its dealings with

specific jurisdictions around the world. The bill provides two tests for Treasury to use in determining whether a jurisdiction should be identified as an “offshore secrecy jurisdiction” triggering the evidentiary presumptions: (1) whether the jurisdiction’s secrecy laws and practices unreasonably restrict U.S. access to information, and (2) whether the jurisdiction maintains a tax information exchange process with the United States that is effective in practice.

If offshore jurisdictions make a decision to enact secrecy laws and support industry practices furthering corporate, financial, and tax secrecy, that’s their business. But when U.S. taxpayers start using those offshore secrecy laws and practices to evade U.S. taxes to the tune of \$100 billion per year, that’s our business. We have a right to enforce our tax laws and to expect that other countries will not help U.S. tax cheats achieve their ends.

The aim of the presumptions created by the bill is to eliminate the unfair advantage provided by offshore secrecy laws that for too long have enabled U.S. persons to conceal their misconduct offshore and game U.S. law enforcement. These presumptions would allow U.S. law enforcement to establish what we all know from experience is normally the case in an offshore jurisdiction—that a U.S. person associated with an offshore entity controls that entity; that money and property sent to or from an offshore entity involves taxable income; and that an offshore account that wasn’t disclosed to U.S. authorities should have been. U.S. law enforcement can establish these facts presumptively, without having to pierce the secrecy veil. At the same time, U.S. persons who chose to transact their affairs through an offshore secrecy jurisdiction are given the opportunity to lift the veil of secrecy and demonstrate that the presumptions are factually wrong.

We believe these evidentiary presumptions will provide U.S. tax and securities law enforcement with powerful new tools to shut down tax haven abuses.

Section 102—Special measures where U.S. tax enforcement is impeded

Section 102 of the bill is another innovative approach to combating tax haven abuses. This section would build upon existing Treasury authority to apply an array of sanctions to counter specific foreign money laundering threats by extending that same authority to counter specific foreign tax administration threats.

In 2001, the Patriot Act gave Treasury the authority under 31 U.S.C. 5318A to require domestic financial institutions and agencies to take special measures with respect to foreign jurisdictions, financial institutions, or transactions found to be of “primary

money laundering concern.” Once Treasury designates a foreign jurisdiction or financial institution to be of primary money laundering concern, Section 5318A allows Treasury to impose a range of requirements on U.S. financial institutions in their dealings with the designated entity—from requiring U.S. financial institutions, for example, to provide greater information than normal about transactions involving the designated entity, to prohibiting U.S. financial institutions from opening accounts for that foreign entity.

This Patriot Act authority has been used sparingly, but to telling effect. In some instances Treasury has employed special measures against an entire country, such as Burma, to stop its financial institutions from laundering funds through the U.S. financial system. More often, Treasury has used the authority surgically, against a single problem financial institution, to stop laundered funds from entering the United States. The provision has clearly succeeded in giving Treasury a powerful tool to protect the U.S. financial system from money laundering abuses.

The bill would authorize Treasury to use that same tool to require U.S. financial institutions to take the same special measures against foreign jurisdictions or financial institutions found by Treasury to be “impeding U.S. tax enforcement.” Treasury could, for example, in consultation with the IRS, Secretary of State, and the Attorney General, require U.S. financial institutions that have correspondent accounts for a designated foreign bank to produce information on all of that foreign bank’s customers. Alternatively, Treasury could prohibit U.S. financial institutions from opening accounts for a designated foreign bank, thereby cutting off that foreign bank’s access to the U.S. financial system. These types of sanctions could be as effective in ending the worst tax haven abuses as they have been in curbing money laundering.

In addition to extending Treasury’s ability to impose special measures against foreign entities impeding U.S. tax enforcement, the bill would add one new measure to the list of possible sanctions that could be applied to foreign entities: it would allow Treasury to instruct U.S. financial institutions not to authorize or accept credit card transactions involving a designated foreign jurisdiction or financial institution. Denying tax haven banks the ability to issue credit cards for use in the United States, for example, would be a powerful new way to stop U.S. tax cheats from obtaining access to funds hidden offshore.

Section 103—Deny tax benefits for foreign corporations managed and controlled in the United States

In July 2008, the Senate Finance Committee held a hearing detailing

findings made by GAO when it went to the Cayman Islands to look at the infamous Ugland House, a five-story building that is the official address for over 18,800 registered companies. GAO’s review seems to indicate that the Cayman Islands has more registered businesses than residents, with a mutual fund or hedge fund for every five residents, and two registered companies for every resident.

GAO also determined that about half of the alleged Ugland House tenants—around 9,000 entities—have a billing address in the United States and were not actual occupants of the building. In fact, GAO determined that none of the nearly 19,000 companies registered at the Ugland House was an actual occupant. GAO found that the only true occupant of the building is a Cayman law firm, Maples and Calder. According to the GAO: “Very few Ugland House registered entities have a significant physical presence in the Cayman Islands or carry out business in the Cayman Islands. According to Maples and Calder partners, the persons establishing these entities are typically referred to Maples by counsel from outside the Cayman Islands, fund managers, and investment banks. As of March 2008 the Cayman Islands Registrar reported that 18,857 entities were registered at the Ugland House address. Approximately 96 percent of these entities were classified as exempted entities under Cayman Islands law, and were thus generally prohibited from carrying out domestic business within the Cayman Islands.”

Section 103 of the bill is a new addition to the Stop Tax Haven Abuse Act designed to address the Ugland House problem. It focuses on the situation where a corporation is incorporated in a tax haven as a mere shell operation with little or no physical presence or employees in the jurisdiction. The shell entity pretends it is operating in the tax haven, even though its key personnel and decisionmakers are in the United States. The objective of this set up is to enable the owners of the shell entity to take advantage of all of the benefits provided by U.S. legal, educational, financial, and commercial systems, and at the same time avoid paying U.S. taxes.

My Subcommittee has seen numerous companies exploit this situation, declaring themselves to be foreign corporations, even though they really operate out of the United States. For example, thousands of hedge funds whose financial experts live in Connecticut, New York, Texas, or California play this game to escape taxes and avoid regulation. In an October 2008 Subcommittee hearing, three sizeable hedge funds, Angelo Gordon, Highbridge Capital, and Maverick Capital, admitted that, although all they claimed to be based in the Cayman Islands, none had an office or a single

full time employee in that jurisdiction. Instead, their offices and key decision-makers were located and did business right here in the United States.

Section 103 will put an end to such corporate fictions and offshore tax dodging. It states that if a corporation is publicly traded or has aggregate gross assets of \$50 million or more, and its management and control occurs primarily in the United States, that corporation will be treated as a U.S. domestic corporation for income tax purposes.

To implement this provision, Treasury is directed to issue regulations to guide the determination of when management and control occur primarily in the United States, looking at whether “substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are located primarily within the United States.”

This new section relies on the same principles regarding the true location of ownership and control of a company that underlie the corporate inversion rules adopted in the American Jobs Creation Act of 2005. Those inversion rules, however, do not address the fact that some entities directly incorporate in foreign countries and manage their businesses activities from the United States. Section 103 seeks to level the playing field and ensure that entities which incorporate directly in another country are subject to a similar management and control test. Section 103 is also similar in concept to the substantial presence test in the income tax treaty between the United States and the Netherlands, which looks to the primary place of management and control to determine corporate residency.

Section 103 also provides an exception for foreign corporations with U.S. parents. This exception from the \$50 million gross assets test recognizes that, within a multinational operation, strategic, financial, and operational decisions are often made from a global or regional headquarters location and then implemented by affiliated foreign corporations. Where such decisions are undertaken by a parent corporation that is actively engaged in a U.S. trade or business and is organized in the United States—and is, therefore, already a domestic corporation—the bill generally will not override existing U.S. taxation of international operations. At the same time, this exception makes it clear that the mere existence of a U.S. parent corporation is not sufficient to shield a foreign corporation from also being treated as a domestic corporation under this section. The section also creates an exception for private companies that once met the section's test for treatment as

a domestic corporation but, during a later tax year, fell below the \$50 million gross assets test, do not expect to exceed that threshold again, and are granted a waiver by the Treasury Secretary.

Section 103 is intended to stop, in particular, the outrageous tax dodging that now goes on by too many hedge funds and investment management businesses that structure themselves to appear to be foreign entities, even though their key decisionmakers—the folks who exercise control of the company, its assets, and investment decisions—live and work right here in the United States. Too many hedge funds establish a structure of offshore entities, often including master and feeder funds, that make it appear as if the hedge fund's assets and investment decisions are offshore, when, in fact, the funds are being managed and controlled by investment experts located in the United States. It is unacceptable that such companies utilize U.S. offices, personnel, laws, and markets to make their money, but then stiff Uncle Sam and offload their tax burden onto competitors who play by the rules.

To put an end to this charade, Section 103 specifically directs Treasury regulations to specify that, when corporate assets are being managed primarily on behalf of investors and the investment decisions are being made in the United States, the management and control of that corporation shall be treated as occurring primarily in the United States, and that corporation shall be subject to U.S. taxes in the same manner as any other U.S. corporation.

If enacted into law, Section 103, the Ugland House provision, would put an end to the unfair situation where some U.S.-based companies pay their fair share of taxes, while others who set up a shell corporation in a tax haven are able to defer or escape taxation, despite the fact that their foreign status is nothing more than a paper fiction.

Section 104—Extension of time for offshore audits

Section 104 of the bill addresses a key problem faced by the IRS in cases involving offshore jurisdictions—completing audits in a timely fashion when the evidence needed is located in a jurisdiction with secrecy laws. Currently, in the absence of fraud or some other exception, the IRS has three years from the date a tax return is filed to complete an audit and assess any additional tax. Because offshore secrecy laws slow down, and sometimes impede, efforts by the United States to obtain offshore financial and beneficial ownership information, the bill gives the IRS an extra three years to complete an audit and assess a tax on transactions involving an offshore secrecy jurisdiction. Of course, in the event that a case turns out to involve

actual fraud, this provision of the bill is not intended to limit the rule giving the IRS unlimited time to assess tax in such cases.

Section 105—Increased disclosure of offshore accounts and entities

Offshore tax abuses thrive in secrecy. Section 105 attempts to pierce that secrecy by creating two new disclosure mechanisms requiring third parties to report on offshore transactions undertaken by U.S. persons.

The first disclosure mechanism focuses on U.S. financial institutions that open a U.S. account in the name of an offshore entity, such as an offshore trust or corporation, and learn from an anti-money laundering due diligence review, that a U.S. person is the beneficial owner behind that offshore entity. In the Wyly case history examined by the Subcommittee, for example, three major U.S. financial institutions opened dozens of accounts for offshore trusts and corporations which they knew were associated with the Wyly family.

Under current anti-money laundering law, all U.S. financial institutions are supposed to know who is behind an account opened in the name of, for example, an offshore shell corporation or trust. They are supposed to obtain this information to safeguard the U.S. financial system against misuse by terrorists, money launderers, and other criminals.

Under current tax law, a bank or securities broker that opens an account for a U.S. person is also required to give the IRS a 1099 form reporting any capital gains or other reportable income earned on the account. However, the bank or securities broker need not file a 1099 form if the account is owned by a foreign entity not subject to U.S. tax law. Problems arise when an account is opened in the name of an offshore entity that is nominally not subject to tax, but which the bank or broker knows, from its anti-money laundering review, is owned or controlled by a U.S. person who is subject to tax. The U.S. person should be filing a tax return with the IRS reporting the income of the “controlled foreign corporation.” However, since he or she knows it is difficult for the IRS to connect an offshore accountholder to a particular taxpayer, he or she may feel safe in not reporting that income. That complacency might change, however, if the U.S. person knew that the bank or broker who opened the account and learned of the connection had a legal obligation to report any account income to the IRS.

Under current law, the way the regulations are written and typically interpreted, the bank or broker can treat an account opened in the name of a foreign corporation as an account that is held by an independent entity that is separate from the U.S. person, even if

it knows that the foreign corporation is merely holding title to the account for the U.S. person, who exercises complete authority over the corporation and benefits from any income earned on the account. Many banks and brokers contend that the current regulations impose no duty on them to file a 1099 or other form disclosing that type of account to the IRS.

The bill would strengthen current law by expressly requiring a bank or broker that knows, as a result of its anti-money laundering due diligence or otherwise, that a U.S. person is the beneficial owner of a foreign entity that opened an account, to disclose that account to the IRS by filing a 1099 or equivalent form reporting the account income. This reporting obligation would not require banks or brokers to gather any new information—financial institutions are already required to perform anti-money laundering due diligence for accounts opened by offshore shell entities. The bill would instead require U.S. financial institutions to act on what they already know by filing the relevant form with the IRS.

This section would require such reports to the IRS from two sets of financial institutions. The first set are financial institutions which are located and do business in the United States, supply 1099 and other forms to the IRS, and open U.S. accounts for foreign entities which the financial institution knows are beneficially owned by U.S. persons. The second set are foreign financial institutions which are located and do business outside of the United States, but are voluntary participants in the Qualified Intermediary Program, and have agreed to provide information to the IRS about certain accounts. Under this section, if a foreign financial institution has an account under the QI Program, and the accountholder is a non-U.S. entity that is controlled or beneficially owned by a U.S. person, then that foreign financial institution would have to report to the IRS any U.S. securities or other reportable assets or income in that account.

The second disclosure mechanism created by Section 105 targets U.S. financial institutions that open foreign bank accounts or set up offshore corporations, trusts, or other entities for their U.S. clients. Our investigations have shown that it is common for private bankers and brokers in the United States to provide these services to their wealthy clients, so that the clients do not even need to leave home to set up an offshore structure. The offshore entities can then open both offshore and U.S. accounts and supposedly be treated as foreign account holders for tax purposes.

A Subcommittee investigation learned, for example, that Citibank Private Bank routinely offered to its clients private banking services which

included establishing one or more offshore shell corporations—which it called Private Investment Corporations or PICs—in jurisdictions like the Cayman Islands. The paperwork to form the PIC was typically completed by a Citibank affiliate located in the jurisdiction, such as Cititrust, which is a Cayman trust company. Cititrust could then help the PIC open offshore accounts, while Citibank could help the PIC open U.S. accounts.

Section 105 would require any U.S. financial institution that directly or indirectly opens a foreign account or establishes a foreign corporation or other entity for a U.S. customer to report that action to the IRS. The bill authorizes the regulators of banks and securities firms, as well as the IRS, to enforce this filing requirement. Existing tax law already requires U.S. taxpayers that take such actions to report them to the IRS, but many fail to do so, secure in the knowledge that offshore secrecy laws limit the ability of the IRS to find out about the establishment of new offshore accounts and entities. That's why our bill turns to a third party—the financial institution—to disclose the information. Placing this third party reporting requirement on the private banks and brokers will make it more difficult for U.S. clients to hide their offshore transactions.

Section 106—Closing foreign trust loopholes

Section 106 of our bill strengthens the ability of the IRS to stop offshore trust abuses by making narrow but important changes to the Revenue Code provisions dealing with taxation of foreign trusts. The rules on foreign trust taxation have been significantly strengthened over the past 30 years to the point where they now appear adequate to prevent or punish many of the more serious abuses. However, the Subcommittee's 2006 investigation found a few loopholes that are still being exploited by tax cheats and that need to be shut down.

The bill would make several changes to close these loopholes. First, our investigation showed that U.S. taxpayers exercising control over a supposedly independent foreign trust commonly used the services of a liaison, called a trust "protector" or "enforcer," to convey their directives to the supposedly independent offshore trustees. A trust protector is typically authorized to replace a foreign trustee at will and to advise the trustees on a wide range of trust matters, including the handling of trust assets and the naming of trust beneficiaries. In cases examined by the Subcommittee, the trust protector was often a friend, business associate, or employee of the U.S. person exercising control over the foreign trust. Section 105 provides that, for tax purposes, any powers held by a trust protector shall be attributed to the trust grantor.

A second problem addressed by our bill involves U.S. taxpayers who estab-

lish foreign trusts for the benefit of their families in an effort to escape U.S. tax on the accumulation of trust income. Foreign trusts can accumulate income tax free for many years. Previous amendments to the foreign trust rules have addressed the taxation problem by basically disregarding such trusts and taxing the trust income to the grantors as it is earned. However, as currently written, this taxation rule applies only to years in which the foreign trust has a named "U.S. beneficiary." In response, to avoid the reach of the rule, some taxpayers have begun structuring their foreign trusts so that they operate with no named U.S. beneficiaries.

For example, the Subcommittee's investigation into the Wyly trusts discovered that the foreign trust agreements had only two named beneficiaries, both of which were foreign charities, but also gave the offshore trustees "discretion" to name beneficiaries in the future. The offshore trustees had been informed in a letter of wishes from the Wyly brothers that the trust assets were to go to their children after death. The trustees also knew that the trust protector selected by the Wyllys had the power to replace them if they did not comply with the Wyllys' instructions. In addition, during the life of the Wyly brothers, and in accordance with instructions supplied by the trust protector, the offshore trustees authorized millions of dollars in trust income to be invested in Wyly business ventures and spent on real estate, jewelry, artwork, and other goods and services used by the Wyllys and their families. The Wyllys plainly thought they had found a legal loophole that would let them enjoy and direct the foreign trust assets without any obligation to pay taxes on the money they used.

To stop such foreign trust abuses, the bill would make it impossible to pretend that this type of foreign trust has no U.S. beneficiaries. The bill would shut down the loophole by providing that: (1) any U.S. person actually benefiting from a foreign trust is treated as a trust beneficiary, even if they are not named in the trust instrument; (2) future or contingent U.S. beneficiaries are treated the same as current beneficiaries; and (3) loans of foreign trust assets or property such as real estate, jewelry and artwork (in addition to loans of cash or securities already covered by current law) are treated as trust distributions for tax purposes.

Section 10—Legal opinion protection from penalties

Section 107 of the bill takes aim at legal opinions that are used to try to immunize taxpayers against penalties for tax shelter transactions with offshore elements. The Subcommittee investigations have found that tax practitioners sometimes tell potential clients that they can invest in an offshore

tax scheme without fear of penalty, because they will be given a legal opinion that will shield the taxpayer from any imposition of the 20 percent accuracy related penalties in the tax code. Current law does, in fact, allow taxpayers to escape these penalties if they can produce a legal opinion letter stating that the tax arrangement in question is “more likely than not” to survive challenge by the IRS. The problem with such opinions where part of the transaction occurs in an offshore secrecy jurisdiction is that critical assumptions of the opinions are often based on offshore events, transactions and facts that are hidden and cannot be easily ascertained by the IRS. Legal opinions based on such assumptions should be understood by any reasonable person to be inherently unreliable.

The bill therefore provides that, for any transaction involving an offshore secrecy jurisdiction, the taxpayer would need to have some other basis, independent of the legal opinion, to show that there was reasonable cause to claim the tax benefit. The “more likely than not” opinion would no longer be sufficient in and of itself to shield a taxpayer from all penalties if an offshore secrecy jurisdiction is involved. This provision, which is based upon a suggestion made by IRS Commissioner Mark Everson at our August 2006 hearing, is intended to force taxpayers to think twice about entering into an offshore scheme and to stop thinking that an opinion by a lawyer is all they need to escape any penalty for nonpayment of taxes owed. By making this change, we would also provide an incentive for taxpayers to understand and document the complete facts of the offshore aspects of a transaction before claiming favorable tax treatment.

To ensure that this section does not impede legitimate business arrangements in offshore secrecy jurisdictions, the bill authorizes the Treasury Secretary to issue regulations exempting two types of legal opinions from the application of this section. First, the Treasury Secretary could exempt all legal opinions that have a confidence level substantially above the more-likely-than-not level, such as opinions which express confidence that a proposed tax arrangement “should” withstand an IRS challenge. “More-likely-than-not” opinion letters are normally viewed as expressing confidence that a tax arrangement has at least a 50 percent chance of surviving IRS review, while a “should” opinion is normally viewed as expressing a confidence level of 70 to 75 percent. This first exemption is intended to ensure that legal opinions on arrangements that are highly likely to survive IRS review would continue to shield taxpayers from the 20 percent penalty.

Second, the Treasury Secretary could exempt legal opinions addressing classes of transactions, such as corporate

reorganizations, that do not present the potential for abuse. These exemptions would ensure that taxpayers who obtain legal opinions for these classes of transactions would also be protected from tax code penalties.

Finally, in drafting such regulations, it is intended that the Secretary of the Treasury take into account the function of the “more likely than not” standard in the context of corporations that are independently audited and subject to accounting rules requiring disclosure of uncertain tax positions. It is intended that the regulations issued under this bill provision be coordinated with the objectives of those accounting rules to ensure consistent guidance for detecting and stopping abusive transactions without disrupting the financial accounting of legitimate transactions.

Section 108—Closing the dividend tax loophole

Section 108 of this bill is the second new addition to the Stop Tax Haven Abuse Act. It is aimed at closing down a tax loophole that has enabled offshore hedge funds and others to use complex financial gimmicks, including transactions involving equity swaps and offshore stock loans, to dodge billions of dollars in U.S. taxes over the last ten years. This loophole contributes to the estimated \$100 billion in unpaid taxes that Uncle Sam loses each year from offshore tax abuses. With financial disasters hitting this country from every direction, we can no longer afford to ignore this offshore tax dodge. It is time to shut it down.

The section is straightforward. It amends the Internal Revenue Code to make it clear that non-U.S. persons cannot escape payment of U.S. taxes on U.S. stock dividends by participating in structured financial transactions that recast taxable stock dividend payments as allegedly tax-free “dividend equivalent” or “substitute dividend” payments. The bill eliminates this offshore tax dodge by requiring that dividend, dividend equivalent, and substitute dividend payments made to non-U.S. persons all receive the same tax treatment—as taxable income subject to withholding.

Right now, foreigners who invest in the United States enjoy a minimal tax burden. For example, non-U.S. persons who deposit money with a U.S. bank or securities firm pay no U.S. taxes on the interest earned. They pay no U.S. taxes on capital gains. U.S. citizens do pay taxes on that income, but the tax code lets foreign investors operate without tax in an effort to attract foreign investment.

But there is one tax on the books that even foreign investors are supposed to pay. If they buy stock in a U.S. company, and that stock pays a dividend, the non-U.S. stockholder is supposed to pay a tax on the dividend.

The general tax rate is 30%, unless their country of residence has negotiated a lower rate with the United States, typically 15%.

In addition, to make sure those dividend taxes are paid, U.S. law requires the person or entity paying a stock dividend to a non-U.S. person to withhold the tax owed Uncle Sam before any part of the dividend leaves the United States. If the “withholding agent” fails to retain and remit the dividend tax to the IRS, and the tax is not paid by the dividend recipient, the tax code makes the withholding agent equally liable for the unpaid taxes. That’s the law. But the reality is that many non-U.S. stockholders never pay the dividend taxes they owe.

An investigation conducted by the Permanent Subcommittee on Investigations, which I chair, resulted in a staff report and hearing in September 2008, which showed that foreign entities, primarily offshore hedge funds and foreign financial institutions, use two common schemes to dodge their dividend tax obligations to the U.S. government—equity swaps and stock loans.

Swaps sound complicated, but they are essentially a financial bet—in the case of equity swaps a bet on the future of a stock price. Under the swap, a financial institution promises to pay, say, a hedge fund an amount equal to any price appreciation in the stock price and the amount of any dividend paid during the term of the swap. The payment reflecting the dividend is referred to as a “dividend equivalent.” In return, the hedge fund agrees to pay the financial institution an amount equal to any price depreciation in the stock price. The financial institution hedges its risk by holding the physical shares of stock that were “sold” to it by the hedge fund. It also charges a fee, which usually includes a portion of the tax savings that the hedge fund will obtain by dodging the withholding tax.

The swap gives the hedge fund the same economic risks and rewards that it had when it owned the physical shares of the stock. So why hold a swap instead of the stock itself? Because under the tax code, dividend payments are taxed, but dividend equivalent payments made under a swap are not.

Dividend equivalent payments made under a swap are tax free, because, in 1991, the IRS issued a series of regulations to determine what types of income will be treated as coming from the United States and therefore taxable. These so-called “source” rules treat U.S. stock dividends as U.S. source income, because the money comes from a U.S. corporation. But the 1991 regulation takes the opposite approach with respect to swaps. It deems swap agreements to be “notional principal contracts” and says that the “source” of any payment made under that contract is to be determined, not

by where the money came from, but by where it ends up. In other words, the payment's source is the country where the payment recipient resides.

That approach turns the usual meaning of the word, "source," on its head. Instead of looking to the origin of the payment to determine its "source," the IRS swap rule looks to its end point—who receives it. That "source" is not really a "source" by any known definition of the word. It is the opposite—not the point of origin but the end point.

The result is that when a financial institution makes a dividend equivalent payment to an offshore client under a swap agreement, the tax code provides that the payment is from an offshore "source." So the swap payment is free of any U.S. tax. In our example, the U.S. financial institution makes the swap payment to the offshore hedge fund, minus its fee, and stiff Uncle Sam for the amount of taxes that should have been sent to the IRS. The swap is then terminated, and the stock is "sold" back to the hedge fund. Under this gimmick, the hedge fund ends up in the same position as before the swap, as a stockholder, except it has pocketed a dividend payment without paying any U.S. tax.

Stock loans are also used to dodge dividend taxes. These transactions pile a stock loan on top of a swap to achieve the same allegedly tax-free result.

The first step is that the client with an upcoming dividend lends its stock to an offshore corporation controlled by the financial institution. This offshore corporation promises, as part of the loan agreement, to forward any dividend payments back to the client.

The next step is that offshore corporation enters into a swap with the financial institution that controls it, referencing the same type of stock and number of shares that is the subject of the stock loan. Essentially, two related parties are placing a bet on the stock, which makes no economic sense except, once that stock pays the dividend, the swap arrangement allows the financial institution to send it as an allegedly tax-free dividend equivalent payment to the offshore corporation it controls. The offshore corporation then forwards the same amount to the client. Because the payment is sent to the client as part of a stock loan agreement, it is called a "substitute dividend." The tax code treats substitute dividends in the same way as the underlying dividend. So if the underlying dividend came from a U.S. corporation, the substitute dividend would normally be taxed as U.S. source income.

But in this transaction, the parties claim the substitute dividend is tax-free by invoking the wording of an obscure IRS Notice 97-66 never intended to be applied to this situation. That notice says that when two parties in a stock loan are outside of the United

States and subject to the same dividend tax rate, they don't have to pay the dividend tax when passing on a substitute dividend. The assumption is that the tax was already paid by another party in the lending transaction. Some tax lawyers have seized on the wording to claim that this IRS Notice, which was intended to prevent over-withholding, could be used to eliminate dividend withholding entirely, so long as one offshore party passes on a substitute dividend to another offshore party subject to the same dividend tax rate. The IRS testified at the Subcommittee hearing that Notice 97-66 was never intended to be interpreted that way, but in the ten years since it was issued and abusive stock loans have exploded, the IRS has never put that in writing.

The end result in our example is that the client pockets a substitute dividend payment—minus the financial institution's fee—without paying any tax. The stock loan is terminated, and the stock is returned to the client. The big advantage of this approach over a swap is that the client doesn't have to explain why he got his stock back after the transaction. The stock was, after all, only on loan.

Tax dodging was clearly the economic purpose of the two transactions just described. While there are many types of legitimate swap and stock loan transactions, the Subcommittee investigation found that in these cases, such transactions were conducted primarily to dodge U.S. taxes and not for legitimate business purposes. In some of the most extreme examples, the client owned U.S. stock both before and after each transaction. Neither the swap nor the stock loan altered the client's market risk. The only risk involved in either transaction was that Uncle Sam would catch on and assess the dividend taxes that should have been paid but weren't.

To make it harder for Uncle Sam to catch on and prove what is going on, financial institutions have added more complexity, more bells and whistles, to these so-called "dividend enhancement" transactions. But the purpose of the transactions remains the same—to enable clients to escape paying the taxes they owe.

In the September 2008 hearing and report released by the Subcommittee, we described how specific financial institutions and hedge funds used swaps and stock loans to duck U.S. stock dividend taxes. We disclosed, for example, that Morgan Stanley helped clients, from 2000 to 2007, dodge payment of U.S. dividend taxes of over \$300 million. Lehman Brothers estimated that in one year alone, 2004, it helped clients dodge U.S. dividend taxes amounting to perhaps \$115 million. UBS enabled clients, from 2004 to 2007, dodge \$62 million in dividend taxes, but last year stopped offering the Cayman stock loans that

produced that figure. Maverick Capital, which runs several offshore hedge funds, disclosed that its offshore hedge funds used dividend enhancement products sold by multiple firms to escape dividend taxes from 2000 to 2007, totaling nearly \$95 million. Citigroup even admitted to the IRS that it had failed to withhold dividend taxes on certain swap transactions from 2003 to 2005, and voluntarily paid missing taxes totaling \$24 million. The Subcommittee investigation documented, in short, a whole swath of unpaid dividend taxes from just a handful of firms.

Section 108, if enacted into law, would prevent non-U.S. persons from avoiding their U.S. dividend tax obligations by recasting dividend payments as allegedly tax-free dividend equivalent or substitute dividend payments. Instead, all payments of dividend-based amounts would be treated consistently.

The section also authorizes the Treasury Secretary to issue regulations addressing several related issues. Treasury is directed, for example, to issue regulations to reduce possible over-withholding on dividend equivalents or substitute dividends, but only where the taxpayer can establish that the tax was previously withheld from an earlier payment. Treasury is also directed to issue regulations to impose withholding when dividend equivalent payments are netted with other payments under a swap contract, when dividend equivalent payments are made under other financial instruments, such as an option or forward contract, or when a substitute dividend is netted with fees and other payments. Finally, the section makes it clear that nothing in the legislation should be construed to limit the authority of the IRS Commissioner to collect taxes, interest, and penalties on dividend equivalent or substitute dividend payments made prior to the date of enactment of the bill.

Let me be clear. I do not oppose structured finance transactions used for legitimate purposes, including swaps and stock loans that facilitate capital flows, reduce capital needs, or spread risk. What I oppose, and what Section 108 would stop is the misuse of financial transactions to undermine the tax code, rob the U.S. treasury, and force honest Americans who play by the rules to shoulder the country's tax burden. What this section is intended to stop are dividend-based transactions whose economic purpose is nothing more than tax dodging.

Section 109—PFIC Reporting Requirement

Section 109 is the third and final new addition to the Stop Tax Haven Abuse Act. The purpose of this provision to strengthen disclosure requirements for foreign corporations used as the personal investment vehicles of U.S. individuals. These corporations are sometimes established in offshore secrecy

jurisdictions, making it particularly difficult for the IRS to detect them and establish links to the U.S. beneficiaries.

The tax obligations of these corporations, known as passive foreign investment corporations or PFICs, are set out in Sections 1291–1298 of the tax code. U.S. persons who are direct or indirect shareholders of a PFIC are currently required to complete a Form 8621 providing certain information about the PFIC to the IRS. While the IRS has issued proposed regulations governing PFIC reporting, they have not yet been finalized.

Section 109 of the bill would codify the PFIC reporting requirements set out in the proposed regulations, with one additional requirement. Specifically, PFIC reporting would be required not only by U.S. persons who have an ownership interest in a PFIC, but also by any U.S. person who, directly or indirectly, causes the PFIC to be formed, or who sent assets to or received assets from the PFIC during the relevant tax year.

The need for expanded reporting obligations was highlighted during the Subcommittee's investigative work which showed that, in too many cases, ownership requirements were not enough to trigger reporting obligations for offshore corporations. For example, the Subcommittee found numerous instances in which a U.S. person asked an offshore service provider to form an offshore corporation, lodge ownership of the new corporation in one or more offshore shell companies under the provider's control, and then operate the new corporation as the U.S. person directed, despite the absence of any direct ownership interest. This arrangement, which may have been designed to evade tax or other legal obligations that attach to corporations directly or indirectly owned by a U.S. person, nevertheless provided U.S. persons with beneficial interests in offshore corporations that effectively operated at their discretion.

To ensure that such offshore corporations are subject to the same reporting requirements as PFICs in which a U.S. person is a direct or indirect shareholder, the new Section 109 would require Forms 8621 to be filed by any U.S. person who formed a PFIC, sent assets to it, received assets from it, was a beneficial owner of it, or had beneficial interests in it. This expanded reporting requirement is intended to prevent any U.S. person who established, capitalized, or profited from a beneficial interest in a PFIC—whether or not that beneficial interest was evidenced by legal documentation—from arguing that they had no reporting obligation for that PFIC, because they lacked a formal ownership interest in it.

Finally, Section 109 is intended to require reporting by U.S. persons who have a beneficial interest in a PFIC; it

is not intended to impose reporting requirements on persons who perform ministerial tasks associated with a PFIC, including tasks associated with a PFIC's formation, management, contributions or distributions.

Section 201—Stronger penalty for failure to make required securities disclosures

In addition to tax abuses, the 2006 Subcommittee investigation into the Wyly case history uncovered a host of troubling transactions involving U.S. securities held by the 58 offshore trusts and corporations associated with the two Wyly brothers. Over the course of a number of years, the Wyllys had obtained about \$190 million in stock options as compensation from three U.S. publicly traded corporations at which they were directors and major shareholders. Over time, the Wyllys transferred these stock options to the network of offshore entities they had established.

The investigation found that, for years, the Wyllys had generally failed to report the offshore entities' stock holdings or transactions in their filings with the Securities and Exchange Commission (SEC). They did not report these stock holdings on the ground that the 58 offshore trusts and corporations functioned as independent entities, even though the Wyllys continued to direct the entities' investment activities. The public companies where the Wyllys were corporate insiders also failed to include in their SEC filings information about the company shares held by the offshore entities, even though the companies knew of their close relationship to the Wyllys, that the Wyllys had provided the offshore entities with significant stock options, and that the offshore entities held large blocks of the company stock. On other occasions, the public companies and various financial institutions failed to treat the shares held by the offshore entities as affiliated stock, even though they were aware of the offshore entities' close association with the Wyllys. The investigation found that, because both the Wyllys and the public companies had failed to disclose the holdings of the offshore entities, for 13 years federal regulators had been unaware of those stock holdings and the relationships between the offshore entities and the Wyly brothers.

Corporate insiders and public companies are already obligated by current law to disclose stock holdings and transactions of offshore entities affiliated with a company director, officer, or major shareholder. Current penalties, however, appear insufficient to ensure compliance in light of the low likelihood that U.S. authorities will learn of transactions that take place in an offshore jurisdiction. To address this problem, Section 201 of our bill would establish a new monetary penalty of up to \$1 million for persons who

knowingly fail to disclose offshore stock holdings and transactions in violation of U.S. securities laws.

Sections 202 and 203—Anti-money laundering programs for hedge funds and company formation agents

The Subcommittee's August 2006 investigation showed that the Wyly brothers used two hedge funds and a private equity fund controlled by them to funnel millions of untaxed offshore dollars into U.S. investments. In addition, multiple Subcommittee investigations provide extensive evidence on the role played by U.S. company formation agents in assisting U.S. persons to set up offshore structures. Moreover, a Subcommittee hearing in November 2006 disclosed that U.S. company formation agents are forming U.S. shell companies for numerous unidentified foreign clients. Some of those U.S. shell companies were later used in illicit activities, including money laundering, terrorist financing, drug crimes, tax evasion, and other misconduct. Because hedge funds, private equity funds, and company formation agents are as vulnerable as other financial institutions to money launderers seeking entry into the U.S. financial system, the bill contains two provisions aimed at ensuring that these groups know their clients and do not accept or transmit suspect funds into the U.S. financial system.

Currently, unregistered investment companies, such as hedge funds and private equity funds, are the only class of financial institutions under the Bank Secrecy Act that transmit substantial offshore funds into the United States, yet are not required by law to have anti-money laundering programs, including Know Your Customer, due diligence procedures, and procedures to file suspicious activity reports. There is no reason why this sector of our financial services industry should continue to serve as a gateway into the U.S. financial system for substantial funds of unknown origin.

Seven years ago, in 2002, the Treasury Department proposed anti-money laundering regulations for these companies, but never finalized them. In 2008, the Department withdrew them with no explanation. Section 202 of the bill would require Treasury to issue final anti-money laundering regulations for unregistered investment companies within 180 days of the enactment of the bill. Treasury would be free to draw upon its 2002 proposal, but the bill would also require the final regulations to direct hedge funds and private equity funds to exercise due diligence before accepting offshore funds and to comply with the same procedures as other financial institutions if asked by federal regulators to produce records kept offshore.

In addition, Section 203 of the bill would add company formation agents

to the list of persons subject to anti-money laundering obligations. For the first time, those engaged in the business of forming corporations and other entities, both offshore and in the 50 States, would be responsible for knowing the identity of the person for whom they are forming the entity. The bill also directs Treasury to develop anti-money laundering regulations for this group. Treasury's key anti-money laundering agency, the Financial Crimes Enforcement Network, testified before the Subcommittee in 2006, that it was considering drafting such regulations but has yet to do so.

We expect and intend that, as in the case of all other entities required to institute anti-money laundering programs, the regulations issued in response to this bill would instruct hedge funds, private equity funds, and company formation agents to adopt risk-based procedures that would concentrate their due diligence efforts on clients that pose the highest risk of money laundering.

Section 204—IRS John Doe summons

Section 204 of the bill focuses on an important tool used by the IRS in recent years to uncover taxpayers involved in offshore tax schemes, known as the John Doe summons. Section 204 would make three technical changes to make the use of John Doe summons more effective in offshore and other complex investigations.

A John Doe summons is an administrative IRS summons used to request information in cases where the identity of a taxpayer is unknown. In cases involving a known taxpayer, the IRS may issue a summons to a third party to obtain information about the U.S. taxpayer, but must also notify the taxpayer who then has 20 days to petition a court to quash the summons to the third party. With a John Doe summons, however, IRS does not have the taxpayer's name and does not know where to send the taxpayer notice, so the statute substitutes a procedure in which the IRS must instead apply to a court for advance permission to serve the summons on the third party. To obtain approval of the summons, the IRS must show the court, in public filings to be resolved in open court, that: (1) the summons relates to a particular person or ascertainable class of persons, (2) there is a reasonable basis for concluding that there is a tax compliance issue involving that person or class of persons, and (3) the information sought is not readily available from other sources.

In recent years, the IRS has used John Doe summonses to try to obtain information about taxpayers operating in offshore secrecy jurisdictions. For example, as indicated earlier, the IRS obtained court approval to serve a John Doe summons on the Swiss bank, UBS, to obtain the names of an esti-

mated 19,000 U.S. clients who opened UBS accounts in Switzerland without disclosing those accounts to the IRS. This is a landmark effort to try to overcome Swiss secrecy laws. In earlier years, the IRS obtained court approval to issue John Doe summonses to credit card associations, credit card processors, and credit card merchants, to collect information about taxpayers using credit cards issued by offshore banks. This information has led to many successful cases in which the IRS identified funds hidden offshore and recovered unpaid taxes.

Currently, however, use of the John Doe summons process is time consuming and expensive. For each John Doe summons involving an offshore secrecy jurisdiction, the IRS has had to establish in court that the involvement of accounts and transactions in offshore secrecy jurisdictions meant there was a significant likelihood of tax compliance problems. To relieve the IRS of the need to make this same proof over and over in court after court, the bill would provide that, in any John Doe summons proceeding involving a class defined in terms of accounts or transactions in an offshore secrecy jurisdiction, the court may presume that the case raises tax compliance issues. This presumption would then eliminate the need for the IRS to repeatedly establish in court the obvious fact that accounts, entities, and transactions involving offshore secrecy jurisdictions raise tax compliance issues.

Second, for a smaller subset of John Doe cases, where the only records sought by the IRS are offshore bank account records held by a U.S. financial institution where that offshore bank has an account, the bill would relieve the IRS of the obligation to get prior court approval to serve the summons. Again, the justification is that offshore bank records are highly likely to involve accounts that raise tax compliance issues so no prior court approval should be required. Even in this instance, however, if a U.S. financial institution were to decline to produce the requested records, the IRS would have to obtain a court order to enforce the summons.

Finally, the bill would streamline the John Doe summons approval process in large "project" investigations where the IRS anticipates issuing multiple summonses to definable classes of third parties, such as banks or credit card associations, to obtain information related to particular taxpayers. Right now, for each summons issued in connection with a project, the IRS has to obtain the approval of a court, often having to repeatedly establish the same facts before multiple judges in multiple courts. This repetitive exercise wastes IRS, Justice Department, and court resources, and fragments oversight of the overall IRS investigative effort.

To streamline this process and strengthen court oversight of IRS use of John Doe summonses, the bill would authorize the IRS to present an investigative project, as a whole, to a single judge to obtain approval for issuing multiple summonses related to that project. In such cases, the court would retain jurisdiction over the case after approval is granted, to exercise ongoing oversight of IRS issuance of summonses under the project. To further strengthen court oversight, the IRS would be required to file a publicly available report with the court on at least an annual basis describing the summonses issued under the project. The court would retain authority to restrict the use of further summonses at any point during the project. To evaluate the effectiveness of this approach, the bill would also direct the Government Accountability Office to report on the use of the provision after five years.

Section 205—FBAR investigations and suspicious activity reports

Section 205 of the bill would make several changes to Title 31 of the U.S. Code needed to reflect the IRS' new responsibility for enforcing the Foreign Bank Account Report (FBAR) requirements and to clarify the right of access to Suspicious Activity Reports by IRS civil enforcement authorities.

Under present law, a person controlling a foreign financial account with over \$10,000 is required to check a box on his or her income tax return and, under Title 31, also file an FBAR form with the IRS. Treasury's Financial Crimes Enforcement Network (FinCEN), which normally enforces Title 31 provisions, recently delegated to the IRS the responsibility for investigating FBAR violations and assessing FBAR penalties. Because the FBAR enforcement jurisdiction derives from Title 31, however, and most of the information available to the IRS is tax return information, IRS routinely encounters difficulties in using available tax information to fulfill its new role as FBAR enforcer. The tax disclosure law permits the use of tax information only for the administration of the internal revenue laws or "related statutes." This rule is presently understood to require the IRS to determine, at a managerial level and on a case by case basis, that the Title 31 FBAR law is a "related statute." Not only does this necessitate repetitive determinations in every FBAR case investigated by the IRS before each agent can look at the potential non-filer's income tax return, but it prevents the use by IRS of bulk data on foreign accounts received from tax treaty partners to compare to FBAR filing records to find non-filers.

One of the stated purposes for the FBAR filing requirement is that such reports "have a high degree of usefulness in . . . tax . . . investigations or

proceedings.” 31 U.S.C 5311. If one of the reasons for requiring taxpayers to file FBARs is to use the information for tax purposes, and if IRS is to be charged with FBAR enforcement because of the FBARs’ connection to taxes, common sense dictates that the FBAR statute should be considered a related statute for tax disclosure purposes, and the bill changes the related statute rule to say that.

The second change made by Section 205 is a technical amendment to the wording of the penalty provision. Currently the penalty is determined in part by the balance in the foreign bank account at the time of the “violation.” The violation is interpreted to have occurred on the due date of the FBAR return, which is June 30 of the year following the year to which the report relates. The statute’s use of this specific June 30th date can lead to strange results if money is withdrawn from the foreign account after the reporting period closed but before the return due date. To eliminate this unintended problem, the bill would instead gauge the penalty by using the highest balance in the account during the reporting period.

The third part of section 205 relates to Suspicious Activity Reports, which financial institutions are required to file with FinCEN whenever they encounter suspicious transactions. FinCEN is required to share this information with law enforcement, but currently does not permit IRS civil investigators access to the information. However, if the information that is gathered and transmitted to Treasury by the financial institutions at great expense is to be effectively utilized, its use should not be limited to the relatively small number of criminal investigators, who can barely scratch the surface of the large number of reports. In addition, sharing the information with civil tax investigators would not increase the risk of disclosure, because they operate under the same tough disclosure rules as the criminal investigators. In some cases, IRS civil agents are now issuing an IRS summons to a financial institution to get access, for a production fee, to the very same information the financial institution has already filed with Treasury in a SAR. The bill changes those anomalous results by making it clear that “law enforcement” includes civil tax law enforcement.

Overall, Titles I and II of our bill include a host of innovative measures to strengthen the ability of federal regulators to combat offshore tax haven abuses. We believe these new tools merit Congressional attention and enactment this year if we are going to begin to make a serious dent in the \$100 billion in annual lost tax revenue from offshore tax abuses that forces honest taxpayers to shoulder a greater tax burden than they would otherwise have to bear.

Until now, I’ve been talking about what the bill would do combat offshore tax abuses. Now I want to turn to what the bill would do to combat abusive tax shelters and their promoters who use both domestic and offshore means to achieve their ends.

ABUSIVE TAX SHELTERS

Abusive tax shelters are complicated transactions promoted to provide tax benefits unintended by the tax code. They are very different from legitimate tax shelters, such as deducting the interest paid on a home mortgage or Congressionally approved tax deductions for building affordable housing. Some abusive tax shelters involve complicated domestic transactions; others make use of offshore shenanigans. All abusive tax shelters are marked by one characteristic: there is no real economic or business rationale other than tax avoidance. As Judge Learned Hand wrote in *Gregory v. Helvering*, they are “entered upon for no other motive but to escape taxation.”

Abusive tax shelters are usually tough to prosecute. Crimes such as terrorism, murder, and fraud produce instant recognition of the immorality involved. Abusive tax shelters, by contrast, are often “MEGOs,” meaning “My Eyes Glaze Over.” Those who cook up these concoctions count on their complexity to escape scrutiny and public ire. But regardless of how complicated or eye-glazing, the hawking of abusive tax shelters by tax professionals like accountants, bankers, investment advisers, and lawyers to thousands of people like late-night, cut-rate T.V. bargains is scandalous, and we need to stop it.

My Subcommittee has spent years examining the design, sale, and implementation of abusive tax shelters. Our first hearing on this topic in recent years was held in January 2002, when the Subcommittee examined an abusive tax shelter purchased by Enron. In November 2003, the Subcommittee held two days of hearings and released a staff report that pulled back the curtain on how even some respected accounting firms, banks, investment advisers, and law firms had become engines pushing the design and sale of abusive tax shelters to corporations and individuals across this country. In February 2005, the Subcommittee issued a bipartisan report that provided further details on the role these professional firms played in the proliferation of these abusive shelters. Our Subcommittee report was endorsed by the full Committee on Homeland Security and Governmental Affairs in April 2005.

In 2006, the Subcommittee released a staff report entitled, “Tax Haven Abuses: The Enablers, the Tools, and Secrecy,” which disclosed how financial and legal professionals designed and sold yet another abusive tax shelter known as the POINT Strategy,

which depended on secrecy laws and practices in the Isle of Man to conceal the phantom nature of securities trades that lay at the center of this tax shelter transaction. Most recently, in 2008, the Subcommittee released a staff report and held a hearing on how financial firms have designed and sold complex financial transactions, referred to as dividend enhancement transactions, to help offshore hedge funds and others escape payment of U.S. taxes on U.S. stock dividends.

The Subcommittee investigations have found that many abusive tax shelters are not dreamed up by the taxpayers who use them. Instead, most are devised by tax professionals, such as accountants, bankers, investment advisers, and lawyers, who then sell the tax shelter to clients for a fee. In fact, as our 2003 investigation widened, we found a large number of tax advisors cooking up one complex scheme after another, packaging them up as generic “tax products” with boiler-plate legal and tax opinion letters, and then undertaking elaborate marketing schemes to peddle these products to literally thousands of persons across the country. In return, these tax shelter promoters were getting hundreds of millions of dollars in fees, while diverting billions of dollars in tax revenues from the U.S. Treasury each year.

For example, one shelter investigated by the Subcommittee and featured in the 2003 hearings has since become part of an IRS effort to settle cases involving a set of abusive tax shelters known as “Son of Boss.” Following our hearing, more than 1,200 taxpayers admitted wrongdoing and agreed to pay back taxes, interest and penalties totaling more than \$3.7 billion. That’s billions of dollars the IRS has collected on just one type of tax shelter, demonstrating both the depth of the problem and the potential for progress. The POINT shelter featured in our 2006 hearing involved another \$300 million in tax loss on transactions conducted by just six taxpayers. The offshore dividend tax scams we examined in 2008 meant additional billions of dollars in unpaid taxes over a ten year period.

Titles III and IV of the bill we are introducing today contain a number of measures to curb abusive tax shelters. First, they would strengthen the penalties imposed on those who aid or abet tax evasion. Second, they would prohibit the issuance of tax shelter patents. Several provisions would deter bank participation in abusive tax shelter activities by requiring regulators to develop new examination procedures to detect and stop such activities. Others would end outdated communication barriers between the IRS and other enforcement agencies such as the SEC, bank regulators, and the Public Company Accounting Oversight Board, to allow the exchange of information relating to tax evasion cases. The bill

also provides for increased disclosure of tax shelter information to Congress.

In addition, the bill would simplify and clarify an existing prohibition on the payment of fees linked to tax benefits; and authorize Treasury to issue tougher standards for tax shelter opinion letters. Finally, the bill would codify and strengthen the economic substance doctrine, which eliminates tax benefits for transactions that have no real business purpose apart from avoiding taxes.

Let me be more specific about these key provisions to curb abusive tax shelters.

Sections 301 and 302—Strengthening tax shelter penalties

Title III of the bill strengthens two very important penalties that the IRS can use in its fight against the professionals who make complex abusive shelters possible. Three years ago, the penalty for promoting an abusive tax shelter, as set forth in Section 6700 of the tax code, was the lesser of \$1,000 or 100 percent of the promoter's gross income derived from the prohibited activity. That meant in most cases the maximum fine was just \$1,000.

Many abusive tax shelters sell for \$100,000 or \$250,000 apiece. Our investigation uncovered some tax shelters that were sold for as much as \$2 million or even \$5 million apiece, as well as instances in which the same cookie-cutter tax opinion letter was sold to 100 or even 200 clients. There are huge profits to be made in this business, and a \$1,000 fine is laughable.

The Senate acknowledged that in 2004, when it adopted the Levin-Coleman amendment to the JOBS Act, S. 1637, raising the Section 6700 penalty on abusive tax shelter promoters to 100 percent of the fees earned by the promoter from the abusive shelter. A 100 percent penalty would have ensured that the abusive tax shelter hucksters would not get to keep a single penny of their ill-gotten gains. That figure, however, was cut in half in the conference report, setting the penalty at 50 percent of the fees earned and allowing the promoters of abusive shelters to keep half of their illicit profits.

While a 50 percent penalty is an obvious improvement over \$1,000, this penalty still is inadequate and makes no sense. Why should anyone who pushes an illegal tax shelter that robs our Treasury of needed revenues get to keep half of their ill-gotten gains? What deterrent effect is created by a penalty that allows promoters to keep half of their fees if caught, and of course, all of their fees if they are not caught?

Effective penalties should make sure that the peddler of an abusive tax shelter is deprived of every penny of profit earned from selling or implementing the shelter and then is fined on top of that. Section 301 of this bill would do

just that by increasing the penalty on tax shelter promoters to an amount equal to up to 150 percent of the promoters' gross income from the prohibited activity.

A second penalty provision in the bill addresses what our investigations have found to be a key problem: the knowing assistance of accounting firms, law firms, investment firms, banks, and others to help taxpayers understate their taxes. In addition to those who meet the definition of "promoters" of abusive shelters, there are many other types of professional firms that aid and abet the use of abusive tax shelters and enable taxpayers to carry out the abusive tax schemes. For example, law firms are often asked to write "opinion letters" to help taxpayers head off IRS questioning and fines that they might otherwise confront for using an abusive shelter. Currently, under Section 6701 of the tax code, these aiders and abettors face a maximum penalty of only \$1,000, or \$10,000 if the offender is a corporation. This penalty, too, is a joke. When law firms are getting \$50,000 for each of these cookie-cutter opinion letters, it provides no deterrent whatsoever. A \$1,000 fine is like a jaywalking ticket for robbing a bank.

Section 302 of the bill would strengthen Section 6701 of the tax code by subjecting aiders and abettors to a maximum fine up to 150 percent of the aider and abettor's gross income from the prohibited activity. This penalty would apply to all aiders and abettors, not just tax return preparers.

Again, the Senate has recognized the need to toughen this critical penalty. In the 2004 JOBS Act, Senator Coleman and I successfully increased this fine to 100 percent of the gross income derived from the prohibited activity. Unfortunately, the conference report completely omitted this change, allowing many aiders and abettors to continue to profit without penalty from their wrongdoing.

If further justification for toughening these penalties is needed, one document uncovered by our investigation shows the cold calculation engaged in by a tax advisor facing low fines. A senior tax professional at accounting giant KPMG compared possible tax shelter fees with possible tax shelter penalties if the firm were caught promoting an illegal tax shelter. This senior tax professional wrote the following: "[O]ur average deal would result in KPMG fees of \$360,000 with a maximum penalty exposure of only \$31,000." He then recommended the obvious: going forward with sales of the abusive tax shelter on a cost-benefit basis.

Section 303—Prohibition on tax shelter patents

Section 303 of our bill addresses the growing problem of tax shelter patents, which has the potential for signifi-

cantly increasing abusive tax shelter activities.

In 1998, a federal appeals court ruled for the first time that business methods can be patented and, since then, various tax practitioners have filed applications to patent a variety of tax strategies. The U.S. Patent Office has apparently issued over 70 tax strategy patents to date, up from 49 in 2007, and with many more on the way. These patents were issued by patent officers who, by statute, have a background in science and technology, not tax law, and know little to nothing about abusive tax shelters.

Issuing these types of patents raises multiple public policy concerns. Patents issued for aggressive tax strategies, for example, may enable unscrupulous promoters to claim the patent represents an official endorsement of the strategy and evidence that it would withstand IRS challenge. Patents could be issued for blatantly illegal tax shelters, yet remain in place for years, producing revenue for the wrongdoers while the IRS battles the promoters in court. Patents for tax shelters found to be illegal by a court would nevertheless remain in place, creating confusion among users and possibly producing illicit income for the patent holder.

Another set of policy concerns relates to the patenting of more routine tax strategies. If a single tax practitioner is the first to discover an advantage granted by the law and secures a patent for it, that person could then effectively charge a toll for all other taxpayers to use the same strategy, even though as a matter of public policy all persons ought to be able to take advantage of the law to minimize their taxes. Companies could even patent a legal method to minimize their taxes and then refuse to license that patent to their competitors in order to prevent them from lowering their operating costs. Tax patents could be used to hinder productivity and competition rather than foster it.

The primary rationale for granting patents is to encourage innovation, which is normally perceived to be a sufficient public benefit to justify granting a temporary monopoly to the patent holder. In the tax arena, however, there has historically been ample incentive for innovation in the form of the tax savings alone. The last thing we need is a further incentive for aggressive tax shelters. That's why Section 303 would prohibit the patenting of any "tax planning invention" that is "designed to reduce, minimize, determine, avoid or defer ? tax liability." The wording of this section has been updated since the Stop Tax Haven Abuse Act of 2007, to reflect the bipartisan consensus that was reached on this provision in S. 2369, a Baucus-Grassley-Levin bill to bar tax patents, introduced but not acted upon in the 110th Congress.

Section 304—Fees contingent upon obtaining tax benefits

Another finding of the Subcommittee investigations is that some tax practitioners are circumventing current state and federal constraints on charging tax service fees that are dependent on the amount of promised tax benefits. Traditionally, accounting firms charged flat fees or hourly fees for their tax services. In the 1990s, however, they began charging “value added” fees based on, in the words of one accounting firm’s manual, “the value of the services provided, as opposed to the time required to perform the services.” In addition, some firms began charging “contingent fees” that were calculated according to the size of the paper “loss” that could be produced for a client and used to offset the client’s other taxable income—the greater the so-called loss, the greater the fee.

In response, many states prohibited accounting firms from charging contingent fees for tax work to avoid creating incentives for these firms to devise ways to shelter substantial sums. The SEC and the American Institute of Certified Public Accountants also issued rules restricting contingent fees, allowing them in only limited circumstances. Recently, the Public Company Accounting Oversight Board issued a similar rule prohibiting public accounting firms from charging contingent fees for tax services provided to the public companies they audit. Each of these federal, state, and professional ethics rules seeks to limit the use of contingent fees under certain, limited circumstances.

The Subcommittee investigation found that tax shelter fees, which are typically substantial and sometimes exceed \$1 million, are often linked to the amount of a taxpayer’s projected paper losses which can be used to shelter income from taxation. For example, in four tax shelters examined by the Subcommittee in 2003, documents show that the fees were equal to a percentage of the paper loss to be generated by the transaction. In one case, the fees were typically set at 7 percent of the transaction’s generated “tax loss” that clients could use to reduce other taxable income. In another, the fee was only 3.5 percent of the loss, but the losses were large enough to generate a fee of over \$53 million on a single transaction. In other words, the greater the loss that could be concocted for the taxpayer or “investor,” the greater the profit for the tax promoter. Think about that—greater the loss, the greater the profit. How’s that for turning capitalism on its head!

In addition, evidence indicated that, in at least one instance, a tax advisor was willing to deliberately manipulate the way it handled certain tax products to circumvent contingent fee prohibitions. An internal document at an ac-

counting firm related to a specific tax shelter, for example, identified the states that prohibited contingent fees. Then, rather than prohibit the tax shelter transactions in those states or require an alternative fee structure, the memorandum directed the firm’s tax professionals to make sure the engagement letter was signed, the engagement was managed, and the bulk of services was performed “in a jurisdiction that does not prohibit contingency fees.”

Right now, the prohibitions on contingent fees are complex and must be evaluated in the context of a patchwork of federal, state, and professional ethics rules. Section 304 of the bill would establish a single enforceable rule, applicable nationwide, that would prohibit tax practitioners from charging fees calculated according to a projected or actual amount of tax savings or paper losses.

Section 305—Deterring financial institution participation in abusive tax shelter activities

The bill would also help fight abusive tax shelters that are disguised as complex investment opportunities and use financing or securities transactions provided by financial institutions. In reality, tax shelter schemes lack the economic risks and rewards associated with a true investment. These phony transactions instead often rely on the temporary use of significant amounts of money in low risk schemes mischaracterized as real investments. The financing or securities transactions called for by these schemes are often supplied by a bank, securities firm, or other financial institution.

Currently the tax code prohibits financial institutions from providing products or services that aid or abet tax evasion or that promote or implement abusive tax shelters. The agencies that oversee these financial institutions on a daily basis, however, are experts in banking and securities law and generally lack the expertise to spot tax issues. Section 305 would crack down on financial institutions’ illegal tax shelter activities by requiring federal bank regulators and the SEC to work with the IRS to develop examination techniques to detect such abusive activities and put an end to them.

These examination techniques would be used regularly, preferably in combination with routine regulatory examinations, and the regulators would report potential violations to the IRS. The agencies would also be required to prepare joint reports to Congress in 2010 and 2013 on preventing the participation of financial institutions in tax evasion or tax shelter activities.

Section 306—Ending communication barriers between enforcement agencies

During hearings before the Permanent Subcommittee on Investigations

on tax shelters in November 2003, IRS Commissioner Mark Everson testified that his agency was barred by Section 6103 of the tax code from communicating information to other federal agencies that would assist those agencies in their law enforcement duties. He pointed out that the IRS was barred from providing tax return information to the SEC, federal bank regulators, and the Public Company Accounting Oversight Board (PCAOB)—even, for example, when that information might assist the SEC in evaluating whether an abusive tax shelter resulted in deceptive accounting in a public company’s financial statements, might help the Federal Reserve determine whether a bank selling tax products to its clients had violated the law against promoting abusive tax shelters, or help the PCAOB judge whether an accounting firm had impaired its independence by selling tax shelters to its audit clients.

Another example demonstrates how harmful these information barriers are to legitimate law enforcement efforts. In 2004, the IRS offered a settlement initiative to companies and corporate executives who participated in an abusive tax shelter involving the transfer of stock options to family-controlled entities. Over a hundred corporations and executives responded with admissions of wrongdoing. In addition to tax violations, their misconduct may be linked to securities law violations and improprieties by corporate auditors or banks, but the IRS has informed the Subcommittee that it is currently barred by law from sharing the names of the wrongdoers with the SEC, banking regulators, or PCAOB. The same is true for the offshore dividend tax shelters exposed in the Subcommittee’s 2008 hearing. The IRS knows who the offending banks and investment firms are that designed and sold questionable dividend enhancement transactions to offshore hedge funds and others, but it is barred by Section 6103 of the tax code from providing detailed information or documents to the SEC or banking regulators who oversee the relevant financial institutions.

These communication barriers are outdated, inefficient, and ill-suited to stopping the torrent of tax shelter abuses now affecting or being promoted by so many public companies, banks, investment firms, and accounting firms. To address this problem, Section 306 of this bill would authorize the Treasury Secretary, with appropriate privacy safeguards, to disclose to the SEC, federal banking agencies, and the PCAOB, upon request, tax return information related to abusive tax shelters, inappropriate tax avoidance, or tax evasion. The agencies could then use this information only for law enforcement purposes, such as preventing accounting firms, investment firms, or banks from promoting abusive tax

shelters, or detecting accounting fraud in the financial statements of public companies.

Section 307—Increased disclosure of tax shelter information to Congress

The bill would also provide for increased disclosure of tax shelter information to Congress. Section 307 would make it clear that companies providing tax return preparation services to taxpayers cannot refuse to comply with a Congressional document subpoena by citing Section 7216, which prohibits tax return preparers from disclosing taxpayer information to third parties. Several accounting and law firms raised this claim in response to document subpoenas issued by the Permanent Subcommittee on Investigations, contending they were barred by the nondisclosure provision in Section 7216 from producing documents related to the sale of abusive tax shelters to clients for a fee.

The accounting and law firms maintained this position despite an analysis provided by the Senate legal counsel showing that the nondisclosure provision was never intended to create a privilege or to override a Senate subpoena, as demonstrated in federal regulations interpreting the provision. This bill would codify the existing regulations interpreting Section 7216 and make it clear that Congressional document subpoenas must be honored.

Section 307 would also ensure Congress has access to information about decisions by Treasury related to an organization's tax exempt status. A 2003 decision by the D.C. Circuit Court of Appeals, *Tax Analysts v. IRS*, struck down certain IRS regulations and held that the IRS must disclose letters denying or revoking an organization's tax exempt status. The IRS has been reluctant to disclose such information, not only to the public, but also to Congress, including in response to requests by the Subcommittee.

For example, in 2005, the IRS revoked the tax exempt status of four credit counseling firms, and, despite the *Tax Analysts* case, claimed that it could not disclose to the Subcommittee the names of the four firms or the reasons for revoking their tax exemption. Our bill would make it clear that, upon receipt of a request from a Congressional committee or subcommittee, the IRS must disclose documents, other than a tax return, related to the agency's determination to grant, deny, revoke or restore an organization's exemption from taxation.

Section 308—Tax shelter opinion letters

As part of Circular 230, the Treasury Department has issued standards for tax practitioners who provide opinion letters on the tax implications of potential tax shelters. Section 308 of the bill would provide express statutory authority for these and even clearer regulations.

The public has traditionally relied on tax opinion letters to obtain informed and trustworthy advice about whether a tax-motivated transaction meets the requirements of the law. The Permanent Subcommittee on Investigations has found that, in too many cases, tax opinion letters no longer contain disinterested and reliable tax advice, even when issued by supposedly reputable accounting or law firms. Instead, some tax opinion letters have become marketing tools used by tax shelter promoters and their allies to sell clients on their latest tax products. In many of these cases, financial interests and biases were concealed, unreasonable factual assumptions were used to justify dubious legal conclusions, and taxpayers were misled about the risk that the proposed transaction would later be designated an illegal tax shelter. Reforms are essential to address these abuses and restore the integrity of tax opinion letters.

The Treasury Department recently adopted standards that address a number of the abuses affecting tax shelter opinion letters; however, the standards could be stronger yet. Our bill would authorize Treasury to issue standards addressing a wider spectrum of tax shelter opinion letter problems, including: preventing concealed collaboration among supposedly independent letter writers; avoiding conflicts of interest that would impair auditor independence; ensuring appropriate fee charges; preventing practitioners and firms from aiding and abetting the understatement of tax liability by clients; and banning the promotion of potentially abusive tax shelters. By addressing each of these areas, a beefed-up Circular 230 could help reduce the ongoing abusive practices related to tax shelter opinion letters.

TITLE IV—ECONOMIC SUBSTANCE

Finally, Title IV of the bill incorporates a Baucus-Grassley proposal which would strengthen legal prohibitions against abusive tax shelters by codifying in federal tax statutes for the first time what is known as the economic substance doctrine. This anti-tax abuse doctrine was fashioned by federal courts evaluating transactions that appeared to have little or no business purpose or economic substance apart from tax avoidance. It has become a powerful analytical tool used by courts to invalidate abusive tax shelters. At the same time, because there is no statute underlying this doctrine and the courts have developed and applied it differently in different judicial districts, the existing case law has many ambiguities and conflicting interpretations.

This language was developed under the leadership of Senators BAUCUS and GRASSLEY, the Chairman and Ranking Member of the Finance Committee. The Senate has voted on multiple occasions to enact the economic substance

doctrine into law, but House conferees have rejected it each time. Since no tax shelter legislation would be complete without addressing this issue, Title IV of this comprehensive bill proposes once more to include the economic substance doctrine in the tax code.

CONCLUSION

The eyes of some people may glaze over when tax shelters and tax havens are discussed, but unscrupulous taxpayers and tax professionals see illicit dollar signs. Our commitment to crack down on their tax abuses must be as strong as their determination to get away with ripping off America and American taxpayers.

Our bill provides powerful tools to end offshore tax haven and tax shelter abuses. Offshore tax abuses alone contribute nearly \$100 billion to the \$345 billion annual tax gap, which represents taxes owed but not paid. With the financial crisis facing our country today and the long list of expenses we're incurring to try to end that crisis, it is past time for taxes owing to the people's Treasury to be collected. And it is long past time for Congress to stop tax cheats from shifting their taxes onto the shoulders of honest Americans.

I am optimistic that under the leadership of the new Obama Administration and with the support of the Senate Finance Committee that we can finally tackle this massive problem.

By Mr. AKAKA (for himself, Ms. MURKOWSKI, Mr. INOUE, and Mr. BEGICH):

S. 507. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I join with my good friend from Hawaii, Senator DANIEL INOUE, and my friends from Alaska, Senators LISA MURKOWSKI and MARK BEGICH, to reintroduce legislation to ensure retirement equity for Federal workers in Hawaii, Alaska, and the U.S. Territories.

For years, Federal employees in my home State of Hawaii and in other nonforeign areas have been disadvantaged when it comes to their retirement due to a lack of locality pay. Federal workers in those areas may receive a nonforeign cost of living allowance, COLA, based on the difference in the cost of living between those areas and the District of Columbia. However, this pay adjustment does not count toward their retirement.

The inequity in retirement benefits for Federal workers in Hawaii, Alaska, and the U.S. Territories hinders efforts to recruit and retain Federal workers in these areas, and it has led to several lawsuits against the Federal government. Most recently, on January 30,

2008, Judge Phillip M. Pro in the U.S. District Court in Honolulu issued a decision on this in *Matsuo v. the Office of Personnel Management*. In his ruling, Judge Pro acknowledged the disparity saying that Congress discharged its legislative responsibilities imperfectly and recommended that Congress correct the incongruity made so evident by this case.

Under the Federal Employee Pay Comparability Act, FEPCA, of 1990, Federal employees in Alaska, Hawaii, and the Territories were excluded from receiving locality pay, which is adjusted for local labor markets across the country to help close the gap between private sector and public sector wages. The first year FEPCA was implemented, in 1994, Federal employees in Alaska, Hawaii, and the Territories were denied a pay raise so that Federal employees in the 48 contiguous States could receive their first locality pay allowance. Every year since 1994, Federal employees outside of the continental United States have been denied approximately one percent of the average annual pay raise, which goes toward locality pay rates.

As you can imagine, this issue has caused Federal employees in the non-foreign areas great concern for years, but there has never been enough support for any proposed solution. In the past two years, however, we have laid the groundwork for the solution represented by this bipartisan bill. The previous Administration submitted a legislative proposal to phase-out non-foreign COLA and phase-in locality pay. That proposal provided a good starting point, but did not address numerous important issues, including the impact such a change would have on postal employees, employees who receive special rates, members of the Senior Executive Service, and others who are in agency-specific personnel systems or those who do not receive locality pay, such as employees under the National Security Personnel System at the Department of Defense.

My Federal Workforce Subcommittee, in collaboration with Senators Stevens, INOUE, and MURKOWSKI, worked extensively with Federal employees in Hawaii, Alaska, and the Territories and with the Office of Personnel Management, OPM, and other Federal agencies to craft a comprehensive solution, which we introduced as the Non-Foreign Area Retirement Equity Assurance Act last year.

We also have worked with OPM to help ensure that affected Federal employees understand the proposal. After we introduced the bill, my Subcommittee held a series of meetings in Hawaii with representatives from OPM, the Postal Service, and DoD to educate Federal employees on the impact of the legislation and listen to their concerns. I also chaired a field hearing in Honolulu, Hawaii, where the Administration

presented its formal opinion on the legislation and Federal employee representatives from Hawaii, Alaska, Guam, and other Territories were invited to express their thoughts on the legislation. While there are still divergent views on this proposal, the vast majority of employees who I have heard from support it.

As the bill moved through the Senate, I agreed to a few modifications of the bill to address particular concerns. The Senate passed the amended version by unanimous consent in October 2008. Unfortunately, the 110th Congress adjourned before the House could take action on the bill.

Today, we are reintroducing a similar version of the Non-Foreign AREA Act that passed the Senate by unanimous consent only a few months ago in the hopes that we can move quickly to address this growing inequity. This bill is not a windfall or a pay raise for Federal employees. Since 1994, Federal employees in Alaska, Hawaii, and the Territories have been denied pay and retirement equity and this bill seeks to correct the long-time inequity, prevent further lawsuits, and protect employees take-home pay in the process.

As we all know, the declining economy is making it hard on working men and women to pay their bills and stay afloat. While locality rates have increased in recent years, non-foreign COLA rates have been gradually declining. COLA rates are expected to drop again this year in Alaska, Hawaii, and the Territories. Unless Congress acts soon, Federal employees in these areas will see their pay further adversely affected. In the current economic climate, we must be careful to do no harm.

I continue to encourage employees in Alaska, Hawaii, and in the Territories to write us with their questions and concerns on our legislation. My goal remains to ensure that Federal workers in the non-foreign areas are not disadvantaged when it comes to their pay and retirement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 507

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

SEC. 2. EXTENSION OF LOCALITY PAY.

(a) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section

5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting “; and”; and

(iii) by adding after subparagraph (B) the following:

“(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and”; and

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iv) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon.

(b) **ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.**—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 4 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 4 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 3. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 4 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 8 of this Act.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 4 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 4. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this Act or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this Act, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted

effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{2}$ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using $\frac{2}{3}$ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 5. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this Act to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States' territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States' territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the “Rest of the United States”, the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 4 of this Act, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 4 of this Act, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was el-

igible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this Act, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate, but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 4 of this Act which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 6. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this Act (including the amendments made by this Act) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 2 of this Act), and section 4 of this Act apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this Act shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this Act including section 5941 of title 5, United States Code (as amended by section 2 of this Act), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003(b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) section 6(b)(2) of that Act shall apply.”

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this Act (including the amendments made by this Act) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 4.

(B) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 7 of this Act.

SEC. 7. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 4 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 4 of this Act did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 8. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this Act, including—

(1) rules for special rate employees described under section 3;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 4 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this Act with respect to employees in such pay system, consistent with the regulations issued by the Office under subsection (a).

SEC. 9. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 2 and the provisions of section 4 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 60—COMMEMORATING THE 10-YEAR ANNIVERSARY OF THE ACCESSION OF THE CZECH REPUBLIC, THE REPUBLIC OF HUNGARY, AND THE REPUBLIC OF POLAND AS MEMBERS OF THE NORTH ATLANTIC TREATY ORGANIZATION

Mrs. SHAHEEN (for herself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 60

Whereas, on March 12, 1999, the Czech Republic, the Republic of Hungary, and the Republic of Poland formally joined the North Atlantic Treaty Organization (NATO);

Whereas, in March 2009, NATO will celebrate the 10-year anniversary of the accession of the Czech Republic, Hungary, and Poland as members of the alliance;

Whereas representatives of the governments of the Czech Republic, Hungary, and Poland will be in attendance as NATO celebrates its 60th anniversary at a summit to be held on April 4, 2009, in Germany and France;

Whereas the security of the United States and its NATO allies have been enhanced by the integration of the Czech Republic, Hungary, and Poland into the NATO alliance;

Whereas the Czech Republic, Hungary, and Poland have been integral to the NATO mission of promoting a Europe that is whole, undivided, free, and at peace;

Whereas the membership of the Czech Republic, Hungary, and Poland has strengthened the ability of NATO to perform a full range of missions throughout the world;

Whereas the Czech Republic, Hungary, and Poland continue to provide crucial support and participation in the NATO International Security Assistance Force in Afghanistan, as NATO struggles to help the people of Afghanistan create the conditions necessary for security and successful development and reconstruction;

Whereas the Czech Republic, Hungary, and Poland helped support NATO efforts to stabilize and secure the Balkans region by contributing to the NATO-led Kosovo Force;

Whereas the Czech Republic, Hungary, Poland, and all NATO members share a strong mutual commitment to defense, regional security, development, and human rights, throughout Europe and beyond; and

Whereas the Czech Republic, Hungary, and Poland have done much to help NATO meet the global challenges of the 21st century, including the threat of terrorism, the spread of weapons of mass destruction, instability caused by failed states, and threats to global energy security: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 10th anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization (NATO);

(2) congratulates the people of the Czech Republic, Hungary, and Poland on their accomplishments as members of free democracies and partners in European stability and security;

(3) expresses appreciation for the continuing and close partnership between the United States Government and the Governments of the Czech Republic, Hungary, and Poland; and

(4) urges the United States Government to continue to seek new ways to deepen and expand its important relationships with the Governments of the Czech Republic, Hungary, and Poland.

SENATE RESOLUTION 61—COM- MENDING THE COLUMBUS CREW MAJOR LEAGUE SOCCER TEAM FOR WINNING THE 2008 MAJOR LEAGUE SOCCER CUP

Mr. VOINOVICH (for himself and Mr. BROWN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 61

Whereas, on Sunday, November 23, 2008, the Columbus Crew defeated the New York Red Bulls by a score of 3-1 to win the 2008 Major League Soccer (MLS) Cup;

Whereas the Columbus Crew led the league with a record of 17 wins, 7 losses, and 6 draws and scored 50 regular season goals and 8 playoff goals;

Whereas Columbus Crew head coach Sigi Schmid was named the 2008 MLS Coach of the Year and became the first MLS Coach to win an MLS Cup with two different teams;

Whereas Columbus Crew forward Guillermo Barros Schelotto was named the 2008 MLS Most Valuable Player and led the league with 19 regular season assists and 6 playoff assists;

Whereas Columbus Crew defender Chad Marshall was named the 2008 MLS Defender of the Year;

Whereas Columbus Crew forward Alejandro Moreno led the team in scoring with 9 regular season goals and 1 playoff goal;

Whereas Columbus Crew goalkeeper Will Hesmer had 17 wins, 97 saves, and 10 shutouts in 29 regular season games;

Whereas Alejandro Moreno, Chad Marshall, and Frankie Hejduk all scored goals in the MLS Cup Championship game;

Whereas the Columbus Crew was the winner of the 2008 MLS Supporters' Shield for being the team with the best regular season record;

Whereas Columbus Crew Captain Frankie Hejduk led the team to its first MLS Cup since the team's creation in 1994; and

Whereas the Columbus Crew, along with its supporters, has energized Columbus and brought great pride to the State of Ohio: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Columbus Crew on winning the 2008 Major League Soccer Cup;

(2) recognizes the achievements of Sigi Schmid, Chad Marshall, Guillermo Barros Schelotto, and the other members of the Columbus Crew for their tireless work ethic and championship form;

(3) salutes the support of the Columbus Crew fan groups, including the Hudson Street Hooligans, the Crew Union, La Turbina Amarilla, and the rest of the Nordecke for unwavering dedication to the Columbus Crew; and

(4) expresses the hope that the Columbus Crew and Major League Soccer will continue to inspire soccer fans and players throughout Ohio, the United States, and the world.

SENATE CONCURRENT RESOLU- TION 9—SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. CASEY (for himself, Ms. SNOWE, Ms. LANDRIEU, Mr. PRYOR, Mr. LAUTENBERG, Mr. SANDERS, and Mr. DORGAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 9

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities; Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the Multiple Sclerosis Coalition's mission is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2009, Multiple Sclerosis Awareness Week is recognized during the week of March 2nd through March 8th: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

AMENDMENTS SUBMITTED AND PROPOSED

SA 592. Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

SA 593. Mr. McCain submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 594. Mr. Coburn submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 595. Mr. Coburn submitted an amendment intended to be proposed by him to the

bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 596. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 597. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 598. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 599. Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. INHOFE, Mr. VITTER, and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 600. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 601. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 602. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 603. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 604. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 605. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 606. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 607. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 608. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 609. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 610. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 611. Mr. THUNE (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 612. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 592. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CONTINUING 2008 FUNDING LEVELS.

Section 106(3) of Public Law 110-329 is amended by striking "March 6, 2009" and inserting "September 30, 2009".

SA 593. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE USE OF FUNDS.

None of the funds in this Act may be used for any project listed in the statement of managers that is not listed and specifically provided for in this Act.

SA 594. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division I, Title I, insert the following:

SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in Division I, Title I of this Act, for the Department of Transportation may be available for the Pleasure Beach Water Taxi Service in Connecticut, and the amount made available under such title is reduced by \$1,900,000.

SA 595. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division A, Title I, insert the following:

SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in Division A, Title I of this Act, for the Agricultural Research Service under the heading "Salaries and Expenses" may be available for swine odor and manure management research in Ames, Iowa, and the amount made available under such heading is reduced by \$1,791,000.

SA 596. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1120, between lines 6 and 7, insert the following:

PROHIBITION ON NO-BID EARMARKS

SEC. 414. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

SA 597. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7. Any State Conservationist of the Natural Resources Conservation Service of the Department of Agriculture may use funds received by the State Conservationist during fiscal year 2009 for purposes of the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) to carry out the watershed rehabilitation program under section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

SA 598. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 6, strike the period and insert "of which \$12,000,000 shall be available for the Emmett Till Unsolved Civil Rights Crime Act established under Public Law 110-344."

SA 599. Ms. MURKOWSKI (for herself, Mr. BEGICH, Mr. INHOFE, Mr. VITTER, and Mr. BROWNBACK) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 541, strikes lines 1 through 10 and insert the following:

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or repromulgate the rule described in subsection (c)(1) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), except that the public comment period shall be for a period of not less than 60 days; and

(2) the Secretary of the Interior may withdraw or repromulgate the rule described in subsection (c)(2) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), except that the public comment period shall be for a period of not less than 60 days.

SA 600. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 494, line 15, strike "are rescinded" and insert "are rescinded: *Provided further*, that \$5,000,000, to be derived from the Forest Management account, shall be made available to fund the Tongass Timber Fund in the same manner in which the Tongass Timber Fund has been funded during prior fiscal years".

SA 601. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated under this Act shall be made available to Planned Parenthood for any purpose under title X of the Public Health Service Act.

SA 602. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1121, line 5, strike "143, 144," and insert "144".

On page 1121, between lines 10 and 11, insert the following:

SEC. 102. Section 143 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580) is amended by striking "shall" and all that follows through the end and inserting "is amended by striking '11-year' and inserting '22-year'".

SA 603. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1121, line 5, strike "143, 144," and insert "144".

On page 1121, between lines 10 and 11, insert the following:

SEC. 102. Section 143 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580) is amended by striking "shall" and all that follows through the end and inserting "is amended by striking 'Unless' and all that follows through the end."

SA 604. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1121, line 5, strike "143, 144," and insert "144".

On page 1121, between lines 10 and 11, insert the following:

SEC. 102. Section 143 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580) is amended by striking "shall" and all that follows through the end and inserting "is amended

by striking '11-year' and inserting '17-year'".

SA 605. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1122, after line 10, add the following:

SEC. 104. The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

SA 606. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1122, after line 10, add the following:

SEC. 104. None of the funds made available in the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343; 122 Stat. 3765) or in the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used to provide funds to a person under a contract with an agency or department of the United States if—

(1) the person does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note); and

(2) the contract was entered into on or after the date of the enactment of this Act.

SA 607. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading "International Organizations and Programs" in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health and Child Survival" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available

under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

SA 608. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, line 6, strike the period and insert "of which \$10,000,000 shall be available for grants to state or local law enforcement for expenses to carry out prosecutions and investigations authorized by the Emmett Till Unsolved Civil Rights Crime Act established under Public Law 110-344".

SA 609. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for any client of a lobbying firm under Federal investigation, including the PMA Group of Arlington, Virginia.

SA 610. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year

ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

(1) the Pleasure Beach Water Taxi Service Project of Connecticut;

(2) the Old Tiger Stadium Conservancy of Michigan;

(3) the Polynesian Voyaging Society of Hawaii;

(4) the American Lighthouse Foundation of Maine;

(5) the commemoration of the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry National Historic Park in West Virginia;

(6) the Orange County Great Park Corporation in California;

(7) odor and manure management research in Iowa;

(8) tattoo removal in California;

(9) the California National Historic Trail Interpretive Center in Nevada;

(10) the Iowa Department of Education for the Harkin grant program; and

(11) the construction of recreation and fairgrounds in Kotzebue, Alaska.

SA 611. Mr. THUNE (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 11 and 12, insert the following:

SEC. 112. None of the funds appropriated in this Act may be used by the Federal Communications Commission to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the "Fairness Doctrine", as such doctrine was repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987).

SA 612. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, line 1, strike "\$546,000,000" and insert "\$146,000,000".

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, \$400,000,000.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 10, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on issues related to a bill to provide for the conduct of an in-depth analysis of the impact of energy development and production on the water resources of the United States, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Michael Connor at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 12, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The Committee will conduct a legislative hearing to examine draft legislation regarding siting of electricity transmission lines, including increased federal siting authority and regional transmission planning.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224-2209 or Gina Weinstock at (202) 224-5684.

PRIVILEGES OF THE FLOOR

Mr. INOUE. Mr. President, on behalf of Senator BAUCUS, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the duration of the debate on the Omnibus appropriations package: Hun Quach, Rachel Poynter, Michael London, Rory Mur-

phy, Dan Gutschenritter, Pete Harvey, Adam Glasier, and Vincent Mascia.

The PRESIDING OFFICER. Without objection, it is so ordered.

MULTIPLE SCLEROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 9.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 9) supporting the goals and ideals of Multiple Sclerosis Awareness Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 9) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 9

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 people in the United States live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no laboratory test available for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show that there are genetic factors that indicate that certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with, or preventing the transmission of, nerve signals;

Whereas in rare cases, multiple sclerosis is so progressive that it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes and celebrates Multiple Sclerosis Awareness Week;

Whereas the Multiple Sclerosis Coalition's mission is to increase opportunities for cooperation and provide greater opportunity to

leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate a commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas in 2009, Multiple Sclerosis Awareness Week is recognized during the week of March 2nd through March 8th: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages States, territories, and possessions of the United States and local communities to support the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(4) commends the efforts of the States, territories, and possessions of the United States and local communities that support the goals and ideals of Multiple Sclerosis Awareness Week;

(5) recognizes and reaffirms the commitment of the people of the United States to combating multiple sclerosis by promoting awareness about the causes and risks of multiple sclerosis, and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(6) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those living with multiple sclerosis and continue to work to find cures and improve treatments.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S.J. Res. 12.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 12) proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. Mr. President, today I speak on the resolution honoring the valor of GEN Casimir Pulaski, a hero of the American Revolution who made the ultimate sacrifice in pursuit of American freedom. This resolution would grant honorary posthumous citizenship to General Pulaski, a long overdue tribute to a man who gave his

life to the cause of American independence.

I thank Senator LISA MURKOWSKI, the lead Republican cosponsor of this resolution, as well as other original cosponsors, Senators MIKULSKI, CARDIN, WHITEHOUSE, DODD, BROWN, BURRIS, and PRYOR.

As a young soldier, Casimir Pulaski developed a reputation as a highly skilled military tactician, whose activities to advance the cause of Polish liberty against Russian influence ultimately led to his exile from Poland. Seeking refuge, Pulaski traveled to France, where he met an American diplomat who convinced him to join the Continental Army in its struggle for independence. That diplomat was so impressed with the Polish general, that, in a letter to George Washington, he described Pulaski as an officer "renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom." That diplomat's name was Ben Franklin.

Casimir Pulaski adopted the revolutionary spirit of the American colonists and came to America to fight in their quest for self-determination.

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine. His bravery and skill in battle averted American defeat and helped save the life of George Washington. Upon Washington's recommendation, the Continental Congress promoted Pulaski to general, and appointed him General of the Cavalry. That same year, Casimir Pulaski wrote to George Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it." General Pulaski's letter would prove prophetic, when, during a major offensive against British forces in Savannah, GA, Pulaski was mortally wounded. He died at sea, aboard the USS Wasp, on October 11, 1779.

General Pulaski's life and death inspired his contemporaries as he inspires us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, GA. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several States have followed that example. There are countless schools, streets, towns, and memorials across this country that bear his name—and honor his contributions to our Nation's birth.

Today is Pulaski Day in Illinois. In 1973, my own state of Illinois designated the first Monday of March as Pulaski Commemorative Day and in 1986 declared that day to be a State holiday.

We in Illinois are privileged to have a large and vibrant Polish-American

community. From Casimir Pulaski to legendary artists like Ignacy Jan Paderewski, Polish-Americans have contributed mightily to Illinois—and to our Nation. Chicago is home to the Polish American Congress, which encompasses 3,000 Polish organizations across the country, as well as the Polish Museum of America. The Polish-American community also has a large presence in the Illinois National Guard, which has enjoyed a long-standing relationship with the Polish Air Force.

I am honored to reintroduce this resolution to grant posthumous honorary citizenship to GEN Casimir Pulaski, an American general who gave his life so that our Nation could be free. This resolution passed the Senate by unanimous consent in the 110th Congress and received broad support in the House of Representatives. I hope that this year we will be able to pass this resolution in both Chambers.

I urge my colleagues to support this resolution, and the valor of the man whom we seek to honor. When we think of our Nation's struggle for freedom in its infancy, we must remember GEN Casimir Pulaski and his indelible contribution to our Nation's birth.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 12) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 12

Whereas Casimir Pulaski was a Polish military officer who fought on the side of the American colonists against the British in the American Revolutionary War;

Whereas Benjamin Franklin recommended that General George Washington accept Casimir Pulaski as a volunteer in the American Cavalry and said that Pulaski was "renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom";

Whereas, after arriving in America, Casimir Pulaski wrote to General Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it.";

Whereas the first military engagement of Casimir Pulaski with the British was on September 11, 1777, at the Battle of Brandywine, and his courageous charge in this engagement averted a disastrous defeat of the American Cavalry and saved the life of George Washington;

Whereas, on September 15, 1777, George Washington elevated Casimir Pulaski to the rank of Brigadier General of the American Cavalry;

Whereas Casimir Pulaski formed the Pulaski Cavalry Legion, and in February 1779,

this legion ejected the British occupiers from Charleston, South Carolina;

Whereas, in October 1779, Casimir Pulaski mounted an assault against British forces in Savannah, Georgia;

Whereas, on the morning of October 9, 1779, Casimir Pulaski was mortally wounded and was taken aboard the American ship *USS Wasp*, where he died at sea on October 11, 1779;

Whereas, before the end of 1779, the Continental Congress resolved that a monument should be erected in honor of Casimir Pulaski;

Whereas, in 1825, General Lafayette laid the cornerstone for the Casimir Pulaski monument in Savannah, Georgia; and

Whereas, in 1929, Congress passed a resolution recognizing October 11 of each year as Pulaski Day in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Casimir Pulaski is proclaimed to be an honorary citizen of the United States posthumously.

DISCHARGE AND REFERRAL—S. 473

Mr. REID. Mr. President, I ask unanimous consent that the Health, Education, Labor, and Pensions Committee be discharged from further consideration of S. 473 and that the bill be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 3, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 10 a.m., March 3; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conference lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, under the previous order, at 11:45 a.m., the Senate will vote in relation to the McCain amendment.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the statement of Senator ALEXANDER, the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I express my appreciation to my friend from Tennessee for his courteousness, which is always the case.

The PRESIDING OFFICER. The Senator from Tennessee.

APPROPRIATIONS PROCESS

Mr. ALEXANDER. Mr. President, I thank the majority leader. On his comments about the omnibus appropriations bill, two brief points. One is that, of course, all Senators welcome the opportunity to debate and amend the bill. Senator BYRD has argued eloquently, as the majority leader himself has, that the opportunity to debate and amend bills is an important part of what makes the Senate unique. We often tend to argue that point more eloquently when we are in the minority. Amendments and debate are what make the Senate the Senate. It gives us a chance to represent the people who send us—the people for whom we work. All of us on the minority side appreciate that this year the majority leader has—as we believe he should, but nevertheless he has—tried to create an environment in which we can debate and amend. Obviously, amendments aren't going to always be amendments we agree with. I don't agree with all the amendments that come from our side either, but I appreciate that chance to offer amendments, and we would like to see the Senate function in a way that gives us a chance to represent the people who hire us.

Second, I suspect every member of the Appropriations Committee and most Members of the Senate hope we can get back to the practice of passing our appropriations bills one by one and acting on them before the beginning of the fiscal year, which is October 1. I would hate to think how much of the taxpayers' money we must waste each year by missing that deadline, but grouping these measures together into giant "omnibus" bills, and by passing continuing resolutions which don't take into account the differences of opinion among members of Congress and the administration about budget priorities. I would hope we could get back to the practice of finishing our work and taking the bills one by one as we did not so long ago.

I appreciate the majority leader mentioning the fact that we will be debating all week on this appropriations bill, to try and give this massive bill the scrutiny it deserves. It would have been much better if these nine appropriations bills had been enacted last year, before October 1, and we could take them into account when we voted on the stimulus bill last week. That is the way we should have been able to do that, but we weren't.

Mr. REID. Mr. President, I would say to my friend who has been Governor of

his State and a Cabinet Secretary, ran for President, and now a Member of the Senate, I think he has a foundation of understanding how important it is that we move these appropriations bills. This is a difficult situation. We have done it quite a few times in recent years, and it is not the best way to legislate. The Senator from Tennessee and I agree on that.

I have to say to my friend, there are a number of people in my caucus who come to me and say: Why are you making us take these tough votes and why are you talking about more votes on this bill? Because in keeping with what the Senator from Tennessee said, I hope we can continue doing this. I think the Republicans have not offered some easy amendments—I wish they had been a little easier on us—but that is the way it is. That is why I wanted to spend a little time this evening talking about the range of amendments we already have which have been hard votes and perhaps hard for both sides in many respects.

I support the statement of my friend from Tennessee that we are all going to try to arrive at the same place. It is just that how we get there sometimes doesn't correlate.

Mr. ALEXANDER. I thank the majority leader.

IRAQ AND AFGHANISTAN WARS

Mr. ALEXANDER. Mr. President, I have two topics I wish to speak about this evening: One on Iraq and one on higher education. First, on Iraq and Afghanistan. President Obama on Friday told marines at Camp Lejeune and the world how the United States plans to end the war in Iraq. The President's plan turns out not to be so different than the agreement President Bush signed with Iraq just before he left office. Add Senator MCCAIN's name to the list because on Friday he generally supported President Obama's decision. For the first time, I think it can be said we have a bipartisan consensus—and a consensus between the Congress and the President—about how to honorably and successfully conclude the war in Iraq.

Ironically, this is a bipartisan consensus that comes 2 years later than it could have. Because what President Bush and President Obama and Senator MCCAIN seemed to agree on today is also a course that is consistent with the recommendations of the bipartisan Iraq Study Group headed by former Republican Secretary of State James Baker and former Democratic House Foreign Affairs Chairman Lee Hamilton. That is not just my judgment. I asked Secretary Rice, the former Secretary of State, whether the agreement President Bush signed with Iraq is generally consistent with the principles of the Iraq Study Group, and she said yes. I asked Secretary Gates, who has been

Secretary of Defense both for President Bush and now for President Obama and who, for a little while, was also a member of the Iraq Study Group, whether the direction in Iraq that President Bush had agreed to go in is approximately the same as the principles recommended in December of 2006 by the Iraq Study Group, and he answered yes.

Unfortunately, instead of having, for the last 2 years, a consensus between the Congress—a Democratic Congress—and the President—a Republican President—we instead made it clear to our enemy and clear to our troops that we were divided in Washington about the course of the war and that we couldn't agree on how to conclude. I don't know whether we had reached agreement earlier by, for example, adopting the legislation that Senator Salazar and I and 17 Senators offered and that about 60 Representatives offered in the House, that would have made the principles of the Iraq Study Group the course upon which the United States would embark to successfully conclude the war in Iraq—I don't know whether, if we had done that in 2007, 2 years ago, the war would have been more successful or Iraq would have been better stabilized; if troops would have come home sooner and perhaps even American lives might have been saved; or if Iraqi lives might have been saved. I don't know about that. But I do know that we put in jeopardy—by our failure to agree between the Congress and the President over the course of the war in Iraq—we put in jeopardy the ability of the American people to have the stomach to see this mission all the way through to the end, which is an essential requirement, in my view, of any military endeavor in which the United States should engage.

President Bush, nevertheless, persevered, and it became, in the view of many Democrats and others, Bush's war, and it seriously damaged the Bush Presidency. It seriously divided the country. At least we can use this failure to agree, this failure to come to some consensus, as a guide about how to conduct ourselves in future conflicts, starting with the war in Afghanistan.

President Obama is sending 17,000 more Americans to Afghanistan. He is doing so after only a month in office. He says, quite candidly, he hasn't yet got a strategy, approved a strategy or, in his words Friday night in his interview with Jim Lehrer, an exit strategy. I assume that also means he hasn't yet decided upon what is even more important, which is a success strategy. The lesson of Iraq and of our failure to come to some agreement over the last 2 years is that we should give our new President time and support in his efforts to develop a strategy and then we should insist—we in the Congress—that we agree with him on a strategy; and if we can't agree with the one he comes

up with, that he adjust it until we can, so we as a nation can have a compelling purpose, a clear set of goals, the money to supply more than enough force to reach those goals. So our enemies and our troops can hear clearly that the American people have the stomach to see the mission in Afghanistan all the way through to the end. In other words, it is important for our country not just for the success of the Obama presidency; it is important for our country that what some called Bush's war not be followed by what others might call Obama's war.

The Iraq Study Group was created by Congress in 2006. It had a remarkable group of members, including Lee Hamilton and Jim Baker who both co-chaired it. Ed Meese, the former Attorney General for President Reagan, was there. Vernon Jordan was a member. Secretary Gates was a member for a while. The first President Bush's Secretary of State, Larry Eagleburger, was a member. Leon Panetta, President Clinton's Chief of Staff and now CIA Director, was there. President Clinton's Secretary of Defense was a member. Sandra Day O'Connor, former Supreme Court Justice, was a member. They spent many months and went to Iraq, and they talked to a variety of people. They tried to see if they could come to a consensus about how the U.S. could honorably conclude the war in Iraq. They were bipartisan and unanimous in their 79 recommendations, which would be boiled down to three major points.

I remember being very disappointed in early 2007 when, following that, President Bush didn't take advantage of the opportunity during his State of the Union Address to embrace the report. He knew then that a majority of Americans didn't support his strategy. He knew the strategy would have a more difficult time being sustained without their support. I think all of us knew, then, if he could get Congress to agree, the American people would be more likely to agree.

The President could have invited the distinguished members of the Iraq Study Group to sit in the gallery during his speech and, as Presidents do often, introduce them. The President could have said: This is not my recommendation, it is theirs. I accept it for the good of the country, and I ask the American people now to accept it.

If one goes back and reads the recommendations of the Iraq Study Group report made in December 2006, here is basically what it said we should do: Get the U.S. troops out of the combat business in Iraq and into the support business in a prompt and honorable way—maybe over the course of a year, they said. General Petraeus amended that to a little longer than a year. The Iraq Study Group said reduce the number of American forces in Iraq. The Iraq Study Group said there should be

a limited military presence for the longer term in Iraq, and that would signal to the rest of the Middle East to stay out of Iraq. It said it would give support to General Petraeus and his troops for a military surge to make Baghdad safer. This was before President Bush authorized the surge.

It would expand diplomatic efforts to build support for Iraqi national reconciliation and sovereignty. The Iraq Study Group would recognize, as Prime Minister Blair said, that it is time for the next chapter of Iraq's history to be written by the Iraqis themselves.

Democratic Senator Ken Salazar—who is now a member of the Obama administration as Interior Secretary—and I wrote legislation that would make the Iraq Study Group recommendations national policy. As I mentioned, it attracted about nine Democrats and eight Republican Senators. In the House of Representatives, there were 27 Democrats and 35 Republicans.

At that time, we were having vote after vote on Iraq. Some Senators said there should be an immediate withdrawal. Others wanted victory of the kind we had in Germany and Japan. I thought the Iraq Study Group recommendations made the most sense; and, apparently, today, so does President Bush, so does President Obama, and so does Senator MCCAIN.

Now, it is fair to say each of those men I just mentioned could find something in the Iraq Study Group report with which to disagree. I would respect those disagreements. But the 17 of us in the Senate could find within that report a course to agree about, just like the Commission itself of widely varying Americans could find enough unanimously to agree about, so they could say to the troops, to the enemy, and to the world: Here is our course forward.

I suggest we would have been better off if we had done that. I pointed out that President Bush would not support the report. I respected that, but I disagreed with it. At the same time, Speaker PELOSI and the Democratic leaders would not allow our amendment to come to a vote. We asked and asked—but their reaction was, "No, no, we won't do that." I guess they had their reasons. We don't question their motivation. President Bush persevered in the war, and Democratic leaders persevered with their opposition to the war. They didn't allow the Iraq Study Group resolution to come to a vote. So then we had an election.

Senator Salazar said about the only way we could have united the President and the Democratic leaders was in their opposition to the Iraq Study Group—a set of recommendations that are now largely the principles upon which we are proceeding as we seek to end the war in Iraq. But is the country better off for us not having had that 2 years of agreement?

Here are some lessons: One, the Iraq war reminds us that nation building costs many billions of dollars and many lives. Whenever possible, we should use our military forces to defend America and use our "shining city on a hill," which President Reagan talked about so often, as an example to spread freedom. If we must become involved in another country, as we are in Iraq and Afghanistan, then we must have a compelling reason, a clear mission, an overwhelming force to make certain we reach our goals.

The second lesson is this: In order to reach those goals, we have to persuade the American people to have the stomach to see the mission we have adopted all the way through to the end. It is much better if the President and the Congress, even if they are of different political parties, agree on that mission. Technically, the Commander in Chief can wage a war, leaving us not much to do but fund the troops, which almost all of us, regardless of party, do. We saw in Iraq the failure to agree between the President and the Congress—which made the war harder and longer and President Bush's presidency much less successful. We were in the position often of being the oldest democracy lecturing Baghdad, an infant democracy, for not coming up with a political solution when we ourselves could not come up with one.

Finally, we learned a lesson in Iraq about how to honor those who serve our country. Sometimes in airports now—unlike in the Vietnam era—passengers burst into applause when a group of service men and women appear. A great many Tennesseans have been to Iraq and Afghanistan. More are going this week to Afghanistan. Many have served two or three tours already—including men and women from the Tennessee National Guard and the 101st Airborne—and 100 have given their lives in Iraq and Afghanistan. Hundreds have suffered wounds that will change their lives. They have performed heroically. I am glad to see that after 6 years, we finally seem to be united on a path which will bring the war to successful conclusion and hasten the time when most of those serving can come home. But it is disappointing that we did not take the advantage 2 years ago when we might have done it to agree on the principles of the Iraq Study Group. We had that opportunity. It might have shortened the war. It might have stabilized Iraq

more rapidly. It might have saved lives.

We should remember that as we look ahead to Afghanistan. We do not want to succeed Bush's war with Obama's war. Whenever we go to war, it should be an American war and the President should make certain he has bipartisan support in Congress.

HIGHER EDUCATION

Mr. ALEXANDER. Mr. President, during the 1960s, American Motors Corporation president George Romney warned Detroit's automakers, "There is nothing more vulnerable than entrenched success."

The big three paid no attention. They were building the best cars in the world—highly profitable gas-guzzling vehicles we were quick to buy. Meanwhile, their future Japanese competitors were perfecting smaller, fuel-efficient cars. And today we are bailing out the Detroit companies that did not listen.

American higher education would do well to heed the warning that George Romney gave the Detroit automakers in the 1960s. We have the best colleges in the world today, just as we had the best cars in the world then. But even brisk competition at home seems to have little effect on rising tuition costs.

To deal with rising college costs, I suggest, No. 1, colleges offer some well-prepared students the option of a 3-year baccalaureate degree, cutting one-third the time and one-fourth the cost from a college education; and No. 2, make community college free for well-prepared students.

This seems impossible when State community college funding is tight. In my State, Vanderbilt's endowment has declined 16.5 percent and Maryville College is under a hiring freeze. The University of Tennessee is trying to decide what positions to cut. Impossible, that is, unless college administrators are listening to students, States, and Members of Congress who are up in arms about rising tuition.

What I hear in Congress is: Every time we increase Pell grants, colleges raise tuition. In their exasperation, Members of Congress then piled new rules on already overregulated colleges. The former president of Stanford University estimates complying with these regulations—which today fill a stack of boxes 6 feet tall, which I have previously brought onto the Senate

floor—adds 7 cents to every dollar cost of tuition. Last year, I even voted against the new higher education bill because it doubles those regulations.

The greatest threat to the quality of higher education, in my opinion, is not underfunding, it is overregulation. But to persuade other Members of the Senate and the House of Representatives to stop adding these stacks of regulations, colleges are first going to have to show that they know how to lower college costs.

Just as a plug-in hybrid car is not for every driver, a 3-year college degree is not for every student. But some well-qualified students may want to complete their work in 3 years—many today take 5 or 6 years—and in doing so save time and save money. This will require adjusting attitudes, faculty workloads, and using some campus facilities year round.

Five upper East Tennessee counties already are offering free tuition to qualified local students at Northeast State Community College. Federal Pell grants and the State HOPE Scholarship pay most of the \$1,300 semester tuition. The five counties and private companies pay the rest. Sullivan County's bill last year was only \$80,000 for its share.

These are very difficult times. We all know that here. But during the 1980s, when I was Governor of Tennessee, unemployment reached 11 percent, inflation reached 14 percent, and interest rates reached 20 percent. We were struggling then. Then the economy surged, as we hope it will soon again. Tennessee's higher education funding growth led the Nation for 3 consecutive years. This is more likely to happen again if higher education offers a 3-year college degree option and free community college tuition. That will help regain the support of legislators and families who are upset about colleges that seem able only to increase tuition every time legislators increase funding.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:45 p.m., adjourned until Tuesday, March 3, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING DR. RENÉE GROSS AND
MR. STUART FEINBLATT

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. PALLONE. Madam Speaker, on Sunday, March 15, 2009, the Highland Park Conservative Temple and Center will present the coveted Chaver Award for exemplary community service to Dr. Renée Gross and Mr. Stuart Feinblatt. This is a well deserved honor, and I am proud to join in paying tribute to Dr. Renée Gross and Mr. Stuart Feinblatt for their tireless service to their temple and community.

Dr. Gross and Mr. Feinblatt are both irreplaceable assets to their community who have cared for and protected those in my district. Dr. Gross is a valued senior partner with the Obstetrical and Gynecological Group and has delivered an estimated 2,500 babies throughout her career. Mr. Feinblatt is a partner at the prestigious Sills Cummis & Gross law firm in Newark, New Jersey where he is the firm's exclusive litigator on healthcare and medical issues.

Dr. Gross and Mr. Feinblatt have actively served the Highland Park Conservative Temple together for over twenty years. Mr. Feinblatt is completing his sixth year as a member of the Temple's Board of Trustees, while Dr. Gross is a member of the morning minyan and attends the Rabbi's weekly class. They have both been involved as Vice Chairs on the Livnot Campaign, which is working to rebuild parts of the temple damaged by a fire. Their timeless dedication to their Temple is admirable.

Outside of the congregation, Dr. Gross and Mr. Feinblatt are active members of the community. Mr. Feinblatt is the former President of the Board of Trustees of the Solomon Schechter Day School of Raritan Valley. He is also on the Dean's Advisory Council for the Dean of the Rutgers School of Arts and Sciences. Both Dr. Gross and Mr. Feinblatt are active in the Jewish Federation and are members of the Vanguard Committee, as well. Although these two individuals live busy lives, they have consistently dedicated time to strengthening their community.

Madam Speaker, I sincerely hope that my colleagues will join me in congratulating Dr. Renée Gross and Mr. Stuart Feinblatt for their distinguished service to their fellow citizens. Their accomplishments will continue to benefit and inspire my constituents.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. BECERRA. Madam Speaker, on Thursday, February 26, 2009, I missed rollcall vote 90 on H. Res. 183, expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407. If present, I would have voted "aye."

A TRIBUTE TO MS. HOLLY
WALKER

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ms. Holly Walker for her service to the students at Elizabethtown High School in Elizabethtown, Kentucky. She has taught as a special education teacher for the last 9 years and was recently recognized as the 2008–2009 ExCEL Award recipient for her school district.

Ms. Walker's teaching philosophy is simple—everyone can learn and everyone counts. She is an outstanding educator who shows genuine concern for special needs students. Ms. Walker expects more of the students than they ever thought they could accomplish. Her patience and flexibility enable them to succeed and build confidence.

Ms. Walker deeply cares for her students beyond the classroom. She takes food baskets to their homes at Christmas, drives them to decorate the homecoming float, and goes to school dances with them so they will not feel alone. Her students are her extended family.

When asked why Ms. Walker deserved this award, one of her students wrote, "She never gives up on her students. She makes us feel like family. I spend five hours a day in the classroom with Ms. Walker and wouldn't want to be anywhere else."

Ms. Walker's passion for making a difference in the lives of her students is an example for all Kentuckians to follow. I thank Ms. Walker for her commitment to the students in Elizabethtown.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards

on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H SMITH

Bill Number: HR 1105

Account: Small Business Administration
Legal Name of Requesting Entity: Beth Medrash Govoha

Address of Requesting Entity: 617 6th Street, Lakewood, NJ 08701

Description of Request: Beth Medrash Govoha Cedarbridge Corporate Office Park and Small Business Incubator in Lakewood, NJ was listed as receiving \$232,750 in the Small Business Administration account in Division D of the Omnibus Appropriations Act, 2009. This small business incubator will be able to house up to 1.5 million square feet of office and laboratory space and is projected to attract small businesses as well as large corporate entities and create over a thousand new jobs. The funding will be used for architectural services, engineering, and construction of the first building, along with project administration, development and future planning for the remainder of the parcel. Cedarbridge is also receiving state and township funding for this project.

HONORING THE LIFE AND
ACHIEVEMENTS OF THE HONOR-
ABLE ANDREW DEGRAFFEN-
REIDT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and achievements of my dear friend, The Honorable Andrew DeGraffenreidt. Andrew died last week, at age 80, in a West Palm Beach hospital, his health having deteriorated since breaking his hip socket in October. My thoughts and prayers are with his family at this most difficult time, and I hope that they may take some comfort in knowing that Andrew had a profound impact on those in our community and made significant contributions to the lives of so many Floridians.

Andrew was born in Kansas City, Missouri and reared in Hollandale, Mississippi. From an early age he showed the remarkable intellect that would serve him so well in the years to come, earning a Bachelor of Science degree from Tougaloo College, Mississippi, where he also met his wife, Eddie Pearl. Andrew went on to earn a Master of Science degree in Zoology from Pennsylvania State University in State College, Pennsylvania.

Andrew put his education to work immediately, a starting work as a teacher at Dillard

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

High School in Fort Lauderdale, before moving to Everglades Junior High, where he headed the science department, retiring in 1982. Additionally, he was the teacher for several programs for the Broward County School's ITV Center, including a program that focused on the contributions of minorities to the development of the United States. Andrew was a magnificent mentor to so many that he taught and had a profound impact on the lives of his students.

Madam Speaker, Andrew had also had a distinguished career in publicly-elected office, and it is perhaps through this career that he had the greatest influence. Andrew was the first African American elected to the Fort Lauderdale City Commission, serving three terms from 1973–1979. He achieved this office before the city created political districts in 1988, and remains the only African American to have won this office when it was contested city-wide. Andrew was also the first African-American Superintendent of Parks for the city, and served on the boards of Broward County's Urban League and United Way.

Andrew was a tremendous public servant. He was a champion of the city's neglected minority neighborhoods, working to establish a Youth Advisory Board and to improve city infrastructure. He worked on reforming the city's police department, in particular pushing for the hiring of minorities and encouraging black and white police officers to learn from each other. He also played a key role in opening the Von D. Mizell Community Center in Fort Lauderdale's Dorsey-Riverbend neighborhood. The significance of his work was recognized when, in 2002, the Fort Lauderdale City Commission named the recreation center at Bass Park in his honor and passed a resolution naming Andrew as an Honored Founder of the city.

Madam Speaker, I will treasure Andrew's memory, and although his life has come to an end, his legacy will live on for generations to come. He will be remembered for his generosity and poise, characteristics which enabled him to improve the lives, and earn the respect, of all those who knew him. I am proud and fortunate to call Andrew my friend, and will miss him dearly.

IN RESPONSE TO H.R. 1105

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mrs. BLACKBURN. Madam Speaker, the Democrats in Congress have a spending problem. House Democrats spent \$410 billion to fund earmarks such as: \$6.3 billion for AIDS prevention and research and \$1.4 million for energy efficient street lighting in Detroit. The Democrat leadership of this body believes that we can spend our way out of a recession. They believe that a Washington bureaucrat can tell you what is best for you and your family.

But House Republicans know this isn't so. We know that Americans are the hardest working people in the world. We know that Americans are innovative, inspiring, and resilient. Americans are the life-force of the world

economy. What the American people need are tax breaks and sales tax credits so they can continue to run their small businesses, create jobs, and rejuvenate our economy. What the American people do not need is more spending for liberal special interest groups. They need opportunities for innovation.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. KING of Iowa. Madam Speaker, I was not able to reach the House floor to cast my vote on Rollcall 415 on June 17, 2008, prior to the vote closing. Had I been able to reach the floor before the vote was closed, I would have voted "no."

TRIBUTE TO FIREFIGHTER LIEUTENANT JIMMY McCASKEY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor and recognize the bravery of Bartlett Firefighter Lieutenant Jimmy McCaskey.

While vacationing in Florida Lt. McCaskey showed the highest form of human compassion and bravery when he risked his own life to save a father and son caught in the grasp of a powerful rip current generated by a hurricane while hundreds of beachgoers stood on the shore and watched. When Lt. McCaskey reached the two swimmers he lifted the father who was already blue in the face out of the water, onto his boogie board and kept him alert for 20 agonizing minutes while being relentlessly battered down upon from all directions by a surging sea until help finally arrived. Thankfully, this fisher of men narrowly escaped his own death.

In honor of this extraordinary act of selflessness, Lt. Jimmy McCaskey was awarded the Medal of Valor which is one of the highest honors for bravery a firefighter can receive. This award is administered by the 100 Club of Memphis and was presented to Lt. McCaskey due to his outstanding performance without regard for personal safety which should stand as an inspiration to all men and women across Tennessee and our Nation.

Madam Speaker, I ask my colleagues to join me in both thanking and congratulating Lt. Jimmy McCaskey for his heroism; he is, indeed, a worthy recipient of this outstanding honor. And may God bless all of the Jimmy McCaskeys of America.

DONNA DENT

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Ms. FOXX. Madam Speaker, I am proud to say that one of my constituents, Donna Dent,

was part of the heroic emergency landing of US Airways flight 1549 that recently made headlines as a "miracle on the Hudson." Donna and her husband Bill live in Winston-Salem, North Carolina.

Donna is known by family, friends, and neighbors as an unshakably calm, responsible, and warm person. As one of the flight attendants on duty, Donna was an integral part of ensuring all 150 passengers aboard the flight made it to safety while the plane quickly filled with water.

With two decades of experience, Donna is known to have a knack for keeping passengers calm on flights, especially children. There is no doubt that she was an asset in preparing passengers for a crash and keeping passengers composed enough to exit the aircraft safely once it hit the river.

When people go out of their way to do service for others in such a kind and selfless manner it renews our faith in humanity. We are lucky to have had such a wonderful person from the Fifth District of North Carolina on duty and working to make the "miracle on the Hudson" truly a miracle.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Megan

Nicole Kanka Foundation

Address of Requesting Entity: PO Box 9956, Trenton, New Jersey 08650

Description of Request: I have secured a \$56,000 designated grant for the Megan Nicole Kanka Foundation, Check 'Em Out program in Division B of the Omnibus Appropriations Act, 2009. This funding is to be used to purchase equipment to assist in background checks on volunteers at community recreation departments and athletic leagues. The Kanka Foundation is fundraising to share in the cost of this program.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: DARE New Jersey

Address of Requesting Entity: 292 Prospect Plains Road, Cranberry, New Jersey 08512

Description of Request: DARE New Jersey, Inc. is listed as receiving a \$200,000 grant for the High School Drug and Safety Prevention Project in Division B of the Omnibus Appropriations Act, 2009. This funding will be used to teach students proper decision making skills and how to resist peer pressure in order to live drug and violence free lives. DARE's current budget includes additional funding for this program.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Police Athletic League of New Jersey

Address of Requesting Entity: 180 South Street, Freehold, NJ 07728

Description of Request: The Police Athletic League of New Jersey, PAL of NJ After School Initiative, is listed as receiving \$1,500,000 in Division B of the Omnibus Appropriations Act, 2009. This funding will be used to provide after school athletic activities for students 8–16 years old in order to deter juvenile crime. PAL is committed to raising additional funding through local business and individual donations.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Greater Trenton Area YMCA

Address of Requesting Entity: 431 Pennington Avenue, Trenton, New Jersey 08075

Description of Request: I have secured a \$450,000 federal grant for the Greater Trenton Area YMCA in Division B of the Omnibus Appropriations Act, 2009. This funding will be allocated for the completion of the new YMCA building. The Greater Trenton Area YMCA has secured additional monies through loans and contributions.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: KidsBridge

Address of Requesting Entity: 4556 South Broad Street, 2nd Floor, Trenton, New Jersey 08620

Description of Request: I have secured a grant of \$94,000 for KidsBridge Life Skills, Gang Resistance and Violence Prevention in Division B of the Omnibus Appropriations Act, 2009. This funding will be used for weekly crime prevention programs for middle school students. KidsBridge is a non-profit organization which hosts fundraisers and has permanent sponsors to facilitate the needs of the organization.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: City of Trenton

Address of Requesting Entity: 319 E State Street, Trenton, New Jersey 08608

Description of Request: The City of Trenton is listed as receiving a \$600,000 grant in Division B of the Omnibus Appropriations Act, 2009, for YouthStat Violence and Gang Prevention. The funding will be used to provide participants with customized community based programming including mentoring, work experience, life skills development and recreation for juveniles that are at the highest risk for gang and criminal involvement. The City of Trenton will also provide financial support as necessary.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Mercer County

Address of Requesting Entity: 640 South Broad Street, Trenton, New Jersey 08650

Description of Request: The Mercer County Ex-Offender Re-Entry Initiative of Mercer County, New Jersey is listed as receiving a \$215,000 grant in Division B of the Omnibus Appropriations Act, 2009. The funding will be used to provide a comprehensive case management program for prisoners returning to the community from the Mercer County Correctional facility after a term of incarceration. The County will provide additional funding for this program.

A TRIBUTE TO MS. PEGGY NEWTON

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. GUTHRIE. Madam Speaker, I rise today to honor Ms. Peggy Newton for her service to the students at Hodgenville Elementary School in Hodgenville, Kentucky. She has taught for more than 30 years and was recently recognized as the 2008–2009 ExCEL Award recipient for her school district.

Ms. Newton's teaching philosophy is simple—everyone can learn. She is an outstanding educator who shows tireless devotion to her students. Ms. Newton shows her students how to believe in themselves and in their accomplishments by quietly and efficiently guiding them.

Ms. Newton's compassion for students is her first priority. She treats her students as her own as she works to encourage, inspire, and educate. She never forgets to set high expectations in her classroom.

When asked why Ms. Newton deserved this award, one of her colleagues wrote, "Because Peggy has a passion for teaching, her students have a passion for learning. She exemplifies the essential fruits of teaching that have enabled her to be such a successful teacher."

Ms. Newton's passion for making a difference in the lives of her students is an example for all Kentuckians to follow. I thank Ms. Newton for her commitment to the students in Hodgenville.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act 2009.

Request as named in the report: Widening of County Road 222, Cullman, AL

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title I—Department of Transportation; Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Cullman, Alabama

Address of Requesting Entity: P.O. Box 278, Cullman, AL 35056

Description of Request: \$285,000 in funding would be used to widen a County Road which provides access to trucks exiting the industrial park and accessing Interstate 65, thus allowing recently established companies, and future companies, the safe and efficient highway access needed.

Request as named in the report: 4-Laning of Airport Road, Gadsden, AL

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title I—Department of Transportation; Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: City of Gadsden, Alabama

Address of Requesting Entity: 90 Broad Street P.O. Box 267, Gadsden, AL 35902–0267

Description of Request: \$475,000 to fund the widening of Airport Road from two to four lanes from the existing Delphi plant (near Highway 77) extending south approximately 1.5 miles to Steele Station Road.

Request as named in the report: Roadway improvements to Winston County Industrial Park Road, Winston County, AL

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title I—Department of Transportation; Federal Highway Administration (FHWA), TCSP—Transportation & Community & System Preservation

Legal Name of Requesting Entity: Winston County Commission

Address of Requesting Entity: P.O. Box 147, Double Springs, AL 35553

Description of Request: \$95,000 in funding would be used to provide roadway improvements (base and pave) for the industrial park.

Request as named in the report: Technical Correction for U.S. Forest Highway 9, Winston County, AL

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title I—Department of Transportation; Department of Transportation (DOT), Office of the Secretary (OST), Technical Corrections

Legal Name of Requesting Entity: Alabama Department of Transportation, on behalf of Bankhead National Forest

Address of Requesting Entity: P.O. Box 278, Double Springs, AL 35553

Description of Request: \$980,000 to resurface U.S. Forest Highway 9, Winston County, AL (which is also designated County Road 41). This language corrects an incorrect highway number in the original bill text.

Request as named in the report: Rountree Field Airport, Perimeter Wildlife and Security Fencing, Hartselle, AL

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title I—Department of Transportation; Federal Aviation Administration (FAA), AIP—Airport Improvement Program

Legal Name of Requesting Entity: City of Hartselle, Alabama

Address of Requesting Entity: 200 Sparkman St. N.W., Hartselle, AL 35640

Description of Request: \$47,500 to fund the construction and installation of perimeter security fencing at Rountree Field Airport in Hartselle, Alabama.

Request as named in the report: Economic Development Initiative for Downtown Redevelopment Authority, City of Decatur, AL for a Streetscape Project throughout the Downtown Decatur Redevelopment Authority corridor

Requesting Member: ADERHOLT, CRAMER, Sen. SESSIONS

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title II—Department of Housing and Urban Development; Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Decatur, Alabama

Address of Requesting Entity: PO Box 488, Decatur, AL 35602

Description of Request: \$570,000 in funding would be used to conduct a streetscape renovation project in four blocks of the city.

Request as named in the report: Economic Development Initiative for Jimmie Hale Mission, Hayden, AL for the addition of new rooms for men seeking services, a library, additional counseling offices, classroom, a recreation/exercise room, and the expansion of the computer-based learning center

Requesting Member: ADERHOLT; DAVIS, ARTUR

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title II—Department of Housing and Urban Development; Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Jimmie Hale Mission

Address of Requesting Entity: Royal Pines Recovery Center, 5 Guinns Cove Road, Hayden, AL 35079-4471

Description of Request: \$190,000 in funding will be used to renovate five rooms accommo-

dating twenty additional residents seeking substance recovery services: a library, additional counseling offices, classrooms, a recreation/exercise room, and the expansion of our computer-based learning center.

Request as named in the report: Economic Development Initiative for the City of Winfield, AL for construction of a multipurpose building.

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division H—Transportation, Housing, and Urban Development, and Related Agencies Appropriations Act, 2009; Title II—Department of Housing and Urban Development; Housing and Urban Development (HUD), Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: City of Winfield, Alabama

Address of Requesting Entity: P.O. Drawer 1438, Winfield, AL 35594

Description of Request: \$332,500 in funding would be used to construct a multi-purpose building which will be used for conferences, offices, a historical museum, and dressing rooms for a local, non-profit community theater.

Request as named in the report: Improved Crop Production Practices, Auburn, AL

Requesting Member: ADERHOLT; ROGERS, MIKE; CRAMER; Sen. SESSIONS, Sen. SHELBY
Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act, 2009; Title I—Agricultural Programs; Agricultural Research Service, Salaries and Expenses

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn, Alabama 36849

Description of Request: \$1,293,000 in funding to be used for an ongoing statewide initiative on conservation tillage, precision, agriculture, poultry litter management, reniform nematode, soil substrates research and NSDL maintenance.

Techniques developed and used by industry under this program greatly increase soil conservation, productivity, and water quality, all of which are outlined as priorities by the USDA.

Request as named in the report: Cooperative State Research Education and Extension Service for Detection and Food safety, AL

Requesting Member: ADERHOLT; ROGERS, MIKE (AL); Sen. SESSIONS, Sen. SHELBY

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Appropriations Act, 2009; Title I—Agricultural Programs; Food Safety and Inspection Service, Food Safety and Inspection Service

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn, Alabama 36849

Description of Request: \$1,748,000 in funding to be used for research to integrate sensor technology and data to address problems that arise in the food supply chain. The funding will

be used to improve the safety of the US food system by developing the science and engineering required to rapidly identify, pinpoint and characterize, through an integration of sensor and information technology, problems that arise in the food supply chain.

Request as named in the report: University of North Alabama Green Campus Initiative (AL)

Requesting Member: ADERHOLT, CRAMER

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division C—Energy and Water Development and Related Appropriations Act, 2009; Title III—Department of Energy; Department of Energy, EERE—Weatherization and Intergovernmental Activities

Legal Name of Requesting Entity: University of North Alabama

Address of Requesting Entity: One Harrison Plaza, UNA Box 5004, Florence, AL 35632-0001

Description of Request: \$951,500 for funding to be used to upgrade energy systems, windows, conserve energy, reduce pollution, and explore possible alternative sources of energy for campus use.

Request as named in the report: Corps of Engineers, Black Warrior and Tombigbee Rivers, AL, Operation and Maintenance

Requesting Member: ADERHOLT; Sen. SESSIONS, Sen. SHELBY

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division C—Energy and Water Development and Related Appropriations Act, 2009; Title I—Department of Defense-Civil: Department of the Army; Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: Warrior Tombigbee Waterway Association

Address of Requesting Entity: PO Box 2863, 250 North Water St, Mobile, AL 36652

Description of Request: \$20,598,000 for funding to repair of spillway gates on Coffeerville Dam & acquisition of upland disposal site for dredge material disposal. Special repair required to keep lock and dam operating.

Request as named in the report: Integrated Distribution Management System (AL)

Requesting Member: ADERHOLT, CRAMER; Sen. SHELBY

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division C—Energy and Water Development and Related Appropriations Act, 2009; Title III—Department of Energy; Department of Energy, Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Southern Company

Address of Requesting Entity: 600 North 18th Street 14N-8195, P.O. Box 2641, Birmingham, AL 35291

Description of Request: \$2,854,500 for funding for an integrated set of information systems needed to operate an electric distribution system designed to improve the delivery efficiency of electricity.

Request as named in the report: Corp of Engineers, Tennessee-Tombigbee Waterway Wildlife Mitigation, AL & MS, Operation and Maintenance

Requesting Member: ADERHOLT, CRAMER; Senators COCHRAN, SHELBY, SESSIONS, WICKER

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division C—Energy and Water Development and Related Appropriations Act, 2009; Title I—Department of Defense-Civil: Department of the Army; Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: Tennessee Tombigbee Waterway Development Authority

Address of Requesting Entity: P.O. Drawer 671, Columbus, Mississippi 39701

Description of Request: \$2,182,000 for funding of wildlife mitigation lands that were designated when the Tennessee Tombigbee Waterway (in Mississippi and Alabama) was constructed.

Request as named in the report: Corps of Engineers, Tennessee-Tombigbee Waterway, AL & MS, Operation and Maintenance

Requesting Member: ADERHOLT, CRAMER, DAVIS; Senators COCHRAN, SHELBY, SESSIONS, WICKER

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division C—Energy and Water Development and Related Appropriations Act, 2009; Title I—Department of Defense-Civil: Department of the Army; Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: Tennessee Tombigbee Waterway Development Authority

Address of Requesting Entity: P.O. Drawer 671, Columbus, Mississippi 39701

Description of Request: \$20,884,000 for funding to allow the Corps to carry out their responsibility to maintain and operate the waterway which provides economical and reliable transportation from the Gulf of Mexico to Mid-America.

Request as named in the report: Jacksonville State University in Alabama for remote campus and distance learning programs for small business

Requesting Member: ADERHOLT; ROGERS, MIKE (AL)

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division D—Financial Services and General Government Appropriations Act, 2009; Title V—Independent Agencies; Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Jacksonville State University

Address of Requesting Entity: 700 Pelham Road, Jacksonville, AL 36265

Description of Request: \$200,000 to provide distance learning opportunities for non-traditional students and aiding the creation and preservation of small businesses in the local community.

Request as named in the report: Bevill State Community College for a business incubator

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division D—Financial Services and General Government Appropriations Act, 2009; Title V—Independent Agencies; Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Bevill State Community College

Address of Requesting Entity: P.O. Box 800, Sumiton, AL 35148

Description of Request: \$300,000 for funding to be used to renovate the complex housing the Business Incubator program, as well as expand technology and services at the Business Incubator.

Request as named in the report: International Services Council of Alabama

Requesting Member: ADERHOLT, CRAMER

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division D—Financial Services and General Government Appropriations Act, 2009; Title V—Independent Agencies; Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: International Services Council of Alabama, Inc.

Address of Requesting Entity: Room 535/ Madison County Courthouse, Huntsville, AL 35801

Description of Request: \$100,000 for funding to be used to assist with the promotion of foreign trade and investment with small businesses in north Alabama.

Request as named in the report: National Rural Water Association

Requesting Member: ETHERIDGE, BOB; ADERHOLT, ROBERT B.; LOBIONDO, FRANK A.; MURPHY, CHRISTOPHER S.; MCHUGH, JOHN M.; ARCURI, MICHAEL A.; CLEAVER, EMANUEL; Senators LEAHY, HARKIN, MURRAY, DORGAN, DURBIN, JOHNSON, LANDRIEU, REED, BEN NELSON, SPECTER, BOND, SHELBY, Craig, BROWNBACK, BIDEN, BINGAMAN, BROWN, CANTWELL, Clinton, CONRAD, DODD, KENNEDY, KERRY, LEVIN, LINCOLN, MENENDEZ, PRYOR, Salazar, SANDERS, SCHUMER, STABENOW, TESTER, WEBB, WYDEN, BARRASSO, BUNNING, CHAMBLISS, Coleman, COLLINS, CORNYN, Dole, ENSIGN, ENZI, GRASSLEY, Hagel, HATCH, INHOFE, LUGAR, MURKOWSKI, ROBERTS, Smith, SNOWE, Sununu, THUNE, VOINOVICH, WICKER

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division E—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009; Title II—Environmental Protection Agency; Environmental Protection Agency, Environmental Programs and Management

Legal Name of Requesting Entity: Alabama Rural Water Association

Address of Requesting Entity: 2576 Bell Road, Montgomery, AL 36117

Description of Request: \$11,500,000 to assist small communities with protecting their drinking water quality and complying with federal mandates.

Request as named in the report: City of Attalla, North Attalla Sewer Project

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division E—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009; Title III—Related Agencies; Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Attalla, Alabama

Address of Requesting Entity: 612 N 4th Street, Attalla, Alabama 35954

Description of Request: \$500,000 to rehabilitate an outdated sewer system in a neighborhood of low- to moderate-income residents.

Request as named in the report: National Park Service, Save America's Treasures, Historic Peterson Hall

Requesting Member: ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Account or Provision: Division E—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009; Title I—Department of the Treasury; National Park Service, Save America's Treasures

Legal Name of Requesting Entity: The University of Montevallo

Address of Requesting Entity: UM Station 6010, Montevallo, AL 35115

Description of Request: \$150,000 to renovate the current Ramsay Conference Center and Lodge, and expand the Center into the adjacent Peterson Hall (which is on the National Register of Historic Places).

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, COPS Meth

Legal Name of Requesting Entity: Etowah County Drug Enforcement Unit

Address of Requesting Entity: 827 Forrest Avenue, Gadsden, AL 35901

Description of Request: The funding of \$1,000,000 from the Methamphetamine Enforcement and Clean-up account will be used to help the Blount, DeKalb, Etowah, Marshall, Marion, Morgan, Pickens, Walker Counties, AL Drug Task Forces specifically for their work investigating and destroying methamphetamine labs, investigating trafficking routes, training, and purchasing equipment.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Town of Somerville

Address of Requesting Entity: P.O. Box 153, Somerville, AL 35670

Description of Request: The \$65,000 grant would be used to update police equipment. Additional funds will be provided by donations, fundraisers and the Town of Somerville General Fund.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Cullman County Commission

Address of Requesting Entity: 500 2nd Avenue SW RM 105, Cullman, AL 35055

Description of Request: \$2,250,000 to the Cullman County Sheriff's to establish a mobile data network, capable of communicating with local, state and federal agencies.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: George C. Wallace State Community College Hanceville

Address of Requesting Entity: 801 Main Street NW, PO Box 2000, Hanceville, AL 35077

Description of Request: \$200,000 to integrate physical security & early warning systems, emergency sirens & training. Working with law enforcement, first-responders & community agencies, prevention and response-focused strategies for all types of violence will be implemented. Approximately \$55,000 will be spent on equipment, including a campus warning system, and \$145,000 on high illumination lights.

Requesting Member: Reps. ROBERT B. ADERHOLT, Robert (Bud) Cramer

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Hartselle, Alabama

Address of Requesting Entity: 200 Sparkman St. N.W., Hartselle, AL 35640

Description of Request: \$160,000 for technology upgrades, including purchase, installation and training for up-to-date digital video cameras, in-car laptops and the networking backbone that operates the system.

Requesting Member: Reps. ROBERT B. ADERHOLT, Terry Everett, MIKE ROGERS (AL), Robert (Bud) Cramer

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Alabama Department of Corrections (ADOC)

Address of Requesting Entity: 301 South Ripley Street, Montgomery, AL 36130-1501

Description of Request: \$375,000 to fully develop 3D virtual environment Situational Training & Awareness Tool for ADOC's high-risk, maximum security correctional facilities and maximize their planning, training, exercise, and real-world response operations.

Requesting Member: Reps. ROBERT B. ADERHOLT, MIKE ROGERS (AL)

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn, Alabama 36849

Description of Request: \$1,700,000 to acquire and train detector dogs and train the officers that will handle the dogs with a focus on school safety.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: Gospel Rescue Ministries of Washington, DC

Address of Requesting Entity: 810 5th Street, NW, Washington, DC 20001

Description of Request: \$250,000 to continue and enhance the Mission's programs, in-

cluding drug treatment and transitional housing for formerly homeless and addicted individuals in the District of Columbia.

Requesting Member: Reps. ROBERT B. ADERHOLT; SPENCER BACHUS, ARTUR DAVIS

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: Jefferson County Commission

Address of Requesting Entity: 716 Richard Arrington, Jr. Blvd N., Birmingham, Alabama 35203

Description of Request: \$300,000 for a new E-911 Center which will combine police, fire and EMS response currently provided by 18 municipalities, cover 86% of the population, handle over 2.5M calls annually, and consolidate resources by reducing costs while providing more effective management.

Requesting Member: Reps. ROBERT B. ADERHOLT; PATRICK KENNEDY, HAROLD ROGERS, ROSA DELAURO, C.A. DUTCH RUPPERS-BERGER

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: National Crime Prevention Council

Address of Requesting Entity: 2345 Crystal Drive, Suite 500, Arlington, VA 22202

Description of Request: The \$500,000 will fund training, special programs, and the publication of training materials that communities can use to learn crime prevention strategies, engage community members, and coordinate with local agencies.

Requesting Member: Reps. ROBERT B. ADERHOLT, CAROLYN MALONEY, JAMES MORAN, DORIS MATSUI

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title II, OJP, Byrne Discretionary Grants

Legal Name of Requesting Entity: Rape, Abuse, and Incest National Network

Address of Requesting Entity: 2000 L Street, NW, Suite 406, Washington, D.C. 20036

Description of Request: \$200,000 for the National Sexual Assault Telephone Hotline, a toll-free telephone hotline, National Sexual Assault Online Hotline, and RAINN's Nationwide Education and Outreach Programs.

Requesting Member: Reps. ROBERT B. ADERHOLT, MIKE ROGERS (AL)

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title I, International Trade Administration

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn, Alabama 36849

Description of Request: \$1,000,000 to further research in advanced polymeric materials.

Requesting Member: Reps. ROBERT B. ADERHOLT, DAVID PRICE

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title I, International Trade Administration

Legal Name of Requesting Entity: Textile/Clothing Technology Corporation

Address of Requesting Entity: 211 Gregson Drive, Cary, NC 27511

Description of Request: \$1,000,000 for advanced technology R&D, benefiting the sewn products and hosiery industry sectors through improved knowledge of body shape and the dissemination of said knowledge to improve apparel and hosiery fit and comfort for the consumer.

Requesting Member: Reps. ROBERT B. ADERHOLT, DAVID PRICE

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division B, Title I, NOAA

Legal Name of Requesting Entity: University of Alabama at Birmingham

Address of Requesting Entity: 1530 3rd Avenue South, AB 720E 0111, Birmingham, AL 35294-0111

Description of Request: \$700,000 to develop the capacity to assess the biological effects and disposition of nanoparticles as well as to establish systematic approaches to physiochemical characterization and pathophysiological impact of nanoparticles.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title III, Higher Education/FIPSE

Legal Name of Requesting Entity: Gadsden State Community College

Address of Requesting Entity: P.O. Box 227, Gadsden, AL 35902-0227

Description of Request: \$95,000 to provide and enhance technology infrastructure between Etowah, Calhoun, Cherokee and Cleburne Counties for fiber optic planning and development, economic development and coordination and execution of workforce development.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title III, Higher Education/FIPSE

Legal Name of Requesting Entity: Jacksonville State University Canyon Center

Address of Requesting Entity: 700 Pelham Road North, Jacksonville, AL 36265

Description of Request: \$95,000 for educational materials to integrate K-12 students, teachers, university faculty and federal agencies and improve science test scores and interest in science and environmental studies.

Requesting Member: Reps. ROBERT B. ADERHOLT, Robert (Bud) Cramer

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title III, Higher Education/FIPSE

Legal Name of Requesting Entity: University of Montevallo

Address of Requesting Entity: UM Station 6010, Montevallo, AL 35115

Description of Request: \$190,000 to upgrade its campus-wide technology infrastructure to enhance the quality of education for students and establish a framework that is flexible to adapt to the evolution of future technology developments.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title II, HRSA

Legal Name of Requesting Entity: Cullman Regional Medical Center

Address of Requesting Entity: P.O. Box 1108, Cullman, AL 35056

Description of Request: \$238,000 to assist CRMC in improving the quality, speed, and availability of emergency room services to 150,000 residents of north-Central Alabama.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title II, HRSA

Legal Name of Requesting Entity: Red Bay Hospital

Address of Requesting Entity: P.O. Box 490, 211 Hospital Road, Red Bay, AL 35582

Description of Request: \$381,000 to install an Open MRI suite at Red Bay Hospital so patients in this underserved rural area.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title II, HRSA

Legal Name of Requesting Entity: Walker Baptist Medical Center

Address of Requesting Entity: 3400 U.S. Highway 78 East, Jasper, AL 35501

Description of Request: \$190,000 to modernize emergency power transfer switches.

Requesting Member: Rep. ROBERT B. ADERHOLT

Bill Number: H.R. 1105, Omnibus Appropriations Act, 2009

Provision: Division F, Title I, ETA

Legal Name of Requesting Entity: Beville State Community College

Address of Requesting Entity: P.O. Box 800, Sumiton, AL 35148

Description of Request: \$238,000 to increase capacity in career technical programs that are experiencing an increase in available career opportunities, including automotive, machine tool technology, and others.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. REHBERG. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Act:

INTERIOR

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: DOI—Bureau of Land Management Land Acquisition

Project: Meeteetse Spires Area of Critical Environmental Concern.

Requesting Entity: The entity to receive funding for this project is the Bureau of Land Management.

Amount: \$1,000,000

Description: The funding will enable the Bureau of Land Management to purchase a private in holding within the Meeteetse Spires Area of Critical Environmental Concern.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: NPS—Save America's Treasures

Project: Historic Havre United States Post Office and Federal Courthouse Revitalization
Requesting Entity: Society for the Preservation of Historic Structures, located at 306 Third Avenue, Suite 103, Havre, MT 59501.

Amount: \$100,000

Description: The funding would be used for the restoration and revitalization of the Havre United States Post Office and Federal Courthouse.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: EPA—STAG Water and Wastewater Infrastructure Project

Project: City of Hamilton Wastewater Treatment Plant Upgrades Phase I

Requesting Entity: City of Hamilton, located at 223 South 2nd Street, Hamilton, MT 59840

Amount: \$500,000

Description: The funding will be used for improvements to the Wastewater Treatment Plant which will allow for better solids handling and improve water quality in the Bitterroot River

ENERGY AND WATER

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: BOR—Water and Related Resources

Project: North Central/Rocky Regional Water System

Requesting Entity: Chippewa-Cree Tribe of the Rocky Boy's Reservation, R.R. 1, Box 544, Box Elder, MT 59521 and the North Central Montana Regional Water Authority, P.O. Box 170, Havre, MT 59501

Amount: \$7,000,000

Description: Authorized construction of a water system to provide safe rural, municipal and industrial water for residents of the Rocky Boy's Reservation, Choteau, Glacier, Hill, Liberty, Pondera, Teton and Toole Counties, Montana. The Project is being jointly developed with the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation. The completed system would serve about 30,000 North Central Montana residents.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: BOR—Water and Related Resources

Project: Ft. Peck Dry Prairie Rural Water

Requesting Entity: Assiniboine and Sioux Tribes of the Fort Peck Reservation, P.O. Box 1027, Poplar, MT 59255 and the Dry Prairie Rural Water Authority, P.O. Box 577, Culbertson, MT 59218.

Amount: \$10,000,000

Description: The project involves construction of a water distribution system on the reservation of the Fort Peck Tribes and the surrounding communities. The new system will supply clean water to 30,000 residents of

Northeast Montana. The FY 2009 funding will finance an ongoing contract for construction of the water treatment plant and construction of treated water pipelines from the water treatment plant to Poplar and Wolf Point needed to deliver treated water on the Fort Peck Indian Reservation and for construction of branch lines in the Dry Prairie Project. The local share is nearly one-fourth of the total off-reservation cost.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: BOR—Water and Related Resources

Project: St. Mary's Rehabilitation

Requesting Entity: St. Mary Rehabilitation Group, 74 4th Street North, Glasgow, MT 59230

Amount: \$500,000

Description: Funding request is for the first phase of a multi-year effort to rehabilitate the St. Mary Diversion Facilities and address associated environmental impacts on the Blackfeet Reservation. As authorized under Section 5103 of WRDA 2007, funding will be used to address project coordination and planning, NEPA studies, engineering design, emergency response planning, and right-of-way issues. The St. Mary Diversion Facilities import water from the St. Mary River Basin to the Milk River Basin in north-central Montana serving the drinking water needs for 15,000 in municipalities and 140,000 irrigated acres.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Fossil Energy R and D

Project: MSU—Center for Zero Emissions Research and Technology

Requesting Entity: Montana State University, 207 Montana Hall, P.O. Box 172460, Bozeman, MT 59717

Amount: \$5,709,000

Description: New technologies hold great promise to significantly reduce emissions from fossil fuels, but the engineering, economic, and environmental viability of these zero emission fossil energy technologies must be validated. This virtual center encompasses three national labs (Pacific Northwest National Laboratory (PNNL), Los Alamos National Laboratory (LANL), and Lawrence Berkeley National Lab (LBNL)) and two research universities (Montana State University (MSU) and West Virginia University (WVU)) in heavy coal producing states to monitor and validate deep geological carbon dioxide sequestration and clean power and hydrogen generation from coal.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Non-Defense Environmental Cleanup

Project: MSE—Western Environmental Tech Office (WETO)

Requesting Entity: MSE Technology Applications Inc., P.O. Box 4078, 200 Technology Way, Butte, MT 59701

Amount: \$1,903,000

Description: DOE, through their Western Energy Technology Office, has contracted with MSE Technology Applications, Inc., (MSE) to provide support to DOE's environmental cleanup and closure missions. A typical project

would develop this way: MSE and the DOE site would jointly identify a high priority mission need (for instance, unexpectedly unearthing unknown hazardous liquid chemicals during pit cleanup at Idaho National Laboratory and needing a method for solidification without chemical analysis). MSE would propose an approach, and upon acceptance by the DOE site and DOE-HQ. MSE would evaluate the technical approach at the Butte facility and then along with DOE site personnel test and implement the solution.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Corps of Engineers, Construction

Project: Fort Peck Cabin Conveyance

Requesting Entity: U.S. Army Corps of Engineers Omaha District, P.O. Box 5, Omaha, NE 68101

Amount: \$1,500,000

Description: Funds will be used to contract for sanitation, assessments/engineering services, surveys, appraisals, contract administration, and deed preparation. Funding will be used to continue communication strategy with stakeholders, specifically cabin owners, U.S. Fish and Wildlife Service, Fort Peck Lake Association, BLM, and MT DEQ.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Corps, General Investigations

Project: Yellowstone River Corridor Comprehensive Study

Requesting Entity: Yellowstone River Conservation District Council, 1371 Rimtop Drive, Billings, MT 59105

Amount: \$430,000

Description: The U.S. Army Corps of Engineers and Yellowstone River Conservation District Council, composed of 12 conservation districts along the Yellowstone River in Montana and North Dakota, are conducting a partnered feasibility study for 716,800 acres and 560 river miles in the Yellowstone River Valley. The study, authorized by the Water Resources Development Act of 1999, looks at how human actions have affected the river and its banks over the last 100 years. Once complete, it will allow the Army Corps of Engineers to make defensible "404" permitting decisions for railroads, governments and landowners along the river that take into account the cumulative impacts of development, and design appropriate mitigating measures. (Corps decisions on riverbank structures following the floods of 1996 and 1997 were found deficient in federal court because the Corps could not determine the overall cumulative effect of the permitting decisions.) It will also help local conservation districts define Best Management Practices for managing the river and riparian area.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: Benefis Cardiology Suite

Requesting Entity: Benefis Healthcare Systems located at 2800 11th Avenue South, Great Falls, MT 59405

Amount: \$761,000

Description: Funds will provide bricks and mortar for a new Cardiology Suite, which will house catheterization labs, operating rooms, outpatient diagnostics, pre and post procedure rooms, and a patient education center, as part of the Benefis Heart and Vascular Institute.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: Community Medical Center (CMC) mammography unit

Requesting Entity: Community Medical Center located at 2827 Fort Missoula Road, Missoula, Montana 59804

Amount: \$476,000

Description: This funding would allow CMC to redevelop and modernize its endoscopy department. The current endoscopy department lacks adequate space that makes it difficult for patient access and compromises patient and treatment separation.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: North Country Medical Clinic-Eureka

Requesting Entity: North Valley Hospital Foundation located at 1600 Hospital Way, Whitefish, MT 59937.

Amount: \$404,000

Description: The North County Medical Clinic allows for expanded services in obstetrics, urology, cardiology, orthopedics, physical therapy, ultrasound imaging, full time laboratory and other imaging services such as mobile CAT scan.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: Roundup Memorial Healthcare health facilities and construction

Requesting Entity: Roundup Memorial Healthcare located at 1202 2nd Street West, Roundup, MT 59072.

Amount: \$333,000

Description: The medical clinic in Roundup, which was built in the 1970s, is in need of a remodel and renovation. Space limitations make it difficult for patients with wheelchairs to navigate throughout the clinic. Funds will be used to expand the facilities so that they are ADA compliant.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: Beartooth Hospital

Requesting Entity: Beartooth Hospital and Health Center located at 600 West 21st Street, Red Lodge, MT 59068

Amount: \$333,000

Description: The current Beartooth Hospital and Health Center is an outdated facility—the

patient rooms are too small, nursing stations are crowded, and that clinical information systems are substandard. These funds will support construction of a new hospital, including eight inpatient rooms, a larger emergency department to manage the hospital's exceptionally high rate of emergency care, a larger rehabilitation department to assist persons returning home from either Billings hospital after procedures such as hip or knee replacements or cardiac surgery, and a larger laboratory.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Higher Education

Project: Salish Kootenai College

Requesting Entity: Salish Kootenai College located at P.O. Box 70, Pablo, Montana, 59855.

Amount: \$238,000

Description: Funds will be used to develop training and certification programs in multiple nondestructive inspection disciplines for aging infrastructure. The curriculum will include necessary classroom courses, laboratory courses and at least one quarter of apprenticeship. No similar college training programs for NDI careers are available in the state of Montana.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: Saint Patrick Hospital mental health facility

Requesting Entity: Saint Patrick Hospital located at 500 West Broadway, Missoula, MT, 59802.

Amount: \$285,000

Description: To meet the growing need for mental health services in Western Montana, Saint Patrick Hospital is constructing a new mental health care unit within the hospital's emergency department.

Funds will support the construction of three mental health/substance abuse rooms, a nurses' station, utility rooms and a security office, storage rooms for restraints and other equipment, a "sally port garage" with automatic doors that close to prevent flight by patients who might injure themselves or others at the facility, a state-of-the-art camera monitoring system for security purposes, and a supervisor station at the emergency department for mental health cases.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Project: Billings Clinic cancer facility

Requesting Entity: Billings Clinic located at 2917 Tenth Avenue North, Billings, MT 59103.

Amount: \$285,000

Description: Billings Clinic will use funds to build a facility for cancer patients and their families as they undergo treatments at the Cancer Center. Through this service, Billings Clinic can provide access to the most up-to-date and innovative oncology therapies available.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA—Health Facilities and Services)

Project: St. Vincent Healthcare Foundation

Requesting Entity: St. Vincent Healthcare Foundation is located at 1106 North 30th, Billings, MT 59101

Amount: \$95,000

Description: St. Vincent Healthcare will use these funds to construct a digital mammography unit housed in a mobile van to deliver mammography services to underserved women of Eastern Montana.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Health Resources and Services Administration (HRSA—Health Facilities and Services)

Project: Sidney Health Center

Requesting Entity: Sidney Health Center located at 216 14th Ave SW, Sidney, MT 59270

Amount: \$95,000

Description: Sidney Health Center is in the process of upgrading and enhancing essential medical care for rural northeast Montana. These funds will support new digital radiology equipment, laboratory equipment and other diagnostic equipment within an electronic medical record.

AGRICULTURE

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Agricultural Research Service, Buildings and Facilities

Project: Animal BioSciences Research Facility

Requesting Entity: Montana State University, located at 207 Montana Hall, P.O. Box 172460, Bozeman, MT 59717

Amount: \$2,192,000

Description: The funding will be used for construction of a new Animal BioSciences Research Facility that would include meeting rooms, distance learning delivery rooms, offices and research laboratories.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Cooperative State Research Education and Extension Service, Research and Education

Project: Montana Beef Network

Requesting Entity: Montana State University, 207 Montana Hall, P.O. Box 172460, Bozeman, MT 59717

Amount: \$682,000

Description: The funding would be used for continuing educational programs aimed at meeting Beef Quality Assurance standards and information dissemination.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Cooperative State Research Education and Extension Service, Research and Education

Project: Brucellosis Vaccines for Bison

Requesting Entity: Montana State University, 207 Montana Hall, P.O. Box 172460, Bozeman, MT 59717

Amount: \$305,000

Description: The funding will be used to aid in eliminating the threat of brucellosis infec-

tions in wildlife and livestock through the development of effective new vaccines and vaccine delivery systems.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Cooperative State Research Education and Extension Service, Research and Education

Project: Barley for Rural Development

Requesting Entity: Montana State University, 207 Montana Hall, P.O. Box 172460, Bozeman, MT 59717

Amount: \$514,000

Description: The funding will be used in collaboration with University of Idaho and North Dakota State University to develop improved malt, feed, cellulosic ethanol and food barley varieties for barley growers in rural communities.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Project: Greater Yellowstone Interagency Brucellosis Committee

Requesting Entity: Montana Department of Livestock, 301 North Roberts Street, P.O. Box 202001, Helena, MT 59620

Amount: \$650,000

Description: The funding will support research and activities to reduce the prevalence of brucellosis in wildlife as well as to reduce the risk of transmission of brucellosis from wildlife to cattle.

Requesting Member: Representative DENNY REHBERG

The Bill Number: H.R. 1105

The Account: Rural Business-Cooperative Service, Rural Cooperative Development Grants

Project: Appropriate Technology Transfer for Rural Areas (ATTRA)

Requesting Entity: National Center for Appropriate Technology, 3040 Continental Drive, P.O. Box 3838, Butte, MT 59702

Amount: \$2,582,000

Description: The funding will be used for ATTRA which offers technical information and assistance to farmers, ranchers and agricultural information providers interested in sustainable agriculture technologies and marketing methods.

COMMERCE, JUSTICE, STATE

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: DOJ—COPS Meth

Project: Montana Meth Project

Amount: \$1,000,000

Description: The entity to receive funding for this project is the Montana Meth Project at 305 South Fourth Street East, Missoula, MT 59801. The funding would be used in acquiring advertising promotion for the purpose of combating Meth addiction in Montana.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

Account: Department of Justice—OJP—Byrne Discretionary Grants

Project: Montana State University/Billings—Academic and Skills Development

Amount: \$350,000

Description: The entity to receive funding for this project is Montana State University, Bil-

lings at 1500 University Drive, Billings, MT 59101. The funding will be used in the continued development and implementation of an academic program for inmates at the Montana Women's Prison that offers inmates general education coursework toward certificate or associate degrees, providing them with job and life skills.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: DOJ—COPS Law Enforcement Technology

Project: Great Falls Regional Firearms Training Facility

Amount: \$282,000

Description: The entity to receive funding for this project is the Great Falls Police Department at 112 1st Street South, Great Falls, MT 59401. Funding will be used in the development and construction of a multi-agency facility to provide a realistic hands-on training environment that is conducive to protecting local and national security.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

Account: Department of Justice—OJP—Byrne Discretionary Grants

Project: City of Billings Digital Video Project

Amount: \$269,000

Description: The entity to receive funding for this project is the City of Billings at 210 N. 27th St, Billings, MT 59101. This funding will be used in purchasing digital in-car video equipment for patrol cars.

FINANCIAL SERVICES

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: SBA

Project: Montana World Trade Center—Enterprise

Amount: \$300,000

Description: The entity to receive funding for this project is Enterprise—Montana at Gallagher Business Building, Suite 257, University of Montana, Missoula, MT 59812. The funding would be used in creating clusters of small businesses in areas including agriculture, food products, environmental and engineering services.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: SBA

Project: Montana State University—(MMEC) Commercialization of Bio-Products

Amount: \$100,000

Description: The entity to receive funding for this project is Montana State University, Bozeman at 207 Montana Hall, Bozeman, MT 59717. The funding would be used in the continued development and commercialization of bio-based products.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: SBA

Project: TechRanch University Centers Program

Amount: \$100,000

Description: The entity to receive funding for this project is Montana State University, Bozeman at 207 Montana Hall, Bozeman, MT 59717. The funding would be used in development of a pilot program for strategic business development in the rural areas throughout Montana.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: FHWA—FL

Project: Montana Secondary 323 from Ekalaka to Alzada

Amount: \$2,850,000

Description: The entity to receive funding for this project is the Montana Department of Transportation at 2701 Prospect Avenue, Helena, MT 59620. The funding would be used for the continued improvements of Secondary Highway 323 in order to upgrade the corridor for a safer and modern standard of travel in Southeastern Montana, as well as a greater enhancement for commercial and recreational transportation.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: FHWA—FL

Project: Livingston Railroad Grade Separation Undercrossing

Amount: \$332,500

Description: The entity to receive funding for this project is the City of Livingston at 414 E. Callender Street, Livingston, MT 59047. The funding would be used in the preparation of environmental documentation, development of project design, and preparation of contract documents for bidding and construction of a railroad grade separated undercrossing.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: FHWA—FL

Project: The Poverello Center

Amount: \$285,000

Description: The entity to receive funding for this project is the Poverello Center, Inc. located at 535 Ryman Street, Missoula, Montana 59802. The funding will be used in the expansion of the Poverello homeless shelter and soup kitchen.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: Buses & Bus Facilities

Project: Billings Replacement Paratransit Vans

Amount: \$247,000

Description: The entity to receive funding for this project is the City of Billings at 210 N. 27th St., Billings, MT 59101. The funding will be used in replacement of four handicapped equipped vans for the elderly and disabled community.

Requesting Member: DENNY REHBERG

The Bill Number: HR 1105

The Account: HUD—EDI

Project: Jefferson County Sunlight Business Park

Amount: \$142,500

Description: The entity to receive funding for this project is the Jefferson Local Development Corporation at 309 East Legion Street, Whitehall, MT 59759. The funding will be used in the development of infrastructure to foster economic diversification in the Sunlight Business Park project.

RECOGNIZING BEVERLY ECKERT'S SERVICE TO THE NATION AND PARTICULARLY TO THE SURVIVORS AND FAMILIES OF THE SEPTEMBER 11, 2001, ATTACKS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Ms. SLAUGHTER. Madam Speaker, I rise today to introduce a resolution recognizing Beverly Eckert's service to the Nation and in particular to the survivors and families of the September 11, 2001 attacks. I am deeply saddened by the loss of such an inspirational and courageous woman, and extend my deepest sympathies to her family and friends on their loss.

Beverly Eckert was the widow of Mr. Sean Rooney, who died in the September 11, 2001, terrorist attacks on the World Trade Center. Beverly had been among the most visible faces of the victims families in the aftermath of the attacks. Following her husband's death, Beverly co-founded "Voices of September 11", an advocacy group for survivors and 9/11 families. Beverly was instrumental in the development and growth of this important advocacy group, which now claims more than 5,500 members.

Beverly and other members of the Voices of September 11 testified before the 9/11 Commission to help report on the September 11th terrorists attacks. Beverly worked admirably with the 110th Congress and was a key proponent in the final passage of the "Implementing the 9/11 Commission Recommendations Act of 2007"—the important legislation to effectuate the recommendations of the 9/11 Commission to prevent, prepare, and respond to acts of terrorism.

All too tragically, Beverly lost her life in the devastating crash of Continental Connection Flight 3407 on February 12, 2009. As the tireless advocate she was, Beverly was on her way to Buffalo to mark what would have been her husband's birthday and launch a scholarship in his memory. We have all lost an inspiring and tenacious woman in Beverly. We must continue to honor her memory and her accomplishments, and carry on her mission.

This resolution acknowledges Beverly's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks; recognizes Beverly's work to help bring about implementation of the 9/11 Commission recommendations to prepare, prevent, and respond to acts of terrorism; and extends its deepest condolences to the family of Beverly Eckert and the families of all those who lost their lives due to the crash of Continental Connection Flight 3407.

I urge my colleagues to support this resolution, honor the life of Beverly Eckert, and commemorate her valuable service to the 9/11 survivors and families and to this country.

IN HONOR OF CLEAN OCEAN ACTION

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor Clean Ocean Action's 25th anniversary. Clean Ocean Action, led by Cindy Zipf, is a national and regional leader on the protection of our coastal environment. For twenty-five years Clean Ocean Action has fought against ocean dumping and the industrialization of our coast. They have also worked to improve programs and laws that protect public health at our beaches.

Most importantly, Clean Ocean Action focuses on grassroots organizing to create awareness about coastal environmental issues. They have been outstanding at rallying coastal communities and like-minded organizations against the industrialization of our coast and the degradation of our beaches.

We have come a long way in the last 25 years. When Clean Ocean Action started there were countless beach closures and medical waste on the New Jersey shore. However, with Clean Ocean Action's leadership we have been able to close eight ocean dumpsites and we now have powerful clean water laws on the books. Laws like the BEACH Act have ensured better monitoring of beach water, greater public awareness, and improved health.

In these twenty-five years I have stood side-by-side with Clean Ocean Action. I have introduced the Clean Ocean Zone, a comprehensive set of policies that will preserve the New York/New Jersey Bight as a great place for residents and visitors to enjoy. I will continue to stand on the front lines with Clean Ocean Action to keep our beaches clean and to protect our coastal environment.

Madam Speaker, I sincerely hope that my colleagues will join me in honoring Clean Ocean Action and their leader Cindy Zipf for their environmental stewardship and their commitment to keeping our beaches clean, safe and healthy.

100TH ANNIVERSARY OF THE FIRST MILITARY FLIGHT

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. SMITH of Texas. Madam Speaker, United States military aviation was born in San Antonio on March 2, 1910, when 1st Lt. Benjamin Foulois launched a Wright Brothers "Aeroplane" into the air from a wooden take-off ramp at the Fort Sam Houston Parade Field. This first flight revolutionized military combat, and dramatically influenced public transportation and commerce around the globe.

March 2, 2010, will mark the 100 year anniversary of military aviation, and San Antonio would like to celebrate this in a special way. They would like to make military aviation a theme for the entire year, encompassing everything from San Antonio's Fiesta celebration

to The Chamber's annual "Celebrate America's Military".

This anniversary will include a reenactment of Foulois' first flight using a replica of the original Wright Flyer at Fort Sam Houston, Texas.

San Antonio is home to many aviation legends and firsts, among them: In 1924, Charles Lindberg became a flying cadet in the United States Air Reserve, training at Brooks and Kelly fields. Dr. Francis Kane developed the GPS system, which was originally used for precision bombing. On June 3, 1965, astronaut Edward Higgins White, II, a San Antonio native, became the first American to conduct a spacewalk. Gen Schielberg is father of space missile defense. U.S. astronauts used the centrifuge at Brooks City-Base for nearly 40 years to conduct space training. Brooks AFB was the first center for manned space travel.

All of this occurred as a result of the first military flight in San Antonio.

HONORING BRAD SCHIPPER

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate New Hartford Fire Chief Brad Schipper on receiving the 'Heroes Among Us Award.' Chief Schipper received this award for his dedication to his community during and after this summer's tornado and floods that ripped through Iowa.

This award is presented to an individual or individuals who, through their unique commitment and humanitarian spirit, have made exceptional and lasting contributions to their community. This is an everyday task that Chief Schipper has been committed to for the past 19 years as a member of New Hartford's Fire Department.

Our everyday public servants are individuals that keep our families and us safe and represent the very best of our communities. Chief Schipper has been dedicated to this objective and is truly a hero among us.

I am proud to represent Brad and the town of New Hartford in Congress. I congratulate Brad on his extraordinary accomplishment and ask you to join me today to honor the service of one of our hometown heroes.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this infor-

mation, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 3, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 4

9 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine systemic risk and breakdown of financial governance.
SD-342

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine improving nutrition for America's children in difficult economic times.
SH-216

Budget
To hold hearings to examine the President's proposed budget for fiscal year 2010.
SD-608

10 a.m.
Finance
To hold hearings to examine the President's proposed budget for fiscal year 2010.
SD-215

Judiciary
To hold hearings to examine getting to the truth through a nonpartisan commission of inquiry.
SD-106

Aging
To hold hearings to examine health reform in an aging America.
SD-562

2:30 p.m.
Foreign Relations
To hold closed briefing to examine Iran status report, focusing on nuclear and political issues.
SVC-217

Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine tax haven banks and United States tax compliance, focusing on obtaining names of United States clients with Swiss Accounts.
SH-216

MARCH 5

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine draft legislative proposals on energy research and development.
SH-216

Veterans' Affairs
To hold joint hearings to examine the legislative presentations of veterans' service organizations.
SD-106

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine American International Group, focusing on government intervention and implications for future regulation.
SD-538

Homeland Security and Governmental Affairs

To hold hearings to examine transparency and accountability for recovery and reinvestment spending.
SD-342

Judiciary

Business meeting to consider S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, S. 49, to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law, S. 146, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, S. 256, to enhance the ability to combat methamphetamine, and the nominations of Elena Kagan, of Massachusetts, to be Solicitor General of the United States, Thomas John Perrelli, of Virginia, to be Associate Attorney General, and David S. Kris, of Maryland, to be an Assistant Attorney General, all of the Department of Justice.
SD-226

10:30 a.m.
Foreign Relations
To hold hearings to examine United States strategy regarding Iran.
SD-419

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine how the Obama Administration can achieve an accurate and cost-effective 2010 census.
SD-342

Intelligence
To hold closed hearings to examine intelligence matters, receiving testimony from officials of the intelligence community.
SH-219

MARCH 6

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for February 2009.
SD-106

MARCH 9

2:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine preventing worker exploitation, focusing on protecting individuals with disabilities and other vulnerable populations.
SD-430

5 p.m.
Finance
To hold hearings to examine the nomination of Ronald Kirk, of Texas, to be United States Trade Representative, with the rank of Ambassador.
SD-215

MARCH 10

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine budget for veterans programs for fiscal year 2010.

SR-418

10 a.m.

Energy and Natural Resources

To hold hearings to examine proposed legislation to provide for the conduct of an in-depth analysis of the impact of energy development and production on the water resources of the United States.

SD-366

Commission on Security and Cooperation in Europe

To hold hearings to examine the impact of potential climate remediation policies on carbon-intensive United States industries and creating climate-friendly economic and trade policies, focusing on how the financial crisis impacts the implementation of climate-friendly policies within the United States and among trading partners.

SR-428A

MARCH 12

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine proposed legislation regarding siting of electricity transmission lines, including increased federal siting authority and regional transmission planning.

SD-366

Veterans' Affairs

To hold joint hearings to examine legislative presentations of veterans' service organizations.

SD-106

MARCH 17

9:30 a.m.

Armed Services

To hold hearings to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command.

SH-216

MARCH 18

9:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.

334, Cannon Building

MARCH 19

9:30 a.m.

Armed Services

To hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea.

SH-216

MARCH 25

9:30 a.m.

Veterans' Affairs

To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.

SR-418

HOUSE OF REPRESENTATIVES—Tuesday, March 3, 2009

The House met at 10:30 a.m.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

SUPERFUND REAUTHORIZATION

The SPEAKER. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the budget that President Obama submitted to Congress last week calls for the reinstatement of the “polluter pays” principle for the Superfund program.

As someone who has been dealing with a Superfund site in my district for over 20 years, I am pleased that the President has added his important voice to this cause. I have introduced H.R. 564, the Superfund Reinvestment Act, which would implement his recommendations. I urge my colleagues to cosponsor it.

The Superfund program was created in 1980 to provide money to clean up the Nation’s worst hazard sites where the party responsible for polluting was out of business or could not be identified. Superfund sites contain toxic contaminants that have been detected in drinking water wells, creeks and rivers, backyards and playgrounds all across America. Indeed, about 1 in 4 Americans lives within 4 miles of a Superfund site.

Communities impacted by these sites can face restrictions on water use and recreational activities as well as economic losses as property values decline due to contaminated land. In the worst cases, residents of the community can face serious health problems such as cardiac impact, infertility, low birth rates, birth defects, leukemia, and other cancers and respiratory difficulties.

Approximately 30 percent of these sites are considered “orphan” sites where a responsible party cannot be found, cannot pay or refuses to pay. In these cases, the Superfund trust fund is tapped to help pay for the cleanup. That Superfund program has contributed to the cleanup of over 1,000 sites across America.

Before the tax expired in 1995, the money for the Superfund trust fund came mainly from taxes on the pol-

luters, themselves—the oil and chemical companies—that profited from the sale or use of the chemicals being cleaned up. Because Congress in the past has not reauthorized the taxes, the rate of cleanup for Superfund sites has declined, and the burden for funding the cleanup of these toxic waste sites now falls on the shoulders of all tax-paying Americans, not those who were responsible for it.

By 2003, the balance in the Superfund trust fund had dwindled to zero, delaying 29 sites around the country. Today, the Superfund relies heavily on scarce general fund revenues, increasing the burden on American taxpayers at a time when cleanup costs are increasing. The lack of funding also reduces the EPA’s leverage in forcing companies to clean up after their own sites. The delay has resulted in greater health risks to people living near Superfund sites. It has resulted in increased damage to local communities as sites remain a drain on the local tax base, and in the long run, it results in higher ultimate cleanup costs.

One of the sites that has experienced delay due to the EPA’s lack of funding is the Portland Harbor Superfund site in my district, officially a Superfund site in December of 2000 but a source of concern for years. The sources of contamination include former and current industrial operations and, indeed, the Federal Government, itself, because of World War II shipbuilding.

While a number of potentially responsible parties, such as the Port of Portland and the Northwest Natural Gas Company, have stepped forward to begin the cleanup process, it is expected that much of the pollution at the Portland Harbor site will be unaccounted for. Normally, this orphan share would be paid by the Superfund. Since there is no money in the fund, the EPA may decide to distribute the liability to those already identified responsible parties, significantly increasing their cleanup costs and serving as a disincentive for people to come forward and help voluntarily. This may be one of the largest and costliest in the program’s history, but it is but one example around the country.

Many of the responsible parties are eager to clean up actions on the site, but the EPA has not even issued a record of decision to clean it up. The EPA tells us this record of decision is about 3 to 5 years away, which basically has been the same story for the past 9 years, in part, because we don’t have the resources. In the meantime,

contamination is negatively impacting navigation and redevelopment activities around the region, not to mention threatening the health and safety of those who live around the river.

Portland Harbor is one of many examples of sites around the country that will benefit from reinstating the Superfund taxes. Until it expired in 1995, the Superfund tax generated about \$1.7 billion a year to clean up these hazardous areas.

I hope that my colleagues will work with me to ensure that the polluters, not the general fund taxpayers, clean up our country’s most hazardous waste sites by cosponsoring the Superfund Reinvestment Act, H.R. 564.

BIG GOVERNMENT IS BACK

The SPEAKER pro tempore (Ms. BERKLEY). The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, the era of big government is back. President Obama’s proposal last week on the budget raises the deficit to \$1.75 trillion. That is 12.3 percent of GDP. Even while rolling back the 2001 and 2003 tax cuts, the Democrats’ budget stills grows the deficit, and we’ve been told over the years that it was those tax cuts that created the deficit.

The national debt will double to \$20 trillion in just 8 years. Think of that, ladies and gentlemen, \$20 trillion. In the last 8 years, the budget rose only by \$4.9 trillion in comparison. The Obama administration will exceed that within their first 3 years. Beginning in 2012 and every year thereafter, the government will spend more than \$1 billion a day in net interest. Just think what we could do with that kind of money.

I’ve just been visited by representatives of School Food Service in the Fifth District of North Carolina. They tell me, unless the Federal Government increases its commitment to School Food Service, children in our country are going to go hungry. Think what we could do with \$1 billion a day.

By 2019, the government will spend \$1.7 billion per day on interest. Total spending is going to equal \$3.9 trillion in 2009. That’s 27 percent of GDP, a record level and the highest level as a share of GDP since World War II. This spending is going to expand net entitlement spending by \$1 trillion over 10 years, and it includes a \$634 billion down payment on socialized medicine.

Medicaid spending will double in less than a decade, growing from \$201 billion in 2008 to \$403 billion by 2017, and

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

there are no provisions for rooting out waste, fraud and abuse in this program. It's going to increase domestic—non-defense, non-veterans, non-homeland security—discretionary spending by at least 10 percent next year on top of the 8.7 percent increase this year.

Ladies and gentlemen, the American people can not stand this debt and can not stand this kind of spending.

The proposed budget also raises taxes by \$1.4 trillion during a recession. This includes tax increases on American business, small businesses and individuals. Furthermore, all Americans who use energy will be penalized with a new carbon tax. This energy tax negates the so-called "tax cut" for 95 percent of Americans, because 100 percent of Americans who use any form of energy are going to pay this tax.

It reinstates the death tax. This onerous tax punishes families for building up savings to pass on to their heirs, and it imposes an especially heavy burden on small businesses and family farms. It will penalize Americans for contributing to charities by increasing taxes by \$179.8 billion over 10 years.

The budget repeals seven different tax provisions for oil and gas producers, including a manufacturing deduction and the expensing of drilling costs, which would effectively raise taxes on the industry by \$60 billion.

The new policy of Cap and Tax, or Cap and Trade, would impose a \$79 billion annual cost to the economy, or \$646 billion over 10 years. This is going to raise energy prices by an average of \$516 per year for each household.

We heard the President talk about responsibility and accountability. By my account, he mentioned "responsibility" seven times last week in his speech to Congress, and he mentioned "accountability" six times. Ladies and gentlemen, it is time that Congress lives up to its responsibility and becomes accountable for its spending and stops passing these spending costs along to future generations.

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 5 minutes.

Mr. PALLONE. Madam Speaker, I wanted to talk about health care reform and start off by mentioning that, in my opinion, in the last month or so since President Barack Obama has taken office, more has been done under his auspices in terms of health care reform than probably has been done in the last 10 years. I specifically would mention the SCHIP—children's health care expansion—and those health initiatives, those health care reform initiatives that are in the economic recovery package. They are significant for many reasons.

First of all, if you look at the SCHIP, or the children's health care initiative,

we have on the books or we had before this initiative for about 10 years a program that allowed working parents who did not receive health care on the job through their employers to be able to receive it through the State. These were people who were working but who were not poor enough to qualify for Medicaid. Yet, if they went out and tried to buy private insurance for their children and for themselves, they essentially were not able to because the private market is too expensive.

□ 1045

And so about 12 years ago, Democrats and Republicans, on a bipartisan basis, got together and set up the SCHIP children's health initiative, the Federal Government giving the States money to cover these kids in certain categories, maybe 200 percent of poverty or, in some cases, even as high as 300 percent of poverty. It worked.

About 7 million children who did not have health insurance were covered, and we decided as Democrats—and we tried to get some Republicans and actually did get some Republicans to support us—that we needed to expand it by another 4 or 5 million kids who were eligible for the program but were not receiving the benefits, either because the States didn't have the money or because they couldn't reach them through their outreach programs.

So one of the first things that was done by this new Congress was to pass an SCHIP expansion bill. Actually, it had a two-thirds majority vote here in the House of Representatives—over 40 Republicans joined with Democrats—and President Obama signed the bill just a few weeks ago.

We know it's going to work. We know it's going to do a lot to expand health insurance for kids who do not have it, and that makes sense because the bottom line is that if people have health insurance, then they go to a doctor more frequently. They get preventive care. They don't have to go in an emergency room. They don't get sicker, which ultimately causes the Federal Government and the State government more money.

Let me talk about the economic recovery package. In the economic recovery package, there are a number of health care reform initiatives. First of all, there's money that goes back to the States, about \$80- to \$90 billion, to help them enroll people on Medicaid. Because of the recession, because more people now do not have a job and, therefore, lose their health insurance, the Medicaid rolls have expanded, but States can't afford to expand the Medicaid rolls and, in many cases, were already starting to limit who would be eligible for Medicaid. But now, the Federal Government is giving the States essentially about \$80- to \$90 billion to help them defray that cost so that anyone who's eligible for Medicaid would be able to receive it.

In addition to that, if you were employed and you lost your job, we have a system now called COBRA, which is an acronym, where if you do lose your job, you can pay the full cost of the health insurance that your employer was providing you and continue to have your existing health insurance that you had on the job for another 18 months. But the problem is you have to pay out of pocket 100 percent, actually 102 percent because of the administrative costs, because your employer is not contributing anymore. So, with the economic recovery package, the Federal Government now will pay 65 percent of the cost of COBRA which makes it a lot more affordable for those who are eligible for COBRA.

But beyond that, there are major reforms in the economic recovery package in health care, in many significant ways, not just the money. For example, there is a major initiative on preventive care. There's a major initiative on wellness, to basically teach people about staying healthy so they don't get sick and cost the system a lot of money. There's also \$20 billion for health information technology, so that hospitals and doctors can upgrade their systems and, rather than using paper, have all their records done electronically. This saves the system money.

What President Obama is trying to do in the economic recovery package is basically lay the groundwork, if you will, for doing health care differently. If the emphasis is on prevention, if the emphasis is on wellness, if the emphasis is on new technologies that bring costs down because you can do things more effectively, then not only do you have less mistakes and a more efficient system, but you have a system that ultimately costs less money.

ECONOMIC STIMULUS II—MORE DEBT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, with America facing an almost 8 percent unemployment rate, record low consumer confidence, and this country's worst economic downturn since the beginning of World War II, our Nation needs a real economic stimulus package that will give tax relief to hurting American businesses, create long-term sustainable job growth, and provide real permanent tax relief to American families. What this country does not need is the Federal Government increasing our national debt to record levels, burying our children and our grandchildren under a mountain of debt.

This Democrat spending plan is simply not stimulative. According to CBO, the plan includes over \$600 billion in new spending. There are some tax cuts, but of the \$816 billion in the program, the majority is for new spending, from

2009 to 2019. While this plan is aimed at quickly injecting government cash into the economy, only 15 percent of the spending will occur during this fiscal year, and only 37 percent of the spending will occur in fiscal year 2010. This means that over half of the plan's spending will occur starting in the year 2011, hardly a quick injection into the lagging economy as promised by the Democrat authors.

Many have looked to our economic history to provide guidance for us today during this difficult time. Particularly, they've looked at the New Deal under President Roosevelt. Unfortunately, what many economists have found is that the New Deal principles are stale ideas that do not translate into economic stimulus for our economy in the 21st century.

First, the Great Depression began in 1929 and did not end until 1940. And the stock market did not return to the level of September 3, 1929, until 1954. If today's economy were to go through a similar recovery, we would not fully escape the current recession until the year 2018, and the Dow would not reach its high of 2007 until the year 2032.

Secondly, many economists note that during the Great Depression the United States did not actually have much of an expansionary fiscal policy. As Tyler Cowen stated in the New York Times article, *The New Deal Didn't Always Work*, Either, "Under President Herbert Hoover and continuing with Roosevelt, the Federal Government increased income taxes, excise taxes, inheritance taxes, corporate income tax, holding company taxes and 'excess profits' taxes. When all of these tax increases are taken into account, the New Deal fiscal policy didn't do much to promote recovery."

This legislation is also an unprecedented expansion of the nation's debt burden. The U.S. is projected to have a \$1.2 trillion deficit in FY 2009 even without the enactment of any stimulus legislation. As a percentage of GDP, the projected FY 2009 deficit (8.3% of GDP) is considerably larger than any deficit during the Great Depression (the highest was 5.4% of GDP in 1934).

The year 2008 could easily be defined as the year of the bailout. The months have passed in a torrent of troubling government "rescues" of private sector financial firms. Those bailouts have come at a great price and have exposed American taxpayers to vast financial risk. And in a financial crisis, such as the one we are now facing, bailout after bailout is quite simply not a good strategy for recovery.

Since October of 2008, the U.S. Treasury has committed \$350 billion in public funds to private financial institutions, many of which have utilized reckless investment strategies, through the Troubled Asset Relief Program (TARP).

Specifically, insurance giant AIG has received \$40 billion, Citigroup—which just tried to spend \$50 billion on a luxury corporate jet—has received \$20 bil-

lion, an additional \$20 billion has been given to the Federal Reserve, and \$250 billion has gone to large national banks in the form of direct capital injections. Even more troubling is the \$23 billion of these TARP funds, which has been allocated to bail out automobile manufacturers such as General Motors and Chrysler. This type of government intervention in the private sector is unprecedented and has put us on a precarious path to socialism.

Given the massive amount of money the Federal Government has spent on bailouts since March of 2008, along with the ever-increasing debt level, it is unconscionable to continue committing good money after bad. This money belongs to the American taxpayer, and now, more than ever, we must rein in this out-of-control government spending for our future generations who will have to pay back this irresponsible debt accumulation.

Madam Speaker, we need to turn off the government spigot of Federal funding into non-stimulative debt spending. It is time for Congress to pass a real economic stimulus package that will give tax relief to hurting American businesses, create long-term sustainable growth, and provide real permanent tax relief to American families.

THE LAW OF UNINTENDED CONSEQUENCES

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. McCLINTOCK) for 5 minutes.

Mr. McCLINTOCK. Madam Speaker, I'd like to offer a word of caution about the law of unintended consequences.

Last week, this House passed the administration's proposal to allow homeowners to force banks to reduce the size of their mortgages and their interest payments.

Well, there are millions of families, including my own I might add, who now owe more on our mortgages than our homes are worth, and yet more than 90 percent of homeowners continue to make our mortgage payments in hopes of better days to come.

Question: How many of these people who have been faithfully making their mortgage payments will now take advantage of this new law to reduce their mortgage debt by tens or even hundreds of thousands of dollars?

And while we're at it, here's another question. As these borrowers decide to cash in on this windfall, how many additional banks will fold as the value of these otherwise perfectly sound mortgages is crammed down by this new law?

And a final question: How high will the surviving banks raise their interest rates and down payment requirements to protect themselves against future governmental interventions?

I'm afraid that all we will have done is to create a society where fewer

banks will be able to make loans and fewer home buyers will be able to access loans and produce an additional downward spiral in home values.

Madam Speaker, the law of unintended consequences is beyond Congress' jurisdiction, and we would do well to heed it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona) at noon.

PRAYER

Rev. Lawrence L. Vollink, National Chaplain, American Legion, Ypsilanti, Michigan, offered the following prayer:

Always, Lord God, You have been our help in days past. You have been our hope for the days ahead. We are so overwhelmed that out of Your love, You lead us, You protect us, You sustain us, and You bring comfort to Your people, sometimes miraculously, and at other times, from a distance. And to us has been given that sacred trust to bring honor and goodness to all people.

We again ask for Your wisdom to be given to our Representatives as they uphold what is right and true. May You always be near to guide in their decisions, to comfort them in their failures, and to keep them humble in their successes. Give us faith, Lord, that we can see in every difficulty there is an opportunity, and in every blessing there is a responsibility, and in every purpose a task.

Lord, we ask for Your watchful eye to be upon our troops wherever they are serving. And be with their families that love them dearly and for those who are grieving their loss at this time. We give thanks for all of the organizations who have given support to make our troops return safe and sure.

Wherever we are serving, help us to accomplish great and good things for our States and for our Nation, now and forever. We pray for Thy glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland (Ms. EDWARDS) come forward and lead the House in the Pledge of Allegiance.

Ms. EDWARDS of Maryland led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution and a joint resolution of the following titles in which the concurrence of the House is requested:

S. Con. Res. 9. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week.

S.J. Res. 12. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

WELCOMING REV. LAWRENCE L. VOLLINK

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. ROGERS) is recognized for 1 minute.

There was no objection.

Mr. ROGERS of Michigan. I'm very honored to be here to welcome Chaplain Larry Vollink and his wife, Susie, who was also in the counterintelligence field in the United States military during her day. They're in Washington, D.C. for the annual Washington American Legion Conference. The chaplain is the national chaplain for the American Legion. He lives in Ypsilanti, Michigan, a graduate of South High School, the very same high school that Gerald Ford attended.

He's retired from the Army after 20 years of service to his country. He was stationed in Germany, Fort Campbell, Fort Carson and Selfridge Air Base in Michigan.

He has pastored churches in Ohio and Illinois and Michigan. He has served as a pastor and continues to serve as a pastor in hospitals and Hospice around the mid-Michigan area.

He has committed and dedicated his life to the military families that he loves and respects and is a part of. He has nourished their souls and strengthened their faith. We are honored to have him today lead us in prayer and through the challenging days that lie ahead of this great Nation. And we welcome not only his wife, Susie, but the entire Michigan delegation that has joined him. He's got one heck of a cavalry in his reserve.

BLUEPRINT FOR THE FUTURE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. The President has presented his budget, and it really is a blueprint for the future. It's time to end the responsibility that's been created over the last decade and return us back to some honest accounting principles; to making certain that we put everything in the pot, examine line by line the budget, and make the kind of investments in the future that will strengthen our economy and grow our economy for our children.

And what does that mean? Investments in clean energy, so that we're no longer dependent on fossil fuels and foreign oil; investments in renewable energy, wind and solar, and biofuels.

We'll make sure that we have a health care system that really works for every American, making sure that we have quality affordable access to health care. This is an investment that the President has put before us in his budget, and it's an investment whose time is overdue.

Investments in education that make certain that from pre-Kindergarten through high school and then on-going learning we are preparing a workforce for the future, a workforce for the 21st century economy. And then, of course, making sure that we invest in our infrastructure, in water and sewer and transportation and broadband, in an electrical grid for the future, being certain that we've made the kinds of investments. The President has presented a budget that makes the kind of investments that will restore us to a strengthened economy in the 21st century.

WHAT'S A TRILLION DOLLARS?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in February this House passed two bills that are well over \$1 trillion: the illusive Stimulus Bill that rewards special interest groups, and the Omnibus Appropriations Bill. Both were passed.

There are even more high-dollar government programs being planned in back rooms of this Capitol.

So how much is \$1 trillion? Well, it's 1 with 12 zeros behind it. It will buy you 36 million Chevrolet Malibus. It's spending \$1,000 a day at the mall for 2.5 million years. Or it will pay the college education for every high school graduate for the next 10 years.

Mr. Speaker, the problem with this spending is we don't have the money, so we're going have to borrow it or raise taxes. Both of those are bad ideas. This big government spending spree agenda is not helping our economy. The stock market keeps going down. Congress is forcibly taking money from Americans to spend on programs that don't work, and also acquiring debt that Americans yet to be born will have to pay for.

And that's just the way it is.

A CLEAR, VISIONARY BLUEPRINT FOR AMERICA'S FUTURE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, last Thursday, we were given the most honest, visionary and fair budget that we have gotten in 8 years. It includes the cost of the wars and the cost of patching the Alternative Minimum Tax which the Bush budgets were never willing to do. It invests in an education and energy future that will sustain a strong prosperous economy. And the fact is that it is fair.

Now, that's going to be the talking point, that it does allow taxes to be restored on those who have seen the highest income growth over the last 8 years, the wealthiest 2 percent of our society. This issue has historically been a defining feature of America, that people who benefit the most from our economic prosperity should pay for the cost of the military that defends that wealth, should pay for the cost of the roads and the rails that transport that wealth, and, in fact, should pay for the cost of educating the workforce that produces that wealth.

This budget, for the first time in 8 years, is not dead on arrival. This is a clear visionary blueprint for America's future, and we should support it.

SAVE TOURS OF THE CAPITOL

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. JIM MORAN worked to save tours of the Capitol, and Congressman LOEBSACK and I have now authored a bipartisan letter to the Architect of the Capitol urging him to restore the rights of Members and staff to offer tours to our constituents.

The red coats of the CVC do not own the Capitol. Members of Congress do not own the Capitol. The American people bought and paid for it, but the CVC red coats now block Americans from seeing the Capitol with their Congressmen or staff.

We are headed to a train wreck when CVC red coats turn away thousands of American families from the Capitol over spring break. They say, sure, we'll handle your constituents, no problem. Actually, they're going to block the access of the American people to the Capitol.

Now, a recent Facebook posting by a CVC red coat reflected a stunning arrogance that should not be tolerated towards American citizens.

I urge Members to sign the bipartisan Loeb sack-Kirk letter to ensure that your constituents can see the Capitol

when they want, with their Member of Congress, and not be blocked by the CVC red coats.

PRESIDENT OBAMA LOOKS TO BRING HONESTY AND ACCOUNTABILITY TO THE BUDGET PROCESS

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, last week President Obama continued to bring real change to Washington by announcing his plan to bring honesty and accountability to the budget process.

For the last 8 years, the Bush administration and Washington Republicans masked the true costs of their budget by refusing to include funding for the wars in Iraq and Afghanistan and refusing to include any funding for natural disasters, even though we all knew they would happen. These accounting gimmicks were used to make deficit projections look smaller than they actually were.

These tricks will soon be a thing of the past, as President Obama wants the American people to have facts so they can hold us all accountable. That's the way government should work, and thanks to President Obama's commitment to honesty in government, it will be instituted as part of his budget outline later this week.

Mr. Speaker, for years, congressional Democrats criticized the Bush administration for using these gimmicks, and so we commend President Obama for this very welcome change.

EARMARKS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President is expected to sign the omnibus appropriations bill this week, once the Senate acts on the bill.

Since the President made numerous promises to reduce earmarks during his campaign, the American people should know what is in the bill that he will be signing, another 1,100-plus page bill. This is a \$410 billion spending bill which contains 8,500 earmarks, including \$300,000 for migrating loons in Nevada, \$900,000 for planetarium equipment in Chicago, \$190,000 for trolleys in Puerto Rico, \$3 million for a foot bridge in St. Louis, \$380,000 for a lighthouse in Maine, \$1 million for red snappers in Florida, \$7 million for sea turtles in Hawaii, and on and on.

Migratory loons in Nevada? Red snappers in Florida? Trolleys in Puerto Rico? In a time of trillion dollar deficits, enough is enough!

92ND ANNIVERSARY OF U.S. CITIZENSHIP

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, 92 years ago, President Wilson signed a bill and the people of Puerto Rico became U.S. citizens.

Puerto Rico's relationship with the United States is as close as it is complex. In some instances, promises of equal treatment took too long to redeem, and there are aspects of the relationship that should trouble men and women of conscience.

But like so many American stories, this is a chronicle of progress and a determined march towards a more perfect union. For me, as for millions of my constituents, the pride we feel in being Puerto Rican is matched by the pride we feel in being American citizens. To those who express concern that any further strengthening of the bond between Puerto Rico and the U.S. will result in a weakening of Puerto Rico's identity, I submit that history and experience demonstrate otherwise.

The people of Puerto Rico have been fighting for our country ever since they became citizens. American soldiers from Puerto Rico, fiercely proud of their country and their island roots, provide powerful testimony that these feelings complement, rather than contradict, one another.

Mr. Speaker, on this anniversary, I salute the 4 million U.S. citizens of Puerto Rico.

GOVERNMENT MEDDLING IN MARKETS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last week, the Pilgrim's Pride Poultry Company announced the closing of three chicken processing operations throughout the southeastern United States.

In and around my district in North Louisiana, 1,300 jobs were lost. It is important for the American public to know why and how these jobs were lost. In addition to the decline in consumer protein demand, Pilgrim's Pride was most affected by high feed prices causing a loss in the last year of over \$1 billion, forcing them into bankruptcy.

The main cause of these high prices was Federal mandates to increase the use of ethanol. This large spike in corn prices is being felt throughout the country by consumers and producers alike. Is this a foreshadowing of more disasters to come because of the governmental manipulation of the energy markets?

Just like the mortgage debacle, governmental meddling in markets continues hurting the working family, both directly and indirectly.

FAIRNESS IN TAXES

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, President Obama offered his first budget to this House last week, and it calls for fairness that hasn't been seen in this American government for a long time, fairness in taxes between the most wealthy and the least fortunate, people who need help and people who need to provide help, a budget that provides for health care, for energy, for veterans, most of all, for the issues that are most important to the American public. Investments in our infrastructure, which will spur this economy and stimulate the economy.

I would ask my colleagues on the other side of the aisle to join with the Democrats in supporting our President who was elected with overwhelming numbers and still has overwhelming support. Confidence and support for this President is what's necessary to give people the confidence to invest in our economy and get us out of this recession.

□ 1215

BUDGET

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, in the President's address to the joint session of Congress, he said unequivocally he was opposed to bigger government. Yet the President's budget does exactly the opposite. Big government is back and is bigger than before. Under the President's plan, the national debt will double to \$20 trillion. We cannot sustain this; we cannot afford this, and we simply must say, "No."

The President said, "If your family earns less than \$250,000 a year, you will not see your taxes increase a single dime. I repeat: not a single dime."

Yet the President's budget calls for significant tax increases that will be paid by every American, by 100 percent of us. Let us remember it is not the government's money we talk about and spend. It is the American people's money. We cannot afford to continue to run this government on a credit card. We are going to have to do more with less, and that means finding ways to cut government spending.

THE PASSING OF REV. MICHAEL "THE SOWER" GUIDO

(Mr. BARROW asked and was given permission to address the House for 1 minute.)

Mr. BARROW. Mr. Speaker, I rise today in sadness to pay tribute to the life of a constituent of mine, Dr. Michael Guido. Rev. Guido, known to millions as "the Sower," died at the age of 94 last Saturday.

Michael Guido came to Metter, Georgia in 1943 for a preaching trip. After he met the woman who would later become his wife, he decided to stay. Sixty-six years later, he leaves behind his bride, Audrey, and a ministry that is broadcast on over 100 television stations and 400 radio stations around the world. He also wrote a column, "Seeds from the Sower," which was published in over 1,300 newspapers across our land.

Rev. Guido built an impressive ministry, but his goal was not fortune or fame; it was just to live his life like the sower in Christ's parable—sowing the word of God on sometimes stony ground and keeping faith in his God and with his fellow man. His brother, Larry, carries on Rev. Guido's work, and his memory will live on in the souls he helped lead to God during his long life.

The Bible says, "A good name is rather to be chosen than great riches and loving favor rather than silver or gold." Michael Guido made a good name for himself, which lives on in the loving favor of literally millions of souls, which is worth more than all the silver and gold in all the world.

SIERRA PACIFIC INDUSTRIES

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Mr. Speaker, Sierra Pacific Industries just announced the closure of its sawmill in the little town of Quincy, California, in my district, throwing another 150 families out of work. They made it very clear that the recession was not the cause; it was merely the catalyst. The real cause is that the regulatory costs and litigation, because of regulation, now exceed their profit margin. In fact, two-thirds of their timber harvest this year is tied up as a result of government actions.

Sierra Pacific constructed this small log mill when Congress passed legislation promoting tree thinning in the surrounding forests to prevent forest fires, but that law has not been implemented because of endless litigation by environmental groups who are using an impenetrable web of environmental laws.

In their press release, Sierra Pacific notes, "Nearly two-thirds of the current year's timber sale program is enjoined or withheld from sale pending the outcome of litigation."

So, Mr. Speaker, today, another 150 families in the little town of Quincy are out of work, direct casualties of this retrograde, Luddite ideology.

HONORING TANYA LOMBARDI

(Mr. MCNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNERNEY. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the importance of National Kidney Month and in honoring Tanya Lombardi, a courageous kidney donor.

Four years ago, Tanya joined a local book club in Danville, California. There she met Maxine Moir. Maxine needed a new kidney, but couldn't find a donor. In response, Tanya offered her kidney to Maxine, displaying great compassion and courage. This past December, Tanya provided Maxine with a miraculous holiday gift. Since the successful transplant, Tanya and Maxine take weekly walks and remain close friends, a friendship extending from a unique and incredible relationship that began at the book club.

Selfless donors like Tanya gave more than 13,000 kidneys in 2008, but many more people need help. Brave acts of kindness like those by Tanya Lombardi continue to bring hope to thousands of people and show that each of us can make a difference.

I urge my colleagues to join me during National Kidney Month in recognizing the selfless acts of kidney donors across America.

HONORING THE AMERICAN LEGION

(Mr. WALZ asked and was given permission to address the House for 1 minute.)

Mr. WALZ. Mr. Speaker, today, I rise to express my appreciation for the great work the American Legion does for our Nation's veterans.

As a proud Legionnaire myself, this morning, I had the great honor of addressing the Commander's Call. This afternoon, I will meet with fellow Minnesota Legionnaires Brad Lindsay, Bill Goede and Marie Goede, Floyd Kumerow, Robert Hirmer, and Chuck Kruger.

As a member of the House Veterans' Affairs Committee, I look to the American Legion for guidance on the priorities of our Nation's veterans. It is because, every day, the Legion is out there, working with our veterans. They understand what is needed.

I see it as this Congress' responsibility to work with the VA budgets that are not just sufficient but timely to make sure that they're predictable and that we serve our veterans the way we should. We have an absolute responsibility to knock down the backlog of claims that our veterans are facing, and we need to ensure that the recently enacted GI Bill is put to use as it should be. In all of this, the American Legion is a crucial partner.

There is another side to the Legion that doesn't get mentioned that much. It is the daily activities serving our veterans and their communities. From their great civic education programs, Boys and Girls State, to youth baseball and other programs, this is the truly

great work the Legion does, and I want to commend them. We are all better for it. Our Nation's veterans are better for the work the Legion does.

ANNIVERSARY OF UNITED STATES CITIZENSHIP FOR THE PEOPLE OF PUERTO RICO

(Ms. BORDALLO asked and was given permission to address the House for 1 minute.)

Ms. BORDALLO. Mr. Speaker, as chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, I rise today to join my colleagues in marking the 92nd anniversary of President Woodrow Wilson's signing of an Act of Congress, conferring United States citizenship upon the people of Puerto Rico. This act marked an important advancement in the United States-Puerto Rico relationship, and although it is still an unfinished journey, it brought our brothers and sisters in Puerto Rico into the American family.

The people of Puerto Rico have a rich and a beautiful culture. Their work to preserve and to celebrate their culture and their contributions to our democracy and defense of our Nation are unmatched by any State.

Today, we recognize the act that conferred them citizenship, and we commemorate this event with them as we look forward to their continuing political progress. The people of Guam join our fellow Americans in congratulating Puerto Rico.

JOB CREATION

(Mr. INSLEE asked and was given permission to address the House for 1 minute.)

Mr. INSLEE. Mr. Speaker, we are looking for job creation opportunities during these tough economic times.

This morning, I heard ideas from an unexpected source. I was at a bipartisan symposium with Senators, Governors, former Prime Minister Tony Blair, and business leaders. What I heard from the business leaders is that one of the best sources of job creation we have is in creating new green collar, clean energy jobs to respond to our climate crisis, which will also help us in our economic crisis.

Jeff Immelt of GE told us about the need for a smart grid so we can create green-collar jobs. Mr. Hayes from Florida Power and Light told us about the great technologies in solar power. We heard from Vinod Khosla about ways to sequester carbon dioxide in building material.

At this moment of economic stress, we should not forget that responding to climate change is a potential way to get over our economic doldrums. Let's keep this clean energy ball rolling.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HONORING DR. WILLIAM
SPOELHOF

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 91) honoring the life and service of Dr. William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 91

Whereas Dr. William Spoelhof was born on December 8, 1909, in Paterson, New Jersey, and passed away on December 3, 2008, at the age of 98;

Whereas in 1931, Dr. Spoelhof graduated from Calvin College in Grand Rapids, Michigan, and began teaching social studies at the middle school level;

Whereas in 1937, Dr. Spoelhof received a Master of Arts degree and began his doctoral studies at the University of Michigan;

Whereas during World War II, Dr. Spoelhof served our country by joining the Office of Strategic Services in 1942 and enlisting in the Navy in 1943;

Whereas following the war, Dr. Spoelhof completed his doctoral work at the University of Michigan, and, in 1946, returned to Calvin College to teach history and political science;

Whereas in 1956, 5 years after becoming president of Calvin College, Dr. Spoelhof oversaw the process of moving Calvin College from its original Franklin Street campus located near downtown Grand Rapids to its current Knollcrest campus in southeast Grand Rapids;

Whereas Dr. Spoelhof carefully balanced Calvin College's vision for excellence in academics with its relationship with the Christian Reformed Church, as he effectively steered the College through church conflicts and the tumultuous, nationwide student protests of the 1960s;

Whereas in 1976, after 25 years of service as an administrator, Dr. Spoelhof became the longest-serving president in Calvin College's history to date and announced his retirement;

Whereas after his formal retirement, Dr. Spoelhof was named president emeritus and maintained an office and steady presence at the College, offering continued support and goodwill whenever needed;

Whereas Dr. Spoelhof was a Christian role model and mentor to many faculty members, staff, and students, as he provided wisdom and counsel to thousands of individuals during his more than 6 decades of service to Calvin College;

Whereas Dr. Spoelhof is fondly remembered for his contributions to daily discussions with retired faculty and students at

the "Emeritorium" and for his kind words to passersby around the campus;

Whereas on December 3, 2004, Calvin College physics and astronomy professor, Larry Molnar, discovered an asteroid, and named it Asteroid 129099 Spoelhof in honor of Dr. Spoelhof;

Whereas Dr. Spoelhof was a respected leader in the Christian Reformed Church denomination, an educator of generations of teachers and ministers through programs at Calvin College, a faithful presence at the denominational Synod meetings, and a loyal member of the Neland Avenue Christian Reformed Church;

Whereas Dr. Spoelhof was awarded the Bronze Star Medal by the Navy for his service in World War II;

Whereas, for his contributions in liaison with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the Order of Orange-Nassau with swords and a laurel wreath;

Whereas in 1935, Dr. Spoelhof married Miss Angeline Nydam, and they had three children, Robert Spoelhof, Elsa Scherphorn, and Peter Spoelhof;

Whereas Ange, as Dr. Spoelhof lovingly called his wife, passed away in 1994; and

Whereas Dr. Spoelhof lived a life of gratitude and desired to bring God's glory in all he did, and, on December 3, 2008, the Calvin College community lost a visionary leader and wise friend: Now, therefore, be it

Resolved, That the House of Representatives honors the life of Dr. William Spoelhof and his outstanding devotion and service as a member of the military, teacher, and professor, president, and friend of Calvin College in Grand Rapids, Michigan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from Louisiana (Mr. CASSIDY) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous materials into the RECORD on House Resolution 91.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 91, which honors the life and achievements of Dr. William Spoelhof, a long-time president of Calvin College in Grand Rapids, Michigan. Dr. Spoelhof, a decorated war hero, a dedicated member of the Christian Reformed Church and father of three, passed away at the age of 98 on December 3, 2008.

Born in Paterson, New Jersey in 1909, Dr. Spoelhof graduated from Calvin College in 1931 and began teaching social studies in a local middle school. He left to pursue a Master of Arts degree, first at Columbia University, then transferring to the University of Michigan where he received his degree in 1937, beginning his doctoral studies immediately afterwards.

He deferred his studies during World War II, serving our Nation in the Office of Strategic Services, then enlisting in the Navy. The Navy recognized his service by awarding him a Bronze Star Medal, and for his efforts with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the order of Orange-Nassau.

After receiving his doctorate from the University of Michigan in 1946, Spoelhof returned to Calvin College to begin his long and distinguished career there. He began teaching history and political science at the college, and became president in 1951. Dr. Spoelhof was a dedicated member of the Neland Avenue Christian Reformed Church, which had a very close relationship with Calvin College. Dr. Spoelhof effectively led the college through church conflicts and student protests of the turbulent 1960s as well as oversaw Calvin College's move from its Franklin Street location to its current Knollcrest campus. Today, one of the principal buildings in this 400-acre campus is the William Spoelhof College Center.

After 25 years of service to Calvin College, Dr. Spoelhof retired in 1976 as the longest serving president in the college's history. After his formal retirement, Dr. Spoelhof was named president emeritus, maintaining an office and continuing to act as a mentor for countless faculty members, staff and students. He was also honored by a Calvin College professor, Larry Molnar, who discovered an asteroid in 2004 and named it "Spoelhof."

Dr. Spoelhof and his wife, Angeline Nydam, who passed away in 1994, had three children together: Robert, Peter and Elsa Scherphorn.

A committed servant and role model in his community, William Spoelhof's dedication to his college, his church and his country sets a prime example for our Nation to follow. I would like to have this opportunity to recognize his life and accomplishments.

Mr. Speaker, I reserve the balance of my time.

Mr. CASSIDY. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 91, offered by the gentleman from Michigan (Mr. EHLERS). This resolution honors the life and service of William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan.

Dr. Spoelhof was born in 1909 in Paterson, New Jersey, and passed away on December 3, 2008, at the age of 98. He graduated from Calvin College in 1931 and began teaching social studies at the middle school level. In 1937, he received his Master of Arts degree, and began his doctoral studies at the University of Michigan.

□ 1230

During World War II, Dr. Spoelhof enlisted in the U.S. Navy and served

our country in the Office of Strategic Services. He was awarded the Bronze Star Medal by the Navy for his service. Also, for his contributions in liaison with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the Order of Orange-Nassau with swords and a laurel wreath.

Following the war, in 1946, he completed his doctoral work and returned to Calvin College to teach history and political science. After becoming President of Calvin College, Dr. Spoelhof oversaw the process of moving Calvin College from its original Franklin Street campus, located in urban Grand Rapids, to its current campus in southeast Grand Rapids.

Dr. Spoelhof carefully balanced Calvin College's vision for excellent academics with its relationship with the Christian Reformed Church as he effectively steered the college through occasional church conflicts and the tumultuous, nationwide student protests of the 1960s.

In 1976, after 25 years of service as an administrator, Dr. Spoelhof became the longest-serving president in Calvin College's history to date. After his formal retirement, he was named president emeritus and maintained an office and steady presence at the college, offering continued support and goodwill whenever needed.

Dr. Spoelhof was a Christian role model and mentor to many faculty members, staff and students as he provided wisdom and counsel to thousands during his more than six decades of service to Calvin College. Dr. Spoelhof lived a life of gratitude and desired to give glory to God in all that he did.

On December 3, 2008, Calvin College lost a visionary leader and wise friend. He is to be honored and recognized for his outstanding devotion and service as a member of the military, a Calvin College professor, and president and friend.

Again, I commend the gentleman from Michigan for introducing this resolution and urge my colleagues to support it.

Mr. EHLERS. Mr. Speaker, I rise today in support of House Resolution 91, to honor the life and service of William Spoelhof, president emeritus of Calvin College in Grand Rapids, Michigan. I am honored to represent Calvin College and am very thankful for its excellent education efforts. I am also proud to say that I attended Calvin College, and served as a professor of Physics at Calvin College.

Dr. William Spoelhof was born in 1909 in Paterson, New Jersey, and passed away on December 3, 2008, at the age of 98.

William Spoelhof graduated from Calvin College in 1931, and began teaching social studies at the middle school level. In 1937, he received his Masters of Arts degree, and began his doctoral studies at the University of Michigan.

During World War II, Dr. Spoelhof enlisted in the U.S. Navy, and served our country in

the Office of Strategic Services. He was awarded the Bronze Star Medal by the Navy for this service. Also, for his contributions in liaison with the Dutch Resistance Movement, Dr. Spoelhof was honored by Queen Wilhelmina of the Netherlands with the Order of Orange-Nassau with swords and a laurel wreath.

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After his formal retirement, he was named president emeritus and maintained an office and steady presence at the College, offering continued support and goodwill whenever needed.

William Spoelhof was married to Miss Angeline Nydam in 1935, and they had three children, Robert Spoelhof, Elsa Scherphorn, and Peter Spoelhof. Ange, as Dr. Spoelhof lovingly called his wife, passed away in 1994, after almost 60 years of marriage.

Dr. Spoelhof was a Christian role model and mentor to many faculty members, staff and students, as he provided wisdom and counsel to thousands during his more than six decades of service to Calvin College.

On a personal note, Dr. Spoelhof recruited me from the University of California at Berkeley to teach Physics at Calvin College. I am deeply grateful for his guidance and for leading me to teach at a wonderful, Christian liberal arts college.

Dr. Spoelhof lived a life of gratitude, and desired to bring God glory in all he did. On December 3, 2008, the Calvin College community lost a visionary leader and wise friend. He is to be honored and recognized for his outstanding devotion and service as a member of the military, a Calvin College professor and president and friend.

It is with sincere admiration to him, and gratitude to God, that I pay my respects to Dr. Spoelhof on a life well lived, and I urge my colleagues to join me in doing so.

Mr. CASSIDY. I yield back my remaining time.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 91, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNIVERSITY OF MARY WASHINGTON ON ITS 100TH ANNIVERSARY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 77) congratulating the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 77

Whereas, on March 14, 1908, Virginia Governor Claude A. Swanson signed into law legislation for the establishment of the new State Normal and Industrial School for Women at Fredericksburg, Virginia;

Whereas in 1938, the institution was renamed Mary Washington College in honor of Mary Ball Washington, the mother of President George Washington;

Whereas in 1970, the Virginia General Assembly approved full coeducational status for Mary Washington College, and men were enrolled as resident students for the first time;

Whereas in 2004, the Virginia General Assembly approved university status to the institution, changing its name to the University of Mary Washington;

Whereas the University of Mary Washington enrolls over 5,000 students and employs over 1,000 full-time and part-time faculty and staff;

Whereas in 2008, U.S. News and World Report ranked the University of Mary Washington as third among public, southern, master's degree-granting schools;

Whereas the University of Mary Washington has been led by eight presidents: Edward H. Russell (1908-1919), Algernon B. Chandler, Jr. (1919-1928), Morgan L. Combs (1929-1955), Grellet C. Simpson (1956-1974), Prince B. Woodard (1974-1982), William M. Anderson, Jr. (1983-2006), William J. Frawley (2006-2007), and Judy G. Hample (2008-);

Whereas the University of Mary Washington offers 43 degree programs, including 32 undergraduate programs, 4 graduate programs, 7 education specialist programs;

Whereas in its centennial year, the University of Mary Washington conferred more than 1,200 master's and bachelor's degrees;

Whereas the University of Mary Washington Interscholastic Athletic Program sponsors 23 NCAA Varsity Teams, and the student-athletes on these teams have won five Individual and Team National Championships, produced 245 All-America Selections and more than 100 Academic All-Americans, and won more Conference Championships than any other school in the Capital Athletic Conference; and

Whereas in 2009, the University of Mary Washington begins a new century of academic excellence, service to the Commonwealth of Virginia, and leadership to the world in producing people of insight, wisdom, character, and accomplishment: Now, therefore, be it

Resolved, That the House of Representatives congratulates the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of leadership and service to the Fredericksburg area, the Commonwealth of Virginia, and the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Colorado (Mr. POLIS) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 77 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 77, which celebrates the University of Mary Washington's 100 years of service and leadership.

Founded in 1908, the State Normal and Industrial School for Women at Fredericksburg eventually became what is now known as the University of Mary Washington. Beginning with just 110 students, the school has grown into a prestigious university worthy of its namesake.

Long-standing traditions, combined with rigorous scholarship, enable the University of Mary Washington to provide one of the finest liberal arts educations in the Nation. Offering more than 40 undergraduate majors, four graduate programs and seven education specialist programs, UMW is highly ranked in every publication. The university is committed to academic excellence, and according to the "Fiske Guide to Colleges," UMW is described as "one of the premium or premiere public liberal arts colleges in the country." During its centennial year alone, UMW conferred more than 1,200 degrees.

With more than 5,000 enrolled students, the University of Mary Washington turns out students capable of extending their classroom knowledge into their communities and the world. UMW has a strong reputation of service, with 20 alumni currently serving in the Peace Corps. In fact, for the sixth year in a row, the Peace Corps has named the university to its annual list of "Top Producing Colleges and Universities." The spirit of service has benefited the community and the students well as they prepare to tackle the challenges of our increasingly globalized world.

When the university community came together to celebrate its century of existence and achievement last year, it renewed its commitment to excellence and success. As the university looks ahead to its future, may it continue to link its students and its community to the great tradition of its past and promise of its future.

Mr. Speaker, I, again, congratulate the University of Mary Washington and urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 77, congratulating the University of Mary Washington in Fredericksburg, Virginia, for more than 100 years of service and leadership to the United States.

The University of Mary Washington was founded in 1908 and has become an institution of higher education that links traditions of the republic to innovations at the leading edge of pedagogy and research. Mary Washington has one of the leading public liberal arts colleges in the country, as well as a graduate and professional school.

The University of Mary Washington was originally founded as a women's college and was designated as the women's college for the University of Virginia in 1944. In 1970, Mary Washington College transitioned to a co-educational college and was designated "University of Mary Washington" in 2004 to reflect the inclusion of its growing graduate programs.

Located in Fredericksburg, Virginia, approximately 4,000 undergraduate students are enrolled at Mary Washington's main campus, located on Marye's Heights, which played an important role in the 1862 Battle of Fredericksburg.

In addition, approximately 1,000 students and adults attend the graduate and professional school located in nearby Stafford County. Students from 43 different countries are enrolled in 40 different majors and programs of study at Mary Washington.

The University of Mary Washington is ranked in every major selective guide publication. It was ranked fourth in its class by U.S. News and World Report, in the top ten nationally in Peace Corps alumni, and has a Pulitzer Prize-winning poet on the faculty. It was listed among Kiplinger's magazine "100 Best Values in Public Colleges in 2009." Mary Washington was also named as one of the Nation's best colleges and universities by the "Fiske Guide to Colleges" and is said to have "gained a reputation as one of the premium public liberal arts colleges in the country."

Last year, the University of Mary Washington celebrated their centennial anniversary. For over 100 years, the university has provided America's students with a quality education and opportunity. The institution's link to both history and innovation has provided students with the unique and irreplaceable learning environment.

I am happy to join my good friend and colleague, Representative WITTMAN, in congratulating the University of Mary Washington and ask my colleagues to support this resolution.

Mr. McKEON. Mr. Speaker, I'm happy to yield to the gentleman who represents the First District of Vir-

ginia, who represents the University of Mary Washington, Mr. WITTMAN, for as much time as he may consume.

Mr. WITTMAN. I would like to thank the gentleman for yielding.

Mr. Speaker, I rise today in support of House Resolution 77, honoring the University of Mary Washington on the occasion of its 100th anniversary.

On March 14, 1908, Virginia Governor Claude A. Swanson signed legislation that established what eventually became the University of Mary Washington. I would like to take this opportunity to congratulate the University of Mary Washington on its achievements over the past century.

Initially a small teaching college for women, the institution was renamed the University of Mary Washington in honor of Mary Ball Washington, the mother of President George Washington and a resident of the First District of Virginia. Currently, the University of Mary Washington has an enrollment of over 5,000 students, offers 43 degree programs, and consists of two campuses. The main campus is located in historic Fredericksburg, and the College of Graduate and Professional Studies is located in Stafford, Virginia.

The University of Mary Washington has been recognized nationally as a leading liberal arts college, and the U.S. News and World Report ranked its masters programs fourth among southern public schools.

The University of Mary Washington combines rich traditions with state-of-the-art technology to provide one of the best undergraduate liberal arts educations in the country. It also offers a variety of internships and study abroad programs that connect students locally, regionally, nationally and internationally.

I am pleased to recognize the important contributions made by the University of Mary Washington to the Fredericksburg region, the Commonwealth, and the Nation. I congratulate the University of Mary Washington as it celebrates its 100th anniversary, and I wish the university continued success in providing an outstanding education to the students of the Commonwealth and the Nation.

I urge my colleagues to join me in congratulating the University of Mary Washington by supporting House Resolution 77.

Mr. McKEON. I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 77.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

READ ACROSS AMERICA DAY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 146) designating March 2, 2009, as "Read Across America Day."

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 146

Whereas reading is a basic requirement for quality education and professional success, and is a source of pleasure throughout life;

Whereas the people of the United States must be able to read if the United States is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107-110) and the Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and providing additional resources for reading assistance; and

Whereas more than 50 national organizations concerned about reading and education have joined with the National Education Association to use March 2 to celebrate reading and the birth of Theodor Geisel, also known as Dr. Seuss: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(2) honors the 12th anniversary of Read Across America Day;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of the commitment of the House of Representatives to building a Nation of readers; and

(4) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 146 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 146, which recognizes March 2, 2009, as Read Across America Day and encourages parents

to read to their children for at least 30 minutes in support of building a Nation of readers.

Read Across America Day was initiated in May of 1998 by the National Education Association as a way to celebrate reading. The NEA provides support to parents and teachers to keep their children reading all year long through activities such as the Cat-A-Van. The Cat-A-Van travels across the country bringing the gift of reading to school children. The Cat-A-Van donates 20,000 books to children in need.

The NEA celebrates Read Across America Day on Dr. Seuss' birthday every year to honor a man who contributed tremendously to children's literacy. Theodor Geisel, better known as Dr. Seuss by millions of children and parents around the world, began writing children's books in 1936 and has since inspired millions of children to embrace the joys of reading through such favorites as "The Cat in the Hat," "Green Eggs and Ham," and "Oh the Places You'll Go."

We know from the research that children exposed to the nature and purpose of reading before kindergarten become more successful readers. We also know that a child who fails at reading is more likely to drop out of school.

If the United States is to stay competitive in a global economy, we must possess these basic requirements for a quality education and professional success. Encouraging children to read is one of the best tools we can equip our children with to help them become successful contributors to the United States.

I want to thank Representatives MARKEY and EHLERS for bringing this resolution forward, and I encourage my colleagues to support this resolution.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 146 designating March 2, 2009, as Read Across America Day. This celebration is held each year on the birthday of author Dr. Seuss. This year, Read Across America celebrates its 10th anniversary, and is also the 50th anniversary of Dr. Seuss' most recognizable work, "The Cat in the Hat."

Theodor Geisel, more famously known as Dr. Seuss, is the most beloved children's book author of all time. His use of rhyme makes his books an effective tool for teaching young children the basic skills they need to be successful and develop a lifelong love of reading. Celebrating Dr. Seuss and reading sends a clear message to our children that reading is both fun and important.

In 2001, Congress and President Bush highlighted the importance of reading by passing the No Child Left Behind Act. Through programs authorized under the act, the Federal Government

demonstrated the importance of reading intervention in providing additional resources for reading assistance; most notable was its commitment to the Reading First Program. Once the program was implemented, the data quickly showed that Reading First works. On average, the 26 States with early baseline data on reading achievement increased the percentage of students meeting or exceeding proficiency on fluency outcome measures. Among Wisconsin first graders, reading fluency proficiency increased by nearly 28 percent for economically disadvantaged students, more than 30 percent for limited English proficient students, nearly 22 percent for students with disabilities, more than 22 percent for African American students, and nearly 23 percent for Hispanic students.

States saw this improvement and made Reading First an integral opponent of their reform efforts. Reports by the Government Accountability Office, the Inspector General and the Center on Education Policy have all found widespread support for the program among the States. In one Center on Education Policy report, 97 percent of Reading First school districts said that the program was an important or very important cause for increases in students' reading scores.

Despite these positive results, the new majority has, over the course of 2 years, decreased funding levels by \$600 million in 2008 and completely eliminated funding for 2009. Individual States are beginning to voice their concern over the impact of lost Reading First funding. In fact, these cuts have led to such efforts as the Colorado State Board of Education passing a resolution expressing its support for Reading First model and its concern over the appropriations cut.

□ 1245

As we rightfully recognize another Read Across America Day, this Congress should begin the work of immediately restoring funding for this program that provides this Nation's most disadvantaged students the reading intervention and additional resources for reading assistance they so desperately need.

I thank my colleague from Colorado (Ms. MARKEY) for sponsoring this resolution. And I ask that all of my colleagues support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I am pleased to recognize the gentlelady from my neighboring district in Colorado (Ms. MARKEY) for 5 minutes.

Ms. MARKEY of Colorado. I would like to thank the gentleman from Colorado.

Mr. Speaker, I rise today as an original cosponsor of House Resolution 146, which designates March 2, 2009, as "Read Across America Day," and to

urge my colleagues to vote in support of this legislation.

Yesterday was the 105th anniversary of the birth of Theodor Seuss Geisel—or “Dr. Seuss,” as he is better known to generations of children. Between 1937 and 1991, Dr. Seuss published more than 40 books. In fact, one in four American children receive Dr. Seuss as their first book.

It’s hard to quantify the powerful investment in a child’s future the simple act of reading can be. And as any parent will tell you, our most treasured memories of our children lie in the precious moments before bedtime, carefully making our way through books that we hope will capture our son or daughter’s imagination and attention. In fact, reading together can serve as childhood’s best mile marker as simple lessons of “Green Eggs and Ham” give way to the more complicated worlds of Nancy Drew and Harry Potter. It is as if a parent can see the very foundation of a child’s mind take root and grow.

Dr. Seuss was one of the first to understand how a small spark of imagination early in life can lend itself in later years to great discovery and politics. “The Cat in the Hat” was originally commissioned in 1955 after it was found that children were being held back by boring books. Theodor Geisel introduced our kids to Marvin K. Mooney, to the Grinch, and to Cindy Lou Who, to Sam, who would not eat green eggs and ham, to the Yooks and the Zooks, who battled over which side of bread the butter is properly applied.

It is easy, in these times that we find ourselves in, to forget how important it is that simple lessons endure. Even in the midst of these times, parents must remember to read to their children. And we must remember that it is often the lessons found in children’s literature that mean the most later in life. After all, C.S. Lewis told us in the *Chronicles of Narnia*, “For this is what it means to be king: to be the first in every desperate attack and last in every desperate retreat. And when there is hunger in the land (as must be now and then in bad years) to wear finer cloths and laugh louder over a scantier meal than any man in your land.” And Dumbledore told us: “There are all kinds of courage. It takes a great deal of courage to stand up to our enemies, but just as much to stand up to our friends.”

Behind all those who struggle to achieve and endure lies a parent or a teacher who took the time to attend to a child’s earliest education. Some of the happiest moments in my life were spent cuddled up with Katie, Erin and Al—my three kids, who seem to be racing towards adulthood with uncommon speed—reading our favorite books. They are moments I would not trade for anything in the world.

So please vote “yes” on House Resolution 146 and remember the words of

Dr. Seuss: “You have brains in your head. You have feet in your shoes. And you can steer yourself in any direction you choose. You’re on your own. You know what you know. You’re the guy who’ll decide where you go.”

Mr. McKEON. Mr. Speaker, I yield myself the balance of my time.

I am in strong support of Resolution 146. I urge all of my colleagues to support it. It’s saddening to me, though, that at this time, when we are talking about reading and the importance of reading, how an administration that is spending so freely will continue to cut funds from a program that works very well for our young people to give them the reading first opportunity that they so deserve.

Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 146.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POLIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA ON ITS 2009 ROSE BOWL VICTORY

Mr. POLIS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 153) commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 153

Whereas the University of Southern California (USC) Trojan football team achieved many historic accomplishments during the 2008 regular season;

Whereas the USC Trojan football team has now won more Rose Bowls than any other team in the Nation;

Whereas USC has achieved its seventh straight top 5 finish;

Whereas USC achieved an unprecedented seventh consecutive season of at least 11 or more victories;

Whereas USC was invited to make an unprecedented seventh consecutive Bowl Championship Series appearance;

Whereas USC won an unprecedented seventh consecutive Pacific-10 (Pac-10) Conference championship;

Whereas USC has become the first school to win 3 consecutive Rose Bowls;

Whereas USC has appeared in a record-tying fourth consecutive Rose Bowl;

Whereas USC is now tied with the record for most bowl victories of all time;

Whereas USC has won 86 of its last 96 games;

Whereas with USC’s 2009 Rose Bowl victory, the Pac-10 Conference finished a perfect 5 and 0 in post-season bowl appearances;

Whereas, during the 2008 season, USC’s defense was ranked number one in the Nation, holding opponents to just over 221 yards per game;

Whereas, during the 2008 season, USC featured 3 All-American first team players (linebackers Rey Maualuga, Brian Cushing, and safety Taylor Mays);

Whereas USC will feature 5 players in the Under Armour Senior Bowl game held in Mobile, Alabama (linebackers Rey Maualuga, Brian Cushing, and Clay Matthews, and defensive linemen Fili Moala and Kyle Moore);

Whereas USC head football coach Pete Carroll is 88 and 15 (85.4 percent) in 8 years (2001 to 2008) as a college head coach at USC, his record is the best winning percentage of any current NCAA Division I coach with at least 5 years of experience;

Whereas Coach Pete Carroll was featured on CBS’s “60 Minutes”, not only for his football accomplishments but for his work with “A Better L.A.”, a nonprofit group consisting of a consortium of local agencies and organizations working to reduce gang violence by empowering change in individuals and communities;

Whereas, in the fall of 2008, Coach Pete Carroll helped organize “LA Live Peace 08”, a march and rally at the Coliseum to promote gang intervention and non-violence in Los Angeles;

Whereas the annual Rose Bowl is the oldest of all college bowl games, and its history and prestige have earned it the title “The Granddaddy of Them All”;

Whereas USC has played in the Rose Bowl on 33 occasions and won 24 times, both records exceeding any other collegiate football program;

Whereas, during the 2009 Rose Bowl game, quarterback Mark Sanchez passed for a game second-best 413 yards, a game record-tying 4 touchdown passes, and ran for a touchdown;

Whereas Sanchez’s efforts resulted in him being named the Offensive Most Valuable Player of the game;

Whereas, during the 2009 Rose Bowl game, linebacker Kaluka Maiava made 4 tackles and 2 pass breakups, and he was named the Defensive Most Valuable Player of the game;

Whereas with linebacker Kaluka Maiava taking home Defensive MVP honors, each linebacker in USC’s starting lineup has now been named defensive MVP of the Rose Bowl (Kaluka Maiava in 2009, Rey Maualuga in 2008, and Brian Cushing in 2007); and

Whereas, under the leadership of USC’s 10th president, Steven B. Sample, USC has established itself as a world-class research university, known for its leadership in the fields of communication, media, public diplomacy, the sciences, and the arts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Southern California (USC) Trojan football team and USC President Steven B. Sample for USC’s victory in the 2009 Rose Bowl;

(2) applauds Coach Pete Carroll for his leadership not only on the football field, but also in the community; and

(3) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the University of Southern California win the Rose Bowl.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. POLIS) and the gentleman from California (Mr. McKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 153 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to congratulate the University of Southern California Trojan football team for their victory in the 2009 NCAA Rose Bowl game.

On January 1, the USC Trojans and the Penn State Lions squared off for an intense Rose Bowl football game. Defeating the tough Lions team by a score of 38-24, the USC Trojans won their third consecutive championship.

USC has played in a record-tying four consecutive Rose Bowls. And now, USC is tied for the most Bowl victories of all time at 31 victories. They have been to the Rose Bowl on 33 occasions and won 24 of those games.

Winning 86 of its last 96 games and finishing the season with an impressive 12-1 record, USC stands out as a premiere academic and athletic institution. They have won seven consecutive Pac-10 conference championships. With all the amazing teams across the country, USC sets themselves apart with their athletic success.

Congratulations are in order for Mark Sanchez, the game's Offensive Most Valuable Player. He threw for 413 yards and four touchdowns, and he still found a way to rush for one touchdown. He ran the offense flawlessly, with no interceptions, while posting 24 unanswered points in the second quarter, leading to a 38-24 victory.

Congratulations are also in order for Kaluka Maiava, the game's Defensive Most Valuable Player. Mr. Maiava made four tackles and two pass breakups. As one of the three elite USC linebackers, Kaluka Maiava has led USC's number one ranked defense this entire season.

I want to extend my congratulations to head coach Pete Carroll. He has only brought success to this program; he took over 8 years ago. Coach Carroll has established an 88-15 win-loss record at USC—the best winning percentage of any current NCAA Division I coach with at least 5 years experience.

Besides coaching, Coach Carroll works with non-profit organizations to reduce gang violence in Los Angeles, California. His leadership and commitment to his team and city have brought him fame and a place in college football history.

The extraordinary achievement this year is a tribute to the skill and dedication of the many players, coaches, students, alumni, families and fans that have helped make the University of California a great football program. I know the fans of the University will revel in this accomplishment as they look forward to the 2009 season.

Mr. Speaker, once again, I congratulate the University of Southern California football team for their success. And I thank Congresswoman WATSON for bringing this resolution forward.

Mr. Speaker, I am pleased to recognize the gentlady from California (Ms. WATSON) for 5 minutes.

Ms. WATSON. Mr. Speaker, I thank my two colleagues for allowing me this time, and I rise in strong support of H. Res. 153. This is the resolution that is honoring the University of Southern California—"USC," as we call it in my district—Trojan football team for their historic 2009 Rose Bowl victory.

During the 2008-2009 season, USC achieved several historic feats, with seven being the magic number. The Trojan football team finished the season with an unmatched seventh consecutive season with 11 or more victories. They appeared in an unprecedented seventh consecutive Bowl championship series game. Then the team won an unparalleled seventh consecutive Pac-10 title, and achieved a seven straight Top 5 finish.

USC defeated Penn State by a score of 38-24 in the 2009 Rose Bowl game, and I was there to witness it. With the win, USC became the first team to win three consecutive Rose Bowls. Also, USC has won now more Rose Bowls than any other collegiate football team in the Nation. They are now tied for the record for the most Bowl victories of all time.

USC's coach, Pete Carroll, completed yet another successful season. Since becoming head football coach in 2001, Carroll is 88 and 15, an average 85.4 percent win. Coach Carroll's winning percentage is the best among any NCAA Division I coach with at least 5 years of experience.

USC's quarterback, Mark Sanchez, threw for 413 yards and a record-tying four touchdown passes. For his performance, Sanchez was named the Offensive Most Valuable Player of the game.

USC's linebacker, Kaluka Maiava, made four tackles and two pass breakups. For his performance, Maiava was named the Defensive Most Valuable Player of the game.

Mr. Speaker, I urge my colleagues to support H. Res. 153. Let's recognize the

achievements of the players, the coaches, the students, the alumni and staff who were instrumental in helping USC win the 2009 Rose Bowl.

□ 1300

I would like to thank my colleague for yielding to me.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 153, commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl.

The USC Trojan football team achieved many historic accomplishments during the 2008 regular season but few as meaningful as its victory in the 2009 Rose Bowl. With this victory the USC Trojans have now won more Rose Bowls than any other team in the Nation.

Known as "The Granddaddy of Them All," the Rose Bowl game kicked off a myriad of college football legacies in 1902. Since then the game has showcased 18 Heisman Trophy winners, produced 28 national champions, featured 197 consensus All-Americans, and honored 95 college football legends by inducting them into the Rose Bowl Hall of Fame.

At the conclusion of the 2008 season, USC's football team has won seven straight conference championships and played in seven consecutive BCS bowls, both NCAA records. They are 6-1 in those big games, 5-0 against Big Ten teams such as Penn State, and 82-9 since the beginning of the 2002 season. They have also won 11 or more games in seven straight seasons, another record, and have played in four straight Rose Bowls, winning three.

The success of this team can be directly attributed to the vision of its head coach, Pete Carroll. Coach Carroll brought big doses of experience, enthusiasm, and leadership in his quest to revive the USC football program when he was named the Trojans' head football coach on December 15, 2000. The 56-year-old Carroll has 33 years of NFL and college experience, including 15 on the college level. Under Carroll USC is the first school to have three Heisman Trophy winners in a 4-year span. In addition, Coach Carroll has produced 30 All-American first teamers and 42 NFL draft picks, and his last six recruiting classes have been ranked in the top 10 nationally.

While the tradition of excellence certainly presents itself on the gridiron, the University of Southern California's commitment to academic excellence is equally abundant. Located in Los Angeles, Ms. WATSON's district, a global center for arts, technology, and international trade, the University of Southern California is one of the world's leading private research universities. USC enrolls more international students than any other U.S.

Clarke
Edwards (MD)

Ehlers	Lee (CA)	Ros-Lehtinen
Ellison	Lewis (GA)	Snyder
Fudge	Miller, Gary	Speier
Johnson (GA)	Perriello	Stark
Kaptur	Putnam	Waters
King (IA)	Richardson	Young (FL)

□ 1559

Ms. JENKINS and Messrs. TIAHRT, DUNCAN, FRANKS of Arizona, ROYCE, and ROHRABACHER changed their vote from “yea” to “nay.”

Mr. SHUSTER changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.”

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Madam Speaker, on roll-call No. 91, I was not present because of the birth of my grandson. Had I been present, I would have voted “yea.”

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 548, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 13, not voting 16, as follows:

[Roll No. 92]

YEAS—402

Abercrombie	Barrow	Blumenauer
Ackerman	Bartlett	Blunt
Aderholt	Barton (TX)	Bocciari
Adler (NJ)	Bean	Boehner
Akin	Becerra	Bonner
Alexander	Berkley	Bono Mack
Altmire	Berman	Boozman
Andrews	Berry	Boren
Arcuri	Biggert	Boswell
Austria	Bilbray	Boucher
Bachmann	Bilirakis	Boustany
Bachus	Bishop (GA)	Boyd
Baird	Bishop (NY)	Brady (PA)
Baldwin	Bishop (UT)	Brady (TX)
Barrett (SC)	Blackburn	Braley (IA)

Bright	Grayson	Massa
Brown (SC)	Green, Al	Matheson
Brown-Waite,	Green, Gene	Matsui
Ginny	Griffith	McCarthy (CA)
Burgess	Grijalva	McCarthy (NY)
Burton (IN)	Guthrie	McCaul
Butterfield	Gutierrez	McClintock
Buyer	Hall (NY)	McCollum
Calvert	Hall (TX)	McCotter
Camp	Halvorson	McDermott
Cantor	Hare	McGovern
Cao	Harman	McHenry
Capito	Harper	McHugh
Capps	Hastings (FL)	McIntyre
Capuano	Hastings (WA)	McKeon
Cardoza	Heinrich	McMahon
Carnahan	Heller	McMorris
Carney	Hensarling	Rodgers
Carson (IN)	Herger	McNerney
Carter	Herseth Sandlin	Meek (FL)
Cassidy	Higgins	Meeks (NY)
Castle	Hill	Melancon
Castor (FL)	Himes	Mica
Chandler	Hinche	Michaud
Childers	Hinojosa	Miller (FL)
Clarke	Hirono	Miller (MI)
Clay	Hodes	Miller (NC)
Cleaver	Hoekstra	Miller, George
Clyburn	Holden	Minnick
Coble	Holt	Mitchell
Coffman (CO)	Honda	Mollohan
Cohen	Hoyer	Moore (KS)
Cole	Hunter	Moore (WI)
Conaway	Inglis	Moran (KS)
Connolly (VA)	Inslee	Moran (VA)
Conyers	Israel	Murphy (CT)
Cooper	Issa	Murphy, Patrick
Costa	Jackson (IL)	Murphy, Tim
Costello	Jackson-Lee	Murtha
Courtney	(TX)	Myrick
Crenshaw	Johnson (GA)	Nadler (NY)
Crowley	Johnson (IL)	Napolitano
Cuellar	Johnson, E. B.	Neal (MA)
Culberson	Johnson, Sam	Neugebauer
Cummings	Jones	Nunes
Dahlkemper	Jordan (OH)	Nye
Davis (AL)	Kagen	Oberstar
Davis (CA)	Kanjorski	Obey
Davis (IL)	Kaptur	Olson
Davis (KY)	Kennedy	Olver
Davis (TN)	Kildee	Ortiz
Deal (GA)	Kilpatrick (MI)	Pallone
DeFazio	Kilroy	Pascarell
DeGette	Kind	Pastor (AZ)
Delahunt	King (NY)	Paulsen
DeLauro	Kingston	Payne
Dent	Kirk	Pence
Diaz-Balart, L.	Kirkpatrick (AZ)	Peters
Diaz-Balart, M.	Kissell	Peterson
Dicks	Klein (FL)	Petri
Dingell	Kline (MN)	Pingree (ME)
Doggett	Kosmas	Pitts
Donnelly (IN)	Kratovil	Platts
Doyle	Kucinich	Poe (TX)
Dreier	Lamborn	Polis (CO)
Driehaus	Lance	Pomeroy
Edwards (MD)	Langevin	Posey
Edwards (TX)	Larsen (WA)	Price (GA)
Ellsworth	Larson (CT)	Price (NC)
Emerson	Latham	Radanovich
Engel	LaTourette	Rahall
Eshoo	Latta	Rangel
Etheridge	Lee (CA)	Rehberg
Fallin	Lee (NY)	Reichert
Farr	Levin	Reyes
Fattah	Lewis (CA)	Richardson
Filner	Lewis (GA)	Rodriguez
Fleming	Linder	Roe (TN)
Forbes	Lipinski	Rogers (AL)
Fortenberry	LoBiondo	Rogers (KY)
Foster	Loeb sack	Rogers (MI)
Fox	Loftgren, Zoe	Rooney
Frank (MA)	Lowey	Roskam
Frelinghuysen	Lucas	Ross
Fudge	Luetkemeyer	Rothman (NJ)
Gallegly	Lujan	Roybal-Allard
Garrett (NJ)	Lungren, Daniel	Ruppersberger
Gerlach	E.	Rush
Giffords	Lynch	Ryan (OH)
Gingrey (GA)	Mack	Ryan (WI)
Gohmert	Maffei	Salazar
Gonzalez	Maloney	Sánchez, Linda
Goodlatte	Marchant	T.
Gordon (TN)	Markey (CO)	Sanchez, Loretta
Granger	Markey (MA)	Sarbanes
Graves	Marshall	Scalise

Schakowsky	Smith (WA)	Van Hollen
Schauer	Souder	Velázquez
Schiff	Space	Visclosky
Schmidt	Spratt	Walden
Schock	Stearns	Walz
Schrader	Stupak	Wamp
Schwartz	Sullivan	Wasserman
Scott (GA)	Sutton	Schultz
Scott (VA)	Tanner	Waters
Sensenbrenner	Tauscher	Watson
Serrano	Taylor	Watt
Sessions	Teague	Waxman
Sestak	Terry	Weiner
Shea-Porter	Thompson (CA)	Welch
Sherman	Thompson (MS)	Westmoreland
Shimkus	Thompson (PA)	Wexler
Shuler	Thornberry	Whitfield
Shuster	Tiberi	Wilson (OH)
Simpson	Tierney	Wilson (SC)
Sires	Titus	Wittman
Skellton	Tonko	Wolf
Slaughter	Towns	Woolsey
Smith (NE)	Tsongas	Wu
Smith (NJ)	Turner	Yarmuth
Smith (TX)	Upton	Young (AK)

NAYS—13

Broun (GA)	Jenkins	Royce
Chaffetz	Lummis	Shadegg
Duncan	Manzullo	Tiahrt
Flake	Paul	
Franks (AZ)	Rohrabacher	

NOT VOTING—16

Baca	King (IA)	Snyder
Brown, Corrine	Miller, Gary	Speier
Buchanan	Perlmutter	Stark
Campbell	Perriello	Young (FL)
Ehlers	Putnam	
Ellison	Ros-Lehtinen	

□ 1609

Mrs. MALONEY changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Madam Speaker, on roll-call No. 92, I was not present because of the birth of my grandson. Had I been present, I would have voted “yea.”

Mr. PERLMUTTER. Madam Speaker, on roll-call No. 92, I was unavoidably detained; otherwise I would have voted “yes” on the Civil War Battlefield Preservation Act.

CONGRATULATING THE UNIVERSITY OF MARY WASHINGTON ON ITS 100TH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 77, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 77.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 17, as follows:

[Roll No. 93]

YEAS—414

Abercrombie Davis (AL) Jenkins
Ackerman Davis (CA) Johnson (GA)
Adlerholt Davis (IL) Johnson (IL)
Adler (NJ) Davis (KY) Johnson, E. B.
Akin Davis (TN) Johnson, Sam
Alexander Deal (GA) Jones
DeFazio Jordan (OH)
Andrews DeGette Kagen
Arcuri Delahunt Kanjorski
Austria DeLauro Kaptur
Bachmann Dent Kennedy
Bachus Diaz-Balart, L. Kildee
Baird Diaz-Balart, M. Kilpatrick (MI)
Baldwin Dicks Kilroy
Barrett (SC) Dingell Kind
Barrow Doggett King (NY)
Bartlett Donnelly (IN) Kingston
Barton (TX) Doyle Kirk
Bean Dreier Kirkpatrick (AZ)
Becerra Driehaus Kissell
Berkley Duncan Klein (FL)
Berman Edwards (MD) Kline (MN)
Berry Edwards (TX) Kosmas
Biggart Ellsworth Kratovil
Bilbray Emerson Kucinich
Bilirakis Engel Lamorn
Bishop (GA) Eshoo Lance
Bishop (NY) Etheridge Langevin
Bishop (UT) Fallin Larsen (WA)
Blackburn Farr Larson (CT)
Blumenauer Fattah Latham
Blunt Filner LaTourette
Bocieri Flake Latta
Boehner Fleming Lee (CA)
Bonner Forbes Lee (NY)
Bono Mack Fortenberry Levin
Boozman Foster Lewis (CA)
Boren Foxx Lewis (GA)
Boswell Frank (MA) Linder
Boucher Franks (AZ) Lipinski
Boustany Frelinghuysen LoBiondo
Boyd Fudge Loeb sack
Brady (PA) Gallegly Lofgren, Zoe
Brady (TX) Garrett (NJ) Lowey
Braley (IA) Gerlach Lucas
Bright Giffords Luetkemeyer
Broun (GA) Gingrey (GA) Lujan
Brown (SC) Gohmert Lummis
Brown-Waite, Gonzalez Lungren, Daniel
Ginny Goodlatte E.
Burgess Gordon (TN) Lynch
Burton (IN) Granger Mack
Butterfield Graves Maffei
Buyer Grayson Maloney
Calvert Green, Al Manzullo
Camp Green, Gene Marchant
Cantor Griffith Markey (CO)
Cao Grijalva Markey (MA)
Capito Guthrie Marshall
Capps Gutierrez Massa
Capuano Hall (NY) Matheson
Cardoza Hall (TX) Matsui
Carnahan Halvorson McCarthy (CA)
Carney Hare McCarthy (NY)
Carson (IN) Harman McCaul
Carter Harper McClintock
Cassidy Hastings (FL) McCollum
Castle Hastings (WA) McCotter
Castor (FL) Heinrich McDermott
Chaffetz Heller McGovern
Chandler Hensarling McHugh
Childers Hergert McIntyre
Clarke Herseht Sandlin McKeon
Clay Higgins McMahon
Cleverer Hill McMorris
Clyburn Himes Rodgers
Coble Hinchey McNerney
Coffman (CO) Hinojosa Meek (FL)
Cohen Hirono Meeks (NY)
Cole Hodes Melancon
Conaway Hoekstra Mica
Connolly (VA) Holden Michaud
Conyers Holt Miller (FL)
Cooper Honda Miller (MI)
Costa Hoyer Miller (NC)
Costello Hunter Miller, George
Courtney Inglis Minnick
Crenshaw Inslee Mitchell
Crowley Israel Mollohan
Cuellar Issa Moore (KS)
Culberson Jackson (IL) Moore (WI)
Cummings Jackson-Lee Moran (KS)
Dahlkemper (TX) Moran (VA)

Murphy (CT) Rogers (MI) Spratt
Murphy, Patrick Rohrabacher Stearns
Murphy, Tim Rooney Stupak
Murtha Roskam Sullivan
Myrick Ross Sutton
Nadler (NY) Rothman (NJ) Tanner
Napolitano Roybal-Allard Tauscher
Neal (MA) Royce Taylor
Neugebauer Ruppersberger Teague
Nunes Rush Terry
Nye Ryan (OH) Thompson (CA)
Oberstar Ryan (WI) Thompson (MS)
Obey Salazar Thompson (PA)
Olson Sanchez, Linda Thornberry
Oliver T. Tiahrt
Ortiz Sanchez, Loretta Tiberi
Pallone Sarbanes Tierney
Pascarell Scalise Titus
Pastor (AZ) Schakowsky Tonko
Paul Schauer Towns
Paulsen Schiff Tsongas
Payne Schmidt Turner
Pence Schock Upton
Perlmutter Schrader Van Hollen
Peters Schwartz Velázquez
Peterson Scott (GA) Visclosky
Petri Scott (VA) Walden
Pingree (ME) Sensenbrenner Walz
Pitts Serrano Wamp
Platts Sessions Wasserman
Poe (TX) Sestak Schultz
Polis (CO) Shadegg Waters
Pomeroy Shea-Porter Watson
Posey Sherman Watt
Price (GA) Shimkus Waxman
Price (NC) Shuler Weiner
Radanovich Shuster Welch
Rahall Simpson Westmoreland
Rangel Sires Wexler
Rehberg Skelton Whitfield
Reichert Slaughter Wilson (SC)
Reyes Smith (NE) Wittman
Richardson Smith (NJ) Wolf
Rodriguez Smith (TX) Woolsey
Roe (TN) Smith (WA) Wu
Rogers (AL) Souder Yarmuth
Rogers (KY) Space Young (AK)

NOT VOTING—17

Baca King (IA) Snyder
Brown, Corrine McHenry Speier
Buchanan Miller, Gary Stark
Campbell Perriello Wilson (OH)
Ehlers Putnam Young (FL)
Ellison Ros-Lehtinen

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their votes.

□ 1616

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Madam Speaker, on roll-call No. 93, I was not present because of the birth of my grandson. Had I been present, I would have voted "yea."

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas The Hill reported on February 10, 2009, that "a top defense-lobbying firm" that

"specializes in obtaining earmarks in the defense budget for a long list of clients" was "recently raided by the FBI.":

Whereas Roll Call reported on February 11, 2009, that "the defense-appropriations-focused lobbying shop" had in recent years "spread millions of dollars of campaign contributions to lawmakers.":

Whereas Politico reported on February 13, 2009, that "federal investigators are asking about thousands of dollars in campaign contributions to lawmakers as part of an effort to determine whether they were illegal 'straw man' donations.":

Whereas Roll Call reported on February 20, 2009, that they have "located tens of thousands of dollars worth of [the raided firm]-linked donations that are improperly reported in the FEC database.":

Whereas Roll Call also reported that "tracking Federal Election Commission records of campaign donations attributed to [the firm] is a comedy of errors, misinformation and mysteries, providing more questions than answers about how much money the lobbying firm actually raised for Congressional campaigns.":

Whereas CQ Today reported on February 19, 2009, that "104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills," and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas The Hill reported on February 10, 2009, that in 2008 clients of this firm had "received \$299 million worth of earmarks, according to Taxpayers for Common Sense.":

Whereas The Hill reported on February 23, 2009, that "clients of a defense lobby shop under investigation are continuing to score earmarks from their patrons in Congress, despite the firm being on the verge of shutting its doors permanently" and that several of the firm's clients "are slated to receive earmarks worth at least \$8 million in the omnibus spending bill funding the federal government through the rest of fiscal 2009 . . .":

Whereas the Washington Post reported on June 13, 2008, in a story describing increased earmark spending in the House version of the fiscal year 2009 defense authorization bill that "many of the earmarks serve as no-bid contracts for the recipients.":

Whereas the Associated Press reported on February 25, 2009, that "the Justice Department's fraud section is overseeing an investigation into whether [the firm] reimbursed some employees for campaign contributions to members of Congress who requested the projects.":

Whereas Politico reported on February 12, 2009, that "several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.":

Whereas the reportedly fraudulent nature of campaign contributions originating from the raided firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of the institution; and

Whereas the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards of Official Conduct from taking investigative steps: Now, therefore, be it

Resolved, That (a) the Committee on Standards of Official Conduct, or an investigative subcommittee of the committee established jointly by the chair and ranking minority

member shall immediately begin an investigation into the relationship between earmark requests on behalf of clients of the raided firm already made by Members and the source and timing of past campaign contributions related to such requests.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

NAMING MEMBERS TO BE AVAILABLE TO SERVE ON INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. Pursuant to clause 5(a)(4)(A) of rule X, and the order of the House of January 6, 2009, the Chair announces the Speaker named the following Members of the House to be available to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 111th Congress:

Ms. BALDWIN, Wisconsin
Mr. CARNAHAN, Missouri
Mr. CLEAVER, Missouri
Mrs. DAVIS, California
Mr. ELLISON, Minnesota
Mr. GONZALEZ, Texas
Ms. HIRONO, Hawaii
Mr. MILLER, North Carolina

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to clause 5(a)(4)(A) of rule X of the Rules of the House of Representatives, I designate the following Members to be available for service on the investigative subcommittees of the Committee on Standards of Official Conduct during the 111th Congress:

The Honorable Rob Bishop of Utah.

The Honorable Marsha Blackburn of Tennessee.

The Honorable Ander Crenshaw of Florida.
The Honorable Lincoln Diaz-Balart of Florida.

The Honorable Tom Latham of Iowa.
The Honorable Frank Lucas of Oklahoma.
The Honorable Sue Myrick of North Carolina.

The Honorable Mike Simpson of Idaho.
The Honorable Greg Walden of Oregon.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

COMMEMORATING TEXAS' INDEPENDENCE AND WELCOMING A NEW TEXAN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to mark two important occasions.

One hundred seventy-three years ago yesterday, March, 2, 1836, Texas declared its independence from Mexico. We celebrate this declaration of freedom from tyranny knowing that during the same time in 1836 the Alamo was under attack by the Army of Mexico's dictator, Santa Anna, and would fall after 13 days of resistance. As Texans and Americans, we honor freedom and those who protect it.

I also want to celebrate the birth of a new Texan, our fourth grandchild, Tristan Michael Green, born February 11, 2009 to our son and our daughter-in-law, Chris and Brandy Green. Tristan was born at 10:37 a.m. at 18¾ inches and weighing 6 pounds, 4 ounces. He is healthy and eating constantly.

We welcome another Texan to join his big brother, Dylan. God bless Texas and the United States of America.

FEDERAL BUREAUCRATS WILL BENEFIT THE MOST FROM SO-CALLED STIMULUS PACKAGE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, a few days ago, just before we voted on the so-called stimulus package, The Washington Post said in a story that it would mean a "massive financial windfall for Federal agencies." The Post was for the bill, but those were the words the paper used, "massive financial windfall for Federal agencies."

Then on the front page of today's Washington Post is a story saying, "Tens of thousands could be added to Federal payroll" under the President's budget. The story says, "President Obama's budget is so ambitious with vast new spending that experts say he will need to hire tens of thousands of new Federal Government workers."

All over the country, people think they are going to get stimulus money or checks from all this spending, yet

the ones who will benefit the most are those who need it the least—Federal bureaucrats. Very little, Madam Speaker, is going to trickle down to the rest of the country.

□ 1630

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. ZOE LOFGREN) is recognized for 5 minutes.

Ms. ZOE LOFGREN of California. Madam Speaker, I submit for publication the attached copy of the Rules of the Committee on Standards of Official Conduct the U.S. House of Representatives for the 111th Congress. The Committee on Standards of Official Conduct adopted these rules pursuant to House Rule XI, clause 2(a)(1) on February 10, 2009. I am submitting these rules for publication in compliance with House Rule XI, clause 2(a)(2). The Committee is reviewing its rules and will make revisions to conform with House rules pertaining to the Office of Congressional Ethics. The revised rules will be submitted for publication after they are adopted by the Committee.

FOREWORD

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help ensure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

PART I—GENERAL COMMITTEE RULES

RULE 1. GENERAL PROVISIONS

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a)(1) of Rule XI of the Rules of the House of Representatives, 111th Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

(d) The Chair and Ranking Minority Member shall have access to such information

that they request as necessary to conduct Committee business.

RULE 2. DEFINITIONS

(a) "Committee" means the Committee on Standards of Official Conduct.

(b) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate an inquiry.

(c) "Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(d) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 19(a) to conduct an inquiry to determine if a Statement of Alleged Violation should be issued.

(e) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

(f) "Adjudicatory Subcommittee" means a subcommittee designated pursuant to Rule 23(a) that holds an adjudicatory hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(g) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to adopt or to recommend to the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of an inquiry or a Statement of Alleged Violation.

(i) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(j) "Member" means a Representative in, or a Delegate to, or the Resident Commissioner to, the U.S. House of Representatives.

RULE 3. ADVISORY OPINIONS AND WAIVERS

(a) The Office of Advice and Education shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, or employee.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request, and the written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(e) A written request for an opinion shall be addressed to the Chair of the Committee

and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(f) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion from a Member, officer, or employee. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(g) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(h) The Chair and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chair or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(1), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(i) The Committee shall keep confidential any request for advice from a Member, officer, or employee, as well as any response thereto.

(j) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(k) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 3(a)(2) or clause 3(b) of Rule XI of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(l) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(m) A written request for a waiver of clause 5 of House Rule XXV (the House gift rule) shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(n) An employee seeking a waiver of time limits applicable to travel paid for by a private source shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

RULE 4. FINANCIAL DISCLOSURE

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Legislative Resource Center, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Legislative Resource Center to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chair and Ranking Minority Member are authorized to grant on behalf of the

Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the Statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of \$200. The Chair and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chair and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(C) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Legislative Resource Center for placement on the public record.

(h) The Chair and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(0)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to be made public, shall be forwarded to the Legislative Resource Center for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(1) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement requires clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

RULE 5. MEETINGS

(a) The regular meeting day of the Committee shall be the second Tuesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chair determines that there is sufficient reason, meetings may be called on additional days. A regularly scheduled meeting need not be held when the Chair determines there is no business to be considered.

(b) The Chair shall establish the agenda for meetings of the Committee and the Ranking Minority Member may place additional items on the agenda.

(c) All meetings of the Committee or any subcommittee shall occur in executive session unless the Committee or subcommittee, by an affirmative vote of a majority of its members, opens the meeting or hearing to the public.

(d) Any hearing held by an adjudicatory subcommittee or any sanction hearing held by the Committee shall be open to the public unless the Committee or subcommittee, by an affirmative vote of a majority of its members, closes the hearing to the public.

(e) A subcommittee shall meet at the discretion of its Chair.

(f) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chair of the Committee or subcommittee may waive such time period for good cause.

RULE 6. COMMITTEE STAFF

(a) The staff is to be assembled and retained as a professional, nonpartisan staff.

(b) Each member of the staff shall be professional and demonstrably qualified for the position for which the individual is hired.

(c) The staff as a whole and each individual member of the staff shall perform all official duties in a nonpartisan manner.

(d) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(e) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to the employment or duties with the Committee of such individual without specific prior approval from the Chair and Ranking Minority Member.

(f) All staff members shall be appointed by an affirmative vote of a majority of the members of the Committee. Such vote shall occur at the first meeting of the membership of the Committee during each Congress and as necessary during the Congress.

(g) Subject to the approval of the Committee on House Administration, the Committee may retain counsel not employed by the House of Representatives whenever the Committee determines, by an affirmative vote of a majority of the members of the Committee, that the retention of outside counsel is necessary and appropriate.

(h) If the Committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(i) Outside counsel may be dismissed prior to the end of a contract between the Committee and such counsel only by a majority vote of the members of the Committee.

(j) In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee, the Chair and Ranking Minority Member each may appoint one individual as a shared staff member from the respective personal staff of the Chair or Ranking Minority Member to perform service for the Committee. Such shared staff may assist the Chair or Ranking Minority Member on any subcommittee on which the Chair or Ranking Minority Member serves. Only paragraphs (c) and (e) of this Rule and Rule 7(b) shall apply to shared staff.

RULE 7. CONFIDENTIALITY

(a) Before any Member or employee of the Committee, including members of an investigative subcommittee selected under clause 5(a)(4) of Rule X of the House of Representatives and shared staff designated pursuant to Committee Rule 6(j), may have access to information that is confidential under the rules of the Committee, the following oath (or affirmation) shall be executed in writing:

"I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules."

Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House. Breaches of confidentiality shall be investigated by the Committee and appropriate action shall be taken.

(b) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the Committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the Committee.

(c) Committee members and staff shall not disclose any evidence relating to an inves-

tigation to any person or organization outside the Committee unless authorized by the Committee.

(d) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee of the House.

(e) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee, the name of any witness subpoenaed to testify or to produce evidence.

(f) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a respondent until it has transmitted a Statement of Alleged Violation to such respondent and the respondent has been given full opportunity to respond pursuant to Rule 22. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives. If no public hearing is held on the matter, the Statement of Alleged Violation and any written response thereto shall be included in the Committee's final report on the matter to the House of Representatives.

(g) Unless otherwise determined by a vote of the Committee, only the Chair or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee or any subcommittee.

(h) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

RULE 8. SUBCOMMITTEES—GENERAL POLICY AND STRUCTURE

(a) Notwithstanding any other provision of these Rules, the Chair and Ranking Minority Member of the Committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access to evidence and information before a subcommittee with whom they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee. Except for the Chair and Ranking Minority Member of the Committee pursuant to this paragraph, evidence in the possession of an investigative subcommittee shall not be disclosed to other Committee members except by a vote of the subcommittee.

(b) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(c) The Chair may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(d) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

RULE 9. QUORUMS AND MEMBER DISQUALIFICATION

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, or conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding in which such Member is the respondent.

(e) A member of the Committee may seek disqualification from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 17(e) or Rule 23(a), the Chair shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

RULE 10. VOTE REQUIREMENTS

(a) The following actions shall be taken only upon an affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate:

- (1) Issuing a subpoena.
 - (2) Adopting a full Committee motion to create an investigative subcommittee.
 - (3) Adopting or amending of a Statement of Alleged Violation.
 - (4) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence.
 - (5) Sending a letter of reproof.
 - (6) Adopting a recommendation to the House of Representatives that a sanction be imposed.
 - (7) Adopting a report relating to the conduct of a Member, officer, or employee.
 - (8) Issuing an advisory opinion of general applicability establishing new policy.
- (b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

RULE 11. COMMITTEE RECORDS

(a) All communications and all pleadings pursuant to these rules shall be filed with

the Committee at the Committee's office or such other place as designated by the Committee.

(b) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule VII of the Rules of the House of Representatives.

RULE 12. BROADCASTS OF COMMITTEE AND SUBCOMMITTEE PROCEEDINGS

(a) Television or radio coverage of a Committee or subcommittee hearing or meeting shall be without commercial sponsorship.

(b) No witness shall be required against the witness' will to be photographed or otherwise to have a graphic reproduction of the witness' image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and the making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

PART II—INVESTIGATIVE AUTHORITY

RULE 13. HOUSE RESOLUTION

Whenever the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

RULE 14. COMMITTEE AUTHORITY TO INVESTIGATE—GENERAL POLICY

(a) Pursuant to clause 3(b) of Rule XI of the Rules of the House of Representatives, the Committee may exercise its investigative authority when:

- (1) information offered as a complaint by a Member of the House of Representatives is transmitted directly to the Committee;
- (2) information offered as a complaint by an individual not a Member of the House is transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee;
- (3) the Committee, on its own initiative, establishes an investigative subcommittee;
- (4) a Member, officer, or employee is convicted in a Federal, State, or local court of a felony;
- (5) the House of Representatives, by resolution, authorizes or directs the Committee to undertake an inquiry or investigation; or

(b) The Committee also has investigatory authority over:

- (1) certain unauthorized disclosures of intelligence-related information, pursuant to House Rule X, clauses 11(g)(4) and (g)(5); or

(2) reports received from the Office of the Inspector General pursuant to House Rule II, clause 6(c)(5).

RULE 15. COMPLAINTS

(a) A complaint submitted to the Committee shall be in writing, dated, and properly verified (a document will be considered properly verified where a notary executes it with the language, "Signed and sworn to (or affirmed) before me on (date) by (the name of the person)" setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) Information offered as a complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) Information offered as a complaint by an individual not a Member of the House may be transmitted to the Committee, provided that a Member of the House certifies in writing that such Member believes the information is submitted in good faith and warrants the review and consideration of the Committee.

(e) A complaint must be accompanied by a certification, which may be unsworn, that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(f) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the complaint alleges conduct that the Committee has reason to believe is being reviewed by appropriate law enforcement or regulatory authorities, or when the Committee determines that it is appropriate for the conduct alleged in the complaint to be reviewed initially by law enforcement or regulatory authorities.

(g) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(h) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(i) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

RULE 16. DUTIES OF COMMITTEE CHAIR AND RANKING MINORITY MEMBER

(a) Whenever information offered as a complaint is submitted to the Committee, the Chair and Ranking Minority Member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether

the information meets the requirements of the Committee's rules for what constitutes a complaint.

(b) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the Chair and Ranking Minority Member determine that information filed meets the requirements of the Committee's rules for what constitutes a complaint, unless the Committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the Committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the Committee extend the applicable 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1) or (2) of Rule 16(b).

(c) The Chair and Ranking Minority Member may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the Chair or Ranking Minority Member has placed on the agenda the issue of whether to establish an investigative subcommittee.

(d) If the Chair and Ranking Minority Member jointly determine that information submitted to the Committee meets the requirements of the Committee rules for what constitutes a complaint, and the complaint is not disposed of within 45 calendar days or 5 legislative days, whichever is later, and no additional 45-day extension is made, then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. If at any time during the time period either the Chair or Ranking Minority Member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the Committee.

(e) Whenever the Chair and Ranking Minority Member jointly determine that information submitted to the Committee does not meet the requirements for what constitutes a complaint set forth in the Committee rules, they may (1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the Committee's rules; or (2) recommend to the Committee that it authorize the establishment of an investigative subcommittee.

RULE 17. PROCESSING OF COMPLAINTS

(a) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent within 5 days with notice that the complaint conforms to the applicable rules.

(b) The respondent may, within 30 days of the Committee's notification, provide to the Committee any information relevant to a complaint filed with the Committee. The respondent may submit a written statement in response to the complaint. Such a statement

shall be signed by the respondent. If the statement is prepared by counsel for the respondent, the respondent shall sign a representation that the respondent has reviewed the response and agrees with the factual assertions contained therein.

(c) The Committee staff may request information from the respondent or obtain additional information pertinent to the case from other sources prior to the establishment of an investigative subcommittee only when so directed by the Chair and Ranking Minority Member.

(d) The respondent shall be notified in writing regarding the Committee's decision either to dismiss the complaint or to create an investigative subcommittee.

(e) The respondent shall be notified of the membership of the investigative subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and must be on the grounds that the subcommittee member cannot render an impartial and unbiased decision. The subcommittee member against whom the objection is made shall be the sole judge of any disqualification.

RULE 18. COMMITTEE-INITIATED INQUIRY

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of the duties or the discharge of the responsibilities of such individual. The Chair and Ranking Minority Member may jointly gather additional information concerning such an alleged violation by a Member, officer, or employee unless and until an investigative subcommittee has been established.

(b) If the Committee votes to establish an investigative subcommittee, the Committee shall proceed in accordance with Rule 19.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be considered in accordance with subsection (a) of this Rule.

(d) An inquiry shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) An inquiry shall be undertaken by an investigative subcommittee with regard to any felony conviction of a Member, officer, or employee of the House of Representatives in a Federal, State, or local court who has been sentenced. Notwithstanding this provision, the Committee has the discretion to initiate an inquiry upon an affirmative vote of a majority of the members of the Committee at any time prior to conviction or sentencing.

RULE 19. INVESTIGATIVE SUBCOMMITTEE

(a) Upon the establishment of an investigative subcommittee, the Chair and Ranking Minority Member of the Committee shall designate four members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake an inquiry. Members of the Committee and Members of the House selected pursuant to clause 5(a)(4)(A) of Rule X of the House of Representatives

are eligible for appointment to an investigative subcommittee, as determined by the Chair and Ranking Minority Member of the Committee. At the time of appointment, the Chair shall designate one member of the subcommittee to serve as the Chair and the Ranking Minority Member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee. The Chair and Ranking Minority Member of the Committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex-officio members.

(b) In an inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in executive session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in executive session.

(2) The Chair of the investigative subcommittee shall ask the respondent and all witnesses whether they intend to be represented by counsel. If so, the respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chair and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the investigative subcommittee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or subcommittee member designated by the Chair to administer oaths.

(c) During the inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any rulings to the members present at that proceeding. A majority vote of the members

present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is determined by a majority vote to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(d) Upon an affirmative vote of a majority of the subcommittee members, and an affirmative vote of a majority of the full Committee, an investigative subcommittee may expand the scope of its investigation.

(e) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received regarding the alleged violations.

(f) Upon completion of the inquiry, an investigative subcommittee, by a majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred. If more than one violation is alleged, such Statement shall be divided into separate counts. Each count shall relate to a separate violation, shall contain a plain and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A copy of such Statement shall be transmitted to the respondent and the respondent's counsel.

(g) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefore, and any appropriate recommendation.

RULE 20. AMENDMENTS TO STATEMENTS OF ALLEGED VIOLATION

(a) An investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its Statement of Alleged Violation anytime before the Statement of Alleged Violation is transmitted to the Committee; and

(b) If an investigative subcommittee amends its Statement of Alleged Violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended Statement of Alleged Violation.

RULE 21. COMMITTEE REPORTING REQUIREMENTS

(a) Whenever an investigative subcommittee does not adopt a Statement of Alleged Violation and transmits a report to that effect to the Committee, the Committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

(b) Whenever an investigative subcommittee adopts a Statement of Alleged Violation but recommends that no further action be taken, it shall transmit a report to the Committee regarding the Statement of Alleged Violation; and

(c) Whenever an investigative subcommittee adopts a Statement of Alleged Violation, the respondent admits to the violations set forth in such Statement, the respondent waives the right to an adjudicatory hearing, and the respondent's waiver is approved by the Committee—

(1) the subcommittee shall prepare a report for transmittal to the Committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(2) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(3) the subcommittee shall transmit a report to the Committee regarding the Statement of Alleged Violation together with any views submitted by the respondent pursuant to subparagraph (2), and the Committee shall make the report, together with the respondent's views, available to the public before the commencement of any sanction hearing; and

(4) the Committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (2) and any additional views respondent may submit for attachment to the final report; and

(d) Members of the Committee shall have not less than 72 hours to review any report transmitted to the Committee by an investigative subcommittee before both the commencement of a sanction hearing and the Committee vote on whether to adopt the report.

RULE 22. RESPONDENT'S ANSWER

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 10 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 10 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 10 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 20 days after the subcommittee has replied to the Motion to Dismiss, unless the respondent previously filed a Motion for a Bill of Particulars, in which case the respondent shall not be required to file an answer until 10 days after the subcommittee has replied to the Motion to Dismiss. The investigative subcommittee shall rule upon any motion to dismiss filed during the period between the establishment of the subcommittee and the subcommittee's trans-

mittal of a report or Statement of Alleged Violation to the Committee or to the Chair and Ranking Minority Member at the conclusion of an inquiry, and no appeal of the subcommittee's ruling shall lie to the Committee.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The Chair of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the Chair of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the Chair of the investigative subcommittee to the Chair and Ranking Minority Member of the Committee.

RULE 23. ADJUDICATORY HEARINGS

(a) If a Statement of Alleged Violation is transmitted to the Chair and Ranking Minority Member pursuant to Rule 22, and no waiver pursuant to Rule 26(b) has occurred, the Chair shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chair and Ranking Minority Member of the Committee shall be the Chair and Ranking Minority Member of the adjudicatory subcommittee unless they served on the investigative subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have 10 days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of any disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At an adjudicatory hearing, the subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and

sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(g) and (k) of Rule XI of the Rules of the House of Representatives shall apply to adjudicatory hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that the respondent and respondent's counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in an adjudicatory hearing. The respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in an adjudicatory hearing unless the respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness has testified on direct examination at an adjudicatory hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than 5 days prior to the hearing, the respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The Chair of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness counsel, or a member of the subcommittee may appeal any ruling to the members present at that proceeding. A majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a Chair or other presiding member to be in

contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with the respondent and/or the respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of an adjudicatory hearing shall be as follows:

(1) The Chair of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The Chair shall then recognize Committee counsel and the respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) witnesses (deposition transcripts and affidavits obtained during the inquiry may be used in lieu of live witnesses if the witness is unavailable) and other evidence offered by the Committee counsel,

(ii) witnesses and other evidence offered by the respondent,

(iii) rebuttal witnesses, as permitted by the Chair.

(4) Witnesses at a hearing shall be examined first by counsel calling such witness. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination by counsel may be permitted at the Chair's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the Chair, questions by Subcommittee members shall be conducted under the five-minute rule.

(5) The Chair shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving closing arguments. Committee counsel may reserve time for rebuttal argument, as permitted by the Chair.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the Chair of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chair or Committee member designated by the Chair to administer oaths.

(n) At an adjudicatory hearing, the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation

and shall determine by a majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that a count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

RULE 24. SANCTION HEARING AND CONSIDERATION OF SANCTIONS OR OTHER RECOMMENDATIONS

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes an adjudicatory hearing pursuant to Rule 23 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dismissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most

serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

RULE 25. DISCLOSURE OF EXCULPATORY INFORMATION TO RESPONDENT

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information known and available to the Member, officer, or employee as soon as practicable, but in no event later than the transmittal of evidence supporting a proposed Statement of Alleged Violation pursuant to Rule 26(c). If an investigative subcommittee does not adopt a Statement of Alleged Violation, it shall identify any exculpatory information in its possession at the conclusion of its inquiry and shall include such information, if any, in the subcommittee's final report to the Committee regarding its inquiry. For purposes of this rule, exculpatory evidence shall be any evidence or information that is substantially favorable to the respondent with respect to the allegations or charges before an investigative or adjudicatory subcommittee.

RULE 26. RIGHTS OF RESPONDENTS AND WITNESSES

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at the respondent's own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps the respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a Statement of Alleged Violation, the subcommittee shall provide the respondent with a copy of the Statement of Alleged Violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates.

(d) Neither the respondent nor respondent's counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (c) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present.

(e) If, at any time after the issuance of a Statement of Alleged Violation, the Com-

mittee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (c) to prove the charges contained in the Statement of Alleged Violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the Committee's rules.

(f) Evidence provided pursuant to paragraph (c) or (e) shall be made available to the respondent and respondent's counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(1) such time as a Statement of Alleged Violation is made public by the Committee if the respondent has waived the adjudicatory hearing; or

(2) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and respondent's counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a Statement of Alleged Violation at the end of the period referenced to in (c).

(g) A respondent shall receive written notice whenever—

(1) the Chair and Ranking Minority Member determine that information the Committee has received constitutes a complaint; (2) a complaint or allegation is transmitted to an investigative subcommittee;

(3) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(4) the Committee votes to expand the scope of the inquiry of an investigative subcommittee.

(h) Whenever an investigative subcommittee adopts a Statement of Alleged Violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which the Statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and the respondent's counsel, the Chair and Ranking Minority Member of the subcommittee, and outside counsel, if any.

(i) Statements or information derived solely from a respondent or respondent's counsel during any settlement discussions between the Committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the Committee or otherwise publicly disclosed without the consent of the respondent.

(j) Whenever a motion to establish an investigative subcommittee does not prevail, the Committee shall promptly send a letter to the respondent informing the respondent of such vote.

(k) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel.

(l) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(m) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chair may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(n) Each witness subpoenaed to provide testimony or other evidence shall be provided the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, officers and employees of the House, and, as the Chair considers appropriate, actual expenses of travel to or from the place of examination. No compensation shall be authorized for attorney's fees or for a witness' lost earnings. Such per diem may not be paid if a witness had been summoned at the place of examination.

(o) With the approval of the Committee, a witness, upon request, may be provided with a transcript of the witness' own deposition or other testimony taken in executive session, or, with the approval of the Chair and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that the witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

RULE 27. FRIVOLOUS FILINGS

If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee, the Committee may take such action as it, by an affirmative vote of a majority deems appropriate in the circumstances.

RULE 28. REFERRALS TO FEDERAL OR STATE AUTHORITIES

Referrals made under clause 3(a)(3) of Rule XI of the Rules of the House of Representatives may be made by an affirmative vote of two-thirds of the members of the Committee.

50,000 RESIDUAL TROOPS IS UNACCEPTABLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, last Friday President Obama declared that he has "begun the work of ending" our Nation's occupation of Iraq. The American people have waited a long, long time to hear those words. I welcome the President's announcement that he will keep his promise to bring our troops home. The President also pledged to pursue sustained diplomacy with all nations of the Middle East, including Iran and Syria, and he promised to help resettle the millions of Iraqis who have been displaced by the conflict. I welcome these important steps as well.

But I am deeply troubled by other parts of the administration's withdrawal plan. It calls for an end to our combat mission in 19 months, but up to 50,000 troops will remain in Iraq after that time until the end of 2011, 3 more years from now, in fact. The administration is calling these troops a "transitional force." Well, you can call it what you want, but such a large number of troops can only be viewed by the Iraqi people as an enduring occupation force.

Madam Speaker, leaving 50,000 residual troops is simply unacceptable. So

long as the United States is viewed as an occupier, the Iraqi people will not be able to reclaim their full sovereignty and they will not be able to achieve the reconciliation and unification necessary for long-term stability and for democracy in their country.

That's why I believe the best approach is to bring all troops out of Iraq by 2010 and coordinate the removal with investments in reconciliation and reconstruction efforts. The faster we promote unification of the Iraqi people and help them to rebuild their country, the sooner we will be able to bring all of our troops home.

I'm also troubled with the administration's plan for several other reasons. First, although the residual force of 50,000 troops may not have a combat mission, they will still be in harm's way. Over 35,000 American troops, Madam Speaker, have already been killed or wounded in Iraq. We do not need to add to the casualty list.

Second, the President said that there will surely be difficult periods and tactical adjustments during the withdrawal of combat troops. I worry that this means the withdrawal could be delayed. It might even mean that the administration might ultimately seek to renegotiate the Status of Forces Agreement and keep troops in Iraq beyond 2011. That would lead to the worst possible result, an endless occupation of Iraq.

Third, the administration has abandoned its plan to withdraw a brigade a month, with only 10,000 troops withdrawn this year. The great majority of the troops will be withdrawn toward the end of the 19-month period. This means that the troop level will remain essentially the same for well over a year.

Fourth, the administration has not called for the withdrawal of American military contractors in Iraq. They must be withdrawn as well because the Iraqi people see them as part of the occupying force.

And, fifth, keeping a large force in Iraq will continue to drain our Treasury. We cannot continue to pour unnecessary billions of dollars into the occupation of Iraq when we need the money here at home to fight our recession.

Madam Speaker, the President has taken an important step toward developing a plan to leave Iraq, but the American people have waited long enough for our troops and military contractors to come home to their families. I urge the administration to produce a new plan, a plan that will end the occupation once and for all. That means withdrawing our troops and military contractors in 19 months, or even sooner if that could happen, without residual forces and without private contractors left behind.

BORDER WAR WITH DRUG CARTELS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the second front. As reported by Sara Carter, the enemy has more than 100,000 foot soldiers. And I'm not talking about al Qaeda and I'm not talking about the Taliban in Iraq or Afghanistan. I'm talking about the drug cartels south of the border in Mexico.

The Mexican army isn't much larger than 100,000; so the drug cartels have almost as many foot soldiers as the Mexican military. And the Mexican military, we understand, has been infiltrated by the drug cartels. And these drug cartels are violent.

There are two major ones. The Sinaloa cartel, also known as the Federation, and the Zetas cartel, which is known in America as the Gulf cartel. And they both operate down Mexico way.

There are four commodities that are being sold and traded across the U.S./Mexico border. Two commodities go north and two of them go south. Going north, operated by the drug cartels, of course, are drugs. Also, the drug cartels working with the coyotes are bringing people into the United States, both illegally done.

Going south are guns that the drug cartels end up using and, of course, that money, that filthy lucre that funds all of this process.

Right here, Madam Speaker, I have a photograph that was taken this past weekend in Juarez, Mexico, right across the border from El Paso, Texas. It's a population of about four times the size of El Paso. And the Mexican government has tried to do something about it. You see here federal police officers, a convoy, that goes for a mile, going into Juarez to try to control the drug cartels. Here you have peace officers or federal peace officers or military with M-16 rifles.

Madam Speaker, it's a war zone. It's a border war. And I commend the President of the Mexico for trying to stop the violence on his side of the border. But we are naive to think it's not going to come to the United States because eventually it will. It is a national security issue, Madam Speaker.

Some say that Mexico will be a failed state because of the drug cartels' influence, and it's certainly a tough situation for Mexican nationals that live along the border. I've been on both sides of the border, and I've seen it's a tough situation for people who live there because they live in fear because the drug cartels are fearless and they would do anything to bring those drugs into the United States.

Our own State Department has issued a spring break advisory: Don't

go to Mexico. It's not safe to go down there. There are beheadings of local and law enforcement officers. There are kidnappings of not only Mexican nationals but Americans that are being kidnapped now on our side of the border. It's a violent place, Madam Speaker. The United States now says that only Pakistan and Iran are more of a national security concern than Mexico. That's serious, and we should be concerned about it.

We now understand, of course, about the corruption in the Mexican Government. Even though President Calderon is trying to do what he can, you see, those drug cartels pay their criminals a whole lot more money than these federal peace officers get paid, and they switch sides and some of them even work for the federal government in Mexico. So he's put troops on the border. I'm talking about the President of the Mexico. He's put several thousands of troops on the border. Several thousand went into Juarez to try to stop the drug cartels from operating there.

More importantly, Madam Speaker, this is a national security issue for the United States. Both sides of the border are violent, and we need to do everything we can to deal with this problem.

The first thing we need to do is realize it's going on. In last year's election, neither person running for President ever mentioned the border problem. They didn't want to talk about that. It wasn't politically correct.

We have to deal with this issue. We have to help the Border Patrol. We need to change the rules of engagement. The Border Patrol, right now they can't shoot anybody unless they're shot at. They have got to take the first bullet; so they back off.

We need to help the sheriffs. One of the sheriffs down in Texas told me that the drug cartels outgun them, out-finance them and out-man them. They've got better equipment, more money, and more people. A deputy sheriff in South Texas makes about \$12,000 a year. A guy running drugs or guns across the border will make that much in 2 weeks. It's important that we help them.

And, of course, I think that we ought to put our troops on the border. If we put our troops, the National Guard, on the border, people will quit crossing. Mexico is doing what it can with its military, but we won't do that because we might offend somebody.

Down the road the United States has to deal with the real problem, and that's the tremendous addiction Americans have for illicit drugs. We have to deal with that or this is all going to continue. But until we fix that problem, we need to stop the crime from coming into the United States.

It is time, Madam Speaker, that we realize the truth because the first duty of government is not building roads and bridges and sending money to museums and foreign aid. The first duty of

government is to protect the people. That's the people of the United States. And our government needs to get with the program and send the National Guard to the border.

And that's just the way it is.

MARINE CORPS LEAGUE SUPPORT FOR REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, the Navy and Marine Corps have operated as one entity for more than two centuries, and H.R. 24 would enable the name of their department to illustrate this fact.

For the past 7 years, the full House of Representatives has supported this change as part of the National Defense Authorization Act. This year I'm grateful to have the support of Senator PAT ROBERTS, a former Marine who recently introduced a companion bill in the Senate, S. 504. I hope that the Senate will support the House position and join in bringing proper respect to the fighting team of the Navy and Marine Corps. The Marines who are fighting today in Afghanistan and Iraq deserve this recognition.

Madam Speaker, last month I had the privilege of addressing more than 200 Marine Corps veterans and retirees at the Marine Corps League's mid-winter conference. The Marine Corps League has nearly 70,000 members nationwide, and their shared mission is preserving the traditions and promoting the interests of the United States Marine Corps.

As in years past, I spoke to their mid-winter conference about legislation introduced like H.R. 24 to designate the Department of the Navy as the Department of the Navy and Marine Corps. The Marine Corps League has proudly endorsed this legislation and has pledged to work with my office to secure its passage by the House and Senate. Over the years I have been encouraged by the overwhelming support I have received for this change from so many members and veterans of the United States Armed Forces.

I am honored to have the support of Michael Blum, the national executive director of the Marine Corps League. He's a highly decorated combat marine, who served honorably off the coast of Cuba during the Cuban Missile Crisis in 1962. He also served his country in the Philippines, Korea, and Vietnam. It is because of great marines like Michael Blum that I continue to champion this cause for the United States Marine Corps.

Madam Speaker, I want to also thank Senator PAT ROBERTS for joining me on

the Senate side in this effort to rename the Department of Navy to the Department of the Navy and Marine Corps.

And before I close, I would like to point out the importance of this. There are many important reasons why this should take place. The history of both the Navy and Marine Corps, the fact that they are one fighting team. But, Madam Speaker, with our Marines and Army and other personnel dying in Afghanistan and Iraq, I want to show you exactly why and how this would be important to a Marine family who lost a loved one fighting for this great Nation.

I have a poster that is actually a letter from the current Secretary of the Navy. It's a condolence letter. Certainly I took the family's name out and the deceased's name. And I will read just one sentence, Madam Speaker: From the Secretary of the Navy, November 18, 2008: "On behalf of the Department of the Navy, please accept my very sincere condolences on the loss of your son Captain Joseph A. Marine." Obviously we substituted that last name out of respect.

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Madam Speaker, if this should become the law of the land, and it is so, so justified that we would have the Department of Navy and Marine Corps as one, one fighting team, this is what the condolence letter would say, Madam Speaker. It would say the Secretary of the Navy and Marine Corps, Washington D.C., November 18 of 2008, and it would say, "Dear Marine Corps Family: On behalf of the Department of Navy and Marine Corps, please accept my very sincere condolences."

Madam Speaker, this is only right. I want to thank the House of Representatives, Congressman and former Chairman of the Armed Forces Committee, DUNCAN HUNTER, and present Chairman IKE SKELTON for always supporting this legislation, and my many colleagues who have done so. This year, with the help of Senator PAT ROBERTS, I think this can become a reality.

With that, Madam Speaker, I ask God to continue to bless our men and women in Afghanistan and Iraq, to bless their families, to bless the families who have given a loved one dying for freedom. And I ask God three times, please, God; please, God; please God, continue to bless America.

WE HAVE SEVERE ECONOMIC PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, we have got severe economic problems. People are losing their homes. People who are staying in their homes are having a very difficult time

making their payments, and we really need to do everything we can to help them.

Now, the Obama administration has a budget that they proposed, and I wish everybody in America was paying attention. I can't talk to them directly, but if they were paying attention, I would like to tell them that President Obama's budget cuts their mortgage interest deduction. It reduces their mortgage interest deduction.

So if you have a house, Madam Speaker, and you are paying your mortgage, the interest on that mortgage is tax deductible, and he is going to reduce, get this, he is going to reduce the tax deductibility of part of your mortgage interest.

I am sure that's going to really stimulate the purchase of homes and help the economy. This is not what he promised. It's going to be, in effect, a tax increase. And we have got charitable institutions around this country, churches, the Salvation Army, all kinds of charitable institutions that do so much good for this country. And we really, we really admire them for that, and we give money to them, and we deduct that money from our taxes because it's a charitable contribution.

And, you know, President Obama's budget is going to reduce the amount that you can deduct from your taxes for charitable contributions. Now, I don't know, I don't know what the purpose of that is. I guess he is trying to raise more money in taxes.

But the fact of the matter is those charitable institutions are going to get less money because you can't deduct all of that money from your taxes, as you have in the past. They are reducing it dramatically.

And so where are the people going to go who depend on those charitable institutions if they don't have the money to help them? Well, you guessed it, the government. We will just raise your taxes and spend more money on bailouts and everything else to help those who are in need.

But right now, if a charity wants to help somebody, we can give them money and we could deduct it from our taxes. I wish everybody in America realized this. We were promised so much, we were promised everything was going to be better, that taxes were going to be lowered, that everybody is going to be living better, and everything has been going south.

We are spending money like it's going out of style, trillions and trillions of dollars, so much money that people can't even comprehend it and our kids and our grandkids are going to be paying for it with higher taxes and very high inflation. And, folks, let me just tell you, my colleagues, that inflation ain't too far off, because as fast as they are printing money, it's going to happen pretty fast.

So let me just say to my colleagues and everybody, we really need to take

a hard look at that budget, and we should not allow charitable deductions and the taxes on it to be reduced, the tax deductibility reduced. And mortgage interest, we should not allow there to be a reduction in the tax deductibility of mortgage interest. It will hurt the economy.

I hope President Obama is listening.

REVENUE NEUTRAL CARBON TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, the last couple of weeks I have been discussing opportunity and the danger that we confront with our energy insecurity. There is this enormous danger that was talked about over the last couple of weeks. There is also this incredible opportunity to create new jobs.

And to give you an idea of what that means in a district, the Fourth District of South Carolina, one of the six in South Carolina, has the wonderful fortune of having General Electric make gas turbines and wind turbines there. They have somewhere around 1,500 engineers and somewhere around 1,500 production employees, and at that facility they make wind turbines. They tell me that 1 percent of the world's electricity right now is made by the wind.

If it goes to 2 percent, it's \$100 billion in sales. I am pretty excited about that because, presumably, a lot of that money would be attributed to the Greenville facility and jobs would be created there.

So the question is how do you get from here to there? By the way, Madam Speaker, the Department of Energy says that we can, in the United States, get to 20 percent of our electricity being made by the wind, and we consume 25 percent of the world's electricity. So it's a tremendous business opportunity.

So how do we get from here, the intention of having fuels of the future, to the reality of fuels of the future? Well, I think it's all about economics. It's all about whether there is a price signal and an internalizing of the externals associated with fossil fuels—and that's what I talked about last week here on the floor—is the need to internalize externals associated with some of our fossil fuels, especially coal in the case of electricity; and in the case of the national security risk we are running with petroleum, the externalities associated with what comes out of our tail pipes and the national security risk associated with what we put in the gas tank.

So if you start attaching those externals to the price of the product, then some good things start happening and we start moving toward this in-

credible opportunity. So the opportunity at hand for us in a place like Greenville, South Carolina, is to create jobs by having a price signal sent through the marketplace that coal, for example, is no longer going to get the freebie that it has gotten. Right now, it's free good in the air. You can belch and burn all you want without any accountability for what's going up there.

That's a pretty good deal if you are the one belching and burning. But if you are the guy across the street who has got a better technology, a cleaner technology, a technology of the future, rather than of the past, then you are not going to take out that incumbent technology until a price signal is sent that could be sent by attaching the externals associated with the production of electricity by something like coal.

So what I am here to suggest, Madam Speaker, is that what we should be looking at is a revenue neutral carbon tax, revenue neutral in that you start with a tax reduction, reduce payroll taxes. In fact, I would like to eliminate them, but reducing payroll taxes is a first step.

Second step, apply a transparent tax to carbon. The result would be that no additional taxation would be coming to the U.S. government. The burden would not be greater on the American citizen, but we would send a price signal that would cause companies like General Electric to be able to see their way clear to make those wind turbines and electricity generators to buy those gas turbines because the freebie, the free good in the air, would no longer be going to the coal-fired plants.

So it's an incredible opportunity for us, Madam Speaker, that we begin this move towards fuels of the future. It starts with sound economics, conservative principles of accountability and of attaching externals to internalize the externals associated with some fossil fuels.

If we do that, Madam Speaker, the future is very bright in creating jobs in America. I am very excited about that and look forward to talking about it more with my colleagues as we go forward to figure out a way we can break this addiction to foreign oil and to power our lives in cleaner and job-producing ways.

INVESTIGATE THE RELATIONSHIP BETWEEN EARMARK AND CAMPAIGN CONTRIBUTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, last week I offered a privileged resolution which would have required the House Ethics Committee to investigate the relationship between earmarks and campaign contributions.

This resolution was prompted by the revelation that the Department of Justice is investigating a powerhouse lobbying firm, the PMA Group, for irregularities, including apparent strawman contributions to Members of Congress. Many Members of Congress receiving PMA contributions have gone on to secure earmarks for the firm's clients.

This is no small matter. The PMA Group had revenues of 18 million last year alone, made contributions to more than 100 Members of this body and secured some 300 million in earmarks for its clients in one bill alone, the 2008 Defense Appropriations bill. My resolution last week was tabled with a vote of 226-182 with 12 Members voting present.

Now during the course of last week I had numerous discussions with Members of this body who felt that the "resolved" clauses in the resolution were too broad, that the Ethics Committee did not have the time or resources to undertake such a task. Now, for the record, I disagree. I feel that with such a cloud as this over this House, we have an obligation to do whatever it takes to ensure that the dignity and the decorum of the House are maintained.

But with the failure of last week's privileged resolution, the cloud over the House remains, a cloud that will stay as long as we fail to take action. I have therefore narrowed the resolution.

I offered last week to address only the PMA Group. The new privileged resolution simply states that the House Ethics Committee will investigate the earmark company made on behalf of clients of the PMA Group. There are some who may believe that the announcement by the PMA Group that it will dissolve at the end of the month absolves us of our responsibility to take action. I would remind them that the omnibus spending bill that will likely go to the President later this week contains more than a dozen earmarks for clients of the PMA Group.

Let me put it in plain language. The legislation we will send to the President later this week contains no-bid contracts for clients of the PMA Group, an organization that is currently under investigation by the Department of Justice.

Further, there are Members of Congress who secured these no-bid contracts and received campaign contributions from the PMA Group, an organization that is currently under investigation by the U.S. Department of Justice. If this doesn't warrant an investigation by the House Ethics Committee, Madam Speaker, what does?

Again, Madam Speaker, let's be clear. This is not a partisan resolution. No Member of this body is referenced in the resolution, nor is there reference

to a political party. The cloud that hangs over this institution rains on Republicans and Democrats alike. It is our responsibility, all of us, to let the sun shine on this institution once more.

HONORING ARMY FIRST LIEUTENANT NICHOLAS ESLINGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Madam Speaker, I would like to take this opportunity to introduce my colleagues and the Nation to a constituent of the 22nd District and a true American hero.

His name is Army First Lieutenant Nicholas Eslinger, "Nick," from the great town of Missouri City, Texas, and his actions on the battlefield of Iraq are nothing short of extraordinary. While serving as a platoon leader during Operation Iraqi Freedom in Samarra during a dismounted patrol, First Lieutenant Eslinger and his men were attacked. When the enemy threw a grenade at his men, Lieutenant Eslinger didn't dive for cover, he dove at the grenade, picked it up, and, like a Nolan Ryan fastball, threw it back at the enemy.

While his quick reaction saved the lives of his men, Lieutenant Eslinger wasn't finished. Like a true Texan, he took off after the enemy combatant, eventually leading to the enemy combatant's arrest and detention. For his quick thinking and courageous action, Lieutenant Eslinger was awarded our country's second highest combat award, the Silver Star.

This past Saturday I had the privilege and the opportunity to visit Nick, along with his mother Donna, his father Bruce, his brother Danny, and many neighbors and friends at their home in Missouri City. Before leaving, Lieutenant Eslinger gave me a unit medallion of the Charlie Company, 2nd Battalion, 327th Infantry Regiment of the 101st Airborne, commonly referred to as "No Slack." It is something I am honored to have received and something I will carry with me with pride for the rest of my life.

Yesterday my State celebrated the 173rd anniversary of the Texas Declaration of Independence. Early in our fight for independence, at the Battle of Gonzalez, the Mexican army tried to seize the town's only cannon. The volunteers of Gonzalez, facing a much larger professional military force, might have been smart to hand over that cannon. Instead, they raised a flag that said "Come and Take It." In Lieutenant Eslinger's brave actions, I see the same spirit of defiance in the face of violence and the refusal to be intimidated that helped my State to achieve its independence.

Among thousands of other men and women who make sacrifices and per-

form courageous deeds for their country, perhaps some at this very moment, Lieutenant Eslinger's actions are worthy of special recognition, and I am proud to do so today.

Nick, thank you for the coin. Thank you for your service. God bless you and your family.

□ 1700

BENEFITS OF THE ECONOMIC STIMULUS PACKAGE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Let me thank the Speaker for her leadership and the opportunity to address my colleagues on what I think is a very important topic.

Of course, first I wish to wish my great State of Texas happy independence day, March 2, 2009, which was yesterday, and celebrate the courage of those fighters who declared their independence from Mexico. Texans are an independent bunch, but we are a patriotic bunch and we love this country, and I believe it is important to address the leadership that sits just a few blocks away that is attempting to take this Nation to another level of economic empowerment and change.

It is important, Madam Speaker, to articulate more clearly the purposes of the economic stimulus package and the bankruptcy bill that will come to this floor in just a couple of days. Both of those bills respond to the needs of the average working American. It is important to note that the economic stimulus package has no earmarks and it is to generate jobs and those jobs are to be in the private sector.

Over the last 2 weeks, Madam Speaker, I have sat down in my school districts speaking to each superintendent asking them to establish an economic stimulus task force that would ensure that the dollars that would come through this stimulus package would be, first of all, used to educate our children; would be limited in its use for administrative costs; would be focusing on saving teachers' jobs or creating teachers' jobs; would focus on Title I; and would help modernize schools and hire contractors who would then hire people who are out of work in the private sector. School districts typically don't build or modernize their schools. Those are jobs, \$10 billion in the stimulus package.

Recently I have walked through unemployment offices to focus on getting job training dollars so that people could alter their careers and be able to be prepared for the 21st century workplace, such as being prepared for the green jobs that are also part of the economic stimulus package. Weatheriza-

tion, \$5 billion for weatherization of our buildings and homes both in the cold weather and the hot weather. Those are jobs, Madam Speaker, that have not been created before. They are not jobs in the government. They are jobs in the private sector.

Madam Speaker, I went on to meet with the Texas Department of Transportation to ensure that contracts are shovel-ready; that new small businesses and minority businesses and women-owned businesses are being hired, that they are able to be proud of what they put on the Web site and that they actually do create jobs.

Just yesterday, I met with the mayor of Houston, the fourth largest city in the Nation, and the department heads, seeking creatively how we can enhance and beautify distressed areas, depressed areas, both in rural and urban areas, which was the purpose of the President's desire.

By the way, Madam Speaker, I can tell you that earmarks should not be labeled as being fraudulent. They should be transparent. They are not an added expenditure of dollars. They are simply allowing the people of the district, the State of Texas, the State of New York or Mississippi or Georgia or California to be able to assess where those moneys can be used more effectively. But we don't have any earmarks in the stimulus package.

The bankruptcy bill, which has been much maligned in certain areas, and I am very glad we are coming together to think together, is really a bill that responds to the little person, the person who was responsible, the person who really feels that bankruptcy may in fact be a shameful thing to do, but are working every day trying to make ends meet. They are making their payments, but they are falling behind as they try to make those payments.

What it does is it allows a judge to assess whether that person is able to more effectively keep their house if they are able to cram down the amount of the mortgage. But what happens, Madam Speaker, is that if that house is ultimately sold, any profit goes back to the lender. Where is the help for the little guy? Where is the help for the struggling homeowner and American who works every day? It is the bankruptcy court. That will not be a free ride.

In addition, I hope to offer legislation that indicates that if a buyer was manipulated with an adjustable rate or predatory lending, that their missteps in their mortgage, that their faltering, does not impact their credit score, which then ends their ability to be part of the economic resurgence that will come about over the next couple of months and years as we begin to see the economic stimulus package work.

This is not a tough task. I voted against the TARP originally. Money is being given to big banks. But what I

believe is we have got to recapitalize our markets and restore our housing market.

Madam Speaker, we are on the right path. Let's do it in unity. Let's not forget the hard-working Americans who now need to have their day by passing the bankruptcy bill and making sure the stimulus package works.

LIFE ON THE DOWNSIDE OF THE LAFFER CURVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, the Laffer Curve is a simple but eloquent method of demonstrating how increasing taxes reduces economic productivity until a point of equilibrium is reached when further tax hikes actually reduce revenue. If the tax rate is zero, tax revenues are zero. But if the tax rate is 100 percent, tax revenues also reach zero, because there is no point in working. Thus, every increase in a tax rate produces a progressively smaller return of tax revenues as people adjust their behavior to reflect the reduced value of their work. When taxes exceed an economic tipping point, revenues begin to fall.

California vividly demonstrated this effect in 1991 when Governor Pete Wilson imposed the biggest State tax increase in American history. That \$7 billion tax hike, a staggering combination of increases in sales and income and car taxes, broke the back of California's economy. While the rest of the Nation's economy expanded, the tax hike put California into a nosedive, including the biggest plunge in retail sales in 30 years. Those taxes brought in barely half of the new revenue that had been predicted and then produced two consecutive years of billion dollar a year declines in State revenues.

Well, Madam Speaker, California is about to get another very expensive lesson in the Laffer Curve, courtesy of a \$13 billion tax increase just approved by Governor Arnold Schwarzenegger. That hike will sock an average family with more than \$1,200 of new taxes.

We should watch California's experience very carefully in the days ahead, because it is going to be a harbinger of the impact that we can expect under President Obama's proposed tax increases. Although California already has the highest sales tax in the Nation, it is about to go up by 13 percent, or a penny on the dollar. Although California has the highest income tax in the Nation, it is about to go up another quarter percent. Although California's sales tax is the second biggest generator of revenue for the State and automobile sales comprise a fifth of all sales taxes, the State has also doubled the car tax and is lobbying for new regulations which will increase the price of a new car by as much as \$5,000.

Benjamin Franklin said that "experience keeps a dear school, but fools will learn in no other." Appropriately, the California tax increases will take effect on April Fool's Day, illustrating that some people don't even learn from experience.

But perhaps some good will come of it for the Nation. If California's experience with the Wilson tax increases is any indication, the impact of the Schwarzenegger tax hike is likely to be immediate and devastating. I believe it could serve as an invaluable lesson for the Obama administration, which last week announced a whopping tax increase of \$1.4 trillion over the next 10 years, averaging about \$1,800 per family per year.

Now, I know, the President promises these taxes will only fall on the "very wealthy," those folks who earn \$125,000 as individuals or \$250,000 as couples. But the fact is that 65 percent of those folks aren't really folks at all. They are small businesses that are the very foundation of our economy, many of which are barely holding on as it is. The other tax will directly hammer families with higher energy and consumer prices through a \$656 billion carbon tax.

Now, it is not that another example should be necessary. Herbert Hoover's response to the recession of 1929 was to increase the marginal tax rate from 25 percent to 65 percent and to burden international trade with steep tariffs.

The Obama taxes have yet to be enacted, and if passed this year they won't take effect until 2010. By then, California will have become a poster child for "governments gone wild," a vivid warning of life on the downside of the Laffer Curve, and a lesson that the rest of the Nation should pay rapt attention to as we consider the impact of the administration's proposal for higher taxes nationally.

LOOKING FOR SOLUTIONS TO THE ECONOMIC PROBLEMS FACING AMERICA TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Madam Speaker, we have talked a lot these past few weeks about the state of the economy and the challenges that Americans are facing. Certainly they are remarkable challenges that we face all across this Nation. The stock market was again down today.

So we look for solutions. The American people are demanding solutions on behalf of those folks that they sent to Washington, and rightly so. The "solution" I guess one could call it of the Obama administration is the budget that he proposed last week, and I would like to point out a few items on that budget.

The deficits from that budget will be \$1.75 trillion in this year, 12.3 percent of our gross domestic product, more than triple the previous year. A solution? I don't think so.

How about national debt. This budget that the President proposed doubles the national debt in just 8 years. Do the American people think that is a solution? I don't think so.

Interest. Beginning in 2012, the interest that we pay on the debt will be \$1 billion a day, Madam Speaker. \$1 billion a day. That is not a solution.

Taxes. You have heard my colleagues discuss, Madam Speaker, that this budget raises taxes by \$1.4 trillion, and it is on everybody, not just those that the President says can easily afford it.

And how about spending? Well, \$3.9 trillion in 2009, 27 percent of our gross domestic product, a record level, the highest level since World War II. Solutions? I don't think so.

But, Madam Speaker, the good news is that there are solutions out there. They are wonderful solutions. Those of us who are members of the Republican Study Committee put on the table H.R. 476, the Economic Recovery Act, something that we believe would be a powerful solution that would allow Americans to keep more of their hard-earned money, decrease some of the incredible roadblocks in the face of businesses so that they can create jobs, and finally begin to decrease the amount of spending at the Federal level.

Other big thinkers across this Nation are providing solutions as well. One of them is the group American Solutions headed by former Speaker of this House, Newt Gingrich.

They recently came out with a proposal "12 American Solutions for Jobs and Prosperity," talking about the Washington solutions currently being produced by this administration being more money for more government, more power for more politicians, more debt and more bureaucrats. That is not what will lead to real job growth and prosperity. Instead, there are 12 specific solutions that I would like to share with the House of Representatives.

First, payroll tax stimulus. A new tax credit to offset 50 percent of the payroll tax would immediately inject money into small businesses and allow for job creation.

Second, real middle income tax relief, proposing to decrease the marginal rate of 25 percent to 15 percent so that 9 out of 10 American workers have a flat tax of 15 percent. Real money in the pockets of real Americans. Real solutions.

□ 1715

Third, reduce the business tax rate.

Did you know, Madam Speaker, that Mexico and Sweden and Poland and Ireland and Hungary all have lower business taxes than the United States? If

you're a business trying to decide where to put your company, you'd go somewhere else other than the United States if you were taking into account business tax rates.

The proposal is to decrease our business tax rate to 12.5 percent; equal Ireland's, instead of the current 35 percent that we have.

Fourth, homeowners assistance. Provide tax credit incentives for responsible home buyers so they can stay in their homes.

Fifth, control spending so we can move to a balanced budget.

Madam Speaker, did you know that the budget that the President put on the table last week never gets to a balanced budget? Never, never. Red numbers as far as the eye can see. We must have a balanced budget.

Sixth, no State aid without protection from fraud; making certain that the State governments ensure that there's no fraud and no theft of the hard-earned taxpayer money that they receive from the Federal Government.

Seventh, more American energy now. We absolutely must utilize American resources while we're conserving and while we're finding that new technology that will carry us through this century.

Eighth, abolish taxes on capital gain. We ought to match China and Singapore, yes, Madam Speaker, China and Singapore and lower the taxes, abolish the taxes on capital gains. You talk about a job creation. My goodness gracious.

Ninth, protect our right to vote in the workplace. This majority is going to steal that right away with the secret ballot destruction act that they are proposing to put on the floor. We believe that it's imperative that workers have the right to a secret ballot when talking about forming a union.

Tenth, replace Sarbanes-Oxley.

Eleventh, abolish the death tax once and for all.

And, twelfth, invest in energy and transportation infrastructure. Real solutions for the American people.

I urge my colleagues to take a look at those kinds of solutions that will actually get the economy rolling and create jobs.

12 AMERICAN SOLUTIONS FOR JOBS & PROSPERITY

Washington solutions of more money for more government, more power for politicians, more debt, and more bureaucrats will not lead to real growth in jobs and prosperity. We need a clear and decisive alternative that creates jobs and rewards work, saving, and investment.

1. Payroll Tax Stimulus. With a temporary new tax credit to offset 50% of the payroll tax, every small business would have more money, and all Americans would take home more of what they earn.

2. Real Middle-Income Tax Relief. Reduce the marginal tax rate of 25% down to 15%, in effect establishing a flat-rate tax of 15% for close to 9 out of 10 American workers.

3. Reduce the Business Tax Rate. Match Ireland's rate of 12.5% to keep more jobs in America.

4. Homeowner's Assistance. Provide tax credit incentives to responsible home buyers so they can keep their homes.

5. Control Spending So We Can Move to a Balanced Budget. This begins with eliminating Congressional earmarks and wasteful pork-barrel spending.

6. No State Aid Without Protection From Fraud. Require state governments to adopt anti-fraud and anti-theft policies before giving them more money.

7. More American Energy Now. Explore for more American oil and gas and invest in affordable energy for the future, including clean coal, ethanol, nuclear power and renewable fuels.

8. Abolish Taxes on Capital Gains. Match China, Singapore and many other competitors. More investment in America means more jobs in America.

9. Protect Our Right to Vote in the Workplace. We must protect a worker's right to decide by secret ballot whether to join a union. Forced unionism will kill jobs at a time when we can't afford to lose them.

10. Replace Sarbanes-Oxley. This failed law is crippling entrepreneurial startups. Replace it with affordable rules that help create jobs, not destroy them.

11. Abolish the Death Tax. Americans should work for their families, not for Washington.

12. Invest in Energy and Transportation Infrastructure. This includes a new, expanded electric power grid and a 21st century air traffic control system that will reduce delays in air travel and save passengers, employees and airlines billions of dollars per year.

HONORING BRENT WHITLEY FOR HIS INSPIRING EXAMPLE OF SERVICE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today in honor of Brent Whitley, a student at Caldwell Community College in Watauga County, North Carolina. Brent recently learned about someone in the community who was battling cancer, and instead of just moving on, Brent decided to take action. His example shows what can be accomplished by people who set their minds on doing good for others.

Brent is a volunteer at Watauga Medical Center, and during his service at the hospital, he noticed a posting in the Emergency Room about the Will Dicus fund. He immediately recognized the need to help Will Dicus, a young man in Watauga County who has been courageously battling cancer for several years.

Over his college Christmas Break, Brent decided he would organize a fundraiser dance to help raise funds for Will's cancer treatment and, thus, "Dance For Dicus" was born.

Brent tirelessly planned and fund-raised, contacting churches and businesses and igniting a spirit of community service. Soon, many people were calling and offering their services and

help without solicitation from Brent. All it took was the energy, ambition and selflessness of one person who simply wanted to help someone in need.

To illustrate Brent's true altruism in this situation, I learned that before he began to organize this fundraising effort, Brent did not even know Will Dicus. His desire was simply to help someone who needed assistance.

I'm pleased to report that the "Dance For Dicus" fundraiser was a success. The event raised more than \$5,000 for the Will Dicus fund and, just as importantly, raised awareness of Will Dicus' struggle with cancer. I had the great pleasure to be at the dance and see also the great number of volunteers who were there to help with the event.

Brent, who is the Student Body President at Caldwell Community College, should be inspiration for average Americans everywhere. In a time when many, many Americans are facing real struggles, Brent Whitley demonstrated the power of one person to make a meaningful difference. I applaud Brent for his ethic of community service. His altruistic example is a true inspiration during these difficult times.

THE ECONOMY AND OUR FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, I'm just delighted to be able to join you here this evening and join my fellow colleagues in talking about some really, really exciting and important topics. The first we're going to talk about this evening is the economy and a little bit of the background on what's going on, where we've come from, where we should be going in the future. The second topic is going to be the topic of freedom.

One of the things that I have a chance to do is speaking to many audiences is to ask them, what is it that makes America such a special place? Why is it that we love our country so much? And our country is so unique in so many different ways. What is the secret to that unique nature of America? And the word that always comes out is the word "freedom." It's right near the front of the tongue for most Americans. We're going to be talking a bit about the subject of freedom tonight.

But before we do, we do need to take a look at the economy, what's going on there, and what's happened in the past and use that as somewhat of a guide as to where we should be going in the future.

The economy, of course, works on numbers. And numbers, you can't cheat with them too much. People try to, but the bottom line is, somebody ends up having to pay.

And so what we have here, going on in Washington, DC in the last number of weeks has really been incredible. We've charted absolutely new territory, I think irresponsibly. And we have heard for the last 6 years about the tremendous cost of the war in Iraq, how we're wasting money there every single day. And yet, if you add up the entire cost of the war in Iraq, which we now concede is largely won, you take those 6 years of costs, add them to the cost of what we spent in Afghanistan, add those together now, and it's not as much as what we spent in the first five weeks here in this Chamber in this supposedly stimulus bill. Many people are calling it a "porkulous" bill.

And so how is it that the economy got to the point that it would cause people to go into debt so tremendously, spend so much money?

Well, the story really goes back a number of years. It goes back to the Carter administration and really the creation of Freddie Mac and Fannie Mae. What happened was there were areas where it was very difficult for Americans to get home loans, and there were places where banks didn't really want to loan to people for fear that they wouldn't be paid back. And so the Federal Government created Freddie and Fannie, and those organizations are neither private nor public. They're somewhere halfway in between. And so Freddie and Fannie were given authority to help underwrite people's home loans and, actually other kinds of loans as well, but primarily for home loans.

Well, as time went along, various Presidents started demanding that Freddie and Fannie make more and more loans to people who would be considered subprime, or that's a way of saying not as good a risk. And so by the time that we had President Clinton, toward the end of his tenure as President, he required an increase in the percentage of loans that Freddie and Fannie were going to make to people who were considered to be not very good risk kinds of loans. And so, what happened was, you have Freddie and Fannie now underwriting more and more loans, and you started to get a snowballing kind of effect.

At that time, in 1999, the New York Times, in its editorial page reported, I believe it was September, that several people mentioned that this is not safe, that we are starting to create the environment for another savings and loan disaster in America. This is 1999, people were warning that this policy was not a good one.

Was it a free enterprise policy?

People say the reason the economy is bad, it shows the weakness of free enterprise. No, it doesn't. What's created the problem with our economy has nothing to do with free enterprise. It's socialistic programs of government jumping in and telling banks and

economists that you have to take loans which we think there's a very good chance people will not pay back.

Well, as the 1999 article in the New York Times indicated, this was a risky thing. As we move forward, we have Greenspan then reducing the interest rate, the economy getting stronger and stronger, the housing market just going up and up and up, increasing at a tremendous rate. In fact, if you looked at its rate of increase historically, you would have to start to worry that it might have been a bubble building.

Well, by 2003 we have President Bush. And President Bush has come to the Congress. He says, hey, this is reported in a September 11, 2003, article, again in the New York Times, saying, I need authority to regulate Freddie and Fannie. We have got big trouble with Freddie and Fannie. They are making all of these loans and if the real estate market comes down some there is going to be the dickens to pay. You have got to allow me to get Freddie and Fannie regulated.

And in the President's request, the Congress, in those days, run by the Republicans, passed a bill to regulate Freddie and Fannie. They sent the bill to the Senate, where it was killed, according to this article, by the Democrats in the Senate.

Now, you have, in that very article that's quoted here, the New York Times, September 11, 2003, this is the Congressman now who is in charge of fixing the problem that was created, basically, another savings and loan type of problem. These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis, said Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing.

Now, in looking out the back window, looking through history, we see, BARNEY FRANK was totally wrong. Freddie and Fannie are the heart of what has fallen apart and created a world economic crisis. The crisis is created by defaulting mortgages, and as that mortgage crisis has spread and continues to spread in the next couple of years, this is what's been driving the bad economy.

So there's an irony here that the person from the House that's in charge of fixing the problem is the one who created the problem. Maybe there's some humor in there somewhere, I suppose.

So I think we need to correct the rhetoric of various people that say that this is a failure of free enterprise. It's not. It's a failure of a big government program that was poorly managed, and it's like trying to make a dollar out of 15 cents.

□ 1730

You can't give people mortgages when they're not going to pay the mortgages.

Of course, it was more than just the Democrats. I'm not blaming this entirely on the Democrats. It was the start of a failure of Congress. Beyond the failure of Congress, you also had other culpable parties. You had some of the people who were rating, some of the rating agencies—Moody's and Standard and Poor's—and they were rating these mortgage securities that would have been chopped up and sold all over the world. They were rating them AAA. Now, how they could do that with a straight face, I don't know, but they fed again on the Wall Street tremendous level of speculation. So that's how we got where we are.

Now the question is: Now that we've gotten ourselves a first-rate recession going, what are the things that should be done to try to fix the recession?

There are two basic schools of thought on this subject. One of them is known as Keynesianism. It was made popular around the days of FDR. Also, it was something that was very much supported by Henry Morgenthau, who we're going to talk about in just a minute.

I do see my very good friend, Congresswoman FOXX, from North Carolina, a lady who has won all kinds of accolades in the last year or two. We think of her a little bit as the toughest grandmother in the entire U.S. Congress, and if there's anybody who is pretty long in what we in Missouri respect, which is commonsense, Congresswoman FOXX is certainly long in that.

I would yield the floor to you, gentlelady.

Ms. FOXX. Well, I want to thank my colleague from Missouri. I hope I can tie in some of my comments with where you're going with that quote from Henry Morgenthau. We've used it a good bit recently, and I think it is a really, really good quote to share with the American people. I think we need to keep doing it over and over.

I certainly share your feeling that this is not a failure of capitalism, what has occurred in our country recently. Indeed, it has happened all over the world.

Mr. AKIN. Could I reclaim my time for just a second? There's a little, funny story about where this quote came from of all things:

My father is 88 years old. He was reading a flyer that had been sent to him from Hillsdale College, and it was a quote out of a book called *New Deal* or *Raw Deal*. It has just been published. So here is my father. He gives it to me. "Son," he said, "you don't read enough. Here. Take a look at this." So we've been using it some, but I yield time to the gentlelady.

Ms. FOXX. Well, I'm trying to read *The Forgotten Man* right now. It's a

wonderful story about what happened during the Depression and just before the Depression. I have to agree with you that we can't blame all that happened then on the Democrats, although they exacerbated the problem a lot, but I would commend that book, *The Forgotten Man*, to folks who are watching us and to anybody else. It's a history book, but it reads like a novel, and it's really a great piece.

As I said, I want to try to tie in what's going on today with something I read recently. You're right; we don't get enough time to read books. We read a lot every day, but I was thinking that we need to set aside an hour a week, at least, to read books. I'm trying to do that. It's good for our souls to read those kinds of things.

You know, Republicans have been criticized recently for not having new ideas. We've been told on this floor over and over again and we've been told by the administration that doing nothing in this situation is not acceptable, so the Democrats are doing what they say they know to do. They say our alternative is doing nothing. Well, that has never been our alternative. We've presented lots and lots of alternatives, but what we have to get people to understand is that the tried and true issue of keeping money out of the hands of the Federal Government and leaving that money in the hands of the citizens is really the best cure for this problem that ails us. Actually, it's the best cure for a society that is free, and I want to acknowledge that.

Mr. AKIN. Reclaiming my time, gentlelady, what you just made is really an important point.

What you're saying is Republicans do have an alternative, and part of that alternative is to stop spending money, but it seems like some people down in Washington, DC and a certain party have their ears plastered. They don't want to hear that as an alternative, but there is an alternative. It is the same thing that every commonsense household in America is doing, and that is, when you're troubled, stop spending money. That's a good first step, isn't it?

I yield.

Ms. FOXX. It absolutely is. Really, the root of our problem is that the government is spending more money than it has. When I talk in speeches or when I'm on the radio, doing radio shows or when I'm on TV, what I keep reminding people is that the government has only two sources of money—that which it takes from us forcefully, from the citizens who pay taxes—and the government does take it forcefully. Now, we know Americans have been good about paying their taxes, and they're actually willing to pay about 25 percent of their income in taxes—we know that from surveys that have been done—but it only has two ways of doing it: taking it from us forcefully or

by borrowing it. Those are the only two ways because government doesn't create wealth. Government can destroy wealth, and it can destroy wealth in a hurry. What's happening with the stock market and with other savings plans is a good example of that, and I think my colleague from Missouri knows that.

Mr. AKIN. Well, reclaiming my time, gentlelady, I think there are a bunch of us—and I'm not accusing you of this—in the baby boomer kind of category who have just seen our 401(k)s turn into 101(k)s. We understand, when the government does things the wrong way, it really can be expensive, and there are different ways. One, as you say, is to tax people. You don't have to pay your taxes. If you don't, you go to the free hotel.

Ms. FOXX. That's right.

Mr. AKIN. The other alternative is they can, of course, borrow it. Then of course, within that category, we have the other thing that we don't hear much about but which has happened extensively in the last 9 months, which is printing it, a form of borrowing it.

I don't mean to interrupt, and would yield to the gentlelady.

Ms. FOXX. Well, I want to call to the attention of the American people an article that I read. You know, we've talked about reading. I think I read this during the Christmas holiday. It's an article by Terence Jeffrey. It was published in *Human Events* on the 5th of November of last year. The title of it is "Wanted: Small Government." I just want to read a couple of excerpts from it, and then I'm going to put it in the RECORD.

"Up until the 1930s, the United States maintained a small Federal Government that mostly focused on the limited number of things the Constitution authorized it to do.

"Americans were responsible for their own food, clothing and shelter, and if they could not take care of themselves, they looked to their extended family, their neighbors, their churches, and local governments to give them a helping hand.

"Charity in America, in those days, did not mean the Federal Government compelling you to hand over some of your property to the State so the State could hand it over to someone else.

"Americans did not believe in spreading the wealth—they believed in earning it. The term 'compassionate conservative' had not been coined.

"There was no Federal welfare state before the 1930s.

"That year, according to historical data published by the White House Office of Management and Budget, the entire Federal Government spent only 3.4 percent of gross domestic product. Because Federal tax receipts equaled to 4.2 percent of GDP in 1930, there was a Federal budget surplus equal to eight-tenths of a percent of GDP."

HUMAN EVENTS—WANTED: SMALL GOVERNMENT

(By Terence P. Jeffrey)

Up until the 1930s, the United States maintained a small federal government that mostly focused on the limited number of things the Constitution authorized it to do.

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There was no federal welfare state before the 1930s.

That year, according to historical data published by the White House Office of Management and Budget, the entire federal government spent only 3.4 percent of gross domestic product. Because federal tax receipts equaled to 4.2 percent of GDP in 1930, there was a federal budget surplus equal to 0.8 percent of GDP.

Within a decade, things changed dramatically. In 1940, Franklin Delano Roosevelt—founder of the modern American welfare state—was preparing to break George Washington's self-imposed limit of two presidential terms.

Although the nation was still at peace, the federal government had grown almost threefold—when measured as a percentage of GDP—from what it had been in 1930. Federal spending in 1940 was 9.8 percent of GDP. Federal tax receipts were 6.8 percent. The Treasury borrowed 3 percent of GDP to make up the difference.

In fiscal year 2009, according to OMB's estimates, the federal government will spend 20.7 percent of GDP while taking in 18 percent of GDP in taxes. The Treasury will borrow 2.7 percent of GDP, much of it from foreign creditors, to make up the difference.

And that does not count the \$700 billion the Treasury will borrow to fund the financial industry bailout.

Today, the federal government eats up more than twice as much of our national wealth as it did in 1940 and more than six times as much as it did in 1930.

What did Americans get for this massive increase in government? More of their life is now mortgaged to the government, and they are now more dependent on government.

Most of the growth in federal spending has come in the sector that the OMB calls "human resources." As currently budgeted, this includes federal spending on education, training, social services, health programs, veterans benefits and services, income security programs, Medicare and Social Security.

In 1940, the "human resources" part of the federal budget consumed 4.3 percent of GDP. In 2009, it will consume 13 percent, or three times as much.

Before the current economic crisis hit, the American welfare state was on an unsustainable trajectory. The Government Accountability Office informed the Senate in January that it estimated there was a \$53 trillion gap between the entitlement benefits the federal government has promised to pay over the next 75 years to people now living in the United States and the tax revenue that can be expected to pay for those benefits.

Then-Comptroller General David Walker said that for the government to cover this gap every American household would need to put up about \$455,000.

That is the size of the mortgage the federal government has already taken out in the name of every American family.

We got to this place because politicians for decades have been telling voters they would give them something for nothing—when what they really meant was they would take money from one set of people and give it to another.

When they borrowed vast sums to keep their welfare-state politics rolling, they were taking money away from future generations—our children and grandchildren.

Now we are being told we face the greatest economic crisis since the 1930s. And we are being offered the same solution: more federal programs so Uncle Sam can take better care of us.

In other words, the politicians want to take out a second mortgage on top of the \$455,000 they have already put on our backs.

America is heading down the blind alley of big government toward the brick wall of national bankruptcy. The only way out is to turn the truck completely around and head back toward small government, self-reliance and freedom.

Mr. AKIN. Reclaiming my time, gentelady, I would like to highlight what you said.

Those numbers are absolutely shocking. In 1930, you're saying the Federal Government was spending three point something percent of the GDP?

Ms. FOXX. Correct.

Mr. AKIN. Boy. Oh, boy. I'll bet you there's a lot of people who would love to see us get back to that kind of a number. Then the tax rate was four something, 4 percent?

Ms. FOXX. That's right. No. What we brought into the Federal Government was 4.2 percent of GDP. Now, that could have been in addition to—well, it was mostly taxes, I guess. That's what it was.

Mr. AKIN. Well, I sure appreciate your sharing that with us.

You know, we are joined by another very good friend of mine, Congresswoman MARSHA BLACKBURN. She is one of our great communicators, a lady from Tennessee.

We're just delighted to have you with us, Congresswoman BLACKBURN, and would ask you if you want to chip in a little bit here in our discussion on where we are economically. I yield.

Mrs. BLACKBURN. Absolutely. I thank the gentleman from Missouri for yielding, and I appreciate the opportunity to participate in the discussion that is here because, as we have all been home over the weekend and have been working in our districts, meeting with constituents, the economy is the number one issue. I have talked to so many people who are using the words that they are appalled, that they are horrified with what they see happening here. They are very concerned with what they see taking place with the economic policies of the new administration.

Indeed, as a broker from one of our fine banks in Tennessee said to me yesterday, the stock market has voted on the Obama economic policies—on PELOSI, REID and their economic policies—and they have obviously voted “no” because the stock market was over 9,000 before this administration took control, and now we see where it is today, which is at 6,700. It is of great concern to us.

We know our Nation is in a recession. We know that people are hurting. We know that they want to see something done, and most people fully realize that you cannot declare a war on prosperity and get yourself out of a recession.

You both have recognized, Ms. FOXX and the gentleman from Missouri, the quote from Henry Morgenthau and the importance of that, which is that it does not work, that this kind of spending does not work. I brought a chart along that I felt was important to the discussion that we are having.

As my colleagues know, the Democrats took control of this body in January '07, and we see where we were with the Federal deficit, the green line. The orange line is discretionary spending, and mandatory spending is in the blue. Now, we continued to hear from the leadership—from Speaker PELOSI, from Leader REID and from the President—that they inherited this debt, that they inherited an annual deficit, but I think it's important to note that they voted “yes” on all of this. It has pushed our spending.

You can see what has happened with the spending in the past year alone. Stimulus I was \$152 billion. You'll see where it comes in there in '08, the pre-TARP funds. That was from March to September of '08, \$323 billion. Then there was TARP, the auto bailout—stimulus II—which was \$787 billion. There was the omnibus, which was \$410 billion. Now what we have seen happen with the spending is, by the end of '07, the Democrat-led House had moved our same year mandatory spending from \$3 billion to \$37 billion, and by the end of '08, they'd increased that number to \$333 billion.

Ms. FOXX. Would the gentelady yield?

Mrs. BLACKBURN. I would gladly yield to the gentelady.

Mr. AKIN. I would reclaim my time and yield. I'm the one who's supposed to do this.

This is part of the dinner conversation here. Being the father and the guy who serves the food at our dinner table, I would recognize the gentelady from North Carolina.

Mrs. BLACKBURN. I yield my time to the gentleman.

Ms. FOXX. Thank you. I appreciate the gentleman from Missouri yielding.

I was trying to make this point today, and I think it's so important that you've brought this up.

Let us remind the American people that the Democrats took control of the

Congress in January of 2007. Do you remember—I remember—that we had 54 straight months of job growth up until January of 2007? Do you remember that number?

Mr. AKIN. Yes.

I would yield to the gentelady from Tennessee.

Mrs. BLACKBURN. I thank the gentleman for yielding.

Indeed, you're exactly right. We had had job growth. We had had economic growth. It was basically unparalleled. The 2001 and 2003 tax reductions had worked. We had not seen this kind of growth since Ronald Reagan.

As the chart points out, you can look at where the Federal deficit was, which was at \$8 trillion. You can look at where discretionary spending was placed and where our mandatory spending, this blue line, was placed.

Now, what we see as the mandatory spending alone is that they grew from \$3 billion to \$333 billion in a 2-year period of time. So you can see what is happening with our spending. Whether it is our discretionary or our mandatory spending, it is going through the roof, and of course that runs our Federal deficit and our national debt up.

□ 1745

This year alone, we're at over \$2 trillion in a deficit, and our President has just proposed a \$3.5 trillion budget.

So we know what is going to continue to happen to these lines. You can look at the CBO scoring—and, see, the CBO is a nonpartisan organization. You can look at what is happening in their scoring and see that we're going to have trillion-dollar deficits as far as we can see with the tight spending that we have brought forth.

Mr. AKIN. Reclaiming my time.

The gentelady from Tennessee has a very, very effective chart. And what you're pointing out is that we're in uncharted waters. We have not dared to take and swallow this much debt in the past.

I was trying to put some kind of a handle on what we passed just a couple of weeks ago on this House floor on about—I think it was—what was it, \$840 billion. Now, I don't make that much money. So I tried to think, Well, what's something big that the Federal Government buys. And because I'm on Armed Services, I think of aircraft carriers. They're bigger than tanks. They're like a whale. They're tremendous. Well, an aircraft carrier, we've got 11 of them. And they're valuable. And we put other ships around them to guard them. And we don't make aircraft carriers very often because they're so expensive.

So let's take the average cost of those 11 aircraft carriers and divide it into \$840 billion that we just spent a couple weeks ago—money that we don't have—and you're talking about 250 aircraft carriers—can you picture

that—end-to-end-to-end. This is a lot of money. Or if you want to get one of those kinds of Cadillac aircraft carriers, the big long-deck ones that really do all of the fancy stuff, you're still talking over 100 aircraft carriers. That's money that we don't have that we just spent, and it was supposed to be for stimulus; but we called it "porkulous" because there wasn't really much stimulus.

But that's talking about doing some big-time spending following that same old Keynesian idea that if the government spends enough money, that everything will be okay.

To this engineer, that's a little bit like grabbing your bootstraps, lifting up, and trying to fly around the room.

We're joined by another very good friend of mine, STEVE SCALISE, Congressman from Louisiana. I think you wanted to also talk a little bit about where we are with this level of spending and what's going on with these taxes.

Mr. SCALISE. I want to thank my friend from Mississippi, as well as the gentlelady from Tennessee, because as we start to see the real numbers—and the American public has been concerned about where the economy is—but they are also real concerned—and we're seeing more and more each day—we're concerned about the gross level of spending that's coming out of this administration as a response to the crisis.

I think if you look at what's being presented, and as people are now starting to look and grab some of these numbers—and we're not just talking about hundreds of billions of dollars now; we're talking about well over a projected deficit of \$1.7 trillion in this budget. So it makes people harken back and say, number one, what levels do these compare to. And when you look back, you can go back—you have to go all the way back to World War II to find a budget, a level of spending that's presented in this budget, a level of spending that's as high a gross domestic product of a percentage of GDP that we've had. And we haven't had this high a level of spending since World War II.

So if you go back to World War II and, of course, the Great Depression right before it, it really sparks a lot of comparisons that are frightening. And I think that's where the public is, but that's where the markets are. I know my friend from Tennessee talked about that, too. The markets are responding to what's happening here in this city in Washington, D.C., and it's not good. Their reaction is not good, what that means for people's 401(k)s. Just in the last 2 months, people have lost 20 percent of their 401(k)s because of the results of these policies not only that were passed in the spending bill just 2 weeks ago, but this budget that's been presented with its gross level of spend-

ing with its absorbitant level of tax increases.

So if we look here at a chart, this is a break down of the President's proposal of tax increases that's in this budget, this budget that has \$1.7 trillion of new debt—not debt that was carried over from the previous administration. The buck stops here. And this President submitted this budget, he created this new level of spending, and he's choosing to pay for some of it—clearly not all of it—but some of it by one of the largest tax increases in the history of our country.

And while he says that less than 5 percent of the people of this country will pay these taxes, this chart will show you something very different, a stark difference in what we've been hearing; \$1.4 trillion has been proposed by this President in this budget in new taxes at a time, of course, that our economy is in a recession.

Mr. AKIN. Reclaiming my time a second.

That should send the alarm bells off in people's minds. When you're having not only just a little recession but what's starting to turn into almost a depression and you're talking about huge tax increases, you don't want those two things in the same sentence, I believe.

I yield.

Mr. SCALISE. I think when we talk about, now that we're in a recession, will we be going to a depression, look at what happened in this 1920s and the 1930s as we did go into a depression. And in many cases, it was policies in Washington, D.C., that not only pushed us into the depression but kept us there for 8 years. We were in the depression for 8 years. It took World War II to get us out of it.

And if you go back to 1932, the President who raised taxes during an economic downturn that was so severe in the 1930s—Herbert Hoover raised taxes, of all things, while the country was entering a depression. In 1932, Herbert Hoover on his way out as being voted out as President, he raised taxes dramatically. We're seeing the same process followed again. And then the people say, "Those who don't learn from history are doomed to repeat it."

When this country was entering the Great Depression in the 1930s, they raised taxes dramatically, and it helped—that and the gross level of spending—helped make that an 8-year process instead of a short depression that we could have gotten out of.

So if I can go back to this chart. Where are the taxes going to be paid? Who's going to be paying for those taxes? It's \$636 billion of those new taxes are going to be thrown onto the backs of our small business owners. So when they talk about people who make over \$250,000 a year—and I know some people want to pay class warfare and try to divide this country at a time

when we need to be uniting this country and finding real solutions—they talk about that top 5 percent. Well, who is that top 5 percent? That's the small business owners in our country who have created 70 percent of our jobs.

So if anybody can explain to me how raising \$636 billion in new taxes on the backs of those very people who are creating the jobs that our economy needs, how is that going to get our economy back on track? That's something that the markets are reacting to and people across this country are starting to realize that it's a frightening realization.

Mr. AKIN. This is something I want to be very clear in our discussion this evening. We're having this, like a dinner conversation.

What I want to make clear is that the Republicans are not just saying "no." What you're saying is, You're doing the wrong thing which will make the economy worse.

Now, what you've gotten to in your chart here is the absolute crux of what has worked in the past to pull us out of a recession. And it's not the government that pulls us out of a recession; it's the marketplace. And it's particularly the entrepreneurs and the inventors and the investors and those small business people. And what do small business people need in order to create all of those jobs—because depending on what you call a small business, you're talking 70 to 80 percent of the jobs in America come from small businesses.

So if you harm the small business guy—even though he may be fairly well-to-do—you're cutting off your nose to spite your face. And what's going to happen when you take \$636 billion out of small businesses—that's the money they need to invest in new equipment, new processes, new procedures and innovation which is going to result in hiring the people that need to be hired.

So what's happening here is this policy is economically crafted to make the problem worse.

I would yield to my colleague.

Mr. SCALISE. What you said is exactly true. And there is a double whammy on this budget on the tax increases that have been proposed. Not only do \$636 billion in new taxes get thrown onto the backs of small businesses all across this country, but then they come through the back door; and this is where the rest of the 95 percent of the people that supposedly aren't going to pay a new dime in new taxes, this is where they get hit.

This is their energy proposal on cap and trade. A carbon tax. This is something that you haven't heard a lot of people on the Democratic side talking about because as people see what this does, they realize this is where everybody else pays more money: \$646 in new taxes on energy production in this country. And, of course, all across this

country as energy taxes are increased, who pays for those taxes? That's not something that they just absorb. They have the authority to pass that on to rate payers.

Mr. AKIN. Reclaiming my time.

I think there must be something wrong with your chart here because I was just on this floor last week, and I heard the President say that nobody making less than \$250,000 is going to pay any of these taxes. And I said, "I'm glad I'm not going to have to pay these taxes because I make less than \$250,000 a year." And now you're ruining my whole evening by telling me that that isn't true. Is that what you're saying?

I yield.

Mr. SCALISE. I'm sorry if you already ate dinner. I'm sorry to upset your stomach. But a lot of people across the country are starting to get very upset as they see the realization of these proposals because change as a concept sounds great. There are a lot of things we need to change about Washington, D.C. In fact, we've proposed an alternative H.R. 470. You can actually go on line. We put our proposals on line. We put that proposal out there weeks and weeks ago. H.R. 470 is a true alternative to get our economy back on track.

What we've been presented with, unfortunately, with this administration is the oldest failed policy that will keep us deeper in a, not only recession, but can throw us into a recession; and that is a tax-and-spend approach, which has been proven to fail every time.

So this cap and trade program right here, this is—they can call it whatever they want, but when you start having to pay higher fees on your utility bills, that's a tax to you. That's a tax increase. If your utility bill goes up and you're using the same amount of energy because of this carbon tax \$646 billion, if people across the country don't think that's going to result in something that's going to have a significant impact on their budgets as they're tightening. And people are conserving energy. People are tightening their belts.

But as they're conserving that energy, they're going to be getting hit with \$646 billion in new taxes on top of the \$636.00 billion that our small businesses will be hit with.

Mr. AKIN. Reclaiming my time.

You can be making \$20,000 dollars a year, and you are still going to be burning some natural gas and using some electricity; is that right?

Mr. SCALISE. That's not only right, but those people in the lower incomes are the ones that are least likely to be able to afford these massive tax increases they get on their utility bills. Because if your utility bill goes up even though you're using the same amount of energy, or in some cases you're using less energy—maybe you

actually went and put some insulation in your attic because you wanted to lower your rates—this carbon tax is actually going to raise your utility bills even though you've done those things.

Mr. AKIN. Reclaiming my time, gentlemen.

You're getting me all upset. You're ruining my entire evening here. But I have a feeling what you're telling us is true. In fact, I know it is true.

Mr. SCALISE. If I could ask for the gentleman to yield for one moment.

Mr. AKIN. I would yield for one minute.

Mr. SCALISE. There is one bit of good news. While these are difficult times, while there's a lot of bad news—and as people look at these details, it frightens a lot of people. But this has not been passed into law yet. These are proposals the President just filed this last week. We haven't even started having hearings in Congress. If people all across this country—as I'm sure they will do when they start realizing the negative impacts to our economy of these new taxes, these massive taxes—people, I think, are going to start lighting up those phones. They're going to start calling their congressmen. They're going to call the White House. And they are going to say enough is enough.

The spending and the taxes, just like in the 1930s, didn't work. Don't take my word for it. Listen to the Treasury Secretary under FDR. This has been tried before and it's failed before. Not only did it fail, it pushed us into a deeper depression. And I think the public across this country is going to say, "Enough is enough. We're not going to take these new taxes and this ridiculous level of spending," and the public can stop this.

Mr. AKIN. Reclaiming my time.

I think you're a little bit of a prophet, gentlemen, because they were dumping tea in the river in St. Louis this last weekend. I think people are starting to get wise and they're getting upset.

I also am just thankful that we're joined by a very good friend, a very distinguished colleague from this House, Congressman PENCE from Indiana.

I would yield time to my good friend. I know that you have very good insights on these issues.

Mr. PENCE. I thank the gentleman for yielding, and I thank him and all of my colleagues who will speak here this evening for taking the opportunity. Mr. Speaker, to come to this floor and talk about facts.

Facts are stubborn things. And it seems like we're living in a time right now of soaring rhetoric. But the facts underpinning the Democrat budget are jarring, and they represent a fundamental departure from the course of American governance.

□ 1800

And we need to talk about those things. I mean, the American people

understand that the Federal budget is, in itself, the way a party and an administration lays out its vision for the future of the country. The American people deserve a budget that is fiscally responsible and puts jobs first. And as has been said on the floor before, the budget offered by this administration and supported by our Democratic colleagues in the House fails on both counts. The American people know we can't borrow and spend and bail our way back to a growing economy.

And history has shown that the policies that are embraced in the Obama budget will actually take our country not out of recession, but very likely deeper into recession. The last President of the United States to raise taxes during a recession was Herbert Hoover, who managed, by his deeply flawed judgment and policies, to take a strong recession in the 1920s and turn it into a decades-long depression in this country. And yet here we stand again at a crossroads in our Nation's history when so many families are hurting, so many small business owners are struggling under this economic downturn.

Mr. AKIN. Reclaiming my time, gentleman, what you're saying is we're just not learning from history. It's not that the economy is brand new, there are patterns here. It's not that the Republicans are the party of "no," it's the fact that these solutions don't work and they're going to hurt our constituents, and that's why we get a little excited about them.

I mean, here you have the quote from Henry Morgenthau, he is the guy that, along with little Lord Keynes, came up with Keynesian economics. And he says, After trying it for 8 years, our theory didn't work. Our unemployment is as bad as it was before, and now we're in debt. And what we're trying to say is, don't accuse us of not having solutions, the solutions are there; but don't repeat history's mistakes.

I didn't mean to interrupt, but just continuing to yield to my good friend from Indiana, Congressman PENCE.

Mr. PENCE. Well, I thank the gentleman for yielding, and I thank him for his typical eloquent insight. We are not paying attention to history. We are not learning from the candid comments like the Secretary of the Treasury under President Franklin Delano Roosevelt, who realized at the end of America's lost decade of the 1930s that they couldn't borrow and spend their way back to a growing nation. And yet here we are again.

But I hasten to add, not only are we piling on our children and grandchildren a mountain range of debt to pay for—beginning with the stimulus bill, and now the omnibus bill, and now the President's budget—a transformation of government spending priorities along liberal lines, but they intend to pay for it, in part—because we're talking about record deficits.

Even if the President hits his deficit reduction mark in 4 years, it will still be a half a trillion dollar deficit, which I remember Democrats decrying during Republican control of the Congress. But beyond all that, they're going to pay for it, in part, with tax increases on small business owners and family farmers.

As the gentleman just described very eloquently, the American people deserve to know a couple of facts. Seventy percent of Americans work in small businesses in this country and in places like Indiana; 70 percent of people get up and go to work every day in a small business. More than 50 percent of the American people who file income tax returns at or above the level that the President intends to raise taxes are small business owners filing their taxes as individuals. And so we ask the question, Mr. Speaker, of the American people looking in, do you think raising taxes on your employer at the small business where you work is a pathway to recovery in America? Is it going to make your job more secure or less secure? Leave aside the so-called cap and trade bill, but raising the utility rates, the electrical bills for every homeowner in America, every business in America—

Mr. AKIN. Just reclaiming my time for a minute, gentleman, what you're suggesting is, one, what's being done is exactly the wrong thing. And if you want a positive Republican recommendation, it would be to do the opposite of that, right? In other words, what we would be saying would be, look, if you've got 70 or 80 percent—depending on how big you call a small business—if that's where 70 to 80 percent of the jobs in America are, you want those small businesses strong. How do you make them strong? They have to have enough liquidity, enough capital to be able to invest in entrepreneurial ideas, to put in more productive assembly lines or machines or processes. So you have to invest, and you have to let that money work for you. And you have to leave it with the small businessman. But if you vacuum it out of his pockets with massive tax increases, he's not going to have the money to invest, and he's going to lay off more people, it's going to make things worse. So the solution is, quite simply, leave more money for the small businessman and back off the spending pedal a little bit.

I don't mean to get overexcited. I want to yield again to my good friend from Indiana, and then go to a wonderful new Congressman from Wyoming.

Mr. PENCE. Let me say as I close, I want to thank the gentleman for leading this hour of debate and say that there are two things that Republicans believe we ought to be doing. Number one is, we ought not to be growing the Federal budget beyond any reasonable expectation of the American people.

We shouldn't be engaging in the runaway spending of the so-called stimulus bill, the omnibus bill and the President's budget. We ought to be doing what every family farm, every small business, every working family is doing, and that is finding places to save, finding places to cut back. And then, as the gentleman said, we ought to be doing what John F. Kennedy did, we ought to be doing what Ronald Reagan did, we ought to be doing, as a country, what this Congress and George W. Bush did after the Towers fell, and that is, not giving Washington more money of ours to spend, but giving working families, small business owners, family farmers more of their hard-earned tax dollars to keep and spend. That's the pathway to prosperity.

The President's budget, the Democrats' plans are a pathway to increased recession and hardship for the American people, and we must reject them.

Mr. AKIN. Well, I reclaim my time. And I would once again thank the gentleman from Indiana for joining us.

We have all kinds of expertise here tonight. And Congresswoman LUMMIS from Wyoming, my understanding is Wyoming has only got one Congresswoman, if I'm correct.

I yield.

Mrs. LUMMIS. Thank you very much for yielding.

Mr. Speaker, it's a privilege to participate in this discussion.

As a new member of the Budget Committee, I learned today that the President's budget would project the levels of spending in the war in Iraq at the same level that they are during the surge, and use that dollar amount and project it out to the year 2019. It does not account for the fact that President Obama has decided to withdraw combat troops from Iraq in August of 2010, but for this manner: if you project that spending is going to go up when you factor in inflation until 2019 at surge levels, and then you project that we're going to withdraw troops, that gives you \$1.6 trillion that the administration is choosing to spend on other programs. In other words, that money won't be saved, it will be redirected into other components of this President's budget.

Mr. AKIN. Reclaiming my time, are you saying in a way you've almost got a sneaky cut in defense spending?

I yield.

Mrs. LUMMIS. Thank you for yielding. It does, in a way, accomplish just that because it's taking money that is being spent on defense now and rerouting it into domestic spending that is discretionary and creates new programs. Now, I would not object to that but for the fact that this increased spending is in addition to new taxes. And the gentleman was accurate in pointing out the effect that that will have on small business.

As you know, my State of Wyoming is all small businesses, that an individual tax rate of \$200,000 will trigger a tax increase, that filing jointly at \$250,000 in income will trigger a tax increase. And correctly you have pointed out that the brunt of that is going to fall on small business.

Small business has been pegged as the opportunity for growth in this country through the entrepreneurial free enterprise ethic. And if that ethic is thwarted through high taxes, that will be a component of our country that is not growing. That is the component of our country that is creating 70 percent of the new jobs. So as large employers lay off employees because they were "too big to fail" and then failed anyway, it would be a robust small business community that could absorb them if the tax structure were such that those monies could be made available by expanding the entrepreneurial spirit.

Mr. AKIN. Reclaiming my time, lady, I think what I'm hearing you say is what we've been trying to emphasize all the way along.

There are a couple of basic things we need to do with the situation that we're in, a situation that was created not by free enterprise, but by failed government programs that issued a whole lot of loans with government guarantees on them that people weren't going to pay. And so we got ourselves in a lot of trouble, but it doesn't mean that it's the end of the world. There are ways to fix these problems.

America has been through a lot of hard times. A lot of people are kind of discouraged right now, but they don't have to be. There are solutions, it's been done before—J.F.K. did it, Ronald Reagan did it, even Bush did it in 2003. You can see the result of the dividend capital gains—the exact effect of what you're talking about, putting money in the pocket of the small businessman—not putting it in, but just letting him keep it, just getting off the taxes on the small businessman.

And look what happens here to gross domestic product. These are the years of Bush before this tax cut went in place. And take a look at what jumps. You go from an average of 1.1 percent to 3.6 year after year because of the fact you did just what the wise woman from Wyoming is saying.

And then if you want to say, well, what happens when GDP goes up? Well, here you go; here's what the job numbers look like; same time period, May 2003, we do the dividend capital gains tax cut. These are all job losses below the line, everything above the line is a job gain. It's an investment just basically allowing a small business, like an engine, to have enough liquidity and money to be able to make it run so that it can create those jobs and put America—and the other chart that

we're missing is what happens to Federal revenues. And Federal revenues go up like a rocket because you've got all these people working and the economy going strong.

We are also joined here this evening by Congressman CHAFFETZ from Utah. And it is just a delight to have you on the floor and to hear from some people out west. So I hope that you enjoy joining our little dinner conversation this evening.

I yield.

Mr. CHAFFETZ. Thank you. I appreciate it.

I am deeply concerned about the direction of this country. I know there are people out there that are suffering.

I recently had an opportunity go to the Payson City Chamber of Commerce and meet with small local business people. The Mayor was there, Mayor Burtis Bills, a wonderful gentleman. These people are all concerned about the economy. They all have their own businesses, from an auto repair shop, to a local flower business, to a home-based business that was just kicking off and won an award.

The direction that we're taking with our Federal government I believe is an impediment to the success of those people. As I looked them in the eye, I didn't have anything to tell them that the stimulus or this budget would truly help them with. This budget takes from the American people; it doesn't give more of life, liberty and the pursuit of happiness. And fundamentally, that's what we here in the United States Congress are supposed to be doing. It's about who is going to control the destiny of our country.

I believe in less government. The President says he believes in less government. But when you look at the budget, it's more government, it's more government spending.

I'm mystified when they make the argument—

Mr. AKIN. Reclaiming my time, last week we voted on what was called an omnibus. It was basically nine budget bills all in a row stacked together. And the result of that, just on the surface, was an 8 percent increase, which if you don't believe in increasing government, why kick it up by eight? That's the largest increase since back in the seventies under Jimmy Carter, Democrat Jimmy Carter. But 8 percent is really what it was because you've got to put all that porkulous money into the budget. When you do that, it's an 80 percent increase in the growth of all of these government programs.

Somebody wrote a little note to me, I went to a Lincoln Days talk this weekend, and they said, the trouble with socialism is is that sooner or later you run out of other people's money. And I thought, that sounds like something that might have possibly been coined out in Utah. It's just common sense.

I will yield.

Mr. CHAFFETZ. If the gentleman would yield.

You know, as we look at this, I liken it to a house. The furnace has gone out; it's the middle of the winter and the furnace has gone out. So what are we going to do? Well, we've been off re-decorating the kitchen and we've remodeled the basement and we bought new drapes. We did everything except fix the furnace. And that furnace is the American entrepreneur, it's that man or woman who is going to start their local business. And you've got to look at the stimulus and say, what's in it for them? Less than 1 percent was tax cuts for that type of person, less than 1 percent.

□ 1815

We said we were going to build roads and bridges and rebuild America; yet only 3.4 percent of that stimulus actually went to those types of activities.

So I think you have to look at it through the lens of the American entrepreneur, the small businessman who's truly going to create that job. How are they going to grow their business from 10 to 20 employees? I visited with somebody in my office earlier today who had 64 employees. The question for us is how are they going to get to 100? And it's not more government. It's not funding these outrageous programs that are going to do nothing for that local entrepreneur.

Mr. AKIN. Well, reclaiming my time, I really appreciate your perspective. And I wish we had a little bit longer amount of time to talk with you because I'd love to get into that subject of freedom a little bit. But I know that we've also got a little Texas wisdom here in the Chamber here tonight, and I just feel like it would be a shame not to yield to Congressman GOHMERT from Texas, actually a former judge and a gentleman noted for a good sense of humor as well, and we need a good sense of humor on this subject; so I would yield to my good friend Congressman GOHMERT from Texas.

Mr. GOHMERT. I appreciate my friend's yielding.

Actually, I don't have a lot of humor to throw into this issue tonight. But I had read a Wall Street Journal article today. It was in today's Wall Street Journal. And just the opening paragraphs, if I might share that because there's a lot of wisdom in here:

"As 2009 opened, 3 weeks before Barack Obama took office, the Dow Jones Industrial Average closed at 9034 on January 2, its highest level since the autumn panic. Yesterday the Dow fell another 4.24 percent to 6763, for an overall decline of 25 percent in 2 months and to its lowest level since 1997. The dismaying message here is that President Obama's policies have become part of the economy's problem."

And to finish up here:

"Americans have welcomed the Obama era in the same spirit of hope the President campaigned on. But after 5 weeks in office, it's become clear that Mr. Obama's policies are slowing, if not stopping, what would otherwise be the normal process of economic recovery. From punishing business to squandering scarce national public resources, Team Obama is creating more uncertainty and less confidence and thus a longer period of recession or subpar growth."

"The Democrats who now run Washington don't want to hear this because they benefit from blaming all bad economic news on President Bush."

This is the Obama economy now. The jobs that are being lost are because companies are finding no hope in this latest stimulus whatever you want to call that package or all the other spending.

And I appreciate the gentleman's yielding because I do find this very distressing. We're in the Obama economy.

Mr. AKIN. Reclaiming my time, it does my heart a great deal of sadness to see my friend from Texas without a little bit of a twinkle in his eye, which is so commonly there. But this is a very serious subject. We try not to yell and scream too much about it, but we know that economically what's being done is going to harm our constituents. It's getting rid of jobs. It's making the small businessman have to basically shutter down and to keep his operation small, which is exactly the wrong thing for what we should be doing.

And why is it that we need all of this money? That is the question that I think we need to be asking. Why is it that we have to be spending all this money on government programs? And the answer seems to me to be, again, we're not learning very well from history. Just bear with me for a second. I'd like to get your perspective on this.

A certain number of years ago, there was a thing called the Soviet Union, and they were bad guys. And they were a bunch communists and they were socialists. And what was it that they thought? They thought the job of the government should be to provide you, first of all, with a job, and then they wanted the government to give you health care and food and housing and an education. And one thing particular about them, they didn't want you to talk about God ever.

Now, in our country, let's see, we've got all this government spending going on so the government can provide you with health care and a job and food and housing and an education and it's politically correct not to talk about God because if you did that, gentlemen, you'd realize your rights come from God. Life, liberty, the pursuit of happiness, not big government nanny state. And I just wanted to toss that out to you to see if I could get a response from my good friend from Texas.

I yield.

Mr. GOHMERT. If we have time, when I was an exchange student in the Soviet Union back in 1973, I went out to a collective farm, and I've worked on farms and ranches. It was about mid morning. The farmers obviously hadn't been working. The field was suffering. And I said in what Russian I could speak back then, "When do you work in the field?"

And they all laughed. And one spoke for them in Russian and said, "I make the same number of rubles if I'm out there in the field or if I'm here in the shade."

That is why socialism doesn't work.

Mr. AKIN. So reclaiming my time once again, the problem with socialism is sooner or later we run out of other people's money.

That concludes our 1 hour. I just thank all of my colleagues from all over the country joining us tonight. Next week we will try to get into freedom a little more heavily, but the economy is certainly a top topic and that's why we have given it a lot of attention this evening.

God bless you all. Good night.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. HOYER) for today on account of attending a funeral.

Mr. ELLISON (at the request of Mr. HOYER) for today on account of constituent business in the district.

Mr. PERRIELLO (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. STARK (at the request of Mr. HOYER) for today and the balance of the week on account of illness.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

Mr. KING of Iowa (at the request of Mr. BOEHNER) for today on account of the birth of his grandson.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. WOLF, for 5 minutes, March 4 and 5.

Mr. CALVERT, for 5 minutes, March 4. Mr. POE of Texas, for 5 minutes, March 10.

Mr. INGLIS, for 5 minutes, today and March 9.

Mr. MCHENRY, for 5 minutes, today, March 4, 5 and 6.

Mr. JONES, for 5 minutes, March 10.

Mr. PAUL, for 5 minutes, today, March 4 and 5.

Mr. OLSON, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. ZOE LOFGREN of California, for 5 minutes, today.

SENATE JOINT RESOLUTION AND CONCURRENT RESOLUTION REFERRED

A joint resolution and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 12. Joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously; to the Committee on the Judiciary.

S. Con. Res. 9. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Energy and Commerce.

ADJOURNMENT

Mr. AKIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 4, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

754. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of the Department's decision to cancel the Office of Management and Budget Circular A-76 public-private competition for the Commander, Navy Installations Command (CNIC) Safety Support Services competition at locations nationwide; to the Committee on Armed Services.

755. A letter from the General Counsel, Government Accountability Office, trans-

mitting the Office's report on allegations involving the Department of Defense Office of Public Affairs Outreach Program, pursuant to Public Law 110-417, section 1056(c); to the Committee on Armed Services.

756. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; 2009 Motor Vehicle Emissions Budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-Hour Ozone Nonattainment Area. [EPA-R01-OAR-2008-0485; A-1-FRL-8771-3] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

757. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nevada: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R09-RCRA-2008-0726; FRL-8771-8] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

758. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Florida [EPA-R04-OAR-2008-0605; FRL-8769-5] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

759. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for North Carolina [EPA-R04-OAR-2008-0681; FRL-8769-6] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

760. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the Board's report entitled, "Report to The U.S. Congress and The Secretary of Energy," pursuant to Public Law 100-203; to the Committee on Energy and Commerce.

761. A letter from the Executive Director, Human Rights in China, transmitting a background report relating to the recent Universal Periodic Review (UPR) of China's human rights record at the United Nations in Geneva; to the Committee on Foreign Affairs.

762. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Alabama Advisory Committee, pursuant to 41 CFR 102-3.70; to the Committee on the Judiciary.

763. A letter from the Project Counsel, Department of Homeland Security, transmitting the Department's final rule — Consolidation of Merchant Mariner Qualification Credentials [Docket No.: USCG-2006-24371] (RIN: 1625-AB02) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

764. A letter from the Principal Deputy Assistant Secretary Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's report entitled, "Fuel Cell School Buses," pursuant to Public Law 109-58, section 743(c); to the Committee on Science and Technology.

765. A letter from the Chairman, Department of Veterans Affairs, transmitting the Department's report on the Board of Veterans' Appeals' activities during Fiscal Year 2008; to the Committee on Veterans' Affairs.

766. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Automatic Contribution Arrangement [TD 9447] (RIN: 1545-BG80) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

767. A letter from the Acting Assistant Secretary Office of Legislative Affairs, Department of Homeland Security, transmitting the Department's report on the Critical Skills Retention Bonus program for military personnel, pursuant to 37 U.S.C. 323(h); jointly to the Committees on Armed Services and Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BURGESS (for himself and Mr. STUPAK):

H.R. 1253. A bill to require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. DENT, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. GERLACH):

H.R. 1254. A bill to make the Census Bureau an independent establishment; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. MORAN of Virginia, Mr. POE of Texas, Mr. PAUL, Mr. COHEN, Mr. GOODLATTE, Mr. DREIER, Mr. DANIEL E. LUNGREN of California, Mr. KANJORSKI, and Ms. WASSERMAN SCHULTZ):

H.R. 1255. A bill to protect the interests of each resident of intermediate care facilities for the mentally retarded in class action lawsuits on behalf of such resident; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. PLATTS, Mr. TOWNS, Mr. LYNCH, Mr. PALLONE, Mr. DINGELL, Mr. RANGEL, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BALDWIN, Mr. BARROW, Mr. BERRY, Mr. BILBRAY, Mr. BLUMENAUER, Mrs. BONO MACK, Ms. BORDALLO, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. CARNEY, Mr. CARSON of Indiana, Mr. CASTLE, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. COURTNEY, Mr. CUMMINGS, Mrs. DAHLKEMPER, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAULO, Mr. DOYLE, Mr. EDWARDS of Texas, Mr. ELLISON, Mrs. EMERSON, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. FRELINGHUYSEN, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Ms. HARMAN, Mr. HEINRICH, Mr. HIGGINS, Mr. HIMES, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr.

INSLEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JACKSON of Illinois, Mr. KILDEE, Ms. KILROY, Mr. KIND, Mr. KIRK, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LOEBACK, Mrs. LOWEY, Mr. LUJAN, Mr. MAFFEI, Mrs. MALONEY, Ms. MARKEY of Colorado, Mr. MARKEY of Massachusetts, Mr. MATHESON, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCMAHON, Mr. MCNERNEY, Mr. MICHAUD, Mr. GEORGE MILLER of California, Mr. MITCHELL, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLIVER, Mr. PASCRELL, Ms. PINGREE of Maine, Mr. REICHERT, Mr. REYES, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STARK, Ms. SUTTON, Mr. TIERNEY, Mr. TONKO, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Mr. WU, and Mr. YARMUTH):

H.R. 1256. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself and Mr. GENE GREEN of Texas):

H.R. 1257. A bill to amend title 49, United States Code, to direct the National Highway Traffic Safety Administration to require the disclosure of information relating to the fair market value and safety of damaged motor vehicles; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mr. BARTON of Texas):

H.R. 1258. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UPTON (for himself, Mr. LARSEN of Washington, Mr. EHLERS, Mrs. BONO MACK, and Mr. GORDON of Tennessee):

H.R. 1259. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. BERMAN, Mr. GOODLATTE, and Ms. JACKSON-LEE of Texas):

H.R. 1260. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. BUYER (for himself, Mr. MCINTYRE, Mr. DEAL of Georgia, Mr. WILSON of South Carolina, Mr. COBLE, Mr. BURGESS, Mr. GINGREY of Georgia, Mrs. MYRICK, Mr. SHADEGG, and Mr. SHULER):

H.R. 1261. A bill to protect the public health by establishing the Tobacco Harm Re-

duction Center within the Department of Health and Human Services with certain authority to regulate tobacco products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBERSTAR (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YOUNG of Alaska, Mrs. TAUSCHER, Mr. BISHOP of New York, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. ARCURI, Mr. PASCRELL, and Mr. MCNERNEY):

H.R. 1262. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 1263. A bill to amend title 5, United States Code, to provide for the automatic enrollment of new participants in the Thrift Savings Plan, and to clarify the method for computing certain annuities based on part-time service; to allow certain employees of the District of Columbia to have certain periods of service credited for purposes relating to retirement eligibility; and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR (for himself, Ms. WATERS, Mr. MELANCON, Mr. SCALISE, Mr. CHILDERS, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, Mr. BARROW, Mrs. MALONEY, Mrs. CHRISTENSEN, Mr. BERRY, Mr. CLEAVER, Mr. COHEN, and Ms. KILPATRICK of Michigan):

H.R. 1264. A bill to amend the National Flood Insurance Act of 1968 to provide for the national flood insurance program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes; to the Committee on Financial Services.

By Mr. DOGGETT (for himself, Mr. LARSON of Connecticut, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. DAVIS of Illinois, Mr. HIGGINS, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. PASCRELL, Ms. LINDA T. SANCHEZ of California, Mr. STARK, Mr. YARMUTH, Ms. DELAULO, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BISHOP of New York, Mr. CLEAVER, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mr. DEFazio, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILLNER, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HARE, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. LEE of California, Mr. LOEBACK, Mr. LYNCH, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. PAYNE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SESTAK, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STUPAK, Ms. SUTTON, Mr. TIERNEY, Ms. WATSON, Mr. WELCH, Mr. HOLT, and Ms. JACKSON-LEE of Texas):

H.R. 1265. A bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes; to the Committee on

Ways and Means, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Ms. HIRONO, Mr. FALCONER, Mrs. CHRISTENSEN, Ms. BORDALLO, and Mr. YOUNG of Alaska):

H.R. 1266. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. BEAN (for herself and Mr. KIRK):

H.R. 1267. A bill to provide for the transfer of certain property and personnel of the Department of Defense to the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. ROHRBACHER, Mrs. MYRICK, Mr. DUNCAN, and Mr. GALLEGLY):

H.R. 1268. A bill to amend the Truth in Lending Act to prohibit issuance of residential mortgages to any individual who lacks a Social Security account number; to the Committee on Financial Services.

By Mr. BURTON of Indiana (for himself, Mr. CARTER, Mr. AKIN, Mr. HALL of Texas, Mr. LAMBORN, Mr. PAUL, Mr. MANZULLO, Mr. BOOZMAN, Mr. ALEXANDER, Mr. BARTLETT, Mr. GRAVES, Mr. LINDER, and Mr. POE of Texas):

H.R. 1269. A bill to amend title 28, United States Code, to limit Federal court jurisdiction over questions under the Defense of Marriage Act; to the Committee on the Judiciary.

By Ms. CLARKE (for herself, Mr. BACA, Mr. BISHOP of New York, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FILNER, Ms. FUDGE, Mr. GRIJALVA, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, Ms. KILROY, Mrs. MALONEY, Mr. MEEKS of New York, Ms. NORTON, Mr. PAYNE, Mr. PIERLUISI, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SUTTON, Mr. TOWNS, Ms. WATSON, Mr. WEINER, Mr. WELCH, Mr. WEXLER, and Ms. VELÁZQUEZ):

H.R. 1270. A bill to reauthorize community development block grants, and for other purposes; to the Committee on Financial Services.

By Mr. HASTINGS of Florida (for himself, Ms. CORRINE BROWN of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, Mr. MEEK of Florida, Ms. ROS-LEHTINEN, and Mr. WEXLER):

H.R. 1271. A bill to designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 1272. A bill to provide for the conversion of a temporary judgeship for the district of Hawaii to a permanent judgeship; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. ARCURI):

H.R. 1273. A bill to honor Susan B. Anthony by celebrating her legacy on the third Monday in February; to the Committee on Oversight and Government Reform.

By Mrs. MALONEY (for herself, Mr. GEORGE MILLER of California, Mr. LEWIS of Georgia, and Mr. CUMMINGS):

H.R. 1274. A bill to permit employees to request, and to ensure employers consider requests for, flexible work terms and conditions, and for other purposes; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself and Mr. CHAFFETZ):

H.R. 1275. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. MOORE of Kansas (for himself, Mr. SALAZAR, and Mr. CUELLAR):

H.R. 1276. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget and to provide that Social Security contributions are used to protect Social Security solvency by mandating that Trust Fund monies cannot be diverted to create private accounts; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia (for himself and Mr. JORDAN of Ohio):

H.R. 1277. A bill to repeal the emergency fund for the TANF program; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1278. A bill to posthumously award a Congressional Gold Medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. SENSENBRENNER (for himself and Mr. LATHAM):

H.R. 1279. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limits to dependent care flexible spending accounts and to provide for a carryover of unused dependent care benefits; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 1280. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Natural Resources.

By Mr. STUPAK:

H.R. 1281. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H.R. 1282. A bill to authorize the Commandant of the Coast Guard to convey to the

City of Marquette, Michigan, certain real property under the administrative control of the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. TAUSCHER (for herself, Mr.

ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAUNO, Mr. DINGELL, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Mr. KUCINICH, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBBACH, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. PRICE of North Carolina, Ms. ROS-LEHTINEN, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRE, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. STARK, Ms. SUTTON, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 1283. A bill to amend title 10, United States Code, to enhance the readiness of the Armed Forces by replacing the current policy concerning homosexuality in the Armed Forces, referred to as "Don't Ask, Don't Tell", with a policy of nondiscrimination on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. TAYLOR (for himself, Mr. CHILBERS, Mr. HARPER, and Mr. THOMPSON of Mississippi):

H.R. 1284. A bill to designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office"; to the Committee on Oversight and Government Reform.

By Mr. TURNER (for himself, Mrs. CAPITO, Mrs. BIGGERT, Mr. LATOURETTE, Mrs. SCHMIDT, Ms. ROSELEHTINEN, and Mr. CAO):

H.R. 1285. A bill to establish the Commission on the Foreclosure and Mortgage Lending Crisis; to the Committee on Financial Services.

By Mr. VISCLOSKEY (for himself and Mr. DONNELLY of Indiana):

H.R. 1286. A bill to amend the Act titled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Natural Resources.

By Mr. VISCLOSKEY (for himself and Mr. DONNELLY of Indiana):

H.R. 1287. A bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Natural Resources.

By Mr. WEINER (for himself, Mr. CROWLEY, Ms. BERKLEY, Mr. NADLER of New York, and Mrs. TAUSCHER):

H.R. 1288. A bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 1289. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.J. Res. 27. A joint resolution establishing a bipartisan Joint Select Committee on Long-Term Financial Security; to the Committee on Rules.

By Mr. JACKSON of Illinois:

H.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States regarding the right to vote; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of all citizens of the United States to a public education of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States regarding the right of citizens of the United States to health care of equal high quality; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States relating to equality of rights

and reproductive rights; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 32. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to decent, safe, sanitary, and affordable housing; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to a clean, safe, and sustainable environment; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 34. A joint resolution proposing an amendment to the Constitution of the United States relative to taxing the people of the United States progressively; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States respecting the right to full employment and balanced growth; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.J. Res. 36. A joint resolution proposing an amendment to the Constitution of the United States to abolish the Electoral College and provide for the direct election of the President and Vice President by the popular vote of all citizens of the United States regardless of place of residence; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. ALEXANDER, Mr. BACA, Ms. BORDALLO, Mr. BOSWELL, Mr. CARDOZA, Mrs. CHRISTENSEN, Mr. COURTNEY, Mr. CUMMINGS, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. McDERMOTT, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. MORAN of Kansas, Mr. PETERSON, Mr. HIGGINS, Mr. BISHOP of New York, Mr. RODRIGUEZ, Mr. ROSS, Mr. SHULER, Mr. MURTHA, Mr. STUPAK, Mr. HOLDEN, Mr. ARCURI, Mr. WILSON of Ohio, Mr. SIREs, Mr. TEAGUE, Mr. LUJÁN, Mr. WALZ, Mr. BRADY of Pennsylvania, Mr. HEINRICH, Mr. KISSELL, Mr. MINNICK, Mr. SCALISE, and Mr. WOLF):

H. Res. 203. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; to the Committee on Armed Services.

By Mr. SIMPSON (for himself, Mr. ROSS, Mr. PRICE of Georgia, Mr. HASTINGS of Washington, Mr. TERRY, Mr. KIRK, Mr. HENSARLING, Mr. NUNES, Mr. BUYER, Mr. MARIO DIAZ-BALART of Florida, Mr. YOUNG of Florida, Mr. LATOURETTE, Mr. TIBERI, Mr. McCOTTER, Mr. ROGERS of Michigan, Mr. WHITFIELD, Mr. ROGERS of Kentucky, Mr. LATHAM, Mr. BOEHNER, Mr. CALVERT, Mr. KLINE of Minnesota, Mr. GOODLATTE, Mr. MCCARTHY of California, Mr. PENCE, Mr. CANTOR, Mr. FRELINGHUYSEN, Mr. KILDEE, Mr. BARROW, Ms. BORDALLO, Ms. NORTON, Mr. GRIJALVA, Mr. COURTNEY, Mr. SALAZAR, Mr. BOOZMAN, Mr. LARSEN of Washington, Mr. MCNERNEY, Mr. PASCRELL, Mr. AKIN, Mr. SESTAK, Mrs. MILLER of Michigan, Mr. SKELTON, and Mr. LANCE):

H. Res. 204. A resolution congratulating the American Dental Association for its 150th year of working to improve the public's oral health and promoting dentistry, sup-

porting initiatives to improve access to oral health care services for all Americans, and emphasizing the benefits of prevention of disease through support of community prevention initiatives and promotion of good oral hygiene; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REYES:

H.R. 1290. A bill for the relief of Kumi Iizuka-Barcena; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 1291. A bill to direct the Commandant of the Coast Guard to convey to the Cornerstone Christian Academy, located in Cheboygan, Michigan, certain real property under the administrative jurisdiction of the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. CASTOR of Florida.

H.R. 16: Ms. KOSMAS.

H.R. 17: Mr. MCCOTTER.

H.R. 22: Mr. Minnick, Mr. STUPAK, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Mr. PALLONE, Mr. LARSON of Connecticut, Mrs. MALONEY, Mrs. EMERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COFFMAN of Colorado, Mr. KENNEDY, Mr. PASCRELL, Ms. DELAURO, and Mr. HILL.

H.R. 24: Mr. KLINE of Minnesota, Mr. SHUSTER, Mr. RUSH, Mr. MCINTYRE, Mr. SHIMKUS, Mr. BROWN of South Carolina, and Mr. MORAN of Virginia.

H.R. 90: Ms. Markey of Colorado.

H.R. 111: Mr. BARRETT of South Carolina, Mr. ADLER of New Jersey, Mr. HINCHEY, Mr. MARCHANT, and Ms. JACKSON-LEE of Texas.

H.R. 144: Mr. FARR and Mr. GUTIERREZ.

H.R. 154: Mr. BOSWELL and Mr. PETERS.

H.R. 174: Mr. POLIS of Colorado.

H.R. 211: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RUSH, Mr. WEXLER, Ms. KILROY, and Mr. YOUNG of Alaska.

H.R. 235: Mr. HARE, Mr. JONES, Mr. LANCE, Mr. WAMP, Mr. ADLER of New Jersey, Mr. DAVIS of Illinois, Mr. SABLAN, Mrs. BLACKBURN, Mr. SCOTT of Georgia, Mr. PAYNE, Mr. BILIRAKIS, and Ms. ROYBAL-ALLARD.

H.R. 265: Ms. CORRINE BROWN of Florida, Mr. STARK, Ms. MOORE of Wisconsin, Mr. FILNER, Mr. HONDA, and Mr. MEEKS of New York.

H.R. 270: Mr. ROSS, Mr. SESTAK, Mr. CARNEY, and Mrs. SCHMIDT.

H.R. 303: Mr. COURTNEY, Mr. BOYD, Ms. MARKEY of Colorado, Mr. RAHALL, Mr. KAGEN, Mr. MEEK of Florida, and Mrs. BONO MACK.

H.R. 305: Mr. GOODLATTE, Mr. ROTHMAN of New Jersey, Mrs. LOWEY, and Mr. HALL of New York.

H.R. 307: Mr. GORDON of Tennessee, Ms. SUTTON, and Mr. MARKEY of Massachusetts.

H.R. 370: Mr. SCOTT of Georgia.

H.R. 393: Mr. STEARNS and Mr. LAMBORN.

H.R. 398: Mr. CARNEY and Mr. TONKO.

H.R. 406: Mr. MURTHA and Mr. MORAN of Virginia.

H.R. 426: Mrs. BIGGERT.
H.R. 450: Mr. CONAWAY.
H.R. 460: Mr. POLIS of Colorado, Mr. MEEKS of New York, Mr. BISHOP of New York, and Mr. PETERS.

H.R. 479: Mr. KIND, Mr. HINCHEY, Ms. BALDWIN, Mrs. BONO MACK, Mr. COHEN, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. GONZALEZ, Mr. CARNAHAN, Mr. POMEROY, Ms. MCCOLLUM, Ms. HARMAN, Ms. SCHAKOWSKY, Mr. SESTAK, Mr. GORDON of Tennessee, Mr. CARNEY, Ms. SUTTON, Mr. STUPAK, Mr. MARKEY of Massachusetts, Ms. HERSETH SANDLIN Mr. INSLEE, Ms. MATSUI, Mr. McDERMOTT, Mr. HILL, and Mr. ENGEL.

H.R. 503: Ms. KILROY.
H.R. 510: Mr. SHULER and Mr. JONES.
H.R. 513: Mr. WOLF.
H.R. 528: Mr. LATTA.
H.R. 548: Mr. POE of Texas.
H.R. 558: Mr. SPACE and Mr. ORTIZ.
H.R. 560: Mr. LATTA.
H.R. 562: Mr. BROWN of South Carolina.
H.R. 606: Mr. FARR and Ms. WOOLSEY.
H.R. 613: Mr. BOOZMAN, Mr. DEFazio, Ms. PINGREE of Maine, Mr. LATHAM, Mr. BARTLETT, Mr. MILLER of Florida, Mr. GUTHRIE, and Mr. TERRY.

H.R. 618: Mr. CRENSHAW, Ms. WATSON, and Mr. HOLT.

H.R. 626: Ms. JACKSON-LEE of Texas, Mr. ELLISON, and Mr. PALLONE.

H.R. 627: Ms. CLARKE.
H.R. 666: Mr. CARNAHAN.
H.R. 667: Mr. CARNAHAN and Mr. BARROW.
H.R. 676: Ms. CORRINE BROWN of Florida, Mr. PAYNE, and Mr. MCGOVERN.

H.R. 704: Mr. LEE of New York.
H.R. 744: Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. WALZ, Mr. BUYER, Mr. SHUSTER, Ms. BORDALLO, and Mr. PIERLUISI.

H.R. 745: Mr. ROTHMAN of New Jersey, Mrs. TAUSCHER, Mr. GENE GREEN of Texas, Mr. ROGERS of Alabama, and Ms. DELAURIO.

H.R. 753: Mrs. MALONEY, Mrs. LOWEY, Mr. HOLT, Mr. SMITH of New Jersey, Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, and Mr. GRIJALVA.

H.R. 756: Mr. SESTAK, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. MARKEY of Massachusetts, Ms. SCHAKOWSKY, Mr. GENE GREEN of Texas, and Mr. LOEBACK.

H.R. 775: Mr. LUJÁN, Ms. BALDWIN, and Mr. TERRY.

H.R. 784: Mr. TEAGUE.
H.R. 785: Mr. TEAGUE.

H.R. 804: Mr. BARROW, Ms. BORDALLO, and Mr. MEEKS of New York.

H.R. 848: Mr. ADLER of New Jersey, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. TONKO, and Mr. TOWNS.

H.R. 858: Mr. SOUDER.

H.R. 875: Mr. TIERNEY, Mr. WEXLER, and Mr. COURTNEY.

H.R. 909: Mr. MCGOVERN.

H.R. 914: Mr. GORDON of Tennessee and Mr. BRALEY of Iowa.

H.R. 946: Mr. LOEBACK, Mr. BOSWELL, and Mr. WELCH.

H.R. 952: Mr. ELLISON, Mr. PETERSON, Mr. FRANK of Massachusetts, Ms. SUTTON, Mr. COSTELLO, Mr. STARK, Mr. MASSA, Ms. DEGETTE, Mr. SESTAK, Mr. BACA, Mr. MINNICK, Mr. MORAN of Virginia, Mr. BOSWELL, Mr. BISHOP of New York, Ms. PINGREE of Maine, Mr. CARNAHAN, and Ms. SCHAKOWSKY.

H.R. 958: Mr. FILNER and Mr. ROTHMAN of New Jersey.

H.R. 968: Mr. KLINE of Minnesota and Mr. GRAVES.

H.R. 978: Mrs. MYRICK, Ms. CORRINE BROWN of Florida, Mrs. CAPITO, and Mr. MINNICK.

H.R. 980: Ms. SCHAKOWSKY.

H.R. 983: Mr. KINGSTON, Mr. ROE of Tennessee, and Mr. BOOZMAN.

H.R. 984: Mr. PASTOR of Arizona, Mr. DEFazio, Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. HODES, and Ms. LEE of California.

H.R. 985: Mr. McDERMOTT.

H.R. 997: Mr. CARNEY and Mr. LATTA.

H.R. 1006: Mr. PASTOR of Arizona.

H.R. 1024: Ms. CLARKE and Mr. CUMMINGS.

H.R. 1064: Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, and Mr. KUCINICH.

H.R. 1067: Mrs. BIGGERT, Mrs. MYRICK, Mr. SPACE, Mr. MARCHANT, Mr. CAPUANO, and Mr. HARE.

H.R. 1081: Ms. KOSMAS.

H.R. 1083: Mr. WITTMAN, Mr. HASTINGS of Florida, and Mr. MEEKS of New York.

H.R. 1085: Ms. KAPTUR, Mr. HOLDEN, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. ISRAEL, Mr. RYAN of Ohio, and Mr. FILNER.

H.R. 1090: Mr. SESTAK.

H.R. 1091: Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Mr. CUMMINGS, Mr. KUCINICH, Mr. HINCHEY, Mr. FARR, and Mr. MORAN of Virginia.

H.R. 1117: Mr. HINCHEY and Ms. SCHAKOWSKY.

H.R. 1126: Mr. GONZALEZ, Ms. SLAUGHTER, Mr. YARMUTH, Mr. PETERSON, Mr. WEXLER, and Mr. HODES.

H.R. 1136: Mr. DINGELL and Mr. CLAY.

H.R. 1150: Mr. MASSA.

H.R. 1151: Mr. HIMES and Ms. SCHAKOWSKY.

H.R. 1152: Mr. HIMES and Ms. SCHAKOWSKY.

H.R. 1153: Mr. HIMES and Ms. SCHAKOWSKY.

H.R. 1154: Mr. HIMES.

H.R. 1173: Mr. DAVIS of Alabama.

H.R. 1197: Mr. RODRIGUEZ.

H.R. 1199: Mr. GINGREY of Georgia, Mr. HELLER, and Mr. DENT.

H.R. 1203: Mr. SMITH of New Jersey, Mr. TOWNS, and Mr. CAPUANO.

H.R. 1204: Mr. ALEXANDER, Mr. GOHMERT, Mr. WITTMAN, and Mr. CHANDLER.

H.R. 1205: Mr. ROSKAM, Mr. RYAN of Ohio, Mr. PAUL, Mr. WOLF, Mr. GRAVES, Mr. MICA, Mr. MOORE of Kansas, Mr. SESSIONS, Mr. Harper, Mr. BLUNT, Mrs. BLACKBURN, Mr. AKIN, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana.

H.R. 1209: Mr. McNERNEY.

H.R. 1210: Mr. TAYLOR, Mr. MCGOVERN, Mr. LARSON of Connecticut, Mr. JACKSON of Illi-

nois, Mr. HOEKSTRA, Mr. WEXLER, Ms. SUTTON, Mr. MICHAUD, Mr. GORDON of Tennessee, Mr. MARKEY of Massachusetts, Mr. PETRI, Mr. GONZALEZ, and Mr. FARR.

H.R. 1211: Mr. TEAGUE.

H.R. 1221: Mr. GUTHRIE.

H.R. 1224: Mr. SOUDER.

H.R. 1228: Mr. BILBRAY and Mr. SOUDER.

H.R. 1229: Mr. BILBRAY and Mr. SOUDER.

H.R. 1246: Mr. LOBIONDO, Mrs. MALONEY, Ms. ZOE LOFGREN of California, Mr. GORDON of Tennessee, and Ms. SCHAKOWSKY.

H.J. Res. 26: Mr. RYAN of Ohio, Mr. ROSKAM, and Mr. ROGERS of Kentucky.

H. Con. Res. 14: Mr. FILNER, Mr. SPACE, Mr. HODES, Mr. CASTLE, Mr. ALTMIRE, Ms. HIRONO, Mr. KILDEE, Ms. CORRINE BROWN of Florida, Mr. SCHIFF, Mr. STARK, Mr. NADLER of New York, Mr. HARE, Mr. WALDEN, Mr. PAYNE, Mr. MORAN of Virginia, Mr. SCOTT of Georgia, and Mr. WITTMAN.

H. Con. Res. 20: Ms. SPEIER, Mr. McCOTTER, and Mr. KUCINICH.

H. Con. Res. 29: Mr. ANDREWS, Mr. KING of Iowa, Mr. HOLDEN, and Mr. SHERMAN.

H. Con. Res. 34: Mr. WAMP.

H. Con. Res. 49: Mr. COURTNEY, Mr. DONNELLY of Indiana, and Mr. JOHNSON of Illinois.

H. Con. Res. 55: Mr. SALAZAR, Mr. GARRETT of New Jersey, Mr. RADANOVICH, Mr. ROGERS of Kentucky, Mr. MEEKS of New York, Mr. DANIEL E. LUNGREN of California, Mr. ISRAEL, Mr. WU, Ms. WOOLSEY, Mr. BOOZMAN, Mr. DENT, and Mr. WHITFIELD.

H. Con. Res. 63: Ms. SCHAKOWSKY.

H. Res. 49: Mr. FATTAH.

H. Res. 65: Mr. CONNOLLY of Virginia, Ms. ROYBAL-ALLARD, and Ms. SCHAKOWSKY.

H. Res. 69: Mr. PIERLUISI.

H. Res. 76: Mr. KLEIN of Florida and Ms. BALDWIN.

H. Res. 81: Mr. PETRI.

H. Res. 109: Mr. McCOTTER, Mr. RUPPERSBERGER, and Mr. PIERLUISI.

H. Res. 111: Mr. WAMP, Mr. OLSON, Mr. LANGEVIN, Mr. OBERSTAR, Ms. BORDALLO, and Mr. PETERSON.

H. Res. 125: Mr. LANCE and Mr. TONKO.

H. Res. 130: Ms. ESHOO, Mr. CLAY, Mr. TONKO, and Mr. DEFazio.

H. Res. 146: Mr. ORTIZ and Mr. DAVIS of Illinois.

H. Res. 152: Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. COSTA, Mr. ACKERMAN, Ms. BERKLEY, and Mr. MCMAHON.

H. Res. 153: Mr. CAMPBELL.

H. Res. 156: Mr. ROHRBACHER.

H. Res. 171: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MCGOVERN.

H. Res. 175: Mr. MICHAUD.

H. Res. 178: Mr. SERRANO and Mr. INGLIS.

H. Res. 185: Mr. CAO, Mr. MASSA, and Mr. BISHOP of Georgia.

H. Res. 187: Ms. ESHOO.

H. Res. 200: Mr. BURTON of Indiana.

SENATE—Tuesday, March 3, 2009

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of our fathers and mothers, Your mighty hand has brought our Nation to this moment in its destiny. Lead our lawmakers to do Your will. Help them to see that You desire them to do justly, to love mercy, and to embrace humility. Remind them that You came to our world to bring deliverance to captives, to help the spiritually blind, and to comfort the bruised. May our Senators produce legislation that reflects Your priorities. As they remember that You are more impressed with their integrity than the eloquence of their debates, inspire them to look to You for strength and wisdom. Guide them by Your light so that their lives reflect Your purposes.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 3, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the appropriations bill H.R. 1105. The time until 11:45 will be equally divided and controlled between Senators INOUE and MCCAIN. At 11:45, the Senate will vote in relation to the McCain amendment. The Senate will recess from 12:30 until 2:15 for the weekly caucus luncheons. There is almost no question that additional rollcall votes will be expected throughout the day as we work through amendments on this bill. After we do the McCain amendment, I know Senator WICKER was here yesterday on an issue in which he believes strongly. I think that would be a good one to lay down. Senator COBURN has four amendments. They have not been drafted. We have asked him to make sure they are drafted as soon as possible so we can work our way through those.

Senator THUNE has an amendment he wants to offer. This is on the fairness doctrine. Senator VITTER has an amendment dealing with abortion or matters related thereto. We should get to that.

I have spoken to one of the Republican Senators yesterday and that Senator is wanting to offer an amendment to cut the spending of this appropriations bill to President Bush's budget levels. We would hope that could be laid down soon. That is an important amendment for the minority and certainly one that deserves debate.

That is a brief overview of some of the amendments I know are there and we should get to as soon as we can.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Madam President, I listened to the majority leader. He did have a pretty good summary of the amendments we are aware of at the moment, all of which are significant. It is good that we will have a chance to get a vote on most or all of those.

During his campaign, the President said he would not sign any non emergency spending until the American people had at least 5 days to review it on the White House Web site.

So there is no reason for us to rush through this Omnibus appropriations bill when the White House has already

promised it won't sign it without the requisite 5-day review.

Besides, we have known about the Friday deadline for months so any pressure to rush this bill is completely manufactured.

The responsible way forward is not to rush through another giant bill, but for the House to prepare a short-term CR so we have time to study and debate the Omnibus on the floor.

Back in January, Republicans urged the President to move the Omnibus before the stimulus. It is now obvious why.

The Omnibus contains funds for 122 programs that were already funded in the stimulus. It also represents an 8 percent increase over last year's regular appropriations, twice the rate of inflation.

What all this means is that at a time when most Americans are tightening their belts, Washington is going out and buying a bigger one.

Just consider the deficit. When we passed the last CR, the deficit was \$460 billion. In January, the CBO estimated this year's deficit would be \$1.2 trillion. Now after the past month, we expect the deficit to be \$1.6 trillion.

Now consider some of the recent spending we have done or are contemplating doing around here. Some of us are still dizzy from the \$1 trillion stimulus. We are trying to conceptualize the \$3.6 trillion budget the President sent us last week. We are bracing for the potentially quarter-trillion housing plan that goes into effect tomorrow, and we are thinking about the \$1 to \$2 trillion we expect to be asked to spend on the financial sector.

So we won't be rushed to spend another \$410 billion without the requisite review.

We need to slow down and make sure the American people understand how we intend to spend their tax dollars. The Omnibus is a massive bill that demands our close attention.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS

Mr. DURBIN. Madam President, I wish to address some of the comments made by the Republican leader.

First, the bill that is being considered was on the official public Web site of the House of Representatives a week

ago. It has been available for at least that period of time. As a member of the Senate Appropriations Committee, most of the contents of what we are considering were passed by the committee last year in October and November. To argue that this is a surprise is wrong. It has been available for scrutiny, for review, for a long period. That is why many of us believe we should move forward with it as quickly as possible.

Second, this argument that the stimulus, which was supposed to be additive, to put money into the economy that otherwise would not go into the economy, is a reason not to pass this bill is to ignore the obvious. This bill funds the Government. This bill makes certain that when it comes to the Departments of Agriculture, Commerce, Justice, Energy, related issues, financial services, Interior, Labor, EPA, State Department, Transportation, Homeland Security, and so many others, we are going to provide for the basic appropriations and budgets for these agencies.

I understand—I hope all Senators understand—that these agencies need to do their work, whether or not the economy is strong. We need to be putting this money into these agencies to continue their ordinary business. That is essential.

I also am troubled every day to hear a chorus from the Republican side of the aisle about deficits. Let's remember the facts. When President Bill Clinton left office, he had managed to balance the budget each year for 3 years. He left to President George W. Bush a surplus. At that point, the debt of the United States, accumulated from the beginning of the Republic until that moment, was about \$5 trillion. President George W. Bush was handed an economy that was strong, a budget surplus, and a national debt of \$5 trillion. Eight years later, we all know the state of the economy. We certainly know that the national debt under George W. Bush doubled. It went from \$5 to \$10 trillion in a matter of 8 years.

We know what happened. When it came to the budgets, the Republicans and President Bush decided they would use a little sleight of hand. Do you know how much money was included in the budgets of President Bush for the wars in Iraq and Afghanistan? The answer is zero. Every year they would take the cost of these wars off the budget and say: It is emergency spending so we are not going to budget for it. So not only did they double the national debt, not only did they drive us deeply into deficit each year, they did it in a way that most of us would agree was at least concealment, instead of being honest and open with the people.

Now comes President Obama, inherits an economic recession, the likes of which this country has not seen for 75 years. He says we have to move and

move quickly with the stimulus package. In 3 weeks and 2 days after being sworn in as President, he passes it, thanks to three Republican Senators who finally would join with us in moving forward to do something about the economy rather than only complain. Then he says we need to pass the ordinary budget which was not passed under the previous administration. That is what this bill is.

I urge colleagues to take a look at this as undone business from the previous administration and the previous Congress that we have to get done this week while the temporary spending measures for our Government continue.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mr. DORGAN. The minority leader indicated somehow or suggested that this is some new information, some large piece of legislation brought to the floor of the Senate without much scrutiny. Isn't it the case that the appropriations bills that are included in this omnibus were passed out of each individual subcommittee of the Appropriations Committee, most of them worked on for months, then passed out of the subcommittee, and then worked on in the full committee and, in most cases, passed unanimously by Republicans and Democrats? This is the normal funding of Federal agencies that should have been done last year. It wasn't, for a lot of reasons. It is now being packaged into an omnibus bill to get done. But the ingredients of that bill are not something new.

Isn't it the case that most of these individual bills were passed in a bipartisan basis, many of them unanimously, after having been worked on for some months? There is nothing strange in here, is there?

Mr. DURBIN. In response to the Senator from North Dakota through the Chair, he is a fellow member of the Appropriations Committee. He has described the process exactly. The small, relatively small appropriation which I manage in the Senate Appropriations Committee includes a plus up, an increase in the funding for several key agencies, one of which is the Securities and Exchange Commission. If one watched "60 Minutes" on Sunday night and heard about Bernard Madoff and criticisms of the SEC dropping the ball, not hearing the whistle being blown, we have to change that. We have to make sure the SEC is a regulatory agency that has the resources it needs to deal with an ever-expanding area of jurisdiction. The same thing is true for the Commodities Futures Trading Commission which also deals with futures and derivatives and the like. We have to make certain they have resources, and they have an increase in this budget to be the policemen on the beat. I put money in there

as well for the Consumer Product Safety Commission. It was not that long ago we were frightened by the prospect of lead toys that might endanger our children. This agency is finally growing into the 21st century responsibility it has.

These are areas where we have increased funding so that government can be vigilant and helpful and we can avoid economic disasters so that investors' and savers' money can be carefully reviewed.

This was all debated in the subcommittee. It was brought forward in the full committee. In most cases it received full committee review months ago. Today we are trying to get the homework we should have done last year done and moved forward. We have so many important things to do.

I will speak for a minute or two more, if I may, on a related issue.

Mr. DORGAN. I wonder if the Senator from Illinois will excuse me and respond to an additional question.

Mr. DURBIN. I am happy to.

Mr. DORGAN. The point that is going to be discussed on the floor today and this week on this appropriations bill is very important. I just received the votes on the individual bills that have now been packaged together. If I might read them, the appropriations bill for Agriculture, with the U.S. Department of Agriculture, nutrition programs, farm programs, and so on, passed 29 to 0 by the full Appropriations Committee. That passed on July 18 of last year. Commerce, Justice, and Science passed, on June 19, 29 to 0, funds for Justice programs and so on. Energy and Water, which is the subcommittee I chair, passed 29 to 0. Financial Services passed, 29 to 0. Homeland Security passed 29 to 0. Virtually all of them passed unanimously.

To give you an example, in my subcommittee—that passed it unanimously, with Republicans and Democrats, by the subcommittee and the full Appropriations Committee—I, for example, in one account cut \$100 million. Why? Because I felt that was not needed. I cut from previous years' expenditures \$100 million. Now, if this piece of legislation fails, that extra \$100 million is going to be spent by that account. It shouldn't be, in my judgment, but will be.

I used some of that money to increase carbon capture so we can protect the environment and continue to use coal. We have to find a way to capture carbon and decarbonize the use of coal. I invested some of that money in carbon capture research and technology. But these are the kinds of things that if we defeat this legislation—we have what is called a continuing resolution. That will be the first amendment this morning. That continuing resolution means we are effectively on autopilot, and the things that have been cut, the spending that

has been cut in these subcommittees, and the spending that has been added because things need doing, that will be voided and we will instead be on an autopilot with previous years' judgments having prevailed when, in fact, all these bills passed the subcommittee, with the exception, I believe, of two of them. One was 28 "yes" and 1 "no" by the full Appropriations Committee, and the other was 26 "yes" and 3 "no." With those two exceptions, every other piece of legislation that is included in this omnibus was passed unanimously by Republicans and Democrats in the full Appropriations Committee of the Senate.

Isn't it the case that to suggest somehow this is some mysterious bill that has not been seen, has not been considered, has not been heard, has not been reviewed—that is just not the case. This has been available since last June and July, and most of it passed unanimously on a bipartisan basis.

Mr. DURBIN. In response to the Senator from North Dakota, through the Chair, what has changed? To have the Republican leader come before us today and say: Well, this has not been on the Web site of the Senate for the requisite 5 days, when I mentioned it has been on the House Web site for 7 days, it has passed the House in its entirety.

As the Senator from North Dakota indicated, it has been debated at length and passed unanimously, for the most part—Democrats and Republicans—without objection, voting for all the contents. And now there is objection from the Republican side of the aisle.

The obvious question is, What has changed? What is different? Well, there is only one thing different. We have a new President, a new President and a new administration, facing an economic struggle, a President who is asking for help from both sides of the aisle that we should give. We need to work together. He was not successful in finding House Republicans to support him in the efforts for the stimulus package. Only a handful voted for this measure when it came up in the House on the Republican side. We are hoping that at least some will finally step forward on the Republican side to pass this bill to keep the Government operating.

What good does it do for us to short-change the Securities and Exchange Commission at this moment in history, when we all know our savings, our retirement investments, 401(k)s, IRAs, are in peril because of a descending stock market, where there is question about the confidence that consumers, investors have in this agency? I put additional funds in there, through my appropriation, to make certain we have the integrity which we deserve in this marketplace; the same for the Commodity Futures Trading Commission.

Those who would argue, as Senator MCCAIN does in his continuing resolu-

tion amendment, that we do not need additional resources in these key agencies that protect investors and savers, they are just plain wrong. A vote for the McCain amendment is a vote to go back further to those days when these agencies were not up to the challenges they face. Some of that was conscious, where they ignored demands and warnings related to Mr. Madoff and others. Some was inadvertent in the CFTC, where they did not have the people and the equipment and the computers and the technology to follow these trades.

How in the world can we, in good conscience, say we are not going to adequately fund these agencies, while millions of American families count on us to do that? They make the choice on investments. They trust us to make certain those investments are transparent and there is accountability.

I would say to my friend from North Dakota, when we went through this, month after month, week after week, day after day in the committee, we had bipartisan support all the way. Now that we have a new President of a different political party, the other side of the aisle is raising questions—questions they did not raise for 8 months. Now they are being raised. That is unfortunate. But we are prepared to answer those questions.

HOUSING CRISIS

Mr. DURBIN. Madam President, I would like to close with one brief statement, if I can, on the housing crisis we are facing.

Yesterday, I was in a neighborhood of Chicago named Albany Park. It is one of the most diverse neighborhoods on the north side of our city. I went into this neighborhood on Kedzie Avenue to meet in front of a house that had been boarded up going through mortgage foreclosure. A lot of families gathered around, families who live in the neighborhood. And they looked like America—Black, White, and Brown—all standing there with their neat little homes all around this one foreclosed building. The building was partially boarded up. Windows were broken. The neighbors were outraged that this mortgage foreclosure has resulted in an empty building, which is now being vandalized and turned into a drug haven.

You would be angry, too, if it were in your neighborhood. These folks who care for their lawns, care for their kids, make sure their mortgage payments are paid on time, want to know what we are doing about mortgage foreclosures in this country. The honest answer is, We are doing little or nothing.

We have to change that. For 2 years now. I have tried to pass one simple measure that would change the Bankruptcy Code and say that a bankruptcy judge can, at the last resort, for those

who end up in bankruptcy with a mortgage foreclosure, take a look at the terms of the mortgage and change those terms. That is not a radical idea. Currently, the judge can do that for a second home, a farm, a ranch, but they cannot do it for your primary residence. I cannot explain why, but that is a fact.

Now we have primary residences across America that are being subjected to mortgage foreclosure. Initially, it was because of the subprime mortgages with those exotic finance deals that fell apart when the mortgage was reset. Now more and more homes going into foreclosure had fixed-rate mortgages, did not have subprimes, and we are seeing the bottom fall out of the housing market.

It is estimated one out of four mortgage holders in America are paying more principal on their mortgage than the value of their home. They are underwater, as they say. What are we going to do about it? Well, for a long time we said: We will trust the banks, the sanctity of the contract. They will work on it. They will negotiate. It has not happened. As a result, we have record numbers of mortgage foreclosures. The housing market is in a tailspin. No homes are being built, obviously. Most homes end up vacant on the rolls of the bank and become eyesores in a neighborhood.

What I am suggesting is, we have to be honest. We tried to let the banks and the mortgage bankers run this situation for the last year and they have failed and failed miserably. If we do not take control of this situation, if we do not have the bankruptcy court as the last resort that can ultimately change the terms of the mortgage, with reasonable limits—I am prepared to accept reasonable limits; there will not be any prospective use of this; only those existing mortgages today—that is the only way to come to the bottom of this crisis.

We are working with these financial institutions to try to find reasonable terms to work this out, but we have not had a lot of luck. Citigroup stepped forward. We reached an agreement with them. We are trying to reach an agreement with others. But for the mortgage bankers, who brought us into this mess, to still hold this Congress enthralled, to hold us hostage to their so-called sanctity of contract, is to ignore the obvious.

If they have their way, there will be a continued crisis of mortgage foreclosures, the recession will get worse instead of better, and neighborhoods such as Albany Park will disintegrate, deteriorate because of the foreclosures of homes in the neighborhood. Renters who dutifully pay their rent show up one day to be told: Oh, incidentally, your landlord defaulted on the mortgage and now you are going to be thrown out on the street. Over and over again, and it is totally unfair.

We have to do something. I am glad the House is going to take up this measure. We need to move on it. We waited a year. That is long enough.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me withhold.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

McCain amendment No. 592, in the nature of a substitute.

AMENDMENT NO. 592

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:45 a.m. will be equally divided and controlled between the Senator from Arizona and the Senator from Hawaii or their designees on amendment No. 592.

The Senator from North Dakota.

Mr. DORGAN. Madam President, let me yield myself such time as I may consume.

I will be brief this morning, but I wish to make a couple points. The appropriations bill that is on the floor of the Senate represents the bills that were not completed last year but were worked through in the individual subcommittees, and the full Appropriations Committee of the Senate, passed, as I indicated earlier, almost unanimously, for every piece of legislation, by all Republicans and all Democrats in the Appropriations Committee. So it is not as if there is something strange here.

The question is, Do we want to pass an appropriations bill, at least for the last half of this year, that funds the agencies the way Congress has determined they should be funded? Or do we want to defeat this bill and go on autopilot and say: Whatever was done last year, that is what we will do next year. That does not make much sense to me. What we might have done last year should be judged on the basis: Did it work? Did it not work? Where are the increases we probably ought to make some additional appropriations for? Or where are some areas that ought to be cut?

All these things represent a matter of judgment by Members of the Senate

and particularly members of the Appropriations Committee who are funding the individual agencies.

I mentioned, a moment ago, there is an account I cut in the subcommittee I chair by \$100 million because I felt it was not needed in the coming fiscal year, and I would move that \$100 million to fund something else I thought was very important. Well, that is the kind of thing that will not exist if we decide: Whatever was spent last year in all those accounts, that is what we will spend going forward. That is devoid of any kind of judgment at all.

Let me mention some areas we have felt should be increased. I will give you some examples. One is the funding to prepare for a potential pandemic flu. Obviously, it is a very significant issue. This country needs to be prepared in the event we suffer in our lifetimes a pandemic flu. An influenza, pandemic epidemic that would move around this world would be very serious, kill a lot of people. The need to be prepared for that is very important. There are funds available in this legislation to begin that preparation.

The efforts to improve the warning systems to notify communities about severe weather: This deals with the funding that is necessary for the next-generation satellites. This is not just something that is convenient. When killer storms and hurricanes and other things are threatening population centers, it is a need to have the very finest capability to warn people. This is the money that is needed to continue that progress in improving warning systems through the National Oceanic and Atmospheric Administration weather and climate satellites. That is in this bill to continue that work.

In my subcommittee, nonproliferation programs—and that is the issue of trying to stop the proliferation of nuclear weapons, the programs we have to try to prevent terrorist groups from acquiring the kind of material with which they can produce nuclear weapons—we provide funding for that and increased funding for that, which is very necessary. It is funding to the National Nuclear Security Administration, and it is critical to our efforts to secure weapons-grade nuclear material around the world that even today, as I speak, terrorists are trying to acquire.

So that issue of nonproliferation—we have increased some funding for it. If we decide we are not going to proceed with the normal appropriations bills that have now been put in this omnibus and instead we are going to go with a continuing resolution, that extra funding to try to protect us and stop the proliferation of nuclear weapons is gone.

There are so many areas. The area of science: our National Laboratories. You know the Bell Labs, which used to be the jewels in our country of scientific inquiry and discovery, and all

the unbelievable inventions and new knowledge, those labs are largely gone. Now our science laboratories in this country—and the three weapons laboratories and the array of science laboratories—represent the repository of the best and brightest Ph.D.s in physics and engineering and mathematics and so on. We have to keep our lead in the world in these areas. This legislation provides the increased funding for our science labs that our country has already made a decision to do. If we do not go forward, then we go backward, we lose some of those best and brightest scientists and engineers.

At one of our laboratories, we have something called the Roadrunner, which is the most powerful computer in the world.

That is not elsewhere; that is here in our country. They were telling me one day about the roadrunner, what is called a petaflop, which is a thousand teraflops. A teraflop is a computer that has capacity to do 1 trillion distinct functions per second. That is a teraflop. We reached that 11 years ago. Now we have done a thousand teraflops, or what is called a petaflop. One thousand trillion functions per second in this world's most powerful computer. What can you do with that? Well, they are talking about studying the synapses—1 billion synapses of the brain to work how it works together to produce what we call vision. We don't know that. With supercomputing, the potential to know a lot of things is breathtaking. That exists here. It is the most powerful computer in the world here.

We have to continue to keep our edge in science and knowledge and invention. Part of that will be dependent upon how we fund our national laboratories and whether we keep that group of scientists and engineers working on these breathtaking inventions and the development of new knowledge. We can only do that if we continue the commitment we have made to fund our science in our national laboratories.

Those are a few of the things I wanted to mention. Again, these were appropriation bills considered individually by a subcommittee of Appropriations, Republicans and Democrats, and then brought to the full Committee on Appropriations, Republicans and Democrats, and passed in every case, except two, unanimously, 29 to 0. In two cases, it was 26 to 3 and 28 to 1. Essentially, all of these pieces of legislation were passed unanimously. So when someone says, you know, this legislation is mysterious, new, and it has been thrust upon the Senate—that is not true. This legislation was prepared in June and July of last year. This Congress cannot continue to do appropriations this way.

The majority leader has made a commitment and one that I think makes a lot of sense. This year, this has to stop.

We bring individual appropriation bills to the floor, vote on them, go to conference, have a conference report and send the bill to the President, one by one. That is the way this should work. It didn't work last year, or the year before, that way. As a result, for the last 6 months of the year, we were confronted with nine appropriation bills that were worked through on a bipartisan basis last summer and now need to be enacted.

My hope is that the Senate, working its will this week, will do the right thing and pass what is, for the most part, bipartisan legislation dealing with funding for Homeland Security, Justice, Energy, and so many different areas that are important to the functioning of our Government—and important to the American people as well.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent that the time of the quorum call be charged equally to both sides. We are in a time agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I have been listening to the various colleagues on the Republican side who are continuing to be the party of "nope" instead of the party of "hope." I came to the floor to say that it is very easy to say no to this and no to that. But I have to tell you, the American people need leadership. When you say "nope, nope, nope," it means you are in fact endorsing the status quo, and the status quo is a major problem.

I see my friend from Washington on the floor. I know she had intended to speak. I will be glad to stop at this time and ask unanimous consent that following her remarks, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank my colleague from California for yielding me time on this bill and thank her for her support as we move forward in a very critical time to cast a vote that is very important to all of our communities, and that is for the Omnibus appropriations bill from last year that is currently on the Senate floor.

Let me start by commending our leadership, our new committee chairman, Senator INOUE, and our vice chairman, Senator COCHRAN, who have put this bill in front of us. This Omnibus appropriations bill before us that we are now debating is absolutely essential to every community in our country, especially as we work to address this economic crisis. Both of our Senators, Mr. INOUE and Mr. COCHRAN, have been very measured and evenhanded as we have brought this bill together, despite the many challenges we face. I thank them for their work.

I chair the Appropriations Subcommittee on Transportation and Housing. I rise today to urge all of my colleagues to support this very important Omnibus appropriations bill. As I said, this bill is essential to families and communities across our country. It enables us, our Government, to meet the needs for health care, for housing, to make college more affordable, and to keep our communities safe. Just as important, our communities today are counting on us doing our job and passing this bill.

With this bill, we are fulfilling our commitments we made to them back in June and July of last year when these bills were marked up in our appropriations committees. Senator BYRD, who was the Appropriations Committee chairman at the time, held four separate markup sessions. Almost every committee member attended those sessions to debate and vote those appropriations bills out of committee. While, of course, not every Senator agreed with every line in every bill, they were written with the cooperation of our Republican colleagues. All of us had to make compromises, but in the end each of these bills was reported out of the full committee either unanimously or with a very large bipartisan vote. That is because each of these bills represents a bipartisan consensus and stays within the budget resolution Congress passed earlier last year.

Our Republican colleagues were full participants when we negotiated the final details of this with the House of Representatives. Therefore, the omnibus bill we are debating today reflects many of the same priorities Democrats and Republicans alike approved last July.

Even so, our Federal agencies have now been operating under a continuing resolution for 5 months now, since this fiscal year began. We cannot delay sending them this bill any longer. On Friday night of this week, at midnight,

if we do not pass this bill, funding for most of our Federal agencies will stop. It will stop and the money will be cut off. The Federal Government will come to a halt. I think about what that means. Millions of Americans depend on this funding. We cannot afford to let politics stand in the way and risk a government shutdown, especially not when we face the greatest economic challenge since the Great Depression, not with so many of our Federal agencies working day and night to make sure the economic recovery bill we adopted last month can meet the needs of our families across the country, and not when we know communities across the Nation are desperate for help to keep transportation and safety and housing and all the other programs moving forward.

As chair of the Transportation and Housing Subcommittee, I want to take a little bit of time today to give some details about why this bill is so important to address the housing crisis and ensure the continued safety of our transportation system.

First of all, this bill is an essential part of our efforts to restart the housing market. In the last several weeks, I have heard some of my colleagues talk about how they want to focus on housing as we repair this economy. We cannot fix the housing market without the provisions in this omnibus bill.

Let me give just one example. Up until last year, the Federal Housing Administration's market share for guaranteeing mortgages had dropped to a low of 3 percent. But now that the mortgage industry is in crisis, lenders have turned back to the FHA in droves because they know it will be reliable. Yet, under the terms of the continuing resolution, the FHA is prevented from helping willing and qualified buyers get mortgages because that agency cannot guarantee more than \$185 billion a year. If we do not pass the bill in front of us and raise that cap to a level above \$300 billion, our effort to restart the real estate and housing industry is going to crash and burn. If any of us think it is hard to get a mortgage now, just watch that happen if we keep the FHA's loan volume cap at last year's level.

If we fail to pass this bill, we are going to throw thousands of low-income families out of stable, affordable housing. In the last year alone, 3 million Americans lost their jobs. Communities across this country are struggling to meet those needs. This is absolutely the wrong time to unravel the safety net we have in place. The 2009 omnibus bill would provide enough additional money to keep up with inflation and keep the current tenant-based section 8 recipients in their homes. If we have to keep the funding for that program flat, the consequences will be severe. It is estimated that as many as 45,000 families will be turned out of

their homes if we don't pass this bill; that is, 45,000 families who would lose their housing and be forced to turn to relatives, shelters—wherever they can—for help. So this bill is critical to help us address the Nation's housing needs.

But the omnibus is also essential to the safety of our airlines, our railroads, our roads, and our bridges. All of us, I hope, are aware we face very serious challenges today because our air traffic controllers and our safety inspectors are retiring in very large numbers, leaving a lot of less-experienced people to fill their shoes. Those are the people who help us land or take off at our airports, who make sure our planes are safe. We have been working for several years to address this crisis. This bill is going to make sure we can keep hiring new air traffic controllers and safety inspectors so they can get the training and experience they need. This bill provides the money to fully fund some of the safety personnel we brought on last year. I hope it is very clear to everyone how important it is to keep up these efforts. If we do not pass this bill, not only will we be unable to hire new safety personnel, but we are going to have to fire some of the people we hired last year. We face a simple choice: We can hire and train new air traffic controllers and address that huge gap in experience levels between the workers who are retiring and the new employers who are at our towers across the Nation or we can just let those shortfalls get worse. I think that is an investment we cannot afford to not make.

The same is true when it comes to the safety of the rest of our transportation system. This omnibus bill provides critical investments in rail safety inspectors, truck safety inspectors, and pipeline inspectors.

Back in the fall, through the leadership of Senators INOUE and LAUTENBERG and many others, the Senate passed a comprehensive rail safety and Amtrak bill that was signed by President Bush. That bill laid out a very new vision for a modernized national rail network and a new safety system that requires adequate staffing at the Federal Railroad Administration. With this bill that is before us now, we begin to make those investments. It is not a moment too soon. In the last couple of years, a record number of commuters have parked their cars and started taking the train in response to the economic crisis and high gas prices. We have to expand and improve our rail transportation in America to meet that demand. But if we keep the funding levels flat, we could end up forcing Amtrak to shut down some of those routes instead.

Additionally, we finally got a settlement for Amtrak's workers last year after they were forced to go almost 9 years without a wage increase. That settlement was recommended by Presi-

dent Bush's emergency board. It called for the Government—us—to make a lump-sum payment in backpay to Amtrak workers. The bill before us includes the funding for that long-awaited payment. Those workers earned that money, but if we do not pass this bill, they almost certainly will not get it.

I give those as a couple of examples of what could happen if we do not approve this omnibus bill and get it to the President's desk by Friday. Those, by the way, are just the risks in transportation and housing. I know many of my fellow chairmen on the committee will be talking about what happens to health or agriculture or energy or law enforcement.

Less than a month ago, we came together on this floor to pass a huge bill designed to give our economy the jump-start we need to get the Government working again and make investments that are going to create jobs and strengthen our communities. We are already seeing it begin to work. But the progress we are already making will be forced to a stop before it can get any momentum if we do not put the people in place to carry it out.

That is why this bill is so important. This bill will keep the Government running at a time when we need Federal employees to put all of their efforts, every single day, into helping our economy recover. We need this bill to help ensure that our low-income families keep safe, affordable housing. We need this bill so that the FHA can help more people get loans and buy homes. And we need it to ensure that our transit system runs safely and smoothly. This bill is critical to every one of our communities, and we all have to work together and do what is right for the American people today. We all know our families are struggling and they are scared about what is ahead for our economy. They do not have time for us to play games. They need help now.

I hope we can all join together this week and move this bill, the 2009 Omnibus appropriations bill, to the President's desk by Friday and get our country working again.

Mr. President, I ask unanimous consent that the previously ordered vote slated to occur at 11:45 now occur at 12 noon and that the additional time be divided as previously ordered and the remaining provisions under the agreement remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my colleagues on the other side for giving us this little extra time. I intend to speak about 5 minutes. If the Chair will tell me when I have a minute to go, I would appreciate it.

Mr. President, before Senator MURRAY leaves the floor, I wish to thank her for her very clear explanation as to

the choice that is before us. If I could restate it in my own way, it is a choice right now that Senator MCCAIN is giving us through his particular amendment, which would give us an option to go back to the budget of 2008 instead of moving forward with a current budget that reflects the needs and priorities of our Nation right now.

I do not have to tell you what has happened to our country in the last several months and in the last year. We are seeing an unprecedented recession. My personal belief is we are going to get out of this. My personal belief is there are some signs out there even in my State, which is struggling mightily with an over 10 percent unemployment rate, we see some small signs here of life. For example, sales of existing homes in California went up 100 percent in January over the year before. I might say these are mostly sales of foreclosed homes. This is a good thing. We are looking for a bottom. But if we go back to old policies, if we go back to a budget that doesn't reflect the realities we face now, we are going backward.

So we passed a stimulus package—and I am so grateful we did that. Our President led us in that. Democrats stuck together. We got three independent-thinking Republicans to join us, and we challenged the status quo and we passed it.

And now today we are facing another such choice between a budget of the past offered to us by Senator MCCAIN, and a budget of the present. Senator MURRAY was eloquent in going through all of the things—not all of the things, but some of the things. I am going to talk about a couple of others.

The Consumer Product Safety Commission gets an increase. If we go back to the old bill, as Senator MCCAIN wants, we do not get that increase. What are we doing over there in the Consumer Product Safety Commission? Protecting our children from dangerous toys.

Senator MURRAY talked about families losing housing. That will be the reality if we go with the McCain approach to a continuing resolution. The FHA will have to stop helping families facing foreclosure. Senator MURRAY pointed that out.

Here is one I will point out, enforcement of security laws. Inadequate resources for the SEC. This would hamper their ability to finally undertake investigation enforcement against these Ponzi schemes. Do we want to go back to the old budget before we knew about these Ponzi schemes? I think it would be irresponsible. It would be more of the party of nope; nope, we cannot fix this, nope, we cannot do that. I want to stand for hope, not nope.

We talked about the air traffic controllers. There are also food and medical product safety inspections. We

would provide the FDA with an increase of \$325 million so they can make sure we do not see people getting sick from eating peanut butter that is contaminated.

There is so much more Federal law enforcement effort through the Department of Justice. In the FBI, there would be 650 fewer FBI agents. Is this a time we want to do that, as we are continuing the war against terror?

In my last 2 minutes, I ask unanimous consent that I have an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. We see in this bill, brought to us by the Appropriations Committee, and I might say, in a bipartisan fashion—am I right on that—Senator INOUE, working hard with the senior members of the committee, such as my colleague, Senator MURRAY—we see a bill that is relevant to the problems of today, not an old bill that is offered up by Senator MCCAIN going backward, looking backward, going in reverse. It does not make any sense. If you sit down with your family today to discuss the issues of the day, and you avoid talking about the fact that one child has gotten very ill and requires a lot of changes in your family budget, then your family budget is not going to accommodate for what has happened to your family. America is a family. This is a Government of, by, and for the people.

The last point I want to make, Senator COBURN has been on the floor bashing the congressional priorities that are in this bill, and he happened to hit on one of mine. I want to set the record straight. We have a county in our State, Orange County. It is the biggest Republican county in the State. The voters voted, 58 percent, to take a former Marine Corps air station and turn it into what is called a great park. It is going to be a diverse development. In this bill, we have answered the call of the local veterans group that wants to protect the great history of El Toro, and they want to convert an old hangar that was opened in 1943 into a military history museum and a welcoming center for the park. This response to that request will put people to work refurbishing this old Air Force base. So the Senator from Oklahoma has railed against it. He attacks a balloon ride for children. That is not what we are funding. We are funding a military museum.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Let's listen carefully. I hope we will support our leaders on the Appropriations Committee and vote down the continuing resolution as an option.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, how much time is remaining on either side?

The PRESIDING OFFICER. The Senator from Arizona controls all the remaining 24½ minutes.

Mr. MCCAIN. I thank you. It is entirely possible all the time may not be used.

As I discussed at length yesterday, this amendment would provide for a long-term continuing resolution to fund the Federal Government through the end of this fiscal year at the fiscal year 2008 level; in other words, the same level as last year.

Obviously, funds can be shifted around within agencies, and the allegations that somehow we cannot do business this year at the same level as last year, when American families are clearly not doing business this year as they did last year, I think are an example of being out of touch with the challenges the American people face.

I think it is important for us to look at what this amendment is trying to do, which is simply maintain the same level of funding as last year, in the context of what the American people are facing today. Unemployment in the previous speaker's State is now at 10 percent, home values continue to plummet, the stock market yesterday took another serious dive, as more and more of Americans' savings, 401(k)s are dramatically reduced, with massive job layoffs, in a very serious economic situation.

I want to state again, America will recover from this. It is tough. It may be long and hard. But America will recover because we are still the greatest nation in the world. But in the meantime, Americans are having to tighten their belts all across this great Nation of ours. They are having to reduce or eliminate spending they have wanted to engage in for a new car, for whatever they feel the necessities of their families are. They watch as their health insurance premiums continue to go up and that are less and less affordable for many families.

What we are asking here, obviously in this very simple 1-page resolution, is that we maintain the same funding level as last year. I will tell you, there are millions of American families who would like to stay on the same funding level as last year. So instead of that, we have a statement of managers, 1,844 pages, which no Member has read. We have the bill itself, 800, 700-some pages, whatever it is. And, obviously, we have dramatic increases, an 8-percent increase in spending over last year. We have been through many of these earmarks. We have put them out. We have twiddled them. And we will continue with our top ten. We have many top ten lists for this bill. It will be passed. It will be passed. Then it will be on the President's desk, and the President will have a choice as to whether to accept all of these thousands and thousands of unnecessary, wasteful earmark projects, and business as usual in

Washington, or take out his veto pen. By the way, in all spirit of candor, the last President should have taken out his veto pen and vetoed these bloated, pork-barrel, project-laden bills. He should have. He did not, and he lost the confidence of the American people because we were not careful stewards of the taxpayers' dollars.

So we went through a Presidential campaign, and we said we would stop business as usual here in Washington. The President stated very clearly at the debate in Oxford, MS, a mere 6 months ago:

We need earmark reform. And when I am President, I will go line by line to make sure that we are not spending money unwisely.

I want to give the President of the United States a line item veto. I want him to be able to go line by line and veto each unnecessary and wasteful spending project. I will be introducing, with my friend from Wisconsin, Senator FEINGOLD, a line item veto again.

But right now, this bill deserves the President's veto. By vetoing this bill, the President could send a message to America and the world that for the enormous economic difficulties every American family is facing, we will show them that we will be, for a change, careful stewards of their tax dollars.

But there is no justification for, at these difficult times, \$1.7 million for pig odor research in Iowa, \$2 million for the promotion of astronomy in Hawaii, termite research, \$1.9 million for the Pleasure Beach water taxi service project in Connecticut, \$95,000 for the State of New Mexico to find a dental school location, \$1.7 million for a honey bee factory, \$951,500 for a sustainable Las Vegas, a parking garage in Provo City, UT, tattoo removal, \$167,000 for the Autry National Center for the Indian American West in Los Angeles, a rodeo museum in South Dakota.

These things may be nice. They may be nice to have, a Buffalo Bill historical center in Cody, WY, but right now Americans cannot afford health insurance, they cannot keep their jobs. I am not only angry about it, my constituents are angry. And Americans are angry. It is being reflected in the polls of the lack of confidence in the future of this country because we continue business as usual here in our Nation's Capital.

I know I will not be elected "Ms. Congeniality" again this year in the Senate. For many years I have fought to try to eliminate a great deal of this. Sometimes I have succeeded; most times I have failed. The previous chairman of the committee used to call me the sheriff. But the fact is, there is no time more important than now for us to show the American people that we are willing to tighten our belts, that we are willing to stop this practice,

which, yes, has corrupted people. That is why we have former Members of Congress now residing in Federal prison, and staffers under indictment. This process is wrong. It is wrong because we do not give it the scrutiny and the examination and the authorizing it deserves before we appropriate the money.

That is why Americans are angry at the way we do business and our approval ratings continue to be very low. Our approval ratings are something that is somewhat ephemeral. But this practice has grown and grown and grown over the years that I have been a Member of Congress and the Senate. It has continued to grow, and it has continued to waste the American taxpayers' dollars. So I ask Americans, along with me, to ask the President to veto this bill and have him send one back that is truly reflective of the tough times America is in today, that we cannot afford any longer this wasteful spending practice, this spending on projects that appear in the middle of the night, and sometimes, as in one of last year's appropriations bills, they were projects added after the President signed the bill into law. No one knows where it came from. What kind of a process is that? What kind of a process is it that we have legislation that is this high, that no Member has read? The whole process has to be fixed.

For the President's budget director to say: This is last year's business, we want to move on, and the President's Chief of Staff, who has said: Mr. Obama was not happy with the large number of earmarks in this bill but, "The President had kept lawmakers from adding a single earmark to the \$787 billion stimulus package, and a \$32.8 billion State Children's Health Insurance Program," I find to be a very disingenuous statement on its face.

The President's pledge 6 months ago wasn't that he would claim to keep two bills earmark free and then let there be a feeding frenzy of pork barrel. His pledge was: "We need earmark reform" and, as President, he would do it.

I read today an article in the Chicago Tribune that Mr. Emanuel is tied to as many as 16 earmarks in this legislation, totaling \$8.5 million, \$900,000 for Chicago's Adler Planetarium and Astronomy Museum, and the list goes on. When do we turn off the spigot? Haven't we learned anything from the calls and letters, meetings with our constituents who pour their hearts and souls out and share their fears about keeping their jobs and homes as they struggle to put food on their families' tables? Bills such as this jeopardize their future. One of my greatest fears about the President's budget is that at no point in his budget does there seem to be a balanced budget, nor is there any triggering mechanism, such as this side proposed in the stimulus bill, that once our economy recovers—and it will

recover—we embark on reductions in spending. Right now we are laying a huge debt on our children and grandchildren which is not in keeping with our responsibilities.

I urge colleagues to vote for this amendment. I doubt it will be passed. I hope the American people understand what is at stake. I hope all Americans will urge the President to veto the bill when it gets to his desk, send it back, save billions of their tax dollars, and come back with a bill that Americans can say is truly reflective of the challenges we face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Senator from Arizona proposes that the Congress should enact a continuing resolution until the end of the year instead of fulfilling our responsibilities and completing work on the appropriations bills for fiscal year 2009.

Last summer the Appropriations Committee reported 10 Appropriations bills to the Senate. All of them were reported to the Senate from the Committee with overwhelming bipartisan support. Eight were reported with unanimous support. Of the ten bills, only three were enacted.

The other bills were put on hold because the previous administration refused to negotiate on overall spending levels approved by the Congress.

Two other bills, Legislative and Interior, were prepared by the Subcommittee Chairmen, in concert with their Ranking Members, but were never completed.

These nine unfinished bills were left on the shelf until the current administration was elected.

Last fall the House and Senate Appropriations Committees sat down in bipartisan negotiations to work out the differences between these nine bills.

The result of those negotiations is the bill before the Senate today, H.R. 1105.

This bill reflects a compromise between the bills of both bodies.

It is a fair outcome that protects the interests of the House and Senate.

This bill was agreed to by the House last week, with votes from Members of both parties.

I should point out that Members have had more than a week to review the legislation.

The bill and statement have been on the internet since last Monday.

I also note that this bill was not done in the dark of night. Virtually every item in the bill reflects the bipartisan work of the Appropriations Subcommittees from last year.

Most of this information was posted on the internet and has been available to Members' offices since last summer.

Unlike some omnibus bills in the past, there is no major legislation that was added at the last minute.

The direction from the leadership of both houses was not to add controversial new material in this bill, and the committees did not.

If the Senate were now to determine that we should not complete our work on the fiscal year 2009 appropriations bills at this juncture and instead agree to a continuing resolution for the rest of the year, all the efforts of the Committee in reviewing the budget request, the hearings and staff review, the countless meetings with executive branch officials, the mark ups and the ensuing direction that comes with this bill would be wasted.

More importantly than the wasted effort is that the Congress would be abrogating its responsibility.

Under a continuing resolution the government operates programs under the authority of the previous year. Programs that should have been terminated continue to be funded.

Important new programs cannot be initiated. This is true even if the program is something that was supported by both the previous administration and the Congress. It is true if the Congress passed a new authorization to fund it last year.

Is this really how we want to manage the executive branch?

Under a continuing resolution funding for the agencies covered by this bill would be held at last year's level.

The Congress authorized a pay raise for our civil servants, and it must be paid. But unless funding in the budget is increased, other programs will have to be cut to meet payroll.

A continuing resolution doesn't account for the cost of inflation. Even in these tough economic times, there has been cost growth in managing our Government. We all know that it costs more to run these agencies this year than it did in 2008. But under a continuing resolution agencies have to cut necessary functions to cover the higher costs due to inflation.

Perhaps most important, under a continuing resolution the Congress foregoes oversight of the executive branch. In each appropriations bill, the committees include guidance on how funding should be allocated. Some programs are increased; others are cut compared to the budget request. When we operate under a continuing resolution, the Congress turns over control to the agencies.

Mr. President, the Constitution provides the Congress with the power of the purse to ensure that we exercise control over the executive branch.

It is one of the most important rights of the legislative branch.

But it is also a duty.

It is the duty of the Congress to decide how the executive branch should spend the taxpayer's money.

When we decide to govern by continuing resolution we are not responsibly fulfilling this duty.

This amendment would turn over control of Government spending to the administration.

It would put the Government on autopilot for programs approved for 2008 not 2009.

This is not the way for the Congress to manage its business.

I will grant that the effect of this amendment would probably cut the earmarks that are included in this bill.

And while the majority of my colleagues have supported earmarks in this bill for their constituents, it is well understood that the Senator from Arizona does not.

But this amendment isn't about the 1 percent of this bill for earmarks; it is about the 99 percent of the funds in the bill over which we are sacrificing oversight if this amendment were adopted.

This is bad policy for both the Congress and the executive branch, and I urge my colleagues to oppose the amendment.

As chairman of the Defense Appropriations Subcommittee, it should be noted that if it weren't for earmarks or congressional initiatives, the C-17, the highly acclaimed cargo plane, would be history. Production would have been stopped. But Congress took action to continue. Now all military leaders are saying that was a great decision. The F-22, the fighter of the future—stealth, firepower—that would be a matter of history also. I could go on and on, but we don't have the time.

All I want to say is that earmarks are not evil. Yes, there are some that are questionable, and there will come a time to do that.

I urge colleagues to oppose the amendment.

I yield the remainder of the time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, will you please state the pending business?

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 592 offered by the Senator from Arizona, Mr. MCCAIN.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—32

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Brownback	Graham	McCaskill
Bunning	Grassley	McConnell
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	Wicker
DeMint	Lugar	

NAYS—63

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Gillibrand	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bennett	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burr	Kohl	Shelby
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden

NOT VOTING—4

Conrad	Kennedy
Johannes	Sessions

The amendment (No. 592) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent to speak as in morning business for 12 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMERICA'S CREDIT CRISIS

Mr. BOND. Mr. President, families and businesses across the Nation are suffering from a severe economic squeeze. Unfortunately, despite the \$1 trillion stimulus bill passed by Congress, this economy will not recover—at least not until we tackle the root of the problem. As President Obama said last week, we must solve America's credit crisis.

I am hearing from folks in my home State of Missouri and across the Nation who are sick of hearing gloom and

doom being preached by Government officials, sick of watching tens of billions of good taxpayer dollars being put into failing institutions, and sick of listening to the debate on how much we should pay failing CEOs, when common sense says we should fire them.

Let me be clear. All Americans need to care about the credit crisis and the Government's response. We have to solve the credit crisis to protect Main Street families and workers. The key to our economic recovery is the stabilization and restoration of the financial markets. Our financial markets make up the lifeblood of our economy, which families need to buy homes and cars, students need to receive loans, and small businesses need to purchase supplies, invest in new equipment, and meet payroll. A functioning financial system is critical to our State and local governments so they can finance critical infrastructure needs, water and sewer systems, affordable housing, and transportation.

Our banking system affects every American's standard of living, our ability to create and maintain jobs, and our ability to compete globally. It is central to all financial and household activities for Main Street America.

Unfortunately, our financial system is not working. The credit market is clogged with toxic assets mainly made up of risky subprime housing loans which were packaged into exotic financial instruments, sliced and diced, and sold here and abroad. The toxic assets are clearly at the center of the credit crisis, and until they are removed from the system, fear and uncertainty will continue to dominate the markets and our economy.

To respond to the financial crisis, the previous administration and financial regulators took a number of actions. While many of these actions were confusing and ad hoc in nature and lacking in transparency, a financial calamity was likely staved off.

Unfortunately, instead of being implemented with the expectation that the administration and the Treasury Department would provide a coherent, systematic, and transparent approach to its financial rescue efforts, the Troubled Asset Relief Program, or TARP, has been plagued by poor oversight, confusion, and changing direction.

This "ad hococracy" has created more uncertainty in the financial markets and for policymakers and taxpayers. Also, independent assessments have raised serious questions about the program's integrity, accountability, transparency, and effectiveness.

About 3 weeks ago, Treasury Secretary Geithner released his financial stability plan. While I welcome the Secretary's and the administration's new thoughts on resolving the financial crisis, his plan fails to live up to its promise. The plan fails to provide

the clarity and the focus needed to address the financial crisis. Perhaps even more damaging, the plan created doubt and uncertainty about the Secretary's and administration's ability to lead our Nation out of this crisis.

There is no roadmap, no exit strategy, and by throwing more taxpayer money at the problem, we are only digging a deeper hole. Once again, the plan is nothing more than "ad hocracy."

Based on what can be gleaned from the administration's bare bones announcement, most elements of the plan appear to be stylistic changes to what has already been tried under the previous administration and leaves uncertainty about the ultimate question: How will toxic assets be addressed?

Fear and uncertainty cloud financial markets because of a lack of confidence of the solvency of our banking system. To address this, we ultimately have to cleanse the financial institutions of the toxic assets. There are a number of ideas about how to do it. One option is to do nothing. That would not work because of massive uncertainty. The private sector is unwilling to provide capital to the banks, and the likely result would be a collapse of the system.

Let me be clear. We cannot afford to do nothing. We cannot afford a collapse of the entire banking system. A collapse of this magnitude would devastate families, farmers, students, and businesses in every community in every State.

The second option is to keep proping up the financial institutions by injecting more good taxpayer funds into sick financial institutions. That option has been applied over the past several months—most recently with AIG. Yet our financial system clearly continues to struggle. And I for one cannot support a plan that will spend more taxpayer dollars without solving the real problem.

Putting more good taxpayer money into bad institutions must end. We must implement a plan that has worked in this and other countries. We must remove toxic assets from banks.

This approach employs the statutory authorities, an approach long used by the FDIC for failed banks. It has succeeded in purging toxic assets over a long period of time.

This American credit cleanup plan is founded on lessons we learned with our experience with the savings and loan crisis and avoids the mistakes made by Japan which gave them their so-called lost decade.

First, through independent regulators, the Government must determine the true health of our banks. The overarching test is, will the bank or financial institution fail without taxpayer funds. Secretary Geithner deserves credit for recommending a stress test to determine more precisely and

fully the condition of the bank—a stress test that should have been implemented a long time ago. However, a stress test cannot be a one-time snapshot. It should have been and now must be a regular and ongoing review of a bank's health.

It is critical these stress tests be done in an objective and transparent manner, without political interference, but professionally, since it is the basis for Government action. This leads to the second key principle.

For those banks found to be insolvent, toxic assets must be removed in a transparent, market friendly manner that is free from political interference, protects taxpayers, and has a clear exit strategy.

To accomplish the goal, the Government should exert temporary control of the institution through conservatorship. The FDIC has existing authorities to act as conservators and did so recently with IndyMac.

Under this approach, the taxpayer has greater protections because the Government is in control of assets and liabilities, and they can cleanse the balance sheet and off-balance sheet activities and restructure the institution.

Under conservatorship, the first order of business is to protect the bank's depositors up to the current FDIC guarantee. It is essential that we continue to protect families' investments.

Next, the Government can separate the bad assets from the good and hold the bad assets until market conditions improve. Remember, during the savings and loan crisis, the RTC took 4 to 5 years and sold off nearly \$460 billion in assets. But the RTC's patience and strategy to sell off the assets in a gradual manner is a model we can use to address the massive toxic assets that are holding back the recovery of the financial industry and do so in a manner that will help limit loss to taxpayers.

The FDIC has broad powers and experience, which is why the FDIC should be the lead. Its resolution powers, including conservatorship, were authorized by Congress nearly 20 years ago and then later improved under the FDIC Improvement Act of 1991. And if the FDIC needs additional authority or resources, Congress and the administration should act quickly to ensure the FDIC can handle the crisis.

In the case of IndyMac, FDIC took over as conservator. It not only protected depositors, it also established and implemented an aggressive foreclosure mitigation program. To avoid long-term ownership of the institution, the FDIC is in the process of selling the assets and ownership of the operation back into private hands.

Finally, this approach eliminates the conundrum of valuing the assets since the Government is acquiring the assets at the bank's current book value, which means including appropriate

writedowns by regulatory and accounting authorities.

For conservatorship to be effective, however, it is critical that the Government's work be free and independent from political interference. Micromanaging by Congress and the administration must end.

It is critical that one Government agency be selected to lead the cleanup. Management by committee and multiple regulators is a recipe for disaster.

While each Government regulator brings important skills and resources that may be necessary for cleaning up toxic assets, the FDIC is best equipped to carry out an efficient and effective process of cleaning up troubled banks as the lead agency. If necessary, the FDIC can draw upon additional resources from other regulatory agencies, as well as the private sector, to complete its conservatorship.

Under the third principle, failed executives and members of the board who are responsible for the failure of the sick financial institution should be replaced. Capping pay and taking away corporate jets is not enough. Firing the senior executives and boards of directors who failed the company and its shareholders must be a prerequisite to further governmental assistance.

It is time to stop taking a piecemeal, ad hoc approach in addressing our financial crisis, burying our collective heads in the sand to avoid what needs to be done, and by simply hoping things will get better. Throwing more taxpayer dollars at it or hoping they will get better on their own is unrealistic. Failing to address the toxic assets that clog the financial system undermines taxpayers' confidence in our markets, exacerbates our economic condition, and throws more tax dollars down a rathole. The time for half-baked measures is long past.

It is time we implement a bold, coherent, and smart plan to ensure accountability, transparency, and oversight. This tried and tested approach is more cost-effective and efficient than the current haphazard approach. Rather than pumping more and more taxpayer funds into sick banks, it is time to take the toxic assets that undermine the health and viability of the financial system. In other words, it is time to fire the bazooka. It is time to stop letting politics and fear drive decisions. It is time for smart, considered, and decisive action based on strategies that have worked.

In closing, I ask my colleagues and fellow Americans this question: Are we prepared to do what is necessary to save our financial system and our economy? I do not believe the answer can be anything but yes.

I thank the Chair for his indulgence, and the staff. I yield the floor.

THE PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator requires unanimous consent to proceed and debate.

Mr. WICKER. I ask unanimous consent to proceed and debate.

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard from the Senator from Washington.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. ENSIGN. Mr. President, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to commit the bill (H.R. 1105) to the Committee on Appropriations with instructions to report the same back to the Senate with the following amendment:

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. _____. (a) ACROSS-THE-BOARD-REDUCTION.—Amounts appropriated under this Act for—

(1) fiscal year 2009 shall be reduced by \$18,981,000,000; and

(2) fiscal year 2010 shall be reduced by \$3,274,000,000.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall administer the reductions in subsection (a) to the amount of budget authority provided or obligation limit imposed for any discretionary account of this Act.

Mr. ENSIGN. Mr. President, I don't think we need a long time to discuss this amendment. It is a pretty simple amendment. What it says is, we are going to take this bill back to the Appropriations Committee and have the Appropriations Committee make the appropriate cuts so this bill comes back at the 2008 funding level.

We have to ask ourselves: When is the Senate going to start being fiscally responsible? The other side of the aisle criticized us, and rightly so, for free spending over the last 8 years. That

was one of the things President Obama campaigned on and the Democrats across the country campaigned on. They said they were going to be the party of fiscal responsibility.

The debt held by the public has continued to increase. The problem is that under the President's new budget, over the next 5 years, the debt is actually going to double. Over the 10-year budget he has proposed, the debt held by the public is going to triple from already unsustainable levels.

My amendment says that we give spending a little haircut around here. It is not significant. It is saying that at a time when we recently passed a stimulus package, which tremendously increased Government spending, let us not take last year's spending bills and also tremendously increase their levels of spending. The current omnibus proposes an 8-percent growth in the size of our Government from one year to the next. We are talking about a record deficit this year. \$1.75 trillion is a big number; people can't even get their arms around that number.

If you to spent \$1 million a day, 7 days a week, 365 days a year, beginning at the time Jesus was born, you still wouldn't be at your first \$1 trillion today. Our deficit this year is \$1.75 trillion. To add to that deficit with this spending bill, I believe, is outrageous.

There is a saying—and I don't remember who said it, exactly or how it was said, but it is basically along these lines: The systems of government such as we have always collapse due to two reasons: The first one is a moral collapse, the second one is followed by an economic collapse. You can understand why they happen in that order. Because what happens if people aren't moral enough to care about future generations? What they do is they vote people into office who give them what they want. They borrow from the Treasury to get it, and when the debt gets too high, it collapses the economy.

What we are doing around here is exactly that. We are repeating the mistakes of history. We are borrowing from our children. We are running up huge debts. If folks don't think our economy can't completely collapse due to the huge debt burden we are passing, they have another thing coming. Confidence in the dollar right now is questionable around the world. Looking into the future, as we run up these larger and larger deficits and add to a huge burgeoning debt in the United States, people around the world are going to wonder about the strength of the dollar. They are going to wonder whether they want to continue to buy our Treasury bonds and finance our debt. If they stop buying our bonds, our economy collapses. It literally falls off the cliff.

We have a fiscal responsibility to be moral enough to care about future generations of Americans, to not continue

to add dollar after dollar, million after million, billion after billion, trillion after trillion onto their debt load. I would encourage this body to adopt this reasonable amendment to this bill; that instead of increasing the Government 8 percent over last year on these particular spending bills, let us freeze it at last year's level. We are not asking to cut anything, but let's freeze it at last year's level.

It will be up to the Appropriations Committee to decide whether some accounts are more worthy than others. They can plus up those or cut others that are not as worthy. They can take care of Members' projects if they wish to take care of Members' projects. But the bottom line is, this amendment would at least start down the road of fiscal responsibility to future generations.

I have a couple other comments. Can anybody rightly say this bill is full of good spending, of justified spending? We have heard about all the earmarks. Let me note a few of them, if you think this bill is full of good spending. Mr. President, \$1.79 million—and I am not exaggerating—\$1.79 million for swine odor and manure management research. I am a veterinarian by profession. I understand that pigs smell and pig farms smell worse than almost anything else. But when did it become the responsibility of the Federal Government to control pig odor? Shouldn't that be the responsibility of pig farmers?

Of course we need to pay back the labor unions. There is \$190,000 to the Plumbers Local Union 27 and Steamfitters Union 449, and that is in Pennsylvania for the Western Pennsylvania Pipe Trades Regional Training Project. We also have almost \$500,000 for the George Meany Center for Labor Studies at the National Labor College.

I have a whole list. As a matter of fact, I ask unanimous consent to have this list of earmarks printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTABLE EARMARKS

These earmarks are listed in the Joint Explanatory Statement which was published in the CONGRESSIONAL RECORD of February 23, 2009; after each earmark is the page number in the RECORD where it is listed.

\$1.76 million for a honey bee lab (H1691).

\$1.79 million for swine odor and manure management research (H1692).

\$767,000 for subtropical beef germplasm (H1692).

\$245,000 for aegilops cylindrica (jointed goatgrass) (H1700).

\$469,000 for ethnobotanics (ethnobotany is "the plant lore and agricultural customs of a people") (H1698).

\$5.8 million to the Edward M. Kennedy Institute for the Senate in Boston for the planning and design of a building and possible support for an endowment (H2296).

\$5 million for New Leaders for New Schools, an organization whose executive director is likely to be named the next chief of staff at the Department of Education (H2371).

\$190,000 to the Plumbers Local Union 27 & Steamfitters Local Union 449, Coraopolis, Pennsylvania, for the Western Pennsylvania Pipe Trades Regional Training Project (H2364).

\$238,000 to the San Francisco Department of Economic and Workforce Development, San Francisco, California, for the Green Jobs Workforce Development Training Pilot project (H2365).

\$238,000 to Marquette University, Milwaukee, Wisconsin, for a dental health outreach program (H2335).

\$95,000 to the State of New Mexico, Santa Fe, to collect and analyze data about the need and potential locations for a dental school within the state (H2348).

\$571,000 to the U.S. Virgin Islands Department of Health, St. Thomas, Virgin Islands, of which \$190,000 is for facilities and equipment for a mental health facility (H2350).

\$476,000 to the George Meany Center for Labor Studies at the National Labor College, Silver Spring, Maryland, for curriculum development (H2297).

\$1.6 million to the Michigan Community College Association for an alternative energy training initiative (H2299).

\$1.2 million for eyeglasses for students whose educational performance may be hindered because of poor vision (H2285).

\$618,000 for teacher training in the Samoan language (H2279).

\$485,000 for a boarding school for at-risk Native students from remote villages across western Alaska (H2284).

\$476,000 to expand the PE4life physical education program across Iowa (H2289).

\$428,000 to the University of Texas Libraries for the Latino Veterans Oral History Project (H2368).

\$381,000 for the Cedar Rapids Symphony Orchestra (H2280).

\$381,000 for a business school in Des Moines, Iowa to recruit and train captioners and court reporters (H2293).

\$357,000 for Farmingdale State College in New York to develop a green building curriculum (H2297).

\$333,000 to train college students in closed captioning (H2295).

\$285,000 for an associate degree program for air traffic controllers (H2293).

\$262,000 to support the advancement of underrepresented minority pharmacists and pharmaceutical scientists (H2294).

\$243,000 for the commercial driver's license training program at White Mountain Community College in New Hampshire (H2305).

\$238,000 for the University of Hawaii to provide cultural education (H2297).

\$238,000 for emergency and preparedness education programs in Beverly Hills, California (H2291).

\$238,000 for daily physical education activities in Detroit (H2281).

\$214,000 for the Stony Brook University School of Journalism in New York to teach scientists how to effectively communicate with the public and the press (H2303).

\$190,000 for Hawaii Community College to provide cultural education (H2297).

\$190,000 for Southeastern Illinois College to develop a mining and mine safety curriculum (H2302).

\$143,000 for equipment at the University of Guam Marine Laboratory (H2303).

\$95,000 for scholarships and program costs related to prosthetic dentistry and clinical prosthodontics (H2293).

\$95,000 for Indiana University of Pennsylvania for curriculum development for a mine safety course and research on the use of mine maps (H2298).

\$95,000 for Murray State University in Kentucky to purchase equipment for the Breathitt Veterinary Clinic (H2300).

\$65,000 for a feasibility study of potential Iowa school sites (H2282).

Certain earmarks that have been linked to a lobbying firm reported to be under federal investigation include \$951,500 for a Direct Methanol Fuel Cell (DMFC) (H2044), \$951,500 for Adaptive Liquid Crystal Windows (H2038), and \$951,400 for an anti-idling Lithium Ion Battery Program (H2038).

Mr. ENSIGN. There are plenty of others we could go through, but for the sake of time, let's just be fiscally responsible right now. Let's add a little fiscal responsibility into this body, and let's adopt this amendment that says we are going to freeze spending from Government that was not already plussed-up in the stimulus bill. Let's be fiscally responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise to oppose the amendment that has just been offered by the Senator from Nevada. I go home every weekend and I talk to families across my State. There is no doubt that people are hurting. Thousands of people have been laid off from their jobs, and thousands more are worried that this week they are the ones who are going to be laid off from their jobs.

Since we first came into session in January, we have been working as hard as I have ever seen to address these challenges that are facing millions of Americans today—losing their jobs, losing their homes, losing their retirement. We are trying to get this economy back on track and instill some confidence in this country so we can move forward. We passed a major economic recovery package just a few weeks ago. It is being implemented as we speak and will be implemented over the coming weeks and months.

Here we are today talking about a bill that basically is the responsibility of Congress, every single year, to fund the Government agencies that help make our country work. We should have had this bill passed 3, 4, 5 months ago. We did not. This bill was done. It was ready to go by the end of July. All of the appropriations committees had finished their work. They had passed them out of the Appropriations Committee, almost all of them on a unanimous vote, some of them with just a few negative votes in committee.

But the responsibility of the Senate and House and Congress every year is to pass our spending bills. We pass these bills in order to make our agencies work, whether it is the Food and Drug Administration that makes sure our food is safe, whether it is our air traffic controllers who manage the flights out of our airports, whether it is our health care agencies that do research and important work for this Nation's health, whether it is Govern-

ment agencies that fund agriculture or any of the other agencies we have. These are people who go to work every day whose function it is to make our economy and our country work so that average citizens do not have to sit at home and worry about whether the drug they purchase is safe or whether the agriculture they buy at the market is safe or whether their schools are funded or whether we provide individuals the basic health care Americans know they need in order to keep their families secure.

It is too bad these bills didn't pass a few months ago. Why didn't they? Because we had an administration whose bottom line was to say no. The President at the time, President Bush, said: I will say no to these bills as they come to my desk.

But here in the Senate and in the House, we said: These bills are important, but if this President is going to veto them, we are going to wait a few months for the election.

That happened, we have a brandnew President, and, unfortunately a few months late because we were working on an economic stimulus package, we are here to pass these bills. I wish they were done a few months ago. I know all of us do. But we should not delay it any further. All of the people who worked with us to get these bills passed, everyone in the country, whether it is a YMCA that has a domestic violence center that is waiting for \$100,000 that we marked up in committee and appropriated last year for them, or highway projects we marked up in this bill, or transit projects, across the board, whether it is law enforcement, whether it is consumer product safety, whether it is the numerous housing agencies that are funded in this—they have known for several months what they are going to get. They are waiting for us to finish our work this week, by this deadline, Friday, so we do not go back to a CR. It is our responsibility to pass these bills.

The Senate had a very strong vote just a few hours ago to say we are not going to work off a continuing resolution. We are going to do a responsible job of funding these agencies, as we said.

The amendment of the Senator from Nevada that now comes before us sends us into a tailspin. It says we are going to send these bills back to the Appropriations Committee to cut some \$20 billion out of them and come back to us. First of all, just from a process point of view, this is not going to happen by this Friday, and if we do not get this bill passed by this Friday, the Government shuts down. I can talk about the consequences of that. I have been in this body before when the Government shut down. It is not pretty, and we do not want to be there for a million reasons that I am happy to talk about for some time, but we will leave that for another day.

The fact is, to send this bill back to the Appropriations Committee and tell them to cut \$20 billion out of it, that will underfund critical initiatives this Senate and this House believe are important.

Let me talk for a minute about housing. We all know that one of the reasons our economy is in such trouble today is because of the housing crisis that has come before us. In this bill—if we do not pass it as it is written and before the Senate today, we have about 45,000 families who will lose their jobs on top of the thousands we have already seen. We cannot afford to put those families in jeopardy. Yet that is essentially what will happen if the amendment of the Senator from Nevada is agreed to.

We are working hard to make sure our families do not go into foreclosure. The amendment of the Senator puts all of those families at risk. Single-family guaranteed housing loans are at risk under the amendment of the Senator. Federal law enforcement efforts through the Department of Justice are at risk through the amendment of the Senator. Antiterrorist enforcement programs through the Department of Treasury are at risk under the amendment of the Senator. U.S. attorneys are at risk. Food and medical product safety—right at a time when we are all worried about peanut butter—is at risk. Consumer product safety—the risk goes on. All of these priorities that we worked through our committee on a bipartisan basis and said we need to move these initiatives forward are at risk under the amendment of the Senator.

I believe we have to all go back to our responsibilities. All of us wish the bill could have passed a few months ago. It didn't. It is in front of us now. We need to pass this bill, get it to the President's desk, and then we will have an opportunity to look at a budget for 2010. Our Budget Committee will look at that budget hard, we will pass the budget out—it will have to pass in the Senate and House—and it will set the parameters for next year's appropriations bills. Those appropriations committees will then, in the next few months, begin to work on their bill. For anybody who has issues, small or large, that is the appropriate place to begin the debate and amendment process and hopefully in regular order to pass those bills and move forward. But we should not jeopardize this bill at this point. That is not responsible. That is not what any of us should be doing at this point.

Finally, let me talk about the debt issue we have been hearing so much about. None of us wants to operate this country in debt. All of us are fiscally responsible. I have heard every Member of the Senate come forward and talk about making sure we keep our house in order.

Who got us to where we are today? The Republicans who came into power under George Bush turned historic surpluses into historic deficits by not being honest about the costs in front of us—whether it was the Iraq war or whether it was other costs that were paid off-budget, emergencies across the country—not coming forward and being honest about the fact that we do need to fund health care research or education for our kids. Why have these bills not passed before the election? Because even Republicans didn't want to cut education or to cut health care, which would have been what we had to do to meet the President's budget level.

I take a backseat to no one when it comes to making sure our country moves forward in a fiscally responsible way and deals with the debt we have. But at the cost of laying off thousands of people because we are not being responsible and up-front about the job we have to do is irresponsible.

I hope our colleagues will defeat the amendment by Senator ENSIGN, move on, pass this bill this week, and then we can have all the debate we want about the budget that will come before this body shortly, about the appropriations moving forward.

Let me remind all of us that what we are talking about here is extremely important. No one wants to get a pink slip. No one wants to see their job lost. No one wants to see their health care at risk, their education at risk, or for that matter, within my appropriations bill, their flight from their airport at risk because we have not added air traffic controllers, which is in this bill. There are many other issues in this bill that are at risk under the proposal of the Senator, and I urge our colleagues to defeat this amendment and move forward, doing what we were sent here to do, and that is be responsible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I wish to first address a few of the misrepresentations of my amendment by the Senator from Washington. My amendment does not cut any specific program, and you know it. It says to the Appropriations Committee: We will send this back to the Appropriations Committee, and you determine which programs are funded and which ones are not funded. But you will fund them at last year's level. If you want to raise the level in certain areas, then you will have to cut funding in other areas.

We just have to ask ourselves the question: Does anybody believe there is wasteful Washington spending? Does our Government have any wasteful spending in it? If you say there obviously is wasteful spending, when was the last time we cut anything? When was the last time we cut any wasteful spending? Congress needs to address

this wasteful spending. Part of the Appropriations Committee job is oversight. The Committee then figures out what is working, what is not working, fund what works and cut what does not work. But that doesn't happen around here. All they do is add and add.

If you check the Constitution, the purse strings are controlled by Congress, not by the President. Democrats are entering their third year of that control in both houses. So what we have to do here is exercise our authority and say we are going to be fiscally responsible. You can say you are fiscally responsible all you want, but unless you act on it, the words are hollow.

Businesses across America are looking for ways to cut waste from their budgets during this economic downturn. Do you know what they are finding? Talk to them. I have been in business myself. I understand that when times are good, you sometimes add staff you don't need, you waste money in places you don't need to, and that is in the private sector. The Government is less efficient than the private sector.

Times are tough in this country, instead of thinking we will just add to the deficit, we will just raise taxes, let's look for efficiency and let's eliminate wasteful spending. We have a bill in front of us that is going to increase spending over last year's level by 8 percent. Is that fiscally responsible? We just passed a nearly \$1 trillion spending bill called the stimulus bill, and now we are going to increase this by 8 percent? It seems to me that is not fiscal responsibility. That is the height of irresponsibility.

Let's have a debate on this, but let's have a honest debate.

We are not cutting any specific programs. Do not say we are cutting education. Do not say we are cutting health care. Do not say we are cutting police and firefighters because this amendment does not do that.

What this amendment says is, let's send this bill back to the Appropriations Committee, to last year's level. The Appropriations Committee can determine which programs are funded at what level. If you believe there are certain priorities that need more funding, then fund them; otherwise, let's be honest about this debate. And I am more than happy to go back and forth with the other side about the merits. But if anybody thinks there is not wasteful spending going on in Washington, DC, you need to wake up and smell the coffee because it is outrageous how much waste there is in our Government today—outrageous. We do not require fiscal discipline in our agencies, and that is what we need to start doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT OBAMA'S MISSILE SHIELD LETTER TO RUSSIA

Mr. SCHUMER. Mr. President, I rise today in support of President Obama's critical recognition that Russia must be a major player in blocking Iran's development of dangerous weapons. Yesterday, it was reported that the President wrote to Russia's President Dmitri Medvedev signaling an openness to re-examining the contested missile defense system in Eastern Europe, while urging Russia to help us stop Iran from developing nuclear warheads and long-range weapons.

This overture by President Obama is Reaganesque in its boldness. It has the potential to represent the most cooperative approach to a global threat by our two countries since President Reagan and Gorbachev signed the missile treaty 20 years ago.

It signals the ushering in of a new era of tough and smart thinking about foreign policy that has been desperately lacking in the White House. Rather than alienating potential allies, President Obama and his team are demonstrating that they will abandon the Bush unilateral approach to nuclear nonproliferation in favor of galvanizing international support to meet the challenge posed by these deadly weapons.

I am not an after-the-fact supporter of this strategy. I have long thought that the key to de-fanging Iran's nuclear threat lies in Russia's cooperation in imposing tough economic sanctions on Iran. In fact, in an opinion piece published by the Wall Street Journal last summer, I urged President Bush to offer to Russia a deal: in exchange for walking back the missile defense system that Russia so opposes, the U.S. should get Russia to back the United States' economic sanctions on Iran that are our best stick for making sure that their nuclear threat does not become a reality.

I also made this suggestion in person at the White House last year. I was literally told by Vice President Cheney "We can't do that." Well, there's new leadership in Washington and President Obama says "Yes we can."

Today, there should be no lingering doubt that Iran represents a profound threat to our global security. The latest International Atomic Energy Agency report confirms that Iran remains in hot pursuit of a nuclear program. The report told us that Iran now possesses 1,010 kilograms, 2,222 pounds, of low-enriched uranium, which raises concerns that it now has sufficient uranium and the means to enrich it to produce nuclear warheads.

Whether President Ahmadinejad actually intends to make good on his

threat remains to be seen. But what we do know is that the administration needs to use every diplomatic tool in our arsenal to halt Iran's progress in the development of deadly nuclear weapons.

In the recent past, we have made some progress in ratcheting up economic pressure on Iran by sanctioning four of Iran's major state-owned banks. This move has dramatically limited Iran's ability to conduct international business, as a growing number of foreign banks are unwilling to risk reputational harm or loss of access to U.S. financial markets. More economic pressure can and must be applied.

These sanctions are effective against Iran for several reasons. Despite the fact that the leadership and government of Iran is a theocracy, the Iranian people are largely secular and look westward for their cultural bearings. It's a common sight to see satellite dishes hidden in air-conditioning ducts, so Iranians can stay abreast of Western culture. Its growing youthful population also has strong ties to the west. MTV is a popular TV channel among the young in the country, not al-Jazeera. Iran is also wealthier than most neighbors in its region, and its inhabitants have enjoyed a higher standard of living than most people living in the Middle East.

However, Russia is blunting the impact of the sanctions. Economic self-interest motivates Russia's arguments that there is no evidence that Iran has a secret nuclear weapons program and that sanctions would undermine the International Atomic Energy Agency's efforts. Russia makes money from business with Iran, since Russia currently supplies over 75 percent of Iran's arms imports. Russia continues to supply Iran with nuclear fuel and to train Iran's nuclear engineers.

More ominously, Prime Minister Putin's nationalist rhetoric, designed to remake Russia into a global power and restore nationalist pride to the Russians, has led Russia into an even tighter embrace with Iran, an embrace that must be untangled if we are ever to truly eliminate the Iranian nuclear threat.

It is also not a secret that little has raised Russia's anger and fueled its nationalist impulses more than the Bush administration's missile shield plan. Putin argued that such a plan would both reignite the arms race of the 1980s and damage Russia's relations with the United States, Poland, and the Czech Republic. He also said that the shield would prompt Russia to increase its own defenses and abrogate its commitments to demilitarize under the Treaty on Conventional Armed Forces in Europe.

Despite Russia's loud complaints over this missile shield, the Bush administration plowed ahead, securing reluctant agreement from our allies at

the NATO summit earlier last summer to move forward with its implementation.

Let me be clear. The United States is committed to both protecting against the threat of a nuclear Iran and protecting a free and prosperous Eastern Europe. But the Bush administration's plan to deploy the missile defense system in Poland and the Czech Republic has never made much sense. The technology has never been proven to work, it has not been determined to be cost-effective, and it will do nothing to tackle the ultimate source of this threat, Iran's stubborn refusal to abandon its nuclear program. At the same time, it does very little to preserve the necessary and very important independence of Eastern Europe.

In this context, it seems clear that the U.S. and Russia each have something to gain from each other. President Obama appears to recognize this dynamic. In exchange for joining the West in imposing economic sanctions on Iran until they stop their pursuit of nuclear weapons, I encourage the administration to roll back its predecessor's plans for a missile shield. It makes sense. With Russia on board, economic sanctions will have much greater success, and countries like China will certainly think twice before engaging with the Iranian regime. Russian participation will give multilateral sanctions against Iran real teeth, and we can halt Iran's nuclear program before it is too late.

The President's gesture to Russia is the kind of smart, targeted diplomacy our dangerous world needs. Given that a nuclear Iran is such a profound threat, this strategy makes eminent sense. The United States could give up a non-vital missile program in Eastern Europe in exchange for vitally needed Russian cooperation to prevent Iran from going nuclear. President Obama and President Medvedev do not need to look into each other's soul. They just need to be able to trust each other's handshake.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, the measure before us, H.R. 1105, is consistent with the funding levels approved in the budget resolution. Therefore, I sincerely believe there is no justification for any amendment to reopen this bill to further cuts.

The Republicans argue there is an overlap between the funds added in the recovery bill and the omnibus bill before us. At the request of Republican Members, Senator COCHRAN and I called upon our staff to conduct a bipartisan review of the impact that the Recovery Act has on the omnibus bill. That review determined that there is, at most, minimal overlap. Let me explain. First, there are 900 programs in the omnibus bill. Fewer than 20 percent receive stimulus funds. For those who

may want to offer an across-the-board cut to this bill, they would be harming more than 80 percent of the programs for the Department of Agriculture, Commerce, Justice, Treasury, HUD, Energy, and so on.

Second, of the programs with stimulus funds, only 100 have an increase in the 2009 omnibus bill above the 2008 funding level, and many of those increases just cover inflation or are relatively small. Nearly half of these programs averaged about \$5 million in increase between 2008 and 2009. In many cases this does not even cover the cost of inflation.

Analysis will show there are 30 programs in the bill before us which grow substantially between 2008 and 2009 by a total of \$15 billion. Of the omnibus growth of the \$15 billion we measured, \$13 billion is either entirely unrelated to the stimulus bill or is required in addition to the Recovery Act funds to achieve policy objectives or was funded in response to strong political support which would eliminate any chance of reducing it.

I would like to mention a few critical priorities that would go unmet if the Congress were to pass a CR rather than the omnibus. On food and medical product safety inspections, this omnibus bill would provide the Food and Drug Administration with an increase of nearly \$325 million, of which \$150 million is included in the current continuing resolution.

If this measure is not enacted into law, the proposed increased funding for the FDA would be reduced by \$175 million. This reduction in funding would significantly decrease the number of food and medical product safety inspections, both domestic and overseas, that the FDA could perform.

On the matter of consumer product safety, this measure would provide the Consumer Product Safety Commission with an increase of \$25 million or 32 percent above the 2008 level. Without this funding increase, this Commission would not be able to implement many of the reforms and new directives contained in the newly enacted Consumer Product Safety Improvement Act to make children's products safer, such as the consumer complaint database, an overseas presence, and increased inspector general staffing, and staffing generally.

On the matter of the enforcement of securities law, inadequate resources for the Securities and Exchange Commission would hamper the ability to undertake vigorous enforcement of securities laws to help bolster the integrity of the financial markets just when such enforcement is needed.

On the matter of the Federal Aviation Administration, this agency faces a crisis in maintaining an adequate workforce of trained air traffic controllers. Without the increase provided in this omnibus bill, the FAA would be

forced to freeze or reduce the number of new air traffic controllers the agency can bring on board and train, worsening the experience shortage we already have in our air traffic control towers. One accident is one too many.

These are only some of the many priorities in this legislation that would go unmet if we fail to pass this bill as written. This omnibus bill is a good package. It is bipartisan and non-controversial. It is in compliance with the budget resolution for the committee.

Again, I believe there is no justification for an amendment to reopen this bill to further cuts that would do harm to the important national priorities I have mentioned.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH INSTRUCTIONS, AS MODIFIED

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Ensign motion to commit with instructions, as modified with the changes at the desk; and that no amendments be in order to the motion prior to a vote in relation to the motion to commit; that upon disposition of the motion to commit, Senator HUTCHISON be recognized to offer an amendment which provides for a reduction in funding with no amendment in order to the amendment prior to a vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to commit with instructions, as modified, is as follows:

Mr. ENSIGN moves to commit the bill H. R. 1105 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with the following changes:

SEC. _____. (a) Amounts appropriated under this Act for—

(1) fiscal year 2009 shall be reduced by \$18,981,000,000; and

(2) fiscal year 2010 shall be reduced by \$3,274,000,000.

Mr. INOUE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. CON-

RAD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 61, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—33

Alexander	DeMint	Lugar
Barrasso	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Graham	McConnell
Bunning	Grassley	Murkowski
Burr	Gregg	Risch
Chambliss	Hatch	Roberts
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	Wicker

NAYS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Bond	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Cochran	Lincoln	Udall (NM)
Collins	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—5

Bayh	Johannes	Sessions
Conrad	Kennedy	

The motion, as modified, was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

MOTION TO COMMIT WITH INSTRUCTIONS

Mrs. HUTCHISON. Mr. President, I have a motion at the desk which I would like to call up for consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] moves to commit the bill H. R. 1105 to the Committee on Appropriations of the Senate with instructions to report the same back to the Senate with the following change: Amend spending levels in the bill so as to report back a bill with an aggregate non-security spending level at fiscal year 2008 funding level, adjusted for inflation, by reducing duplicative or non-essential funding in the \$787,000,000,000 stimulus bill also referred to as the American Recovery and Reinvestment Act of 2009.

Mrs. HUTCHISON. Mr. President, the amendment that was just defeated was

to hold us to the 2008 spending levels after the \$1 trillion of stimulus spending that has already been passed and signed by the President. My amendment would be for the nonsecurity spending for 2008, plus the rate of inflation at 3.8 percent.

Basically, what I am doing is asking that we commit the bill to the Appropriations Committee to amend and find the places in the omnibus bill that is before us or the stimulus bill from 2 weeks ago where we would take out the amount of spending that is duplicative or nonessential in the amount of approximately \$12 billion. This is a very modest cut, but it would begin to put us on the road toward some fiscal responsibility. We have just passed a \$1 trillion stimulus package. It is in all of the areas that we could spend money on, and many of those are duplicated in what we are taking up on the floor right now.

So if you take the nonsecurity spending of 2008 and you add the regular inflation at 3.8, the Congressional Budget Office says that it would be about \$12 billion in cuts that the Appropriations Committee would be able to find. So we are not saying here to slash across the board. We are certainly holding harmless defense and veterans. But we are saying that the Appropriations Committee should look at what we have passed and see where there is duplication and cut \$12 billion out of this spending bill, and then we will be setting the precedent that we are going back to fiscal responsibility, which is setting the budget and having a reasonable increase—the rate of inflation—which has been the normal procedure here until this year.

When you look at the bill that is before us, it would cost about \$408 billion, according to the Congressional Budget Office. When you account for the previous continuing resolution, which provided funding for defense, military construction, veterans affairs, and homeland security, the top line fiscal year 2009 spending level would exceed \$1 trillion. This does not include last year's supplemental nor the stimulus which we have just passed, which, when you combine those bills, would be another total of \$1.4 trillion. That is a 49-percent increase over a 1-year period. If we want to exclude the emergency or one-time actions, such as supplementals or the stimulus, then you would have an increase over last year's spending by \$83 billion, which would be an 8.8-percent increase over last year's spending. That is more than twice the rate of inflation, at 3.8 percent.

Let's take some examples. I will look at my committee, Commerce Committee, and the areas of my jurisdiction. We authorize broadband grants. We share this jurisdiction with the Agriculture Committee. We provided a total of \$7.2 billion for broadband grants and loans in the stimulus pack-

age, \$4.7 billion for the NTIA, and \$2.5 billion for rural utility service. Yet in this bill we are adding another \$400 million. That totals, for the fiscal year 2009 spending, a 4,500-percent increase. Why do we need another \$400 million when we haven't even begun to spend the \$7.2 billion from the stimulus yet?

How about the National Institute of Standards and Technology? This is a program I support. It is a valid program, just as the previous one. But here we are increasing the NIST funding by \$31 million over last year's funding level and we just gave NIST \$220 million not 2 weeks ago. So the Institute of Standards and Technology would be increased not by \$31 million, but \$251 million over a 1-year period.

These are only some of the items in my own committee's jurisdiction. There are 122 accounts in this bill that received stimulus funding, and I support most of what is in this bill because the Appropriations Committee took up these spending bills last year. We had the ability to amend, in most cases, and we know what is in those bills. However, they were increased on the House side since we took them up last year, and now we have, between now and October 1 of this year, this spending bill for all of the accounts except the security accounts.

Why don't we show the American people that we are going to exercise fiscal restraint; that we know we have just passed \$1 trillion in stimulus spending—some of which arguably is stimulus and some of which arguably is not, but we passed that stimulus bill—and it is going to cost our taxpayers \$1 trillion. We hope it will increase the revenue, because we hope it will increase jobs and it will keep people in their jobs. That is what we want it to do. But now we are in the regular appropriations cycle, from today until October 1, and we are talking about \$408 billion more in spending, some of which has already been provided for in the stimulus package we passed.

The American people, some of whom have lost their jobs, some of whom have received notice that their mortgages are going to be foreclosed and their homes are going to be taken, are saying: What are they doing up there? How can they spend money like that without any regard to what is fiscally responsible? And how we are going to pay it off? Because this is more debt, and we are going to increase, and increase again, and everyone who owns something or who has a mortgage understands this.

We don't have to do this. We can say today, in a bipartisan way, that we are going to turn a new page; we are going to turn a new page in this Congress and the Appropriations Committee is going to do its work. The Appropriations Committee is going to, in a bipartisan way, start looking at this \$408 billion bill and compare it to the 122 accounts

in this bill that got stimulus 2 weeks ago and we are going to find \$12 billion in cuts—\$12 billion out of \$408 billion. It could come out of the stimulus. If that were the preferred way to go, we could go back into the stimulus in the outyears. It doesn't have to be in the next 2 years, it can be in the outyears of the stimulus. The Appropriations Committee would be authorized to go into either bill and shrink \$12 billion.

It seems almost unthinkable that we would not be able to cut \$12 billion out of \$1.408 trillion of taxpayer money that is coming out of Washington and which is debt because we don't have the money to pay for it.

I urge my colleagues to pass this amendment. Let us show the American people that we do understand we should have fiscal responsibility and restraint, as every household in this country is experiencing right now; and that from now forward our appropriations bills are going to be in the regular order; that we are going to have a budget, and we are going to live within that budget, and we are not going to add 5 percent or 8 percent and then bring it over here and pass it with no amendments. That is business as usual. That is not change, it is not bipartisanship, and it is not acceptable.

Mr. President, I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from Florida.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to be recognized for 20 minutes and that the time not be counted against Senator HUTCHISON's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBA

Mr. MARTINEZ. Mr. President, as this mammoth appropriations bill is being considered, there are some ramifications that go way beyond the fiscal impact of this bill and the prudence of those measures. It is about the policy implications of some of the things that have been woven into this bill. I am particularly referring to those issues referring to our relationship with Cuba.

This Senate has debated over many years issues relating to Cuba, a close neighbor; unfortunately, over the last half century, not a friendly neighbor. I think back to about 1898, when this Senate was very much in favor of Cuba's freedom from Spain and American forces intervened. In 1902, Cuba's freedom as an independent nation, freed from Spain, was granted as a result of actions by our Congress as well as our President.

As the Senate considers taking steps that would change the current approach to policy regarding Cuba, we should reflect on how and why we have the current policy in place and the ramifications of adjusting that policy

at this moment in time, even temporarily.

The United States-Cuba policy is a living, breathing entity. Over the years, it has been adjusted, loosened, tightened, and tested. Ten successive U.S. Presidents have affirmed the policy, bolstering provisions for the sake of those brutalized by the regime, seeking no harm to the general Cuban public while denying the regime the resources it so desperately needs to keep the stranglehold on power.

The United States has always had the general welfare of the Cuban people in mind as evidenced by our generous humanitarian aid and the promise it is of untethered assistance. The United States is the No. 1 supplier of humanitarian aid to Cuba. The American people, in 2007 alone, sent \$240 million in private assistance through reputable humanitarian assistance organizations. The foundation of our policy takes aim at the actions of the regime that expropriated private property without compensation—property owned by American citizens. On top of this foundation is our message that Cubans deserve access to free and fair elections, basic human rights, and the rule of law.

The United States built this policy so as to stand with the Cuban people, who are denied the freedoms we as Americans receive as a birthright. As we consider stripping enforcement of the sanctions, I wish to spend some time talking about what this policy means to the Cuban people, the American Government, and me personally, as someone who witnessed the violence of this revolution firsthand.

United States-Cuba relations during the Castro era have largely been defined by Cuba's record of anti-Americanism and aggressive acts of hostility. When Fidel Castro took power in the early days of 1959, there were promises of democracy, free press, and elections. But such reforms never took place. In fact, a violent dictatorial regime came in its place. Many executions took place—killings without trial, without due process. Our President, then Dwight D. Eisenhower, built a framework for the anti-Castro policy by placing trade sanctions on sugar, oil, and guns.

When barrels of Soviet oil began to arrive in Havana, United States oil companies in Cuba refused to continue refining oil, paving the way for further nationalization of United States assets—oil refineries in this instance. All of these nationalizations took place without compensation to American companies. And to this day, there never has been compensation. All of the properties owned by Americans were taken. Later, little by little, properties owned by Cubans were taken until there was no vestige of private property left in Cuba whatsoever.

My own personal story, my own life, was touched, as I was a young boy

when all of this took place. Ultimately, as a result of persecution of those of us who were people of faith, as well as the stifling atmosphere in a totally controlled society, as a teenager, I emigrated to the United States. I watched firsthand the tensions between Cuba and the United States in a very personal way.

I remember watching the television and the news accounts of tensions rising between the United States and Cuba—escalating and leading up to the Cuban Missile Crisis.

That began in July of 1962, when Raúl Castro went to Moscow, and the bonds between Cuba and Russia strengthened.

The Castro brothers engaged with Russia and agreed to allow the Soviets to deploy nuclear missiles, under Moscow's jurisdiction on the island of Cuba. By the fall of 1962, Soviet freighters began delivering shipments of middle-range ballistic missiles.

In an address to the nation on October 22, 1962, on the eve of my 16th birthday, President John F. Kennedy warned of the imminent danger presented by the emerging Soviet-Cuba alliance.

In describing Cuba's nuclear strike capabilities, Kennedy said:

Several of them include medium range ballistic missiles, capable of carrying a nuclear warhead for a distance of more than 1,000 nautical miles. Each of these missiles, in short, is capable of striking Washington, D.C., the Panama Canal, Cape Canaveral, Mexico City, or any other city in the southeastern part of the United States, in Central America, or in the Caribbean area.

Five days later, in a letter to Russian Premier Nikita Khrushchev, Fidel Castro offered the island in sacrifice and urged the Soviets to use nuclear weapons against the United States if necessary.

Let's be clear, the Castro regime, under Fidel and Raul Castro, then—as they are today—in power, wanted first strike nuclear attacks against the United States. Fidel Castro urged the Russians to let the missiles fly toward our soil.

Fortunately for all, Khrushchev's response to the Castro request was to urge, “. . . patience, firmness and more firmness.”

And these events are the foundation for U.S. Cuba policy; brutality, the theft of U.S.-owned assets, and the threat of nuclear catastrophe. All of these things perpetrated by the Castro brothers who were in power in 1959, and who remain in power today.

In the years between the Cuban Missile Crisis and now, the United States has made many good faith efforts and attempts to unilaterally engage Cuba and restore relations.

Without fail, every single attempt has failed due to the actions of the Castro regime.

Several attempts involved our offering concessions similar to those in the bill before us today.

In 1975, Secretary of State Henry Kissinger, during President Gerald Ford's presidency, tried to broker a deal with Cuba that would have lifted the trade sanctions and normalized relations. But the regime chose another route. It wanted to project power abroad. It was more interested in acting as a surrogate of the Soviets than it was in better relations with the United States. So Cuba sent troops to Angola. These troops engaged in a war as surrogates of the Soviet Union, where Cuban men died and where the Cuban Armed Forces were engaged in battle. They seized the capital city of Luanda, and the group then proclaimed independence from Portugal.

In an effort to promote peace and stability, Secretary Kissinger had no choice but to tell Cuba that as long as they had troops in Africa, the deal to normalize relations with Cuba was off the table.

In April 1980, during the Presidency of Jimmy Carter the U.S. Government once again reached out to the Cuban regime. This was rebuffed in a different way. This time it was as a result of more than 10,000 Cubans who were seeking asylum in the Peruvian Embassy; Cuban-American exile groups reached out to the island asking if willing Cubans could be allowed safe passage to the United States.

The response from the Cuban people was overwhelming and more than 125,000 Cubans fled for freedom in what became known as The Mariel boatlift. In the months that the boatlift took place, the U.S. established an interests section in Havana and reciprocated by allowing Cuba to establish theirs in Washington.

This would have been a bright spot for U.S.-Cuba relations except for the fact that the Castro regime took advantage of our generosity.

As thousands of Cubans lined up for the chance to live in freedom, the Castro regime opened its prisons and mental hospitals and sent patients and their worst criminals, murderers, thieves, and drug dealers into the United States with the idea that they would be turned loose to wreak havoc in the U.S.

This was not only cynical but also an act of aggression during a time when President Carter had extended a hand of friendship.

Once discovered, the Castro regime refused to take back the criminals and many were absorbed by our prison system where they remain to this day because they will not accept them back.

The Mariel Boatlift, as it is now known, was symbolic of the desire of the Cuban people to live freely and the flight of the people of Cuba to friendlier places, but also of the frustrating attempts to have a better relationship with the Cuban government.

Frustrated with the conditions allowed by the Cuban regime, more than

125,000 Cubans made the journey to the United States. Many were reunited with family and friends, and all had a chance at a better life.

In February 1982, the U.S. Secretary of State added Cuba to the list of countries supporting international terrorists. The U.S. State Department issued a report detailing Cuba's activities.

The State Department asserted that Cuba had, quote, "encouraged terrorism in the hope of provoking indiscriminate violence and repression, in order to weaken government legitimacy and attract new converts to armed struggle."

Cuba was noted to have very active operations throughout Central America and especially in Nicaragua, El Salvador, and Guatemala.

It was reportedly providing, "advice, safe haven, communications, training, and some financial support to several violent South American organizations."

The long record of the Cuban government's lack of respect for human life extends beyond the 1960s, 1970s and 1980s. In 1996, the Castro regime engineered a civilian murder that shocked the conscience of all Americans.

On February 24, 1996, the regime ordered the shoot down of two unarmed civilian planes flying over international waters on a humanitarian mission.

Four people were killed. Three U.S. citizens and a permanent U.S. resident; Armando Alejandro, Jr., Carlos Costa, Mario de la Pena, and Pablo Morales.

These men were part of a Florida-based humanitarian organization called "Brothers to the Rescue," a group credited with spotting and saving the lives of thousands of Cubans who spotted and helped rescue Cubans trying to raft across the Florida Straits.

Following a thorough Federal investigation, it was determined the regime premeditated the shoot down as part of a conspiracy called Operation Scorpion—a mission designed to send a message to the Cuban exile community.

In the months leading up to the shoot down, Cuban-piloted MiG jets practiced intercepting and firing on slow-moving planes similar to those flown by the Brothers.

Further, the regime infiltrated an agent into Brothers for the sole purpose of encouraging the group to fly into the regime's death trap.

This agent disappeared the day before the shoot down and reappeared in Havana to denounce the humanitarian group.

The Southern District of Florida would eventually find and charge 14 individuals including Cuban spies.

The reaction from the international community was swift and harsh.

The United Nations Security Council passed a resolution condemning Cuba.

The European Union followed suit. Here in the United States, we strengthened sanctions against Cuba through the Helms-Burton Act.

A known state-sponsor of terror, the Cuban regime engaged in premeditated murder, in international airspace.

And the same people who orchestrated this unprovoked attack, Fidel and Raúl Castro, are still in power today.

Incidents such as these strengthen the resolve of Cubans looking for a better life.

José Martí, a Cuban hero, referred to as the "Apostle for Cuban Independence," once said, "Man loves liberty, even if he does not know that he loves it. He is driven by it and flees from it where it does not exist."

Many have fled Cuba for our shores.

During the early days of the regime from 1959 to 1962, it is estimated that the U.S. resettled 200,000 Cuban refugees.

There are well over 1.5 million Cuban refugees in the U.S. and many more in Spain, Mexico, and throughout Latin America and the world where the Cuban Diaspora has gone, escaping tyranny and seeking freedom.

According to the State Department:

These include former political prisoners, persecuted religious minorities, human rights activists, forced labor conscripts, and those discriminated against or harmed based on their political or religious beliefs.

Those who choose to stay behind and courageously oppose the regime's radical ways are subjected to violence, torture, and even murder.

According to Armando Lago, an economist who has attempted to compile a list of every person killed since the start of the Cuban revolution, Raúl Castro was personally responsible for 550 executions in 1959 alone—executed without trial, without cause, without mercy—Raúl Castro, the figurehead of Cuba's modern regime.

Lago has documented 500 murders by prison guards, 500 deaths from medical neglect, 200 suicides of political prisoners, and more than 1,000 assassinations and disappearances.

Those who have voiced opposition to the regime's policies have been forced to endure harsh consequences.

Under the Cuban Criminal Code, the regime has the legal authority to detain and arrest anyone deemed not in line with the Communist State.

These individuals are defined under Article 103 of the Cuban Criminal Code as:

Any person who incites against the social order, international solidarity or the communist State, by means of oral or written propaganda or in any other way; prepares, distributes or possesses propaganda . . . Any person who disseminates false news or malicious predictions likely to cause alarm or discontent among the population, or public disorder . . . [or] Any person who permits utilization of the mass communication media shall be punished with one to four years imprisonment.

Once in prison, these individuals are subjected to unsanitary conditions, harassment, and beatings.

Here are just a few of the conditions reported by the Inter-American Commission on Human Rights.

The nutrition and hygienic situation, together with the deficiencies in medical care continue to be alarming and have caused numerous medical problems among the prison population. Anemia, diarrhea, skin diseases and also parasitism due to polluted water, appear to be commonplace in the majority of the country's prisons, while in some such as the Manacas and Combinado del Este facilities cases of tuberculosis have been recorded.

Moreover, inmates who have made any form of protest about the treatment received or who reject reeducation, which according to information received consists of political and ideological training, have been subjected to reprisals such as beatings, being shut up in punishment cells (which are extremely small, with the door closed and where the prisoner can be kept for months without seeing the light of the sun), being transferred to prisons normally far from where their families live, suspension of family visits, or denial of medical treatment.

This is in sharp contrast to the much publicized detention facility in Guantanamo. I have visited there and conditions are as good there or better than those in Florida jails. Organizations can visit Guantanamo. That is the only jail in Cuba that can be visited by an international organization like the Red Cross. The Cuban government refuses any human rights organization permission to visit their prisons.

The fact is the only uninspected, deplorable prisons in Cuba are those run by the Cuban government. Their gulag continues today unchecked, and would continue even in spite of us reaching out through this bill in this misguided way.

According to the U.S. State Department's 2008 Report on Cuban Human Rights released last week:

. . . the government continued to deny its citizens their basic human rights and committed numerous, serious abuses.

The government denied citizens the right to change their government.

In describing these abuses of human rights, the report states:

The following human rights problems were reported: beatings and abuse of detainees and prisoners, including human rights activists, carried out with impunity; harsh and life-threatening prison conditions, including denial of medical care; harassment, beatings, and threats against political opponents by government-recruited mobs, police, and State Security officials; arbitrary arrest and detention of human rights advocates and members of independent professional organizations; denial of fair trial; and interference with privacy, including pervasive monitoring of private communications.

The report notes,

. . . severe limitations on freedom of speech and press; denial of peaceful assembly and association; restrictions on freedom of movement, including selective denial of exit permits to citizens and the forcible removal of persons from Havana to their hometowns; restrictions on freedom of religion; and refusal to recognize domestic human rights groups or permit them to function legally.

One of the political prisoners mentioned in the State Department report is a man named Tomas Ramos Rodriguez, who was released on June 16 after 18 years in prison.

Following his release, Tomas Ramos noted that "prison authorities beat prisoners with truncheons on a near-daily basis with impunity. Families of prisoners continued to report that prison staff sometimes goaded inmates with promises of rewards [if they would] beat a political prisoner."

In describing the prison conditions, Tomas Ramos recalled the "cell floors that had standing pools of water contaminated with sewage."

Additionally, the report tells the story of a physician named Rodolfo Martinez Vigoa, who complained to the Ministry of Public Health about the condition of the local health clinic in Artemisa as well as the salaries of his employees.

In response, instead of taking care of the problem, the regime stood by as "approximately 300 persons arrived at Martinez's house and shouted insults, calling him a traitor and a counter revolutionary. The government later stripped Martinez of his medical license."

There is a long litany of the human rights abuses that exist in Cuba. The fact is, with these conditions, we would dare not have a free-trade agreement with Colombia because of concerns about human rights. President Obama, during his campaign, indicated he was concerned about human rights conditions in Colombia so, therefore, he would not be for a free-trade agreement with Colombia. It would seem to me that to be consistent, he would have to veto this bill if, in fact, it contains a relaxation of trade with Cuba, particularly if it gets into the area of providing credits, which is what this bill would do, to those in Cuba who do not pay their bills.

The fact is, there have been some pretend changes in Raoul Castro's regime since he took over Cuba. Citizens are allowed to use cell phones. That sounds like a great thing. The problem is the average Cuban makes \$17 a month. The average cell phone in Cuba costs about \$64. With the activation fee as high as \$120, never mind the contract fee on a month-to-month basis.

Another change is Cuban citizens can now stay in hotel rooms that have been historically reserved only for tourists. The problem is, hotel rooms cost as much as 11 times the average monthly salary of a Cuban. These are not changes, these are sham assurances aimed at hiding the regime's struggle to remain financially solvent.

One clear change that has occurred is the rise of short-term arrests for so-called dangerous activity. Arbitrary detentions of prodemocracy activists have increased five times, from 325 in 2007 to 1,500 in 2008. These are just

those that have been documented. Hundreds more, I am sure, take place that would be difficult to document because they happened in parts of the country where our diplomats certainly are not allowed to travel, and certainly there are no human rights organizations that could monitor it.

The regime's promise of change has fallen short of what the Cuban people want and deserve. Where are the anticipated reforms? There have been 2 years of Raoul's rule and nothing has happened.

Even the most modest calls for reform go unanswered. Since the average Cuban earns \$17 a month, but the prices of goods and services are almost what they are here, many families find it very difficult to get by.

For those Cubans who have family members living abroad, here in the U.S. or Spain or elsewhere, they can receive remittances without a Government penalty. But the Cuban Government, unlike any other Government in the world, takes 20 percent from any incoming money.

A person living in the United States who sends funds to Brazil, Ecuador, Colombia, or China, they can expect to pay a private transaction fee of somewhere in the neighborhood of 2.5 percent. The Cuban Government takes a 20-percent cut right off the top. In this bill we will unilaterally be letting the Cuban Government receive unlimited remittances, asking them to do nothing—unilaterally lifting the restrictions on remittances while asking the Cuban Government to do nothing.

Would it not be nice if we were to tell the Cuban Government that in exchange for allowing them to now receive unlimited remittances, which may not be a bad thing, then they should, in fact, act in a way that allows the poor people of Cuba and those here sacrificing to send them help, not to be taking a 20-percent cut from the moneys they send to their relatives and loved ones in Cuba. These are not measures designed to serve the interests of the Cuban people.

But there is another yet darker side to this regime, as the anti-Americanism and the antagonism to our country has exemplified the actions of this regime throughout its time. Cuba and its anti-Americanism has fallen in line with Venezuela.

Mr. President, I ask unanimous consent I be allowed to have 5 additional minutes to conclude my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. The relationship between Venezuela and Cuba is very close and obviously designed in their alliance to exercise an anti-American policy. But it does not stop there. It also includes the very dangerous Government of Iran.

Fidel Castro visited Iran in 2001. Mahmoud Ahmadinejad visited Cuba in

2006, following a visit in 2000 by then-President Khatami. The fact is, Chavez is in and out of Cuba regularly. The fact is, these governments are functioning as an alliance of sorts in the region, trying to thwart and provoke an anti-American attitude.

Before voting on this spending bill, we ought to give serious consideration to what changing the U.S. policy toward Cuba would mean going forward. While some may feel that the U.S. policy is punitive, it was created with the interests of the Cuban people in mind. Relaxing restrictions and allowing additional remittances would provide the regime with additional revenue, cash that would help it maintain its repressive policies.

According to the Cuban Assets Control Regulation: Persons visiting a member of the immediate family, who is a Cuban national, for a period not to exceed 14 days, those are allowed today once every 3 years.

What is likely to happen under these proposed changes in the omnibus is a spike increase in tourist travel under the guise of humanitarian activity. That does not serve the interest of the Cuban people and those who seek freedom inside Cuba.

In addition to that, this legislation before us would extend credit through the U.S. banking system to a Cuban nation that recently disclosed it owes more than \$29 billion to the Paris Club, a debt they stopped making payment on back in the 1980s.

In fact, Cuba has the second worst credit of any nation in the world. And to that country, we are now proposing, in this legislation, in these financial times we are living in, to provide the Cuban Government with credit that can purchase agricultural goods in this country and also medicine, in fact, to the tune of some \$780 million a year.

They have been doing just fine paying cash on the barrel head. This bill will give them credit. Why would we do that to this Cuban Government? Why would we do that to this enemy of the United States, when we would not sign and ratify a free-trade agreement with a country such as Colombia, which is a friend, a partner, an ally.

As we consider changing U.S. policy regarding Cuba, why are we doing it in a way where we ask for nothing? We tie neither of the changes called for in this omnibus to any yardstick of improvement. We do not call for the release of political prisoners; we do not call for lowering of the remittance fee from 20 percent to something more reasonable; we do not ask for any signs of positive behavior. We just lay the changes out there and then hope for the best. That is not the way we ought to approach a regime that has rebuffed our overtures for normal relations and humanitarian aid and instead seeks to undermine our alliances and our interests in the region.

The fact is, the Cuban Government is no friend of the United States. This is not just some benign dictator in Latin America; this is a government that purposely, during the entire time that it has existed, has had an antagonism and has exhibited every type of hostility toward the United States, which it continues to exhibit to this day.

Now, there are those who believe that Raul Castro is a reformer. After 2 years in power, as I pointed out earlier, little or no reforms have taken place. Great hopes were raised by him with many who are hoping for some sign. Yesterday, those signs of change were even further dashed when he had a major shakeup in his Government, and Carlos Lage, who has essentially been the Prime Minister of the Cuban Government, and one of those people whom folks believed was, in fact, a reformer, and the hopes were all pinned that if Lage would take over, that he might be the next President—in fact, he was fired yesterday, and he is no longer any sign of hope for undermining change in Cuba.

In fact, what happened yesterday in Cuba, by any other standard, by any other measure in any other country would be considered a military coup. We already have a totalitarian system. Now Raul Castro has put all of his friends from the military, all aging people in their seventies and older, as close to him as he can put them. Some of them are the most radical, the most vicious of those who have enforced Cuba's totalitarian regime over the years that it has existed, and they are now in the throes of government.

So, essentially, what we have here is not an example of a change in regime but one that is only consolidating power, trying to only exact more repression from its people, while at the same time exhibiting hostility and anti-Americanism anywhere that it goes and anywhere that it speaks.

So I would hope we can have this debate outside of this omnibus bill because it would be great to have a discussion on what our policy ought to be on Cuba—not to have it lumped into this massive spending measure that has to be passed by Friday. I would love for us to talk about Cuba in terms of how we encourage respect for human rights, how we encourage this Government to behave as a normal, law-abiding nation. The fact is, this unilateral act which, frankly, would not be met with any reciprocity is a mistake. It is a sign that we are trying now to legislate policy in a bill that is about spending and a very dramatic change in U.S. foreign policy.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 596

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 596 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 596.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act)

On page 1120, between lines 6 and 7, insert the following:

PROHIBITION ON NO-BID EARMARKS

SEC. 414. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

Mr. COBURN. Mr. President, I have to identify with the words of Senator HUTCHISON about how the American public have to view this bill, especially in light of the fact of the stimulus bill we just passed. I will add some more to those comments as we go through this amendment.

This is a very straightforward amendment. It has been voted on by the Senate several times. Last time it passed 97 to 0. All it requires is that the money expended in this, where appropriate, be competitively bid.

I am sure there is going to be people who vote against this this time because of the situation in which we find ourselves. I wonder how you go back to your State and say that you do not think we ought to competitively bid the money we are going to spend on behalf of the American people. But some are going to say that.

We will hear all sorts of things. What this requires is all contracts, all grants, and cooperative agreements awarded under this act to be competitively bid. What do we know about competitive bids and what do we know that President Obama campaigned on? His campaign was, anything over \$25,000 in the Federal Government ought to be competitively bid. So I have no doubt that my friend, the President, will endorse this idea. It is an essential part of his campaign to help us clean up the corruption, clean up the cost excesses, and clean up the overruns that we have seen.

The other thing is, we already have several laws that require it. But then we have words in the appropriations bill that exempt us from those laws requiring competitive bidding. So what do we do in this bill? We actually take away the enforcement of existing statutes so we do not have to competitively bid. Is it not interesting that the reason we do not want competitive bids mainly has to do with earmarks. It has to do with the fact that people have earmarks in the bill that they want to go to a certain set of people; maybe not the best qualified to perform that function or task under which the Government wants this service to be done, but you can bet your bottom dollar it is where the Senator or the Congressman wants it to go so he can get credit for it.

So not only do we have a tendency for less than sunshine, what we have bred is tremendous inefficiency. And it goes back to the very idea of why earmarks are so damaging to this country, which is because they give elevation and attention to the politically entitled money class. That is where 80 percent of the 7,700 earmarks in this bill are; they are to the politically entitled money class in this country, the people who can give campaign donations. That is who they are to.

So we do not want competitive bidding because the person we are counting on sending money back for a campaign contribution will not get the contract. So the deal does not get completed. In May 2006, the Senate voted 98 to 0 to require that we have competitive bidding on the stimulus package. We voted 97 to 0. What did we do in conference? They took it out so their friends do not have to competitively bid. Where I come from, in Oklahoma, we call that corruption. We call it corruption. That is a tough word. But that is what is going on with a lot of the money that our grandchildren are going to pay back that is going to go on this bill and in the stimulus bill.

The other reason we should do this is because no-bid contracts historically, when you look at them, never give value. What we get is cost overruns.

Great example: The census this next year is going to cost close to \$20 billion. The census in 2000 cost \$10 billion. Now we have to be scratching our head to say, why would it double? Well, \$1 billion of that is because the Census Bureau had a no-bid contract for electronic data collection that fell on its face.

In spite of oversight by this body, in spite of assurances that it would not happen, we wasted \$800-plus million on one contract that we cannot utilize anything from. That is the competency of no-bid contracts. If we do a review of this bill in the future, and we did not put in competitive bidding, we are going to see that same thing to a lesser degree across the whole board.

The other thing, the reason we should use competitive bidding, is that all of us would do it if it was our own money. We would want to get value. We would want to make sure we got the most value for the dollar that was spent.

We do not do that because it is not our money. Now there is a Congressman on the other side from Arizona who has above his desk written in great big red ink: The greatest pleasure in the world is to spend somebody else's money. But it instills all sorts of mischief when we do it.

So this is very straightforward, very direct. There are no tricks. It just says: Let's do what everybody else in the country would do who was making the decision about spending \$410 billion. They would make sure each segment of it got some competitive bidding so we could reassure ourselves that at least we were getting value. It is not hard to do. It is easy guidelines. It is straightforward. Let's not exempt this bill from that.

AMENDMENT NO. 608

I ask unanimous consent to set aside the pending amendment and call up amendment 608.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 608.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program)

On page 135, line 6, strike the period and insert "of which \$10,000,000 shall be available for grants to state or local law enforcement for expenses to carry out prosecutions and investigations authorized by the Emmett Till Unsolved Civil Rights Crime Act established under Public Law 110-344."

Mr. COBURN. This is an amendment that is about a serious issue. I agree that \$10 million in a bill of \$410 billion is not a lot of money in relationship, but let me tell you what this \$10 million is going to do. There are 100 unsolved civil rights murders from the 1950s and 1960s and 1970s that have not been investigated, that have not come forward because Congress hasn't put the money there.

Last year, under great fanfare, several of my colleagues were critical of me because I wanted to pay for it as we passed the Emmett Till Unsolved Civil Rights Crime bill. What I said in opposing that bill initially, which I never was successful in getting it paid for, was that there is plenty of money at the Justice Department if we just direct the Justice Department to put \$10

million to this. There are three cases recently that are coming due, three that have been solved now. We have several other leads. Timing is of the essence.

What I was told is: No, we will appropriate this money this year. That is what we were told. I won't go into the five pages of quotes by the general co-sponsors of the Emmett Till Unsolved Civil Rights Crime bill, about how they would put the money in right now. Guess what is not in this bill. What is not in this bill is any money to the Justice Department to be directed to the Emmett Till unsolved civil rights crimes. They said to my staff: Don't worry about it. There is plenty of money at the Justice Department to do it. So the same argument that was not good enough last year when we tried to pay for it is now turned around, and they say: It is the same amount of money. We now have it, in their judgment. But we didn't last year.

The fact is, there is a sham being perpetrated. It is to claim a moral position and say you will fund something and then, when it comes time to have to give up an earmark or have to eliminate something else, you can't quite have the courage to pull up to the level of moral transparency and keep your commitments.

The information is fading away quickly. They are old crimes. People who have testimony are dying and won't be available for the future. Yet we have the insistence to say it doesn't matter to spend that money now.

There is nothing in this bill more important than solving unsolved civil rights crimes. The reason is because it says something about our justice system. It says we realize that justice delayed is justice denied, and the hurt and trauma that came out of this country in the civil rights movement will only get closed when we have true justice. For us to now in a petty way say: We will get it next year, do you realize that "next year" is coming September 30, and 6 months from now, two or three more witnesses will be gone, two or three more people who committed a crime will not get convicted because the evidence and the testimony will be gone? Yet we can't bring ourselves to the point of saying this is a priority. This says something about who we are, that we are going to give up a few earmarks so we can actually stand on the side of justice. The hypocrisy of the debate we heard last year and then what we hear today at the staff level about why we can't fund this is unfortunate.

I advise the Senator from Connecticut, I have two more amendments to offer. I will talk a very short time and then be finished, if that is OK with him.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend. I have come over to speak in morning

business, and I will be happy to wait until he is done.

Mr. COBURN. I will come back to the floor and discuss these amendments again, but I will give the courtesy to my friend from Connecticut of being fairly short.

AMENDMENT NO. 623

The next amendment is amendment No. 623. I ask unanimous consent that the pending amendment be set aside and amendment number 623 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN. I object on behalf of the Democratic leader.

The PRESIDING OFFICER. Objection is heard.

Mr. COBURN. I renew my request to set aside the pending amendment and call up amendment No. 623.

Mr. LIEBERMAN. Mr. President, having heard from higher authorities, I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 623.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients)

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

- (1) DIRECT Methanol Fuel Cell (IN);
- (2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);
- (3) Adaptive Liquid Crystal Windows (OH);
- (4) Anti-idling Lithium Ion Battery Program, California (CA);
- (5) Advanced Engineering Environment for Sandia National Lab (MA);
- (6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);
- (7) Hydrogen Optical Fiber Sensors (CA);
- (8) Flexible Thin-Film Silicon Solar Cells (OH);
- (9) CATALYST: Explorations in Aerospace and Innovation education program;
- (10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;
- (11) Mount Aloysius College, Cresson, PA, for college preparation programs;
- (12) Washington & Jefferson College, Washington, PA, for science education outreach programs;
- (13) DePaul University, Chicago, IL, for math and science teacher education in Chicago Public Schools; and
- (14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

Mr. COBURN. I gave my assurance yesterday to the majority leader that I would offer no division of any amendments so he would not worry that we would have more votes than he wanted. But I will make the point at this time, at the rate we are going, we will have less than 12 amendments on a \$410 billion bill that spends \$363 million a page. I would love for every American to know we are so good in the committee that none of us should be able to have significant amendments to modify this bill that I guarantee has \$50 billion worth of waste, fraud, abuse, or lack of direction in how the money is spent. So to be able to get four amendments on the floor, just four on a \$410 billion bill, which we are only going to spend 3 days on, I have to agree to limit what the American people should know about this bill. That tells you where we are in the Senate. But I agreed to do that to be able to at least bring some forward.

This amendment is entitled PMA earmarks. We are in the midst of an investigation of a lobbying firm that is alleged to have committed some very serious felonies. It is uniquely curious that as this has progressed, they have decided to shut down. However, within the bill, not through necessarily their clients' fault, and not saying what they are trying to do was necessarily wrong in terms of the intent of the earmark, within this bill are 14 earmarks that you can see, if you have any common sense, if you look at the lobbying efforts of the PMA firm and then look at campaign contributions in the Congress, you can see a very worrisome pattern. That is the very reason I don't do earmarks. If I did earmarks, the last thing I would do would be take any campaign money from somebody for whom I did an earmark.

Needless to say, the accusation and the alleged straw donor technique used by this lobbying firm to funnel campaign funds to Members who then give earmarks through this bill, 14 of them listed in this bill—all this amendment does is say: In the cloud of this and the way it looks, ought we be continuing to do that under the cloud of what look to be very serious allegations of impropriety at the least and, at the worst, quid pro quos for placing earmarks in campaign funds?

We will vote on this amendment. It probably won't pass. Then the American people make a judgment about how well connected we are to reality. The stench associated with this investigation is at the root cause of us having \$300 billion worth of waste a year in Congress in the money we spend. It is at the root cause that we can't get commonsense amendments passed that lack competition, lack funding, real priorities in a timely fashion, such as the Emmett Till bill. This is at the root of it. It is the pay-to-play game. All this amendment does is wipe out

those. It just strikes them. It won't delay the bill. It does nothing but strike them. If they are legitimate, let them come back in this next year's bill and be done in an ethical, straightforward, aboveboard, transparent manner that doesn't utilize the concept of under-the-table, false campaign contributions, allegedly.

AMENDMENT NO. 610

I ask unanimous consent that that amendment be set aside, and I call up amendment No. 610.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 610.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit funding for congressional earmarks for wasteful and parochial pork projects)

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

- (1) the Pleasure Beach Water Taxi Service Project of Connecticut;
- (2) the Old Tiger Stadium Conservancy of Michigan;
- (3) the Polynesian Voyaging Society of Hawaii;
- (4) the American Lighthouse Foundation of Maine;
- (5) the commemoration of the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry National Historic Park in West Virginia;
- (6) the Orange County Great Park Corporation in California;
- (7) odor and manure management research in Iowa;
- (8) tattoo removal in California;
- (9) the California National Historic Trail Interpretive Center in Nevada;
- (10) the Iowa Department of Education for the Harkin grant program; and
- (11) the construction of recreation and fairgrounds in Kotzebue, Alaska.

Mr. COBURN. This is a simple little amendment. Out of the 7,700 earmarks, I took 11 that looked a little stinky to me, a little questionable—just 11. If I had my way, I would offer an individual amendment on every earmark in this bill, but just 11. I will go through them very lightly for a moment, and then I will come back and talk on it later, maybe this evening.

I want you to put this in your mind, that this year we are borrowing \$6,000 from every man, woman, and child. That is how much we are going into debt, \$6,000 for every man, woman, and child. Put that in your mind as we talk about whether these ought to be a priority: A \$1.9 million earmark for the Pleasure Beach water taxi service in

Connecticut. That may be great to do, but we are borrowing all this from our grandkids. Our kids are already broke, so now we are borrowing from our grandkids. Our kids will never have the same standard of living we have. Now we are going into our grandkids, and next year we will be going into our great grandkids. Should we spend \$2 million on a water taxi service? I will show the pictures later of where this is to. It will knock your socks off.

There is a \$3.8 million earmark to preserve the remnants of the old Tiger Stadium in Detroit. It may be a good idea to preserve that. Should we be doing that now when we are borrowing all that money? Is that a priority for the Congress? If it is really a priority for the Congress, I don't belong here. I just don't think the same way the Congress thinks if that is a priority right now for us, to preserve an old stadium that we are not going to do anything with, and we can preserve it later, spending that kind of money.

There is \$238,000 for the Polynesian Voyaging Society of Honolulu, which organization runs sea voyages in ancient-style sailing canoes. Tell me, as we borrow \$6,000 from every man, woman, and child in this country, that is a priority. I can't see it being a priority. I don't think anybody from my State can see that being a priority. I don't know about the rest of the States. I would be interested to hear the answers of the Senators who are going to vote against this amendment and what they tell people. I would like to have it in my repertory. I would like to know what to tell people about this kind of foolishness.

There is a \$300,000 earmark to commemorate the 150th anniversary of John Brown's raid on the arsenal at Harper's Ferry National Historic Park in West Virginia. Let's do it for no money. Let's just commemorate it, and let's save 300 grand for our grandkids.

There is \$1.719 million for pig odor and manure management in Ames, IA. That goes to Iowa State University. Pigs stink. We know why. We know where they live. So is that a priority for us right now?

There is \$475,000 for the Orange County Great Park in California. More millionaires live there than anywhere else in the world. Yet we are going to spend money for a new park now when we are borrowing this amount of money?

Here is my favorite: \$200,000 earmarked for tattoo removal in Mission Hills, CA. We are going to take Federal money, send it to California, and say: You can have this money to remove tattoos. I would think under a personal responsibility platform if you were responsible for getting a tattoo put on you, you might ought to be responsible for getting it taken off, and I do not think our grandchildren ought to be paying for it.

There is \$1.5 million for the California National Historic Trail Interpretive Center. We are going to build another interpretive center at a time of economic malaise—as President Obama calls it, a crisis. I do not think it is a crisis. I think we are in a deep slump, but I do not think it is a crisis yet. It is a crisis to those people who have lost their job. But the more we say “crisis,” the worse we make it. But we are going to do an interpretive center now? Is now the time we should be doing it, knowing we are borrowing the money? Remember, for every \$1 million we borrow, we are going to pay back \$3 million. I am not including long-term interest costs in any of these numbers.

Then there is a \$5,471,000 earmark for the Harkin grant program in Iowa, which says Iowa gets treated differently than every other State in this country. They actually get direct money going directly for public education outside all the other programs. We have been doing it for years, but everybody else in this country gets to pay so Senator HARKIN can look good in Iowa. I have attacked this earmark before. It is wrong. It is unfair. It is not befitting the body. But it is going to stay in. So we have brandnew schools

in Iowa, and the rest of us deal with what we have in our States.

Then we have \$380,000 for the construction of recreation and fairgrounds in a town in Alaska. It may be a good idea. But should we do it now? Should we do it at that cost?

AMENDMENT NO. 623, AS MODIFIED

Madam President, I ask unanimous consent that on amendment No. 623, lines 19 through 21 be removed.

The PRESIDING OFFICER. Would the Senator clarify the language to be stricken from his amendment.

Mr. COBURN. On amendment No. 623, lines 19 through 21.

The PRESIDING OFFICER. The Chair thanks the Senator.

Is there objection?

Without objection, it is so ordered.

The amendment (No. 623), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ____ Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

- (1) DIRECT Methanol Fuel Cell (IN);
- (2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);
- (3) Adaptive Liquid Crystal Windows (OH);

(4) Anti-idling Lithium Ion Battery Program, California (CA);

(5) Advanced Engineering Environment for Sandia National Lab (MA);

(6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);

(7) Hydrogen Optical Fiber Sensors (CA);

(8) Flexible Thin-Film Silicon Solar Cells (OH);

(9) CATALYST: Explorations in Aerospace and Innovation education program;

(10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;

(11) Mount Aloysius College, Cresson, PA, for college preparation programs;

(12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

Mr. COBURN. Madam President, I will end now so I can yield to my friend, the chairman of my committee, the Senator from Connecticut, so he will have an opportunity to speak on the floor but not before I ask unanimous consent to have printed in the RECORD a listing of the earmarks provided today by Taxpayers for Common Sense. I ask unanimous consent that list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator	Solo earmarks	Number of earmarks	Solo and with other members	Number of earmarks	Solo, with other members, and president	Number of earmarks
Cochran	\$75,908,475	65	\$470,857,775	204	\$563,152,775	210
Wicker	4,324,000	9	390,993,300	143	453,735,300	146
Landrieu	10,328,500	31	332,099,063	177	487,845,063	179
Harkin	66,860,000	56	292,360,036	177	370,123,036	185
Vitter	4,034,000	16	249,182,063	142	403,558,063	154
Bond	85,691,491	54	248,160,991	86	333,429,191	98
Feinstein	76,899,425	46	235,027,932	153	311,927,357	183
Inouye	46,380,205	42	225,077,157	106	271,457,362	110
Shelby	114,484,250	64	219,398,750	125	333,882,999	125
Grassley	355,000	8	199,144,486	119	276,907,486	127
Murkowski	74,000	7,507	181,499,75	093	181,595,750	95
Murray	39,228,250	44	170,960,050	155	500,923,962	177
Lincoln	0	0	167,348,125	93	298,025,125	97
Pryor	0	0	167,048,125	92	297,725,125	96
Menendez	0	0	159,759,300	171	273,276,160	182
Lautenberg	760,450	3	158,760,500	173	272,277,360	184
Hutchinson	9,851,000	35	152,859,250	106	267,153,966	113
Levin, Carl	3,800,000	2	152,111,836	178	158,521,836	181
Stabenow	0	1	152,024,336	178	158,434,336	181
Byrd	122,804,900	60	151,786,400	76	273,591,300	80
Cardin	1,271,000	7	149,835,1501	22	357,955,150	127
Mikulski	8,229,625	9	142,020,875	89	350,140,875	94
Boxer	7,546,250	16	139,495,021	116	515,511,738	133
Schumer	21,952,250	37	137,959,867	209	724,706,765	218
Bingaman	13,807,750	22	134,582,375	107	214,165,375	117
Akaka	835,000	2	132,775,702	50	132,775,702	51
Durbin	35,577,250	48	132,418,750	97	218,058,154	108
Dorgan	36,547,100	10	127,910,091	62	197,896,091	66
Specter	25,320,000	134	126,771,246	265	168,471,246	267
Domenici*	19,588,625	13	125,081,702	82	281,468,702	99
Webb	8,568,000	7	112,710,750	71	202,031,858	74
Coleman*	1,055,000	8	109,183,625	83	208,071,685	90
Reid	26,628,613	56	108,705,429	108	142,048,429	113
Martinez	18,758,000	8	106,711,896	62	502,217,592	73
Casey	27,169,750	11	103,440,139	137	145,140,139	140
Nelson, Ben	5,506,000	10	103,316,050	80	512,740,050	90
Klobuchar	4,740,000	6	100,155,625	67	175,108,685	70
Kerry	0	0	97,015,450	123	132,015,450	126
Wyden	427,750	3	94,859,425	104	266,537,425	115
Dole*	9,162,250	19	93,974,205	72	126,670,205	79
Bennett, Robert	18,026,500	23	93,568,150	63	195,731,150	66
Warner	95,000	1	91,702,750	56	181,023,858	59
Sessions, Jeff	4,250,500	12	89,930,750	31	89,930,750	31
Smith, Gordon*	0	0	88,696,675	84	260,374,675	95
Kennedy, Ted	714,000	1	86,416,450	124	121,416,450	127
Cornyn	2,518,000	5	85,965,000	52	199,738,716	58
Johnson, Tim	12,341,000	23	81,570,400	65	114,340,400	66
Inhofe	53,133,500	34	80,161,625	73	80,161,625	74
Cantwell	143,000	2	78,327,050	96	132,096,380	102
McConnell	51,186,000	36	75,548,325	53	267,789,325	57
Baucus	2,496,750	9	75,402,750	62	134,250,750	65
Tester	1,863,000	4	71,504,000	52	130,352,000	55
Voinovich	13,501,000	6	70,528,820	103	76,969,820	107
Kohl	23,832,000	44	63,496,500	89	70,696,500	93
Hatch	711,000	7	63,219,650	42	164,926,650	44
Burr	1,284,000	3	61,940,500	35	61,940,500	35
Thune	4,275,000	6	59,589,400	38	92,359,400	39
Leahy	36,161,125	52	58,197,375	75	62,025,375	76

Senator	Solo earmarks	Number of earmarks	Solo and with other members	Number of earmarks	Solo, with other members, and president	Number of earmarks
Ensign	0	0	52,589,000	26	55,289,000	28
Biden	0	0	52,061,420	55	52,061,420	55
Dodd	0	0	49,462,574	61	49,462,574	61
Brownback	12,020,048	21	47,721,273	68	72,711,273	74
Roberts	2,202,000	11	46,908,875	60	82,664,875	68
Brown, Sherrod	3,161,500	8	46,738,860	86	56,816,860	89
Carper	0	0	46,232,420	53	46,232,420	53
Chambliss	4,253,000	7	45,706,125	67	48,372,125	69
Craig*	1,012,000	2	44,921,389	45	45,421,389	46
Salazar, Ken*	7,500,000	20	44,639,900	69	191,969,110	79
Lieberman	1,164,000	2	43,742,976	59	43,742,976	59
Conrad	0	0	42,290,313	40	42,290,313	40
Graham	9,545,000	14	40,634,500	37	45,214,500	39
Crapo	100,000	1	39,439,389	52	74,390,389	55
Hager	7,195,000	5	38,830,550	41	43,450,550	43
Reed	10,755,750	24	38,399,822	71	38,399,822	71
Nelson, Bill	5,715,750	11	37,632,965	58	37,632,965	58
Lugar	3,276,000	10	35,481,153	52	35,481,153	52
Alexander, Lamar	5,544,500	11	32,116,000	37	179,765,000	41
Allard*	5,798,750	7	30,655,900	43	154,408,110	49
Isakson	1,425,000	2	29,993,375	48	30,902,375	50
Collins	380,000	1	28,724,500	45	32,174,500	47
Snowe	0	0	26,807,500	42	30,257,500	44
Whitehouse	0	0	26,456,572	45	26,456,572	45
Kyl	4,950,000	3	25,768,000	10	60,262,000	12
Gregg	10,028,000	19	24,175,000	39	24,253,000	40
Sununu*	3,207,500	8	17,756,500	23	17,756,500	23
Corker	760,000	1	17,716,500	16	165,365,500	19
Bayh	1,188,000	4	14,957,760	17	14,957,760	17
Barrasso	2,713,000	4	12,373,350	19	12,373,350	19
Sanders	5,877,725	16	10,942,725	26	10,942,725	26
Enzi	1,725,000	5	10,894,350	18	10,894,350	18
Bunning	735,000	5	10,618,175	13	10,618,175	13
Clinton*	0	0	6,714,000	3	6,714,000	3
Rockefeller	0	0	5,019,000	1	5,019,000	1
Coburn	0	0	0	0	0	0
DeMint	0	0	0	0	0	0
Feingold	0	0	0	0	0	0
McCain	0	0	0	0	0	0
McCaskill	0	0	0	0	0	0
Obama*	0	0	0	0	0	0
Stevens*	0	0	0	0	0	0

Mr. COBURN. With that, Madam President, I yield the floor, and I thank the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Oklahoma.

(The remarks of Mr. LIEBERMAN are printed in today's RECORD under "Morning Business.")

Mr. LIEBERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUE. Madam President, the motion offered by the Senator from Texas, Mrs. HUTCHISON, is very similar to the motion of the Senator from Nevada that the Senate defeated. There is only one difference between the two motions. This motion allows for the cost of inflation to be provided, and the previous one did not.

I have already informed the Senate why making reductions in this bill is not a good idea, but I wish to remind my colleagues once again that the level of funding in this bill is consistent with the amount approved by the Congress in the budget resolution. Second, as the Senator from Texas knows, the omnibus bill was written by the Appropriations subcommittees in a bipartisan process and these bills were reported out of the committee—five of

them unanimously and two almost unanimously. The subcommittees worked with their House counterparts to craft this legislation. It reflects a fair compromise between the two bodies.

But, once again, the argument in favor of cutting the omnibus is that there is overlap between the funds in the Recovery Act and in the omnibus bill. As I have noted previously, this simply is not the case. The funds in the Recovery Act are either unrelated to the omnibus or were assumed in the levels approved by the Recovery Act.

This motion also suggests that the committee should cut nonessential spending. I, for one, would argue that this bill contains only essential funds, but I recognize for a few of my colleagues nonessential spending equates to earmarks. I wish to remind my colleagues once again that on the question of earmarks, there is \$3.8 billion in congressionally directed spending in this bill. This represents less than 1 percent of the total bill. If you eliminated all of the earmarks in this bill, including those of Hawaii and Texas, you would still have to cut at least \$8 billion more from other valid programs. If we have to cut this bill to the fiscal year 2008 level, that means there are a number of worthy projects that will have to be reconsidered.

For example, the State and Foreign Operations chapter of the bill provides a total of \$5.5 billion for programs to combat HIV/AIDS—\$388 million above former President Bush's request and \$459 million above the fiscal year 2008 request. This increase was supported

by Democrats and Republicans. Of this amount, \$600 million is provided for the Global Fund to fight HIV/AIDS, which is \$400 million above the request. Additionally within the total, \$350 million is provided for USAID programs to combat HIV/AIDS. These additional funds, which pay for life-sustaining and antiretroviral drugs, prevention and care programs, would be lost to the detriment of 1 million people who would receive lifesaving treatment this year. With this funding, 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save or care for 1 million more orphans and vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV. Do we think that the Senate wants to reconsider this item?

Freezing funding would mean \$350 million less for the FBI to protect our Nation and our communities from terrorism and violent crime. The FBI would have to institute an immediate hiring freeze of agents, analysts, and support staff. This will mean 650 fewer FBI special agents and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil. Surely the Senator from Texas doesn't want us to go back and reduce funding for the FBI.

More than 30 Members requested the committee add funds for operations of our national parks. If we have to cut program goals, we will lose 3,000 park rangers. While there are funds in the

Recovery Act for the Park Service, these funds were not for rangers or park operations; they were to cover deferred maintenance projects. These are projects that are ready to go and can be started almost immediately to stimulate the economy as intended. There is no duplication between the Recovery Act and the omnibus for our national parks.

I could stand here all day and list example after example of the types of programs that are funded in this omnibus bill with the increases that the Senator's amendment would eliminate. These examples shouldn't come as any surprise to the Members of the Senate, if they remember that these bills were written by our subcommittee chairmen and ranking members in a bipartisan fashion. They were marked up in open session with all Members able to offer amendments and the final product was drafted with our House colleagues on a bipartisan basis. Once again, the omnibus bill is a good package of bills. It is bipartisan, it is noncontroversial, and it is in compliance with the budget resolution totals for the committee. The idea of stimulus overlap is not based on fact. The question of earmarks is a minor point in the significant bill that protects Democratic priorities. So I believe this bill deserves the support of every Member of the Senate. I urge my colleagues to vote against this motion.

If I may speak on another subject, the Senator from Oklahoma raised questions regarding the Polynesian Voyaging Society. Students learn in different ways, and educators are constantly pressed to find inspiring ways to educate our young people, particularly those who are considered at risk. That is what the Polynesian Voyaging Society offers. The voyages organized by the Society help to train educators and scientists in ocean resource stewardship. In addition, through the use of the Internet, the society interactively communicates with students during the voyage to share the knowledge gained.

This initiative supports cultural education programs geared toward enhancing leadership skills and cultural knowledge through deep sea voyaging for students. These traditional voyaging skills utilize noninstrument navigation skills whereby participants have to rely upon themselves and their crews to arrive safely at their destination. The voyage is much more than one of miles; it is a voyage of young people discovering that they are able to accomplish more than they ever thought possible.

This knowledge of self-reliance and interdependence helps to transform students, especially native Hawaiian students, so they may chart a positive future. The program also makes science more accessible to school students as they follow the journey. Many students are encouraged to study

science and care about the environment because of this program. Numerous college science majors mentioned activities on the Polynesian Voyaging Society as the reason why they chose to study science.

This leadership opportunity has been shown to be especially effective with at-risk youth diagnosed with mental illness. The success of traditional methods of addressing mental illness in adolescents involves a strong family support system. One study revealed the students who participated in this program showed great improvement regardless of the support that the student received from family. In effect, this program has been able to transcend existing social problems within the student's own family so that these young people can grow and develop into contributing members of the community.

As noted in the National Academies' Study, "Rising Above The Gathering Storm," creating opportunities and incentives for students to pursue science studies is a critical component of ensuring America's future competitiveness. The Polynesian Voyaging Society's programs are geared toward providing such opportunities.

On a personal note, the program is geared to assist Native Hawaiians, in particular. As we find in Native societies throughout the United States, Native Americans have not only been mistreated and victims of discrimination, they have been deprived of their culture. In earlier days, they were forced to become Christians. They were forced to wear suits. They were forced not to wear feathers.

While in this Polynesian program, I have spoken to many of the students, and there are certain points that should be made. Several students came up to me, for example, and said, "I am proud to be a Hawaiian." That is one of the things we have found lacking in Native Hawaiian youth—pride in their ancestry—especially when they learn their ancestors took a voyage much longer than the one Columbus took across the Atlantic, double the length, and the Hawaiians knew where they were headed—to Hawaiki, which is presently the State of Hawaii. Columbus thought he was going elsewhere, and he got lost. It makes them a bit proud of their ancestry. They learned their ancestors were great warriors, great voyagers, great administrators, and great farmers. This is a very inexpensive way to restore the pride that is much in need among our Native Hawaiian youth.

I have been told that the assistant leader will be seeking recognition. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, before I make a few remarks about the underlying bill, I want to say that

those following this debate on the floor are witnessing a piece of history. Senator DAN INOUE of Hawaii has made such amazing contributions to this country. As a young man, his service in World War II led to his being honored with the Congressional Medal for his bravery in battle. He has carried the wounds of that battle now for many years. He used his time in the service to inspire him to higher levels of public service in our Government and beyond the military, serving in Congress and as a U.S. Senator from the State of Hawaii. He is, in fact, a legend in the history of the Senate. I am honored to call him a colleague. Parenthetically, 6 years ago, when I was sworn in to my second term, I chose Senator INOUE to escort me for that swearing-in ceremony because of my great respect for him and all he has meant to our country, his State of Hawaii, and to me personally.

What you just heard in his comments about Native Hawaiians you could have heard as well about his commitment to Native Americans. From the beginning, DANNY INOUE has been there to fight for those who oftentimes were not given the same treatment, same respect, and same rights as other Americans. His voice has made a difference time and time again. When he comes to us and talks about this underlying Omnibus appropriations bill and some of the programs that will help Native Hawaiians and Native Americans, it is with a commitment from the heart. He really believes in helping these people, many of whom have been treated badly by the United States in our founding years.

I wanted to preface my remarks by saying, for those looking for a reason to support this bill, Senator DANNY INOUE, our chairman, has given a good, solid reason, so that we can balance the books and right the wrongs that occurred in previous generations.

I want to come down to practical considerations. The pending amendment would dramatically cut this bill. Some of the cuts would make a big difference. I look back and remember what happened not that long ago, over two holiday seasons, when parents and families across America were frightened that the toys they were buying were dangerous. The paint contained lead that could have a negative physical impact on a child. We traced many of the toys back to China and found that not only were they careless in their manufacture, but we were careless, as a government, in our inspection.

The agency responsible for it, the Consumer Product Safety Commission, was one of the small agencies that most people never heard of. When it became a scare and concern for parents in America, we started to pay attention. In my subcommittee, we had this particular Commission. I decided to make

a substantial change in the funding and staffing so that this Commission could protect Americans not just from dangerous toys but dangerous products all around. So what we did in the bill was provide \$105 million for the Consumer Product Safety Commission, an increase of \$25 million over last year's spending, and \$10 million above the committee's report. The idea is to put the people and resources there and overseas to make sure we protect American families and consumers from dangerous products. I think most people would agree that is money well spent. When any of us go into a store and buy a product, we assume some agency of the Government took a look at it. It turns out that, in many cases, this small Commission could not keep up with that challenge. If the pending amendment by Senator HUTCHISON prevails, that money won't be there. This agency will be cut back again, and families will be vulnerable again. I don't want that to happen.

We also put in \$943 million for the Securities and Exchange Commission. It is an increase of \$37 million over the previously enacted level. The additional money we are putting into the SEC is a direct result of reports of dereliction of duty and their failure to respond to serious challenges. We all know about the Bernard Madoff scandal, where that man created a Ponzi scheme that went undetected and unpunished until there were innocent victims all across the United States of this man's chicanery. The SEC, it turns out, had been warned years before and didn't follow through.

The SEC has an important role in our free market economy to make certain that stocks and other financial instruments are done in a transparent and honest way. That is why we are increasing the size of the appropriation for this agency. The pending amendment would cut that back at a time when we are in such economic turmoil. We need to have certainty as Americans that we are safe when we invest and that somebody in the Government is keeping an eye on those transactions and those companies.

The same is true for the Commodity Futures Trading Commission. It is an important Commission that deals with financial instruments, such as futures, and those instruments that relate to things such as the cost of oil. We paid close attention to that when gasoline was \$4.50 a gallon. I provide \$146 million through my committee to the CFTC. That is a 31-percent increase over last year's appropriation. Why? So they can buy the computers to keep up with the hundreds of thousands and millions of transactions, so they can detect wrongdoing and correct it before innocent people lose their life savings, and before people who count on the integrity of the American financial institutions are defrauded. I think that is

money well spent, and it is money we should spend in this instance.

I say to those who are cutting back and say: We are just making across-the-board cuts, it is not really going to touch us, there are three specific examples where money is included in this appropriations bill to protect American families and consumers, money that is small in comparison to larger appropriations but can make a significant difference in the role of Government and, I guess, the fact that the function of Government to help the helpless and protect those who need it is honored. I hope everybody will come to the floor and think long and hard about this bill.

I will add one closing fact. Many people remember the flooding that occurred in Cedar Rapids, IA, last year. It was devastating. One of the buildings devastated was the courthouse in Cedar Rapids. As a result, I had a request from Senators CHARLES GRASSLEY and TOM HARKIN to come up with emergency funds to rebuild this courthouse in the right way, so that it could be safe and functional after the flooding. We had \$182 million in the 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations bill for that purpose. It is an earmark, make no mistake about it. We earmarked the funds for that courthouse that was devastated by floodwaters at the request of Senators GRASSLEY and HARKIN. I believe this was the right expenditure. It is an earmark that we can justify as being important not just to Iowa but to the Nation. I hope both Senators know we listen carefully to them in our subcommittee. With Senator BROWNBACK of Kansas, we work to be responsive to the real needs of our colleagues across America. This is a responsible bill. I commend it to my colleagues. I hope we can enact it soon because on Friday our temporary spending measures will expire, and we need a long-term Omnibus appropriations bill so that we can get to work on the next fiscal year in an orderly manner, under the leadership of Chairman INOUE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, I am overwhelmed by the generous remarks of the distinguished Senator from Illinois. Thank you very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that at 5:45 today, the Senate vote in relation to the Hutchison amendment, with the 4 minutes prior to the vote equally divided

and controlled between Senators HUTCHISON and INOUE or their designees, and that the previous order prohibiting amendments prior to a vote remain in effect. Madam President, the 4 minutes will cause a vote not to be right at 5:45, but it will be close.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I alert all Members that we have a number of people who want to speak in relation to the Coburn amendments. We also are told by the Republican staff that there are a number of Senators who would be willing to offer amendments on the Republican side. I have spoken to the Republican staff, and they say they can lay down two of those and debate them tonight. That is fine with us.

Tomorrow, of course, we are going to come in at 9:30. Then we have to go to the House because Prime Minister Brown is here. That is at 10:30. And then there are other things going on. The Republican leader and I have been invited to a lunch with Prime Minister Brown, and there are other things. We have a steering meeting of the Republicans, I understand, during the lunch hour—I think that is what it is called. We have a chairman lunch. We are not going to be able to have the votes on any of these amendments until after we finish these things tomorrow. That will give us the afternoon to have some votes and find out where we are on this bill tomorrow.

We have had some good debate today. These have been very difficult amendments. I think they go to the heart of the bill, especially those offered by Senator MCCAIN, Senator ENSIGN, and Senator HUTCHISON. The rest of them I will have comments on at a later time.

I hope Senators understand where we are and where we are headed on this legislation.

Mr. INOUE. Madam President, I yield back the remainder of the time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. INOUE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The ACTING PRESIDENT pro tempore (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced yeas 40, nays 55, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—40

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennett	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

NAYS—55

Akaka	Gillibrand	Reed
Baucus	Hagan	Reid
Begich	Harkin	Rockefeller
Bennet	Inouye	Sanders
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Boxer	Kerry	Shelby
Brown	Kohl	Snowe
Burris	Landrieu	Specter
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	
Feinstein	Pryor	

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The motion was rejected.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

AMENDMENT NO. 607

Mr. WICKER. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 607.

Mr. WICKER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization)

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading “International Organizations and Programs” in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health and Child Survival” account and shall be made available for family planning, maternal, and reproduc-

tive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

Mr. WICKER. Madam President, I also ask unanimous consent that the following Senators be added as cosponsors of amendment No. 607: Senator ENZI, Senator BUNNING, Senator INHOFE, Senator COBURN, Senator VITTER, and Senator GRASSLEY.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THUNE. Madam President, would the Senator yield?

Mr. WICKER. I will yield to the Senator.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I ask unanimous consent to be added as a cosponsor to the Senator’s amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WICKER. Madam President, I spoke at some length yesterday about this amendment. It deals with one issue and one issue only—whether U.S. taxpayer dollars will be provided in this omnibus bill to help fund coercive

population control policies, such as China’s one-child policy—a policy that relies on coerced abortion and forced sterilization.

Specifically, this pro-child, pro-family, pro-woman amendment would restore the Kemp-Kasten antipopulation control provision, which has been a fundamental part of our foreign policy for almost a quarter century. As it has always done, Kemp-Kasten allows the President of the United States to certify that funds are not used for coercive family practices. As it has always done, the provision would allow the President to release those funds after he has made such a certification.

My amendment is needed because the underlying bill reverses this longstanding provision. The omnibus bill that we have before us purports to retain Kemp-Kasten, but then it also includes six troubling words that effectively kill the provision. In addition to Kemp-Kasten, the bill directs funds to the United Nations Population Fund, or UNFPA “notwithstanding any other provision of law.”

Perhaps these words were added inadvertently. I don’t know. But the words that are added—those six little words—represent a loophole that in effect guts Kemp-Kasten and alters this longstanding bipartisan foreign policy in the process.

Some people may ask why restoring Kemp-Kasten is important, and here is why. The U.N. Population Fund, a group that is in line to receive some \$50 million in this bill, has actively supported, co-managed, and whitewashed crimes against women under the cover of family planning. Under the Kemp-Kasten provision, the last administration withheld money from UNFPA for this very reason. I would like to quote then-Secretary of State Colin Powell, who stated:

UNFPA support of and involvement in China’s population planning activities allows the Chinese Government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time.

That is the end of the quote from our Secretary of State.

A further analysis by the U.S. State Department of the Chinese program on family planning reveals this—I will quote from the State Department analysis:

China’s birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization.

Does anyone in this Senate want to spend U.S. funds to support these activities: coercive abortion and involuntary sterilization? I think we ought to have a unanimous consensus in the Congress that we have no business spending our taxpayers’ dollars on such things. The report goes on to say:

The State Department summarized these practices in its 2007 China Country Report on

Human Rights Practices. . . . These measures include the implementation of birth limitation regulations, the provision of obligatory contraceptive services, and the use of incentives and penalties to induce compliance.

Further in the report, and I continue to quote:

China's Birth Limitation Program relies on harshly coercive measures such as so-called "social maintenance" fees.

And to skip down further:

In families that already have two children, one parent is often pressured to undergo sterilization. A number of provinces have legal provisions that require a woman to have an abortion if her pregnancy violates government regulations. . . .

I wish we could stop this practice worldwide. China is a sovereign nation, and they have the power to impose these laws on their people. But taxpayer funds should not be spent from the U.S. Treasury to assist an organization that funds such practices in China.

The most recent State Department report on UNFPA activities shows that their funds are indeed funneled to Chinese agencies that coercively enforce the very practices I just read about. Are we to believe that in less than a year the UNFPA has changed its practices? That is not a bet I am willing to take with the taxpayers' money.

The Wicker amendment should be adopted to once again give the President, President Obama, the opportunity to certify that UNFPA, or any other organization, is not participating in family planning techniques such as the harsh techniques I just read about.

My amendment does not represent a radical shift or departure from what is normal. In fact, it simply returns the language in this bill to language that was agreed upon by both Republicans and Democrats in last year's Foreign Operations appropriations bill during a time when Democrats controlled the House of Representatives and controlled the Senate of the United States. The language that I am offering was agreed upon by Republicans and Democrats.

Finally, there have been concerns voiced about the need not to make changes in this bill. We have been told this bill has been pre-conferenced. Persons say that in doing so we might delay the bill's passage by sending it back to the House for approval. I admit the funding contained in this bill is important, but that does not mean we can forget about our jobs as legislators. I do not believe the other body will let this bill die simply because we are doing what is right, by clarifying our country's policy of standing against coercive population control practices like forced abortion and forced sterilization.

I realize opinions in this Chamber and across our country vary greatly on the issue of abortion. I am pro-life and I am mindful that some Members in

this body would describe themselves as pro-choice. But regardless of where we come down on that issue, can't we agree that we do not want to spend taxpayer dollars to force this on women who do not want this procedure? We ought to all be able to agree that is wrong and that is a misuse of American taxpayer funds.

The United States should not turn its head on coercive family control programs like sterilization and forced abortion, and our taxpayers should not have their dollars used to help fund such horrible acts. My amendment will help stop that from happening. It restores a longstanding foreign policy provision. It reflects our Nation's commitment to promoting human rights. I urge its adoption.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I rise to speak on the underlying bill just for a moment. I know some of my colleagues are on the floor of the Senate, and I will be very brief.

I come to the floor to support the underlying bill and also to give a few brief remarks about the legislative branch, which I chair, for the record. The legislative branch in this bill is funded at \$4.4 billion—not an insignificant amount of money but very small relative to the overall bill. There is a \$43 million increase over last year, which is an 11-percent increase, which would seem on the face of it rather significant, so I thought I would like to explain.

It is more than the cost of living, more than inflation, but there are three very good reasons we thought—both Republican and Democrat on our committee—that this was the right thing to do. First of all, building up Congress's oversight responsibilities at this time is critical. We have seen much of the scandal and corruption and unregulated situations that have led us to the place we are. Congress needs to make sure we are doing a better job with our inspector general offices, with our general oversight, particularly because we are stepping up so much additional spending for stimulus and investment. Our committee thought that was the responsible thing to do, to actually invest in greater oversight. So about 38 percent of this increase is related to that.

Second, there is a backlog of life safety issues related to this great Capitol complex. Trust me, there is no money in here for carpet or fancy lighting or extra offices for anyone. This is for basically asbestos removal—which can be life threatening, as you know, and cause serious harm to those people who work in this Capitol, both our staffs and the workforce. That is an unmet need. There is over \$1 billion of unmet needs. This bill attempts to just deal with some immediate situations.

Finally, now that the Capitol Visitor Center is open, there are some additional security requirements of our Capitol Police. This project was started many years ago. It was supported by both Democrats and Republicans. It is now open, was dedicated recently, but we have to operate it appropriately. We have to make sure it is secure, not just for ourselves and our staff, but for the millions of visitors who come. There is some increased funding for Capitol Police that reflects that this Capitol Visitor Center is the greatest expansion of this building in over 100 years. It was not just a small addition, it was quite a large addition, and we need that extra security.

Finally, there is a full request, that was met, by the Library of Congress to provide new modern technology for the visually impaired. It is something that was a high priority for the community of the blind and the visually impaired, millions of Americans who have no access to books as we normally read them but need these digital talking books. Not only does it help the Library of Congress but ensures every library in America, including school libraries, has access, so children who do not have their sight, and adults, can read and remain part of this economy.

Those are the reasons this bill has been expanded by 11 percent. I hope my colleagues understand. We have gotten pretty much broad-based support.

As I said Madam President, 38 percent of the total increase goes towards increased staffing for the Government Accountability Office and the Congressional Budget Office to allow for greater oversight of the Federal Government. The help of these agencies is more critical than ever during this time of economic uncertainty and national crisis. GAO and CBO intend to beef up their staffing levels to meet Congress's needs as we tackle the many critical issues facing us today.

Nearly 23 percent of the overall fiscal year 2009 increase goes to the Architect of the Capitol for fire and life safety projects in the Capitol Complex—including \$56 million for asbestos removal and structural repairs in the utility tunnels which provide steam and chilled water throughout the entire complex.

Congress is facing a tremendous backlog of structural problems in our aging infrastructure here on Capitol Hill which has grown to over \$1.4 billion. This bill provides a small but much-needed step towards addressing this backlog. Many of our buildings in the Capitol Complex lack the adequate fire and life safety requirements to keep Congress in compliance with health and safety regulations. As I said, I am proud of the funding included in this bill which will address these inadequacies and help make the Capitol safer for our staff and for our visitors. It would be irresponsible not

to tackle these problems now—we will just be kicking them down the road where they will be more expensive and more difficult to repair.

The bill includes funding for the United States Capitol Police to hire and train additional personnel to provide security for the now open Capitol Visitor Center. The CVC which opened December 5 is a huge success and a much-needed addition to our Complex providing security, educational opportunities, restaurant facilities and many other amenities to the millions of visitors who arrive on our doorsteps each year. The bill also provides funding to fully implement the merger of the Library of Congress Police force with the Capitol Police. This long-awaited merger is essential to maintaining streamlined security throughout the Capitol Complex. Quite simply, this bill will provide the resources needed to the Capitol Police to effectively perform their required missions without putting more on their plate than they can do.

This bill fully funds the Library of Congress, including the Library's request for the Books for the Blind and Physically Handicapped. The Library's fiscal year 2009 budget includes \$29 million to move forward on the Digital Talking Book for the blind project. This project is a high priority for this Congress and for the blind community. It is vital that the blind receive uninterrupted access to something the rest of us take for granted—books and other reading materials that allow us to work and learn. This bill supports that important goal allowing this project to proceed on schedule and provide more titles than originally anticipated. This is a key issue of fairness which we can and must address now.

The funding in this bill puts the Legislative Branch on solid footing for the future and invests in the right priorities. We should strongly support it.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

AMENDMENT NO. 635

Mr. THUNE. Madam President, I ask unanimous consent that the pending amendment be set aside and I be able to call up amendment No. 635 and make it pending.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], proposes an amendment numbered 635.

Mr. THUNE. Madam President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the Emergency Fund for Indian Safety and Health, with an offset)

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, \$400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act.

Mr. THUNE. Let me explain very simply what this amendment does.

Last summer, President Bush signed into law a \$50 billion foreign aid bill; HIV and AIDS was the purpose, the direction of the bill. Included as part of that PEPFAR bill was a \$2 billion authorization that I and a bipartisan group of Senators worked on, including that redirected money to critical public safety, health care, and water needs in Indian Country. All of the Senators who worked on the amendment's inclusion in the final package, including now Vice President BIDEN and Secretary of State Clinton, recognized there are great needs internationally, but they also realized we have equal or maybe even greater needs right here at home on our Nation's reservations.

The final PEPFAR bill created a \$2 billion, 5-year authorization beginning in fiscal year 2009 for an emergency fund for Indian health and safety. Over the 5-year authorization, \$750 million could be spent on public safety, \$250 million on health care, and \$1 billion for water settlements.

In order to ensure that the emergency fund for Indian health and safety was funded as quickly as possible, I and six of my colleagues sent a letter to President Bush last year asking that he include funding in the fiscal year 2010 budget for the emergency fund. Then we worked to get a total of 21 Senators to send a similar letter to President Obama on November 24, 2008. I believe this continued bipartisan effort underscores the support for addressing the needs that exist in Indian Country.

What the amendment does is seek to remedy this without raising the overall cost of the omnibus bill. It simply reduces discretionary spending throughout the bill by \$400 million, the fiscal year 2009 authorized amount from PEPFAR, and redirects that money to the emergency fund for Indian safety and health. This amounts to less than one-tenth of 1 percent cut from each program funded in the omnibus bill.

Bear in mind the omnibus bill includes an overall funding increase of 8.3 percent over last year's appropriated

level—that on top of the stimulus bill that passed earlier this year that, as we all know, poured billions of dollars into many of these Federal agencies. So what I am suggesting is we carve out one-tenth of 1 percent of the cost of this bill. As I said, take the overall increase in this year's bill from 8.3 percent over last year's appropriated amount to an 8.2-percent increase over last year's amount.

Since this appropriations bill was put together—I think it was put together in very short order behind closed doors, not to mention the fact that none of the nine appropriations bills were ever voted on in the Senate—I believe my amendment is a commonsense proposal that will ensure that we allocate tax dollars where they are needed the most.

The needs are great in Indian Country and I know many of my colleagues on both sides of the aisle would agree.

Nationwide 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation needs. On our Nation's reservations this number climbs to an average of 11 percent and in the worst parts of Indian Country to 35 percent.

This lack of reliable safe water leads to high incidences of disease and infection. The Indian Health Service has estimated that for each \$1 it spends on safe drinking water and sewage systems it gets a twentyfold return in health benefits.

The Indian Health Service estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home they would need over \$2.3 billion.

Nationally, Native Americans are three times as likely to die from diabetes compared to the rest of the population.

An individual that is served by Indian Health Service is 50 percent more likely to commit suicide than the general population.

On the Oglala Sioux Reservation in my home State of South Dakota the average life expectancy for males is 56 years old. In Iraq it is 58, Haiti it is 59, and in Ghana it is 60, all higher than right here in America.

One out of every three Native American women will be raped in their lifetime.

According to a recent Department of the Interior report, tribal jails are so grossly insufficient when it comes to cell space, that only half of the offenders who should be incarcerated are being put in jail.

That same report found that constructing or rehabilitating only those detention centers that are most in need will cost \$8.4 billion.

The South Dakota attorney general released a study at the end of last year on tribal criminal justice statistics and found: homicide rates on South Dakota reservations are almost 10 times higher

than those found in the rest of South Dakota and forcible rapes on South Dakota reservations are seven times higher than those found in the rest of South Dakota.

Clearly there are great needs in Indian Country and my commonsense amendment would be a good step forward in addressing some of these needs because the emergency fund for Indian safety and health can be used for: detention and IHS facility construction, rehabilitation, and replacement; investigations and prosecutions of crimes in Indian Country; cross-deputization and other cooperative agreements between State or local governments and Indian tribes; IHS contract health care; and water supply projects approved by Congress.

Passage of my original amendment to PEPFAR clearly shows a commitment by the Senate to addressing domestic priorities for Native Americans.

I urge support for my amendment to fund this authorized emergency fund for fiscal year 2009.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

AMENDMENT NO. 599

Ms. MURKOWSKI. Madam President, I ask unanimous consent to set the pending amendment aside for the purpose of calling up an amendment.

Mrs. MURRAY. Madam President, I would ask the Senator from Alaska which amendment she is sending.

Ms. MURKOWSKI. This is amendment No. 599.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Ms. MURKOWSKI], for herself, Mr. BEGICH, and Mr. INHOFE, proposes an amendment numbered 599.

Mrs. MURRAY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce)

On page 541, strikes lines 1 through 10 and insert the following:

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or repromulgate the rule described in subsection (c)(1) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the "Administrative Procedure Act"), except that the public comment period shall be for a period of not less than 60 days; and

(2) the Secretary of the Interior may withdraw or repromulgate the rule described in subsection (c)(2) in accordance with each requirement described in subchapter II of chapter 5, and chapter 7, of title 5, United

States Code (commonly known as the "Administrative Procedure Act"), except that the public comment period shall be for a period of not less than 60 days.

Ms. MURKOWSKI. The amendment I bring forward this evening would modify section 429 of the bill we have before us. This amendment does not cost us any money. It will, in fact, eliminate a major obstacle to job creation, including many of the construction projects that were funded under the recently passed stimulus bill.

To be more specific, I am introducing an amendment to modify section 429 to require the Departments of Interior and Commerce to follow the process provided by existing law to withdraw and alter two provisions that were essential ingredients last year in the decision by former Secretary of the Interior Dirk Kempthorne when he listed the polar bears of northern Alaska as threatened under the Endangered Species Act.

Section 429, as it now stands, would allow those agencies to withdraw those regulations arbitrarily and then reissue them immediately without public comment. My amendment does not overturn the listing of the polar bears as threatened, even though up in Alaska most of us feel the listing was premature and perhaps totally unnecessary, but it will require the Department to follow existing public notice and comment statutes, if they want to modify last year's listing decision and the related carbon emissions rule in the future.

We are asking that you follow the process that is in place. Section 429 of the omnibus provides a provision that allows the Secretaries of Interior and Commerce to withdraw the final rule relating to the interagency cooperation under the Endangered Species Act and the final rule relating to endangered and threatened wildlife plants, the special rule for the polar bear.

This section allows the Secretaries of either Commerce or Interior, or both, to withdraw the two Endangered Species Act rules promulgated under section 7 of that act within 60 days of adoption of the omnibus bill and then reissue the rule without having to go through any notice or any public comment period, or be subject to any judicial review as to whether their actions were responsible.

Last year, after years of comment and review, the Interior Department elected to list the polar bear as threatened, solely because of the fear that greenhouse gas emissions will raise temperatures sufficiently in the future, causing the Arctic pack ice that the bear relies on for habitat to melt, making it more difficult for the bears to feed.

During the scientific review that was conducted before the listing decision, there was very little to no evidence that indicated that neither very care-

fully limited subsistence hunting activities by the Alaska Natives, nor onshore or offshore oil and gas exploration or production activities in any way would disturb the bears or place stress on their population.

So it was for that reason, based on all the science and the research, for that reason that the listing decision specifically provided, and this was set forth in section 4(d) of the act, it provided that oil or gas development or subsistence hunting will not be impacted by any action plan the Department will craft to remedy bear population issues in the future. Those provisions were added after extensive public comment and based on a full scientific review.

Now, without any scientific review, at the last minute, someone in the House of Representatives has decided to impose as fact their opinion that the bears should be listed as threatened without limitation. This provision makes a mockery of what we know and accept and applaud with the scientific review process.

In all the science leading up to the listing, there was no evidence that oil or gas exploration and development were having any effect on the bears which are already carefully regulated under the Marine Mammal Protection Act. In fact, the populations of both the Beaufort and Chukchi Sea areas have actually risen by around 500 bears since 1972, and any anecdotal evidence of minor recent declines is purely anecdotal.

Now, yes, Fish and Wildlife researchers have some evidence that bears may have dietary issues that may impact juvenile survival rates if the ice melt causes dislocation of the seal populations. But that problem has nothing to do directly with oil or gas or subsistence activities.

Withdrawal of the 4(d) protections could prompt lawsuits to stop any action that would increase carbon dioxide or any greenhouse gas emissions anywhere in the country, not just in the State of Alaska but anywhere in the country, if the project had not first consulted with U.S. Fish and Wildlife on potential impacts.

What this means, the potential for this is that every powerplant permit anywhere that might increase carbon emissions could face a lawsuit. Damage could extend past fossil fuel projects to include an incredible array, agricultural practices, any increase in livestock numbers, new road construction, literally any project or activity that might increase greenhouse gas emissions.

Suits that could be triggered by this seemingly limited change could stop many of the construction projects that this body has provided funding for in this stimulus bill to help get this Nation's economy moving again.

Now, the Center for Biological Diversity has already stated it intends to

use the polar bear listing to regulate greenhouse gas emissions. But I am afraid such overreaching could actually harm environmental protections. That is because such an effort to overreach could trigger such a backlash that it harms support for the entire Endangered Species Act.

The administration is planning to ask Congress to pass cap-and-trade legislation this year to regulate greenhouse gasses. Debate over that bill is the proper place for this issue to be tackled, not through a back-door amendment to this key appropriations bill that will not permit public process.

For my home State of Alaska, the amendment's impacts are immediate and they are far reaching. It is almost certain to result in lawsuits to stop oil and gas development in northern Alaska, both onshore and off. Such suits certainly could stop the exploration needed to produce new natural gas finds. We know this is vital to the viability of an Alaska natural gas line to bring our clean-burning natural gas to the lower 48.

This project has been supported by the administration and most every Member of this body. We recognize that such sites could endanger Native subsistence activities, not just for the bears and marine mammals that the bears prey upon but for any species, such as the western and central Arctic caribou herds. These are vital food sources for our Alaska Natives.

So what my amendment does is it requires that if either the carbon emissions consultation rule or the polar bear 4(d) rule is to be withdrawn or re-issued, such action is subject to the requirements of the Administrative Procedures Act, with at least a 60-day comment period.

What this does, it essentially gets us back to the status quo, where the Secretaries can now withdraw or repromulgate these regulations, but they have to follow the APA. Nothing Earth shattering, we are not plowing new ground. We are saying, follow the process we set up. The provision in the budget bill does much more than overturn Bush administration rules, it violates the public process and scientific review called for in the Endangered Species Act, and by doing that it weakens and risks support for the act.

As it stands, under section 429, the Secretaries can make dramatic and far-reaching changes with their rules and regulations and do so without having to comply with the longstanding Federal process requiring public notice and comment by the American public and by knowledgeable scientists. We should not make a mockery of the formal ESA review process and the APA, the Administrative Procedures Act. We should support this amendment to strike the House waiver of those acts and require that those laws be enforced.

I cannot stress how important this is to the Nation, to the American energy production of the workings of the stimulus bill, and eventually to the integrity of the Endangered Species Act and this Nation's administrative process.

Now, this afternoon President Obama issued a new directive on the ESA. But it is only pertaining to the optional consultation portion of section 7. The directive requests the Secretaries of the Interior and Commerce to review the regulation issued on December 16, 2008, and determine whether to undertake new rulemaking. Until such review is completed, the President requested the heads of all agencies to exercise their discretion, under the new regulation, to follow the prior longstanding consultation and concurrence process.

But this Presidential order did not address the issue of the polar bear 4(d) rule and does not remove the House omnibus rider. It does not maintain the Administrative Procedures Act requirement, and it does not negate the need for my amendment.

I yield the floor.

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to a period of morning business with the time equally divided in the usual form.

Mr. COBURN. I would ask if the Senator would modify her amendment to allow for me to speak on the Wicker amendment. Could we do that?

Mrs. MURRAY. Madam President, I modify my request and ask unanimous consent that Senator COBURN be allowed to speak for 5 minutes on the amendment, and following his remarks, the Senate move to a period of morning business, with the time equally divided in the usual manner with a 10-minute limitation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 607

Mr. COBURN. Madam President, I wanted to spend a minute talking about the Wicker amendment No. 607. I am having trouble, from a philosophical viewpoint, understanding why the language is in this bill the way it is. There is no confusion as to my stand on pro-life issues, pro-choice versus pro-life. I stand in the corner of pro-life. But I want to debate this issue as if I were pro-choice, that I believe that the law as we have it today should be enforced. If, in fact, we believe that if, in fact, women have a right to choose, why in the world would we send money to UNFP that is going to take that right away from women in other countries? It is beyond me that these little six words in the bill, "notwithstanding any other provision of law," are intended to eliminate the ability of the President to certify that our UNFP money is going to be used for coercive abortions and coercive sterilizations. I

am having trouble understanding why those in this body who absolutely believe without a doubt that a woman has a definite right to choose on whether to carry a pregnancy to term, have a definite right to choose the number of children they are going to have or have none, we would allow this bill to go through here this way that will deny that ability to Chinese women.

If somebody in our body can explain that to me, I would love them to do so. You can't be on both sides of this issue. Either you believe in a woman's right to choose or you do not or you only believe in a woman's right to choose in America. And because the Chinese have too many people, you don't think that same human right ought to be given to women in China. I won't go into the details. There is no question that UNFP will mix this money, and we will fund forced abortions in China. That is what these six words do. They mean American taxpayer dollars are going to go to China to enforce coercive abortion against the will of women and force sterilization against the will of women in China. China is not in bad shape. They don't need our money in the first place. But then we are going to send that money over there to enable and allow that policy to progress. I find it disconcerting that anybody who is pro-choice could not vote for the Wicker amendment. Because what it says is, you are double minded. The standard applying in this country is one thing, but human beings throughout the rest of the world, that same standard doesn't apply. I think it is unfortunate that this was put in here. We will rue the day it was.

In fact, we lessen our own human rights campaigns for equal treatment and the protection of human rights around the world as we do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I request the regular order.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

U.N. TAXATION

Mr. INHOFE. Madam President, I was misled into thinking that we would be able to introduce some amendments tonight and then was told, when I got down, that they are confining those amendments to only three. Let me mention that I have an amendment I feel very strongly about that I want to take up first thing in the morning. I will explain what it is. It is amendment No. 613.

I can remember back in 1996, the United Nations Secretary General announced that the U.N. was interested

in pursuing a global tax scheme. In response, Congress passed—and President Clinton signed into law—a policy rider on the Foreign Operations and State Department appropriations bills that would prevent the United Nations from using any U.S. funds to pursue a global tax scheme. The idea was that if we had a United Nations that wanted to have a global tax—they have been attempting to do this for many years because they don't want to be held accountable to anyone—then every time something comes up that is against the interests of the United States, we normally will pass a resolution saying that we are going to withhold a percentage of our dues to the United Nations until they change this policy. In 1996 and every year since, 13 years, we have had, as a part of that, language that says that the U.N. could not use any of the funds of the United States to pursue a global tax scheme of any type. The provision has appeared in every annual appropriations since 1996. This year marks the first time an annual appropriations bill will not contain this policy provision preventing U.S. tax dollars from funding U.N. global tax schemes.

According to page 64 of division H of the joint explanatory statement, this policy provision has been intentionally left out of the fiscal year 2009 Omnibus Appropriations bill. Preventing U.S. taxpayers funding U.N. global taxes in annual appropriations bills has been a bipartisan U.S. policy for over a decade. It is very difficult for me to understand, because I haven't seen any explanation as to who is opposed to this. It was put in by Democrats and Republicans on a bipartisan basis. Now we find that it was left out. The amendment very simply puts back the language that we have had historically in the law for the past 13 years.

Let me serve notice that I will make every effort to be first in line tomorrow morning to try to get this amendment in. I would invite any opposition that is out there, because I don't know of any opposition to it. Being fair, I think it is probably the fact that they wanted to shorten tonight to restrict it to three amendments.

I ask unanimous consent that my time be extended to whatever time I shall pursue. I will not be more than 15 minutes from this point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHANGES TO THE ESA RULES

Mr. INHOFE. Madam President, I was listening with some interest to the Senator from Alaska and what she is trying to do. I think, once again, we are faced with a backhanded attempt to regulate greenhouse gases without the transparency of public debate. Section 429 of the omnibus currently in-

cludes yet another congressional hand-out to some of the extremist groups and to the trial bar. This rider is clearly an attempt to legislate on a spending bill, the sort of bad habit that Democrats in Congress and the White House promised to give up during the last election.

As ranking member of the Environment and Public Works Committee, I strongly support the bipartisan amendment offered by Senators MURKOWSKI and BEGICH to revise the omnibus section 429. This subject is particularly important to me since the EPW Committee holds jurisdiction over all issues impacted by the offending provision, including endangered species, the regulation of greenhouse gases, and the transportation infrastructure which we are going to be pursuing in the next few weeks.

Without the amendment, section 429 allows the agencies to make dramatic changes to the Endangered Species Act rules and regulations without having to comply with longstanding Federal laws that require public notice and public comment by the American people and knowledgeable scientists. These changes have the potential for far-reaching and unintended consequences in our economy.

Specifically, this activist-friendly rider would allow the Secretary of Interior and the Secretary of Commerce to undo a regulation making common-sense adjustments to the ESA as well as withdraw a special rule and listing for the polar bear. By ignoring the protections of the Administrative Procedures Act, the rules in question could be withdrawn within 60 days of adoption of the omnibus bill and then reissued in whatever form the agencies preferred, without having to go through any notice or public comment period and without being subject to any judicial review as to whether their actions were responsible or justified.

This is exactly what the two Senators from Alaska are attempting to correct. Existing ESA rules clearly lay out the U.S. Fish and Wildlife Service position that oil and gas development in the Arctic and Alaska Native subsistence activities are not the reason for the polar bear's recent listing status and are not affecting polar bear population. I might add that we have made quite a study of the 13 polar bear populations in Canada. All but one are increasing. The one that is not is the western Hudson Bay. That is due to some regulations in hunting that have adversely affected them. That is being corrected at this time. So if you stop and realize over the last 40 years, we have increased the population of polar bears in the world by fivefold, then there isn't a problem. However, let's assume that there is a problem, and we want to be sure that we are able not to have the intended consequences.

If enacted, implementation of section 429 would mean that any increase in

carbon dioxide or greenhouse gas emissions anywhere in the country could be subject to legal challenges due to assertions that those activities are harming a polar bear or that there has not been sufficient consultation with the U.S. Fish and Wildlife Service regarding activities that are funded, carried out, and authorized by the Federal Government.

In other words, you could have someone who is cooking on his Hasty Bake in his backyard in Tulsa, OK and have a lawsuit filed saying: You are emitting greenhouse gases; therefore, you are affecting the polar bear. Any permit for a powerplant, refinery, or road project that increases the volume of traffic anywhere in the United States could be subject to litigation, if it contributes to local carbon emissions. Lawsuits and ESA-prompted delays could extend to past fossil fuel-linked projects, if those projects could increase greenhouse gas emissions or reduce natural carbon dioxide intake.

If this provision is allowed to stand, it will likely endanger the delivery of the majority of the construction projects funded by the recent stimulus bill since these projects have not gone through a section 7 consultation regarding their impact to the polar bear. In other words, we passed the stimulus which I opposed. I had an amendment that would have actually provided a lot of jobs. That amendment they would not let me bring up. I believed that since it was an Inhofe-Boxer amendment, it would have passed. But it didn't.

So now we have a few jobs out there, a few things that are going to contribute to the employment problem of this country. If this provision is in there without the correction found in the bipartisan amendment by the two Senators from Alaska, then it is going to say the very thing we are trying to stimulate—in terms of jobs, construction, roads, bridges, and highways—cannot be done because of the section 7 consultation regarding the impacts on the polar bear. Ironically, President Obama today announced the release of \$28 billion from the American Recovery and Reinvestment Act to States and local transportation authorities to repair and build highways, roads, and bridges. This investment will lead to 150,000 jobs saved or created by the end of 2010. State highway departments have already identified more than 100 transportation projects throughout the country, totaling more than \$750 million, where construction can start within the month. In other words, we have already undergone all of the environmental requirements. We have the environmental impact statements. We are ready right now. In my State of Oklahoma, we have \$1.1 billion worth of work that could be started tomorrow.

Now, President Obama stated that the projects funded under the ARRA

are deemed so important to America's economic recovery that they will bear a newly designed emblem. The emblem is a symbol of President Obama's commitment to the American people to invest their tax dollars wisely and to put Americans back to work. Rest assured that section 429 of the omnibus bill will not bear this emblem.

I applaud the President for highlighting infrastructure spending as a main driver of immediate job growth in the stimulus plan, but I am concerned by the conflicting priorities created by section 429. You cannot support large infrastructure spending as an economic stimulus while simultaneously endangering its translation into job growth with more redtape.

The Murkowski-Begich amendment correctly requires that if these ESA rules are withdrawn or revised, the action is subject to the requirements of the Administrative Procedures Act, with at least a 60-day comment period. This is a good government amendment. The fact that this amendment is even needed to restore the public participation protections is exactly the sort of nonsense that makes the American taxpayer so suspicious of Congress. From the public's perspective, the effect of this amendment would be to bring us back to the longstanding process where the agencies may withdraw and revise regulations by following the law established to do so.

We have heard from the Democratic managers of this bill that nothing new was added to this bill since last year. We have been told there is no controversial legislative language in this bill.

We have been misinformed. This rider was not a part of the negotiations or the appropriations bills last year, and I assure you, it is very controversial. I urge the leadership to allow the Senate to vote on the Murkowski-Begich amendment, and I ask for my colleagues' support for ensuring regulatory transparency.

I believe this is very important because, without this, there is so much uncertainty as to what the application would be in terms of the Endangered Species Act. So I encourage the adoption of that amendment.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. INHOFE. Madam President, it is my understanding we are in a period of

morning business. I ask unanimous consent to be recognized for what time I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIRNESS DOCTRINE AND LOCALISM

Mr. INHOFE. Madam President, last week I joined 86 of my colleagues to pass Senate amendment No. 573, offered by Senator DEMINT to the DC Voting Rights Act, which prohibited the Federal Communications Commission from reinstating the fairness doctrine.

This has become an issue over the years where you can recall the action that took place back in the middle 1980s—I think 1986—that recognized the fact that we have so many opportunities for people to get at information that it is no longer necessary to have what they call the fairness doctrine.

Last week's vote was the first nail in the coffin of the fairness doctrine, but it was not the end of the attempt on the part of some people to regulate the airwaves. I have long been outspoken on this issue. It gives me great satisfaction that so many of my colleagues voted in favor of free speech over Government regulation last week. But the debate has changed. In a straight party-line vote, Democrats chose to adopt Senator DURBIN's amendment No. 591, which calls on the FCC to "encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest."

Essentially, it makes an end run around the fairness doctrine. Those on the other side of the aisle believed this would allow them to proclaim their opposition to a reinstatement of the fairness doctrine, which has always been a losing issue for them, while at the same time replacing it with an equally heinous piece of legislation that gives the FCC unfettered authority to interpret that language however they please.

So we have potentially taken away the threat of the fairness doctrine, which requires broadcasters to "present controversial issues of public importance in an equitable and balanced manner," and replaced it with "encouraging and promoting diversity in communication media ownership." At least with the fairness doctrine, broadcasters had an initial choice of how to interpret "controversial issues of public importance" before answering to the FCC, but this new authority gives all the power to a Government agency and none to the people of the broadcast industry.

One thing I know: When you take choice out of the market, and when you impose the Government's will on an industry, that market and that industry will suffer, and that is exactly what Senator DURBIN's legislation at-

tempts to accomplish. What was once the fairness doctrine has now become the Durbin doctrine.

What, I ask, does "encourage and promote diversity in communication media ownership" really mean? I certainly cannot tell you what it means, and that is what concerns me because it is up to someone else's interpretation. The legislation offers no words of clarification or specificity. If I were an FCC commissioner, I would not know what to do with this language, and in any other line of work, I would send it directly back with a little note attached asking to please be more specific. But Federal agencies love this kind of language because it gives them greater leeway to interpret it however they like—which could be interpreted differently by different governmental agencies—and impose their will upon the industry they regulate.

My Democratic colleagues who promoted this amendment like this type of language because it, first, means that they do not have to spend the time drafting quality legislation aimed at solving a specific problem, and, two, it means they can disavow their true intention of having greater Government regulation of the airwaves. Now, at the same time, they can say: Well, I voted for the DeMint amendment. So that offered cover for these individuals.

This legislation is so incredibly vague and so potentially far reaching that I cannot say with any certainty what the end result will be. This is not good governance, and it is not good legislative practice to cede such authority to any agency of our Government, especially when the right to speak freely over the airwaves will most certainly be impacted.

Another threat to our freedom of speech is a stealth proposal called "localism," which could force local radio stations to regulate the content they broadcast. It is important to note that "localism" as FCC policy already exists, but new policies that have been proposed reach far beyond ensuring that broadcasters serve their local communities.

The FCC gave notice of proposed rulemaking. This was back on January 24, I believe it was, of 2008. While the regulations were ultimately dropped, they are indicative of future attempts to regulate the airwaves through localism and something about which all Americans need to know.

Among other things, the proposal would have required radio stations to, one, adhere to programming advice from community advisory boards; two, report every 3 months on the content of their programming, the producers of their programming, and how their programming reflects community interests; and, three, meet burdensome license renewal requirements.

The localism rule, had it been promulgated, would have meant that radio

stations would have to comply with blanket regulations and broadcast programming that may not be commercially viable, rather than taking into account the diverse needs of communities across the country.

One of my constituents, Dan Lawrie, who is vice president and manager of Cox Radio Tulsa, and president of the Oklahoma Association of Broadcasters, stated that:

regulations requiring additional and unnecessary documentation of programming in order to show proof of broadcasting that we already provide to our local communities is entirely unnecessary. To burden our Tulsa radio group with this type of ascertainment documentation would cause us to lay off several staff members to offset the expense of completing the increased paperwork.

As you can see, this is a real threat to broadcast media as a whole.

Let's look at this from a market standpoint. I have often said: People who think maybe the content is too progressive or not progressive enough or too conservative—I have heard some pretty heated accusations made at various popular talk radio hosts—forget about the fact that this is market oriented. The market is determining how this should be. I can remember it was not too long ago—last year—I believe Senator HARKIN wanted to regulate the type of content that was going over the airwaves to our troops who were listening overseas, and we were able to stop that because they overwhelmingly wanted, in their eyes, conservative content to be broadcast. We won that one. But the effort is still out there.

Look at it from a market standpoint. Stations strive to endear themselves to the local community to be successful. It makes programming sense to cover local news and events because it increases the ratings. Why should Washington regulate what local stations are already doing? They are doing this now because people who listen to the radio may want to hear some talk show host, but you find right through intermingled within these comments, every 15 minutes or so, or every 10 minutes, they stop and tell what the local weather is, they tell of different activities, what is happening in the local community. They are doing this already. That is just good business sense, and that is why in the highly competitive environment we find our local radio stations, they have to do these things. They are already doing it.

The reason is this: These community advisory boards, or local content boards, coupled with the threat of license renewal requirements, are just one more way liberals can affect what is broadcast over the airwaves. They have created a regulatory avenue by which to accomplish their goal of silencing talk radio because they are incapable of competing in the broadcast radio market.

President Obama has expressed support for new localism regulations, and

it is expected to come up again under his administration. All those who value their right to listen to the things that are important to them, and important to their community, must be aware of the great potential for infringement on free speech that localism will bring.

What is perhaps most concerning to me is the enforcement procedure for breaches of localism and diversity promotion. We simply do not know which pathway the FCC will choose when it comes time to enforce these nebulous regulations. License revocation is a real threat to the willingness of the broadcasters to appeal to their market rather than to conform to FCC regulations. Senator DURBIN's amendment requires affirmative action on the part of the FCC, stating: "The Commission shall take actions to encourage and promote diversity." It doesn't stipulate what actions or to what degree but instead leaves the enforcement mechanism up to the determination of the FCC. I find this to be extremely dangerous.

Any enforcement of Government regulation of the airwaves could have a serious detrimental effect, not only on talk radio but also on the willingness of Christian broadcasters to air political and perhaps even religious messages. It is well known that the only radio station ever taken off the airwaves was a Christian radio station, WGCB in Red Lion, PA. In that particular instance, the supposed offense was a personal attack against the author of a political publication. The ACLU and other liberal organizations could attempt to file lawsuits against anyone who presents a message that they deem to be counter to Federal localism and diversity regulation, and though I believe these lawsuits would ultimately fail on first amendment grounds, the chilling effect that the mere threat of a lawsuit will have on religious broadcasters could be substantial.

Free speech is fundamental to what it means to be an American, and we must protect it. Reimposing any form of a fairness doctrine threatens first amendment rights. Some on the left of the political spectrum are frustrated that more talk show hosts have conservative political leanings than liberal political leanings. In response, I say the content is market driven. When the market is on the other side, they will do that. The market has worked well throughout the history of this country, and people listen to it.

I think we are also forgetting about the fact that the broadcasting industry is very competitive. We have companies that own broadcast media. They are not making a lot of money. It is competitive. A lot of them go broke every year. What they are trying to do is come up with something they know people want and is sellable. They depend on people buying advertisement

for them to exist. So this is what this is all about. I believe there are two attacks out there. I applaud Senator DEMINT for the language he was able to get in, and I applaud all the Republicans and most of the Democrats for voting for it. But to turn around and pass something that undoes what he did with that amendment I think is something that needs to be looked at.

So I am concerned. I am concerned that so many of these stations out there that are right on the border of surviving in this very difficult economy we have are now looking at another threat, another bunch of regulations that are there, as well as the fear of the unknown, the nebulous language that says what a localism is, what power does the local community have. So that is a difficult thing.

I will only say to those individuals who think the problem of the fairness doctrine being reinvoked is not over: It is there, and our first amendment rights are threatened at this time.

I would anxiously pursue any effort we can that is going to preclude the fairness doctrine, and I think the first thing we should do would be to rename the fairness doctrine because it is certainly not fair and not fair to the people in the broadcast industry.

SECRETARY OF STATE VISIT TO THE MIDDLE EAST

Mr. LIEBERMAN. Madam President, Secretary of State Hillary Clinton is in the Middle East this week on her first trip to the region as America's top diplomat. The Secretary traveled to Egypt earlier in the week to attend the international summit in Sharm El Sheikh, and she is now visiting Israel and the Palestinian Authority.

I rise to praise Secretary Clinton for the strong and principled diplomacy she has undertaken on America's behalf on this trip, that is as reflected in her comments, both prior to her departure from Washington and since arriving in the region.

Secretary Clinton is no stranger to the Middle East, having spent significant time there as First Lady and then as our colleague in the Senate. As a result, she brings a depth of familiarity with the Middle East's complexities and challenges, an appreciation for our friends and allies in the region, and a clear-eyed understanding of the interests and values that must guide American foreign policy there.

In particular, I believe Secretary Clinton deserves praise for her strong statements on this visit strengthening the forces of moderation in the Middle East and challenging the forces of extremism. Having recently returned from the region myself, I am convinced, with a clarity greater than ever before, that the true dividing line in the Middle East today is not between Arabs and Israelis or between Sunni

Muslims and Shia Muslims. The true dividing line in the Middle East today is between moderates and extremists.

In every case, it is important to note, the extremist camp is sponsored and supported, often trained and equipped, by the Government of the Islamic Republic of Iran in Tehran.

Secretary Clinton deserves praise for her promise to vigorously promote peace between Israelis and Palestinians, as well as her recognition that success in this crucial effort is inseparably linked with strengthening the moderate forces among the Palestinians, in particular, the Secretary was absolutely correct to make clear that aid to the Palestinians should be directed toward bolstering the leaders of the Palestinian Authority, President Abbas and Prime Minister Fayyad, rather than directly or indirectly rewarding or supporting the extremist terrorist leaders of Hamas.

I am also pleased Secretary Clinton has made clear that any reconciliation between Hamas and Fatah must be contingent on Hamas accepting the conditions of the so-called Quartet; namely, that Hamas must renounce violence, recognize Israel's right to exist, and honor the agreements made by previous Palestinian Governments. There should be no compromise or confusion on this point by anyone. If the leaders of Hamas refuse to accept these conditions, they are dooming themselves to further isolation from the international community, and they are standing in the way of the aid that the world wants to provide the Palestinian people who live in Gaza.

Secretary Clinton, I believe, also deserves commendation for her realistic and hardheaded comments about the danger posed by the Government of the Islamic Republic of Iran. Our friends in the Middle East want to know that the U.S. Government understands this threat, that we are committed to taking the tough actions necessary to address it, and that whatever strategy we adopt, we will do so in real and close partnership with them.

What our friends and allies in the Middle East are asking of us is reasonable and very much in America's national security interest.

I will say that based on my recent visits to Saudi Arabia, Egypt, Israel, and the Palestinian Authority, I can attest that there is great anxiety in the region about Iran and its intentions, its aggressiveness, its extremism, its expansionism. But there is also some uncertainty about the direction of American policy toward the Government in Tehran.

The hard truth is that Iranians are determined to acquire nuclear weapons. Everything we know about what they are up to tells us that and, therefore, we must be even more determined than they if we are to stop them from obtaining nuclear weapons.

Our friends and allies in the Middle East are looking to the United States now for leadership and strength. President Obama and Secretary Clinton have been very clear that they are committed to preventing Iran from going nuclear on their watch. We in Congress have a responsibility in turn to work together with the administration to achieve this result, which is so critical to our national security and to the world's security in the years ahead.

Again, I thank Secretary Clinton for her leadership, for her words, for her outreach, for her representation of America's best interests on this, her first trip to the Middle East.

SELECT COMMITTEE ON INTELLIGENCE RULES OF PROCEDURE

Mrs. FEINSTEIN. Madam President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee shall be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Tuesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as the Chairman may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee. Each subcommittee created shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman, respectively.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5. The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6. No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400 of the 94th Congress, and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1. NOTICE.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2. OATH OR AFFIRMATION.—At the direction of the Chairman or Vice Chairman, testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3. INTERROGATION.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4. COUNSEL FOR THE WITNESS.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit any question in writing to the Committee and request the Committee to propound such question to the counsel's client or to any other witness. The counsel also

may suggest the presentation of other evidence or the calling of other witnesses. The Committee may use or dispose of such questions or suggestions as it deems appropriate.

8.5. STATEMENTS BY WITNESSES.—Witnesses may make brief and relevant statements at the beginning and conclusion of their testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness required or desiring to make a prepared or written statement for the record of the proceedings shall file a paper and electronic copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 48 hours in advance of his or her appearance before the Committee.

8.6. OBJECTIONS AND RULINGS.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7. INSPECTION AND CORRECTION.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, the Committee may provide to a witness those parts of testimony given by that witness in executive session which are subsequently quoted or made part of a public record, at the expense of the witness.

8.8. REQUESTS TO TESTIFY.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely that person's reputation, may request to appear personally before the Committee to testify or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9. CONTEMPT PROCEDURES.—No recommendation that a person be cited for contempt of Congress or that a subpoena be otherwise enforced shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the recommendation, afforded the person an opportunity to oppose such contempt or subpoena enforcement proceeding either in writing or in person, and agreed by majority vote of the Committee to forward such recommendation to the Senate.

8.10. RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, appearing before the Committee. Upon authorization by the Chairman to release the name of a witness under this paragraph, the Vice Chairman shall be notified of such au-

thorization as soon as practicable thereafter. No name of any witness shall be released if such release would disclose classified information, unless authorized under Section 8 of S. Res. 400 of the 94th Congress or Rule 9.7. RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR COMMITTEE SENSITIVE MATERIAL

9.1. Committee staff offices shall operate under strict precautions. At least one United States Capitol Police Officer shall be on duty at all times at the entrance of the Committee to control entry. Before entering the Committee office space all persons shall identify themselves and provide identification as requested.

9.2. Classified documents and material shall be stored in authorized security containers located within the Committee's Sensitive Compartmented Information Facility (SCIF). Copying, duplicating, or removing from the Committee offices of such documents and other materials is prohibited except as is necessary for the conduct of Committee business, and in conformity with Rule 10.3 hereof. All classified documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's SCIF for overnight storage.

9.3. "Committee sensitive" means information or material that pertains to the confidential business or proceedings of the Select Committee on Intelligence, within the meaning of paragraph 5 of Rule XXIX of the Standing Rules of the Senate, and is: (1) in the possession or under the control of the Committee; (2) discussed or presented in an executive session of the Committee; (3) the work product of a Committee member or staff member; (4) properly identified or marked by a Committee member or staff member who authored the document; or (5) designated as such by the Chairman and Vice Chairman (or by the Staff Director and Minority Staff Director acting on their behalf). Committee sensitive documents and materials that are classified shall be handled in the same manner as classified documents and material in Rule 9.2. Unclassified committee sensitive documents and materials shall be stored in a manner to protect against unauthorized disclosure.

9.4. Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a document control and accountability registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.5. Whenever the Select Committee on Intelligence makes classified material available to any other committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such materials pursuant to section 8 of S. Res. 400 of the 94th Congress. The Security Director of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the committee or members of the Senate receiving such information.

9.6. Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.7. No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, the contents of any classified or committee sensitive papers, materials, briefings, testimony, or other information in the possession of the Committee to any other person, except as specified in this rule. Committee members and staff do not need prior approval to disclose classified or committee sensitive information to persons in the Executive branch, the members and staff of the House Permanent Select Committee on Intelligence, and the members and staff of the Senate, provided that the following conditions are met: (1) for classified information, the recipients of the information must possess appropriate security clearances (or have access to the information by virtue of their office); (2) for all information, the recipients of the information must have a need-to-know such information for an official governmental purpose; and (3) for all information, the Committee members and staff who provide the information must be engaged in the routine performance of Committee legislative or oversight duties. Otherwise, classified and committee sensitive information may only be disclosed to persons outside the Committee (to include any congressional committee, Member of Congress, congressional staff, or specified non-governmental persons who support intelligence activities) with the prior approval of the Chairman and Vice Chairman of the Committee, or the Staff Director and Minority Staff Director acting on their behalf, consistent with the requirements that classified information may only be disclosed to persons with appropriate security clearances and a need-to-know such information for an official governmental purpose. Public disclosure of classified information in the possession of the Committee may only be authorized in accordance with Section 8 of S. Res. 400 of the 94th Congress.

9.8. Failure to abide by Rule 9.7 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400 of the 94th Congress. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.9. Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.10. Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. The Security Director of the Committee may require that notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee, or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1. For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum

extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2. The appointment of Committee staff shall be approved by the Chairman and Vice Chairman, acting jointly, or, at the initiative of both or either be confirmed by a majority vote of the Committee. After approval or confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3. The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director. All Committee staff shall work exclusively on intelligence oversight issues for the Committee. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4. The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate, and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5. The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter, except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. The Chairman may authorize the Staff Director and the Staff Director's designee, and the Vice Chairman may authorize the Minority Staff Director and the Minority Staff Director's designee, to communicate with the media in a manner that does not divulge classified or committee sensitive information.

10.6. No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to abide by the conditions of the nondisclosure agreement promulgated by the Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, and to abide by the Committee's code of conduct.

10.7. As a precondition for employment on the Committee staff, each member of the Committee staff must agree in writing to notify the Committee of any request for testimony, either during service as a member of the Committee staff or at any time thereafter with respect to information obtained by virtue of employment as a member of the

Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules or, in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8. The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9. Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10. The workplace of the Committee shall be free from illegal use, possession, sale, or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. All personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap, or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1. Under direction of the Chairman and the Vice Chairman designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2. The Staff Director and/or Minority Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3. The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1. The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time

to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2. Measures referred to the Committee may be referred by the Chairman and/or Vice Chairman to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1. No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2. No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Chairman and Vice Chairman.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A

S. RES. 400, 94TH CONG., 2D SESS. (1976)

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of not to exceed fifteen Members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall

be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(4) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(5) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Office of the Director of National Intelligence and the Director of National Intelligence.

(B) The Central Intelligence Agency and the Director of the Central Intelligence Agency.

(C) The Defense Intelligence Agency.

(D) The National Security Agency.

(E) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(F) The intelligence activities of the Department of State.

(G) The intelligence activities of the Federal Bureau of Investigation.

(H) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), (C) or (D); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (E), (F), or (G) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (E), (F), or (G).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1), (2),

(5)(A), or (5)(B) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making

such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Ethics) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of National Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with

the Director of National Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader and the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the Chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Ethics to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the

Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Ethics shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Ethics determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Office of the Director of National Intelligence and the Director of National Intelligence.

(2) The activities of the Central Intelligence Agency and the Director of the Central Intelligence Agency.

(3) The activities of the Defense Intelligence Agency.

(4) The activities of the National Security Agency.

(5) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(6) The intelligence activities of the Department of State.

(7) The intelligence activities of the Federal Bureau of Investigation.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any rec-

ommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not less than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a)(1) Except as otherwise provided in subsection (b), the select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(2) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

(b)(1) With respect to the confirmation of the Assistant Attorney General for National Security, or any successor position, the nomination of any individual by the President to serve in such position shall be referred to the Committee on the Judiciary and, if and when reported, to the select Committee for not to exceed 20 calendar days, except that in cases when the 20-day period expires while the Senate is in recess, the select Committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination.

(2) If, upon the expiration of the period described in paragraph (1), the select Committee has not reported the nomination, such nomination shall be automatically discharged from the select Committee and placed on the Executive Calendar.

APPENDIX B—INTELLIGENCE PROVISIONS IN S. RES. 445, 108TH CONG., 2D SESS. (2004) WHICH WERE NOT INCORPORATED IN S. RES. 400, 94TH CONG., 2D SESS. (1976)

TITLE III—COMMITTEE STATUS

* * * * *
SEC. 301(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

APPENDIX C—RULE 26.5(b) OF THE STANDING RULES OF THE SENATE (REFERRED TO IN COMMITTEE RULE 2.1)

Each meeting of a committee, or any subcommittee thereof, including meetings to

conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

HONORING OUR ARMED FORCES

CORPORAL ZACHARY RAY NORDMEYER

Mr. BAYH. Madam President, I rise today with a heavy heart to honor the life of CPL Zachary Ray Nordmeyer from Indianapolis, IN. Zachary was 21 years old when he lost his life on February 23, 2009, from injuries sustained when he and others came under attack from small-arms fire in Balad, Iraq. He was a member of the 5th Squadron, 1st Cavalry Regiment, 1st Stryker Brigade Combat Team, 25th Infantry Division of Fort Wainwright, AK.

Zachary, a graduate of the JROTC program at Ben Davis High School in Indianapolis, joined the Army in July 2007 and was sent to Iraq in September for a 12-month tour. He was an avid sports fan, playing football and baseball at Ben Davis and never missing an opportunity to watch his favorite NASCAR driver, Jeff Gordon, in action. He was a member of Lakeview Church and Harmony Baptist Church, and also enjoyed fishing, hunting, and spending time with his family and friends.

Today, I join Zachary's family and friends in mourning his death. Zachary will forever be remembered as a loving brother, son, grandson, and friend to many. Zachary is survived by his fiancée, Chrissy Purdy; father, Michael Nordmeyer; step-parents, Kevin and Cindy Bereman; brothers, Josh and David Nordmeyer; step-sisters, Rachel Klop, Kendra Gregg, and Karen Piehl; step-brother, Kristopher Bereman; grandparents, Nancy and Bill Harman, Tim and Susan Fair; grandfather, Paul Nordmeyer; grandmother, Marilyn Fair; great-grandparents, Herman and Evona Fair; aunts and uncles, Tom and Mindy Nordmeyer, Brian and Stephanie Nordmeyer, Brad and Kim Nordmeyer; uncles, Kevin and Brandon Fair and Steven Harman; aunt, Stephanie Harman; many nieces and nephews; and a host of other friends and relatives. Zachary was preceded in death by his mother, Kimberly Bereman; and great-grandparents, Lester and Elenor Baker, George and Eve Nordmeyer, and Paul and Dorothy Fisher.

While we struggle to express our sorrow over this loss, we can take pride in the example Zachary set as a soldier. Today and always, Zachary will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the sacrifice he made while dutifully serving his country.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg:

We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Zachary's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Zachary Nordmeyer in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. I pray that Zachary's family can find comfort in the words of the prophet Isaiah who said:

He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Zachary.

PEACE CORPS ANNIVERSARY

Ms. MURKOWSKI. Madam President, Sunday marked the 48th anniversary of the Peace Corps. As we wrap up Peace Corps Week here in the United States,

I would like take this opportunity to extend my heartfelt congratulations and appreciation to all current and former volunteers.

Since its creation in 1961, approximately 190,000 volunteers have served in 139 countries around the world. The fields Peace Corps volunteers work in are as varied as the countries in which they serve, but they offer us a snapshot of the breadth of global development challenges we face as a planet: HIV/AIDS; food security; environmental degradation; expanding the reach of technology; improving access to clean water and sanitation; and providing education and professional opportunities to those who might not otherwise have a chance to go to school or open a business.

Not only the host countries benefit from all the good work these volunteers do. Each of these volunteers gives the United States an opportunity to showcase our values and goals to the rest of the world in a grassroots way. The volunteers have the chance to learn foreign languages, live and work in new cultures, and develop skills which will aid them in their future careers. The skills these intrepid volunteers learn during their tours will also be a credit to the United States in the future as they return home and put their on-the-ground knowledge to work in the States.

I am delighted to see that the spirit of this movement is still strong with Alaskans. This year, 32 Alaskans are serving in 27 different countries on five different continents in fields ranging from health to education to agriculture to small business development. When they return to Alaska it will be with the knowledge that they can achieve any task set before them with innovation and hard work. I am excited to see what great things they will do next for our State and the Nation as a whole.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what

Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

You have asked for input as to helpful solutions regarding the energy crisis.

I am attaching three resolutions that came from a national committee that I chair—the Energy, Natural Resource & Agriculture Policy Committee for the National Foundation for Women Legislators (NFWL). These resolutions were passed by my Committee in October of 2007. Each “Where As” tells the story of why we are where we are today and then finally gives recommendations for solutions. Please submit these into the Congressional Record as you seek to tell stories about what Idahoans are doing to offer help and why energy solutions are needed.

Thank you for this opportunity to tell our story from the Energy, Natural Resource & Agriculture Committee to the U.S. Senate. And, thank you for all that you do.

ANN, *Idaho Falls.*

NFWL ENERGY, NATURAL RESOURCES & AGRICULTURE POLICY COMMITTEE

RESOLUTION ON A BALANCED PORTFOLIO OF ENERGY CHOICES

(Introduced October 12, 2007)

Whereas, the United States of America has become excessively dependent upon foreign sources of oil, and the dependence threatens the security of the American people and economy; and

Whereas, it is in the best interests of the United States to become as energy independent and diversified as possible to avoid economic dislocations instigated by foreign oil interests, markets and the effects of natural disasters; and

Whereas, comprehensive federal energy legislation signed into law in 2005 advocates the expansion of nuclear energy for the production of electrical power and hydrogen, as well as the development of bio-energy and other alternative fuels to reduce dependence on foreign sources of oil, a truly balanced portfolio of energy options; and

Whereas, the United States Department of Energy (DOE) is the federal agency that has primary responsibility for carrying out the directives of the President and the Congress relative to enabling and enhancing the energy security of the nation; and

Whereas, the DOE Laboratories and other Federal Laboratories are a key national research, development and demonstration resource wherein the federal government has invested significant tax dollars to establish such unique and globally important assets all of which demand continued, or even expanded, use to assure maximum return on tax dollar investment; and

Whereas, the Idaho National Laboratory has been designated as the lead DOE lab for nuclear energy technology and development and is expected to have a key role in an international initiative; and

Whereas, the Federal Laboratory Consortium (FLC) for Technology Transfer can assist in identifying federal labs with a variety of expertise to help states, including energy, through their website;

Be it resolved that the NFWL Energy, Natural Resource & Agriculture Policy Committee supports execution of an enhanced and balanced portfolio of nuclear, bio-energy, hydropower, fuel reforming and related

alternative and renewable energy research, and hereby requests the DOE, the Administration and the Congress identify, commit and sustain the funding necessary to allow continued performance of this and other multi-program energy and national security enhancing work so critical to the long-term well-being of these United States.

Be it further resolved, that NFWL forward a copy of this resolution to the President of the United States, the Secretary of the U.S. Department of Energy, to the President of the Senate and the Speaker of the House of Representatives of Congress.

NFWL ENERGY, NATURAL RESOURCES & AGRICULTURE POLICY COMMITTEE

RESOLUTION ON THE ENERGY POLICY ACT OF 2005 LOAN GUARANTEE PROGRAM

(Introduced October 12, 2007)

Whereas, the National Foundation for Women Legislators (NFWL) Energy, Natural Resource & Agriculture Policy Committee commends Congress and the Administration on passage of the EPAct05 (Energy Policy Act of 2005) that reaffirms the federal commitment to establish and maintain a national energy policy; and

Whereas, the EPAct05 authorizes the U.S. Department of Energy to issue loan guarantees to eligible projects that “avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases” and “employ new or significantly improved technologies as compared to technologies in service in the United States at the time the guarantee is issued”; and

Whereas, loan guarantees will be another tool that DOE will use to promote commercial use of innovative technologies; and

Whereas, a principal purpose of the Title XVII loan guarantee program is to encourage early commercial use in the United States of new or significantly improved technologies in energy projects; and

Whereas, this NFWL Policy Committee submits that energy independence must be a primary goal of the United States and that short- and long-term strategies that provide adequate energy supplies with efficient utilization and optimum cost effectiveness must be developed; and

Whereas, it is believed that accelerated commercial use of new or improved technologies will help to sustain economic growth, yield environmental benefits, and produce a more stable and secure energy supply; and

Whereas, the national energy policy and loan guarantee program should promote and provide incentives for the development and optimal use of all energy resources; and

Whereas, nuclear energy is not currently listed in FY 2008 House Energy & Water Appropriations legislation as an included technology area to participate in the loan guarantee program, and is a technology project that avoids, reduces, or sequesters air pollutants or anthropogenic emissions of greenhouse gases;

Now, therefore be it resolved that the NFWL Energy, Natural Resource & Agriculture Policy Committee requests the DOE, the Administration and the Congress to include nuclear energy in the projects for the loan guarantee program.

Be it further resolved, that NFWL forward a copy of this resolution to the President of the United States, the Secretary of the U.S. Department of Energy, to the President of the Senate and the Speaker of the House of Representatives of Congress as well as appropriate House and Senate Committees.

NFWL ENERGY, NATURAL RESOURCES &
AGRICULTURE POLICY COMMITTEE
RESOLUTION ON NATIONAL ENERGY POLICY
(Introduced October 12, 2007)

Whereas, the National Foundation for Women Legislators (NFWL) Energy, Natural Resource & Agriculture Policy Committee commends Congress and the Administration on passage of the Energy Policy Act of 2005 that reaffirms the federal commitment to establish and maintain a national energy policy; and

Whereas, the primary goals of a national energy policy should develop a comprehensive energy conservation strategy, with the most efficient use of energy, promote reliable sources of domestic energy supplies as well as develop and promote the use of alternative, renewable and non-renewable energy sources; and

Whereas, a national energy policy should ensure affordable priced energy with an adequate supply available, and ensure an efficient and environmentally-sound manner so that the needs of all citizens, economy and national security interests are met and be a balanced portfolio of energy options; and

Whereas, this NFWL Policy Committee submits that energy independence must be a primary goal of the United States and that short and long-term strategies that provide adequate energy supplies with efficient utilization and optimum cost effectiveness must be developed; and

Whereas, a comprehensive strategy is needed to increase U.S. and global energy security, encourage clean development around the world, recycle nuclear fuel using new proliferation-resistant technologies to recover more energy and reduce waste, and improve the environment; and

Whereas, the national energy policy should promote and provide incentives for the development and optimal use of all energy resources and new facility infrastructure which assures that various domestic energy sources are continually developed, maintained and stored to prevent supply emergencies and to promote energy independence; and

Now, therefore be it resolved that the NFWL Energy, Natural Resource & Agriculture Policy Committee encourages the DOE, the Administration and the Congress to develop a balanced portfolio of energy choices, implement and maintain an expansive, cost-effective, environmentally-sensitive national energy policy.

Be it further resolved, that NFWL forward a copy of this resolution to the President of the United States, the Secretary of the U.S. Department of Energy, to the President of the Senate and the Speaker of the House of Representatives of Congress.

I am a little more than concerned about the rising costs of fuel. It hits every economic level of income but mostly the middle to low incomes. We are in the \$50,000 income range. I own a small business and my husband works for the State. Increase in the price of fuel is directly felt every time a person drives a vehicle. It is double what it was last year. I drive a 2000 Nissan Sentra. It is a little car. We live on a budget. A paycheck only stretches so far. For a small business this means an increase in freight costs. Some of those costs are passed to the consumer and some are absorbed. A small business is the least likely to be able to handle this. The costs passed to the consumer are on top of the gas prices they are already paying. I live in a small rural community. Because in the past so many people have done their shop-

ping out of town, our town has less to offer which in turn makes going out of town to shop a very costly experience. The whole situation is a catch-22.

America needs to use its own resources and not let foreign companies do it (drilling for oil off the coast). We also need to be responsible for our overindulgences and use smaller more economical vehicles. We are paying for our gluttony. We do need to explore alternative energy also. We also need to curb our spending in congress. Our country is broke and nobody wants to fix it. Pork barrel spending is breaking this country. Why are we attaching appropriations to bills that have nothing to do with the original bill? Please start making upright and morally responsible decisions. I think Congress is totally out of control.

A desperate citizen,

SUE, Grangeville.

I appreciate your interest in this issue. I must say I am quite fortunate that my 94 Ford escort gets 37 MPG and suits most my needs quite adequately. In addition, I live just a few miles from work in Boise, so I usually ride my bicycle to work. I do recognize that this is not an option for many Idahoans, such as my mom who lives 10 miles outside of Blackfoot.

Frankly, as far as this last e-mail you sent me goes, it sounds like you are listening too much to lobbyists from the energy industries. More gas exploration is not a long term solution—I cannot imagine that new finds are going to even come close to offsetting increased demand from Asia. (If you have numbers that suggest otherwise, I would love to see them.) More exploration is a mere band-aid that just kicks the problem down the road to whomever gets your seat next. To me, it sounds almost as pointless as Senator Clinton's gas tax holiday she was talking about.

Instead of typical Washington [solutions], Senator, we need real leadership. We need to be pouring our resources into building alternative modes of transit that can aid this inevitable transition from cheap fossil fuels. We need to bring rail transit back to Southern Idaho. We need a rural bus system with park-and-ride spots along state highways (much like the system used for the buses that run to INL). We need higher fuel-efficiency standards from Detroit. (You may have to tell some industry folks to jump in a lake—that is what we pay you for.) As far as helping people cope with this transition, perhaps you could give tax cuts to small farmers and people who live more than 15 miles from a bus or train stop. But basically any incentives should go towards helping people use less fossil fuel, not more.

ALEX, Boise.

First off I want to state that I do not consider this fuel problem to be as big of a crisis as it was when we had the fuel shortages back a few decades. This is becoming more of an issue because the dollar is so weak right now, and it does not seem to be getting any better. With that said, my family and I have noticed the problems with fuel prices across the board. I am in the process of trying to make a choice in a new job that would put me back in the classroom doing what I really love, but with gas prices and me riding the ACHD van that is a big cost change for us. I am amazed that with all of the possibilities out there that our energy and gas prices are going up. Why are we not building more wind power plants like California to produce endless power that is also very expandable? Why

are we not taking advantage of the man who invented the super fuel efficient engine right here in Idaho who resides in Weiser? There are answers besides drilling right here and we seem to overlook them. I am not against more nuclear power, but the hazards really do not justify those means of power any more. I really hope that we can see some changes soon with the addition of a transit system from Caldwell to Boise or maybe even Weiser. I do know that something has to change or the US will have too many poor people to help. Thank you for your time.

RICHARD, Boise.

You asked for and so here goes. I am so upset with all of the members of Congress and our Government in general for not having an energy plan already in place in the United States. Not only should we not be dependent on foreign countries for our oil sources but we should most definitely have invested in other sources of energy long before now. Off-shore drilling and massacking the Alaskan Wilderness is not the answer. There is absolutely no reason for us not to have automobiles running on other sources of power other than to line the pockets of the oil industry and those "in the trough". The technology is there and I think we need government mandates and incentives in place now to force (if necessary) people to create and use these alternative sources. We should reward those companies and those people who produce and use hybrid and other alternative energy-sourced vehicles and mass transit and severely tax those people who insist on driving the big SUVs and Hummers in the U.S. as well as those who are the big wasters of energy. "Going Green" should not only be the right thing to do for us and the world (and the U.S. should be leading the world as the "example") but should be the most economical thing to do and we need to reward those who do and assess those who do not. If companies are not going to take the initiative to make this happen on their own, then the government has to give the free enterprise system and the general public incentives to make it happen.

There is no one person in the U.S. who is not feeling the effects of the high prices. Whether it be gas, food or other products we buy and use in our life activities, they are all affected by the high gas prices. Those with high incomes can most likely absorb these increased costs but those on fixed incomes and the low- and middle-income cannot sustain these high prices for long. We are in a crisis situation here and I only see it getting worse. And I blame all of you in Congress for not addressing it much sooner (like some 10-20 years ago) and I blame John Q. Public for re-electing all of you time and again. It seems to me that Congress is completely out of touch not only with John Q. Public but with reality. Let me reiterate, more drilling in our own country is not the answer. We must use other alternative energy sources be it electric, wind, nuclear, etc. What kind of country are we leaving for our grandkids? Not a very good one at this rate—if we even have one left!

MELODIE.

You write that my country is too dependent on foreign oil and we must develop alternate energy sources. You, your party, and many of the Democrats have voted consistently against all such alternatives for one reason or another. It is of no use to write about my experience with the rise in gas prices. If Congress and this Administration

need stories, then it further proves that our elected government does not give a damn about the citizens—an expansion of Katrina/New Orleans. You have held hearings with the oil representatives which resulted in the usual shameful display of sucking-up to the industry. Thank you for your inattention to this response.

HARRY.

Does anyone in Washington remember the huge deal it was when gasoline broke \$2/gallon about 4 years ago? How about when it reached \$3/gallon briefly in 2005 and caused a minor panic about skyrocketing prices? I remember newspaper articles asking “Will we ever see \$2/gallon gasoline again?” and we wondered if that time had passed. Then prices came back down and did a bit of an up-down over the next couple of years. Through all of that, combatting high oil prices was a top priority for Congress and the White House, which led to the ethanol debacle.

Now, the Democrat powers-that-be in Washington and around the country have seemingly embraced \$4/gallon gasoline as the impetus to make us explore “alternate energy sources,” while completely ignoring the agonizing inflationary pressure these price increases are causing. Now we hear, “Blame Bush!” “No war for oil!” “Save the polar bears!” How in the world do we expect to be able to maintain our economic strength while we simultaneously insist on crippling the economy?

I would urge you, Senator, to work to allow us to pursue oil reserves wherever they might be found in our country. We should seek to be wise stewards of the land, but also acknowledge that if we do not do it here, it will be done elsewhere by people who do not seem to care as much about the environment. “Not in my backyard” is the most environmentally irresponsible decision we could possibly make.

DAVID, *Boise*.

Gas prices are outrageous. If it does cost that much for the oil, why not get out of there and drill on our own grounds, or even Canada? What is happening is someone is making a lot of money off this, and they know that they can keep raising the price and people will pay it, people have to pay it.

CJ.

We appreciate your interest in the high cost of gasoline and energy, but even if the government started drilling today, we do not have refineries up and running nor do we have enough of them to process the gas we discover. So who and where will we have to transport this “new gas” to, to make it useable for the people of the U.S.? Obama stated he wished the price would have increased a little more slowly so this sounds like it is been planned a looong time in Congress.

Who has got the truth on any of our economy and energy issues?

Thanks for your efforts.

CHUCK.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 81. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 326. An act to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes.

H.R. 844. An act to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 81. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks; to the Committee on Commerce, Science, and Transportation.

H.R. 326. An act to direct the Secretary of the Interior to take lands in Yuma County, Arizona, into trust as part of the reservation of the Cocopah Tribe of Arizona, and for other purposes; to the Committee on Indian Affairs.

H.R. 844. An act to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services:

Special Report entitled “Report on the Activities of the Committee on Armed Services, 110th Congress, First and Second Sessions” (Rept. No. 111-5).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. GREGG, Mr. KENNEDY, Mr. BURR, Mr. DODD, Mr. ALEXANDER, and Mr. ISAKSON):

S. 510. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. TESTER):

S. 511. A bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals; to the Committee on Finance.

By Mr. MARTINEZ (for himself, Mr. KOHL, Mr. DURBIN, and Mr. FEINGOLD):

S. 512. A bill to amend chapter 1 of title 9, of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 513. A bill to require the Board of Governors of the Federal Reserve System to publish information on financial assistance provided to various entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA:

S. 514. A bill to amend title 38, United States Code, to enhance vocational rehabilitation benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. WHITEHOUSE, Mr. RISCH, and Mrs. GILLIBRAND):

S. 515. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

By Mr. DODD:

S. 516. A bill for the relief of Majan Jean; to the Committee on the Judiciary.

By Mr. DODD:

S. 517. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. REED, Mr. CASEY, and Mr. LEVIN):

S. 518. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself and Mr. CHAMBLISS):

S. 519. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention and the LRTAP POPs Protocol; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 520. A bill to designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the “Stanley J. Roszkowski United States Courthouse”; considered and passed.

By Mr. INHOFE:

S. 521. A bill to enhance the oversight authority of the Comptroller General of the United States with respect to certain expenditures by financial institutions participating in the Troubled Asset Relief Program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VITTER:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the

United States relative to parental rights; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN (for himself and Mr. MCCAIN):

S. Res. 62. A bill establishing a select committee of the Senate to make a thorough and complete study and investigation of the facts and circumstances giving rise to the economic crisis facing the United States and to make recommendations to prevent a future recurrence of such a crisis; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 321

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 321, a bill to require the Secretary of Homeland Security and the Secretary of State to accept passport cards at air ports of entry and for other purposes.

S. 345

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 422

At the request of Ms. STABENOW, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of

Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 442

At the request of Mr. DORGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 442, a bill to impose a limitation on lifetime aggregate limits imposed by health plans.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 475

At the request of Mr. BURR, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 478

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 478, a bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 487

At the request of Mr. HARKIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 491

At the request of Mr. WEBB, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 495

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 495, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 496

At the request of Ms. CANTWELL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 496, a bill to provide duty-

free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes.

S. 501

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 501, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

S. RES. 57

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 57, a resolution designating the first week of April 2009 as "National Asbestos Awareness Week".

AMENDMENT NO. 592

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 592 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 596

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 596 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 601

At the request of Mr. VITTER, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 601 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 607

At the request of Mr. WICKER, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from Louisiana (Mr. VITTER), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of amendment No. 607 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 608

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 608 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 610

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr.

MCCAIN) was added as a cosponsor of amendment No. 610 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 611

At the request of Mr. THUNE, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 611 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. GREGG, Mr. KENNEDY, Mr. BURR, Mr. DODD, Mr. ALEXANDER, and Mr. ISAKSON):

S. 510. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, today I rise to introduce the FDA Food Safety Modernization Act.

When I introduced this bill in the last Congress, we were in the middle of one of the largest food-borne illness outbreaks in the history of our country. Nearly 1500 people fell sick last spring and summer because of Salmonella Saintpaul, leading to a Government investigation that pointed the finger first at tomatoes and then at jalapeno peppers in Texas before settling on Serrano peppers in Mexico. In the meantime, more people got sick and the tomato industry lost up to hundreds of millions of dollars.

Less than a year later, we find ourselves in the middle of yet another nationwide outbreak: peanut butter tainted with Salmonella, the second case of its kind in 2 years. There is not a day that goes by that we don't hear about another recalled peanut butter product or another person sick with Salmonella. More than 660 people have been sickened, half of them children. At least nine people are dead. Over 2,600 products have been recalled, in a recall that goes back to March 2005 and could continue for at least another couple of years, making this one of the biggest food recalls in our Nation's history.

Unfortunately, these problems seem to be par for the course. In the last couple of years we have seen Salmonella in our peppers and peanut butter and E. coli in our spinach. Our food safety problems do not just start and stop at home: we have also seen chemically tainted pet food, milk products, and seafood from China.

These problems are only the tip of the iceberg. Every year, more than 76 million Americans become sick because of a food-borne illness, 325,000 are hospitalized, and 5,000 die.

It is clear that the Food and Drug Administration, who regulates these foods and 80 percent of our food supply, including virtually all food imports, can not keep up. The agency is underfunded and overwhelmed. It operates under an obsolete, largely reactive 1938 law. Its food safety program has not kept up with the dramatic changes in our food system, and it does a poor job of preventing and responding to food safety problems. As a result, consumers suffer and so do businesses something we can never afford, but especially in these trying economic times.

Our food safety system is in crisis and it is time that we act. That's why Senator GREGG and I are introducing the FDA Food Safety Modernization Act, a bipartisan bill that gives the FDA the new authorities and resources it needs to stop food safety problems before they start.

For the first time in history, our bill gives the FDA a mandate to inspect: to increase the inspections at all food facilities, including annual inspections of high risk facilities. It requires the food industry to have in place plans that address identified hazards with the right preventive measures. It requires all testing and sampling for regulatory purposes to be done by labs accredited by the FDA, and requires those results to be sent to the agency. It also enables the FDA to more effectively respond to an outbreak by giving the agency new authorities to order recalls, shut down tainted facilities, and access records.

This bill is proof that food safety is not a Democratic issue or a Republican one. Everyone eats. All Americans have a right to know that the food we buy for our families and our pets is safe. We should not have to worry about getting sick, or worse. If there's a problem, our Government should be able to catch it and fix it before people die.

I thank Senators KENNEDY, DODD, KLOBUCHAR, BURR, ALEXANDER, and CHAMBLISS for joining me in this effort. I also want to thank the consumer, public health, and industry groups who have helped us craft a strong bill for their support: Consumer Federation of America, Center for Science in the Public Interest, Consumers Union, Trust for America's Health, Grocery Manufacturers of America, American Feed Industry Association, American Frozen Food Institute, Food Marketing Institute, National Fisheries Institute, and American Spice Trade Association.

This bill is a comprehensive, bipartisan effort that improves the FDA's ability to prevent, detect, and respond to food safety problems, whether this means Salmonella-tainted peanut butter from Georgia or melamine-spiked candy from China. It's the first step towards building a food safety system that is science and risk-based, account-

able to consumers, more transparent, and focused on prevention. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FDA Food Safety Modernization Act".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

- Sec. 101. Inspections of records.
- Sec. 102. Registration of food facilities.
- Sec. 103. Hazard analysis and risk-based preventive controls.
- Sec. 104. Performance standards.
- Sec. 105. Standards for produce safety.
- Sec. 106. Protection against intentional adulteration.
- Sec. 107. Authority to collect fees.
- Sec. 108. National agriculture and food defense strategy.
- Sec. 109. Food and Agriculture Coordinating Councils.
- Sec. 110. Building domestic capacity.
- Sec. 111. Final rule for prevention of Salmonella Enteritidis in shell eggs during production.
- Sec. 112. Sanitary transportation of food.
- Sec. 113. Food allergy and anaphylaxis management.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

- Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
- Sec. 202. Recognition of laboratory accreditation for analyses of foods.
- Sec. 203. Integrated consortium of laboratory networks.
- Sec. 204. Enhancing traceback and record-keeping.
- Sec. 205. Surveillance.
- Sec. 206. Mandatory recall authority.
- Sec. 207. Administrative detention of food.
- Sec. 208. Decontamination and disposal standards and plans.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

- Sec. 301. Foreign supplier verification program.
- Sec. 302. Voluntary qualified importer program.
- Sec. 303. Authority to require import certifications for food.
- Sec. 304. Prior notice of imported food shipments.
- Sec. 305. Review of a regulatory authority of a foreign country.
- Sec. 306. Building capacity of foreign governments with respect to food.

Sec. 307. Inspection of foreign food facilities.
 Sec. 308. Accreditation of qualified third-party auditors and audit agents.

Sec. 309. Foreign offices of the Food and Drug Administration.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Funding for food safety.
 Sec. 402. Jurisdiction; authorities.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all follows through “of food is” and inserting the following: “RECORDS INSPECTION.—

“(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is”;

(2) by inserting “, and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,” after “relating to such article”;

(3) by striking the last sentence; and

(4) by inserting at the end the following:

“(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

“(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.”.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking “section 414 when” and all that follows through “subject to” and inserting “section 414, when the standard for record inspection under paragraph (1) or (2) of section 414(a) applies, subject to”.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking “conducts business and” and inserting “conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and”; and

(B) inserting “, or any other food categories as determined appropriate by the

Secretary, including by guidance)” after “Code of Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.”.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: “The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) SUSPENSION OF REGISTRATION.—

“(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of the facility under this section in accordance with this subsection.

“(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

“(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

“(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan in a timely manner.

“(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

“(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, such facility shall not import food or offer to import food into the United States, or otherwise introduce food into interstate commerce in the United States.

“(5) REGULATIONS.—The Secretary shall promulgate regulations that describe the standards officials will use in making a de-

termination to suspend a registration, and the format such officials will use to explain to the registrant the conditions found at the facility.

“(6) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.”.

(2) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting “(or for which a registration has been suspended under such section)” after “section 415”.

(c) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting “415,” after “404.”.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period “for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)”.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

“(a) IN GENERAL.—Each owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent their occurrence and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

“(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

“(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

“(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

“(B) hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism; and

“(2) develop a written analysis of the hazards.

“(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

“(1) hazards identified in the hazard analysis conducted under subsection (b) will be significantly minimized or prevented; and

“(2) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

“(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

“(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures that a facility will implement if the preventive controls implemented under subsection (c) are found to be ineffective through monitoring under subsection (d).

“(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

“(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

“(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

“(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e); and

“(4) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, as well as to conditions and processes in the facility, and to new and emerging threats.

“(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

“(h) WRITTEN PLAN AND DOCUMENTATION.—Each owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted to address those hazards under subsection (c). Such written plan, together with documentation that the plan is being implemented, shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

“(i) REQUIREMENT TO REANALYZE.—Each owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is commenced. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding.

“(j) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—An owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section, with respect to such facility:

“(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

“(k) EXCEPTION FOR FACILITIES IN COMPLIANCE WITH SECTION 419.—This section shall

not apply to a facility that is subject to section 419.

“(1) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man or the storage of packaged foods that are not exposed to the environment.

“(m) DEFINITIONS.—For purposes of this section:

“(1) CRITICAL CONTROL POINT.—The term ‘critical control point’ means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

“(2) FACILITY.—The term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.

“(3) PREVENTIVE CONTROLS.—The term ‘preventive controls’ means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would have employed to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (a) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

“(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

“(B) Supervisor, manager, and employee hygiene training.

“(C) An environmental monitoring program to verify the effectiveness of pathogen controls.

“(D) An allergen control program.

“(E) A recall contingency plan.

“(F) Good Manufacturing Practices (GMPs).

“(G) Supplier verification activities.”.

(b) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall promulgate regulations to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(2) CONTENT.—The regulations promulgated under paragraph (1) shall provide sufficient flexibility to be applicable in all situations, including in the operations of small businesses.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to apply specific technologies, practices, or critical controls to an individual facility.

(4) REVIEW.—In promulgating the regulations under paragraph (1), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of this Act to ensure that the program under such section 418 is consistent, to the extent practicable, with applicable internationally recognized standards in existence on such date.

(c) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to hazard analysis and preventive controls required under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

“(oo) The operation of a facility that manufacturers, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.”.

(e) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(f) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined by the Secretary) after the date that is 2 years after the date of enactment of this Act; and

(B) the amendments made by this section shall apply to a very small business (as defined by the Secretary) after the date that is 3 years after the date of enactment of this Act.

SEC. 104. PERFORMANCE STANDARDS.

The Secretary shall, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, to determine the most significant food-borne contaminants and, when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent the adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act, (21 U.S.C. 342) or to prevent the spread of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), shall issue contaminant-specific and science-based guidance documents, actions levels, or regulations. Such guidance, action levels, or regulations shall apply to products or product classes and shall not be written to be facility-specific.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

“SEC. 419. STANDARDS FOR PRODUCE SAFETY.

“(a) PROPOSED RULEMAKING.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of agriculture, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

“(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

“(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

“(A) include, with respect to growing, harvesting, sorting, and storage operations, minimum standards related to soil amendments, hygiene, packaging, temperature controls, animal encroachment, and water; and

“(B) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism.

“(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations for specific fruits and vegetables that are raw agricultural commodities that have been associated with food-borne illness outbreaks.

“(b) FINAL REGULATION.—

“(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum standards for those types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

“(2) FINAL REGULATION.—The final regulation shall—

“(A) provide a reasonable period of time for compliance, taking into account the needs of small businesses for additional time to comply;

“(B) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States; and

“(C) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

“(c) CRITERIA.—

“(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

“(A) set forth those procedures, processes, and practices as the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402; and

“(B) permit States and foreign countries from which food is imported into the United States, subject to paragraph (2), to request from the Secretary variances from the requirements of the regulations, where upon approval of the Secretary, the variance is considered permissible under the requirements of the regulations adopted under subsection (b)(2)(C) and where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

“(2) APPROVAL OF VARIANCES.—A State or foreign country from which food is imported into the United States shall request a variance from the Secretary in writing. The Secretary may deny such a request as not reasonably likely to ensure that the produce is not adulterated under section 402 to the same extent as the requirements of the regulation adopted under subsection (b).

“(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture

and shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

“(e) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture and representatives of State departments of agriculture, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce.

“(f) EXCEPTION FOR FACILITIES IN COMPLIANCE WITH SECTION 418.—This section shall not apply to a facility that is subject to section 418.”

(b) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

“(pp) The production or harvesting of produce not in accordance with minimum standards as provided by regulation under section 419(b) or a variance issued under section 419(c).”

(c) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

“SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

“(a) IN GENERAL.—Not later than 24 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act.

“(b) CONTENT OF REGULATIONS.—Regulations under subsection (a) shall only apply to food—

“(1) for which the Secretary has identified clear vulnerabilities (such as short shelf-life or susceptibility to intentional contamination at critical control points);

“(2) in bulk or batch form, prior to being packaged for the final consumer; and

“(3) for which there is a high risk of intentional contamination, as determined by the Secretary, that could cause serious adverse health consequences or death to humans or animals.

“(c) DETERMINATIONS.—In making the determination under subsection (b)(3), the Secretary shall—

“(1) conduct vulnerability assessments of the food system;

“(2) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration at vulnerable points; and

“(3) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

“(d) EXCEPTION.—This section shall not apply to food produced on farms, except for milk.

“(e) DEFINITION.—For purposes of this section, the term ‘farm’ has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).”

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance document issued under paragraph (1) shall—

(A) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food;

(B) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate;

(C) include a model assessment for a person to use under subparagraph (A);

(D) include examples of mitigation strategies or measures described in subparagraph (B); and

(E) specify situations in which the examples of mitigation strategies or measures described in subparagraph (D) are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time and manner in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary shall periodically review and, as appropriate, update the regulation under subsection (a) and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

“(qq) The failure to comply with section 420.”

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by inserting after section 740 the following:

“PART 5—FEES RELATED TO FOOD

“SEC. 740A. AUTHORITY TO COLLECT AND USE FEES.

“(a) IN GENERAL.—

“(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

“(A) each domestic facility (as defined in section 415(b)) subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

“(B) each domestic facility (as defined in section 415(b)) and importer subject to a food recall in such fiscal year, to cover food recall activities performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

“(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs such program for such year; and

“(D) each importer subject to a reinspection in such fiscal year at a port of entry, to cover reinspection-related costs at ports of entry for such year.

“(2) DEFINITIONS.—For purposes of this section—

“(A) the term ‘reinspection’ means—

“(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction; and

“(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary’s satisfaction; and

“(B) the term ‘reinspection-related costs’ means all expenses, including administrative expenses, incurred in connection with—

“(i) arranging, conducting, and evaluating the results of reinspections; and

“(ii) assessing and collecting reinspection fees under this section.

“(b) ESTABLISHMENT OF FEES.—

“(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

“(2) FEE METHODOLOGY.—

“(A) FEES.—Fees amounts established for collection—

“(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

“(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

“(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

“(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary’s estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

“(B) OTHER CONSIDERATIONS.—

“(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—

“(I) PARTICIPATION.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(e) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

“(II) RECOUPMENT.—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement

the first year of the program under section 806.

“(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

“(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

“(4) COMPLIANCE WITH INTERNATIONAL AGREEMENTS.—Nothing in this section shall be construed to authorize the assessment of any fee inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

“(c) LIMITATIONS.—

“(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless appropriations for the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine and related activities of the Office of Regulatory Affairs at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the Center for Food Safety and Applied Nutrition and the Center for Veterinary Medicine and related activities of the Office of Regulatory Affairs at the Food and Drug Administration for the preceding fiscal year (excluding the amount of fees appropriated for such fiscal year) multiplied by 1 plus 4.5 percent.

“(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, under subsection (a), notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

“(3) LIMITATION ON AMOUNT OF CERTAIN FEES.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

“(i) under subparagraph (B) of subsection (a)(1) exceeds \$20,000,000; and

“(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds \$25,000,000 combined.

“(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

“(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appro-

priation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

“(e) COLLECTION OF FEES.—

“(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

“(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

“(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

“(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.”

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking “a drug” and inserting “a food, drug”;

(B) in clause (i) by striking “exported drug” and inserting “exported food, drug”;

(C) in clause (ii) by striking “the drug” each place it appears and inserting “the food, drug”.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

“(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.”

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) **RESEARCH.**—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) **REVISIONS.**—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) **CONSISTENCY WITH EXISTING PLANS.**—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) **COMPONENTS.**—

(1) **IN GENERAL.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) **GOALS.**—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) **PREPAREDNESS GOAL.**—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) **DETECTION GOAL.**—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) **EMERGENCY RESPONSE GOAL.**—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) **RECOVERY GOAL.**—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture and food production;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help unify and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) **IN GENERAL.**—

(1) **INITIAL REPORT.**—The Secretary shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and security of food and to prevent outbreaks of food-borne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the

safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to food-borne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(2) **BIENNIAL REPORTS.**—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (G) of paragraph (1), as necessary.

(b) **RISK-BASED ACTIVITIES.**—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) **CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.**—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including techniques that can be employed at ports of entry and through Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities.

(d) **INFORMATION TECHNOLOGY.**—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) **AUTOMATED RISK ASSESSMENT.**—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) **TRACEBACK AND SURVEILLANCE REPORT.**—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in food-borne illness outbreaks during the 5-year period preceding

the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, outbreak identification, and traceback.

(g) **BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.**—The Secretary and the Secretary of Agriculture shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of food-borne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the following 2-year period.

SEC. 111. FINAL RULE FOR PREVENTION OF SALMONELLA ENTERITIDIS IN SHELL EGGS DURING PRODUCTION.

Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule based on the proposed rule issued by the Commissioner of Food and Drugs entitled "Prevention of Salmonella Enteritidis in Shell Eggs During Production", 69 Fed. Reg. 56824, (September 22, 2004).

SEC. 112. SANITARY TRANSPORTATION OF FOOD.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

SEC. 113. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) **DEFINITIONS.**—In this section:

(1) **EARLY CHILDHOOD EDUCATION PROGRAM.**—The term "early childhood education program" means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) **ESEA DEFINITIONS.**—The terms "local educational agency", "secondary school", "elementary school", and "parent" have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **SCHOOL.**—The term "school" includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) **SECRETARY.**—The term "Secretary" means the Secretary of Health and Human Services.

(b) **ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.**—

(1) **ESTABLISHMENT.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) **APPLICABILITY OF FERPA.**—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g).

(2) **CONTENTS.**—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following, and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-

sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) **RELATION TO STATE LAW.**—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) **SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.**—

(1) **IN GENERAL.**—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) **APPLICATION.**—

(A) **IN GENERAL.**—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) **CONTENTS.**—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) **USE OF FUNDS.**—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) **DURATION OF AWARDS.**—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) **LIMITATION ON GRANT FUNDING.**—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) **MAXIMUM AMOUNT OF ANNUAL AWARDS.**—A grant awarded under this subsection may not be made in an amount that is more than \$50,000 annually.

(7) **PRIORITY.**—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) **MATCHING FUNDS.**—

(A) **IN GENERAL.**—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) **DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.**—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) **ADMINISTRATIVE FUNDS.**—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) **PROGRESS AND EVALUATIONS.**—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) **SUPPLEMENT, NOT SUPPLANT.**—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$30,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) **VOLUNTARY NATURE OF GUIDELINES.**—

(1) **IN GENERAL.**—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) **EXCEPTION.**—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) **TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

“SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

“(a) **IDENTIFICATION AND INSPECTION OF FACILITIES.**—

“(1) **IDENTIFICATION.**—The Secretary shall allocate resources to inspect facilities according to the risk profile of the facilities, which shall be based on the following factors:

“(A) The risk profile of the food manufactured, processed, packed, or held at the facility.

“(B) The facility’s history of food recalls, outbreaks, and violations of food safety standards.

“(C) The rigor of the facility’s hazard analysis and risk-based preventive controls.

“(D) Whether the food manufactured, processed, packed, handled, prepared, treated, distributed, or stored at the facility meets the criteria for priority under section 801(h)(1).

“(E) Whether the facility has received a certificate as described in section 809(b).

“(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

“(2) **INSPECTIONS.**—

“(A) **IN GENERAL.**—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

“(B) **HIGH-RISK FACILITIES.**—The Secretary shall increase the frequency of inspection of facilities identified under paragraph (1) as high-risk facilities such that—

“(i) for the first 2 years after the date of enactment of the FDA Food Safety Modernization Act, each high-risk facility is inspected not less often than once every 2 years; and

“(ii) for each succeeding year, each high-risk facility is inspected not less often than once every year.

“(C) **NON-HIGH-RISK FACILITIES.**—The Secretary shall ensure that each facility that is not identified under paragraph (1) as a high-risk facility is inspected not less often than once every 4 years.

“(b) **IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.**—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect articles of food imported into the United States according to the risk profile of the article of food, which shall be based on the following factors:

“(1) The risk profile of the food imported.

“(2) The risk profile of the countries of origin and countries of transport of the food imported.

“(3) The history of food recalls, outbreaks, and violations of food safety standards of the food importer.

“(4) The rigor of the foreign supplier verification program under section 805.

“(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

“(6) Whether the food meets the criteria for priority under section 801(h)(1).

“(7) Whether the food is from a facility that has received a certificate as described in section 809(b).

“(8) Any other criteria deemed appropriate by the Secretary for purposes of allocating inspection resources.

“(c) **COORDINATION.**—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture to target food inspection resources.

“(d) **FACILITY.**—For purposes of this section, the term ‘facility’ means a domestic facility or a foreign facility that is required to register under section 415.”

(b) **ANNUAL REPORT.**—Section 903 (21 U.S.C. 393) is amended by adding at the end the following:

“(h) **ANNUAL REPORT REGARDING FOOD.**—Not later than February 1 of each year, the Secretary shall submit to Congress a report regarding—

“(1) information about food facilities including—

“(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

“(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

“(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

“(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary did not inspect in the previous fiscal year;

“(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

“(F) the number of high-risk facilities identified pursuant to section 421 that the Secretary did not inspect in the previous fiscal year;

“(2) information about food imports including—

“(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

“(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

“(C) the average cost of physically inspecting or sampling a food line subject to this Act that is imported or offered for import into the United States; and

“(3) information on the foreign offices established under section 309 of the FDA Food Safety Modernization Act including—

“(A) the number of foreign offices established; and

“(B) the number of personnel permanently stationed in each foreign office.

“(i) **PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.**—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.”

SEC. 202. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

“SEC. 422. RECOGNITION OF LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

“(a) **RECOGNITION OF LABORATORY ACCREDITATION.**—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(A) provide for the recognition of accreditation bodies that accredit laboratories, including laboratories run and operated by a State or locality, with a demonstrated capability to conduct analytical testing of food products; and

“(B) establish a publicly available registry of accreditation bodies, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies.

“(2) FOREIGN LABORATORIES.—Accreditation bodies may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

“(3) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards that an accreditation body shall require laboratories to meet in order to be included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall look to existing standards for guidance. The model standards shall include methods to ensure that—

“(A) appropriate sampling and analytical procedures are followed and reports of analyses are certified as true and accurate;

“(B) internal quality systems are established and maintained;

“(C) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is recognized;

“(D) individuals who conduct the analyses are qualified by training and experience to do so; and

“(E) any other criteria determined appropriate by the Secretary.

“(4) REVIEW OF ACCREDITATION.—To assure compliance with the requirements of this section, the Secretary shall—

“(A) periodically, or at least every 5 years, reevaluate accreditation bodies recognized under paragraph (1); and

“(B) promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

“(b) TESTING PROCEDURES.—

“(1) IN GENERAL.—Food testing shall be conducted by either Federal laboratories or non-Federal laboratories that have been accredited by an accreditation body on the registry established by the Secretary under subsection (a) whenever such testing is either conducted by or on behalf of an owner or consignee—

“(A) in support of admission of an article of food under section 801(a);

“(B) due to a specific testing requirement in this Act or implementing regulations, when applied to address an identified or suspected food safety problem;

“(C) under an Import Alert that requires successful consecutive tests; or

“(D) is so required by the Secretary as the Secretary deems appropriate to address an identified or suspected food safety problem.

“(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration. Such results may be submitted to the Food and Drug Administration through electronic means.

“(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by an accreditation body on the registry established by the Secretary under

subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

“(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.”

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State food laboratories, including the sharing of data between State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify the means by which each laboratory network member could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACEBACK AND RECORD-KEEPING.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture and representatives of State departments of

health and agriculture, shall improve the capacity of the Secretary to effectively and rapidly track and trace, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities.

(b) PILOT PROJECT.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary shall establish a pilot project in coordination with the produce industry to explore and evaluate methods for rapidly and effectively tracking and tracing fruits and vegetables that are raw agricultural commodities so that, if an outbreak occurs involving such a fruit or vegetable, the Secretary may quickly identify the source of the outbreak and the recipients of the contaminated food.

(2) CONTENT.—The Secretary shall select participants from the produce industry to run projects which overall shall include at least 3 different types of fruits or vegetables that have been the subject of outbreaks during the 5-year period preceding the date of enactment of this Act, and shall be selected in order to develop and demonstrate—

(A) methods that are applicable and appropriate for small businesses; and

(B) technologies, including existing technologies, that enhance traceback and trace forward.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot project under subsection (b) together with recommendations for establishing more effective traceback and trace forward procedures for fruits and vegetables that are raw agricultural commodities.

(d) TRACEBACK PERFORMANCE REQUIREMENTS.—Not later than 24 months after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish standards for the type of information, format, and timeframe for persons to submit records to aid the Secretary in effectively and rapidly tracking and tracing, in the event of an outbreak, fruits and vegetables that are raw agricultural commodities. Nothing in this section shall be construed as giving the Secretary the authority to prescribe specific technologies for the maintenance of records.

(e) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under subsection (d), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(f) RAW AGRICULTURAL COMMODITY.—In this section, the term “raw agricultural commodity” has the meaning given that term in section 201(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(r)).

SEC. 205. SURVEILLANCE.

(a) DEFINITION OF FOOD-BORNE ILLNESS OUTBREAK.—In this section, the term “food-borne illness outbreak” means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a food.

(b) FOOD-BORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance food-borne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on food-borne illnesses by—

(A) coordinating Federal, State and local food-borne illness surveillance systems, including complaint systems, and increasing

participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of findings on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data, and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a food-borne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of fingerprinting strategies for food-borne infectious agents, in order to identify new or rarely documented causes of food-borne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating food-borne illness surveillance systems and data with other bio-surveillance and public health situational awareness capabilities at the Federal, State, and local levels; and

(J) other activities as determined appropriate by the Secretary.

(2) **PARTNERSHIPS.**—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of food-borne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on food-borne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to food-borne illness surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers to improvement in food-borne illness surveillance and its utility for preventing food-borne illness at Federal, State, and local levels;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(c) **IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.**—

(1) **IN GENERAL.**—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve food-borne illness outbreak response and containment.

(B) Accelerate food-borne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of food-borne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) **REVIEW.**—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) **FOOD SAFETY CAPACITY BUILDING GRANTS.**—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b-20(b)) is amended—

(1) by striking “2002” and inserting “2010”; and

(2) by striking “2003 through 2006” and inserting “2011 through 2014”.

SEC. 206. MANDATORY RECALL AUTHORITY.

(a) **IN GENERAL.**—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

“SEC. 423. MANDATORY RECALL AUTHORITY.

“(a) **VOLUNTARY PROCEDURES.**—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

“(b) **PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.**—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

“(1) immediately cease distribution of such article; or

“(2) immediately notify all persons—

“(A) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

“(B) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

“(c) **HEARING ON ORDER.**—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

“(d) **POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.**—

“(1) **AMENDMENT OF ORDER.**—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

“(A) amend the order to require recall of such article or other appropriate action;

“(B) specify a timetable in which the recall shall occur;

“(C) require periodic reports to the Secretary describing the progress of the recall; and

“(D) provide notice to consumers to whom such article was, or may have been, distributed.

“(2) **VACATING OF ORDER.**—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

“(e) **COOPERATION AND CONSULTATION.**—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

“(f) **PUBLIC NOTIFICATION.**—In conducting a recall under this section, the Secretary shall—

“(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

“(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

“(B) that includes, at a minimum—

“(i) the name of the article of food subject to the recall; and

“(ii) a description of the risk associated with such article; and

“(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary.

“(g) **NO DELEGATION.**—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

“(h) **EFFECT.**—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall.”.

(b) **CIVIL PENALTY.**—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting “or any person who does not comply with a recall order under section 423” after “section 402(a)(2)(B)”.

(c) **PROHIBITED ACTS.**—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

“(rr) The refusal or failure to follow an order under section 423.”.

SEC. 207. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking “credible evidence or information indicating” and inserting “reason to believe”; and

(2) striking “presents a threat of serious adverse health consequences or death to humans or animals” and inserting “is adulterated or misbranded”.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

“SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

“(a) IN GENERAL.—

“(1) VERIFICATION REQUIREMENT.—Each United States importer shall perform risk-based foreign supplier verification activities in accordance with regulations promulgated under subsection (c) for the purpose of verifying that the food imported by the importer or its agent is—

“(A) produced in compliance with the requirements of section 418 or 419, as appropriate; and

“(B) is not adulterated under section 402 or misbranded under section 403(w).

“(2) IMPORTER DEFINED.—For purposes of this section, the term ‘importer’ means, with respect to an article of food—

“(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

“(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

“(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist United States importers in developing foreign supplier verification programs.

“(c) REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a). Such regulations shall, as appropriate, include a process for verification by a United States importer, with respect to each foreign supplier from which it obtains food, that the imported food is produced in compliance with the requirements of section 418 or 419, as appropriate, and is not adulterated under section 402 or misbranded under section 403(w).

“(2) VERIFICATION.—The regulations under paragraph (1) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food employing processes and procedures, including risk-based reasonably appropriate preventive controls, equivalent in preventing adulteration and reducing hazards as those required by section 418 or section 419, as appropriate.

“(3) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

“(d) RECORD MAINTENANCE AND ACCESS.—Records of a United States importer related to a foreign supplier verification program

shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

“(e) DEEMED COMPLIANCE OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—An owner, operator, or agent in charge of a facility required to comply with 1 of the following standards and regulations with respect to such facility shall be deemed to be in compliance with this section with respect to such facility:

“(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

“(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

“(f) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.”.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 206, is amended by adding at the end the following:

“(ss) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.”.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding “or the importer (as defined in section 805) is in violation of such section 805” after “or in violation of section 505”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

“SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

“(a) IN GENERAL.—Beginning not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

“(1) establish a program, in consultation with the Department of Homeland Security, to provide for the expedited review and importation of food offered for importation by United States importers who have voluntarily agreed to participate in such program; and

“(2) issue a guidance document related to participation and compliance with such program.

“(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program procedures established by the Secretary.

“(c) ELIGIBILITY.—In order to be eligible, an importer shall be offering food for importation from a facility that has a certification described in section 809(b). In reviewing the applications and making determinations on such requests, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

“(1) The nature of the food to be imported.

“(2) The compliance history of the foreign supplier.

“(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards.

“(4) The compliance of the importer with the requirements of section 805.

“(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

“(6) The potential risk for intentional adulteration of the food.

“(7) Any other factor that the Secretary determines appropriate.

“(d) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

“(e) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice to the Secretary of such intent at time and in a manner established by the Secretary.

“(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

“(g) DEFINITION.—For purposes of this section, the term ‘importer’ means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.”.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: “With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (p) that such food be accompanied by a certification or other assurance that the food meets some or all applicable requirements of this Act, then such article shall be refused admission.”.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

“(p) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

“(1) IN GENERAL.—The Secretary, based on public health considerations, including risks associated with the food or its place of origin, may require as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity specified in paragraph (2) provide a certification or such other assurances as the Secretary determines appropriate that the article of food complies with some or all applicable requirements of this Act, as specified by the Secretary. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified entities, or in such other form as the Secretary may specify. Such certification shall be used for designated food imported from countries with which the Food and Drug Administration has an agreement to establish a certification program.

“(2) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

“(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by such government or the Secretary; or

“(B) such other persons or entities accredited pursuant to section 809 to provide such certification or assurance.

“(3) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

“(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

“(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is no longer valid or reliable.

“(4) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

“(5) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.”.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking “with respect to an article included within the provision of the fourth sentence of subsection (a)” and inserting “with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761.”.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct random inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting “any country to which the article has been refused entry;” after “the country from which the article is shipped;”.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by adding at the end the following:

“SEC. 807. REVIEW OF A REGULATORY AUTHORITY OF A FOREIGN COUNTRY.

“The Secretary may review information from a country outlining the statutes, regulations, standards, and controls of such country, and conduct on-site audits in such country to verify the implementation of those statutes, regulations, standards, and controls. Based on such review, the Secretary shall determine whether such country can provide reasonable assurances that the food supply of the country is equivalent in safety to food manufactured, processed, packed, or held in the United States.”.

SEC. 306. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall

consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, and non-governmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and detection techniques.

SEC. 307. INSPECTION OF FOREIGN FOOD FACILITIES.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 305, is amended by inserting at the end the following:

“SEC. 808. INSPECTION OF FOREIGN FOOD FACILITIES.

“(a) INSPECTION.—The Secretary—

“(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

“(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

“(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign facility registered under section 415 of which the owner, operator, or agent in charge of the facility, or the government of the foreign country, refuses to permit entry of United States inspectors, upon request, to inspect such facility. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge refuses such a request to inspect a facility more than 48 hours after such request is submitted.”.

SEC. 308. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 307, is amended by adding at the end the following:

“SEC. 809. ACCREDITATION OF THIRD-PARTY AUDITORS AND AUDIT AGENTS.

“(a) DEFINITIONS.—In this section:

“(1) ACCREDITED AUDIT AGENT.—The term ‘accredited audit agent’ means an audit agent accredited by an accreditation body under this section.

“(2) AUDIT AGENT.—The term ‘audit agent’ means an individual who is qualified to conduct food safety audits, and who may be an employee or an agent of a third-party auditor.

“(3) ACCREDITATION BODY.—The term ‘accreditation body’ means a recognized authority that performs accreditation of third-party auditors and audit agents.

“(4) ACCREDITED THIRD-PARTY AUDITOR.—The term ‘accredited third-party auditor’

means a third-party auditor accredited by an accreditation body under this section.

“(5) CONSULTATIVE AUDIT.—The term ‘consultative audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

“(B) the results of which are for internal facility purposes only.

“(6) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a foreign entity, including foreign facilities registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or audit agent.

“(7) REGULATORY AUDIT.—The term ‘regulatory audit’ means an audit of an eligible entity—

“(A) to determine whether such entity is in compliance with the provisions of this Act; and

“(B) the results of which determine—

“(i) whether an entity is eligible to receive a certification under section 801(p); and

“(ii) whether the entity is eligible to participate in the voluntary qualified importer program under section 806.

“(8) THIRD-PARTY AUDITOR.—The term ‘third-party auditor’ means a foreign government, foreign cooperative, or any other qualified third party, as the Secretary determines appropriate, that conducts audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section.

“(b) ACCREDITATION SYSTEM.—

“(1) ACCREDITATION BODIES.—

“(A) RECOGNITION OF ACCREDITATION BODIES.—Beginning not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors and audit agents to certify that eligible entities meet the applicable requirements of this Act.

“(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors and audit agents accredited by such body.

“(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

“(2) MODEL ACCREDITATION STANDARDS.—The Secretary shall develop model standards, including audit report requirements, and each recognized accreditation body shall ensure that third-party auditors and audit agents meet such standards in order to qualify as an accredited third-party auditor or audit agent under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

“(c) THIRD-PARTY AUDITORS AND AUDIT AGENCIES.—

“(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR OR AUDIT AGENT.—

“(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government as an accredited third-party auditor, the accreditation body shall perform such reviews and audits of food safety programs, systems, and standards of the government as the Secretary deems necessary to determine that the foreign government is capable of adequately ensuring that eligible entities certified by such

government meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import to the United States.

“(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party that the Secretary determines appropriate to be an accredited third-party auditor or audit agent, the accreditation body shall perform such reviews and audits of the training and qualifications of auditors used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity meets the requirements of this Act.

“(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES.—

“(A) IN GENERAL.—An accreditation body may not accredit a third-party auditor or audit agent unless such third-party auditor or audit agent agrees to issue a written and electronic certification to accompany each food shipment for import into the United States from an eligible entity certified by the third-party auditor or audit agent, subject to requirements set forth by the Secretary. The Secretary shall consider such certificates when targeting inspection resources under section 421.

“(B) PURPOSE OF CERTIFICATION.—The Secretary shall use evidence of certification provided by accredited third-party auditors and audit agents—

“(i) to determine the eligibility of an importer to receive a certification under section 801(p); and

“(ii) determine the eligibility of an importer to participate in the voluntary qualified importer program under section 806.

“(3) AUDIT REPORT REQUIREMENTS.—

“(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, an accredited third-party auditor or audit agent shall prepare the audit report for an audit, in a form and manner designated by the Secretary, which shall include—

“(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

“(ii) the dates of the audit;

“(iii) the scope of the audit; and

“(iv) any other info required by the Secretary that relate to or may influence an assessment of compliance with this Act.

“(B) SUBMISSION OF REPORTS TO THE SECRETARY.—

“(i) IN GENERAL.—Following any accreditation of a third-party auditor or audit agent, the Secretary may, at any time, require the accredited third-party auditor or audit agent to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

“(ii) LIMITATION.—The requirement under clause (i) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor or audit agent, except that the Secretary may access the results of a consultative audit in accordance with section 414.

“(4) REQUIREMENTS OF AUDIT AGENTS.—

“(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited audit

agent discovers a condition that could cause or contribute to a serious risk to the public health, the audit agent shall immediately notify the Secretary of—

“(i) the identification of the eligible entity subject to the audit; and

“(ii) such condition.

“(B) TYPES OF AUDITS.—An accredited audit agent may perform consultative and regulatory audits of eligible entities.

“(C) LIMITATIONS.—An accredited audit agent may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 24-month period.

“(5) CONFLICTS OF INTEREST.—

“(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

“(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

“(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(B) AUDIT AGENTS.—An accredited audit agent shall—

“(i) not own or operate an eligible entity to be certified by such agent;

“(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be certified by such agent; and

“(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

“(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to ensure that there are protections against conflicts of interest between an accredited third-party auditor or audit agent and the eligible entity to be certified by such auditor or audit agent. Such regulations shall include—

“(i) requiring that audits performed under this section be unannounced;

“(ii) a structure, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors or audit agents to decrease the potential for conflicts of interest; and

“(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agent and any person that owns or operates an eligible entity to be certified by such auditor or audit agent.

“(6) WITHDRAWAL OF ACCREDITATION.—The Secretary shall withdraw accreditation from an accredited third-party auditor or audit agent—

“(A) if food from an eligible entity certified by such third-party auditor or audit agent is linked to an outbreak of human or animal illness;

“(B) following a performance audit and finding by the Secretary that the third-party auditor or audit agent no longer meets the requirements for accreditation; or

“(C) following a refusal to allow United States officials to conduct such audits and

investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

“(7) **NEUTRALIZING COSTS.**—The Secretary shall establish a method, similar to the method used by the Department of Agriculture, by which accredited third-party auditors and audit agents reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism.

“(d) **RECERTIFICATION OF ELIGIBLE ENTITIES.**—An eligible entity shall apply for annual recertification by an accredited third-party auditor or audit agent if such entity—

“(1) intends to participate in voluntary qualified importer program under section 806; or

“(2) must provide to the Secretary a certification under section 801(p) for any food from such entity.

“(e) **FALSE STATEMENTS.**—Any statement or representation made—

“(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

“(2) by an accredited third-party auditor or an audit agent to the Secretary, shall be subject to section 1001 of title 18, United States Code.

“(f) **MONITORING.**—To ensure compliance with the requirements of this section, the Secretary shall—

“(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

“(2) periodically, or at least once every 4 years, audit the performance of each accredited third-party auditor and audit agent, through the review of audit reports by such auditors and audit agents, the compliance history as available of eligible entities certified by such auditors and audit agents, and any other measures deemed necessary by the Secretary;

“(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor or audit agent, with or without the auditor or audit agent present; and

“(4) take any other measures deemed necessary by the Secretary.

“(g) **PUBLICLY AVAILABLE REGISTRY.**—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors and audit agents, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies, auditors, and agents.

“(h) **LIMITATIONS.**—

“(1) **NO EFFECT ON SECTION 704 INSPECTIONS.**—The audits performed under this section shall not be considered inspections under section 704.

“(2) **NO EFFECT ON INSPECTION AUTHORITY.**—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.”

SEC. 309. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) **IN GENERAL.**—The Secretary shall by October 1, 2010, establish an office of the Food and Drug Administration in not less than 5 foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Admin-

istration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) **CONSULTATION.**—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State and the United States Trade Representative.

(c) **REPORT.**—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices under subsection (a), the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration—

(1) \$825,000,000 for fiscal year 2010; and

(2) such sums as may be necessary for fiscal years 2011 through 2014.

(b) **INCREASED NUMBER OF FIELD STAFF.**—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(1) 3,800 staff members in fiscal year 2010;

(2) 4,000 staff members in fiscal year 2011;

(3) 4,200 staff members in fiscal year 2012;

(4) 4,600 staff members in fiscal year 2013; and

(5) 5,000 staff members in fiscal year 2014.

SEC. 402. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;

(2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

By Mr. AKAKA:

S. 514. A bill to amend title 38, United States Code, to enhance vocational rehabilitation benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I am introducing today the proposed Veterans Rehabilitation and Training Improvements Act of 2009. This measure would improve the program of rehabilitation and training for veterans who suffer from service-connected disabilities by offering an increase in the amount of subsistence allowances, reimbursing certain incidental costs, and repealing the limit on the number of individuals who may be enrolled in a program of Independent Living services.

Under current law, veterans who are enrolled in a program of rehabilitation under Chapter 31 receive a monthly subsistence allowance. This, in addition to the payment of the costs of the program of rehabilitation, is intended to offer the veteran a means of paying for basic living expenses while pursuing their training or education.

With the enactment of the new Post 9-11 GI Bill last year, P.L. 110-323, which adopted a tuition-and-fees plus a living allowance approach to the payment of benefits under the educational assistance program, I am concerned that there may be an inequity between the vocational rehabilitation and education programs and that individuals who would truly benefit from enrollment in a program of rehabilitation and employment under Chapter 31 will be tempted to enroll in the Chapter 33 education program in order to take advantage of the higher living allowance. Those who would make such an election might forgo valuable counseling, employment and placement, and other assistance from which they might benefit.

To address this concern, the measure I am introducing today would modify the Chapter 31 program by offering a subsistence allowance to enrollees equal to the national average for the Department of Defense's Basic Allowance for Housing, BAH, for members of the military at the E-5 level, adjusted for marital status. This is similar, although not identical to, the approach of the new chapter 33 program which adopted a regionalized BAH approach based on the address of the institution.

This is intended to help ensure that individuals who could best benefit from enrollment in the Chapter 31 program are not faced with a disincentive to do so.

With regard to the second issue, VA is permitted to pay certain costs associated with enrollment of an individual in a program of rehabilitation—for example, fees, equipment, and supplies. However, there are other costs that an individual might incur that are not covered by VA and these costs could represent a substantial barrier to the successful completion of a program. An example could be that of a single young mother with young children who—in order to attend classes—needs child care. Another example might be a veteran who lost both legs in service and

needs a new suit in order to make the most favorable impression at the interview with a prospective employer.

The legislation I am introducing today would require VA to issue regulations providing for the reimbursement of incidental costs associated with obstacles that pose substantial barriers to successful completion of a program. I believe that this will substantially increase the ability of many individuals to finish their rehabilitation programs and be placed in rewarding jobs.

I also believe we need to repeal the cap on the number of individuals who may be enrolled in a program of Independent Living services under the Chapter 31 program. Current law provides that individuals for whom a determination is made that a program of rehabilitation leading to employment is not reasonably feasible may be eligible for enrollment in a program of independent living services which is designed to help the individual achieve a maximum level of independence in daily life. However, the number of veterans who in any one year may enroll in these programs is capped at 2,600.

Even though the VA has testified in the past that this enrollment cap does not present any problem for the effective conduct of the program, I remain concerned—despite the fact that last year Congress raised the cap from 2,500 to 2,600 in P.L. 110-389—that the effect of the cap is to put downward pressure on VA's enrollment of eligible veterans in this very important program. This is of particular concern when so many of today's returning servicemembers suffer from disabilities that may require extensive periods of rehabilitation and assistance in achieving independence in their daily lives that can result from such conditions as traumatic brain injury or PTSD.

Disabled veterans are transitioning from military service into an economy that is changing, challenging, and contracting at historic rates. My bill will give these veterans more of the help they need by increasing program flexibility and boosting the living stipend for disabled veterans undergoing rehabilitation.

While there will be costs associated with this legislation, the veterans who are served by the chapter 31 rehabilitation and employment program are the highest priority for our Nation—individuals who have incurred service-connected disabilities in service to the country. This truly is one of the costs of war that must be borne.

I look forward to working with my colleagues in moving this legislation through the Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Rehabilitation and Training Improvements Act of 2009."

SEC. 2. SUBSISTENCE ALLOWANCE FOR VETERANS PARTICIPATING IN A PROGRAM OF REHABILITATION.

(a) MODIFICATION OF AMOUNT OF SUBSISTENCE ALLOWANCE.—Subsection (b) of section 3108 of title 38, United States Code, is amended to read as follows:

"(b) Except as otherwise provided in this section, the amount of the subsistence allowance to be paid to a veteran under this chapter for a month during which the veteran participates in a rehabilitation program under this chapter shall be the amount equal to the national average of the amount of basic allowance for housing payable under section 403 of title 37 for that month for a member of the uniformed services in pay grade E-5 with or without dependents, as applicable."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to subsistence allowances payable under chapter 31 of title 38, United States Code, for months beginning on or after that date.

SEC. 3. REIMBURSEMENT FOR COSTS OF PARTICIPATION IN A PROGRAM OF REHABILITATION FOLLOWING SUCCESSFUL COMPLETION OF PROGRAM OF REHABILITATION.

Section 3108 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) The Secretary may, under such regulations as the Secretary shall prescribe for purposes of this subsection, pay to each veteran who successfully completes participation in a rehabilitation program under this chapter an amount to reimburse the veteran for costs incurred by veteran as a direct consequence of participation in the program. The costs for which payment may be made under this subsection may include child care expenses, costs for clothing for interviews for employment, and such other costs as the Secretary may prescribe in such regulations. The amounts payable in reimbursement for any such costs shall be the amounts determined in accordance with such regulations.

"(2) Any payment of costs in reimbursement of a veteran under this subsection is in addition to the subsistence allowance payable to the veteran under this section."

SEC. 4. REPEAL OF LIMITATION ON NUMBER OF VETERANS ENROLLED IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.

Section 3120 of title 38, United States Code, is amended—

- (1) by striking subsection (e); and
- (2) by redesignating subsection (f) as subsection (e).

By Mr. LEAHY (for himself, Mr. HATCH, Mr. SCHUMER, Mr. CRAPO, Mr. WHITEHOUSE, Mr. RISCH, and Mrs. GILLIBRAND):

S. 515. A bill to amend title 35, United States Code, to provide for patent reform; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, ingenuity and innovation have been a cornerstone of the American economy from the time Thomas Jefferson issued the first patent to today.

The Founding Fathers recognized the importance of promoting innovation, and the Constitution explicitly grants Congress the power to "promote the progress and science and useful arts, by securing for limited times to . . . inventors the exclusive right to their respective . . . discoveries." The discoveries made by American inventors and research institutions, commercialized by our companies, and protected and promoted by our patent laws have made our system the envy of the world.

The legislation I introduce today with Senator HATCH, and many others and from across the political spectrum, will keep America in its longstanding position at the pinnacle of innovation. This bill will establish a more efficient and streamlined patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs, while making sure no party's access to court is denied.

Innovation and economic development are not uniquely Democratic or Republican objectives. I have been working on the Patent Reform Act on a bipartisan basis with Senator HATCH and others for several years—and Senator HATCH and I worked on various patent issues for many years before that.

Last Congress, I introduced, along with Senator HATCH, the Patent Reform Act of 2007, which is the precursor to the legislation we introduce today. That bill was the subject of consideration and amendments over four weeks of mark-up sessions in the Senate Judiciary Committee. After the Judiciary Committee voted to approve the bill in July 2007, we continued to hold numerous meetings, briefings, and stakeholder roundtables—again, on a bipartisan basis.

The legislation we introduce today picks up where we left off in those discussions. We have made some changes from the Committee-approved bill in response to concerns we heard from groups ranging from labor unions to small inventors to manufacturers. We have removed the requirement that all patent applications be published 18 months after they are filed and we have removed the requirement for Applicant Quality Submissions. We have also adopted the House approach to improving the current inter partes reexamination process, rather than creating a new second window post-grant review.

Perhaps the most hotly debated topic in the patent reform debate last Congress was the damages provision. The reasonable royalty language in the bill we introduce today is identical to the language approved by the Judiciary Committee last Congress. While I strongly support this language, I am prepared to continue the conversation and debate from the last Congress in order to find the best language we can.

There have been several positive developments since the Committee voted

to report the legislation in July 2007. Senator SPECTER has made constructive suggestions about a "gate keeping" role for the court in damage calculations. The Supreme Court's *Quanta* decision may offer a useful way of describing the truly inventive feature of a patent. There is much work to do on this provision and I am optimistic that by continuing to work together, we will find the right language.

During consideration of the Patent Reform Act of 2007 in Committee last Congress, I offered an amendment, which was adopted, to codify the inequitable conduct doctrine. Senator HATCH has asked that the provision be removed on introduction this year. I understand that the issue of inequitable conduct is very important to Senator HATCH, and I will work with him to address any statutory changes.

It has been more than 50 years since Congress significantly updated the patent system. In the decades since, our economy has changed dramatically. No longer is the economy defined only by assembly lines and brick-and-mortar production. We are living in the Information Age, and the products and processes that are being patented are changing as quickly as the times themselves.

A patent system developed for a 1952 economy, needs to be reconsidered in light of 21st century realities, while staying true to our constitutional imperative. The patent laws that were sufficiently robust for promoting innovation and economic development are now actually impeding growth, harming innovators and raising prices on consumers.

The array of voices heard in this debate—representing virtually all sectors of the economy and all interests in the patent system—have certainly not been uniform, but three major areas of concern with the current patent system can be distilled from their discussions.

First, there is significant concern that the U.S. Patent and Trademark Office, PTO, is issuing low quality patents. Patent examiners are facing a difficult task given the explosion in the number of applications and the increasing complexity of those applications. When Congress last overhauled the patent system in 1952, the PTO received approximately 60,000 patent applications; in 2006, it received 440,000. Clearly, this puts a strain on the system and understandably affects the quality of patents issued.

Second, the costs and uncertainty associated with patent litigation have escalated in recent years, and are creating an unbearable drag on innovation. Damage awards are inconsistent and too often fail to focus on the value of the invention to the infringing product. This disconnect and uncertainty is a problem that also leads to unreasonable posturing during licensing negotiations.

Third, as business and competition become more global, patent applicants are increasingly filing patent applications in other countries for protection of their inventions. The filing system in the United States, known as "first-to-invent," differs from that in other patent-issuing jurisdictions, which have "first-to-file" systems. This causes confusion and inefficiencies for American companies and innovators.

The Patent Reform Act of 2009 promotes innovation, and will improve our economy, by addressing these impediments to growth. As the administration endeavors to guide the economy out of the recession, as payrolls shrink and the jobless rate rises, Congress cannot afford to sit idly by while innovation—the engine of our economy—is impeded by outdated laws.

Our legislation ensures that, in the Information Age, we have the legal landscape necessary for our innovators to flourish. It will improve the quality of patents and remove the ambiguity from the process of litigating patent claims, which will promote innovation stifled by the current system. As innovation is encouraged, and excessive litigation costs are removed, competition will increase and the consumer cost of products will fall. In this way, the bill directly benefits both creators and consumers of inventive products.

Patent reform is ultimately about economic development. It is about jobs, it is about innovation, and it is about consumers. All benefit under a patent system that reduces unnecessary costs, removes inefficiencies, and holds true to the vision of our Founders that Congress should establish a national policy that promotes the progress of science and the useful arts.

When Thomas Jefferson issued that first patent in 1790—a patent that went to a Vermonter—no one could have predicted how the American economy would develop and what changes would be needed for the law to keep pace, but the purpose then remains the purpose today—promoting progress.

As I said when I introduced the Patent Reform Act last Congress: If we are to maintain our position at the forefront of the world's economy, if we are to continue to lead the world in innovation and production, if we are to continue to benefit from the ideas of the most creative citizens, then we must have a patent system that produces high quality patents, that limits counterproductive litigation over those patents, and that makes the entire system more streamlined and efficient.

Now is the time to bolster our role as the world leader in innovation. Now is the time to create jobs at home. Now is the time for Congress to act on patent reform.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Patent Reform Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Right of the first inventor to file.
- Sec. 3. Inventor's oath or declaration.
- Sec. 4. Right of the inventor to obtain damages.
- Sec. 5. Post-grant procedures and other quality enhancements.
- Sec. 6. Definitions; patent trial and appeal board.
- Sec. 7. Preissuance submissions by third parties.
- Sec. 8. Venue and jurisdiction.
- Sec. 9. Patent and trademark office regulatory authority.
- Sec. 10. Residency of Federal Circuit judges.
- Sec. 11. Micro-entity defined.
- Sec. 12. Technical amendments.
- Sec. 13. Effective date; rule of construction.
- Sec. 14. Severability.

SEC. 2. RIGHT OF THE FIRST INVENTOR TO FILE.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, is amended by adding at the end the following:

"(f) The term 'inventor' means the individual or, if a joint invention, the individuals collectively who invented or discovered the subject matter of the invention.

"(g) The terms 'joint inventor' and 'co-inventor' mean any 1 of the individuals who invented or discovered the subject matter of a joint invention.

"(h) The 'effective filing date of a claimed invention' is—

"(1) the filing date of the patent or the application for the patent containing the claim to the invention; or

"(2) if the patent or application for patent is entitled to a right of priority of any other application under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date in the United States under section 120, 121, or 365(c), the filing date of the earliest such application in which the claimed invention is disclosed in the manner provided by the first paragraph of section 112.

"(i) The term 'claimed invention' means the subject matter defined by a claim in a patent or an application for a patent.

"(j) The term 'joint invention' means an invention resulting from the collaboration of inventive endeavors of 2 or more persons working toward the same end and producing an invention by their collective efforts."

(b) CONDITIONS FOR PATENTABILITY.—

(1) IN GENERAL.—Section 102 of title 35, United States Code, is amended to read as follows:

"§ 102. Conditions for patentability; novelty

"(a) NOVELTY; PRIOR ART.—A patent for a claimed invention may not be obtained if—

"(1) the claimed invention was patented, described in a printed publication, or in public use, on sale, or otherwise available to the public—

"(A) more than 1 year before the effective filing date of the claimed invention; or

"(B) 1 year or less before the effective filing date of the claimed invention, other than through disclosures made by the inventor or a joint inventor or by others who obtained

the subject matter disclosed directly or indirectly from the inventor or a joint inventor; or

“(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

“(b) EXCEPTIONS.—

“(1) PRIOR INVENTOR DISCLOSURE EXCEPTION.—Subject matter that would otherwise qualify as prior art based upon a disclosure under subparagraph (B) of subsection (a)(1) shall not be prior art to a claimed invention under that subparagraph if the subject matter had, before such disclosure, been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed directly or indirectly from the inventor or a joint inventor.

“(2) DERIVATION, PRIOR DISCLOSURE, AND COMMON ASSIGNMENT EXCEPTIONS.—Subject matter that would otherwise qualify as prior art only under subsection (a)(2), after taking into account the exception under paragraph (1), shall not be prior art to a claimed invention if—

“(A) the subject matter was obtained directly or indirectly from the inventor or a joint inventor;

“(B) the subject matter had been publicly disclosed by the inventor or a joint inventor or others who obtained the subject matter disclosed, directly or indirectly, from the inventor or a joint inventor before the effective filing date of the application or patent set forth under subsection (a)(2); or

“(C) the subject matter and the claimed invention, not later than the effective filing date of the claimed invention, were owned by the same person or subject to an obligation of assignment to the same person.

“(3) JOINT RESEARCH AGREEMENT EXCEPTION.—

“(A) IN GENERAL.—Subject matter and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person in applying the provisions of paragraph (2) if—

“(i) the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the effective filing date of the claimed invention;

“(ii) the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and

“(iii) the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

“(B) For purposes of subparagraph (A), the term ‘joint research agreement’ means a written contract, grant, or cooperative agreement entered into by 2 or more persons or entities for the performance of experimental, developmental, or research work in the field of the claimed invention.

“(4) PATENTS AND PUBLISHED APPLICATIONS EFFECTIVELY FILED.—A patent or application for patent is effectively filed under subsection (a)(2) with respect to any subject matter described in the patent or application—

“(A) as of the filing date of the patent or the application for patent; or

“(B) if the patent or application for patent is entitled to claim a right of priority under section 119, 365(a), or 365(b) or to claim the benefit of an earlier filing date under section 120, 121, or 365(c), based upon 1 or more prior

filed applications for patent, as of the filing date of the earliest such application that describes the subject matter.”.

(2) CONFORMING AMENDMENT.—The item relating to section 102 in the table of sections for chapter 10 of title 35, United States Code, is amended to read as follows:

“102. Conditions for patentability; novelty.”.

(c) CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER.—Section 103 of title 35, United States Code, is amended to read as follows:

“§ 103. Conditions for patentability; non-obvious subject matter

“A patent for a claimed invention may not be obtained though the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.”.

(d) REPEAL OF REQUIREMENTS FOR INVENTIONS MADE ABROAD.—Section 104 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 10 of title 35, United States Code, are repealed.

(e) REPEAL OF STATUTORY INVENTION REGISTRATION.—

(1) IN GENERAL.—Section 157 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 14 of title 35, United States Code, are repealed.

(2) REMOVAL OF CROSS REFERENCES.—Section 111(b)(8) of title 35, United States Code, is amended by striking “sections 115, 131, 135, and 157” and inserting “sections 131 and 135”.

(f) EARLIER FILING DATE FOR INVENTOR AND JOINT INVENTOR.—Section 120 of title 35, United States Code, is amended by striking “which is filed by an inventor or inventors named” and inserting “which names an inventor or joint inventor”.

(g) CONFORMING AMENDMENTS.—

(1) RIGHT OF PRIORITY.—Section 172 of title 35, United States Code, is amended by striking “and the time specified in section 102(d)”.

(2) LIMITATION ON REMEDIES.—Section 287(c)(4) of title 35, United States Code, is amended by striking “the earliest effective filing date of which is prior to” and inserting “which has an effective filing date before”.

(3) INTERNATIONAL APPLICATION DESIGNATING THE UNITED STATES: EFFECT.—Section 363 of title 35, United States Code, is amended by striking “except as otherwise provided in section 102(e) of this title”.

(4) PUBLICATION OF INTERNATIONAL APPLICATION: EFFECT.—Section 374 of title 35, United States Code, is amended by striking “sections 102(e) and 154(d)” and inserting “section 154(d)”.

(5) PATENT ISSUED ON INTERNATIONAL APPLICATION: EFFECT.—The second sentence of section 375(a) of title 35, United States Code, is amended by striking “Subject to section 102(e) of this title, such” and inserting “Such”.

(6) LIMIT ON RIGHT OF PRIORITY.—Section 119(a) of title 35, United States Code, is amended by striking “; but no patent shall be granted” and all that follows through “one year prior to such filing”.

(7) INVENTIONS MADE WITH FEDERAL ASSISTANCE.—Section 202(c) of title 35, United States Code, is amended—

(A) in paragraph (2)—

(i) by striking “publication, on sale, or public use,” and all that follows through “obtained in the United States” and inserting “the 1-year period referred to in section 102(a) would end before the end of that 2-year period”; and

(ii) by striking “the statutory” and inserting “that 1-year”; and

(B) in paragraph (3), by striking “any statutory bar date that may occur under this title due to publication, on sale, or public use” and inserting “the expiration of the 1-year period referred to in section 102(a)”.

(h) REPEAL OF INTERFERING PATENT REMEDIES.—Section 291 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 29 of title 35, United States Code, are repealed.

(i) ACTION FOR CLAIM TO PATENT ON DERIVED INVENTION.—Section 135 of title 35, United States Code, is amended to read as follows:

“(a) DISPUTE OVER RIGHT TO PATENT.—

“(1) INSTITUTION OF DERIVATION PROCEEDING.—An applicant may request initiation of a derivation proceeding to determine the right of the applicant to a patent by filing a request which sets forth with particularity the basis for finding that an earlier applicant derived the claimed invention from the applicant requesting the proceeding and, without authorization, filed an application claiming such invention. Any such request may only be made within 12 months after the date of first publication of an application containing a claim that is the same or is substantially the same as the claimed invention, must be made under oath, and must be supported by substantial evidence. Whenever the Director determines that patents or applications for patent naming different individuals as the inventor interfere with one another because of a dispute over the right to patent under section 101, the Director shall institute a derivation proceeding for the purpose of determining which applicant is entitled to a patent.

“(2) DETERMINATION BY PATENT TRIAL AND APPEAL BOARD.—In any proceeding under this subsection, the Patent Trial and Appeal Board—

“(A) shall determine the question of the right to patent;

“(B) in appropriate circumstances, may correct the naming of the inventor in any application or patent at issue; and

“(C) shall issue a final decision on the right to patent.

“(3) DERIVATION PROCEEDING.—The Board may defer action on a request to initiate a derivation proceeding until 3 months after the date on which the Director issues a patent to the applicant that filed the earlier application.

“(4) EFFECT OF FINAL DECISION.—The final decision of the Patent Trial and Appeal Board, if adverse to the claim of an applicant, shall constitute the final refusal by the United States Patent and Trademark Office on the claims involved. The Director may issue a patent to an applicant who is determined by the Patent Trial and Appeal Board to have the right to patent. The final decision of the Board, if adverse to a patentee, shall, if no appeal or other review of the decision has been or can be taken or had, constitute cancellation of the claims involved in the patent, and notice of such cancellation shall be endorsed on copies of the patent distributed after such cancellation by the United States Patent and Trademark Office.

“(b) SETTLEMENT.—Parties to a derivation proceeding may terminate the proceeding by

filing a written statement reflecting the agreement of the parties as to the correct inventors of the claimed invention in dispute. Unless the Patent Trial and Appeal Board finds the agreement to be inconsistent with the evidence of record, it shall take action consistent with the agreement. Any written settlement or understanding of the parties shall be filed with the Director. At the request of a party to the proceeding, the agreement or understanding shall be treated as business confidential information, shall be kept separate from the file of the involved patents or applications, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

“(c) **ARBITRATION.**—Parties to a derivation proceeding, within such time as may be specified by the Director by regulation, may determine such contest or any aspect thereof by arbitration. Such arbitration shall be governed by the provisions of title 9 to the extent such title is not inconsistent with this section. The parties shall give notice of any arbitration award to the Director, and such award shall, as between the parties to the arbitration, be dispositive of the issues to which it relates. The arbitration award shall be unenforceable until such notice is given. Nothing in this subsection shall preclude the Director from determining patentability of the invention involved in the derivation proceeding.”

(j) **ELIMINATION OF REFERENCES TO INTERFERENCES.**—(1) Sections 6, 41, 134, 141, 145, 146, 154, 305, and 314 of title 35, United States Code, are each amended by striking “Board of Patent Appeals and Interferences” each place it appears and inserting “Patent Trial and Appeal Board”.

(2) Sections 141, 146, and 154 of title 35, United States Code, are each amended—

(A) by striking “an interference” each place it appears and inserting “a derivation proceeding”; and

(B) by striking “interference” each additional place it appears and inserting “derivation proceeding”.

(3) The section heading for section 134 of title 35, United States Code, is amended to read as follows:

“§ 134. Appeal to the Patent Trial and Appeal Board”.

(4) The section heading for section 135 of title 35, United States Code, is amended to read as follows:

“§ 135. Derivation proceedings”.

(5) The section heading for section 146 of title 35, United States Code, is amended to read as follows:

“§ 146. Civil action in case of derivation proceeding”.

(6) Section 154(b)(1)(C) of title 35, United States Code, is amended by striking “INTERFERENCES” and inserting “DERIVATION PROCEEDINGS”.

(7) The item relating to section 6 in the table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

“6. Patent Trial and Appeal Board.”

(8) The items relating to sections 134 and 135 in the table of sections for chapter 12 of title 35, United States Code, are amended to read as follows:

“134. Appeal to the Patent Trial and Appeal Board.

“135. Derivation proceedings.”

(9) The item relating to section 146 in the table of sections for chapter 13 of title 35, United States Code, is amended to read as follows:

“146. Civil action in case of derivation proceeding.”

(10) **CERTAIN APPEALS.**—Section 1295(a)(4)(A) of title 28, United States Code, is amended to read as follows:

“(A) the Patent Trial and Appeal Board of the United States Patent and Trademark Office with respect to patent applications, interference proceedings (commenced before the date of enactment of the Patent Reform Act of 2009), derivation proceedings, and post-grant review proceedings, at the instance of an applicant for a patent or any party to a patent interference (commenced before the effective date of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, and any such appeal shall waive any right of such applicant or party to proceed under section 145 or 146 of title 35;”.

(k) **SEARCH AND EXAMINATION FUNCTIONS.**—Section 131 of title 35, United States Code, is amended by—

(1) by striking “The Director shall cause” and inserting “(a) **IN GENERAL.**—The Director shall cause”; and

(2) by adding at the end the following:

“(b) **SEARCH AND EXAMINATION FUNCTIONS.**—To the extent consistent with United States obligations under international agreements, examination and search duties for the grant of a United States patent are sovereign functions which shall be performed within the United States by United States citizens who are employees of the United States Government.”

SEC. 3. INVENTOR'S OATH OR DECLARATION.

(a) **INVENTOR'S OATH OR DECLARATION.**—

(1) **IN GENERAL.**—Section 115 of title 35, United States Code, is amended to read as follows:

“§ 115. Inventor's oath or declaration

“(a) **NAMING THE INVENTOR; INVENTOR'S OATH OR DECLARATION.**—An application for patent that is filed under section 111(a), that commences the national stage under section 363, or that is filed by an inventor for an invention for which an application has previously been filed under this title by that inventor shall include, or be amended to include, the name of the inventor of any claimed invention in the application. Except as otherwise provided in this section, an individual who is the inventor or a joint inventor of a claimed invention in an application for patent shall execute an oath or declaration in connection with the application.

“(b) **REQUIRED STATEMENTS.**—An oath or declaration under subsection (a) shall contain statements that—

“(1) the application was made or was authorized to be made by the affiant or declarant; and

“(2) such individual believes himself or herself to be the original inventor or an original joint inventor of a claimed invention in the application.

“(c) **ADDITIONAL REQUIREMENTS.**—The Director may specify additional information relating to the inventor and the invention that is required to be included in an oath or declaration under subsection (a).

“(d) **SUBSTITUTE STATEMENT.**—

“(1) **IN GENERAL.**—In lieu of executing an oath or declaration under subsection (a), the applicant for patent may provide a substitute statement under the circumstances described in paragraph (2) and such additional circumstances that the Director may specify by regulation.

“(2) **PERMITTED CIRCUMSTANCES.**—A substitute statement under paragraph (1) is permitted with respect to any individual who—

“(A) is unable to file the oath or declaration under subsection (a) because the individual—

“(i) is deceased;

“(ii) is under legal incapacity; or

“(iii) cannot be found or reached after diligent effort; or

“(B) is under an obligation to assign the invention but has refused to make the oath or declaration required under subsection (a).

“(3) **CONTENTS.**—A substitute statement under this subsection shall—

“(A) identify the individual with respect to whom the statement applies;

“(B) set forth the circumstances representing the permitted basis for the filing of the substitute statement in lieu of the oath or declaration under subsection (a); and

“(C) contain any additional information, including any showing, required by the Director.

“(e) **MAKING REQUIRED STATEMENTS IN ASSIGNMENT OF RECORD.**—An individual who is under an obligation of assignment of an application for patent may include the required statements under subsections (b) and (c) in the assignment executed by the individual, in lieu of filing such statements separately.

“(f) **TIME FOR FILING.**—A notice of allowance under section 151 may be provided to an applicant for patent only if the applicant for patent has filed each required oath or declaration under subsection (a) or has filed a substitute statement under subsection (d) or recorded an assignment meeting the requirements of subsection (e).

“(g) **EARLIER-FILED APPLICATION CONTAINING REQUIRED STATEMENTS OR SUBSTITUTE STATEMENT.**—The requirements under this section shall not apply to an individual with respect to an application for patent in which the individual is named as the inventor or a joint inventor and that claims the benefit under section 120 or 365(c) of the filing of an earlier-filed application, if—

“(1) an oath or declaration meeting the requirements of subsection (a) was executed by the individual and was filed in connection with the earlier-filed application;

“(2) a substitute statement meeting the requirements of subsection (d) was filed in the earlier filed application with respect to the individual; or

“(3) an assignment meeting the requirements of subsection (e) was executed with respect to the earlier-filed application by the individual and was recorded in connection with the earlier-filed application.

“(h) **SUPPLEMENTAL AND CORRECTED STATEMENTS; FILING ADDITIONAL STATEMENTS.**—

“(1) **IN GENERAL.**—Any person making a statement required under this section may withdraw, replace, or otherwise correct the statement at any time. If a change is made in the naming of the inventor requiring the filing of 1 or more additional statements under this section, the Director shall establish regulations under which such additional statements may be filed.

“(2) **SUPPLEMENTAL STATEMENTS NOT REQUIRED.**—If an individual has executed an oath or declaration under subsection (a) or an assignment meeting the requirements of subsection (e) with respect to an application for patent, the Director may not thereafter require that individual to make any additional oath, declaration, or other statement equivalent to those required by this section in connection with the application for patent or any patent issuing thereon.

“(3) **SAVINGS CLAUSE.**—No patent shall be invalid or unenforceable based upon the failure to comply with a requirement under this

section if the failure is remedied as provided under paragraph (1).

“(i) **ACKNOWLEDGMENT OF PENALTIES.**—Any declaration or statement filed pursuant to this section shall contain an acknowledgment that any willful false statement made in such declaration or statement is punishable under section 1001 of title 18 by fine or imprisonment of not more than 5 years, or both.”.

(2) **RELATIONSHIP TO DIVISIONAL APPLICATIONS.**—Section 121 of title 35, United States Code, is amended by striking “If a divisional application” and all that follows through “inventor.”.

(3) **REQUIREMENTS FOR NONPROVISIONAL APPLICATIONS.**—Section 111(a) of title 35, United States Code, is amended—

(A) in paragraph (2)(C), by striking “by the applicant” and inserting “or declaration”;

(B) in the heading for paragraph (3), by striking “AND OATH”;

(C) by striking “and oath” each place it appears.

(4) **CONFORMING AMENDMENT.**—The item relating to section 115 in the table of sections for chapter 11 of title 35, United States Code, is amended to read as follows:

“115. Inventor's oath or declaration.”.

(b) **FILING BY OTHER THAN INVENTOR.**—Section 118 of title 35, United States Code, is amended to read as follows:

“§ 118. Filing by other than inventor

“A person to whom the inventor has assigned or is under an obligation to assign the invention may make an application for patent. A person who otherwise shows sufficient proprietary interest in the matter may make an application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is appropriate to preserve the rights of the parties. If the Director grants a patent on an application filed under this section by a person other than the inventor, the patent shall be granted to the real party in interest and upon such notice to the inventor as the Director considers to be sufficient.”.

(c) **SPECIFICATION.**—Section 112 of title 35, United States Code, is amended—

(1) in the first paragraph—

(A) by striking “The specification” and inserting “(a) **IN GENERAL.**—The specification”;

(B) by striking “of carrying out his invention” and inserting “or joint inventor of carrying out the invention”;

(2) in the second paragraph—

(A) by striking “The specifications” and inserting “(b) **CONCLUSION.**—The specifications”;

(B) by striking “applicant regards as his invention” and inserting “inventor or a joint inventor regards as the invention”;

(3) in the third paragraph, by striking “A claim” and inserting “(c) **FORM.**—A claim”;

(4) in the fourth paragraph, by striking “Subject to the following paragraph,” and inserting “(d) **REFERENCE IN DEPENDENT FORMS.**—Subject to subsection (e).”;

(5) in the fifth paragraph, by striking “A claim” and inserting “(e) **REFERENCE IN MULTIPLE DEPENDENT FORM.**—A claim”;

(6) in the last paragraph, by striking “An element” and inserting “(f) **ELEMENT IN CLAIM FOR A COMBINATION.**—An element”.

SEC. 4. RIGHT OF THE INVENTOR TO OBTAIN DAMAGES.

(a) **DAMAGES.**—Section 284 of title 35, United States Code, is amended to read as follows:

“§ 284. Damages

“(a) **IN GENERAL.**—Upon finding for the claimant the court shall award the claimant

damages adequate to compensate for the infringement but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the court, subject to the provisions of this section.

“(b) **DETERMINATION OF DAMAGES; EVIDENCE CONSIDERED; PROCEDURE.**—The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances. The admissibility of such testimony shall be governed by the rules of evidence governing expert testimony. When the damages are not found by a jury, the court shall assess them.

“(c) **STANDARD FOR CALCULATING REASONABLE ROYALTY.**—

“(1) **IN GENERAL.**—The court shall determine, based on the facts of the case and after adducing any further evidence the court deems necessary, which of the following methods shall be used by the court or the jury in calculating a reasonable royalty pursuant to subsection (a). The court shall also identify the factors that are relevant to the determination of a reasonable royalty, and the court or jury, as the case may be, shall consider only those factors in making such determination.

“(A) **ENTIRE MARKET VALUE.**—Upon a showing to the satisfaction of the court that the claimed invention's specific contribution over the prior art is the predominant basis for market demand for an infringing product or process, damages may be based upon the entire market value of that infringing product or process.

“(B) **ESTABLISHED ROYALTY BASED ON MARKETPLACE LICENSING.**—Upon a showing to the satisfaction of the court that the claimed invention has been the subject of a nonexclusive license for the use made of the invention by the infringer, to a number of persons sufficient to indicate a general marketplace recognition of the reasonableness of the licensing terms, if the license was secured prior to the filing of the case before the court, and the court determines that the infringer's use is of substantially the same scope, volume, and benefit of the rights granted under such license, damages may be determined on the basis of the terms of such license. Upon a showing to the satisfaction of the court that the claimed invention has sufficiently similar noninfringing substitutes in the relevant market, which have themselves been the subject of such nonexclusive licenses, and the court determines that the infringer's use is of substantially the same scope, volume, and benefit of the rights granted under such licenses, damages may be determined on the basis of the terms of such licenses.

“(C) **VALUATION CALCULATION.**—Upon a determination by the court that the showings required under subparagraphs (A) and (B) have not been made, the court shall conduct an analysis to ensure that a reasonable royalty is applied only to the portion of the economic value of the infringing product or process properly attributable to the claimed invention's specific contribution over the prior art. In the case of a combination invention whose elements are present individually in the prior art, the contribution over the prior art may include the value of the additional function resulting from the combination, as well as the enhanced value, if any, of some or all of the prior art elements as part of the combination, if the patentee demonstrates that value.

“(2) **ADDITIONAL FACTORS.**—Where the court determines it to be appropriate in deter-

mining a reasonable royalty under paragraph (1), the court may also consider, or direct the jury to consider, any other relevant factors under applicable law.

“(d) **INAPPLICABILITY TO OTHER DAMAGES ANALYSIS.**—The methods for calculating a reasonable royalty described in subsection (c) shall have no application to the calculation of an award of damages that does not necessitate the determination of a reasonable royalty as a basis for monetary relief sought by the claimant.

“(e) **WILLFUL INFRINGEMENT.**—

“(1) **INCREASED DAMAGES.**—A court that has determined that an infringer has willfully infringed a patent or patents may increase damages up to 3 times the amount of the damages found or assessed under subsection (a), except that increased damages under this paragraph shall not apply to provisional rights under section 154(d).

“(2) **PERMITTED GROUNDS FOR WILLFULNESS.**—A court may find that an infringer has willfully infringed a patent only if the patent owner presents clear and convincing evidence that acting with objective recklessness—

“(A) after receiving written notice from the patentee—

“(i) alleging acts of infringement in a manner sufficient to give the infringer an objectively reasonable apprehension of suit on such patent, and

“(ii) identifying with particularity each claim of the patent, each product or process that the patent owner alleges infringes the patent, and the relationship of such product or process to such claim,

the infringer, after a reasonable opportunity to investigate, thereafter performed 1 or more of the alleged acts of infringement;

“(B) the infringer intentionally copied the patented invention with knowledge that it was patented; or

“(C) after having been found by a court to have infringed that patent, the infringer engaged in conduct that was not colorably different from the conduct previously found to have infringed the patent, and which resulted in a separate finding of infringement of the same patent.

“(3) **LIMITATIONS ON WILLFULNESS.**—

“(A) **IN GENERAL.**—A court may not find that an infringer has willfully infringed a patent under paragraph (2) for any period of time during which the infringer had an informed good faith belief that the patent was invalid or unenforceable, or would not be infringed by the conduct later shown to constitute infringement of the patent.

“(B) **GOOD FAITH ESTABLISHED.**—An informed good faith belief within the meaning of subparagraph (A) may be established by—

“(i) reasonable reliance on advice of counsel;

“(ii) evidence that the infringer sought to modify its conduct to avoid infringement once it had discovered the patent; or

“(iii) other evidence a court may find sufficient to establish such good faith belief.

“(C) **RELEVANCE OF NOT PRESENTING CERTAIN EVIDENCE.**—The decision of the infringer not to present evidence of advice of counsel is not relevant to a determination of willful infringement under paragraph (2).

“(4) **LIMITATION ON PLEADING.**—Before the date on which a court determines that the patent in suit is not invalid, is enforceable, and has been infringed by the infringer, a patentee may not plead and a court may not determine that an infringer has willfully infringed a patent. The court's determination of an infringer's willfulness shall be made without a jury.”.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, the findings and recommendations of the Director on the operation of prior user rights in selected countries in the industrialized world. The report shall include the following:

(A) A comparison between patent laws of the United States and the laws of other industrialized countries, including the European Union, Japan, Canada, and Australia.

(B) An analysis of the effect of prior user rights on innovation rates in the selected countries.

(C) An analysis of the correlation, if any, between prior user rights and start-up enterprises and the ability to attract venture capital to start new companies.

(D) An analysis of the effect of prior user rights, if any, on small businesses, universities, and individual inventors.

(E) An analysis of legal and constitutional issues, if any, that arise from placing trade secret law in patent law.

(2) CONSULTATION WITH OTHER AGENCIES.—In preparing the report required under paragraph (1), the Director shall consult with the Secretary of State and the Attorney General.

(c) DEFENSE TO INFRINGEMENT BASED ON EARLIER INVENTOR.—Section 273(b)(6) of title 35, United States Code, is amended to read as follows:

“(6) PERSONAL DEFENSE.—The defense under this section may be asserted only by the person who performed or caused the performance of the acts necessary to establish the defense as well as any other entity that controls, is controlled by, or is under common control with such person and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates. Notwithstanding the preceding sentence, any person may, on its own behalf, assert a defense based on the exhaustion of rights provided under paragraph (3), including any necessary elements thereof.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action commenced on or after the date of enactment of this Act.

SEC. 5. POST-GRANT PROCEDURES AND OTHER QUALITY ENHANCEMENTS.

(a) CITATION OF PRIOR ART.—Section 301 of title 35, United States Code, is amended to read as follows:

“§ 301. Citation of prior art

“(a) IN GENERAL.—Any person at any time may cite to the Office in writing—

“(1) prior art consisting of patents, printed publications, or evidence that the claimed invention was in public use or sale in the United States more than 1 year prior to the date of the application for patent in the United States, which that person believes to have a bearing on the patentability of any claim of a particular patent; or

“(2) written statements of the patent owner filed in a proceeding before a Federal court or the Patent and Trademark Office in which the patent owner takes a position on the scope of one or more patent claims.

“(b) SUBMISSIONS PART OF OFFICIAL FILE.—If the person citing prior art or written sub-

missions under subsection (a) explains in writing the pertinence and manner of applying the prior art or written submission to at least one claim of the patent, the citation of the prior art or documentary evidence (as the case may be) and the explanation thereof shall become a part of the official file of the patent.

“(c) PROCEDURES FOR WRITTEN STATEMENTS.—

“(1) SUBMISSION OF ADDITIONAL MATERIALS.—A party that submits written statements under subsection (a)(2) in a proceeding shall include any other documents, pleadings, or evidence from the proceeding that address the patent owner's statements or the claims addressed by the written statements.

“(2) LIMITATION ON USE OF STATEMENTS.—Written statements submitted under subsection (a)(2) shall not be considered for any purpose other than to determine the proper meaning of the claims that are the subject of the request in a proceeding ordered pursuant to section 304 or 313. Any such written statements, and any materials submitted under paragraph (1), that are subject to an applicable protective order shall be redacted to exclude information subject to the order.

“(d) IDENTITY WITHHELD.—Upon the written request of the person making the citation under subsection (a), the person's identity shall be excluded from the patent file and kept confidential.”

(b) REQUEST FOR REEXAMINATION.—The first sentence of section 302 of title 35, United States Code, is amended to read as follows: “Any person at any time may file a request for reexamination by the Office of any claim on a patent on the basis of any prior art or documentary evidence cited under paragraph (1) or (3) of subsection (a) of section 301 of this title.”

(c) REEXAMINATION.—Section 303(a) of title 35, United States Code, is amended to read as follows:

“(a) Within three months following the filing of a request for reexamination under section 302, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director's own initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents, publications, or other evidence discovered by the Director, is cited under section 301, or is cited by any person other than the owner of the patent under section 302 or section 311. The existence of a substantial new question of patentability is not precluded by the fact that a patent, printed publication, or other evidence was previously considered by the Office.”

(d) REQUEST FOR INTER PARTES REEXAMINATION.—Section 311(a) of title 35, United States Code, is amended to read as follows:

“(a) IN GENERAL.—Any third-party requester at any time may file a request for inter partes reexamination by the Office of a patent on the basis of any prior art or documentary evidence cited under paragraph (1) or (3) of subsection (a) of section 301 of this title.”

(e) CONDUCT OF INTER PARTES PROCEEDINGS.—Section 314 of title 35, United States Code, is amended—

(1) in the first sentence of subsection (a), by striking “conducted according to the procedures established for initial examination under the provisions of sections 132 and 133” and inserting “heard by an administrative patent judge in accordance with procedures which the Director shall establish”;

(2) in subsection (b), by striking paragraph (2) and inserting the following:

“(2) The third-party requester shall have the opportunity to file written comments on any action on the merits by the Office in the inter partes reexamination proceeding, and on any response that the patent owner files to such an action, if those written comments are received by the Office within 60 days after the date of service on the third-party requester of the Office action or patent owner response, as the case may be.”; and

(3) by adding at the end the following:

“(d) ORAL HEARING.—At the request of a third party requestor or the patent owner, the administrative patent judge shall conduct an oral hearing, unless the judge finds cause lacking for such hearing.”

(f) ESTOPPEL.—Section 315(c) of title 35, United States Code, is amended by striking “or could have raised”.

(g) REEXAMINATION PROHIBITED AFTER DISTRICT COURT DECISION.—Section 317(b) of title 35, United States Code, is amended—

(1) in the subsection heading, by striking “FINAL DECISION” and inserting “DISTRICT COURT DECISION”; and

(2) by striking “Once a final decision has been entered” and inserting “Once the judgment of the district court has been entered”.

(h) POST-GRANT OPPOSITION PROCEDURES.—

(1) IN GENERAL.—Part III of title 35, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 32—POST-GRANT REVIEW PROCEDURES

“Sec.

“321. Petition for post-grant review.

“322. Timing and bases of petition.

“323. Requirements of petition.

“324. Prohibited filings.

“325. Submission of additional information; showing of sufficient grounds.

“326. Conduct of post-grant review proceedings.

“327. Patent owner response.

“328. Proof and evidentiary standards.

“329. Amendment of the patent.

“330. Decision of the Board.

“331. Effect of decision.

“332. Settlement.

“333. Relationship to other pending proceedings.

“334. Effect of decisions rendered in civil action on post-grant review proceedings.

“335. Effect of final decision on future proceedings.

“336. Appeal.

“§ 321. Petition for post-grant review

“Subject to sections 322, 324, 332, and 333, a person who is not the patent owner may file with the Office a petition for cancellation seeking to institute a post-grant review proceeding to cancel as unpatentable any claim of a patent on any ground that could be raised under paragraph (2) or (3) of section 282(b) (relating to invalidity of the patent or any claim). The Director shall establish, by regulation, fees to be paid by the person requesting the proceeding, in such amounts as the Director determines to be reasonable.

“§ 322. Timing and bases of petition

“A post-grant proceeding may be instituted under this chapter pursuant to a cancellation petition filed under section 321 only if—

“(1) the petition is filed not later than 12 months after the issuance of the patent or a reissue patent, as the case may be; or

“(2) the patent owner consents in writing to the proceeding.

“§ 323. Requirements of petition

“A cancellation petition filed under section 321 may be considered only if—

“(1) the petition is accompanied by payment of the fee established by the Director under section 321;

“(2) the petition identifies the cancellation petitioner;

“(3) for each claim sought to be canceled, the petition sets forth in writing the basis for cancellation and provides the evidence in support thereof, including copies of patents and printed publications, or written testimony of a witness attested to under oath or declaration by the witness, or any other information that the Director may require by regulation; and

“(4) the petitioner provides copies of the petition, including any evidence submitted with the petition and any other information submitted under paragraph (3), to the patent owner or, if applicable, the designated representative of the patent owner.

“§ 324. Prohibited filings

“A post-grant review proceeding may not be instituted under section 322 if the petition for cancellation requesting the proceeding—

“(1) identifies the same cancellation petitioner and the same patent as a previous petition for cancellation filed under such section; or

“(2) is based on the best mode requirement contained in section 112.

“§ 325. Submission of additional information; showing of sufficient grounds

“(a) IN GENERAL.—The cancellation petitioner shall file such additional information with respect to the petition as the Director may require. For each petition submitted under section 321, the Director shall determine if the written statement, and any evidence submitted with the request, establish that a substantial question of patentability exists for at least one claim in the patent. The Director may initiate a post-grant review proceeding if the Director determines that the information presented provides sufficient grounds to believe that there is a substantial question of patentability concerning one or more claims of the patent at issue.

“(b) NOTIFICATION; DETERMINATIONS NOT REVIEWABLE.—The Director shall notify the patent owner and each petitioner in writing of the Director's determination under subsection (a), including a determination to deny the petition. The Director shall make that determination in writing not later than 60 days after receiving the petition. Any determination made by the Director under subsection (a), including whether or not to institute a post-grant review proceeding or to deny the petition, shall not be reviewable.

“§ 326. Conduct of post-grant review proceedings

“(a) IN GENERAL.—The Director shall prescribe regulations, in accordance with section 2(b)(2)—

“(1) establishing and governing post-grant review proceedings under this chapter and their relationship to other proceedings under this title;

“(2) establishing procedures for the submission of supplemental information after the petition for cancellation is filed; and

“(3) setting forth procedures for discovery of relevant evidence, including that such discovery shall be limited to evidence directly related to factual assertions advanced by either party in the proceeding, and the procedures for obtaining such evidence shall be consistent with the purpose and nature of the proceeding.

In carrying out paragraph (3), the Director shall bear in mind that discovery must be in the interests of justice.

“(b) POST-GRANT REGULATIONS.—Regulations under subsection (a)(1)—

“(1) shall require that the final determination in a post-grant proceeding issue not later than one year after the date on which the post-grant review proceeding is instituted under this chapter, except that, for good cause shown, the Director may extend the 1-year period by not more than six months;

“(2) shall provide for discovery upon order of the Director;

“(3) shall provide for publication of notice in the Federal Register of the filing of a petition for post-grant review under this chapter, for publication of the petition, and documents, orders, and decisions relating to the petition, on the website of the Patent and Trademark Office, and for filings under seal exempt from publication requirements;

“(4) shall prescribe sanctions for abuse of discovery, abuse of process, or any other improper use of the proceeding, such as to harass or to cause unnecessary delay or unnecessary increase in the cost of the proceeding;

“(5) may provide for protective orders governing the exchange and submission of confidential information; and

“(6) shall ensure that any information submitted by the patent owner in support of any amendment entered under section 329 is made available to the public as part of the prosecution history of the patent.

“(c) CONSIDERATIONS.—In prescribing regulations under this section, the Director shall consider the effect on the economy, the integrity of the patent system, and the efficient administration of the Office.

“(d) CONDUCT OF PROCEEDING.—The Patent Trial and Appeal Board shall, in accordance with section 6(b), conduct each post-grant review proceeding authorized by the Director.

“§ 327. Patent owner response

“After a post-grant proceeding under this chapter has been instituted with respect to a patent, the patent owner shall have the right to file, within a time period set by the Director, a response to the cancellation petition. The patent owner shall file with the response, through affidavits or declarations, any additional factual evidence and expert opinions on which the patent owner relies in support of the response.

“§ 328. Proof and evidentiary standards

“(a) IN GENERAL.—The presumption of validity set forth in section 282 shall not apply in a challenge to any patent claim under this chapter.

“(b) BURDEN OF PROOF.—The party advancing a proposition under this chapter shall have the burden of proving that proposition by a preponderance of the evidence.

“§ 329. Amendment of the patent

“(a) IN GENERAL.—In response to a challenge in a petition for cancellation, the patent owner may file one motion to amend the patent in one or more of the following ways:

“(1) Cancel any challenged patent claim.

“(2) For each challenged claim, propose a substitute claim.

“(3) Amend the patent drawings or otherwise amend the patent other than the claims.

“(b) ADDITIONAL MOTIONS.—Additional motions to amend may be permitted only for good cause shown.

“(c) SCOPE OF CLAIMS.—An amendment under this section may not enlarge the scope of the claims of the patent or introduce new matter.

“§ 330. Decision of the Board

“If the post-grant review proceeding is instituted and not dismissed under this chapter, the Patent Trial and Appeal Board shall

issue a final written decision addressing the patentability of any patent claim challenged and any new claim added under section 329.

“§ 331. Effect of decision

“(a) IN GENERAL.—If the Patent Trial and Appeal Board issues a final decision under section 330 and the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable and incorporating in the patent by operation of the certificate any new claim determined to be patentable.

“(b) NEW CLAIMS.—Any new claim held to be patentable and incorporated into a patent in a post-grant review proceeding shall have the same effect as that specified in section 252 for reissued patents on the right of any person who made, purchased, offered to sell, or used within the United States, or imported into the United States, anything patented by such new claim, or who made substantial preparations therefor, before a certificate under subsection (a) of this section is issued.

“§ 332. Settlement

“(a) IN GENERAL.—A post-grant review proceeding shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Patent Trial and Appeal Board has issued a written decision before the request for termination is filed. If the post-grant review proceeding is terminated with respect to a petitioner under this paragraph, no estoppel shall apply to that petitioner. If no petitioner remains in the proceeding, the panel of administrative patent judges assigned to the proceeding shall terminate the proceeding.

“(b) AGREEMENT IN WRITING.—Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in the agreement or understanding, that is made in connection with or in contemplation of the termination of a post-grant review proceeding, must be in writing. A post-grant review proceeding as between the parties to the agreement or understanding may not be terminated until a copy of the agreement or understanding, including any such collateral agreements, has been filed in the Office. If any party filing such an agreement or understanding requests, the agreement or understanding shall be kept separate from the file of the post-grant review proceeding, and shall be made available only to Government agencies on written request, or to any person on a showing of good cause.

“§ 333. Relationship to other proceedings

“(a) IN GENERAL.—Notwithstanding subsection 135(a), sections 251 and 252, and chapter 30, the Director may determine the manner in which any reexamination proceeding, reissue proceeding, interference proceeding (commenced with respect to an application for patent filed before the effective date provided in section 3(k) of the Patent Reform Act of 2009), derivation proceeding, or post-grant review proceeding, that is pending during a post-grant review proceeding, may proceed, including providing for stay, transfer, consolidation, or termination of any such proceeding.

“(b) STAYS.—The Director may stay a post-grant review proceeding if a pending civil action for infringement of a patent addresses the same or substantially the same questions of patentability raised against the patent in a petition for the post-grant review proceeding.

“(c) EFFECT OF COMMENCEMENT OF PROCEEDING.—The commencement of a post-grant review proceeding—

“(1) shall not limit in any way the right of the patent owner to commence an action for infringement of the patent; and

“(2) shall not be cited as evidence relating to the validity of any claim of the patent in any proceeding before a court or the International Trade Commission concerning the patent.

“§ 334. Effect of decisions rendered in civil action on post-grant review proceedings

“If a final decision is entered against a party in a civil action arising in whole or in part under section 1338 of title 28 establishing that the party has not sustained its burden of proving the invalidity of any patent claim—

“(1) that party to the civil action and the privies of that party may not thereafter request a post-grant review proceeding on that patent claim on the basis of any grounds, under the provisions of section 321, which that party or the privies of that party raised or could have raised; and

“(2) the Director may not thereafter maintain a post-grant review proceeding that was requested, before the final decision was so entered, by that party or the privies of that party on the basis of such grounds.

“§ 335. Effect of final decision on future proceedings

“If a final decision under section 330 is favorable to the patentability of any original or new claim of the patent challenged by the cancellation petitioner, the cancellation petitioner may not thereafter, based on any ground that the cancellation petitioner raised during the post-grant review proceeding—

“(1) request or pursue a reexamination of such claim under chapter 31;

“(2) request or pursue a derivation proceeding with respect to such claim;

“(3) request or pursue a post-grant review proceeding under this chapter with respect to such claim;

“(4) assert the invalidity of any such claim in any civil action arising in whole or in part under section 1338 of title 28; or

“(5) assert the invalidity of any such claim in defense to an action brought under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

“§ 336. Appeal

“A party dissatisfied with the final determination of the Patent Trial and Appeal Board in a post-grant proceeding under this chapter may appeal the determination under sections 141 through 144. Any party to the post-grant proceeding shall have the right to be a party to the appeal.”

(i) CONFORMING AMENDMENT.—The table of chapters for part III of title 35, United States Code, is amended by adding at the end the following:

“32. Post-Grant Review Proceedings .. 321”.

(j) REPEAL.—Section 4607 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is repealed.

(k) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments and repeal made by this section shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

(2) APPLICABILITY TO EX PARTE AND INTER PARTES PROCEEDINGS.—Notwithstanding any other provision of law, sections 301 and 311 through 318 of title 35, United States Code, as amended by this section, shall apply to any patent that issues before, on, or after the ef-

fective date under paragraph (1) from an original application filed on any date.

(3) APPLICABILITY TO POST-GRANT PROCEEDINGS.—The amendments made by subsections (h) and (i) shall apply to patents issued on or after the effective date under paragraph (1).

(1) REGULATIONS.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this subsection referred to as the “Director”) shall, not later than the date that is 1 year after the date of the enactment of this Act, issue regulations to carry out chapter 32 of title 35, United States Code, as added by subsection (h) of this section.

SEC. 6. DEFINITIONS; PATENT TRIAL AND APPEAL BOARD.

(a) DEFINITIONS.—Section 100 of title 35, United States Code, (as amended by section 2 of this Act) is further amended—

(1) in subsection (e), by striking “or inter partes reexamination under section 311”; and

(2) by adding at the end the following: “(k) The term ‘cancellation petitioner’ means the real party in interest requesting cancellation of any claim of a patent under chapter 31 of this title and the privies of the real party in interest.”

(b) PATENT TRIAL AND APPEAL BOARD.—Section 6 of title 35, United States Code, is amended to read as follows:

“§ 6. Patent Trial and Appeal Board

“(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the Office a Patent Trial and Appeal Board. The Director, the Deputy Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Patent Trial and Appeal Board. The administrative patent judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Secretary of Commerce. Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Board of Patent Appeals and Interferences is deemed to refer to the Patent Trial and Appeal Board.

“(b) DUTIES.—The Patent Trial and Appeal Board shall—

“(1) on written appeal of an applicant, review adverse decisions of examiners upon application for patents;

“(2) on written appeal of a patent owner, review adverse decisions of examiners upon patents in reexamination proceedings under chapter 30;

“(3) conduct derivation proceedings under subsection 135(a); and

“(4) conduct post-grant opposition proceedings under chapter 32.

Each appeal and derivation proceeding shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director. Only the Patent Trial and Appeal Board may grant rehearings. The Director shall assign each post-grant review proceeding to a panel of 3 administrative patent judges. Once assigned, each such panel of administrative patent judges shall have the responsibilities under chapter 32 in connection with post-grant review proceedings.”

SEC. 7. PREISSUANCE SUBMISSIONS BY THIRD PARTIES.

Section 122 of title 35, United States Code, is amended by adding at the end the following:

“(e) PREISSUANCE SUBMISSIONS BY THIRD PARTIES.—

“(1) IN GENERAL.—Any person may submit for consideration and inclusion in the record

of a patent application, any patent, published patent application, or other publication of potential relevance to the examination of the application, if such submission is made in writing before the earlier of—

“(A) the date a notice of allowance under section 151 is mailed in the application for patent; or

“(B) either—

“(i) 6 months after the date on which the application for patent is published under section 122, or

“(ii) the date of the first rejection under section 132 of any claim by the examiner during the examination of the application for patent, whichever occurs later.

“(2) OTHER REQUIREMENTS.—Any submission under paragraph (1) shall—

“(A) set forth a concise description of the asserted relevance of each submitted document;

“(B) be accompanied by such fee as the Director may prescribe; and

“(C) include a statement by the person making such submission affirming that the submission was made in compliance with this section.”

SEC. 8. VENUE AND JURISDICTION.

(a) VENUE FOR PATENT CASES.—Section 1400 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

“(b) Notwithstanding section 1391 of this title, in any civil action arising under any Act of Congress relating to patents, a party shall not manufacture venue by assignment, incorporation, or otherwise to invoke the venue of a specific district court.

“(c) Notwithstanding section 1391 of this title, any civil action for patent infringement or any action for declaratory judgment may be brought only in a judicial district—

“(1) where the defendant has its principal place of business or in the location or place in which the defendant is incorporated or formed, or, for foreign corporations with a United States subsidiary, where the defendant's primary United States subsidiary has its principal place of business or is incorporated or formed;

“(2) where the defendant has committed substantial acts of infringement and has a regular and established physical facility that the defendant controls and that constitutes a substantial portion of the operations of the defendant;

“(3) where the primary plaintiff resides, if the primary plaintiff in the action is—

“(A) an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

“(B) a nonprofit organization that—

“(i) qualifies for treatment under section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3));

“(ii) is exempt from taxation under section 501(a) of such Code; and

“(iii) serves as the patent and licensing organization for an institution of higher education as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)); or

“(4) where the plaintiff resides, if the sole plaintiff in the action is an individual inventor who is a natural person and who qualifies at the time such action is filed as a micro-entity pursuant to section 123 of title 35.

“(d) If a plaintiff brings a civil action for patent infringement or declaratory judgment relief under subsection (c), then the defendant may request the district court to transfer that action to another district or division where, in the court's determination—

“(1) any of the parties has substantial evidence or witnesses that otherwise would present considerable evidentiary burdens to the defendant if such transfer were not granted;

“(2) such transfer would not cause undue hardship to the plaintiff; and

“(3) venue would be otherwise appropriate under section 1391 of this title.”.

(b) **INTERLOCUTORY APPEALS.**—Subsection (c)(2) of section 1292 of title 28, United States Code, is amended by adding at the end the following:

“(3) of an appeal from an interlocutory order or decree determining construction of claims in a civil action for patent infringement under section 271 of title 35.

Application for an appeal under paragraph (3) shall be made to the court within 10 days after entry of the order or decree. The district court shall have discretion whether to approve the application and, if so, whether to stay proceedings in the district court during the pendency of such appeal.”.

(c) **TECHNICAL AMENDMENTS RELATING TO VENUE.**—Sections 32, 145, 146, 154(b)(4)(A), and 293 of title 35, United States Code, and section 21(b)(4) of the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (commonly referred to as the “Trademark Act of 1946” or the “Lanham Act”; 15 U.S.C. 1071(b)(4)), are each amended by striking “United States District Court for the District of Columbia” each place that term appears and inserting “United States District Court for the Eastern District of Virginia”.

SEC. 9. PATENT AND TRADEMARK OFFICE REGULATORY AUTHORITY.

(a) FEE SETTING.—

(1) **IN GENERAL.**—The Director shall have authority to set or adjust by rule any fee established or charged by the Office under sections 41 and 376 of title 35, United States Code or under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) for the filing or processing of any submission to, and for all other services performed by or materials furnished by, the Office, provided that such fee amounts are set to reasonably compensate the Office for the services performed.

(2) **REDUCTION OF FEES IN CERTAIN FISCAL YEARS.**—In any fiscal year, the Director—

(A) shall consult with the Patent Public Advisory Committee and the Trademark Public Advisory Committee on the advisability of reducing any fees described in paragraph (1); and

(B) after that consultation may reduce such fees.

(3) **ROLE OF THE PUBLIC ADVISORY COMMITTEE.**—The Director shall—

(A) submit to the Patent or Trademark Public Advisory Committee, or both, as appropriate, any proposed fee under paragraph (1) not less than 45 days before publishing any proposed fee in the Federal Register;

(B) provide the relevant advisory committee described in subparagraph (A) a 30-day period following the submission of any proposed fee, on which to deliberate, consider, and comment on such proposal, and require that—

(i) during such 30-day period, the relevant advisory committee hold a public hearing related to such proposal; and

(ii) the Director shall assist the relevant advisory committee in carrying out such public hearing, including by offering the use of Office resources to notify and promote the hearing to the public and interested stakeholders;

(C) require the relevant advisory committee to make available to the public a written report detailing the comments, advice, and recommendations of the committee regarding any proposed fee;

(D) consider and analyze any comments, advice, or recommendations received from the relevant advisory committee before setting or adjusting any fee; and

(E) notify, through the Chair and Ranking Member of the Senate and House Judiciary Committees, the Congress of any final decision regarding proposed fees.

(4) PUBLICATION IN THE FEDERAL REGISTER.—

(A) **IN GENERAL.**—Any rules prescribed under this subsection shall be published in the Federal Register.

(B) **RATIONALE.**—Any proposal for a change in fees under this section shall—

(i) be published in the Federal Register; and

(ii) include, in such publication, the specific rationale and purpose for the proposal, including the possible expectations or benefits resulting from the proposed change.

(C) **PUBLIC COMMENT PERIOD.**—Following the publication of any proposed fee in the Federal Register pursuant to subparagraph (A), the Director shall seek public comment for a period of not less than 45 days.

(5) **CONGRESSIONAL COMMENT PERIOD.**—Following the notification described in paragraph (3)(E), Congress shall have not more than 45 days to consider and comment on any proposed fee under paragraph (1). No proposed fee shall be effective prior to the end of such 45-day comment period.

(6) **RULE OF CONSTRUCTION.**—No rules prescribed under this subsection may diminish—

(A) an applicant's rights under this title or the Trademark Act of 1946; or

(B) any rights under a ratified treaty.

(b) **FEES FOR PATENT SERVICES.**—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2005, in section 801(a) by striking “During fiscal years 2005, 2006 and 2007”, and inserting “Until such time as the Director sets or adjusts the fees otherwise.”.

(c) **ADJUSTMENT OF TRADEMARK FEES.**—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 802(a) by striking “During fiscal years 2005, 2006 and 2007”, and inserting “Until such time as the Director sets or adjusts the fees otherwise.”.

(d) **EFFECTIVE DATE, APPLICABILITY, AND TRANSITIONAL PROVISION.**—Division B of Public Law 108-447 is amended in title VIII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005, in section 803(a) by striking “and shall apply only with respect to the remaining portion of fiscal year 2005, 2006 and 2007.”.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect any other provision of Division B of Public Law 108-447, including section 801(c) of title VII of the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act, 2005.

(f) **DEFINITIONS.**—In this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the United States Patent and Trademark Office.

(2) **OFFICE.**—The term “Office” means the United States Patent and Trademark Office.

(3) **TRADEMARK ACT OF 1946.**—The term “Trademark Act of 1946” means an Act enti-

tled “Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.) (commonly referred to as the Trademark Act of 1946 or the Lanham Act).

SEC. 10. RESIDENCY OF FEDERAL CIRCUIT JUDGES.

(a) **RESIDENCY.**—The second sentence of section 44(c) of title 28, United States Code, is repealed.

(b) **FACILITIES.**—Section 44 of title 28, United States Code, is amended by adding at the end the following:

“(e)(1) The Director of the Administrative Office of the United States Courts shall provide—

“(A) a judge of the Federal judicial circuit who lives within 50 miles of the District of Columbia with appropriate facilities and administrative support services in the District of the District of Columbia; and

“(B) a judge of the Federal judicial circuit who does not live within 50 miles of the District of Columbia with appropriate facilities and administrative support services—

“(i) in the district and division in which that judge resides; or

“(ii) if appropriate facilities are not available in the district and division in which that judge resides, in the district and division closest to the residence of that judge in which such facilities are available, as determined by the Director.

“(2) Nothing in this subsection may be construed to authorize or require the construction of new facilities.”.

SEC. 11. MICRO-ENTITY DEFINED.

Chapter 11 of title 35, United States Code, is amended by adding at the end the following new section:

“§ 123. Micro-entity defined

“(a) **IN GENERAL.**—For purposes of this title, the term ‘micro-entity’ means an applicant who makes a certification under either subsections (b) or (c).

“(b) **UNASSIGNED APPLICATION.**—For an unassigned application, each applicant shall certify that the applicant—

“(1) qualifies as a small entity, as defined in regulations issued by the Director;

“(2) has not been named on 5 or more previously filed patent applications;

“(3) has not assigned, granted, or conveyed, and is not under an obligation by contract or law to assign, grant, or convey, a license or any other ownership interest in the particular application; and

“(4) does not have a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), exceeding 2.5 times the average gross income, as reported by the Department of Labor, in the calendar year immediately preceding the calendar year in which the examination fee is being paid.

“(c) **ASSIGNED APPLICATION.**—For an assigned application, each applicant shall certify that the applicant—

“(1) qualifies as a small entity, as defined in regulations issued by the Director, and meets the requirements of subsection (b)(4);

“(2) has not been named on 5 or more previously filed patent applications; and

“(3) has assigned, granted, conveyed, or is under an obligation by contract or law to assign, grant, or convey, a license or other ownership interest in the particular application to an entity that has 5 or fewer employees and that such entity has a gross income, as defined in section 61(a) of the Internal Revenue Code (26 U.S.C. 61(a)), that does not exceed 2.5 times the average gross income, as reported by the Department of Labor, in the

calendar year immediately preceding the calendar year in which the examination fee is being paid.

“(d) INCOME LEVEL ADJUSTMENT.—The gross income levels established under subsections (b) and (c) shall be adjusted by the Director on October 1, 2009, and every year thereafter, to reflect any fluctuations occurring during the previous 12 months in the Consumer Price Index, as determined by the Secretary of Labor.”.

SEC. 12. TECHNICAL AMENDMENTS.

(a) JOINT INVENTIONS.—Section 116 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “When” and inserting “(a) JOINT INVENTIONS.—When”;

(2) in the second paragraph, by striking “If a joint inventor” and inserting “(b) OMITTED INVENTOR.—If a joint inventor”; and

(3) in the third paragraph, by striking “Whenever” and inserting “(c) CORRECTION OF ERRORS IN APPLICATION.—Whenever”.

(b) FILING OF APPLICATION IN FOREIGN COUNTRY.—Section 184 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Except when” and inserting “(a) FILING IN FOREIGN COUNTRY.—Except when”;

(2) in the second paragraph, by striking “The term” and inserting “(b) APPLICATION.—The term”; and

(3) in the third paragraph, by striking “The scope” and inserting “(c) SUBSEQUENT MODIFICATIONS, AMENDMENTS, AND SUPPLEMENTS.—The scope”.

(c) REISSUE OF DEFECTIVE PATENTS.—Section 251 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Whenever” and inserting “(a) IN GENERAL.—Whenever”;

(2) in the second paragraph, by striking “The Director” and inserting “(b) MULTIPLE REISSUED PATENTS.—The Director”;

(3) in the third paragraph, by striking “The provision” and inserting “(c) APPLICABILITY OF THIS TITLE.—The provisions”; and

(4) in the last paragraph, by striking “No reissued patent” and inserting “(d) REISSUE PATENT ENLARGING SCOPE OF CLAIMS.—No reissued patent”.

(d) EFFECT OF REISSUE.—Section 253 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Whenever” and inserting “(a) IN GENERAL.—Whenever”; and

(2) in the second paragraph, by striking “in like manner” and inserting “(b) ADDITIONAL DISCLAIMER OR DEDICATION.—In the manner set forth in subsection (a),”.

(e) CORRECTION OF NAMED INVENTOR.—Section 256 of title 35, United States Code, is amended—

(1) in the first paragraph, by striking “Whenever” and inserting “(a) CORRECTION.—Whenever”; and

(2) in the second paragraph, by striking “The error” and inserting “(b) PATENT VALID IF ERROR CORRECTED.—The error”.

(f) PRESUMPTION OF VALIDITY.—Section 282 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph, by striking “A patent” and inserting “(a) IN GENERAL.—A patent”;

(2) in the second undesignated paragraph, by striking “The following” and inserting “(b) DEFENSES.—The following”; and

(3) in the third undesignated paragraph, by striking “In actions” and inserting “(c) NOTICE OF ACTIONS; ACTIONS DURING EXTENSION OF PATENT TERM.—In actions”.

SEC. 13. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, the provisions of this Act shall take effect 12 months after the date of the enactment of this Act and shall apply to any patent issued on or after that effective date.

(b) CONTINUITY OF INTENT UNDER THE CREATE ACT.—The enactment of section 102(b)(3) of title 35, United States Code, under section (2)(b) of this Act is done with the same intent to promote joint research activities that was expressed, including in the legislative history, through the enactment of the Cooperative Research and Technology Enhancement Act of 2004 (Public Law 108-453; the “CREATE Act”), the amendments of which are stricken by section 2(c) of this Act. The United States Patent and Trademark Office shall administer section 102(b)(3) of title 35, United States Code, in a manner consistent with the legislative history of the CREATE Act that was relevant to its administration by the United States Patent and Trademark Office.

SEC. 14. SEVERABILITY.

If any provision of this Act or of any amendment or repeals made by this Act, or the application of such a provision to any person or circumstance, is held to be invalid or unenforceable, the remainder of this Act and the amendments and repeals made by this Act, and the application of this Act and such amendments and repeals to any other person or circumstance, shall not be affected by such holding.

Mr. HATCH. Mr. President, I rise to introduce with Senate Judiciary Committee chairman PATRICK LEAHY the Patent Reform Act of 2009, S. 515. I consider introduction of this bill to be a milestone in the progress we have made so far in the effort to reform our patent system—a system that has not been updated significantly since 1952. There is no doubt we have come a long way in our pursuit to accomplish comprehensive patent law reform. Reform is so vitally necessary to keep our nation competitive in our technologically advanced global economy, especially during these difficult economic times.

I have always believed that passing patent reform legislation would be a multi-Congress endeavor. The Hatch-Leahy patent bill, S. 3818, formally started the legislative process in 2006. We continued the momentum in the 110th Congress by introducing S. 1145, the Patent Reform Act of 2007. In June 2007, my colleagues and I on the Senate Judiciary Committee approved S. 1145 by a vote of 13–5. While I would have liked to see S. 1145 pass the full Senate, I believe the process already provided makes passage of the Patent Reform Act of 2009 even more likely this Congress.

S. 515 represents a bipartisan and bicameral commitment to streamline our nation's patent system that will improve patent quality and limit unnecessary and counterproductive litigation costs.

House Judiciary chairman JOHN CONYERS and ranking minority member LAMAR SMITH are true partners in this important legislation. For those who

might say nothing has changed, I can attest that it has. Just look at the bill. We have listened to many of the concerns raised by stakeholders and have changed the legislative text accordingly.

Let me highlight some of the significant changes we have made to the bill.

For example, S. 515 does not contain an applicant quality submissions provision due to near uniform opposition we heard from the patent community about the burdens this would place on applicants.

Additionally, the Patent Reform Act of 2007 would have eliminated the current opt-out provision for publication of patent applications. Current law permits applicants to request upon filing that their application not be published at 18 months if a certification is made that the invention disclosed in the application has not and will not be the subject of an application filed in another country. Because of serious concerns raised by independent inventors and small entities, we have removed this provision from S. 515.

Patents may be challenged either in court or at the U.S. Patent and Trademark Office, USPTO. The current administrative review process at the USPTO is widely viewed as ineffective and inefficient. Accordingly, last year's bills proposed a process more like a court proceeding than the current reexamination process. Both bills had a 1-year window for challenges during which patents would not be presumed valid, and a patent could be invalidated by a “preponderance of evidence” against it. However, the Senate bill, S. 1145, added a second window during the life of the patent where only “clear and convincing” evidence could invalidate the patent. Most in the patent community prefer the post-grant review language as passed in the House because, instead of creating a “second window,” it improved upon the existing inter partes reexamination. As such, S. 515 adopts the House approach to expanding inter partes, but includes “public use or sale in the United States” as a basis for challenging a patent. Further, our bill ensures that ex parte reexamination proceedings are maintained, which is an important tool for challenging patents that should not have issued.

With patent litigation costs escalating, the threat of enhanced damages can be quite substantial. For this reason, the Senate and House bills introduced in the 110th Congress narrowed the circumstances under which treble damages could be awarded for willful infringement of a patent. After introduction of the Patent Reform Act of 2007, the Federal Circuit issued an in banc decision, *In re Seagate*, which instituted an objective recklessness standard to prove willfulness. After considerable discussion with stakeholders in the patent community, we

believe the Seagate decision is a positive improvement to the law and, therefore, have sought to incorporate correlating language into S. 515.

There are other changes we made to the Patent Reform Act of 2009, but I want to focus my remaining remarks on two key issues: how damages are awarded in infringement lawsuits and inequitable conduct reform.

I am aware of the concerns that some have raised about the damages provision contained in S. 1145. I have heard from some who are concerned that courts have allowed damages for infringement to be based on the market for an entire product, when all that was infringed is a minor component of the product. I have also heard from some who argue that the current language will severely limit the amount of damages an infringer has to pay, thereby encouraging infringing behavior.

The sponsors of the Patent Reform Act of 2009 all agree that we need to improve the damages provision. In crafting a fair damages provision, we can rely upon well-reasoned and persuasive case law, scholarship, and other texts. I am confident that we will achieve consensus language in this area, but make no mistake: it will take willing partners to craft a compromise that will not have deleterious effects on any one sector of our economy.

For years I have been arguing if we are serious about enacting comprehensive patent law reform then we must take steps to ensure that the inequitable conduct doctrine is applied in a manner consistent with its original purpose: to sanction true misconduct and to do so in a proportional and fair manner. Inequitable conduct reform is core to this bill, as it dictates how patents are prosecuted years before litigation. The inequitable conduct defense is frequently pled, rarely proven, and always drives up the cost of litigation tremendously.

Under current law, any perceived transgression of the patent owner is being painted as "fraud." If an inequitable conduct claim wins, a valid patent will be held entirely void, and the infringer walks away without any liability. There is virtually no downside for the infringer to raise this type of attack. This is why inequitable conduct challenges are raised in nearly every patent case. It has become, in the words of the Federal Circuit, a "plague" on the patent system.

The development of a more objective and clearer inequitable conduct standard will remove the uncertainty and confusion that defines current patent litigation. We cannot settle for mere codification of current practices. Chairman LEAHY and Chairman CONYERS both know of my strong interest in this area and have agreed to incorporate changes to the law. There is no doubt that inequitable conduct reform has the potential to single-handedly

revolutionize the manner in which patent applications are prosecuted. Arguably, reform in this area will have the most favorable impact on patent quality and the ability for the USPTO to reduce its pendency—thereby fostering a strong and vibrant environment for all innovation and entrepreneurship.

Now more than ever, our industries need reassurance and predictability in order to move forward in these challenging times. I believe the Patent Reform Act of 2009 has the potential to complement all of the stimulatory efforts currently under way. Now is the time to act.

By Mr. DODD:

S. 517. A bill for the relief of Alejandro Gomez and Juan Sebastian Gomez; to the Committee on the Judiciary.

Mr. DODD. Mr. President, today I send to the desk a private relief bill to provide permanent resident status to Juan and Alejandro Gomez, and ask that it be appropriately referred.

Juan, 20, and Alejandro, 21, are natives of Colombia who came to the U.S. with their parents in August 1990 on B-2 visitors visas and reside in Miami, FL. Their parents were deported on October 30, 2007. Their initial departure date was September 14, 2007, but because of legislation introduced last Congress that date was extended. However, now they have been ordered to report for deportation on March 15, 2009. Juan and Alejandro have lived continuously in the U.S. for the last 18 years. They have both graduated from Miami Killian High School. Juan is a student at Georgetown University in Washington, D.C. Alejandro is a student at Miami Dade Community College and works at the Biltmore Hotel in Miami. They have the strong support of their community. It would be an extreme hardship to uproot Juan and Alejandro from their community, which has wholeheartedly embraced them, to send them back to Colombia where there lives could be in serious danger.

We all know that the circumstances of Juan and Alejandro are not unique. Just like many other children here illegally, they had no control over their parents' decision to overstay their visas a number of years ago. Most of these young people work hard to complete school and contribute to their communities. Cases like Juan's and Alejandro's are the reason why the so called DREAM Act was attached to the comprehensive immigration reform legislation that the Senate attempted to pass last Congress, only to face a filibuster from opponents of any comprehensive immigration reform proposal.

The DREAM Act has broad partisan support and is not the reason that the immigration bill stalled in the Senate. I would hope that consideration could be given to delinking the DREAM Act

from the larger bill so that we can put in place a legal framework for dealing with young people similar in circumstances to Juan and Alejandro who are caught in this unfortunate immigration status. But that is not likely to happen soon enough to address the problems confronting Juan and Alejandro.

That is why I have decided to reintroduce a private bill on their behalf. I will also be writing to Senator CHARLES SCHUMER, Chairman of the Subcommittee on Immigration to request, pursuant to the Subcommittee's Rules of Procedure, that the Subcommittee formally request an expedited departmental report from the Bureau of Citizenship and Immigration Services regarding the Gomez brothers so that the Subcommittee can then move forward to give consideration to this bill as soon as possible.

I have had the opportunity to meet Juan and Alejandro. They believe that America is their home. They love our country and want to have an opportunity to fulfill their dreams of becoming full participants in this country. Passage of the private bill would give them that opportunity. I look forward to working with the Subcommittee to facilitate its passage.

By Mr. DURBIN:

S. 520. A bill to designate the United States Courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse"; considered and passed.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the "Stanley J. Roszkowski United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Stanley J. Roszkowski United States Courthouse".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 62—A BILL ESTABLISHING A SELECT COMMITTEE OF THE SENATE TO MAKE A THOROUGH AND COMPLETE STUDY AND INVESTIGATION OF THE FACTS AND CIRCUMSTANCES GIVING RISE TO THE ECONOMIC CRISIS FACING THE UNITED STATES AND TO MAKE RECOMMENDATIONS TO PREVENT A FUTURE RECURRENCE OF SUCH A CRISIS

Mr. DORGAN (for himself and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 62

Whereas the United States is currently facing an unprecedented economic crisis, with massive losses of jobs in the United States and an alarming contraction of economic activity in the United States;

Whereas the United States Government has pledged, committed, or loaned more than \$9,000,000,000,000 as of February 2009 in an attempt to mitigate and resolve the economic crisis and trillions of dollars more may well be necessary before the crisis is over;

Whereas the economic crisis reaches into, and has impacted, almost every aspect of the United States economy and significant parts of the international economy;

Whereas any thorough and complete study and investigation of this complex and far-reaching economic crisis will require sustained and singular focus for many months;

Whereas a study and investigation of this size and scope implicates the jurisdiction of several Standing Committees of the Senate and, if it is to be done correctly and timely, will require a degree of undivided attention and resources beyond the capacity of the Standing Committees of the Senate, which are already over-burdened;

Whereas adding such a significant study and investigation to the duties of the existing Standing Committees of the Senate would make it difficult for such committees to get their regular required work accomplished, particularly when so much attention and so many resources are appropriately devoted to responding to the ongoing economic crisis;

Whereas dozens of important investigations have been conducted with the creation of a select committee of the Senate for a specific purpose and a set time; and

Whereas the American public has a right to get straight answers on how this economic crisis developed and what steps should be taken to make sure that nothing like it happens again: Now therefore be it

Resolved,

SECTION 1. SELECT COMMITTEE ON INVESTIGATION OF THE ECONOMIC CRISIS.

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the Economic Crisis (hereafter in this resolution referred to as the "Select Committee").

SEC. 2. PURPOSE AND DUTIES.

(a) **PURPOSE.**—The purpose of the Select Committee is to study and investigate the facts and circumstances giving rise to the current economic crisis facing the United States and to recommend actions to be taken to prevent a future recurrence of such a crisis.

(b) **DUTIES.**—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the study and investigation specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to examine the facts and circumstances giving rise to the current economic crisis facing the United States, and report on such examination, regarding the following:

(1) The causes of the current economic crisis.

(2) Lessons learned from the current economic crisis.

(3) Actions to prevent a recurrence of an economic crisis such as the current economic crisis.

SEC. 3. COMPOSITION OF SELECT COMMITTEE.

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Select Committee shall consist of 7 members of the Senate of whom—

(A) 4 members shall be appointed by the majority leader of the Senate; and

(B) 3 members shall be appointed by the minority leader of the Senate.

(2) **DATE.**—The appointments of the members of the Select Committee shall be made not later than 30 days after the date of the adoption of this resolution.

(b) **VACANCIES.**—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) **SERVICE.**—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) **CHAIR AND VICE CHAIR.**—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) **QUORUM.**—

(1) **REPORTS AND RECOMMENDATIONS.**—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) **TESTIMONY.**—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) **OTHER BUSINESS.**—A majority of the members of the Select Committee, or $\frac{1}{3}$ of the members of the Select Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

SEC. 4. RULES AND PROCEDURES.

(a) **GOVERNANCE UNDER STANDING RULES OF SENATE.**—Except as otherwise specifically provided in this resolution, the investigation, study, and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) **ADDITIONAL RULES AND PROCEDURES.**—In addition to the provisions of section 7(h), the Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation, study, and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

SEC. 5. AUTHORITY OF SELECT COMMITTEE.

(a) **IN GENERAL.**—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) **POWERS.**—The Select Committee or, at its direction, any subcommittee or member of the Select Committee, may, for the purpose of carrying out this resolution—

(1) hold hearings;

(2) administer oaths;

(3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;

(5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and

(6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

(c) **AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.**—

(1) **AUTHORIZATION AND ISSUANCE.**—Subpoenas authorized and issued under this section—

(A) may be done only with the joint concurrence of the Chair and the Vice Chair of the Select Committee;

(B) shall bear the signature of the Chair or the designee of the Chair; and

(C) shall be served by any person or class of persons designated by the Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) **ENFORCEMENT.**—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

(d) **AVOIDANCE OF DUPLICATION.**—

(1) **IN GENERAL.**—To expedite the study and investigation, avoid duplication, and promote efficiency under this resolution, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section 2(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) **ACCESS TO INFORMATION AND MATERIALS.**—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section 2(a).

SEC. 6. REPORTS.

(a) **INITIAL REPORT.**—The Select Committee shall submit to the Senate a report on the study and investigation conducted pursuant to section 2 not later than one year after the appointment of all of the members of the Select Committee.

(b) **UPDATED REPORT.**—The Select Committee shall submit an updated report on such investigation not later than 180 days after the submittal of the report under subsection (a).

(c) **FINAL REPORT.**—The Select Committee shall submit a final report on such investigation not later than two years after the appointment of all of the members of the Select Committee.

(d) **ADDITIONAL REPORTS.**—The Select Committee may submit any additional report or reports that the Select Committee considers appropriate.

(e) **FINDINGS AND RECOMMENDATIONS.**—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section 2.

(f) **DISPOSITION OF REPORTS.**—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

SEC. 7. ADMINISTRATIVE PROVISIONS.**(a) STAFF.—**

(1) **IN GENERAL.**—The Select Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee considers necessary or appropriate.

(2) **APPOINTMENT OF STAFF.**—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) **COMPENSATION.**—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) **REIMBURSEMENT OF EXPENSES.**—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) **SERVICES OF SENATE STAFF.**—The Select Committee may use, with the prior consent of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this resolution.

(e) **DETAIL OF EMPLOYEES.**—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) **TEMPORARY AND INTERMITTENT SERVICES.**—The Select Committee may procure the temporary or intermittent services of in-

dividual consultants, or organizations thereof.

(g) **PAYMENT OF EXPENSES.**—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.

(h) **CONFLICTS OF INTEREST.**—The Select Committee shall issue rules to prohibit or minimize any conflicts of interest involving its members, staff, detailed personnel, consultants, and any others providing assistance to the Select Committee. Such rules shall not be inconsistent with the Code of Official Conduct of the Senate or applicable Federal law.

SEC. 8. EFFECTIVE DATE; TERMINATION.

(a) **EFFECTIVE DATE.**—This resolution shall take effect on the date of the adoption of this resolution.

(b) **TERMINATION.**—The Select Committee shall terminate three months after the submittal of the report required by section 6(c).

AMENDMENTS SUBMITTED AND PROPOSED

SA 613. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 614. Mrs. MCCASKILL (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 615. Mr. ENSIGN (for himself, Mr. VOINOVICH, Mr. KYL, Mr. DEMINT, Mr. BROWNBACK, Mr. CORNYN, Mr. LIEBERMAN, Mr. GREGG, Mr. ALEXANDER, Mr. MCCAIN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 616. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 617. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 618. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 619. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 620. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 621. Mr. VITTER (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 622. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 623. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra.

SA 624. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 625. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 626. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 627. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 628. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 629. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 630. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 631. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 632. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 633. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 634. Mr. KYL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 635. Mr. THUNE proposed an amendment to the bill H.R. 1105, supra.

SA 636. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 637. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 638. Mr. CRAPO (for himself, Mr. VITTER, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 639. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 613. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

RESTRICTION ON ASSESSED CONTRIBUTIONS AND VOLUNTARY PAYMENTS TO UNITED NATIONS

SEC. 7093. None of the funds appropriated or otherwise made available under any title

of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

SA 614. Mrs. McCASKILL (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division C, strike section 108.

SA 615. Mr. ENSIGN (for himself, Mr. VOINOVICH, Mr. KYL, Mr. DEMINT, Mr. BROWNBAC, Mr. CORNYN, Mr. LIEBERMAN, Mr. GREGG, Mr. ALEXANDER, Mr. MCCAIN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, line 2, strike beginning with “: Provided” through line 8 and insert a period.

SA 616. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, between lines 5 and 6, insert the following:

SEC. 4. REPORT ON CONFERENCES BY FEDERAL AGENCIES.

(a) **DEFINITION.**—In this section the term “agency” has the meaning given under section 551(1) of title 5, United States Code.

(b) **REPORTS.**—

(1) **IN GENERAL.**—The head of each agency for which appropriations are made available under this Act, shall submit quarterly reports as provided under paragraph (2) regarding the costs and contracting procedures relating to each conference held by that agency during fiscal year 2009 for which the cost to the Government was more than \$20,000.

(2) **SUBMISSION OF REPORTS.**—Each report under paragraph (1) shall be submitted to—

(A) the Inspector General of that agency; or

(B) in the case of an agency for which there is no Inspector General, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(3) **CONTENTS OF REPORTS.**—Each report submitted under this subsection shall include for each conference described under paragraph (1) held during the applicable quarter—

(A) a description of the subject of and number of participants attending that conference;

(B) a detailed statement of the costs to the Government relating to that conference, including—

(i) the cost of any food or beverages;

(ii) the cost of any audio-visual services; and

(iii) a discussion of the methodology used to determine which costs relate to that conference; and

(C) a description of the contracting procedures relating to that conference, including—

(i) whether contracts were awarded on a competitive basis for that conference; and

(ii) a discussion of any cost comparison conducted by the agency in evaluating potential contractors for that conference.

SA 617. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1122, after line 10, insert the following:

SEC. 103. STUDY ON VALIDITY OF DIGITAL FLOOD INSURANCE RATE MAPS.—

(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency and the Corps of Engineers, in conjunction with the State of Louisiana, shall conduct a study on the validity of digital flood insurance rate maps.

(b) **TERMS OF ANALYSIS.**—In conducting the study required under subsection (a), the Administrator and the Corps of Engineers shall—

(1) use the best and most current—

(A) geodetic reference;

(B) topographic data and features; and

(C) updated circulation and flood models available;

(2) fully analyze and identify the effect of roadways, levees, and natural ridges that are particular to the area being mapped;

(3) consider more recent bathymetric and topographic data, particularly from light detection and ranging technology, referenced to the most recent vertical benchmarks;

(4) further analyze the effects of various vegetation in storm surge; and

(5) collaborate closely with State and local governments who may have data and information described in paragraph (1) that may produce more accurate maps or enhanced models.

(c) **NO UPDATE OF FLOODMAPS UNTIL STUDY COMPLETED.**—During the period beginning on the date of the enactment of this Act and ending 90 days after the date on which the study required under subsection (a) is completed, the Administrator may not issue any updated flood insurance rate maps for the State of Louisiana.

SA 618. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS A MEMBER OF THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II

SEC. ____. (a) **IN GENERAL.**—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 71, 371, or 1223 of title 10, United States Code, as applicable, of the retired pay

to which such individual may be entitled under title 10, United States Code.

(b) **APPLICABILITY.**—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after August 9, 2000. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) **WORLD WAR II DEFINED.**—In this section, the term “World War II” has the meaning given that term in section 101(8) of title 38, United States Code.

SA 619. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CONTINUATION OF POLICY OF TREATING SERVICE IN THE ALASKA TERRITORIAL GUARD DURING WORLD WAR II AS ACTIVE SERVICE FOR PURPOSES OF THE COMPUTATION OF RETIRED PAY OF RETIRED MEMBERS OF THE ARMY

SEC. ____. (a) **IN GENERAL.**—The Secretary of Defense shall, during the period beginning on April 1, 2009, and ending on September 30, 2009, treat service in the Alaska Territorial Guard during World War II as active service for purposes of the computation of retired pay of retired members of the Army under title 10, United States Code.

(b) **PROHIBITION ON RECOUPMENT OF RETIRED PAY.**—The Secretary of Defense may not recoup any retired pay paid on account of service described in subsection (a).

SA 620. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 956, between lines 7 and 8, insert the following:

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance-Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure, procedures, and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of such systems, \$165,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(1)(6) of title 49, United States Code, to make such grants or agreements: *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall not exceed 50 percent.

On page 991, line 20, strike “\$550,000,000” and insert “\$475,000,000”.

On page 995, line 13, strike “\$940,000,000” and insert “\$850,000,000”.

SA 621. Mr. VITTER (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the

bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

SA 622. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of division F, insert the following:

SEC. _____. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number which is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

SA 623. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

- (1) DIRECT Methanol Fuel Cell (IN);
- (2) Solar Energy Windows and Smart IR Switchable Building Technologies (PA);
- (3) Adaptive Liquid Crystal Windows (OH);
- (4) Anti-idling Lithium Ion Battery Program, California (CA);
- (5) Advanced Engineering Environment for Sandia National Lab (MA);
- (6) Multi-Disciplined Integrated Collaborative Environment (MDICE) (MO);
- (7) Hydrogen Optical Fiber Sensors (CA);
- (8) Flexible Thin-Film Silicon Solar Cells (OH);
- (9) CATALYST: Explorations in Aerospace and Innovation education program;
- (10) Carnegie Mellon University, Pittsburgh, PA, for renovation and equipment;
- (11) Mount Aloysius College, Cresson, PA, for college preparation programs;
- (12) Washington & Jefferson College, Washington, PA, for science education outreach programs;

(13) DePaul University, Chicago, IL, for math and science teacher education in Chicago Public Schools; and

(14) Nazareth Hospital, Philadelphia, PA, for renovation and equipment.

SA 624. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 117 of title I of division C.

SA 625. Mr. JOHNSON (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, between lines 5 and 6, insert the following:

SEC. 5. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary of the Army to construct the project at an estimated total cost of \$51,000,000, of which—

- (1) the Federal share of the estimated total cost shall be approximately \$38,250,000; and
- (2) the non-Federal share of the estimated total cost shall be approximately \$12,750,000.

SA 626. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 363, strike line 13 and all that follows through page 364, line 11, and insert the following:

SEC. 620. None of the funds made available in this Act may be used to administer, implement, or enforce the amendments made to section 515.560 and section 515.561 of title 31, Code of Federal Regulations, related to travel to visit relatives in Cuba, that were published in the Federal Register on June 16, 2004.

SA 627. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

UNITED NATIONS INVESTIGATION OF HAMAS ACTIVITIES DURING JANUARY 2009 ISRAELI OPERATIONS IN GAZA

SEC. 7093. (a) Congress makes the following findings:

(1) During the January 2009 operations conducted by the Government of Israel in Gaza, a United Nations building in Gaza suffered damage.

(2) According to a February 10, 2009, statement from United Nations Secretary-General

Ban-Ki Moon, the United Nations has dispatched a team to Gaza to investigate damage done to “United Nations premises”.

(3) No similar investigation has been initiated by the United Nations Secretariat with respect to Hamas activities during the Gaza operations.

(b) Of the amount appropriated or otherwise made available by title I under the heading “CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS” and available for contributions to the United Nations, \$382,350,000 may not be made available until the Secretary of State certifies that—

(1) the United Nations has dispatched a team to Gaza to investigate attacks on the people and territory of Israel since Israel completed its unilateral withdrawal from Gaza; and

(2) the United Nations investigation of damage done to United Nations premises in Gaza includes an inquiry into allegations that Hamas was using territory near such premises to take actions hostile to the Israeli Defense Forces or the people or territory of Israel.

SA 628. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division D, strike section 106.

SA 629. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

PROHIBITION ON USE OF FUNDS FOR RESETTLEMENT INTO UNITED STATES OF PALESTINIANS FROM GAZA

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to resettle Palestinians from Gaza into the United States.

SA 630. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

REPORT ON COUNTER-SMUGGLING EFFORTS IN GAZA

SEC. 7093. Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to Congress a report on whether additional funds from Foreign Military Financing assistance provided annually to the Government of Egypt could be expended—

(1) to improve efforts by the Government of Egypt to counter illicit smuggling, including arms smuggling, across the Egypt-Gaza border; and

(2) to intercept weapons originating in other countries in the region and smuggled into Gaza through Egypt.

SA 631. Mr. KYL submitted an amendment intended to be proposed by

him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

GAZA RECONSTRUCTION

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to aid reconstruction efforts in Gaza until the Secretary of State certifies that none of such funds will be diverted to Hamas or entities controlled by Hamas.

SA 632. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 106, between lines 11 and 12, insert the following:

SEC. 112. ADDITIONAL AMOUNT FOR BUREAU OF INDUSTRY AND SECURITY.

(a) IN GENERAL.—The amount appropriated or otherwise made available by this title for the Department of Commerce under the heading “OPERATIONS AND ADMINISTRATION” under the heading “BUREAU OF INDUSTRY AND SECURITY” is hereby increased by \$23,800,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title for the Department of Commerce under the heading “OPERATIONS, RESEARCH, AND FACILITIES” under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” is hereby decreased by \$23,800,000.

SA 633. Mr. KYL proposed an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 751, line 7, insert after “\$698,187,000: *Provided*,” the following: “That of the total amount made available under this heading, \$96,454,000 may be made available for Radio Free Europe/Radio Liberty: *Provided further*,”.

SA 634. Mr. KYL (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Except as provided under subsection (b), none of the funds made available under this Act may be spent by a Federal agency in a new contract or other expenditure of Federal funds with a company identified by the Department of the Treasury Office of Foreign Assets Control (OFAC) as having a business presence in Iran’s energy sector, including Iran’s refineries, refined petroleum products, and oil and natural gas fields.

(b) The President may waive the application of subsection (a), on a case-by-case basis, if the President—

(1) determines that such waiver is necessary for the national security interests of the United States; and

(2) submits an unclassified report to Congress, with a classified annex if necessary, that describes the reasons such waiver is necessary.

SA 635. Mr. THUNE proposed an amendment to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, \$400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act.

SA 636. Mr. VITTER proposed an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, after line 24, insert the following:

SEC. 740. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355) and is not—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 637. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 426, lines 18 through 22, strike “to be reduced” and all that follows through “each new application,”.

SA 638. Mr. CRAPO (for himself, Mr. VITTER, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 626 of title VI, of Division D.

SA 639. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill H.R.

1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 720, between lines 5 and 6, insert the following:

SEC. 1103. PROHIBITION ON USE OF COAL FOR CAPITOL POWER PLANT.

(a) IN GENERAL.—The Architect of the Capitol shall ensure that any electricity generated by or otherwise used by the Capitol Power Plant is not derived from coal.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2009, and apply to fiscal year 2010 and each fiscal year thereafter.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 3, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 3, 2009 at 10 a.m., to conduct a hearing entitled “Consumer Protections in Financial Services: Past Problems, Future Solutions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. INOUE. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 3, 2009, at 10 a.m., in room SD-106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 3, 2009, at 10 a.m., to hold a hearing entitled “Iranian Political and Nuclear Realities and U.S. Policy Options.”

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 3, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATING THE "STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE"

Mr. REID. Madam President, I ask unanimous consent to proceed to S. 520.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 520), to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the "Stanley J. Roszkowski United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Stanley J. Roszkowski United States Courthouse".

ORDERS FOR WEDNESDAY, MARCH 4, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, March 4; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill; further that the Senate recess at 10:40 a.m. until 12 noon for the joint meeting of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, at 11 a.m. tomorrow, as I announced, there will be a joint meeting of Congress with British Prime Minister Gordon Brown. Senators attending the joint meeting should gather in the Chamber at 10:30 a.m. to proceed as a body to the Hall of the House of Representatives.

Due to the joint meeting and other Member meetings, Senators should expect votes early tomorrow afternoon. We are not going to be able to get any votes out of the way in the morning because we come in at 9:30 and leave at 10:30.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Wednesday, March 4, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF LABOR

SETH DAVID HARRIS, OF NEW JERSEY, TO BE DEPUTY SECRETARY OF LABOR, VICE HOWARD RADZELY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DEBRA A. SCULLARY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL ROGER A. BINDER
BRIGADIER GENERAL DAVID L. COMMONS
BRIGADIER GENERAL ANITA R. GALLENTINE
BRIGADIER GENERAL CARL M. SKINNER
BRIGADIER GENERAL HOWARD N. THOMPSON
BRIGADIER GENERAL PAUL M. VAN SICKLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COLONEL WILLIAM B. BINGER
COLONEL CATHERINE A. CHILTON
COLONEL JAMES A. FIRTH
COLONEL ROBERT M. HAIRE
COLONEL STAYCE D. HARRIS
COLONEL THOMAS F. HARWOOD III
COLONEL MARYANNE MILLER
COLONEL PAMELA K. MILLIGAN
COLONEL ROBERT K. MILLMANN, JR.
COLONEL JAMES J. MUSCATTELL, JR.
COLONEL DENNIS P. FLOYER
COLONEL KEVIN E. POTTINGER
COLONEL DEREK F. RYDHOLM
COLONEL GEORGE F. WILLIAMS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. PAUL W. BRIER
COL. FRANS J. COETZEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL GEORGE J. ALLEN
BRIGADIER GENERAL RAYMOND C. FOX
BRIGADIER GENERAL CHARLES M. GURGANUS
BRIGADIER GENERAL DAVID R. HEINZ
BRIGADIER GENERAL STEVEN A. HUMMER
BRIGADIER GENERAL DAVID G. REIST
BRIGADIER GENERAL JOHN A. TOOLAN, JR.
BRIGADIER GENERAL JOHN E. WISSLER

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BROWN of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act 2009:

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of Justice, Office of Justice Programs, Juvenile Justice

Legal Name of Requesting Entity: Darkness to Light

Address of Requesting Entity: 7 Radcliffe Street, Suite 200, Charleston, SC 29403

Description of Request: Darkness to Light (D2L), a national nonprofit organization headquartered in Charleston, SC. D2L is continuing its effort to increase utilization of its "Stewards of Children" adult prevention training program to increase help adults recognize, react, and respond to child sexual abuse. With the help of past federal support, D2L has trained over 1,000 facilitators in 44 states, affecting millions of children. These dollars will be matched one-to-one by D2L.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct construction activities related to the authorized dredged material disposal area at Charleston Harbor, Charleston, SC.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct authorized maintenance activities on the Atlantic Intracoastal Waterway in South Carolina.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct authorized maintenance activities at Charleston Harbor, Charleston, SC.

Requesting Member: HENRY E. BROWN, Jr.

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: USACE Charleston District

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403-5107

Description of Request: Conduct authorized maintenance activities at Georgetown Harbor, Georgetown, SC.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of the Interior, National Park Service, Historic Preservation Fund, Save America's Treasures

Legal Name of Requesting Entity: Georgetown Old Market/Rice Museum

Address of Requesting Entity: 633 Front Street, Georgetown, SC 29442

Description of Request: The Old Market Building in downtown Georgetown, SC will undergo extensive renovation and repair to maintain its structural integrity. On the National Historic Register, it is the most visited and photographed site in Georgetown and the center of tourism traffic. Dating to 1853, it must undergo extensive renovation and repair to maintain its structural integrity.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of Education, Funding for the Improvement of Post Secondary Education

Legal Name of Requesting Entity: The College of Charleston

Address of Requesting Entity: 66 George St., Charleston, SC 29424

Description of Request: The College of Charleston's School of Science and Mathematics, in partnership with several state, regional, and federal agencies is developing a new Lowcountry Hazards Center to act as a nexus for natural and social scientists working collaboratively to formulate the most effective means to evaluate natural hazard risks and to develop mitigation strategies. The funds would support the purchase of equipment needed to educate students, policymakers, and the community; to strengthen research efforts; support interdisciplinary research; and to help make the Lowcountry a more disaster-resilient community.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of Health and Human Services, HRSA, Health Facilities

Legal Name of Requesting Entity: Medical University of South Carolina—Children's Hospital

Address of Requesting Entity: 169 Ashley Avenue, Charleston, SC 29425

Description of Request: The Medical University of South Carolina (MUSC) Children's Hospital is South Carolina's largest and most comprehensive pediatric healthcare center. MUSC Children's Hospital's Pediatric Intensive Care Unit, the only one in the region, is staffed ex-

clusively by trained pediatric critical care physicians and nurses. Funding will purchase of pediatric cardiology lab equipment.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of Transportation, FTA, Bus and Bus Facilities

Legal Name of Requesting Entity: Charleston Area Regional Transportation Authority (CARTA)

Address of Requesting Entity: 36 John Street, Charleston, SC 29403

Description of Request: CARTA is currently constructing a new Intermodal transportation center for the entire Charleston region. This center, located near an exit with Interstate 26, will provide AMTRAK with a new passenger terminal, serve as a hub for local bus service, and provide easy access to the nearby Charleston International Airport. Additionally, this project will be the first-ever Transit Oriented Development project in the Charleston-region, with plans to construct mix-use office and residential space on the property.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of Transportation, Federal Highway Administration, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Horry County

Address of Requesting Entity: 1301 Second Avenue, Conway, SC 29526

Description of Request: The South Carolina Department of Transportation (SCDOT) is currently working through the environmental process with local stakeholders to identify options for improving mobility in the South Strand and Waccamaw Neck area of Horry and Georgetown Counties. This is especially important as the area sees some 14 million tourists annually during the height of hurricane season. Funding will allow SCDOT to work on completing the project's final EIS.

Requesting Member: HENRY E. BROWN, Jr.
Bill Number: H.R. 1105

Account: Department of Transportation, Federal Highway Administration, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Town of Mount Pleasant

Address of Requesting Entity: 100 Ann Edwards Lane, Mount Pleasant, SC 29464

Description of Request: The Town of Mt. Pleasant, in coordination with state and federal agencies, is conducting a much needed widening of US 17 north of the Cooper River Bridge. Not only will this project improve traffic flow for commuters going in and out of Charleston, but it will also assist local residents as they move along the main street of the rapidly growing Mt. Pleasant community. This project is included the state transportation plan and is eligible for funding under the Transportation & Community & System Preservation discretionary account

Requesting Member: HENRY E. BROWN, Jr.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: South Carolina Maritime Foundation

Address of Requesting Entity: P.O. Box 22405, Charleston, SC 29413

Description of Request: The South Carolina Maritime Foundation's mission is to offer effective, unique educational opportunities aboard the Spirit of South Carolina tall ship for the students of South Carolina focusing on the history, math, science and literature of South Carolina's water resources and encouraging personal responsibility, contribution to community and stewardship of environment. Funds will be used to complete construction and make equipment purchases related to the Spirit of South Carolina's education and leadership development programs for troubled youth.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the new Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105, Omnibus Appropriations Act of 2009

Account: Cooperative State Research Education and Extension Service, Special Research Grant (SRG)

Legal Name of Receiving Entity: University of Florida—Institute of Foods and Agriculture Sciences (UF-IFAS)

Address of Receiving Entity: 700 Experiment Station Red, Lake Alfred, Florida 33850

Description of Request: I have secured \$1,217,000 in funding in H.R. 1105 in the SRG account for Citrus Canker and Greening research.

This funding will be used for research by UF-IFAS to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate citrus canker and citrus greening.

The benefit of this project is the management of citrus canker and greening to minimize mortality and yield loss in a cost effective manner. This research is imperative to Florida citrus and all U.S. citrus production.

The University of Florida—Institute of Foods and Agriculture Sciences/Horticulture Research Laboratory, the state of Florida, and Florida Citrus Mutual have matching funds totaling \$13 million for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Receiving Entity: PACE Center for Girls, Inc.

Address of Receiving Entity: 1 West Adams Street Suite 301 Jacksonville, FL 32202

Description of Request: I have secured \$100,000 in funding in H.R. 1105 in the OJP-Juvenile Justice Account, under the Department of Justice for the PACE Center for Girls Inc.

The purpose of this gender-responsive assessment instrument is to predict risk for involvement or further involvement in the juvenile justice system among adolescent girls and to ensure a treatment model based on assessment data. This assessment instrument and program model has been called for by the Office of Juvenile Justice and Delinquency Prevention's Girls Study Group and as the only statewide gender-responsive prevention program in the country.

The funding would be used for to conduct an external evaluation of the PACE Center for Girl's prevention program delivery model so that it can be replicated nationally and to train staff on implementation at all 18 PACE Center locations across Florida.

Pace Center for Girls will match \$100,000 of state funds from the Dept. of Juvenile Justice and \$100,000 is contributed to the program through PACE Center for Girls funds.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Receiving Entity: Jacksonville Sheriff's Office

Address of Receiving Entity: 117 W. Duval St., #400 Jacksonville, Florida 32202

Description of Request: I have secured \$1,200,000 in funding in H.R. 1105 in the Office of Justice Programs—Byrne Discretionary Grants under the Department of Justice for the Jacksonville Journey Anti-Violence Initiative.

Jacksonville has been the "murder capital" of Florida for eight years running, and 14 of the last 19 years, with the per capita homicide rate spiking at an alarming rate since 2001. More than 10% of the murders in Florida occur in Duval County, even though it represents about 5% of the state population.

Federal funding will help implement the Jacksonville Journey Anti-Violence Initiative, a comprehensive approach to reduce Duval County's exceptionally high level of murder and violence through integrated enforcement, intervention, and prevention activities. Elements of the strategy include intensified community policing and technologies targeting violence "hot spots," illegal gun abatement through gun bounties, heightened enforcement, and jurisdictional information-sharing. At-risk youth interventions and positive youth development programs will provide after-school havens, employment, and chronic truancy reduction will also be a focus of the Jacksonville Journey program.

The Jacksonville Journey Anti-Violence Initiative is funded by local, state, and private funds at \$5,200,000.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: COPS Law Enforcement Technology

Legal Name of Receiving Entity: Jacksonville Sheriff

Address of Receiving Entity: 501 East Bay Street Jacksonville, Florida 32202

Description of Request: I have secured \$700,000 in funding in H.R. 1105 in the COPS Law Enforcement Technology Account under the Department of Justice for Atmospheric Detection Equipment for the Jacksonville Sheriff's Office.

The Jacksonville Sheriff's Office is seeking Atmospheric Detection to monitor atmospheric conditions related to: HazMat accidents, emergency situations and criminal activity. By providing funding for this project it will enhance the Jacksonville Sheriff's Office detection capability and mitigate consequences to HazMat accidents and crime scenes, increase public and officer safety.

This project will serve the Port of Jacksonville, DOD facilities based at the Port of Jacksonville, and all of Duval County. The Jacksonville Sheriff's Office responds to Atmospheric Emergency situations for both commercial and military facilities at the port of Jacksonville. Federal assets at the Port of Jacksonville do not have the capabilities for atmospheric detection that this project will provide.

The Jacksonville Police Department is contributing \$551,374 over a four year period for officer training and administrative costs related to this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: COPS Law Enforcement Technology

Legal Name of Receiving Entity: Union County Sheriff

Address of Receiving Entity: 55 W Main St Courthouse, #102, Lake Butler, FL 32054

Description of Request: I have secured \$450,000 in funding in H.R. 1105 in the COPS Law Enforcement Technology Account under the Department of Justice for the Visual Intelligence Tool for Union County Sheriff.

The Counties of North Florida will greatly benefit from the availability of this Law Enforcement Visual Intelligence Tool. It will allow them to manage natural disasters, crime scenes, and emergencies. Within seconds, a law enforcement officer will be able to view and analyze any house, building, intersection, fire hydrant, tree or any feature in the county from their laptop, workstation, or mobile device.

The Union County Sheriff will administer the program for the following eight North Florida counties: Union, Baker, Nassau, Columbia, Hamilton, Madison, Jefferson and Leon.

No matching funds necessary.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs: Juvenile Justice

Legal Name of Receiving Entity: Youth Crisis Center, Inc.

Address of Receiving Entity: 3015 Parental Home Rd Jacksonville, FL 32216

Description of Request: I have secured \$200,000 in funding in H.R. 1105 in the OJP-Juvenile Justice Program, under the Department of Justice for the New Life Village.

New Life Village is an Independent Living and Transitional Living complex and program

whose primary function is to prepare disadvantaged youth for the transition to adulthood. Clients coming to New Life Village will be youth in foster care, youth referred from juvenile justice programs, and youth who are temporarily or permanently homeless.

New Life Village will provide these at-risk youths with an intervention program that provides stable housing in a caring environment supported by therapeutic services, education/career planning, job readiness development and independent living skills, all with a focus of helping them to successfully transition to adulthood.

The Youth Crisis Center will contribute \$1.2 million to the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Office of Justice Programs—Byrne Discretionary Grants

Legal Name of Receiving Entity: Tallahassee Community College

Address of Receiving Entity: 444 Appleyard Drive Tallahassee, FL 32304

Description of Request: I have secured \$100,000 in funding in H.R. 1105 in the OJP Byrne Discretionary Grant Program under the Department of Justice for the Pat Thomas Law Enforcement Academy at Tallahassee Community College.

After the September 11, 2001 tragic events, a concerted effort was begun by law enforcement agencies to reduce barriers that impede intelligence sharing so that future tragedies could be prevented.

The National Criminal Intelligence Sharing Plan (NCISP) was developed as a key tool that law enforcement agencies can employ to support crime-fighting and public safety efforts. The NCISP developed minimum criminal intelligence training standards for law enforcement personnel, and recommended that "training should be provided to all levels of law enforcement personnel involved in the criminal intelligence process."

The Pat Thomas Law Enforcement Academy (PTLEA) at Tallahassee Community College initiated a project to update existing intelligence training programs at PTLEA to enable law enforcement and other criminal justice agency personnel engaged in the planning, collection, collation, analysis, and dissemination of information and criminal intelligence to meet NCISP standards.

Tallahassee Community College will contribute \$394,000 to the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Investigations

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207-8175

Description of Request: I have secured \$167,000 in funding in H.R. 1105 in the Investigations Account under the Army Corps of Engineers for the Mile Point Study.

The funding would study possible improvements to the Mile Point area in the St. John's River where erosion issues severely restrict deep draft navigation. This a major safety con-

cerns for all commercial vessels transiting to the Jacksonville Port Authority.

The study is cost-shared 50% Federal, 50% non-Federal. The non-Federal sponsor for this project is the Jacksonville Port Authority (JAXPort).

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Construction

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207-8175

Description of Request: I have secured \$3,349,000 in funding in H.R. 1105 in the Construction Account under the Army Corps of Engineers for the Jacksonville Harbor.

The funding would complete Phase II dredging of the federal ship channel to the Talleyrand Terminal.

The study is cost-shared 75% Federal, 25% non-Federal. The non-Federal sponsor for this project is the Jacksonville Port Authority (JAXPort).

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Operations and Maintenance

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207-8175

Description of Request: I have secured \$5,650,000 in funding in H.R. 1105 in the Operations and Maintenance Account under the Army Corps of Engineers for the Jacksonville Harbor.

The funding would provide routine maintenance dredging to the federal shipping channel.

There is not a cost share for routine operations and maintenance, it is 100% Federally funded.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Operations and Maintenance

Legal Name of Receiving Entity: U.S. Army Corps of Engineers, Jacksonville District

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville, FL 32207-8175

Description of Request: I have secured \$5,890,000 in funding in H.R. 1105 in the Operations and Maintenance Account under the Army Corps of Engineers for the Intercoastal Waterway, Jacksonville to Miami, FL.

The funding would provide maintenance dredging for the waterway.

The Florida Inland Navigation District will provide \$2,500,000 in matching funds.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Electricity Efficiency and Renewable Energy

Legal Name of Receiving Entity: City of Tallahassee, Florida

Address of Receiving Entity: 300 S. Adams Street Tallahassee, FL 32301

Description of Request: I have secured \$570,900 in funding in H.R. 1105 in the Elec-

tricity Efficiency and Renewable Energy Account under the Department of Energy for the City of Tallahassee Innovative Energy Initiatives.

The City of Tallahassee will provide \$2,000,000 in matching funds for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Small Business Administration

Legal Name of Receiving Entity: Operation New Hope

Address of Receiving Entity: 1830 N. Main St. Jacksonville, FL 32206

Description of Request: I have secured \$500,000 in funding in H.R. 1105 in the Small Business Administration Account for Operation New Hope.

Jacksonville, Florida has continued to experience one of the nation's highest murder rates. Many experts have come to now understand that successful re-entry can be one of the best ways to address violence and crime. The funding of this program dramatically improves public safety by taking people out of the cycle of crime. This program also supports small businesses by introducing many new workers to the workforce.

The State of Florida, City of Jacksonville and other private sources will contribute \$2,450,000 to this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Receiving Entity: City of Jacksonville Beach

Address of Receiving Entity: 11 North Third St., Jacksonville Beach, FL 32250

Description of Request: I have secured \$500,000 in funding in H.R. 1105 in the STAG Water and Wastewater Infrastructure Project account under the Environmental Protection Agency for the City of Jacksonville Beach Wastewater Treatment Plant Upgrade.

This funding will be used for the removal of nutrients from the City's wastewater effluent before it is discharged into the lower St. Johns River, a federally designated impaired river segment, with a January 2006 EPA-mandated 5-year cycle Nutrient Total Maximum Daily Load (TMDL) with requirements for Wastewater NPDES Permit holders to reduce nutrients significantly to at or near Advanced Wastewater Treatment (AWT) Standards.

The City of Jacksonville Beach will provide 45% in required non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Land Acquisition

Legal Name of Receiving Entity: United States Forest Service

Address of Receiving Entity: 1400 Independence Ave. SW, Washington, DC 20250

Description of Request: I have secured \$500,000 in funding in H.R. 1105 in the Land Acquisition account for the Florida National Forest, Osceola.

The purchase of this parcel of land, which is over 1,500 acres, will bridge the gap between

and connect the Okefenokee National Wildlife Refuge and the Osceola National Forest, creating one of the largest forested wetland habitat corridors east of the Mississippi River.

There are no matching funds required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Higher Education (including FIPSE), Department of Education

Legal Name of Receiving Entity: The Schultz Center for Teaching and Leadership

Address of Receiving Entity: 4019 Boulevard Center Drive Jacksonville, Florida 32207

Description of Request: I have secured \$190,000 in funding in H.R. 1105 in the Higher Education Account within the Department of Education for the Florida ESOL E-Learning Network.

School districts in Florida duplicate their efforts by creating and revising their own ESOL courses and having them approved by the state. The Florida ESOL E-Learning Network will provide an educational interactive network to serve all districts with constant and state-approved ESOL courses. By offering the courses online, the Schultz Center will be able to serve larger numbers of teachers in multiple school districts within the state.

The Schultz Center for Teaching and Leadership will provide \$105,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Elementary & Secondary Education (including FIE), Department of Education

Legal Name of Receiving Entity: City of Jacksonville, Florida

Address of Receiving Entity: 117 W. Duval Street Suite 400 Jacksonville, Florida 32202

Description of Request: I have secured \$333,000 in funding in H.R. 1105 in the Elementary & Secondary Education account within the Department of Education for the Jacksonville Journey alternative education program.

More than 15% of all middle school and high school students in Duval County are two or more years behind grade level. "Overage" is a prime indicator for truancy, behavioral problems, and likelihood of coming into contact with the juvenile justice system. As part of its Jacksonville Journey initiative aimed at preventing and reducing crime, the City of Jacksonville is partnering with the Duval County Public Schools to expand a program that provides alternative education opportunities for overage and academically-challenged students. The Alternative Learning Centers program is currently established in 16 comprehensive high schools located throughout the district. The program is designed to eliminate the achievement gap faced by these struggling youth and provide them with the skills and knowledge necessary to move on to higher education or employment.

The City of Jacksonville will provide \$400,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Elementary & Secondary Education (including FIE), Department of Education

Legal Name of Receiving Entity: Duval County Public Schools

Address of Receiving Entity: 1701 Prudential Drive Jacksonville, Florida 32207

Description of Request: I have secured \$285,000 in funding in H.R. 1105 in the Elementary & Secondary Education account within the Department of Education for the Instructional Technology Initiative including for the purchase of equipment.

The Instructional Technology Initiative would provide an innovative and effective method for engaging students who are falling behind in their oral language and reading skills. Intervention products use software founded on adaptive technology that matches the participant's incoming skill level and developmental progress through training exercises. These exercises are continuously calibrated and adjusted to the student's changing skill levels to ensure that they are constantly challenged. Along with Duval County Public Schools, the Instructional Technology Initiative will ensure that these students will not be denied the education they deserve.

The State of Florida and The City of Jacksonville will provide \$650,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Higher Education (including FIPSE), Department of Education

Legal Name of Receiving Entity: Lake City Community College

Address of Receiving Entity: 149 SE College Place Lake City, Florida 32025

Description of Request: I have secured \$95,000 in funding in H.R. 1105 in the Higher Education Account within the Department of Education for the Math for College and Career Excellence program.

More than 70% of the high school graduates that enroll in Lake City Community College do not have the foundational math skills needed for success in college and the workforce. The Math for College and Career Excellence program will address this critical issue by raising academic standards and expectations; institutionalizing collaboration between high school and college faculty; incorporating "real world" applications from careers that depend on math skills; and, ensuring high school graduation standards predict success in both college and career.

Program research outcomes will enable stakeholders to align curricula, assessment tools, and definitions of college- and career-readiness, ensuring that students exit high school ready for success. Building on strong academic partnerships and competitively awarded grant funding, the Math for College and Career Excellence program will transform local math education, support statewide enhancement initiatives, and produce a qualified workforce for 21st century careers.

Lake City Community College will provide \$267,000 in non-Federal matching funds for the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Higher Education (including FIPSE), Department of Education

Legal Name of Receiving Entity: North Florida Community College

Address of Receiving Entity: 325 NW Turner Davis Drive Madison, FL 32340

Description of Request: I have secured \$143,000 in funding in H.R. 1105 in the Higher Education Account within the Department of Education for the purchase of equipment for North Florida Community College.

Specifically, this funding will provide two Human Patient Simulators, which are essential to teaching methodology for nursing, emergency medical technicians, paramedics, and other allied health students enrolled at North Florida Community College. With limited clinics and hospitals, using the human patient simulator offers students critical "hands on" experience. Additional equipment, such as dopplers, scanners, computerized charting systems and simulated barcode medication administration programs, ensures that the simulation experience is as close to the present technology utilized in modern health care facilities. Providing students with the opportunity to learn and then practice patient care, computerized documentation and medication administration systems in a simulated environment promotes student success and enhances the safety of the patient in the clinical area.

This is a one-time purchase of equipment and the Federal funds will cover the purchase price.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Receiving Entity: Florida Community College, Jacksonville

Address of Receiving Entity: 501 W. State Street Jacksonville, Florida 32202

Description of Request: I have secured \$381,000 in funding in H.R. 1105 in the Employment and Training Administration (ETA)—Training & Employment Services (TES) Account within the Department of Education for a veterans employment and training initiative.

As an increasing number of our nation's soldiers, sailors and airmen return to civilian life from service in combat zones, they face the sometimes enormous challenge of reestablishing their family life and re-entering the workforce. Many have no substantial civilian work experience and struggle to translate their military experience to the demands of civilian employers. The U.S. Bureau of Labor Statistics reports that nearly fifteen percent—that's three times the national average—of veterans aged 20–24 are jobless. The Veterans Center for Career Re-Entry will provide the skills assessment, agency referrals, case management, education and employment counseling that veterans in northeast Florida need to successfully re-enter the workforce.

The state of Florida will provide \$80,000 in matching funds for this program.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Federal Lands (Public Lands Highways)

Legal Name of Receiving Entity: United States Department of Transportation

Address of Receiving Entity: 1200 New Jersey Ave SE, Washington, DC 20590

Description of Request: I have secured \$475,000 in funding in H.R. 1105 in the Federal Lands (Public Lands Highways) account for construction of a paved, two-way road and bridge connection from State Road A1A to Fort George Island.

Funding is requested to construct access road improvements on Ft. George Island. As part of recommendations from a federally-sponsored FY2006 study, improvements are needed to alleviate roadway hazards and create a safe, efficient flow for traffic—while preserving the unique character of the Island. Specifically, funds will construct a paved, 2-way road and bridge connection from State Route A1A across Batten Island to Ft. George Island. Construction will also include a new intersection at Palmetto and Ft. George Roads, a park security gate, and a 2-way, paved connector road to handle traffic generated by visitors accessing the primary park area.

The Ft. George Island access road is a long-term solution for controlling traffic to the island and the State national parks. A new intersection at Palmetto and Ft. George Roads would separate automobile traffic from the tabby ruins located immediately to the west of the existing Ft. George Road entrance to the island. This routing also would remove traffic from one of the most hazardous sections of Ft. George Road. In addition, the security gate would be incorporated into the design to control access to the island after park hours to address security concerns of local residents and enhance protection of the island.

The State/Local share is 20%; total funds available for matching are \$500,000.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Surface Transportation Priorities—
Legal Name of Receiving Entity: Florida Department of Transportation

Address of Receiving Entity: 605 Suwannee Street Tallahassee, Florida 32399

Description of Request: I have secured \$190,000 in funding in H.R. 1105 in the Surface Transportation Priorities account for Heckscher Drive Widening and Bridge Replacement.

This project is part of a roadway improvement and installation of new waterway bridge structures to improve capacity and safety for this major arterial. This road will connect major sea ports (commercial and passenger) to I-95, I-295 and commercial/industrial developments and is an evacuation route for Duval and Nassau Counties.

It will also serve a major new international container shipping seaport, which will begin operations in late 2008 and another major international container shipping seaport, which is scheduled to begin operations in 2011.

These two new container ports will more than double trips along Heckscher Drive from

11,000 vehicles per day in 2007 to 26,000 vehicles per day in 2030, while bringing as estimated additional 12,000 jobs to the Northeast Florida area.

All other funds for constructing this facility are currently available from local and state sources. The State/Local share is 20% of the total project cost. The Jacksonville Transportation Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Surface Transportation Priorities

Legal Name of Receiving Entity: Jacksonville Aviation Authority

Address of Receiving Entity: 14201 Pecan Park Road, Jacksonville, FL 32218

Description of Request: I have secured \$722,000 in funding in H.R. 1105 in the Surface Transportation Priorities account for the North Access Road at Jacksonville International Airport.

This project links I-295 with the Air Cargo and Passenger Terminals at the Jacksonville International Airport (JIA). The proposed project will complete the linkage for truck traffic southbound on I-95, allowing this traffic to enter the Air Cargo Terminal area without conflict with the primary passenger route. Completion of this project will increase Jacksonville International Airport's capacity and decrease the number of traffic delays. JIA serves the air transportation needs of northeast Florida and Southern Georgia.

The State/Local share of this project is 20%; the Florida Department of Transportation along with the Jacksonville Aviation Authority is in possession of the required matching funds for the project and is committed to their financial obligation for completion of the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Airport Improvements Program

Legal Name of Receiving Entity: Jacksonville Aviation Authority

Address of Receiving Entity: 14201 Pecan Park Road, Jacksonville, FL 32218

Description of Request: I have secured \$722,000 in funding in H.R. 1105 in the Airport Improvements Program account for the Cecil Field, Northeast Apron and Taxiways, FL.

The project is both AIP and MAP (Military Airport Program) eligible. The project will open new areas of the airport east of the existing runway for new economic development and job creation. JAA has currently redeveloped all existing facilities the JAA received from the U.S. Navy when the base was closed under BRAC.

The project consists of the 2000 foot parallel Taxiway Echo east of existing Runway 18L/36R and the 500 foot Taxiway A-1 connector, along with the 120,000 square foot apron.

The Jacksonville Aviation Authority is in possession of the required matching funds for the project and is committed to their financial obligation for completion of the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Buses and Bus Facilities

Legal Name of Receiving Entity: Jacksonville Transportation Authority

Address of Receiving Entity: 100 North Myrtle Avenue Jacksonville, FL 32204

Description of Request: I have secured \$475,000 in funding in H.R. 1105 in the Buses and Bus Facilities account for Design, Acquisition of ROW, and Construction of the Regional Intermodal Terminal Center, Jacksonville, FL.

The Florida Department of Transportation and Jacksonville Transportation Authority are funding the preliminary design of a full regional multi-modal transportation center near Downtown Jacksonville.

This facility will serve rail, bus, rapid transit the existing Skyway system, intercity bus, parking, pedestrian, parking, and bike modes. The configuration is being designed to promote Transit Oriented Development in support of the City's Master Plan. Funding is requested to complete design, acquisition of property, and construction. Much of the property is already owned by the transportation agencies. This effort will complete design and critical Right-of-way for the second phase and assist in construction activities.

The State/Local share of this project is 20%; total funds available for matching are at least \$3.8 million.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Capital Investment Grants

Legal Name of Receiving Entity: Jacksonville Transportation Authority

Address of Receiving Entity: 100 North Myrtle Avenue Jacksonville, FL 32204

Description of Request: I have secured \$1,280,000 in funding in H.R. 1105 in the Capital Investment Grants account for JTA BRT System, Jacksonville, FL.

This funding will provide for design of portions of an approved BRT corridor including bus lanes, critical right-of-way, signal priority, transit stations, access connections, and communications. Local funds of \$100 million are available for right of way matching. The RTS project includes dedicated bus lanes, rapid transit stations, signal priority and intermodal connections. The project is scheduled to be operational by mid-2011. The Locally Preferred Alternative (LPA) was selected in 2006.

The total program cost for building the complete JTA BRT system, with multiple corridors, is estimated to be \$395 million with local funding of \$197 million. Currently, with \$12.5 million in local funding, the JTA is completing Alternative Analysis and EA on this Bus Rapid Transit based system which is part of the MPO Long Range Transportation Plan, Cost Feasible Plan.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Ferry Boats and Terminal Facilities

Legal Name of Receiving Entity: Jacksonville Port Authority

Address of Receiving Entity: 2831 Talleyrand Avenue, Jacksonville, FL 32206

Description of Request: I have secured \$712,500 in funding in H.R. 1105 in the Ferry

Boats and Terminal Facilities account for the Mayport Ferry Ramp and Dock Rehabilitation Jacksonville, FL.

The Mayport Ferry, which has been in continuous operation since 1948 and is a part of State Road A1A, requires significant repairs and maintenance. The Jacksonville Port Authority has acquired the ferry system from the City of Jacksonville and is the responsible party for all regular operation and maintenance and repairs. Specifically, funding would be used to rehabilitate the present ferry dock ramp on both sides of the St. Johns River. The Mayport Ferry connects the Timucuan Ecological and Historic Preserve and the Mayport Village.

The State/Local share is 20%; the Jacksonville Port Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 1105—Omnibus Appropriations Act of 2009

Account: Interstate Maintenance Discretionary—

Legal Name of Receiving Entity: Florida Department of Transportation

Address of Receiving Entity: 605 Suwannee Street Tallahassee, Florida 32399

Description of Request: I have secured \$1,805,000 in funding in H.R. 1105 in the Interstate Maintenance Discretionary account for the I-95 Interchange with SR 202 (Butler Blvd), Jacksonville, FL.

I-95 is one of the nation's most significant north-south interstates and SR 202, Butler Boulevard is a major east-west 6-lane divided regional highway serving development and evacuation. Funding will supplement local funds to advance design on the complete intersection. A first phase is being constructed totally with local funds. Completion of this interchange between Interstate 95 and SR 202 is critically needed to reduce traffic congestion and improve safety and capacity.

The State/Local share is 50% of the total project cost; the Jacksonville Transportation Authority is in possession of the required matching funds and is committed to their financial obligation in order to complete the project.

TRIBUTE TO NELL SOTO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BACA. Madam Speaker, I stand here today to honor a loving mother, adoring grandmother and great-grandmother, passionate lawmaker and cherished friend, Nell Soto.

Working in the citrus groves as a child during the Depression, Nell eventually grew up to become influential and well-respected in the California Legislature. A sixth-generation Pomona resident, her passion for positive change and betterment of the community began early on in her life. Walking precincts as early as 1948 to help elect President Truman, she eventually became a pioneer of

Latino political activism during the 1950s and 1960s. Actively involved in supporting the rights of farm workers, she walked the streets of Delano, California with Cesar Chavez. She also played an active role in the anti-war movement of the 1960s, including helping Senator Bobby Kennedy win the California primary. These are only a small sample of the impressive events she was a part of and one of the many reasons as to why she became an inspiring role model to us all.

Nell's fight for change carried on into politics where she helped elect her husband, Phil Soto, to the California Assembly in 1962. Nell herself was first elected to office in 1987 as a Pomona City Councilmember, serving for twelve years and becoming a prominent figure in the community. In 1993, she was appointed to the South Coast Management Quality District board and truly became aware of the growing concern of the environmental hazards that were affecting the community. This is where she first made her true mark as a champion of environmental protection. Concerned by the increasing rise of pollution in the Pomona area, she recognized how this was especially affecting all of the hardworking people in fields. Understanding that they were constantly being exposed to these toxins, she continued to push for greater reform.

Only a year after the death of her husband in 1997, she was elected to the California State Assembly. However, shortly thereafter, she replaced me in the State Senate when I left to become a Congressman in 1998 and then returned to the State Assembly in 2006 after her Senate term limits expired. Bringing her determination to create a better life for the people in her community, she formed a task force in the State Senate to help water districts in Fontana, Rialto and Colton address perchlorate contamination of groundwater, an issue that is very dear to my heart. Nell was instrumental in helping deliver \$20 million in federal funding to the Inland Empire to buy replacement water.

Nell always stood up to fight for the poor, the undeserved, and for the community as a whole. She was a forceful voice for Latinos everywhere, making sure our community and its issues were heard. In addition to believing in the protection of the environment, Nell was also a fierce advocate for issues related to education, housing, public safety and transportation. Always prioritizing children and families at the top of her agenda, she helped establish legislation to create safer school routes for children and get parents more involved in their children's education. In addition, Nell was instrumental in securing 5000 new jobs by helping turn the General Dynamics plant in Pomona into a furniture plant, as well as helping to secure \$22.5 million for the Pomona Metro Link and Transit System. She was also responsible for helping secure \$5 million from the state budget for numerous parks and community centers within her district.

I have always been grateful for Nell's friendship, a woman who has always been an inspiration to my family and I. She always supported me, from the time I entered the Board of Trustees, to when I served in the State Assembly, State Senate and still as I came here to serve as a Member of Congress. I thank her for always making a point of attending one

of my events or at least sending a representative if she couldn't come herself. I know I am not alone when I say that I have lost a truly amazing friend, one who will be remembered for her hard work, true commitment to family and tireless efforts to better her community.

I am proud to have known a woman who was so loved by all of her family and friends. Nell is survived by her children, Philip Jr., Michael, Patrick, Anna and Tom, as well as her eleven grandchildren and three great-grandchildren.

I would like to express my greatest sympathies for her family's loss. Let us take a moment to remember this great woman and her admirable dedication to instilling positive change and leading an exemplary life, one whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara and children Councilman Joe Baca, Jr., Jeremy, Natalie and Jennifer and I are with her family at this time.

God bless Nell Soto for love of God, country and mankind.

IN HONOR OF JOHN AND JOAN MULLEN

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SESTAK. Madam Speaker, I rise today to join with the Irish American Business Chamber & Network, proud Irish Americans everywhere and especially the residents of the 7th Congressional District of Pennsylvania in acknowledging the business skills, compassion and philanthropy of John and Joan Mullen.

Every Member of Congress receives considerable correspondence especially when the nation is in difficulty. I have come to appreciate first hand the intelligence and vision of John Mullen. At the peak of the energy crisis he drafted a precise, informative and creative assessment of the causes of the crisis and cogent ideas for its resolution. Of the many thousands of letters, phone calls and e-mails, his correspondence remains in a prominent place in my office and I look forward to working with him on the energy crisis and other pressing national matters throughout my tenure in Congress.

I should have expected as much from a man who has served his country in the armed forces, worked his way through college, and had the vision and determination to marry his remarkable wife Joan. Together they have raised four accomplished children: Tim, Jeffery, Matthew, and Janice. Madam Speaker, by dint of hard work, a faith centered life and love for one another, the Mullen family epitomizes all that is right in the United States, Ireland and the world. I ask that at this moment this chamber joins me in wishing John and Joan Mullen continued success, fair winds and following seas for many years to come.

CONGRATULATING MR. JOHN BROGAN, RECIPIENT OF THE LIFETIME ACHIEVEMENT AWARD FOR 2009 FROM THE GREATER PITTSBURGH FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. John Brogan, of Exeter, Pennsylvania, who was selected by the Greater Pittsburgh Friendly Sons of St. Patrick to receive their 2009 Lifetime Achievement Award.

Mr. Brogan graduated from Exeter High School in 1946 and joined the United States Navy where he served on a minesweeper from 1946 to 1948.

Mr. Brogan returned home following his military service to work in his father's men's clothing store, Sime Brogan's. He took over the operation of the family business in 1951 upon the death of his father. He continued to operate the business until his retirement in 1988.

Mr. Brogan is active in many organizations to which he belongs. These organizations include the Greater Pittsburgh Friendly Sons of St. Patrick, the Exeter Lions Club, the American Legion, Post 833; Italian American Association; John F. Kennedy Council No. 372, Knights of Columbus and its Fourth Degree and the Naval Mine Warfare Association.

He is a member of American Federation of Musicians, Local 140, and he is the manager and musician for the Cino Paci Band.

He is a member of St. Cecelia's Church in Exeter where he is a member of the men's club. He also sings in the church choir.

Despite his retirement, Mr. Brogan still holds two part-time jobs with the Gubbiotti Funeral Home and Cefalo and Associates Law Firm.

Mr. Brogan and his wife, Louise, have three children: Marguerita Mutarelli, John Simon and Michael; three grandchildren and five great grandchildren.

Madam Speaker, please join me in congratulating Mr. Brogan on the occasion of this auspicious honor. Mr. Brogan's deep commitment to his family and his community has improved the quality of life for so many and has served as an example for others to emulate.

MILES DAVIS

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

MR. ABERCROMBIE. Madam Speaker, I rise today to honor one of the greatest jazz visionaries of our time, Miles Davis. Today is the 50th anniversary of his definitive album, *Kind of Blue*, and it is an occasion to recognize and celebrate his legendary mark on music. Born in 1926, Miles Davis took up the trumpet at age 13. Two years later, Davis joined the Musicians' Union and by age 19, had landed a contract with Capitol Records,

playing in a combo led by alto saxophonist Charlie Parker.

Many would say that examining Miles Davis's recording career is to examine the history of jazz from the mid-'40s to early '90s. From his initial recordings, which displayed a subtle, yet challenging style of "cool jazz", Davis went on to change the course of jazz history in recording a new stylistic approach, known as modal jazz, on his 1959 album, *Kind of Blue*. This album is perhaps the most celebrated jazz album in history. It hit quadruple platinum in sales, was ranked number 12 on Rolling Stone magazine's list of the 500 greatest albums of all time, and the musicians who participated are considered among the greatest jazz artists of the last century.

Hardly content, Davis continued to experiment and innovate in producing such timeless and influential albums as *Sketches of Spain*, *E.S.P.*, *Miles Smiles* and *Nefertiti*. As music progressed throughout the decades, so did Miles Davis. In the latter half of the century, Davis expanded his repertoire to include free jazz and elements of rock music, and extended his appeal far beyond the classic jazz audience.

Miles Davis once said, "The way you change and help music is by tryin' to invent new ways to play." Indeed, Davis brought innovation to jazz for nearly fifty years and stayed at the cusp of music's evolution. Recognizing his contributions to music, Miles Davis is now a part of the Rock and Roll Hall of Fame, the St. Louis Walk of Fame and Down Beat's Jazz Hall of Fame. Madam Speaker, for his many achievements and his lasting example to musicians worldwide, I rise today to commemorate the 50th anniversary of *Kind of Blue*, to honor and to thank Miles Davis for the legacy he has left to art.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks received as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Name of the Requesting Member: LEE TERRY

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: Combined Sewer Separation

Amount: \$650,000
The legal name and address of requesting entity: City of Omaha, Nebraska—Public Works Department 1819 Farnam Street, Omaha, NE 68183

Description of earmark: To be used for the design and construction of improvements to portions of the City's combined sewer system. These projects will allow the City of Omaha to reduce the amount of sewage overflowing to receiving streams. The Combined Sewer Overflow Controls project is consistent with the latest requirements from the Environ-

mental Protection Agency (EPA) and Nebraska Department of Environmental Quality (NDEQ) to achieve the goal of improved water quality in the United States. The NDEQ has issued a National Pollutant Discharge Elimination System (NPDES) CSO Permit to the City of Omaha for its regional wastewater treatment system. A Consent Order with NDEQ requires Omaha to implement a Long Term Control Plan (LTCP) to reduce the impact of wastewater discharges on the water quality of the Missouri River and the Papillion Creek. Specific activities for 2009 include: the Webster Street storm sewer extension, a new South Omaha force main sewer, and other projects to be determined. The combined sewer system is restricted to the eastern portion of the City of Omaha and serves approximately 130,000 people. Wet weather conditions result in discharge of raw sewage into the environment and residents' basements. Upon completion, the planned projects will reduce the CSO volume to the Missouri River; improve the water quality and the community's public health. Based on critical necessity for the design and construction of the sewer overflow improvements, the City is requesting this federal funding.

Name of the Requesting Member: LEE TERRY

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: 2010 Special Olympics USA National Games

Amount: \$238,000

The legal name and address of requesting entity: 2010 Special Olympics USA National Games 8801 F Street, Omaha, Nebraska 68127.

Description of earmark: Money to be used to assist in funding the Special Olympics' Second USA National Games in 2010. The money will be spent on logistics, security, transportation, housing and meals for athletes. The Special Olympics has previously been funded by the U.S. Congress and the nation has an interest in developing all of our human capital, an opportunity which the Special Olympics USA National Games provides.

Name of the Requesting Member: LEE TERRY

The bill number: H.R. 1105, Omnibus Appropriations Act, 2009.

Project Name: UNMC Environmental Health Informatics Data Base

Amount: \$238,000

The legal name and address of requesting entity: UNMC 987680 Nebraska Medical Center, Omaha, NE 68198

Description of earmark: Money will be used to create a Midwest Health Informatics database to assess environmental influences on the development of diseases by collecting health information from 50,000 Midwesterners. This database would be the first research cohort in the Midwest to study the relationship between rural populations, the environment, and disease development. This project could reveal environmental factors responsible for birth defects or lymphoma, a cancer with high incidence in Nebraska. The data will provide valuable information on the factors influencing development of deadly diseases like cancer.

INTRODUCING LEGISLATION TO
ENCOURAGE AND EXPAND THE
USE OF DEPENDENT CARE
FLEXIBLE SAVINGS ACCOUNTS
(FSA)

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SENSENBRENNER. Madam Speaker, today I am introducing legislation to encourage and expand the use of Dependent Care Flexible Savings Accounts (FSA).

Millions of people rely on child care to be able to work, and increasingly, to look for work, while others are responsible for older parents or disabled family members. Child and dependent care is a critical issue and a large expense for many American families.

Across the country, annual prices for full-time child and dependent care have increased dramatically. The average price for full-time care for a toddler is approximately \$7,000 according to the National Association of Child Care Resources and Referral Agencies—infrants cost even more. My state of Wisconsin is among the highest, with an average cost of \$12,000. Meanwhile, the out-of-pocket cost of caring for an aging parent or spouse can easily exceed \$6,000 a year.

To lighten the financial burden for working individuals, Congress created the Dependent Care FSA. A Dependent Care FSA enables individuals to put aside a set amount of money each year to help pay for eligible dependent care expenses for children under the age of 13, or others who can be claimed as a dependent, including a parent or spouse. The money set-aside is pretax, thus reducing a person's taxable income.

My legislation will improve the Dependent Care FSA by increasing the exclusion amount to \$7,500 for families and indexing it to inflation on an annual basis. Increasing this amount to reflect the changing times will provide more financial relief to parents raising children and/or caring for adults. The legislation would also allow individuals to roll over any unused funds to the following year. Under current law, each household is permitted to set aside up to \$5,000 annually pre-tax. The \$5,000 limit has been in effect since 1986, even though the cost of care has risen significantly since then.

I am pleased that employers are increasingly recognizing the need to address dependent care issues in the workplace by offering Dependent Care FSAs. It is my hope that Congress will raise the current Dependent Care FSA limit to better reflect the changing workforce and help individuals plan and pay for the care they need at home as they earn a living.

I urge my colleagues to join me in supporting this important bill.

TRIBUTE TO THE NAPLES
TOASTMASTERS CLUB

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. MACK. Madam Speaker, I rise today to honor the Naples Toastmasters Club upon the celebration of their 50th anniversary.

Anyone who has ever had to give a speech in front of an audience knows what a tense and sometimes nerve-racking experience it can be. Fortunately, Toastmasters International and its chapters across the globe have been helping people become more competent and comfortable in front of an audience for over 80 years.

The Naples Toastmasters Club in Naples, Florida provides a mutually supportive and positive learning environment for members to develop their communication and leadership skills. Increasingly, these skills have become vital to success in the classroom, in the workplace, and in life. Perhaps even more importantly, Toastmasters helps people increase their self-confidence and allows them to reach their professional and personal goals.

The members of the Naples Toastmasters Club are some of the most giving and productive members of our community. They continue to empower a new generation of Southwest Floridians to develop the leadership and communication skills needed to make significant contributions to our community.

Madam Speaker, the Naples Toastmasters Club's enthusiasm and passion for serving our community is inspiring, and their efforts have helped to make Southwest Florida a great place to live, work and visit. It is truly an honor and a privilege to represent the members of the Naples Toastmasters Club in the U.S. House of Representatives.

TRIBUTE TO THE PEACE CORPS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. GRANGER. Madam Speaker, congratulations to the Peace Corps and Peace Corps Volunteers as we celebrate the Peace Corps's 48th anniversary on March 1, 2009. From its beginnings under President John F. Kennedy until now, the Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity, and expand development at the grassroots level in the developing world.

As in all things, the strength of the Peace Corps is in its people—its volunteers. Volunteers have made significant and lasting contributions around the world in agriculture, business development, education and health care.

In fact, Danny and Shirley Sherrod from my district just retired from their careers and have volunteered to spend the next two years serving as Peace Corps Volunteers in Panama. Danny and Shirley said that their conversations with other volunteers made a huge impact on their lives, so they are using this new

time out of retirement to volunteer. This is but one example of the selfless dedication that people like Danny and Shirley Sherrod of Fort Worth, TX, commit to bringing to the Peace Corps and to our world.

Through Peace Corps service, volunteers worldwide learn more than 250 languages and dialects, and they receive invaluable training that enables them to succeed in different cultural settings. Returning volunteers often use these skills and experiences to pursue careers in the Federal Government and in the Foreign Service.

As Ranking Member of the House Appropriations Subcommittee on the State-Foreign Operations, I am proud that this Subcommittee provides the funding and the resources needed to continue the good work that the Peace Corps is doing around the world.

This week, during the National Peace Corps Week, I rise to recognize the achievements of the Peace Corps and honor its Volunteers, past and present, and reaffirm our country's commitment to helping people help themselves throughout the world.

CELEBRATING THE DELAWARE
AND RARITAN CANAL 175TH AN-
NIVERSARY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. LANCE. Madam Speaker, I rise today to pay a special tribute to the Delaware and Raritan Canal upon its 175th Anniversary Celebration. This year New Jersey towns and community groups along the canal will celebrate the rich contributions of the Delaware and Raritan Canal, and I wholeheartedly join them.

The Delaware and Raritan Canal, which spans more than 66 miles across the State of New Jersey, has an important place in New Jersey history, and provides scenic and recreational facilities that New Jersey families enjoy today.

In our state's early history, the Delaware and Raritan Canal provided a significant route for the movement of commerce and people. As part of the Intracoastal Waterway, the canal also played an important role of connecting towns and people from Florida to New England.

All along the route, canal boats delivered Pennsylvania anthracite coal to factories, homes, and coal yards in New Jersey, New York harbor, and points north and south. They brought farm products to market; carried store-bought goods to residents in the interior; delivered raw materials to the factories; and distributed finished products to outlets throughout the region. Businesses along the canal included food packing companies, rubber reclaiming plants, distilleries, coal yards, quarries, lumberyards, pharmaceuticals, terra cotta, wallpaper manufacturers, farms and many more.

According to canal historians, 1866 was the canal's peak year, when almost three million tons of cargo were shipped through the waterway—more tonnage than was carried in any single year on the much longer and more famous Erie Canal.

During three wars, the Civil War, World War I and World War II, the Delaware and Raritan Canal carried men and materials between the ports of New York and Philadelphia.

In 1973, several coalitions in New Jersey sought and secured a place on the National Register of Historic Places for the Delaware and Raritan Canal. One year later, the canal became the centerpiece of the Delaware and Raritan Canal State Park. Since then, the Canal Society of New Jersey and the D&R Canal Watch have worked tirelessly to preserve and protect the canal's rich history for generations to come.

Today the Delaware and Raritan Canal serves New Jerseyans as a tranquil ribbon of green, connecting our historic past with recreational opportunities that are enjoyed by so many.

COMMEMORATING THE LIFE AND ACHIEVEMENTS OF ELIJAH PAT LARKINS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life and achievements of my dear friend and a widely-respected leader, the Honorable Elijah Pat Larkins, who died February 14, 2009 after losing a 16-month battle with brain cancer. My thoughts and prayers are with his family at this most difficult time. I hope that Pat's family takes comfort in knowing that, in his over 66 years on this earth, he had a profound impact on those around him, making significant contributions to the lives of so many Floridians.

Pat had an affinity with South Florida that was developed over a lifetime. He was born in Pompano Beach in 1942, and graduated from Blanche Ely High School in 1960. In 1962 he left Tennessee State University without graduating to pursue a career as a housing director for the local community action agency. In 1969, he was one of only two Florida recipients of a Ford Foundation fellowship to attend the National Housing Institute in Washington, DC. He worked in Illinois for a brief period immediately following his certification by the Department of Housing and Urban Development (HUD) as a housing development specialist. Returning to Florida, Pat created the Broward County Minority Builders Coalition and was a director of his own not-for-profit business, Malar Construction Inc. in Ft. Lauderdale.

Madam Speaker, Pat had a long career in public service, and it is through this aspect of his life that he has had the greatest impact on the lives of so many in South Florida. He was the first chairperson of the City of Pompano Beach Community Development Committee. In 1982, he was the second African-American elected to the Pompano Beach City Commission. He was just the eighth African-American local elected official in Broward County and served 19 consecutive years as city commissioner. In that time, he served a record seven terms as mayor, the first African American to hold this post, and three terms as vice-mayor. He also served an unprecedented 14 con-

secutive years on the Broward County Planning Council and was the first African-American chair of that body. After an unsuccessful run for Broward County Commission in 2001, Pat Larkins was reelected to the Pompano Beach City Commission in 2003 where he served as vice-mayor.

I am sure that my colleagues would agree that this is a remarkable list of achievements. Importantly, however, Pat was known not only for the offices that he held but the means by which he discharged his duties in those offices. Pat was a man of uncompromising integrity. He possessed an incredible generosity of spirit, and was a mentor to those around him. Pat has been referred to as the dean of Broward black elected officials because of his remarkable leadership and role as one of the founders of that group. He knew his constituents astoundingly well, and would often complain in jest that he was going broke buying flowers for funerals.

Pat was also recognized throughout the State as a leader and spokesperson for minority involvement in government and business. During his time as mayor of Pompano Beach, the city hired the first black fire chief and first black city clerk in Broward County. Pat initiated the city ordinance to promote minority small business concerns, and along with two others, helped to create the first minority business enterprise program for Broward County government. His concern for equality had developed from an early age; as a student at Blanche Ely, where he was voted to lead his class from 5th through 12th grades, he led a student boycott of classes when an annual gathering of the county's three black high schools was canceled.

In addition to his many professional achievements, Pat Larkins took an active role in countless public service, social, and religious organizations. He was a life member of the National Association for the Advancement of Colored People (NAACP), served on the Broward County Boys and Girls Club corporate board, the Juvenile Justice Intensive Halfway House, and the Florida black caucus local elected officials, and was a longtime member of Hopewell Baptist Church. He was a founding member of the Urban League board, as well as a leader in the Superintendents' Commission on Public Education, National Black Mayors' Conference, and U.S. Conference of Mayors.

Madam Speaker, through all of these roles, Pat had an indelible impact on the well-being of his community. He made profound contributions in the area of housing, working tirelessly to ensure safe and adequate housing was available to all. Under his leadership, Pompano Beach recently demolished a 140-home development that had been rundown and falling apart and relocated the owners to a modern development of affordable homes on an even swap arrangement at a considerable cost savings to the city. Over the past 5 years, he led the city in providing financial and other assistance that has resulted in the erection of more than 800 affordable multifamily units.

Madam Speaker, although Pat's life has come to an end, his legacy will live on for generations to come. He will be remembered for his patience and generosity, characteristics which enabled him to improve the lives of all

those who knew him. Pat was my friend of 46 years, he was a Renaissance man and I am proud and fortunate to have known him.

CONGRATULATING JAMES J.
KEELER, 2009 HONOREE OF THE
SOCIETY OF THE FRIENDLY
SONS OF ST. PATRICK OF
LACKAWANNA COUNTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to James J. Keeler, of Clarks Summit, Lackawanna County, who was selected to receive the prestigious "President's Award" from the Society of the Friendly Sons of St. Patrick of Lackawanna County for the year 2009.

Mr. Keeler has proudly and successfully served the people of Lackawanna County for many years in a wide variety of ways.

He has served as administrator of the Social Security Administration. He was the first chairman of the Lackawanna County Multi-Purpose Stadium Authority. And he has been a political science instructor at Marywood University and at the University of Scranton.

A native of the City of Scranton, Mr. Keeler began his career in Harrisburg in 1969 as an assistant to then Auditor General Robert P. Casey.

He joined the Social Security Administration in Baltimore, Maryland, in 1971 as a legislative analyst and served on the task force that implemented the Supplemental Security Income, SSI, program. He also worked in Washington DC on Capitol Hill at the Congressional Research Service.

In 1976, Mr. Keeler and his wife, the former Elaine O'Malley, of Scranton, returned to Lackawanna County where they raised their three children: Jimmy, Ellen and Paul in Clarks Summit.

In 1991, Mr. Keeler was recognized by the United States Secretary of Health and Human Services with a national Honor Award for an innovative outreach program that found over 200 low income aged and disabled Lackawanna County residents who were eligible for the SSI program.

Mr. Keeler is the author of "Our Team! Insights From the Publicly Owned Scranton/Wilkes-Barre Red Barons," a book based on his doctoral dissertation at the University of Southern California's School of Public Administration.

Madam Speaker, please join me in congratulating Mr. Keeler for his many years of service to the Lackawanna County community. His commitment to public service has vastly improved the quality of life for many throughout northeastern Pennsylvania and, for that, Mr. Keeler has earned our respect and admiration.

PERSONAL EXPLANATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. PLATTS. Madam Speaker, due to my attendance at a U.S. Navy change of command ceremony, I regret that I could not cast recorded votes for roll Nos. 80–85. Had I been present, I would have voted “yea” on roll Nos. 80, 81, 82, 84, and 85, and “no” on roll No. 83.

TRIBUTE TO GEORGE H.
WILLIAMSON, CHIEF DEPUTY
DISTRICT ATTORNEY

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I rise today to pay tribute to George H. Williamson who is retiring after 31 years of service as a criminal prosecutor. George was my Chief Assistant Attorney General for the Criminal Division during the eight years that I was privileged to serve the citizens of California.

When you think of George Williamson, the first thing which comes to mind is that he is a “lawyer’s lawyer.” Were Black’s Law Dictionary to put pictures next to their definitions, you would find a picture of George next to the definition of “criminal prosecutor.” What else could you say about a man who has tried over 70 homicide cases? It is not surprising that he was named “Prosecutor of the Year” by the California District Attorneys Association and received the “Outstanding Advocacy Award” from the Association of Government Attorneys in Capital Litigation. The National District Attorneys Association inducted George into the “Home Run Hitter’s Club” in recognition of his stature as one of the finest litigators in the United States. He was meticulous in his legal preparation, persuasive in his courtroom presentation and unequivocally ethical in his dealings with all parties.

In his work supervising our Criminal Division in the California Department of Justice, George was not only responsible for managing 450 attorneys and staff, but he personally handled major case litigation as well. In this regard, he was responsible for one of the most significant public corruption cases in California history, where he obtained a conviction against the former California Superintendent of Public Instruction.

Let me also say that one of the most admirable leadership qualities displayed by George was his role in mentoring young lawyers in the California Department of Justice. Although George may be retiring, he leaves behind him a legacy of fine lawyers who include District Attorneys within their ranks.

It was an honor to work with George H. Williamson during my tenure as Attorney General. He will always have my friendship and respect, and I wish him the best with his endeavors.

TRIBUTE TO MR. BENNIE GOODEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to recognize the life and legacy of Mr. Bennie Gooden, a dedicated civil servant who contributed so much to the lives of others in Mississippi. His dedication to public service began with his tenure as a teacher in Coahoma Agricultural High School and later Dean of Men at Coahoma Community College. Afterward, he transitioned to being the first Project Director for the HeadStart Program in Coahoma and Tunica Counties.

Madam Speaker, not only did Bennie serve in the arena of education, but he was an advocate of affordable housing for all. In 1969, he led the Chapel Hill Baptist Church in the ownership and development of a 100-unit housing development, Chapel Hill Heights. He was a Certified Real Estate Manager, CREM, and managed multi-family housing units throughout the Southeast in a career which spanned 35 years. One can understand why his name, particularly in the Mississippi Delta, is synonymous with “housing.”

Madam Speaker, Bennie amassed many honors and was involved with an impressive list of religious, civic and community endeavors in his life, which include: being a member of the Coahoma County Branch NAACP for more than 50 years, past President of the Aaron E. Henry Community Health Services Center, Inc., he served on the Advisory Board of the Lower Mississippi Delta Development Commission, he was appointed by President Jimmy Carter to serve on the Board of Directors of the National Institute for the Building Sciences, and he received the Medgar Evers Award for Outstanding Civic Community Leadership, and the Coahoma County Branch NAACP Spirit and Freedom Award.

Without Bennie Gooden’s support, I would not be in the position I am today. Madam Speaker, I’m grateful for his presence in my life and the lives of Mississippians all around our great state.

RECOGNIZING THE PROFESSIONAL
EXCELLENCE OF THE UNITED
STATES TRANSPORTATION COM-
MAND AND THE CONTRIBUTIONS
OF THE MILITARY AND CIVIL-
IANS WHO SERVE ON TRAVIS
AIR FORCE BASE

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. TAUSCHER. Madam Speaker, I rise today to commend the hard work, and professionalism of General McNabb and the fine men and women of the United States Transportation Command. Their accomplishments are unmatched as they delivered 2 million passengers, 3 million short tons of cargo, and nearly one and a half billion gallons of fuel worldwide in order to meet Department of Defense needs.

I am also proud to include the patriotism and total dedication to excellence exhibited by the military and civilian members of my district who played a vital role in these accomplishments as they performed their duties on Travis Air Force Base.

As you know, Travis Air Force Base is the largest Air Mobility base in the country and serves as the principal staging area for the Pacific Theater. As such, Travis plays an invaluable strategic role in our airlift programs.

With President Obama’s decision to increase military operations in Afghanistan, Travis’ role will increase in prominence. Travis is host to the 615th Contingency Response Wing and is also home to the David Grant Medical Center which is the primary lead for the Craig Joint Theater Hospital at Bagram Air Force Base.

Since the 2005 Mobility Capability Study, Department of Defense Officials have not been able to agree on the baseline inventory requirements for the C-17. I have long been an advocate of keeping the production line open to address future requirements and have supported supplemental appropriations to reach the baseline levels for this multi-role platform required by the Air Force and Transportation Command for mission accomplishment.

I look forward to working hard in this Congress to provide our brave men and women with the tools they need to continue to keep our nation secure while also being able to respond to national emergencies.

FREEDOM FOR OMAURIS RONDON
RIVERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Omauris Rondon Rivero, a political prisoner in totalitarian Cuba.

The Cuban people continue to suffer a repression unprecedented in the history of our hemisphere. For 50 years Fidel and Raul Castro have imposed a brutal, murderous and unscrupulous totalitarian tyranny on the Cuban people.

Last May, Mr. Rondon was thrown into a dungeon after being accused of “defamation of government institutions, heroes and martyrs” by the dictatorship. It is unclear what Mr. Rondon had said, but the dictatorship sends people to the gulag even for the slightest of “verbal transgressions.”

Mr. Rondon is not known to be a member of any human rights group, opposition political party or independent civil society organization. But he said something that bothered the criminal thugs who oppress the Cuban people. He was “sentenced” to a year in the gulag. Reports from within the political prisons have pointed out that Mr. Rondon has suffered continuous and serious beatings inside the degrading gulag where he is locked up. In totalitarian Cuba the cries of the tortured are never heard; we can only imagine the horrors Omauris Rondon is being subjected to.

Thousands, like Mr. Rondon, languish in Cuban dungeons simply for their support of freedom, democracy and the Rule of Law, or for other acts that are considered criminal only by a murderous and demented totalitarian tyranny such as the Castros' (actions like "attempting to leave the country without permission").

While countless thousands of Cubans suffer in the tyranny's infernal gulag, tourists visit the island's "delights", enjoying the regime's apartheid tourism system and partaking of the child prostitution promoted by the Castros' regime. Heads of State and government, foreign ministers and other "dignitaries" flock to totalitarian Cuba, partaking in the regime's sponsored "delights", and bringing ignominy to the nations they allegedly represent.

But, Madam Speaker, I rise to remind my colleagues of the real Cuba. I rise to remind my colleagues that Omauris Rondon Rivero, and thousands of others who suffer in the Castros' gulag, exist. That they represent the best of the Cuban nation. That they represent the future of Cuba, a free and democratic Cuba. And I rise to demand the immediate and unconditional release of Omauris Rondon Rivero and all the political prisoners in the nightmare that is totalitarian Cuba.

THE INTRODUCTION OF THE WORKING FAMILIES' FLEXI- BILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. MALONEY. Madam Speaker, I am pleased to introduce the Working Families' Flexibility Act, which will ensure that working Americans can ask their employer for modified schedules so they can balance the demands of their jobs and their home life.

Modeled on successful legislation adopted in the United Kingdom, the legislation would give employees a right to request modification of their hours, schedule, or work location. It would require employers to seriously consider all such requests in a timely manner, and provide an explanation for requests that are denied. The bill also includes job protection for employees who make flexibility requests. Small businesses would be exempt from this bill, and the Department of Labor would be called upon to develop regulations for the flex-time process.

This bill will raise awareness of the rising need for flexible work schedules, and will protect employees who are nervous about requesting a change in schedule. Called the "soft-touch" law in the UK, it would not place undue burden on businesses, it only asks that they evaluate these requests and provide a response explaining their decision, whatever it is. Adopting a flexible workplace has been shown to reduce turnover, which helps employers cut costs and retain valuable employees. In the UK, over 80 percent of requests have been approved and over 80 percent of employers report no adverse effect from the legislation.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. ROYBAL-ALLARD. Madam Speaker, I rise in strong support of H.R. 1, the American Recovery and Reinvestment Act.

We are all painfully aware that our nation is in a deep economic recession. The grim numbers from the Bureau of Labor Statistics begin to tell the story. For months the unemployment rate has been rising and in January nearly 600,000 jobs were lost. This is the highest number of jobs lost in a one-month period since 1974. It is estimated that if joblessness continues at the same rate, unemployment rates will be in the double digits by summer and the highest unemployment level since the Great Depression.

Economists on both sides of the aisle agree that we need swift and robust action to counter this troubling downturn. By making needed investments in areas such as infrastructure, healthcare, and education H.R. 1 will address rising joblessness by creating jobs in areas where investment will make a long-term impact. In my home state of California it is expected that the measure will create or save close to 400,000 jobs.

As a healthcare advocate I am particularly pleased that the bill also provides \$1 billion to restore state and local health department jobs that will be lost in the next year due to budget cuts. Not only will this funding keep thousands of people employed, it will also ensure that the public continues to receive critical prevention and wellness programs that these employees provide. Moreover, it is essential that we ensure the stability of our public health infrastructure which is critical to national and local responses to natural or man-made catastrophes.

I am also gratified that the bill includes funding to address critical health care workforce shortages. At a time when millions of Americans are unemployed, there are well over 140,000 unfilled registered nursing jobs in our hospitals, nursing homes and community health centers. To address this need the bill includes \$500 million for nurse training.

The bill also allows governors to spend up to \$10 billion for school modernization. The funding provided for school renovation and repair is essential to address the nation's crumbling education infrastructure. Our nation's students and teachers deserve to learn and work in buildings that are not crumbling around them.

There is no dispute that economic conditions will get worse before they get better. The American Recovery and Reinvestment Act is an important step forward in reversing the course of the current recession. It will provide a desperately needed boost to our ailing economy, and will provide American families with a needed social safety net as they weather the worst of this economic crisis.

I urge my colleagues to vote yes to stabilize our economy and assist Americans impacted by this crisis.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service—SRG

Legal Name of Requesting Entity: Florida Citrus Mutual

Address of Requesting Entity: Lakeland, FL 33802

Description of Request: I secured \$1,217,000 for the continuation of vital citrus canker research by the UF-IFAS, through the Cooperative State Research Extension and Education Service (CSREES), to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate this devastating citrus disease.

In 2005, USDA-Animal Plant Health Inspection Service (USDA-APHIS) detected citrus greening in Florida. This is yet another severe citrus disease that must be addressed. USDA-APHIS and ARS are working in conjunction with Florida Department of Agriculture and Consumer Services Division of Plant Industry (FDACS-DPI) and UF-IFAS to develop a joint citrus health production plan for an interim period, while the scientific community works to find disease resistance and/or a cure for these diseases. Research efforts will include management of citrus canker and greening to minimize tree mortality and yield loss in a cost effective manner, as well as the economic implications of these diseases in world citrus markets. This joint, coordinated research is not only imperative to Florida citrus, but also important to all U.S. citrus production.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services (HRSA) Health Facilities and Services

Legal Name of Requesting Entity: University of South Florida Sarasota-Manatee

Address of Requesting Entity: 8350 N. Tamiami Trail, Sarasota, FL 34243

Description of Request: I secured \$143,000 to address nursing shortages by supporting educational development at the University of South Florida Sarasota-Manatee Campus

Critical nursing shortages throughout the United States continue to grow as the population ages and the nursing workforce approaches retirement age. The University is in the initial stages of preparing for separate academic accreditation. Once this is achieved, their highest priority will be to establish a College of Nursing on the campus. With a nursing program in place we will be able to reach and educate the southern-most portions of Florida. The funds from this proposal will be spent to

support the development of a teaching simulation laboratory (equipment and simulation models) on our campus, for equipping a video-conference classroom, and the development of web, on-site, and blended courses.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Boulevard, Sarasota, FL 34236

Description of Request: I secured \$500,000 for the Phillippi Creek Septic System.

Obsolete septic tanks are a source of wastewater pollution in Phillippi Creek, and thus, all of lower Sarasota Bay, along with its estuaries. The Phillippi Creek Septic Tank Replacement Program is underway to replace failing septic systems and connect approximately 15,000 low-income homes and businesses to central sewer in the Phillippi Creek Basin.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Manatee Community College

Address of Requesting Entity: 5840 26th Street West, Bradenton FL 34207

Description of Request: I secured \$95,000 for a Medical Technology and Simulation Center at Manatee Community College (MCC).

Through state and private initiatives over many years, MCC has been able to secure funding to construct a Medical Technology and Simulation Center. What is now needed are resources to outfit the Center with the equipment to operate a functional teaching program and Community Health Clinic. The proposed expansion of MCC's nursing program will accommodate up to 48 new nursing students each year and help provide the community with additional health care services it requires. This investment in classroom and clinical infrastructure will allow the College to immediately expand its program in terms of both student enrollment and reach. Without additional funding the prohibitive costs associated with nursing programs would create an indefinite barrier to the College's ability to meet this community need.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Education—Higher Education

Legal Name of Requesting Entity: New College of Florida

Address of Requesting Entity: 5800 Bay Shore Road, Sarasota, FL 34243

Description of Request: I secured \$95,000 for a Smart Library for New College in my district.

Libraries are no longer about books and journals, microfiche and card catalogs. The libraries of the future will deal with the business of information management. They are becoming centers for community research and civic engagement. New College of Florida is poised

to engage and enhance the digital assets at the Jane Bancroft Cook Library, a joint-use facility for New College of Florida, the University of South Florida Sarasota/Manatee, Manatee Community College, and citizens in the Manatee and Sarasota communities. The Cook Library/Smart Library plan will include:

Creating a variety of digital collections open to students, faculty, staff, and the community;

Acquiring basic sets of digital images to enrich the curriculum (environmental studies, art history, music, history, anthropology, biology, math, physics, business, education, criminal justice, etc.) and for use in educational and community outreach;

Purchasing equipment to digitize, analyze, and archive images and video created for research and teaching purposes;

Managing a full complement of digital assets, including audio, video, internet and metadata;

Developing educational, public outreach programs and facilitating public forums;

Providing a variety of workstation (PC, Mac) to allow for ease of access by faculty/students/staff/public;

Establishing Smart Collaborative Spaces where groups can interact using the best technology available.

Located on the Sarasota-Manatee county border, Cook Library is strategically placed to be an information hub for all the higher education institutions and the citizens of the counties they serve.

TRIBUTE TO VINCENT FEMIA

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. ARCURI. Madam Speaker, I rise today in recognition of Vincent Femia—a resident of my district in Upstate New York—for his outstanding achievements at the 2009 Special Olympic Winter World Games held in Boise, Idaho. Vincent played an integral role in helping Team USA capture a gold medal during the 4x1K freestyle cross-country relay. He also earned a silver medal for his performance in the 7.5K freestyle cross-country race, and a bronze medal in the 5K cross-country race.

At only 24 years old, Vincent has a long and distinguished history of participation in the Special Olympics, earning eight gold medals in Nordic skiing over the past 15 years. Since first taking to the slopes at the age of five, Vincent's stamina and strength have earned him the nickname, The Machine.

Madam Speaker, I am proud to honor Vincent's accomplishments in the Special Olympic Games, and look forward to tracking his future success. Please join me in congratulating Vincent on this occasion.

IN HONOR OF SHOLEM ALEICHEM
AND TO CONGRATULATE
LIMMUND FSU

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. NADLER. Madam Speaker, I rise today to remember and honor the life of acclaimed Russian-Jewish writer and humorist Mr. Sholem Aleichem, whose 150th birthday was this past Monday, March 2, and to congratulate Limmund FSU on the events it is sponsoring this week in New York City, Tel Aviv, and Kiev to commemorate this momentous event.

Born as Sholem Rabinovitch on March 2, 1859 in Pereyaslav, Ukraine, Sholem Aleichem showed his writing talents at a young age. In 1879, he began publishing stories in Hebrew. Just a few years later, in 1883, he began publishing stories in Yiddish and, because Yiddish was not considered by some appropriate for legitimate writing, he adopted his now famous pseudonym: Sholem Aleichem.

This was the beginning of a long and distinguished literary career, in which Sholem Aleichem wrote and published dozens of short stories, plays, and novels in Yiddish, Hebrew, and Russian. He is best known for his writing in Yiddish and his role as one of the pre-eminent Yiddish authors. His efforts, through his own works and his promotion of the writing of others, did as much as anyone to promote Yiddish as an art form.

His works were widely popular, as they were both meaningful and humorous with an ability to teach and entertain. They also reflected the real lives and problems of their readers. Through his work, Sholem Aleichem left behind a rich portrayal of Jewish life and culture in Eastern Europe and Russia at the turn of the century. In fact, it was his stories that were the inspiration for the popular musical, *Fiddler on the Roof*. It is no wonder that he became known as the "Jewish Mark Twain."

Well after his death in New York City in 1916, his popularity continues to this day. His timeless works have been translated into many languages, including English, making accessible his unique literary talents to millions more. Monuments have been erected to him in Kiev and Moscow. And, in New York City, East 33rd Street, between Park Avenue and Madison Avenue, is named "Sholem Aleichem Place." It is only fitting that we pause on this, the occasion of his 150th birthday, to celebrate Sholem Aleichem and his contribution both to Jewish life and culture and to humanity as a whole.

Indeed, people will be remembering Sholem Aleichem all around the world thanks to the efforts of Limmund FSU. Limmund FSU is a volunteer organization whose goal is to help build bridges between Russian-speaking Jews and their Jewish history and culture. I want to take this opportunity to congratulate Limmund FSU on the events it is sponsoring this week to honor Sholem Aleichem. It could not have picked a better person to honor and I want to thank everyone involved for their tremendous efforts.

SUPPORTING THE JAMES A.
LOVELL FEDERAL HEALTH CARE
CENTER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KIRK. Madam Speaker, today I join my colleague from Illinois, Ms. BEAN, in introducing legislation to enhance the innovative health care resource sharing underway between the Department of Veterans Affairs and the Department of Defense in North Chicago, Illinois.

Ten years ago the VA was trying to close the North Chicago VA hospital, claiming it was underutilized and that veterans could easily commute 40 or 50 miles into Chicago for treatment. At the same time, the Navy was planning to close its 40-year-old hospital at Great Lakes that had earned a reputation for being "30 stories tall with 30 patients." Even though there were four brand-new, unused inpatient wards at the VA hospital a quarter-mile away, the federal government was preparing to spend \$180 million to replace an outdated military hospital and close a VA hospital with an increasing number of patients. This simply made no sense.

In 2001 I began urging the Navy and the VA to examine ways they can coordinate their efforts and share resources in North Chicago. After four years of intense work, and thanks in large part to the efforts of then-Navy Secretary Gordon England and then-Deputy Secretary of Veterans Affairs Leo McKay, the two departments in 2005 agreed not only to share resources, but to fully integrate the two facilities. Last year, they announced that the joint facility would be named for a local hero, Captain Jim Lovell, hero of Apollo XIII.

This bold plan is now recognized as the model for future collaboration between the VA and DOD, and integration is well underway. They have already merged inpatient care, mental health, surgery and the emergency room. When the new facility opens in the summer of 2010, Navy and VA will fully integrate the two organizations by combining clinical and administrative operations.

In order to fully integrate the two institutions, though, a few statutory changes are required. This legislation would give the Defense Department and the VA the authority needed to open an integrated federal health care facility in 2010. The bill authorizes the departments to transfer property and personnel as needed and in a manner consistent with existing law governing transfers of civilian federal employees between agencies.

Our bill also extends the VA/DOD Health Care Sharing Incentive Fund until 2020 from its current expiration date of 2010. The daily operations at Lovell Hospital will be so integrated that it will be difficult to determine whose resources produced the care given, whether VA or DoD. This account is funded by both the VA and DOD, and both departments agree that it is the most appropriate mechanism to fund the joint facility and give its leadership the greatest flexibility to operate in a combined manner.

Finally, our legislation designates Lovell Hospital as a military treatment facility, a tech-

nical designation needed to prevent military retirees under the TRICARE system from being forced to make costly co-payments when they receive care at the joint facility. Given that the inpatient, surgical, mental health, and emergency services are already combined, thousands of TRICARE beneficiaries in northern Illinois and southern Wisconsin are already subject to co-pays that should not come out of their pocket. The vision for Lovell Hospital is to provide care for active duty sailors, DOD beneficiaries, and veterans side-by-side in one fully integrated facility. The integration has been so successful, we need to update current law to recognize that Lovell Hospital serves both veterans and Navy personnel.

CONGRATULATING JAMES J.
FLAHERTY, RECIPIENT OF THE
2009 W. FRANCIS SWINGLE
AWARD FROM THE GREATER
PITTSBURY FRIENDLY SONS OF
ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. James J. Flaherty, the 2009 recipient of the W. Francis Swingle Award from the Greater Pittsboro Friendly Sons of St. Patrick for his many years of dedicated service to that organization.

Mr. Flaherty was born and raised in Pittsboro, Pennsylvania. He graduated from St. John's High School in 1960 and Penn State University in 1963.

Mr. Flaherty joined Chamberlain Manufacturing Corporation's Scranton Division in July, 1963, as a draftsman in the engineering department. In July, 1972, he was promoted to Operations Manager and, in July of 1978, he was transferred to Chamberlain's New Bedford, Maine operation as Assistant General Manager.

In 1986, Mr. Flaherty was promoted to Vice President and General Manager of the New Bedford, Maine, operation. He served in that capacity until July, 1991, when the New Bedford operation ceased production and he relocated back to Scranton as Vice President and General Manager of that division. In 2003, Mr. Flaherty was named President of Chamberlain Manufacturing Corporation. In July, 2006, General Dynamics Ordnance and Tactical Systems acquired Chamberlain. Mr. Flaherty remained in Scranton as Vice President and General Manager.

Mr. Flaherty is a member of the ARMS Public Private Task Force Executive Advisory Committee and the Industrial Committee of Ammunition Producers. He is also past president of the board of directors of the Northeast Pennsylvania Industrial Resource Center; serves on the board of directors of the local chapter of the Salvation Army; is a member of The Lions Club and was an elected member of the Moscow Borough Council.

In February, 2009, Mr. Flaherty was inducted into the Ancient Order of St. Barbara,

the patron saint of the U.S. Army Field Artillery, for 45 years of service to our soldiers. A son of the late James and Jean Joyce Flaherty, he and his wife, Sheila, have two children and five grandchildren.

Madam Speaker, please join me in congratulating Mr. Flaherty on this auspicious occasion. His commitment to his family, his profession and his community has earned him widespread respect throughout the region.

CELEBRATING THE 10TH ANNIVERSARY OF SIAS INTERNATIONAL UNIVERSITY IN XINZHENG, CHINA

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize and congratulate SIAS International University in Xinzheng, Henan Province, China on its 10th Anniversary as an institution of higher education.

Founded in 1999, SIAS International University is a new type of post-secondary experience striving to prepare students to be global citizens. Affiliated with Zhengzhou University and in cooperation with Fort Hays State University of Hays, Kansas, SIAS was designed to provide Chinese students with an educational experience that blends Chinese educational philosophies with western-style curriculum and techniques, offering students the skills needed to compete and prosper in our increasingly interconnected world.

Licensed by the Henan Provincial Education Commission, SIAS is the first Chinese institution permitted by the Chinese State Degree Office to offer core classes in Western Civilization, Sociology and Government, providing students the ability to explore new ways to think about business and liberal arts. SIAS International University is also the first solely American-owned University in Central China; thus, Chinese students earn both Chinese and American education degrees and are able to apply their skills within trans-national corporations and enterprises.

Fort Hays State University and all of Western Kansas benefit from this relationship. The university has seen an increase in the number of international students on campus which enriches the learning experiences for students, faculty, and administrators. Additionally, the community has benefitted from numerous programs that have been created to share music, art and culture with these international students.

The partnership between SIAS International University and Fort Hays State University is the perfect example of our world flattening—of east meeting west. Even the architecture on the SIAS campus, including the main administration building, symbolizes this marriage of cultures, with one side representing the Forbidden City in classical Chinese architecture, and the other modeled after our own United States Capitol Building. This western-inspired campus serves as an appropriate environment for a new way of thinking for the Chinese students and faculty.

The friendship between the United States of America and the People's Republic of China fosters an exchange of cultural richness and advances our mutual aspirations. The relationship between SIAS International University and Fort Hays State University is one part of this paradigm. Both China and America must work diligently to preserve this friendship and search for ways to recognize accomplishments when they are due. And today, recognition is due to SIAS International University for ten years of success.

Madam Speaker, I ask you to join me in congratulating the Founder and Chairman of SIAS International University, Mr. Shawn Chen, as well as President Li Haijun for their extraordinary work. Also, please help me recognize Fort Hays State University President Dr. Edward H. Hammond, Provost Dr. Larry Gould, Assistant Provost for Strategic Partnerships Cindy Elliott, and the many others who have help foster this relationship and contributed to ten years of remarkable results. It is my hope that SIAS International University can continue its success in enriching the lives of students and communities both in China and here in America for decades to come.

RECOGNIZING BEACON GROUP SW AND THE ABILITYONE PROGRAM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. GIFFORDS. Madam Speaker, I am honored to recognize the AbilityOne Program, which in the last year, has helped more than 40,000 Americans who are blind or who have severe disabilities gain skills and training that ultimately led to gainful employment. The Beacon Group SW implements this program in my district in Southern Arizona.

The AbilityOne Program, formerly known as the Javits-Wagner-O'Day Program, harnesses the purchasing power of the federal government to buy products and services from community based non-profit agencies that are dedicated to training and employing individuals with disabilities. This program gives Americans with disabilities opportunities to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life. This program provides essential assistance to a segment of the population that has one of the highest levels of unemployment in our country.

I am proud to acknowledge the important work of the Beacon Group, which since 1952, has provided training and employment services to people with disabilities. The history and mission of the Beacon Group stands as a clear example of why this program is a winning proposition for all parties involved.

In the past year the Beacon Group employed over 25 individuals with severe disabilities through AbilityOne contracts. With the help of AbilityOne and other programs the Beacon Group served over 1,700 individuals and their families in the community.

The direct impact of these services on the lives of Americans with disabilities cannot be overstated. For an individual with a severe dis-

ability who has never had the opportunity to hold a job, be independent, participate in community life, or contribute their talents to society; the AbilityOne Program and agencies like the Beacon Group are invaluable.

I am pleased to acknowledge the tremendous accomplishments of the AbilityOne Program and the dedication and commitment of Steven R. King the President and CEO of the Beacon Group and his staff. Each day they assist individuals with disabilities to find meaningful employment and assume their rightful place in our nation's workforce. I also want to commend each AbilityOne employee for their hard work and their participation in this important program.

INTRODUCTION OF THE RESTORING THE INTEGRITY OF AMERICAN STATISTICS ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. MALONEY. Madam Speaker, today, I am reintroducing a very important piece of legislation with my colleagues Mr. DENT, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. GERLACH to establish the Census Bureau as an independent agency. Because the founding fathers believed it to be indispensable to the basic principles of democratic representation, the decennial census was given a constitutional mandate. A scientific endeavor of such importance should be viewed by the American public to be completely independent and non-partisan. It is time to give the Census Bureau the independent status commensurate with the scientific agencies that are its peers, such as NASA, the National Science Foundation, and others. Elevating the Census Bureau to the status of an independent agency is a powerful statement to the American people and their leaders that the decennial census and the other critical surveys conducted by the Census Bureau are protected, and that our government will summon the best demographers, statisticians, scientists and managers we can find to lead this vital agency.

HONORING AMERICAN LEGION POST 1066

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KING of New York. Madam Speaker, today I rise to honor the American Legion's Post No. 1066 in Massapequa, New York and recognize its contributions to our country and their community on the occasion of its 75th anniversary.

Members of this post have served in many foreign wars including Korea, Germany, and Vietnam, actively defending the freedoms and liberties that we cherish so much as Americans. Furthermore, several members of Post No. 1066 have also served as members of our local police and fire departments, as well as

local emergency responders. As the Ranking Member of the House Homeland Security Committee, I am particularly appreciative of their dedication and hard work.

Over the years, these veterans have served my district on Long Island in a number of ways. They have opened their doors to the community to serve as a food collection site for the Interfaith Nutritional Network and to collect items to send to our servicemen in Iraq and Afghanistan. Additionally, they have collaborated with the American Red Cross to act as a disaster shelter for their neighborhood. They actively support local charities and host fundraisers for their benefit.

I am proud to represent these veterans who have served our country. They duly deserve praise for their continued participation as active citizens of New York and the United States. I would like to thank them for their leadership and continued service to our country.

HONORING KENNETH W. MACGREGOR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Kenneth W. MacGregor. Kenneth passed away on January 9, 2009 after battling cancer. He was an outstanding advocate for public education and providing a better future for our children.

After graduating from Michigan State University, Kenneth taught high school government and coached swimming. He became active in the Michigan Education Association and was instrumental in the development of their Political Action Committee. Working in the Michigan Education Association's Government Relations Department, Kenneth was active in promoting education issues in both Lansing and Washington. He advocated for public education and public education employees at all levels of government. During his 30 year career he implemented strategies that made the Political Action Committee a force to be reckoned with and emulated.

During Gary Owen's tenure as the Speaker of the Michigan House of Representatives, he tapped Kenneth to serve as his Director of Public Affairs. In 2001 he joined the National Education Association's political team and worked as the Field Manager, Government Relations West. He retired from this position in 2006.

Even after his retirement, Kenneth still devoted time to political causes. He was an active backer of "Get out the Vote" campaigns. He had a can-do frame of mind and always believed that students deserved the best education possible.

Kenneth was married to Sue MacGregor for 21 years. They have two sons and five grandchildren. He is also survived by his mother and two brothers.

Madam Speaker, I ask the House of Representatives to join me in honoring the memory of Kenneth W. MacGregor. His legacy lives on in the classrooms and public schools

of Michigan and across our nation. Because of his life's work, students have gained better resources, better teachers, and better services. The public education system has lost a great supporter and I mourn his passing.

THE INTRODUCTION OF A BILL
THAT WILL ADDRESS THE NEED
FOR A FOURTH PERMANENT
JUDGESHIP FOR THE DISTRICT
OF HAWAII

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Ms. HIRONO. Madam Speaker, I rise today to introduce with Congressman ABERCROMBIE a bill that would convert the fourth temporary judgeship for the District of Hawaii to permanent judgeship status.

The fourth temporary judgeship for the District of Hawaii was created in 1990 by Public Law 101-650. Although the judges appointed to temporary judgeships have lifetime appointments, legislation creating temporary judgeships usually specifies that the first vacancy in the district cannot be filled after a certain date. In the 1990 bill, this time frame was determined to be ten years after each temporary judgeship was filled. That meant that Hawaii could not fill a temporary vacancy occurring after October 2004.

Currently, the District of Hawaii has four active judges. However, if any of these judges become inactive, by taking senior status or otherwise, the district will not be able to replace that judge because of the ten-year limitation, which has long passed. This would place a great burden on not only the three remaining active judges, but also on the litigants themselves, especially civil litigants. Due to the right to speedy trial, felony cases regularly bump civil trials off the calendar, leading to long delays to get to court for civil litigants. Civil cases include disputes involving personal injury, civil rights, the environment, business, and other non-criminal matters.

The Judicial Conference of the United States has previously recommended that Hawaii's fourth temporary judgeship be converted to permanent status. The conversion was included in the 2007 Judicial Conference Judgeship Biennial Recommendation.

I look forward to working with my colleagues on this and other initiatives that will address our need for additional federal judgeships across the country.

TRIBUTE TO DR. RONALD
ANTHONY PARISE

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of Dr. Ronald Anthony Parise. Dr. Parise led an admirable life of service to our country through his dedication to the space program and his exemplification of the ideals of good citizenship.

Dr. Parise was a distinguished native of Warren, Ohio, a graduate of Western Reserve High School and a physics graduate of Youngstown State University in 1973. He developed one of his deepest, life-long interests at the age of eleven when he became licensed for Amateur Radio. Dr. Parise's love of radio guided his life of research and exploration from his academic work to his work in space.

While at Youngstown State University, Dr. Parise's interest in astronomy and exploration flourished. He was a prominent member of the Astronomy Club at Youngstown State and a technician at the planetarium. After graduating from Youngstown State, Dr. Parise furthered his education by earning a Master's degree and a doctorate at the University of Florida.

In 1984, Dr. Parise was selected by NASA to be a payload specialist. He made two remarkable trips into outer space, once in 1990 aboard the space shuttle *Columbia* mission ASTRO-1 and once in 1995 aboard the space shuttle *Endeavor* mission ASTRO-2. Dr. Parise logged an astonishing total of 614 hours in space and traveled 10.6 million miles.

As payload specialist, Dr. Parise took his admiration of astronomy and his respect of radio to a new level. He used his passion for astronomy and radio to develop Amateur Radio on the International Space Station. This development used a simple ham radio to communicate from space to Earth. The creation of Amateur Radio on the International Space Station was essential because it allowed schools to speak with astronauts and learn about space exploration. Dr. Parise established the radio communication link that inspired countless students to study and seek careers in vitally important scientific fields. This radio connection brought about the interest and devotion to outer space that we see today.

Dr. Parise also pioneered the operation of a telescope in space. He completed hundreds of observations regarding ultraviolet rays and x-rays in space. Dr. Parise's observations created a greater understanding of how celestial objects affect the birth of a star. These observations also expanded our knowledge of the complex life cycle of a star. As recognition for his accomplishments, NASA awarded Dr. Parise twice with its Space Flight Medal.

However, Dr. Parise's love of science did not end after his last space flight. After leaving NASA, he continued to inspire students to pursue careers in science as a motivational speaker. He traveled to many different schools to spread his enthusiasm and knowledge of science.

Dr. Parise led an impressive public life, but he also led an impressive family life. Ron Parise was known as a man who put his family and friends first and always valued the relationships in his life, especially his relationships with his wife and two children.

After a long and courageous battle with cancer, Dr. Ronald Anthony Parise passed away at the age of fifty-seven on May 9, 2008. Dr. Ronald Anthony Parise touched countless lives through his contributions to his community, his nation, and the world of science, and for this he will never be forgotten.

PERSONAL EXPLANATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KING of Iowa. Madam Speaker, on roll-call No. 89 I was not able to reach the House floor to cast my vote before the vote was closed. Had I been present, I would have voted "no."

THE SUSAN BROWNELL ANTHONY
BIRTHDAY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. MALONEY. Madam Speaker, I rise today, in honor of Women's History Month—along with my Democratic colleague Congressman MICHAEL ARCURI—to introduce the Susan Brownell Anthony Birthday Act. This bill will designate the third Monday in February as a day to celebrate the legacy of Susan Brownell Anthony, a pioneer of the women's rights movement, and its leader for more than 50 years.

Born on February 15, 1820, Susan Brownell Anthony met Elizabeth Cady Stanton in 1851 and attended her first women's rights convention in Syracuse in 1852. At that convention she was inspired to join the fight for women's suffrage, asserting that this was "the right women needed above every other." The first proposal for women's suffrage was presented to Congress in 1868, and the first formal women's suffrage amendment to the Constitution of the United States was introduced in January 1878. For 35 years after that first proposal was made, Susan Brownell Anthony appeared before every Congress to ask for passage of a suffrage amendment, demonstrating her unwavering dedication to the cause. Her last public words before her death on March 13, 1906 were "Failure is impossible."

Unfortunately, Susan Brownell Anthony did not live to see her dream of women's suffrage become a reality, but thankfully her heroic efforts were not in vain. On May 21, 1919, the House of Representatives passed the 19th amendment, and two weeks later, the Senate followed. The Secretary of State, Bainbridge Colby, certified the ratification on August 26, 1920. The text of the 19th amendment states that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation."

The United States has previously recognized Susan Brownell Anthony's tremendous contributions to our Nation. To commemorate her legacy, a marble statue of her and her women's rights colleagues, Lucretia Mott and Elizabeth Cady Stanton, was dedicated in the United States Capitol in 1921. Susan Brownell Anthony's picture appeared on postage stamps in 1936 and 1955. Her home in Rochester, New York, has been a National Historic Landmark since 1966, and in 1979, her image was placed on a dollar coin.

I am proud that the work of Susan Brownell Anthony and her fellow suffragists has been acknowledged and honored in these ways. However, as the founder and leader of the women's movement in the United States, Susan Brownell Anthony deserves a permanent place in our history. Passage of the Susan Brownell Anthony Birthday Act would make March 3 the first Federal holiday that celebrates the birthday of a woman, and would allow all women and men in the United States to celebrate and honor the legacy of a true American hero.

CONGRATULATING THOMAS J.
HROMISIN

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Thomas J. Hromisin, the 2009 recipient of the Man of the Year Award from the Greater Pittston Friendly Sons of St. Patrick.

Mr. Hromisin is a son of Jerry and Mary Ellen Hoban Hromisin, having been born April 30, 1983.

He attended St. John the Baptist Elementary School and Seton Catholic High School where he graduated in 2001 as vice president of the senior class. He has been a lifelong member of St. John the Evangelist Parish in Pittston, where he has served as an acolyte and Eucharistic Minister.

Mr. Hromisin attended the University of Scranton on a four-year ROTC scholarship, majoring in criminal justice. As a Cadet, he attended Airborne School at Fort Benning, Georgia. He also attended Cadet Troop Leadership Training with a psychological operations unit at Fort Bragg, North Carolina. He was also a competitor on the Ranger Challenger Team.

Upon graduation, Mr. Hromisin received the distinguished graduate award in the fields of criminal justice and military science and he was commissioned a second lieutenant in the United States Army on May 28, 2005.

After completion of the Infantry Officer's Basic Course and attending Ranger School, he was stationed at Fort Lewis, Washington in April 2006. He was promoted to first lieutenant in January 2007, and served as a mobile gun system platoon leader in the 4th Stryker Brigade, 2nd Infantry Division.

During his unit's deployment in support of Operation Iraqi Freedom, he led his unit on 20 combat patrols and was critically wounded by a sniper on May 29, 2007, resulting in blindness and a traumatic brain injury. His recovery has included a month at the National Naval Medical Center in Bethesda, Maryland; seven months at the Drucker Brain Injury Center at Moss Rehab, Philadelphia, Pennsylvania, and six months at the Veterans Affairs Medical Center, Rehabilitation for the Blind in West Haven, Connecticut.

In September 2007, Mr. Hromisin was promoted to captain. At that time, he was awarded the Bronze Star, the Purple Heart, the Army Commendation Medal and the Combat

Infantryman Badge. Mr. Hromisin resides at his home in Pittston, Pennsylvania, and continues to receive outpatient therapy.

Madam Speaker, please join me in commending Mr. Hromisin for the extraordinary and courageous service he has given to his country and for the profound sacrifices he has made in the defense of freedom and the protection of his fellow Americans.

HONORING THE DELAWARE COUNTY
FIRE POLICE ASSOCIATION

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SESTAK. Madam Speaker, I rise today to honor the courage and dedication of The Delaware County Fire Police Association. These exceptional first responders are often overlooked by many communities in our nation. However, I am proud to say that is not the case in the 7th Congressional District of Pennsylvania.

In the past two years I have come to appreciate and respect the invaluable service these essential citizens provide to their neighbors and brothers and sisters in our Fire and Police Departments. Were it not for the training and bravery of the Fire Police, those initial moments, as a tragedy unfolds, would be chaotic and exponentially more dangerous. For it is the Fire Police who, when a situation is still uncertain, stand in the breach to afford other first responders the time, space and security they require to do their jobs.

As we learned tragically on September 11, 2001, the earliest moments of a crisis demand the greatest caution, experience and communication. I thank the Delaware County Fire Police Association for generations of public service. By consistently arriving at the right time and being in the right place they have saved untold numbers of lives and valuable, often irreplaceable property and possessions.

Madam Speaker, I ask that our nation take this moment to offer our thanks and appreciation to a group of hometown heroes, the Delaware County Fire Police Association.

HONORING PLEASANT VALLEY
HIGH SCHOOL

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate and thank the students, faculty, administrators, staff, and parents of Pleasant Valley Community High School. Pleasant Valley students have now contributed over 100,000 hours of service as part of the innovative PVHS Service Learning Program.

In 2003, the PVHS community decided it was essential to teach students the importance of community service and civic responsibility. The school district created a bold service-learning program that requires all students

to complete seventy hours of service before they graduate. Since the inception of the program, PVHS students have contributed their passion, intelligence, and creativity to organizations across the United States and the world. They have served people in need and helped communities address some of our most difficult problems.

Today we face challenges that threaten the world economy, our national security, and the environment that makes life on earth possible. To meet these challenges and ensure that future generations can realize their full potential, we must embrace what the President has called a "new era of responsibility in America." PVHS students have answered this call and set an example for all citizens to follow. Congratulations to Pleasant Valley Community High School and thank you.

WANDA RIDDLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of Wanda Riddle at Sullivan County Memorial Hospital on the occasion of celebrating 50 years as a Registered Nurse.

Wanda graduated from the College of St. Teresa as a Registered Nurse, and began her career at Sullivan County Memorial Hospital in 1955. She has dedicated almost her entire career to the hospital in Milan, MO and the community it serves. Wanda has had many accomplishments throughout her career, including starting the Sullivan County Ambulance Service at the hospital in the 1980s. She has also taught CNA classes, attended numerous inservice/education for cardiac and EKG interpretations, and has been a mentor to the entire nursing staff at Sullivan County Memorial Hospital.

Wanda has earned the gratitude and respect of her colleagues and fellow citizens of Sullivan County, Missouri. Her life's dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our communities.

Madam Speaker, I ask my colleagues to join with me in commending Wanda Riddle for her dedicated service to Sullivan County Memorial Hospital. I know Wanda's colleagues, family and friends join with me in thanking her for her commitment to others and wishing her happiness and good health for years to come.

STATEMENT RECOGNIZING THE
CONTRIBUTIONS OF THE JOLIET
PARK DISTRICT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mrs. HALVORSON. Madam Speaker, I rise today to recognize the Joliet Park District. The park district is the 2009 recipient of the "Salute to Accomplishment" Award from the Joliet

Region Chamber of Commerce. I join the Chamber of Commerce in saluting the Joliet Park District for its long record of service to the residents of Joliet, Illinois.

For 85 years, the Joliet Park District has played an integral role in the lives of its residents. The park district has enriched the lives of residents in a variety of areas providing opportunities for fitness, entertainment, and recreation as well as serving as an example for environmental stewardship.

Partnering with Provena Saint Joseph Medical Center, the park district runs the Saint Joseph Inwood Athletic Club. The center was recognized with the Community Partnership Award for Youth Fitness from the Illinois Department of Human Services. It is also known as a state-of-the art work of architecture.

The Joliet Park District provides fun for all ages. Nearly 1,500 children participated in the district's youth soccer program. Residents may also participate in basketball, baseball, volleyball, softball, hockey, and golf. Splash Station Water Park is a place where over 300,000 persons choose to escape the heat and 2,000 persons received swimming lessons. World-class musicians have entertained young and old at the annual Taste of Joliet.

Due to its commitment to a better environment, Joliet Park District has received grants from the State of Illinois. The district received an Illinois Clean Energy Grant for an upgrade to its multi-purpose building that included energy efficient lighting. The Illinois Department of Natural Resources contributed to the completion of its Bird Haven Greenhouse.

Once again, congratulations to the Joliet Park District. I know this treasured institution will continue to prosper.

CONGRATULATING PHOENIX ANALYSIS & DESIGN INCORPORATED ON ITS 15TH ANNIVERSARY

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. MITCHELL. Madam Speaker, I rise today to commemorate the fifteenth anniversary of Phoenix Analysis & Design Technologies Incorporated, a mechanical engineering company in my home town of Tempe, Arizona.

Phoenix Analysis & Design was established in 1994 and has since become an important member of the Arizona business community. It has served as a leading consultant and provider of mechanical engineering services in the Southwest for fifteen years and continually sets the standard for excellent customer service.

The business thrives because it is committed to innovation and employee participation. It has increased its employment base from the initial four founders to 50 employees, and the personal integrity of each employee shines brightly with their timely and efficient service. Each member of the company is extremely talented and continually strives to master the new technologies of their field.

If one were to choose a place in Tempe to represent what the community should value,

that place would be Phoenix Analysis & Design Technologies.

The success and longevity of this local company is a model for independent businesses. It is for these reasons and more that I ask you to join me in congratulating Phoenix Analysis & Design on this accomplishment and wish them many more years of prosperous business.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 1105.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division B, COPS Law Enforcement Technology Grants

Legal Name of Requesting Entity: County of Anderson, SC

Address of Requesting Entity: 101 S. Main St., PO Box 8002, Anderson, SC 29622

Description of Request: The purpose of this appropriation is to provide \$50,000 to be used in implementing 800 megahertz radio technology for emergency responders. The nine EMS providers in Anderson County responded to approximately 21,000 calls for assistance in 2008 and the numbers increase each year. By converting over to the Palmetto P25 / 800mhz interoperable communications system, EMS squads will experience approximately 95% radio coverage when responding to calls. With the current VHF radio system, EMS squads now have only approximately 65% radio coverage within Anderson County. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division E, EPA, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Oconee Joint Regional Sewer Authority

Address of Requesting Entity: PO Box 399, Seneca, SC 29679

Description of Request: The purpose of this appropriation is to provide \$500,000 to be used for the construction of 125,000 GPD Phase I Wastewater Treatment Facility at Golden Corner Commerce Park and upgrade of wastewater treatment plant to 100,000 GPD at SC Welcome Center. Infrastructure added to this region provides for job creation, enhanced investment and development resulting in an improved economy. In addition to federal funding, the Oconee Joint Regional Sewer Authority has secured a \$1 million grant from the state, and approximately \$2.8 million from county government to fund the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 201 Sikes Hall, Clemson, SC 29634

Description of Request: I have secured \$100,000 for the Clemson University Advanced Materials Innovation Center. The Advanced Materials Innovation Center at Clemson's Advanced Materials Center in Anderson County will serve as a research and development campus for start-up companies devoted to cutting-edge research, development, and job creation in the advanced materials field. The Innovation Center will house fledgling high-technology companies that focus on such advanced materials as optics, nanotechnology, and biomaterials. It will also provide space for entrepreneurial start-ups and Clemson University spin-off companies. These federal funds will be used to develop laboratories at the Advanced Materials Innovation Center. With many manufacturing jobs going overseas, there is a critical need in the United States, and particularly in South Carolina, of incubators such as the Advanced Materials Innovation Center to accelerate the creation of knowledge-based companies. The United States must also continue to develop new advanced materials to ensure continued military superiority. It is my understanding that \$9.5 million in funding is expected to be provided by non-federal sources for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 1105

Provision: Division C, Title III Department of Energy, Section: Congressional Directed Energy Efficiency and Renewable Energy Projects Account

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 300 Brackett Hall Box 5702 Clemson University Clemson, SC 29634

Description of Request: The purpose of this appropriation is to provide \$951,500 in funding to construct and operate a pilot plant at a brownfield industrial site in Charleston, SC, to scale-up commercially viable technology for conversion of cellulosic feedstocks from the coastal plains, i.e. trees, wood residuals, and row crops, to bio-fuels and other higher value products. Currently, biofuels are the only alternative that can be readily incorporated into the existing petroleum-based transportation infrastructure. The development of commercially-viable biomass facilities will help our nation move away from dependency on traditional fossil fuels and towards energy independence, all without affecting our nation's food supply. Approximately \$50,000 (5%) will go towards site utilities/grading; \$680,000 (71%) will go towards building structure; and the remainder (24%) will go towards process equipment, support utility systems and construction fees.

In addition to federal funding, Clemson University will contribute in-kind and financial resources, including over \$1.5 million in resources already committed. It is also expected that private industry will provide a total of \$6-

8 million for the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT
Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Transportation, Community, and System Preservation Account

Legal Name of Requesting Entity: Laurens County, SC

Address of Requesting Entity: 3 Catherine Street, Laurens, SC 29360

Description of Request: The purpose of this appropriation is to provide \$285,000 in funding to widen approximately 5,400 linear feet of U.S. Highway 221 between the Hunter/Fleming-Smith Industrial Site and the City of Laurens. This highway improvement project will allow for increased volume and greater safety for commuter and truck traffic to and from the expanding Hunter/Fleming-Smith Industrial Site and surrounding areas. The Industrial Site plays an important role in the economic development of Laurens County. This request is consistent with the intended purpose of the Federal Highway Administration. In addition to this federal funding, Laurens will be providing approximately \$333,000 for the project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT
Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Transportation, Community, and System Preservation Account

Legal Name of Requesting Entity: Orangeburg County, SC

Address of Requesting Entity: 1437 Amelia Street, Orangeburg, SC 29115

Description of Request: The purpose of this appropriation is to provide \$95,000 in funding for the installation of an interchange at the intersection of US Highway 301 and I-95 in Orangeburg County. Currently, U.S. Highway 301 stops at the intersection of I-95, causing the 301 traffic to enter onto an extremely busy portion of I-95 for just one mile in order to exit off onto Hwy 6. This highway improvement will help traffic flow more smoothly and support the planning for an intermodal transportation facility as well as distribution centers and transportation-related businesses. This interchange is included on the State Transportation Infrastructure Plan (STIP) as part of the Lower Savannah Long-Range Transportation Plan. This request is consistent with the intended purpose of the Federal Highway Administration and is a continuation of funding from fiscal year 2008. The County of Orangeburg has committed \$2 million to the project and the state of South Carolina has committed an additional \$3 million. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman J. GRESHAM BARRETT
Bill Number: H.R. 1105

Provision: Division I, Title I Department of Transportation, Account: Interstate Maintenance, Discretionary

Legal Name of Requesting Entity: Orangeburg County, SC

Address of Requesting Entity: 1437 Amelia Street, Orangeburg, SC 29115

Description of Request: The purpose of this appropriation is to provide \$950,000 in funding for the installation of an interchange at the intersection of US Highway 301 and I-95 in Orangeburg County. Currently, U.S. Highway 301 stops at the intersection of I-95, causing the 301 traffic to enter onto an extremely busy portion of I-95 for just one mile in order to exit off onto Hwy 6. This highway improvement will help traffic flow more smoothly and support the planning for an intermodal transportation facility as well as distribution centers and transportation-related businesses. This interchange is included on the State Transportation Infrastructure Plan (STIP) as part of the Lower Savannah Long-Range Transportation Plan. This request is consistent with the intended purpose of the Federal Highway Administration and is a continuation of funding from fiscal year 2008. The County of Orangeburg has committed \$2 million to the project and the state of South Carolina has committed an additional \$3 million. I certify that neither I nor my spouse has any financial interest in this project.

INTRODUCTION OF THE PATENT REFORM ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. CONYERS. Madam Speaker, today we are pleased to introduce the Patent Reform Act of 2009. The Patent Reform Act of 2009 is bipartisan and largely, bicameral legislation intended to tackle a number of problems in our patent system. The bill reflects the substantial progress made last Congress in both the House and Senate. Indeed, the text of the Patent Reform Act is in many ways a composite of the bill that passed the House and the bill that was reported out of the Senate Judiciary Committee last Congress.

This bill is a starting point for further discussion and in the matter of inequitable conduct reform, I will be looking to my friend from Utah, ORRIN HATCH for his insights on that issue. It is my intention to work closely with him to craft language on inequitable conduct that can be incorporated into the bill at a later time.

I am proud to stand today with my colleagues, Representatives LAMAR SMITH, HOWARD BERMAN, ROBERT GOODLATTE, and SHEILA JACKSON LEE to introduce this legislation that is directed toward encouraging innovation now and long into the 21st century. I particularly thank two of my cosponsors, HOWARD BERMAN and LAMAR SMITH, for their hard work and dedication to this endeavor through the years which has provided a common-sense framework of reforms upon which to build.

This piece of legislation is among the most important things that we will work on as our Nation's economic future is dependent on our ability to innovate and efficiently and effectively protect the products of that innovation. I look forward to working with all interested parties in perfecting the Patent Reform Act in the coming months.

APPRECIATION AND RECOGNITION TO THOMAS WOODWARD

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. SPRATT. Madam Speaker, I would like to recognize the service of Thomas Woodward, who is retiring on March 6 after serving the Congress with distinction for 30 years in an extraordinary variety of ways and places. This nation and this Congress owe a great debt of gratitude to this outstanding public servant. Tom may be the only person—and if not, is certainly one of very few—who has worked at GAO, CRS, and CBO. He began his government service in 1979 at GAO, where he first became involved in analyzing the economy and helped produced GAO's economic outlook. In 1982, Tom went to work for the Congressional Research Service, where he was a specialist in macroeconomics in the Economics Division and produced a number of studies on the banking system, monetary policy, and other issues. Tom was detailed to the House Budget Committee in 1991 and 1992, where he served as Chief Economist for the Republican staff. Tom returned to CRS after his service on the Budget Committee and continued to produce and supervise high quality analyses for members of Congress.

In 1998, Tom became Assistant Director for Tax Analysis at the Congressional Budget Office. For the past 11 years, Tom has overseen the production of numerous studies, revenue forecasts, and cost estimates for committees and Members of Congress. In all of his interactions with Members and their staff, Tom maintained the high quality and timely analyses that we have come to expect of CBO. Tom's breadth of knowledge, objective analyses, and good humor are appreciated by everyone who works with him—and next week, for the first time in 30 years, this Congress will not have the benefit of his wisdom, economic knowledge, and analytical skills as it addresses the critical public policy issues that face the nation. I understand he plans to continue to research economic issues after his retirement from Congressional service, and we look forward to that work and wish him well in his retirement.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership Standards on Earmarks, I am submitting the following information regarding earmarks I received as part of the FY2009 Omnibus.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: \$2,010,000 to the Army Corps to complete the reformulation study and continue monitoring a project to protect Long Island's south shore from beach erosion and storm damage. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Construction)

Legal Name of Requesting Entity: Town of Babylon

Address of Requesting Entity: 200 East Sunrise Highway, Lindenhurst, NY 11757

Description of Request: \$465,000 for the dredging of a federal channel and placement of appx. 1 million cubic yards of sand along the shoreline for erosion control at Gilgo Beach and Robert Moses State Park. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (Investigations)

Legal Name of Requesting Entity: Village of Bayville

Address of Requesting Entity: 34 School Street, Bayville, NY 11709

Description of Request: \$96,000 to complete the feasibility phase of the benefits of a storm damage protection project in Bayville. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Suffolk County Volunteer Firefighter Burn Center Fund
Address of Requesting Entity: P.O. Box 765 Smithtown, NY 11787

Description of Request: \$285,000 for a living skin bank clean room (equipment). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Labor, HHS, & Education—Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Christa House

Address of Requesting Entity: 720 Albin Avenue, West Babylon, NY 11704

Description of Request: \$176,000 for hospice care for the poor (physical repairs, administrative costs, and insurance). I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Capital Investment Grants

Legal Name of Requesting Entity: New York City Metro Transit Authority

Address of Requesting Entity: 347 Madison Avenue, New York, New York 10017

Description of Request: \$209,623,898 for the development of Long Island Rail Road East Side Access. I certify that neither I nor

my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—NOAA (Operations, Research & Facilities)
Legal Name of Requesting Entity: Partnership for Mid-Atlantic Fisheries Science

Address of Requesting Entity: 526 Bay Avenue Point Pleasant Beach, NJ 08742

Description of Request: \$1,000,000 for a multi-state research initiative in New York and New Jersey to address data limitations restricting management of summer flounder in the Mid-Atlantic. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: U.S.-Ireland Alliance

Address of Requesting Entity: 2800 Clarendon Boulevard Arlington, VA 22201

Description of Request: \$500,000 for the George Mitchell Scholarship Program a nationally competitive scholarship award for 12 US college graduates to do a year of post-graduate study at universities in Ireland and Northern Ireland. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Transportation, Community, & System Preservation

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$570,000 for the design, engineering, and construction of the Glen Cove Connector Road. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD (Buses and Bus Facility)

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$950,000 for the design, engineering, and construction of the Glen Cove Connector Multi-Modal Parking Hub. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Ferry Boats & Terminal Facilities

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$950,000 for engineering and construction of the Glen Cove Ferry Terminal. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice, & Science—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$120,000 for the Glen Cove Police Department for equipment and technology upgrades, surveillance equipment, and public safety improvements to respond more effectively to emerging threats such as MS-13 and other gang activity. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Transportation & HUD—Economic Development Initiatives

Legal Name of Requesting Entity: City of Glen Cove

Address of Requesting Entity: 9 Glen Street, Glen Cove, NY 11542

Description of Request: \$142,500 for renovations and streetscape improvements to the city of Glen Cove. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: State & Foreign Operations—Educational & Cultural Exchange Programs

Legal Name of Requesting Entity: Hofstra University

Address of Requesting Entity: 101 Hofstra University Hempstead, NY 11549

Description of Request: This report language would allow Hofstra University to apply for funding for its Center for Strategic Language training which will specialize in Middle Eastern and Central Asian languages such as Arabic and Persian, as well as Punjabi, Urdu, and Hindi. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Coalition Against Domestic Violence

Address of Requesting Entity: 250 Fulton Avenue, Suite 300, Hempstead, NY 11550

Description of Request: \$350,000 to create a legal resource network of pro-bono attorneys to provide critical legal services for low-income and indigent victims of domestic violence, rape/sexual assault, and elder abuse. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Commerce, Justice & Science—Office of Justice Programs (Byrne Discretionary Grants)

Legal Name of Requesting Entity: Nassau County Police Department

Address of Requesting Entity: 1490 Franklin Avenue Mineola, NY 11501

Description of Request: \$380,000 for an initiative to reduce gun and gang violence through increased surveillance, debriefings, investigations, and undercover work. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Interior & Environment—EPA (STAG Water and Wastewater Infrastructure Project)

Legal Name of Requesting Entity: Suffolk County Department of Works

Address of Requesting Entity: 335 Yaphank Avenue Yaphank, NY 11980

Description of Request: \$500,000 for the planning, design, and replacement of a deteriorated existing bay outfall pipe. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Energy & Water—Army Corps of Engineers (FUSRAP)

Legal Name of Requesting Entity: Verizon

Address of Requesting Entity: 140 West Street, New York, NY 10007

Description of Request: Report language to initiate cleanup of the former Sylvania nuclear fuel site in Hicksville, NY. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Health and Human Services—Substance Abuse and Mental Health Administration

Legal Name of Requesting Entity: Tuesday's Children

Address of Requesting Entity: 390 Plandome Road, Suite 217, Manhasset, NY 11030

Description of Request: \$190,000 for the primary focus of the First Responder Institute will be to provide counseling for 9/11 First Responders and other public safety workers in-

involved in protecting our homeland security. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 1105

Account: Health and Human Services—Substance Abuse and Mental Health Administration

Legal Name of Requesting Entity: North Shore Child and Family Guidance Center's Postpartum Depression Treatment Program

Address of Requesting Entity: 480 Old Westbury Road, Roslyn Heights, NY 11577

Description of Request: \$147,000 to increase services available to mothers and children through the Maternal Depression Outreach Program. I certify that neither I nor my spouse has any financial interest in this project.

SENATE—Wednesday, March 4, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, we continue to depend on You to guide our lawmakers on right paths. Only You know what the future holds and the resources we will need to meet our many challenges. Strengthen our Senators so that in the face of great challenges, they will be steadfast, abounding in works that honor You. Give them such confidence in Your providence that no problem will seem insoluble. In all their labors, may their primary motive be to bring glory to Your Name. May their thoughts, words, and deeds be acceptable to You, for You are their rock and redeemer. Make them totally committed to You and unreservedly dedicated to Your love.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, following the remarks of the leaders, I ask unanimous consent that the Senator from Iowa, Mr. GRASSLEY, be recognized for whatever time he may consume and, following that, we will move to H.R. 1105.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, it is my understanding there are seven amendments pending. We will dispose of those as quickly as we can. Votes on those will not be able to start until after 2 o'clock today because of Gordon Brown and other things going on here, but we will move through those as rapidly as we can, making sure people have an opportunity to speak for or in opposition. I have spoken to the Republican staff, and they have other amendments they wish to offer. We are moving along fairly well on this bill. We will recess at 10:40 this morning until noon for the joint meeting of Congress with British Prime Minister Gordon Brown.

We have a number of speakers lined up at 12 noon and thereafter to speak on the pending amendments. At 10 this morning, Senator MIKULSKI is expected to be here to speak on one of the pending amendments.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Mr. President, yesterday we had votes on a handful of amendments which were aimed at reducing the overall size of the Omnibus appropriations bill. Many of us who are concerned about the spending binge we have been on thought it would be responsible to bring it back in line with the appropriations bills we passed last year. That was obviously before the economic crisis.

As the junior Senator from Indiana put it this morning in an insightful op-ed piece in the Wall Street Journal, this bill was drafted last year.

Since then, economic and fiscal circumstances have changed dramatically, which is why—

As he put it—the Senate should go back to the drawing board. The economic downturn requires new policies, not more of the same.

That is Senator EVAN BAYH of Indiana.

I ask unanimous consent to have the article, in which Senator BAYH calls on his colleagues to vote against the omnibus or for the President to veto it, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 3, 2009]

DEFICITS AND FISCAL CREDIBILITY

A DEMOCRATIC SENATOR SAYS NO TO A HUGE FEDERAL SPENDING BILL

(By Evan Bayh)

This week, the United States Senate will vote on a spending package to fund the federal government for the remainder of this fiscal year. The Omnibus Appropriations Act of 2009 is a sprawling, \$410 billion compilation of nine spending measures that lacks the slightest hint of austerity from the federal government or the recipients of its largess.

The Senate should reject this bill. If we do not, President Barack Obama should veto it.

The omnibus increases discretionary spending by 8% over last fiscal year's levels, dwarfing the rate of inflation across a broad swath of issues including agriculture, financial services, foreign relations, energy and water programs, and legislative branch operations. Such increases might be appropriate for a nation flush with cash or unconcerned with fiscal prudence, but America is neither.

Drafted last year, the bill did not pass due to Congress's long-standing budgetary dysfunction and the frustrating delays it yields in our appropriations work. Since then, economic and fiscal circumstances have changed dramatically, which is why the Senate should go back to the drawing board. The economic downturn requires new policies, not more of the same.

Our nation's current fiscal imbalance is unprecedented, unsustainable and, if unaddressed, a major threat to our currency and our economic vitality. The national debt now exceeds \$10 trillion. This is almost double what it was just eight years ago, and the debt is growing at a rate of about \$1 million a minute.

Washington borrows from foreign creditors to fund its profligacy. The amount of U.S. debt held by countries such as China and Japan is at a historic high, with foreign investors holding half of America's publicly held debt. This dependence raises the specter that other nations will be able to influence our policies in ways antithetical to American interests. The more of our debt that foreign governments control, the more leverage they have on issues like trade, currency and national security. Massive debts owed to foreign creditors weaken our global influence, and threaten high inflation and steep tax increases for our children and grandchildren.

The solution going forward is to stop wasteful spending before it starts. Families and businesses are tightening their belts to make ends meet—and Washington should too.

The omnibus debate is not merely a battle over last year's unfinished business, but the

first indication of how we will shape our fiscal future. Spending should be held in check before taxes are raised, even on the wealthy. Most people are willing to do their duty by paying taxes, but they want to know that their money is going toward important priorities and won't be wasted.

Last week I was pleased to attend the president's White House Fiscal Responsibility Summit. It's about time we had a leader committed to addressing the deficit, and Mr. Obama deserves great credit for doing so. But what ultimately matters are not meetings or words, but actions. Those who vote for the omnibus this week—after standing with the president and pledging to slice our deficit in half last week—jeopardize their credibility.

As Indiana's governor, I balanced eight budgets, never raised taxes, and left the largest surplus in state history. It wasn't always easy. Cuts had to be made and some initiatives deferred. Occasionally I had to say "no."

But the bloated omnibus requires sacrifice from no one, least of all the government. It only exacerbates the problem and hastens the day of reckoning. Voters rightly demanded change in November's election, but this approach to spending represents business as usual in Washington, not the voters' mandate.

Now is the time to win back the confidence and trust of the American people. Congress should vote "no" on this omnibus and show working families across the country that we are as committed to living within our means as they are.

Mr. MCCONNELL. Today, Republicans are going to continue bringing up our amendments, amendments that we think are better and more responsible ways to use the taxpayers' money today.

Unfortunately, it has become increasingly clear that most of our Democrat colleagues here in Congress—Senator BAYH notwithstanding—are perfectly comfortable with the breathtaking rate of spending we have been on since the beginning of the year. They want it to continue, without restraint and without any end in sight.

Amazingly, in the midst of an economic crisis, congressional Democrats want to increase the annual spending included in this omnibus by 8 percent, which, compared to last year, is twice the rate of inflation.

At a time when Americans are learning to cut back, Democrats in Congress are suggesting we double up. As Senator BAYH put it in the same op-ed:

The bloated omnibus requires sacrifice from no one, least of all the government. It only exacerbates the problem and hastens the day of reckoning. Voters rightly demanded change in November's election, but this approach to spending represents business as usual in Washington, not the voters' mandate.

Nobody wants an open-ended recession. But so far the only solution to the economic crisis that Democrats in Congress are offering is open-ended spending without any end in sight. And let's be clear about something: we cannot end a recession by digging the country into deeper and deeper debt any more than one can pay off a credit card by

using it more often. And we can't tax our way out of a recession.

February was an expensive month for American taxpayers. In the month of February, Congress spent more money than we did in 7 years on the war in Iraq, the war in Afghanistan and Hurricane Katrina relief combined.

All of this spending is reason to carefully consider and pare back this massive spending bill, particularly in these areas which contain funding for 122 programs already funded in the stimulus bill.

Remarkably, even Senator HUTCHISON's amendment, which sought to find \$12 billion, or just 1 percent, in duplicative spending from two bills totaling \$1.2 trillion, was struck down.

I hope our friends across the aisle will join Republican efforts to ensure every taxpayer dollar is spent with care, and support amendments to protect taxpayer dollars.

This current spending bill is only one step in the spending process. It doesn't include the President's budget, the housing proposal, or untold trillions to stabilize financial markets and other programs.

Our children and grandchildren can't afford this level of spending. They will be the ones left to pay off the Federal Government credit card that Democrats in Congress are busy maxing out.

HONORING OUR ARMED FORCES

SERGEANT DANIEL W. WALLACE

Mr. MCCONNELL. Mr. President, I rise because our country has lost a true patriot. SGT Daniel W. Wallace of Dry Ridge, KY, was tragically killed by enemy fire while serving his country in Afghanistan on October 31, 2008. He was 27 years old.

A member of the Kentucky Army National Guard since 2006, Sergeant Wallace was on his first deployment. For his valor in uniform, he received several medals, awards and decorations, including the Bronze Star Medal and the Purple Heart.

"Sergeant Daniel Wallace was a true patriot," says Kentucky National Guard Adjutant GEN Edward W. Tonini. He "stood up and answered the call to serve his Nation in a time of need."

Sergeant's Wallace's mother, Karen Wallace, says the same thing, but in a way only a mother could.

"Danny's my fallen hero," she says.

Daniel's family lived in the town of Latonia in the northern Kentucky suburbs of Cincinnati, when he was young. When he was about 9 years old, they moved to Dry Ridge in Grant County. They moved because Karen and Daniel's father, Kenneth, wanted to trade in life in the city for the country. But Daniel didn't take it so well.

"He didn't like the move . . . because of his friends being in Latonia," Karen remembers. "He was always bored in

the country, complaining about how there was nothing to do."

It would come as no surprise, however, if I told you that Daniel, like any young boy, found plenty of things to do. He liked to fish, camp and watch and play sports like baseball, basketball and football. And with three brothers and a sister, there were plenty of people to do things with.

"He loved camping," says Karen. "We'd get so tickled because he and [his brother] Alex would bet on who could make the first fire, [or] the biggest fire."

Karen did set some limits for her son, however.

"He always wanted to go hunting but we never did that," she says. And "he got mad at me for not letting him play football because he was so skinny."

Daniel started attending Crittenden-Mt. Zion Elementary School, and when he was in third grade, Karen started working there. "I was able to watch him as he was adjusting to a new school," she recalls. "The teachers liked him. . . . He was very computer knowledgeable [and] . . . the teachers would have him fix computers."

Daniel's father, Kenneth, recalls how his son was quick to look out for others.

"He always felt he had to protect the other kids," Kenneth says. "He wanted to know who did it if something happened." Karen recalls a few times when Daniel came to the defense of his brother Alex when he was teased by other boys.

Like the rest of his family, Daniel was also very committed to his church. One way they all contributed together was as a gospel band, the Wallace Family Band. Mom and dad sang. Their sons Charles and Brian played the guitar, Alex played the drums, and Daniel played bass guitar. The whole family got into the act.

After high school, Daniel went on to National College in Florence, where he took business classes. He was studying to be an accountant. "Danny liked numbers and he enjoyed math," says Karen.

In high school and college he had a couple of jobs, working at a car dealership and as an apprentice with a steel manufacturer. But just as his family raised him to serve others through his work at church, Daniel felt moved to serve his country through military service.

"He liked the Army one hundred percent," his mother Karen says. "You couldn't have budged him out of that. . . . I've never seen him happier in all my life than after he joined the National Guard."

In the Guard, Daniel trained to be a combat engineer. His dad recalls that after his training, he was named the 218th Regiment Honor Graduate. Part of his training included learning how to deactivate explosive devices—his

mother Karen recalls that “on his evaluation, it said Danny likes to blow up things.”

Daniel also inspired his brother Alex to join the National Guard, and Alex became a medic.

“I’m proud of my brother,” Alex says. “I’m going to keep carrying on. I know he wants me to serve my full time, which is what I’m going to do.”

Daniel joined the 201st Engineer Battalion of the Kentucky Army National Guard, based out of Cynthiana, and was deployed to Afghanistan. He wrote his mother letters telling of his experiences, especially of his work to renovate the chapel for the soldiers on base.

“Danny made a library [in the chapel],” Karen recalls. “We’d send him books for the library and Danny read all of them. They were redoing the chapel outside and inside . . . he was always working in the chapel.”

Daniel’s family shipped him his bass guitar, and he formed a band with his fellow soldiers in Afghanistan. Karen recalls how, before his posting in Afghanistan, Daniel had played with the Wallace Family Band one last time.

“Danny came in for 15 days of R&R, [and] we got one booking in the church,” she says. “Everybody was there . . . daughter-in-law, the boys, everybody. God has blessed us with our family. I’ve always told people that.”

The members of Daniel’s loving family are in our prayers today as I share with my colleagues just some of Daniel’s story. We are thinking of his son, Cody George Mardis; his daughter, Abigail Rose Wallace; his parents, Kenneth and Karen; his brother Charles, Charles’s wife Robin and their children; his brother Brian, Brian’s wife Jennifer and their children; his brother Alex; his sister Kim; his grandfather, Arvis Sinclair; and many other beloved friends and family members.

Daniel once asked his mother to write more letters—not to him, but to other soldiers who didn’t have moms like her writing to their sons and daughters in a war zone. After Daniel’s death, Karen heard from her son’s fellow soldiers about how Daniel carried himself, even in the face of great danger.

“The letters I’ve received from the guys shows me Danny was true to God. He had a true mission over there,” Karen says. He’d always say, “Mom, don’t worry—God’s watching over me.”

Nothing could ever take away the pain of this family’s loss. But I hope Daniel’s loved ones know there is one other thing they should never worry about: that our Nation could ever forget Daniel’s great sacrifice.

And this U.S. Senate will forever honor Sergeant Daniel W. Wallace for his service to country.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized.

PRIVATE DEBT COLLECTION AMENDMENT

Mr. GRASSLEY. Mr. President, I rise for the purpose of discussing an amendment that was filed yesterday that I hope I get an opportunity to offer. I am going to touch on these points, but I thought I would highlight a couple points about this amendment.

First of all, there is bipartisan agreement in this body there is a \$290 billion tax gap—“tax gap” meaning taxes that are owed but not collected. There is also an understanding that is not written that the IRS is not going to go after taxes unpaid, through their own employees, of under \$25,000 a year. There is a feeling by some people in the IRS there ought to be more employees hired to go after the tax gap, but even if those additional employees are hired, they still will not go after those under \$25,000.

Now, we have a program in place I wish to defend in my remarks. That program in place is the IRS contracting with private collection agencies to go after the money that is owed for those under \$25,000; and to make the point, that program is working. But the bill before us, the Omnibus appropriations bill, contains a provision that would essentially kill the IRS private debt collection program, which the Senate, working through the Senate Finance Committee I serve on, only authorized a short period of 4 years ago. The IRS implemented that program only 2 years ago.

This program, which has never been fully operational in its brief 2-year period, allows the Internal Revenue Service to use private collection agencies to collect money owed to the Government. The program has many critics, and once again they are seeking to destroy the program before we have a chance to gauge how effective the program is.

Before I discuss the merits of the program, I wish to note that an appropriations bill is not the proper vehicle to nullify tax policy. The private debt collection program was created in a tax bill within the jurisdiction of our Finance Committee, and further legislation affecting the program should be done through the committee where the expertise is, the Finance Committee. Whether you would agree with the program, I think everyone could agree on the importance of the committee structure that we use in the Senate. In other words, a committee of jurisdiction where the expertise is ought to work to change a program if it needs to be changed or if it needs to be done away with, as basically the appropriations bill would do. I would assume members of the Appropriations Committee would not want—would not want—those of us on the Finance Committee making decisions against the expertise of the Appropriations Committee.

The IRS private debt collection program facilitates the collection of tax debts the IRS would not otherwise pursue. These liabilities amount to billions of dollars a year.

A Government Accountability Office report issued in June of 2008 reported the unpaid tax debt as of fiscal year 2007 to be about \$290 billion, of which almost \$185 billion was classified as nonpotentially collectible inventory and \$25.5 billion was deemed potentially collectible but not in active collection status. The private debt collection agencies are only permitted to pursue debts taxpayers have conceded they owe.

Opposition to this program is surprising, since the Internal Revenue Service program is intended to run like similar programs at other agencies. In other words, the Department of Education uses private collection agencies to pursue delinquent student loans. The Treasury Department, which houses the Internal Revenue Service, also houses the Financial Management Service, and, ironically, the Treasury Department uses private debt collection agencies to collect small business loans.

So if it is OK for one branch of the Treasury Department to do that, why isn’t it OK for the Internal Revenue Service to go after taxes owed but not paid? The only reason I can think of that private debt collection is so controversial at the Internal Revenue Service is simply the opposition to the program from the National Treasury Employees Union. The National Treasury Employees Union is comprised primarily of Internal Revenue Service employees, and according to that union’s Web site, is the largest Federal sector union in the entire country.

The other Government agencies that use private debt collectors do not have as powerful a union fighting for more Government jobs. Yet this program does not threaten the jobs of revenue agents already working at the IRS. The tax debts the private collection agencies are targeting are debts the Internal Revenue Service is not even pursuing, and likely would not pursue even if additional revenue agents were hired.

In May 2007, Acting Commissioner Kevin Brown—now this is a Commissioner of the Internal Revenue Service—when testifying before a subcommittee of the House Ways and Means Committee, confirmed that the Internal Revenue Service would not otherwise pursue these debts, even if the IRS were given additional resources. So the bottom line is this: There are no IRS jobs on the line. Rather, the National Treasury Employees Union believes the IRS should be hiring more union employees to do collections work.

In contrast, I believe if the IRS is going to hire more workers, it should

be agents to do more exams—work that private contractors cannot do. Former IRS Commissioner Mark Everson stated in a letter to me on April 11, 2007, that a full-time revenue agent auditing individual tax returns historically brings in nearly \$700,000 annually.

Mr. President, I ask unanimous consent that Commissioner Everson's letter be printed in the RECORD, as well as a followup letter I wrote to Treasury Secretary Paulson on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, April 11, 2007.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR SENATOR GRASSLEY: This letter follows-up on a matter that has been an ongoing concern to both the Internal Revenue Service (IRS) and you for several years now, and that you raised in a meeting with IRS senior executives on January 30, 2007. Specifically, you asked for information on the use of official time by representatives of the National Treasury Employees Union (NTEU).

Reducing the use of official time by NTEU representatives has been a significant point of negotiations between the IRS and NTEU for several years. Over time, the IRS has established greater controls over time granted to union officials to perform representational duties.

As illustrated by the enclosed chart, from 2002 through 2006, total annual NTEU time spent on union related activities has decreased approximately 14 percent, from 729,988 hours to 630,539 hours. Per your request at the January 30, 2007, meeting to quantify the data in terms of full time equivalents (FTEs), this represents a reduction from approximately 350 to 302 FTEs. To further quantify this in terms of resource and revenue trade-offs, as you requested, historically a full-time SB/SE revenue agent auditing individual tax returns brings in nearly \$700,000 annually.

While progress has been made, the IRS recognizes that more needs to be done. The recent IRS-NTEU mid-term negotiations in 2006 produced a broad range of means for achieving operational efficiencies. These include simple time-efficiencies such as increasing the number of meetings conducted by phone and requiring stewards within the commuting area to attend in-person meetings. Other measures include establishing an annual cap of 850 hours of representational time for the vast majority of stewards, reducing the grievance procedure for performance appraisals and mass grievances from a multi-step to a one-step process, and streamlining NTEU's participation on various committees.

Reducing the amount of official time continues to be a priority and we will seek significant additional improvements in our upcoming contract negotiations. Please contact me should you require additional information or a member of your staff may call Robert Buggs, Chief Human Capital Officer, at 202-622-7676,

Sincerely,

MARK W. EVERSON.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, May 15, 2007.

Hon. HENRY PAULSON,
Secretary,
Department of Treasury,
Washington, DC.

DEAR MR. SECRETARY: I am writing to you regarding an ongoing concern that I have with respect to the amount of official Internal Revenue Service (IRS) time used by representatives of the National Treasury Employees Union (NTEU). As you are aware, I have been a strong advocate of using IRS resources in the most productive manner possible.

Based on information former Commissioner Everson provided to me in a letter dated April 11, 2007, total NTEU time spent on union related activities for 2006 equated to 302 full time equivalents (FTEs). In terms of resource and revenue trade-offs, the letter referenced a historical figure of a full-time SR/SE revenue agent auditing individual tax returns bringing in nearly \$700,000 annually. Thus, according to IRS figures, total NTEU time for 2006 represents approximately \$211,400,000 additional direct revenue that could have potentially been brought into the United States Treasury. This figure does not account for any increase in revenue that would be gained indirectly through the increased audit activity. At a time when this Committee is increasingly looking at new methods of closing the tax gap, it is imperative that we first ensure that the IRS is effectively using its existing resources.

At the Senate Finance Committee's tax gap hearing on April 18, 2007, former Commissioner Everson stated that the IRS was in the process of trying to renegotiate the NTEU agreement, which would include a renegotiation of union activity time. Former Commissioner Everson also stated that the amount of time devoted to union activities is proportionately higher at the IRS than it is in comparison to other departments and agencies within the government. Without getting into whether taxpayers should even be funding union activity, please provide me with an analysis of IRS union activity time versus union time for other governmental departments and agencies. Please also quantify this analysis in terms of FTEs and the number of agency or department employees who are represented by the union. What is being done in the renegotiation process to bring the IRS-NTEU agreement at least more in line with practices elsewhere in the government?

Thank you for your time and attention to this matter. I would appreciate your response by May 25, 2007.

Cordially yours,

CHARLES E. GRASSLEY,
Ranking Member.

Mr. GRASSLEY. For me, this proves the IRS would be better off hiring more examination agencies than debt collectors. In addition to the National Treasury Employees Union's failure to discuss the success of private debt collection programs at other Federal agencies—I mentioned them, Education and one other branch of the Treasury Department—the National Treasury Employees Union also conveniently fails to mention that the private collection agencies hired by the IRS have consistently scored customer satisfaction ratings above 95 percent, while the IRS collection employees appear to be scoring at less than 65 percent.

The National Treasury Employees Union also fails to mention the amount of employee time devoted to union activities is proportionately higher at the Internal Revenue Service than it is in comparison to other Federal Departments and agencies. Commissioner Everson testified to this at the Senate Finance Committee tax gap hearing held on April 18, 2007. Just think, then, of the additional revenue IRS could be collecting if union employees were actually doing the job they were paid to do instead of spending taxpayers' dollars to lobby Congress to do away with a program that is collecting money owed under \$25,000 a year that would not otherwise be collected. Of course, they do not like that program.

Since the omnibus provision prohibiting the IRS from using 2009 appropriations to fund the program office may actually kill the program, I have this amendment before the Senate. I mean, at least it is filed. It is not before us yet. I would not support a government program that is unsuccessful, and this private debt collection program is no different. However, we do not have enough information to know whether this program is effective, and, given the success of such programs at other agencies, I believe it can be successful at the Internal Revenue Service. It surely is successful at the Education Department.

Last week, I, along with Senator HARKIN, my colleague from Iowa, and Mr. SCHUMER, the senior Senator from New York—the three of us—sent a letter to Treasury Secretary Geithner and IRS Commissioner Shulman asking for more information so we can actually make an informed decision on the effectiveness of the private debt collection program.

The letter asks for, among other things, additional information to measure the cost-effectiveness of the program, information to gauge the results of the collection agencies, and more information on the use of collection agencies by other Government agencies. So all my colleagues are able to read the letter, I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 26, 2009.
Hon. TIMOTHY F. GEITHNER,
Secretary of the Treasury,
Washington, DC.

Hon. DOUGLAS H. SHULMAN,
Commissioner of Internal Revenue,
Washington, DC.

DEAR SECRETARY GEITHNER AND COMMISSIONER SHULMAN: We are writing regarding the private debt collection program (PDC) that is being implemented by the Internal Revenue Service (IRS) and has been in place since 2006. We are aware that many critics believe that the program does not operate effectively, and they lead an annual effort to strip the IRS of all authority to implement

it. But we do not believe that the necessary data has been collected and disseminated that would allow an informed decision to be made about the program's long-term effectiveness.

Make no mistake: If the program is genuinely unsuccessful, we would be among the first to concur that it should be terminated. However, we remain very concerned that IRS will terminate the PDC program before a complete and thorough accounting of the program is conducted. For example, while some are critical of the effectiveness and efficiency of the PDC program, we have yet to see solid, reliable numbers. Criticism of the program's return on investment do not account for its start-up or investment costs, and ignore the fact that the program has not been fully operational for any of its two years.

We appreciate that the IRS has decided to use an independent third party to study the effectiveness of the program, and its report may be issued as early as next week. But it is not clear that the new study will discuss ways to increase the efficiency and effectiveness of the PDC program or explain why similar programs at other federal agencies appear to be successful. For example, the Department of Education uses PCAs to collect student loan debt, and the Department of Treasury Financial Management Service uses them to collect small business loans, farm loans, and other similar debt owed to the federal government, and these programs appear to work well with little controversy.

Given the amount of uncollected tax debt, a program that was allowed to operate at full capacity would have the potential to be successful, yet the current program has only operated in fits and starts. In fact, during the past fifteen years, the Government Accountability Office (GAO) and the Treasury Inspector General for Tax Administration (TIGTA) have issued numerous reports discussing the IRS's problems in collecting delinquent debt. A list of these reports is attached. Some of the key findings include:

In its May 1993 report, *New Delinquent Tax Collection Methods for IRS*, the GAO highlighted the complexity of the IRS's collection process. GAO presented a number of options to improve the IRS's delinquent debt process, including establishing early telephone contact with debtors and utilizing private collection agencies. So there is a long track record indicating that a well-run PDC program could be successful.

In its June 2007 report, *Tax Debt Collection: IRS Has a Complex Process to Attempt to Collect Billions of Dollars in Unpaid Taxes*, the GAO description of the IRS's collection process indicates that IRS has not experienced significant improvement in its collection function since 1993. The report also states that the total unpaid tax debt as of fiscal year 2007 was \$290.1 billion, of which \$184.8 billion was classified as non-potentially collectible inventory and \$25.5 billion was deemed potentially collectible, but not in active collection status. This would seem to be further justification for a viable PDC program.

In its December 2008 report, *Tax Administration: IRS's 2008 Filing Season Generally Successful Despite Challenges, Although IRS Could Expand Enforcement During Returns Processing*, the GAO notes that, because collections staff was reassigned to answer telephone calls regarding stimulus payments, the IRS reported \$655 million in forgone revenue through August 2008 alone, which means that the number for the whole calendar year will likely be greater. If the IRS

viewed the PDC program as part of its larger collection program, rather than a stand-alone program, PCAs may have been able to complete the work of the collections staff that had been temporarily reassigned.

It is important for critics of the program to recognize that the IRS's PDC program is designed to go after tax debts that have been conceded by taxpayers, but not paid. What's more, even if the IRS enforcement budget were significantly increased, the accounts turned over to PDC are those that would still likely be ignored by IRS collection agents. In his May 2007 testimony before the Committee on Ways and Means, Subcommittee on Oversight, Acting Commissioner Kevin Brown, confirmed that IRS would not otherwise pursue these debts even if IRS were given additional resources.

We remain cautiously optimistic that a PDC program could be successful in helping to close the tax gap, but only if it is allowed to operate at full capacity. Only after that point could a determination be made about whether the program is meeting its objectives. We are hopeful that the report being prepared will provide answers to the following questions. If not, we hope that you will take the time to let us know the following key information before the IRS makes any final decision about the PDC program:

The primary argument for terminating the IRS PDC program is that it is not cost effective. In order to better understand the program's revenues and costs, we would like a monthly accounting of all funds expended on the program since its inception, including a breakdown of all costs for IRS personnel involved in administering the program (salary levels, positions descriptions, etc.), as well as costs associated with technology and travel.

We would also like to know the number of cases placed with the private agencies since the program began, including the number of cases for which the amount was collected in full, the number of resulting installment agreements, and the number of cases recalled and reasons for recall. We would also like an accounting of the commissions earned by the PCAs since the program started.

Some taxpayers choose to ignore the IRS's many letters and respond to the IRS only after it notifies them that their cases will be referred to a PCA. In these cases, where the IRS benefits from the use of the PCA's names, we would like to know why the PCAs are not compensated when those taxpayers settle those debts.

We would also like for you to describe how IRS's collection process and procedure differs from the process and procedure used by PCAs in collecting IRS debts, including the IRS's ability to make outbound phone calls, negotiate or settle tax debts, and impose liens and levies.

Another criticism of the program is that the IRS has run out of cases that can be assigned to the current PCAs, which is why other PCAs have not been added. However, the exclusion list, which was not determined by statute but by the IRS, appears fairly extensive. In addition, as noted above, the GAO's June 2008 report indicates that, as of fiscal year 2007, there was at least \$25.5 of potentially collectible inventory that IRS was not actively pursuing. We would like to know how each of the exclusion criteria was determined.

Tables 5, 6 and 7 of the GAO's June 2008 provide a breakdown of the total delinquent debt for fiscal years 2002 through 2007. Please update these tables to add numbers for fiscal

year 2008 and provide a breakdown of this amount by the exclusion criteria. We would also like to know why all potentially collectible inventory is not in active collection status and cannot be assigned to PCAs.

We would also like to know whether Treasury or any other agency has studied the cost effectiveness of the use of PCAs by Treasury or other federal agencies. If such studies are available, we would like to see them.

Finally, you may be aware that there are almost 200 jobs in both Iowa and New York that will be lost if the IRS PDC program is terminated prematurely. Given the current economic crisis, such job losses should not be forced to occur before a full accounting of the program's success is made available and/or the program is allowed to operate as originally intended. The recently enacted Economic Recovery Act, which will further strain IRS resources, is an additional reason why the PCAs should be allowed to operate until the success or failure of the program can be definitively determined.

If you have any questions regarding the above, please do not hesitate to contact our staff. We also ask that you brief our staff on the forthcoming study before the study is finalized and made public.

Sincerely,

CHUCK GRASSLEY,
U.S. Senator.

CHARLES E. SCHUMER,
U.S. Senator.

TOM HARKIN,
U.S. Senator.

REPORTS & TESTIMONIES RELATING TO IRS COLLECTION ACTIVITIES

Ways & Means Committee, May 2007 Hearing, <http://waysandmeans.house.gov/hearings.asp?formmode=detail&hearing=562>.

GAO

May 1993, GAO/GGD-93-97, *New Delinquent Tax Collection Method for IRS*, <http://archive.gao.gov/t2pbat5/149340.pdf>.

April 1996, GAO/TT-GGD-96-1, *W&M Oversight Testimony Tax Administration: IRS Tax Debt Collection Practices*, <http://www.gao.gov/archive/1996/gg96112t.pdf>.

May 2004, GAO-04-492, *IRS Is Addressing Critical Factors for Success for Contracting Out but Will Need to Study Best Use of Resources*.

September 2006, GAO-06-1065, *IRS Needs to Complete Steps to Help Ensure Contracting Out Achieves Desired Results and Best Use of Federal Resources*.

June 2008, GAO-08-728, *IRS Has a Complex Process to Attempt to Collect Billions of Dollars in Unpaid Tax Debts*.

December 2008, GAO-09-146, *Tax Administration: IRS's 2008 Filing Season Generally Successful Despite Challenges, Although IRS Could Expand Enforcement During Returns Processing*.

TIGTA

March 2007, 2007-30-066, *The Private Debt Collection Program Was Effectively Developed and Implemented, but Some Follow-up Actions Are Still Necessary*.

December 2007, 2008-10-054, *Invoice Audit of Fees Paid Under the Private Debt Collection Initiative*.

March 2008, 2008-20-078, *Private Collection Agencies Adequately Protected Taxpayer Data*.

April 2008, 2008-30-095, *Trends in Compliance Activities Through Fiscal Year 2007*.

Mr. GRASSLEY. It boils down to the fact that we should have a chance to obtain and review this information before killing a program that is going

after money owed—\$25,000 or less—from people who have said they acknowledge they owe it, that IRS employees would not go after. This affects jobs in a couple States, and I wish to say that when we are having a program—as the stimulus bill did—to keep people from being laid off and to have people being hired, you would at least think we would not think about eliminating jobs in a couple States. I was a supporter of this program before any contracts were awarded. As I said, I will not support the program if it does not prove effective.

Given the propensity to spend the Government seems to be afflicted with, there is going to be a hunger for new sources of revenue which is going to be controversial. What should not be controversial is that we need to collect taxes currently owed in the most effective and most efficient way possible and particularly not ignore a policy of not going after money under \$25,000. Since the private debt collection program will accomplish that, I urge support for this amendment when it comes up.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Illinois is recognized.

AUTHORIZATION TO APPOINT ESCORT COMMITTEE

Mr. DURBIN. Mr. President, before responding to the Senator from Iowa, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Honorable Gordon Brown, Prime Minister of the United Kingdom, into the House Chamber for the joint meeting.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Coburn amendment No. 596, to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this act.

Coburn amendment No. 608, to provide for the Emmett Till Unsolved Civil Rights Crime Act from funds already provided for the Weed and Seed Program.

Coburn modified amendment No. 623, to prohibit taxpayer dollars from being earmarked to 14 clients of a lobbying firm under Federal investigation for making campaign donations in exchange for political favors for the group's clients.

Coburn amendment No. 610, to prohibit funding for congressional earmarks for wasteful and parochial pork projects.

Wicker amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

Thune amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset.

Murkowski amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce.

Mr. DURBIN. Mr. President, Senator GRASSLEY and I do not see eye to eye on this issue, and I wish to state for the record why this section was included in the appropriations bill.

First, it is hard for me to follow his argument that because the Finance Committee created a permissive arrangement where the Internal Revenue Service could enter into contracts with private companies to collect IRS debts, it somehow takes away the authority of the Appropriations Committee to even address this issue. It is a permissive statute. It does not require the IRS to sign up a private company. When the IRS does exercise the right under that statute, it involves Federal expenditures, appropriations.

My provision in this bill is not tax language. My provision in this bill says: None of the funds in this bill may be used to enter into, renew, extend, administer, implement, enforce or provide oversight of such a contract. We go directly to the spending aspects. There is no committee violation here. This is our jurisdiction.

Senator GRASSLEY's committee, the Finance Committee, does not pay for these agencies. The appropriations process does. So we are exercising our authority—no violation of committee jurisdiction, which, of course, means little to those following this debate but means a lot to those of us who serve in this Chamber.

Let me tell you what this is about. This is about collecting debts owed to the Federal Government, specifically the Internal Revenue Service, and the Finance Committee said: Let's see, if we let private collection agencies do it, whether they can save us money and do it more effectively. That is a legitimate inquiry. It is one I would be open to. I think it is reasonable to see if that might happen.

Well, let me tell you what has happened. After the Federal Government spent \$71 million in start-up costs to allow two companies, one in Iowa and one in New York, to move forward on

this first phase of outsourcing programs, they started operations in September 2006. Presently, the IRS has contracts with two companies—one in Senator GRASSLEY's State of Iowa and one in the State of New York—for the collection of unpaid Federal income tax liabilities. The IRS is currently in the process of determining whether to exercise the option to extend these contracts for a 1-year period. That is why our language came in and said: Stop, don't do it. And I will explain why. There are a host of reasons.

The collection of Federal taxes, of course, is a core Government function, but I am not going to argue with the premise that we should see if we can do it with more cost efficiency by using private collectors. It is true that the information we are talking about here is sensitive information. So the IRS, of course, has access to more information about the debtors than the private collection agencies, and we want to always make certain we protect the confidentiality of certain information all American citizens share with their Government and don't believe it is going to be broadcast to any private company. So there is a natural tension here between the efforts of a private business making money collecting back taxes and the Internal Revenue Service, which has more information at their disposal in making evaluations but also a higher responsibility and duty in protecting the privacy of taxpayers with the information they provide our Government.

Let's get down to the bottom line. Using private companies to collect taxes is far more costly than having qualified, trained IRS employees do the work. I couldn't say that without evidence to back it up. Since the inception of this private collection program, the Internal Revenue Service has spent approximately \$80 million to set it up and administer it and we have received back as taxpayers \$60 million in net revenue, after paying these private companies in Iowa and New York \$13 million in commissions—\$13 million to receive back \$60 million. According to the IRS, private collection agencies were originally projected to bring in \$65 million in fiscal year 2007 and up to \$127 million in fiscal year 2008. So what happened? Instead, they raised \$32 million in 2007—less than half of what we expected—and only \$37 million in gross revenue in fiscal year 2008, about a fourth of what we expected. So their performance was dramatically less than promised, dramatically less than the IRS anticipated when they entered into these contracts.

The IRS has not identified any best practices from these private tax collectors, which was one of the stated intentions of the program. These private companies were supposed to show us the way to collect money more effectively. So far, they haven't, and they

have fallen down in their own goals in terms of collection of back taxes. The private companies have collected approximately one-half or less of what they were supposed to bring in, but they continue to be paid 21 to 24 percent in commissions on the easiest cases of all, totaling \$13 million we have paid to these private companies.

Now, Senator GRASSLEY made a reference to student loan collection. Of course, he should acknowledge, if he makes that reference, that we cap the commission for student loan collection at 16 percent. Instead, these companies in Iowa and in New York are being paid 21 to 24 percent of back taxes collected, so they are getting a premium and they are collecting far less than they said they would.

The story gets more interesting.

The IRS already has a significant collection infrastructure: thousands of trained employees. I heard Senator GRASSLEY make negative references to unions. That is his point of view. I don't share it, but I do believe union employees should be given an opportunity to be compared in their collection practices with those in private business. Let's be fair about this. This was an experiment, and the premise was that if you just turn it over to a profit-making, private company, it is going to do a better job and it will be cheaper for the Government—cheaper than relying on IRS employees who may or may not be members of the union to which Senator GRASSLEY referred. The automated collection system in the Internal Revenue Service is a critical collection operation. It collects nearly \$1.5 million per employee, per year. It works. So the employees at the IRS are collecting the back taxes as they promised they would.

Now, listen to this: The Internal Revenue Service National Taxpayer Advocate, Nina Olsen, has estimated that IRS employees collect \$32 for every \$1 spent, compared to collections by the private agencies of \$4 for every dollar given to them in commissions—8 to 1. If this is about comparing the dollar cost of collecting back taxes, the IRS employees win this 8 to 1. How in the world can anyone justify continuing subsidizing private collection agencies that can't do the job as well as the employees of the Internal Revenue Service?

According to the "Taxpayer Advocate Annual Report to Congress" in December 2008, the IRS automated system of collection—using IRS employees—collected more than three times as much as the private collectors did. They went on to say that this automated collection system in the IRS collected 13 percent of the balance due, while private collectors collected 4 percent of the balance due. By every tangible measure, the employees of the IRS are doing a dramatically better job than those in the private collection agencies.

These agencies have failed to meet the goals they set in terms of the amount of money they collect and how much they would charge the Government for all the years they have been doing this—in the 2 straight years. Is it any wonder we have questioned whether we should continue this? This is a subsidy—a subsidy to private companies that have not met the burden they said they would meet to prove to the taxpayers theirs was a more cost-efficient way to collect back taxes.

The last argument made by Senator GRASSLEY is an interesting one. He argued—even though he opposed President Obama's stimulus package—that we needed to keep subsidizing these private collection agencies because we need to create more jobs in America. In other words, this would be Senator GRASSLEY's private stimulus package for this company in Iowa. Well, I would say to the Senator that, sadly, with the state of this economy, collection agencies shouldn't have any problems finding work to do. I just don't think the American taxpayers ought to be subsidizing them. I think basic Midwestern values suggest to us that we have experimented and the experiment results are in. This has turned out not to be a good investment of taxpayers' money. As the chairman of the subcommittee that has to pay for this, I can't justify it. I can't justify it for New York or for Iowa or for any State. We tried this experiment in good faith, and the private collection agencies failed to come through as promised.

Let's put the money, as I suggest in this appropriations bill, into the trained employees, with the automated collection system, who are bringing back, by a margin of 8 to 1, more back taxes than these private companies in Iowa and New York. I believe that is reasonable, and I find it hard to understand how many of my Republican colleagues who criticize this Omnibus appropriations bill for wasting money would vote for the Grassley amendment which would continue the subsidy—wasting taxpayers' dollars—with private collection agencies that have not been as effective as the Internal Revenue Service.

Until these private companies can prove they can do the job better, do it more efficiently, do it at a lower cost, there is no reason we should continue this subsidy. A personal stimulus bill for a company in Iowa and a company in New York is something we can ill afford to do at this moment when we are trying to deal with the costs of this Government and bringing them under control.

The Omnibus appropriations bill increases funding for the IRS with a boost of over \$337 million in enforcement activity. With these enhanced funds, the IRS will be hiring new employees who can do this work efficiently, as they have proven time and

time again. They have the tools, they have the options the taxpayers have a right to expect, and they will protect the privacy of the taxpayers in the process. Section 106, which Senator GRASSLEY addresses, will ensure that appropriated funds for tax collection work will be put to optimum use within the agency rather than being diverted to outsourced Government work, which has shown that it cannot meet its promises of reducing the cost of Government and increasing collections. We know it works. Let's stick with it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I am not going to take long to respond because I think the main point I make is this. My remarks were not addressed by the Senator from Illinois. The issue we are talking about is an IRS policy that they will not go after any amount of money under \$25,000, even though those are amounts that individuals agreed they owe.

So any comparisons of what the IRS can do versus what private debt collection agencies can do is not legitimate because you can hire more IRS employees. But I told you the policy of the IRS if they hire more employees, they will not go after amounts of \$25,000 or less and I think it is fair to taxpayers that are honest, that every dollar owed is collected. Not one dollar more. And that we shouldn't have a government policy that is not going to go after it, and this program does go after it.

He mentioned start-up costs and this is very important because you cannot judge the cost effectiveness of a program based on how much was spent on start-up costs. There are start-up costs in any Federal agency, for any new agency or program that starts out. You can't weigh the costs incurred for what was supposed to be a permanent program against the benefits of a program that hasn't been fully operational for most of the 2 years of its existence.

And the reason it hasn't been fully operational, is that the union, the taxpayer advocate, and even the chief counsel, continued to throw up roadblocks by weighing in on what type of cases the contractors could work. This means that even though the program was supposed to start in September 2006, it was months later before the contractors received the full allocation of cases they were supposed to get.

The Senator from Illinois asked what happened in regards to why the actual amounts collected to date by contractors was lower than expected. Well, that is what happened. And to his point about paying \$13 million for \$60 million of revenues. Let's be honest—the contractors are paid on a commission basis so the IRS isn't paying anything out of its pockets. The contractors are getting a percentage of the taxes they collect and they don't get paid for all the

work they do that generates no collection. Because of the IRS policy to not collect taxes due under \$25,000, the \$60 million IRS did get is revenue that IRS would never have received.

He also mentioned this, there is a difference between what is paid to education debt collection contractors and what is paid to tax debt collection contractors. He is right. But there is a factor with collecting taxes that is not true in the case of the Education Department and that is the privacy issues that have been brought up. The contractors with the IRS incur higher expenses than education contractors because they don't have access to all the information IRS has because the law does protect the privacy of taxpayers. And because they have to provide all of the safeguards and protections that IRS provides, the contractors have to incur more security expenses than education contractors.

The Senator from Illinois mentioned the success of IRS's use of automated collection systems. You have to remember that there is nothing automated about the IRS's so-called automatic collection system. The contractors use automated systems to determine which taxpayer to call next. The IRS doesn't even make outbound phone calls—the only phone calls are returning phone calls when taxpayers call the IRS with questions about a letter they received.

Finally, the Senator from Illinois described my efforts to continue to fund the IRS program as my own personal stimulus plan because it will save jobs in Iowa. I want to make clear that it was expected that the IRS would contract with 10 or 15 contractors—not just 2. But because of all the roadblocks put up by the union and others, the IRS apparently claims that there aren't enough cases to provide to even these two contractors. This doesn't make sense to me since there is apparently \$25 billion of potentially collectible debt that the IRS is not pursuing. The program, if run properly, would have and should have been expanded to include other contractors. And I would also like to point out that these two contractors are national organizations and between them are likely to have offices and employees in almost all of the 50 States.

So the bottom line of our approach in this program is to make sure that the honest taxpayer is protected. And that we do not support an IRS policy that we aren't going to collect the money from everyone—a policy which is not clear to me that IRS is going to change. And we're showing that we do not accept this policy through this program. We are going after that money that no IRS employee is going to go after. And if you're going to be fair to the taxpayer that pays every dollar that they owe, it seems to me we should make every effort we can to go

after all taxpayers who do not pay their taxes. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, my understanding is the Senator from Maryland is going to seek recognition next. I ask unanimous consent to be recognized following the presentation by the Senator from Maryland.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I know the Senate is on a tight timeframe because there will be a joint session of Congress to welcome the Prime Minister of England, our greatest ally.

I rise today as the chairperson of the Appropriations Commerce, Justice, Science Subcommittee and to lay out for our colleagues what is in this appropriation and why it is needed and what compelling human needs it meets.

No. 1, why do we have to do this since we passed the stimulus? Actually, we should have done this before the stimulus. We should have done it in October. Why didn't we? We didn't do it in October because we were facing a hostile White House and an OMB Director who was hostile to the very agencies this funds. We didn't want to send this appropriations to the Bush White House because all we would have faced was one more back-and-forth parliamentary quagmire.

This appropriation keeps the U.S. Government going. What my subcommittee does is fund those agencies that are critical and crucial to the economic growth of the United States of America, that will protect the communities of the United States, and will also work to protect our planet. In terms of economic growth, this is the subcommittee that funds all science agencies with the extension of the National Institutes of Health and the Department of Energy. It comes up with the new ideas. It follows the recommendations of the National Academy of Sciences about how we can rise above the gathering storm to be competitive today and be able to be competitive tomorrow. In English, and in the diners around Maryland, that would mean jobs today and tomorrow. It is in basic research that we come up with the new ideas that lead to the new products, that lead to the new jobs.

That is what this CJS funds. At the same time, it funds the Patent Office. Our colleagues on the Judiciary committee will be giving us a new framework for the protection of patents. That is a geek word that means if you invent it, we are going to protect you, and you will be able to harvest the benefits of your new idea. We are going to protect intellectual property because it is right now, in the knowledge-driven economy, the property of choice to be protected.

This subcommittee funds research, innovation, the development of technology. It also funds the Department of Justice—gosh, a Department of Justice that even remembers what the name means. I am so excited about working with our new Attorney General.

In addition to the work of the Justice Department, it funds local law enforcement through cops on the beat and Byrne grants, and our national Federal law enforcement agencies—the FBI, Bureau of Alcohol and Firearms, and the Marshal Service.

So if you want to know, why should we support the CJS? If you want jobs today and tomorrow, you want to vote for this appropriation. If you want to keep neighborhoods safe, you want to vote for this appropriation. If you want the marshals going after sexual predators so there are no more Adam Walshes, vote for this bill. If you want to protect violence against women, victims of domestic violence, and have the shelters and community interventions, you want to vote for this bill. If you are so proud of the great genius of the United States of America and its entrepreneurship that comes up with these new ideas, these new products, you want to vote for this bill because you want a Patent Office where you don't want to stand in line for years to be able to protect your ideas so they are not stolen or hijacked or pirated around the world. You want to vote for this bill. If you want to protect our planet—global warming is a real threat, from the standpoint of our Director of National Intelligence, who says global warming could destabilize populations, and it is a national security issue. It is not only about protecting the polar bears; it is also about protecting the Port of Baltimore, Chesapeake Bay, our coastline, and those around the world. If you want to protect the planet and our homeland, you want to vote for this bill.

In summary, these are the top 10 reasons to support CJS in the 2009 omnibus bill:

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. Funds the FBI, our chief domestic national security agency, to take down terror cells and dirty bombs on U.S. soil (\$7 billion).
2. Adds 85 FBI agents and forensic accounting professionals to combat mortgage and financial fraud (\$10 million).
3. Funds DEA to fight international drug cartels that finance terrorism and infiltrate our neighborhoods with heroin and meth (\$2 billion).
4. Funds ATF to partner with the military to dismantle IEDs that maim and kill our troops on the battlefield (\$1 billion).
5. Supports cops on the beat—provides \$3.2 billion for state and local law enforcement, \$2.1 billion above the previous Administration's request—to help state and local police fight gangs, drugs, crime and child predators.

6. Highest funding level ever for the Violence Against Women Act programs to combat sexual assault and domestic violence and help victims get their lives back together (\$415 million).

7. Protects our kids from predators by preventing, investigating and prosecuting crimes against children (\$234 million).

8. Advances climate research and restores satellite climate sensors cut by the previous Administration (\$270 million).

9. Enhances U.S. competitiveness and innovation by increasing science and technology research at NSF and NIST, a 7 percent increase over last year (\$913 million).

10. Restores fiscal responsibility and accountability to ensure stewardship of taxpayer dollars—prohibits funds for lavish banquets, controls cost overruns, and requires IGs to do random audits of grantees.

Ms. MIKULSKI. I am tired of the naysayers who come up with these quirky little congressionally designated projects and make them a subject of ridicule. Our country, our ship of state, right now is leaking. We can right that ship and President Obama is righting that ship. This CJS bill is the right tool to be able to do that.

What are the consequences of not passing this bill? I will tell you right now. Let's go to law enforcement. If we do not pass this bill and we put it on something called a continuing resolution, that is essentially keeping it barely afloat. The FBI will get a half billion dollars less to run their agency for this year. If Director Mueller were here, he would say this means 650 fewer FBI special agents. It means less analysts and other people fighting crime on U.S. soil. It means we cannot hire 100 new FBI specialists in forensic accounting to go after the mortgage fraud people. Remember them—the scammers, the bums? We would not be able to do that.

Let's talk about drug enforcement. There will be \$52 million less for DEA. What are some of the biggest threats facing us right now? Let's talk about Mexico. Mexico is on the verge of a state of siege because of the drug cartels that are running rampant. If you watch the news and listen to the Ambassador of Mexico and to their compelling issues down there—look at what was on "60 Minutes," where the drug cartels are roaming streets with assault rifles, shooting police chiefs, shooting elected officials, kidnapping—that is on our border. We need the DEA. Then there are the narcotraffickers in Colombia—in that long, steadfast fight where we are making progress. Then there is Afghanistan, which provides 85 percent of the world's poppy. We are going to send thousands of more troops into Afghanistan.

I am not too excited about that part, but that is a debate for another time. But what is going on in Afghanistan? They are growing poppy like Iowa grows corn. It is an enormous drug crop. What does the money from that do? First, it corrupts Government and

elected officials. It corrupts the judiciary. It has a corrupting influence. So we are going to send American troops to fight and die for something that could be bordering on a narcostate?

I say, before we send in more marines, let's send in more DEA agents to work with the Karzai government to do something about the growth of poppy and the funding of the Taliban. Let's send in DEA agents. Under this, we are going to have a hiring freeze. Agents would have to take furloughs. But that is OK, that is just in law enforcement.

Let's talk about the national space agency, NASA, and the National Oceanic and Atmospheric Agency. If we don't do this appropriation, NASA will be funded close to a half billion dollars below what is in the omnibus. This would be a major setback to developing a reliable transportation system to continue our human space flights. We are already going to go dark in space, where we are going to rely on the Russians to get us up to our very own space station. But what this could mean is the loss of several thousand jobs in Florida, Texas, Mississippi, Alabama, Utah, and Louisiana. If we don't pass this by the end of March, layoff notices will begin. Aren't we for jobs today and jobs tomorrow? Aren't we for building rocket ships and spaceships? We have to pass this bill.

Then when we look at NOAA. We all love the weather reports. We rely upon them for early warnings of tornadoes and hurricanes and, at the same time, to be able to give us traffic. Weather reports don't come from the Weather Channel. The Weather Channel gets its information from the weather services provided by our Government at NOAA. We ought to rename it the "National Oceans Atmospheric and Weather Administration." Right now, they are weathering their own storm. If this continuing resolution hits them, it means more layoffs. We won't be able to develop the right technology to predict and give the early warnings that are so important to our people.

Then I wish to talk about education. Through the National Science Foundation, and other science agencies in here, we work to promote education, to get our young people excited and participating in science and technology, so that they want to come into these exciting new possible careers, where they are going to come up with new ideas and inventions. This makes a major downpayment so we can coordinate with our new Secretary of Education and our President, who is such a strong advocate of this.

If you wish to have a country that is meeting the day-to-day needs of our own people, yet looking ahead to the long-range needs of our country, you want to vote for this appropriation. You want to vote for the subcommittee portion of this appropriation. The other reason, for those who are con-

cerned about the issue of bipartisanship, is we developed this jointly and collegially and civilly with my colleague from Alabama, Senator RICHARD SHELBY. This bill has his endorsement and it will have his vote. Senator SHELBY and I have worked together for many years, and we believe that good people can find common ground, find an accessible center in the rough and tumble of politics that enables us to come before the Senate with a bipartisan approach to the Commerce, Justice, Science bill.

I want to thank Senator SHELBY and his staff for their cooperation and collegiality in crafting the CJS portion of the bill we are considering.

The CJS Subcommittee's top priority is keeping Americans safe from terrorism and violent crime. To that end, our bill provides \$26.1 billion for the Justice Department, which is \$3 billion above the previous President's budget request. We fund the FBI our domestic counterterrorism agency with mission of dismantling terror cells and weapons of mass destruction on U.S. soil at \$7.3 billion, which is \$155 million above the previous President's budget request.

The CJS bill is the major Federal funding source for our State and local police departments. The previous President's budget request proposed dramatic cuts totaling \$2 billion to State and local grant funding. We reject those cuts and instead provide a total of \$3.2 billion to support our thin blue line.

Among those funds, the CJS bill provides \$550 million for COPS grants, which pay for gear and technology—such as bulletproof vests and crime scene analysis—to keep our cops safe, and to help them catch criminals. We also have \$546 million for Byrne-justice assistance grants, a formula-based program that is the main Federal funding tool for State and local police operations, which was zeroed out by the previous administration. For juvenile justice and delinquency prevention mentoring and antigang programs we provide \$374 million, which is \$189 million more than that the previous President request. Lastly, we provide \$415 million to prevent violence against women, which is the highest level ever allocated for Violence Against Women Act programs.

In addition to helping our State and locals keep our communities safe, the CJS bill funds our major Federal law enforcement agencies. We provide \$1.9 billion for the DEA to fight international narcoterrorists and drug kingpins. There is also \$1.1 billion for the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF, to combat violent gun crime and gangs and investigate arson.

The CJS bill contains \$954 million for the Marshals Service to apprehend fugitive sex offenders and other violent criminals. We included \$1.8 billion for

our U.S. Attorneys to prosecute gang leaders, gun traffickers and drug dealers. Lastly, we provide \$6.2 billion for management and construction of Federal prisons to ensure our Federal prisons are safe and secure.

These agencies are the backbone of our criminal justice system. They enforce our laws, catch criminals and keep our communities safe.

Most importantly, this bill protects the most vulnerable among us: our children. We provide over \$234 million to keep our kids safe from predators and violence.

The CJS includes \$5 million to hire 20 new U.S. marshals to track down and arrest fugitive sex offenders, \$47 million for the FBI Innocent Images program to catch deviants who use the Internet to prey on children, \$5 million to hire 25 new assistant U.S. Attorneys to prosecute sex offenders, \$70 million

I am proud to report that the CJS bill follows the framework of the America COMPETES Act and makes investments to improve America's competitiveness.

The bill provides \$819 million for the National Institute of Standards and Technology, which includes \$65 million for the new Technology Innovation Program and \$110 million for the manufacturing extension partnership, MEP. This is important funding to develop new technologies and new products and make American manufacturers more competitive.

We also provide \$6.5 billion for the NSF, including \$845 million dedicated for education. These funds focus on science, technology, engineering, and mathematics, and will develop our next generation of scientists and engineers.

For the National Oceanic and Atmospheric Administration, NOAA, we provide \$4.4 billion, including: \$945 million for our weather service to predict and warn us about severe weather, and \$758 million for our fisheries service to protect our marine resources.

The bill also provides \$17.8 billion for NASA, which is \$200 million more than the previous President's budget request. We meet our obligations to fully fund the space shuttle at \$3 billion, the space station at \$2 billion, and the next generation space vehicle at \$3.1 billion this year.

Finally, the CJS bill supports an innovation friendly government by providing full funding at \$2 billion for the Patent and Trademark Office, PTO, to reduce backlogs of patent applications and protect our intellectual property; and \$430 million for the International Trade Administration to enforce our trade laws.

The CJS bill also makes important investments in America's future. We provide \$240 million for economic development grants—\$140 million more than requested by the previous administration—to help communities create jobs and opportunity. We also provide

\$20 million for public television infrastructure grants.

The CJS bill funds the science we use to monitor and predict changes in our weather and climate, and make policy decisions on actions we should take to save our planet. In fact, the CJS bill funds 85 percent of all Federal climate change science.

Specifically, we provide \$1.4 billion for NASA Earth science for satellite missions that tell us how much pollution is in our atmosphere, our rainforests and ice sheets are shifting, and the height and chemistry of our oceans are changing. Funding for Earth science includes \$150 million for new NASA earth science missions, which is \$50 million above the previous President's request. This funding is recommended by the National Academy of Science to measure our ice sheets, climate, and atmosphere so we can better predict changes to our planet.

We provide \$606 million for NASA science into how the sun affects the Earth. This helps predict and warn about events like solar flares that can knock out our communications and power grids.

The CJS has \$966 million for NOAA weather satellites, which are important early warning tools. If we can better predict and warn when tornadoes and hurricanes are coming, we can save lives and save money. We provide \$74 million to restore critical climate sensors that had been deleted from our next generation polar satellites because of cost overruns. We also include \$420 million for NOAA research to help us better understand our oceans and atmosphere and how they interact and change.

Finally, the CJS bill continues to emphasize congressional oversight, accountability and fiscal stewardship.

We meet our constitutional obligations for a timely and accurate Census by providing \$3.1 million for the 2010 Census. This will keep the Census on track, despite the previous administration's mismanagement of an information technology contract.

The CJS Subcommittee continues its oversight role by cracking down on cost overruns or mismanagement of taxpayer dollars. The bill insists on discipline and vigorous oversight by requiring each agency to notify the committee when costs of projects grow by more than 10 percent, thereby creating an early warning system.

We also require that inspectors general conduct random audits of grant funding to ensure compliance.

Finally, the bill complies fully with legislative transparency and accountability rules.

Again, I want to thank Senator SHELBY and his staff—Art Cameron, Goodloe Sutton, Allen Cutler and Augusta Wilson—for their cooperation and collegiality.

The CJS bill meets the day to day needs of our constituents by keeping

them safe from terrorism and violent crime. It looks out for the long-term needs of our Nation by making investments in America's physical and intellectual infrastructure to create and sustain jobs for today and jobs for tomorrow.

For these reasons, I urge my colleagues to support it.

AMENDMENT NO. 608

Mr. President, I rise to oppose the amendment No. 608 offered by the Senator from Oklahoma. Simply put, this amendment is a solution in search of a problem. The CJS portion of the omnibus does provide funds for the Department of Justice to solve civil right cold cases. This amendment is a distraction.

Before I speak about why I oppose this amendment, however, we must first talk about Emmett Till.

Emmett Till was a 14-year-old African-American boy from Chicago who was murdered in Money, MS, on August 28, 1955. He was dragged from his uncle's home and shot in the head. His body was dumped in the Tallahatchie River, tied to a 70-pound cotton gin with barb wire, and found 3 days later by fishermen. Emmett's mother demanded an open casket to show the world the brutality of his murder.

The murder of Emmett Till was a key event igniting the civil rights movement. Emmett's two killers never served a day in jail for their heinous crime. An all-White jury acquitted them in 67 minutes. The killers later admitted to murdering Emmett Till, but could not be prosecuted for the crime because they had already been found innocent by a jury.

In May 2004, 49 years after the murder, the Department of Justice reopened the case to finally determine if anyone else was involved in the killing. The FBI exhumed Emmett Till's body and performed an autopsy. Two years later, the FBI determined no one else was involved and officially closed the case.

On October 7, 2008, President Bush signed a law named after Emmett Till. The purpose of the legislation is to make sure Justice Department has the necessary resources to investigate civil rights cold cases.

Cold cases are extremely difficult to solve. Investigators run into many dead ends, as witnesses are hard to find and evidence can be easily misplaced, mishandled or destroyed. Additionally, investigations use up a lot of time and money resources.

However, solving these cases is important. This is about more than just bringing killers to justice. Solving these cases is about letting victims' families get on with their lives, about moving beyond racial hatred, and reconciliation.

I want to be clear I support funding for investigating cold cases. That is why I fought hard to make sure there is money in the Federal checkbook for

fiscal year 2009 to support the Emmett Till law. The CJS portion of the omnibus provides the Department of Justice with the resources it needs to investigate civil rights cold cases.

To boost resources for civil rights cold case investigations, the CJS bill provide \$123 million for the Department of Justice's Civil Rights Division, which is \$7 million more than 2008, and charged with heading up the investigation and enforcement responsibilities set forth in the Emmett Till bill. We include \$151 million for funding to reduce enormous backlog of untested DNA evidence. There is a backlog of 500,000 unsolved cases with untested DNA evidence sitting in evidence lockers today.

So that State and local law enforcement have the means to carry out their roles in investigating civil rights cold cases, we provide \$30 million for competitive funds for State and local government to investigate and prosecute civil rights violations. There is also \$25 million for competitive grants to State and locals to reduce forensic evidence backlogs.

The CJS bill provides \$9.8 million for the Justice Department's Community Relations Service to train local law enforcement how to mediate racial tensions in communities. We also have \$75.6 million for the inspector general at Department of Justice, which is \$5 million more than 2008. Under the Emmett Till law, the Inspector General has the authority to investigate missing children cold cases.

In addition to cold case investigations, the CJS bill provides robust funding to enforce our Nation's civil rights laws. It includes \$1.84 billion, which is \$88 million more than 2008, for the U.S. attorneys office at Department of Justice. These are the attorneys who investigate and prosecute civil rights violations. The bill also has \$9 million for the Commission on Civil Rights, which is responsible for making agencies are complying with Federal civil rights laws and raising public awareness on civil rights. Lastly, we include \$343 million for the Equal Employment Opportunity Commission, whose mission is to end workplace discrimination. This is \$14.8 million above 2008 and will help reduce the current backlog of EEOC cases.

I urge my colleagues to oppose amendment No. 608 and support the omnibus. The omnibus gives Department of Justice the resources it needs to investigate civil rights cold cases and enforce our country's civil rights laws.

I have a letter from Attorney General Eric Holder stating his support for the goals of the Emmett Till Act. Attorney General Holder is committed to the goals of the Emmett Till Act, and this letter gives his personal commitment to continuing to use funding to pursue these serious crimes.

If the Senate does not pass the omnibus, the Department of Justice will be forced to operate at 2008 levels. This means we will have to lay off investigators and prosecutors, and civil rights enforcement and investigations will be compromised.

For all these reasons, I urge a "NO" vote on this amendment.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ATTORNEY GENERAL,
Washington, DC, March 3, 2009.

Hon. BARBARA MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Department of Justice wholeheartedly supports the goals of the Emmett Till Unsolved Civil Rights Crime Act. The racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Department is working in partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center, and the National Urban League to investigate the unsolved racially-motivated violent crimes committed more than 40 years ago. The FBI has prioritized the top dozen of these cases, though there are more than 100 unsolved murder cases from the civil rights era under review by the FBI.

You have my personal commitment that the Department will continue to pursue these serious crimes in those matters in which the law and the facts would permit effective law enforcement action. We will continue to use our resources and expertise to identify and locate those responsible for these crimes and prosecute them whenever possible, consistent with the Principles of Federal Prosecution.

Sincerely,

ERIC H. HOLDER, JR.

Ms. MIKULSKI. It is time to move the appropriations. We have to make sure our Government can function so our economy can function.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, prior to the statement by the Senator from Maryland, I was listening to the discussion between Senator GRASSLEY and Senator DURBIN on an issue that I know Senator GRASSLEY feels strongly about. I don't believe there is an amendment yet offered. I hope it is not offered, frankly. I have great respect for the Senator from Iowa, Mr. GRASSLEY. He and I have worked together on a range of issues, and he is a good legislator. He and the Senator from Illinois, Mr. DURBIN, were having a disagreement about this.

I come down on the side of the Senator from Illinois. This discussion is about the issue of using private collection agencies to collect certain Internal Revenue Service delinquent taxes.

First, let me say that I think people who are delinquent on their taxes ought to be squeezed a bit to pay them. Unless there is some extraneous circumstance, I think most Americans voluntarily pay their taxes. They do not necessarily like to but they do because that is part of the cost of citizenship in this country. We have to do things together. We build roads together, and we have a law enforcement function in our communities together. We build schools, we have defense—we do all these things together. It costs money, so we pay taxes. That's part of the cost of citizenship.

There is great disagreement at what level those taxes should be and who actually pays it. I understand all that. But because we have a responsibility to pay some taxes and because there are some who do not, we have taxes that are delinquent in the Internal Revenue Service that need to be collected.

The Internal Revenue Service has on two occasions begun experiments with hiring private collection agencies to collect those taxes. The experience with those experiments has not been good. Because there has been a great move toward privatizing everything, we have hired private collection agencies to collect lower level delinquent taxes and, in fact, we have actually lost money in doing so.

It is almost unthinkable that someone who is going to collect taxes is going to lose money doing it. That is like being in business to sell tomatoes and someone is going to give me the tomatoes and you lose money.

Here is what the taxpayer advocate says. The tax advocate is someone who works independently inside the Internal Revenue Service on behalf of taxpayers. Taxpayer Advocate Olson says that since its inception—this latest iteration of using private collection agencies—the IRS has spent roughly \$80 million to set up and administer this program to collect delinquent taxes. They have spent \$80 million but collected net revenues of only \$60 million.

Think of that. You hire some private companies to collect delinquent taxes. It costs \$80 million to get it going and administer it, and you collect \$60 million. I took rudimentary math in a high school senior class of nine students in a town of 300 people. I can understand that equation. You spend \$80 million and collect \$60 million. It means you lost \$20 million. It makes no sense to me.

By the way, the firms that did this also made \$13 million in commissions. That is part of the shortfall here.

It is also estimated by the taxpayer advocate in the Internal Revenue Service that had they not hired a private collection agency and instead hired collectors at the IRS, they would have collected 13 times more money. This is about, in my judgment, common sense

and waste. Common sense suggests you select the best alternative for collecting these taxes. The alternative that would give the taxpayers the most for their investment and waste is about deciding you are going to hire private collection agencies and spend \$80 million and collect \$60 million.

Let me make a couple of observations about what the tax advocate has said about these issues. The tax advocate has said—and again, this is an employee inside the Internal Revenue Service:

Private debt collection initiatives are failing in most respects. . . . Not meeting revenue projections, its return on investment is dismal. Private collectors are no better at locating or collecting tax liabilities than the IRS itself.

If the taxpayer advocate that we fund inside the Internal Revenue Service to look after the taxpayers says this is a failure, let's decide it is a failure.

The underlying legislation brought to the floor in this omnibus package effectively says let's get rid of this program. Let's have the collections done as they should have been done and were done for a long time at the Internal Revenue Service. They will not lose money. We will collect 13 times more revenue, in my judgment, based on the estimates.

Former IRS Commissioner Mark Everson in congressional testimony said:

I have freely acknowledged it is more costly to use private collection agencies than it would be were the IRS to do it.

That is from an IRS Commissioner.

Former Acting Commissioner Kevin Brown told the House Ways and Means Committee:

We can do it more efficiently. We have the tools under the law that obviously are going to lead us to being more efficient.

My only point is, I hope there is not an amendment on this issue. I have great respect for my colleague from Iowa. But I think this is a program that should not have been started. Now that it is started and losing money, it ought to be abandoned. If we are looking after waste, fraud, and abuse issues and trying to protect the American taxpayer and shut down the waste of taxpayers' money, there is no better candidate, in my judgment, than the candidate that is in this omnibus package and this particular subcommittee by which we shut down the use of private collection agencies that have actually lost money for the American taxpayers. My hope is we do not have an amendment on this point. In any event, it is long past the time for us to have shut down a program that is costing the American taxpayers money—\$20 million to hire private tax collectors who are collecting less money than it is costing us to hire those collectors.

One might, by the way, look at this and say: Man, how can that be con-

troversial? It seems to me that is a slam dunk, that is common sense. If that is the case, if that is what you think, you do not understand how the system works because even things that are demonstrable failures are often hard to shut down. This is an example of that. We are close to getting that done.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF GREAT BRITAIN

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon in order to attend a joint meeting of Congress.

Thereupon, the Senate, at 10:40 a.m., recessed until 12 noon, and the Senate, preceded by the Deputy Sergeant at Arms, Drew Willison, the Secretary of the Senate, Nancy Erickson, and the Vice President of the United States, JOSEPH R. BIDEN, Jr., proceeded to the Hall of the House of Representatives to hear the address by the Prime Minister of Great Britain.

(The address delivered by the Prime Minister of Great Britain to the joint meeting of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding officer (Mr. CASEY).

OMNIBUS APPROPRIATIONS ACT, 2009—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 596

Mr. INOUE. Mr. President, amendment No. 596, offered by the Senator from Oklahoma, prohibiting funding from being used for no-bid contracts would appear on its face to be a good amendment, an amendment that some

are asking: Why would I vote against this?

When this amendment first appeared as an amendment to the recovery act, the Senate passed it by a unanimous vote because it appeared to be a good-government amendment. However, what we quickly learned as we began conference negotiations with the House is that the consequences of this amendment are more far reaching than simply prohibiting no-bid contracts.

Because of the way this amendment is drafted, it is destructive to small business and minority-owned businesses in this country, as well as to Native American funding. This amendment states the only procedures that can be used to award funds in this act are the procedures in accordance with only section 303 of the Federal Property and Administrative Services Act. As a result, this amendment prohibits agencies from making any awards to small businesses through statutes that have been enacted over the years that provide assistance to small businesses, including small veteran-owned businesses, service-disabled, veteran-owned businesses, minority-owned businesses, tribal enterprises, women-owned businesses, HUBZone-qualified businesses, and other entities covered through the SBA programs, as well as the Javits-Wagner-O'Day Act, just to name a few.

Mr. President, in terms of Native American funding, this provision would essentially overturn the so-called "638" contracts whereby a tribe contracts with the Bureau of Indian Affairs or Indian Health Service or other agency to perform the function of that agency. These contracts are not competitive pursuant to the Indian Self-Determination Act and other statutes enacted to help Native Americans.

In fact, efforts were made to correct this language during the conference negotiation of the recovery act so that small businesses—the backbone of this country—and Native American funding would not be unnecessarily penalized by language that combined the broad dismissal of authorization statutes and the narrow citing of one procurement law. Even with the significant improvements made to the original text, the Senator from Alaska, who is the ranking member on the Energy and Natural Resources Committee, asked that I enter into a colloquy with her during consideration of the conference report to clarify that the language did not impact existing Federal procurement law applicable to programs that allow for set-asides and direct-award procurements.

Mr. President, I cannot speak to the intentions of the Senator from Oklahoma as to what he wants to accomplish with this amendment. To be clear, however, I can speak to the consequences of the pending amendment. It will have a destructive impact on

the small business programs and Native American programs mentioned above.

Do we really want to prohibit small veteran-owned businesses, service-disabled, veteran-owned businesses from Federal funding opportunities unless they compete in the same manner as large corporations? Do we really want to prohibit small women-owned businesses from Federal funding opportunities unless they compete in the same manner with large corporations? Do we really want to say our Federal agencies must ignore existing Federal procurement laws that govern these small business programs and Native American programs and allow only these small businesses to compete subject to section 303 of the law?

This amendment systematically ignores years of Small Business Committee and Indian Affairs Committee authorizations enacted into law by insisting that all contracts be awarded through one specific section of one specific law. This is the exact language the Senator from Oklahoma offered during Senate consideration of the recovery act and not the provision that was amended after Members were made aware of the negative impacts on our small business community.

Consequently, while it appears to be a good-government amendment, it is in fact the opposite. If this amendment is adopted, it will cause significant disruptions to small businesses across this country, and I don't wish to be part of that effort. Small businesses make up 99.7 percent of our Nation's employers and 50.3 percent of our Nation's private sector employment. Denying the ability of these small businesses to compete on a level playing field would severely impact small businesses that are already struggling to stay afloat during the current economic downturn.

Given the information we have learned since this amendment was first proposed several weeks ago, and given the fact the language before us does not take into account and address the many problems raised after it was first proposed, I encourage my colleagues to oppose this amendment. It is the least we can do for our small businesses, particularly given the economic crisis we are currently in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 608

Mr. COBURN. Mr. President, I would like to speak a few minutes on the Emmett Till amendment that I have up. We heard this morning from the Honorable Senator from Maryland, utilizing the letter from the Attorney General saying they would work hard in approving and working on the Emmett Till Unsolved Civil Rights Crime Act. However, the defense for not approving my amendment was the fact that the Justice Department is going to work hard on it anyway.

I would note for my colleagues that is exactly the opposite amendment that we had last year when we were trying to pass this bill, when it was my contention that we didn't need additional money and that the Justice Department could do it. What we heard almost unanimously outside this Chamber is they couldn't do it without funding.

So now we have an amendment that actually puts in funding to go after these perpetrators of these heinous crimes. Yet we don't want to do it because now the very excuse we said wasn't good enough last year is good enough this year.

That is disloyal to the cause, No. 1; and, No. 2, it does not make any sense in light of the very statements made by some of the very same Senators last year.

The fact is, not funding this will make a real difference in the number of cases that get brought to prosecution. We have a letter from the Attorney General that says he will try, but what we are talking about is giving him more money so he does not have any excuse for not trying—which lines up exactly with the reasoning behind the appropriations bills on almost every other topic.

I say to my colleagues, having a letter which was generated last year in my support for trying not to increase the funding—which was said that wasn't adequate, that we needed funding—now the fact that you refused to fund something you promised to fund and say it will get done anyway does not speak very well of our effort in that behalf.

It is my hope the Senate will look hard and long at this. You cannot have it both ways. You cannot say you need to authorize funding, we need to have funding, and send out a press release saying you authorized \$15 million a year for the next few years to do something and then have a chance to fund it and not fund it and say we didn't need to authorize the funding in the first place. It is hypocritical, in my opinion, and my hope is we will give great and concerted consideration to my amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, very soon I am going to talk about an amendment I want to offer on the DC Voucher Program for low-income kids. But first I want to talk about the bill in general for a few minutes.

Yesterday, I talked about the spending bill we have before us as being 8

percent over spending from last year on various programs that are contained within the bill.

We just had Secretary of Treasury Geithner before the Senate Finance Committee. I asked him a question. I said: I applaud the President for hosting a fiscal responsibility summit just last week at the White House. I think that was a great thing. It set some very important goals for us to be fiscally responsible to the next generation. I told him this administration had an opportunity to say these are last years bills, drafted under a different administration. But rather, they said, we are going to look the other way; we are not going to hold to our "no earmarks" pledge or fiscal responsibility pledge on this bill, we are going to do that on future things.

But the problem is, it is not just this bill that increases spending by 8 percent. This bill gets added into the baseline. This extra \$23 billion gets added into this year's baseline, which means that next year's the baseline goes up and the budget for the next year after that goes up, and up and up, so this \$23 billion increase in federal spending ends up being several hundred billion over 10 years. That is not what we should be doing now.

We have entitlements that are going to be exploding. Every family in America today is looking for ways to cut their budget. We are hearing that the movie industry is actually doing pretty well right now because people are saying: That is actually a little luxury I can afford, because they can't afford some of the bigger luxuries they wanted. Instead of buying cars or big-purchase items, they are buying smaller things. That is why Wal-Mart seems to be doing well at this point. People are looking for values.

Businesses across the country are looking to cut expenses. They are looking to cut wasteful spending. Every bureaucracy, whether it is private or public, grows over time, so businesses are looking for ways to be able to handle these tough economic times.

Local governments and State governments are forced to live within a budget. So what are they doing? They are making tough choices right now. Even with the money the Federal Government sent them, they are still having to make difficult choices, so they are looking for what wasteful spending is out there and what ways they can cut back on waste.

The one place that seems immune to cutting wasteful spending is the Federal Government, and the people responsible for that are right here in this Chamber and in the Chamber across the Capitol. We control the purse strings. This is not a time for us to increase spending. This is a time for us to ask every Federal agency, department, program out there: How can you save money right now? How can you

cut administrative costs? Which programs are duplicative? Which programs are working and which ones are not? Let's take the money away from the programs that are less efficient right now, let's cut back on bureaucracy instead of expanding the bureaucracy at this point. I would say this is really an irresponsible moment for this Congress.

I applaud two Members from the other side of the aisle, Senator EVAN BAYH and Senator RUSS FEINGOLD. They have come out in opposition to this bill because they said pretty much the same things I was saying this morning. Senator EVAN BAYH from Indiana wrote a great opinion editorial today in the Wall Street Journal laying out why this is an irresponsible bill and why he is going to be opposing it.

If we are going to care about our children and our grandchildren, we cannot wait a year or 2 years. We need to be fiscally responsible today. We should have been doing it in the past years as well. I agree there has been irresponsible spending in this body by both sides of the aisle and by the previous administration, but that is no excuse for us to say we can just continue it.

Federal spending has been rising and rising, much of it off budget. I agree with the Democrats when they criticize Republicans in the previous administration for off-budget spending. I have been one of the people up here saying the tricks we were playing with the budget on defense were dishonest. They were trying to say they were not increasing spending because it would take money away from defense, knowing it would be added on later so they could increase other spending bills. That was dishonest. That was dishonest budgeting, and it is time to get to honest budgeting.

But it is also not just honest budgeting we need to get to. We need to get to fiscal responsibility. So really take a look at what we are doing here. Think about the next generation and future generations. Do we really want to add this kind of debt burden, where they have to pay hundreds of billions of dollars and even trillions of dollars in interest just because we were unwilling to take tough votes here in the Senate?

The second issue I wish to talk about is the issue of DC choice. The schools in Washington, DC, are some of the worst schools in America. We brought this issue up last week, and we were able to get an agreement that, instead of having a vote on the DC voting rights bill, the majority leader would give us time on the Senate floor to reauthorize the program. It is a program that says for very low income kids in the District of Columbia, we are going to experiment and see if maybe we can give them a decent education.

The District of Columbia spends around \$15,000 a year per student on

public school education. We said we will give them a \$7,500 voucher towards the ability to go to a private school, a school of their choice. The number of people who want to get into this program is incredible. Why? Because DC schools are failing too many children. DC schools are mostly made up of minorities, and we are trapping those very minorities into a school system that by and large does not work. So the DC voucher system was put in to at least take a few of those students out and see if they can do better in a different setting. Does it work? Some people say we are not measuring it right. All you have to do to know whether it works or not is to talk to the parents and to the students who have been involved in the program. Guess what. They want it to continue. As a matter of fact, they would like to see it expand. But what are we doing? This bill all but guarantees its elimination. How does it do that? If this language is not removed from the omnibus the program would be effectively cut. The omnibus contains language to eliminate the program after the 2009-10 school year unless congress reauthorizes it and DC City Council approves it. We know where the votes are on the DC City Council. The votes on the DC City Council would kill the program. The teachers unions in the District of Columbia, as they are in most cases, are totally opposed to any kind of voucher system. They believe it is a threat to their power base.

I am concerned about the kids and their education. That is all I am concerned about. If this program is going to work—and it seems to be working based on the interest of the number of families who want in it and based on the desire of the families who are in it to continue in it—then that is what we should be concerned about.

I am going to be offering an amendment that would strike the language in the omnibus bill and would allow us to authorize it this year in the Senate. That is the right thing to do, to make sure these kids still have a chance to get a good education in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I come to the floor to speak in opposition to an amendment offered by the Senator from Oklahoma, who singles out two instances of congressionally directed funding that were included in the fiscal year 2009 Omnibus appropriations bill under my name. The Senator has claimed that these earmarks are inappropriate or wasteful and should be removed from the bill. One provides \$5.7 million for competitive school modernization grants in my State of Iowa. The other provides \$1.8 million for national research into swine odor and manure management at the Soil Tilth Laboratory in Ames, Iowa.

At the outset, as a constitutional matter, I first take issue with the premise underlying the amendment of the Senator, the idea that Congress has no business directing the expenditure of Federal moneys through congressionally directed funding; that somehow there is something inherently wrong or evil in this practice and that only the executive branch should determine the details of where moneys are to be spent. This stands the Constitution on its head. Article I, section 9, expressly gives Congress the power of the purse, both to collect moneys—levy taxes—and to direct where that money is to go. I would say that the Executive, the President of the United States, does not have the constitutional authority to spend one single dime of our taxpayers' money. That authority has been given to the President, the executive branch, over the last 200 years by the Congress, but there is no constitutional basis for the President spending any money. So, therefore, that is inherently a constitutional function of the Congress. At any moment, at any time, if we want to, we can pass legislation taking all that money back here and saying the President cannot spend a dime unless we say so. We do not want to do that, obviously. But we could. We would be in our constitutional right to do so. So there is not something inherently wrong with Congress directing funding. In fact, I would say it is more appropriate for Congress to do that than for the President.

It is an odd practice—if the President requests it in the budget, it is not an earmark, but if we put it in, it is an earmark.

Someone please tell me the logic of that. So, again, I basically disagree with sort of the underlying premise that somehow executive branch employees, all those bureaucrats, have a much better understanding of where and how Federal funds should be spent most effectively in our States and in our districts.

Now, again, over the years we have permitted that to happen, but we, through our oversight functions, can look at how that money is being spent, and through our congressionally directed funding can decide how some of that is spent. So it is not a constitutional issue. It is not a constitutional issue, at least as far as Congress goes, as far as directing where spending should be made.

But I want to talk about these two earmarks mentioned, both of which address significant needs both nationally and in my State of Iowa. I will talk about the second earmark, funding research into swine odor and manure management later in my remarks.

I want to say at the outset, I am proud of both of those earmarks or congressionally directed spending, and I stand behind them. I believe the Senator from Oklahoma's attempt to

strike them from the bill is extremely shortsighted and misguided, quite frankly.

So let me spend a few minutes discussing why I included these items in the bill. Let me start first with the \$5.7 million for competitive school modernization grants. For years I have argued that the genius of our education system in America is its diversity; local school districts deciding what is taught, what books to buy, what teachers to hire, how to run their schools. We do not have, as some other countries have, a top-down structure where the central government decides exactly what is to be taught, how it is to be taught, and everybody gets the same thing. I have been to those countries. A lot of them tout their educational system. But, quite frankly, it does not have the kind of creativity and diversity and spontaneity that our diversified education has in this country. So that is the genius of the American system of education.

The failure of the American education system is how we pay for it. I wish someone would show me somewhere in the Constitution where it says that elementary and secondary education in America is to be paid for by property taxes. You will look and you will not find it anywhere in the Constitution. So why do we do it that way?

Well, I delved into the history of this, and it kind of goes like this: In the early days of the founding of our country, before we were a nation, in the Colonies, people wanted to have a free public education. Well, it was free for white males at that time, but, nonetheless, free. But since we had no taxing system other than tariffs and property taxes, that was the only way they could pay for it. So tariffs and property taxes became the support mechanism for local schools in the Colonies, and that kind of continued on. It continued on. The tariffs went by the wayside, so then it became a property tax-based function for paying for elementary and secondary schools in America. The first time the Federal Government ever got involved in education in any way whatsoever was in 1864 with Morrill, the bill that Lincoln signed for setting up land grant colleges and universities. That was the first time, and that was only higher education. That was higher education.

The next time the Federal Government got involved in education was almost 100 years later. It was after World War II when we set up the GI bill to pay for our young veterans to go to college, and then that was higher education.

Then we had the Eisenhower program, the National Defense Student Loan Program in the 1950s. Again, higher education. The first time the Federal Government ever got involved in elementary and secondary education was title I, providing some Federal

help to low-income schools to try to help right this imbalance out there.

Then we had the Education of the Handicapped Children's Act, which later became IDEA, the Individuals with Disabilities Education Act. So the Federal Government has not been involved—well, unless you want to take the School Lunch Program. The School Lunch Program and breakfast came along later, but the School Lunch Program, which came in after World War II as a feeding program, not as an educational program. I forgot to mention that.

So the Federal Government's involvement in elementary and secondary education has been as of late and very small, only title I, and basically IDEA, the Individuals with Disabilities Education Act.

Jonathan Kozol wrote a book in the eighties called "Savage Inequality," and this was the savage inequality: What he talked about is how he traveled around America and how he found there were some great schools and great facilities in one place, and very bad schools with bad facilities in another place. He asked the question why. Why is this? Well, it was because if you happened to be born and raised in Fairfax County, for example, where there is a high income level and very high property taxes, you get great schools. If you are born and raised in Bedford-Stuyvesant, or in inner city south Los Angeles, or in some rural areas of Iowa or Missouri or Oklahoma, Kansas, chances are you got very low property taxes and you got poor schools.

So he asked the question, and then I asked the question: Why should where you are born, the circumstances of your birth and where you are raised, why should that be determinative of the quality of the physical school you have? Why should that determine it? That is the savage inequality of our educational system.

Well, I began thinking about this some years ago on how we would kind of right this system, how we would tend to solve this imbalance, on the one hand by not interfering with the genius of the American school system, which is, who is hired and who is fired, who teaches, what they teach, the textbooks, all that, how do we not interfere with that, but at the same time try to balance these savage inequalities.

Then one day it occurred to me. I was walking out of my office one day. This is many years ago, back in the late eighties. And I have on my wall, right by the door that goes out of my office, a framed piece of paper. It is a little orange card. It has always been there. I have always kept it there to remind me of something. It is my father's WPA card, when he worked on the WPA in the 1930s.

It occurred to me that when I was a teenager, my father took me to visit

Lake Ahquabi, which is a lake south of Des Moines, which is now still being used as a recreational lake. They built that; still being used today.

He took me to visit a high school, Cornerstone, WPA, 1940, that he had worked on; still being used today. I dare say there are schools all over America that are still being used, built by the WPA. Finally it occurred to me that perhaps one role the Federal Government could take in helping to balance these savage inequalities of rich areas versus poor areas in terms of the quality of the school facilities is to be involved in modernizing and building new schools and getting the technology into these schools. That way you do not interfere with who is hired, who is fired, what is taught, what textbooks to buy. You are only helping to build new schools. We did that in the 1930s and we have been using a lot of these schools ever since.

So I might add, as an aside, that when I sought the nomination of my party for President in 1991 and 1992, this was one of my platforms. I talked about the need to invest in the infrastructure. I called it the blueprint for America. On my document I had a picture of a blueprint. Part of it was building and remodernizing schools through the Federal taxing system, rather than relying on property taxes.

Well, I didn't win the Presidency, obviously, but I continued in that endeavor. I could not quite get it through, although we did have 1 year finally we got it through. In 2000, the last year of the Clinton administration, we got \$1 billion for a national program of modernizing and helping to modernize schools. That was reduced down to about \$800 million. It went out 1 year. The next year President Bush came in and the program got ended. So we did have 1 year of it and, quite frankly, that 1 year, that money went out quite well and did a lot of innovative, good things with schools all over America.

Since I could not get the Federal Government to do this in the broader basis, I decided to see what would happen in my State of Iowa if we started doing this, what would happen, how would this work. So since 1998, I have been fortunate to secure funding for my State's schools in this regard.

The actual allocations are funds are not made by me, they are made by the Iowa Department of Education, which undertakes a grant competition to select the most worthy and needy school districts that receive these grants for a range of renovation and repair efforts. There are kinds of pots. One pot is for fire and safety, which requires no match. The other is for building and renovation which does require a local match.

Now, I might say that since 1998 this Federal funding has leveraged public and private funding so the dollars that

have gone out there have multiplied tremendously. I think my colleague called the funding unfair and wrong. He believes it is unfair that Iowa's schools receive funding while children elsewhere in the United States are forced to learn in antiquated, crumbling school buildings.

Well, I agree with my friend from Oklahoma. He is correct in one respect. There is indeed a persistent and unfair disparity in the quality of schools across the country, the savage inequalities, I just mentioned. Jonathan Kozol wrote the book about it in the 1980s.

In fact, for the last several years, local spending on school facilities in affluent communities is almost twice as high as in our poorest communities.

So I ask the question again, why should the circumstances of your birth, where you are born and where you are raised, determine the quality of the school you go to? Why should it? So we tried to alleviate this imbalance. Sure, you want every State in the Nation to have this. As I said to my friend from Oklahoma, he may not have heard this, in this year 2000, we did get it through for every State. But that was only 1 year, and then in 2001 the Bush administration came in and stopped it. But in that 1 year, it did go out.

Now, again, and most recently in the stimulus bill, in the American Recovery and Reinvestment Act, we did in the Senate put in \$16 billion for school construction and renovation to go out all over America. I was happy about that. I thought this was something that would put people to work, stimulate the economy and build schools for our kids, get new technology into our schools.

Well, because of opposition on that side, that was stricken from the bill. In the conference it was stricken. So, again, I do not mean to have this only for Iowa, I would love to do this for the entire United States.

So again, if I could not do it there, at least I wanted to see what would happen in the State of Iowa. And I can tell you that over the years, each Federal dollar that has gone into my State for this has leveraged an additional \$5-plus additional from public and private sources.

How does that happen? Well, a lot of times school districts would try to pass a bond issue. They could not pass it to renovate or something, because they are poor people, you know, and this means raising property taxes. We have a lot of elderly in Iowa. Raising property taxes is hard when they are on a fixed income.

So they don't vote for the bond issues. All of a sudden they applied for one of these competitive grants to the Department of Education in the State of Iowa. The State of Iowa gave them a grant, but they had to match. Guess what happened. They passed the bond issue and built new schools. It has le-

veraged private involvement, people with businesses, endowments, and even individuals who have come forward to put money into local schools because they had this grant.

I ask unanimous consent to print in the RECORD some letters I received. One is from Paula Vincent, superintendent of the Clear Creek Amana School District. She points out that receipt of a school construction grant was instrumental in her district passing a \$2.5 million bond referendum to build two new schools. Prior to receiving the grant, her district did not have a history of passing bond referendums for school improvement. Not only did this bond referendum pass on the first vote, but it broke records for voter turnout and has led to additional support for school infrastructure from surrounding communities. She estimates that an initial \$100,000 grant led to an additional \$28 million in local funding to improve school buildings. That is way over 5 to 1. That may be an anomaly, but that is what she says happened in their area.

I have other letters from individuals on these grants and what it has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLEAR CREEK AMANA
COMMUNITY SCHOOL DISTRICT,
Oxford, IA, March 3, 2009.

HON. TOM HARKIN,
*First Ave. NE,
Cedar Rapids, IA.*

DEAR SENATOR HARKIN, Thank you for your continual advocacy for facility construction and renovation. As you know, Clear Creek Amana was fortunate to receive one of the Iowa Demonstration Construction Grants to aid in the construction of a new elementary school.

This half million dollar Harkin grant was helpful to our district in successfully passing a twenty-five and a half million dollar general obligation bond referendum to build two new schools. In Iowa, school districts must receive a super majority, sixty percent approval, to pass any bond issues. Our community did not have a history of passing bond referendums for school improvement prior to this latest attempt and had never passed a bond referendum on the first vote. Not only did the community approve the bond referendum on the first vote, but also broke previous voter turnout records. The federal support was one of the factors members of our community listed as a reason they voted in favor of the proposed bond referendum.

The positive success of the bond referendum led to additional community support from cities within the school district boundaries. For example, the City of North Liberty provided land for the new elementary school, street and utility access to the construction site and an additional half million dollars toward the construction of the new elementary school. Likewise, the city of Tiffin and the Iowa Department of Transportation are partnering with the district to widen the highway leading to the new high school. Using conservative estimates, the half million dollars of federal support leveraged an additional twenty-eight million dollars to improve the school facilities within the Clear Creek Amana District.

Having resources to construct new buildings allowed us to take advantage of the latest information regarding excellent school design. With the assistance of our architects and engineers and the cooperation of students, staff and community members we are confident that our new schools will provide improved learning environments for CCA students and staff. A few of our design features include: increased student and staff access to technology; updated science labs and equipment; flexible teaching and learning spaces with planned areas for small and large group instruction; common areas for teacher teams to plan, and study together; shared school and community spaces such as preschool, library/media center, physical fitness areas, before and after school space and shared gym space; and added safety features such as controlled building access with limited exterior door entry points, electronic door controls and sprinkler systems.

Again, federal support through the school construction grants played a key role in making these improvements to the overall safety and quality of the learning environment in our schools possible.

Federal school construction dollars also have a positive impact on environmental concerns. We were able to incorporate multiple energy saving features into the design of the new buildings by participation in the Commercial New Construction Program provided by the Weidt Group, Minnetonka, Minnesota, and funded by the local utility companies.

The benefits of building an energy efficient building include a cash rebate from the utility companies of about \$250,000 as well as lower operational costs for the lifetime of the new buildings. Many of the selected energy strategies also contribute to the quality of the learning environment (natural lighting, temperature controls in each classroom). We believe these energy-efficient strategies add significant investment value to the buildings and minimize many negative environmental impacts typically caused by new construction.

We have experienced a significant benefit from a modest federal investment in school infrastructure. We have every reason to believe our students will benefit from the improved learning environment in our new schools and we expect we will see some of this benefit in higher student achievement. Higher achievement by our nation's children ultimately translates to a brighter future for all of us when these children take their place as contributing members of the workforce and of the educated citizenry essential for a democratic society.

Thank you for your work in including school infrastructure support in Federal legislation.

Sincerely,

PAULA VINCENT,
Superintendent.

CORNING COMMUNITY SCHOOLS,
Corning, IA, March 3, 2009.

Senator TOM HARKIN,
*Hart Senate Office Building,
Washington, DC.*

DEAR SENATOR HARKIN, With all due respect, I would like to express my concern about an amendment that has been offered to eliminate the Harkin Fire Safety Grants. I am the superintendent of Corning Community Schools in southwest Iowa. Our school is located in Adams County which is one of the poorest areas, of not only our state, but of the country. Our local patrons are willing, but unable, to raise enough funds to maintain our school facilities which were built in

the 1930s. It is only through the Harkin Fire Safety Grants that we are able to keep our facilities open and provide a safe environment for our children to work and play in. The Harkin grants have allowed us to make our buildings handicapped accessible, so all children are given equal opportunity to attend classes on the second and third floor of our facility. The Harkin grants have created an equal playing field so the children of our district have the same safe environments as wealthier districts. The Harkin Fire Safety Grants have provided handicapped doors, fire alarm systems, warning devices, and fire safe doors. Without these funds our school would have been closed down and children would have been forced to travel long distances to other schools.

I truly applaud your efforts in providing these funds for schools. Considering all of the foolish ways the government spends money, I can't believe that anyone would want to end this program. The Harkin Fire Safety Grants provide funds that are making a difference in the lives of children. What could be better? I encourage you to continue the good fight for the poor people of Iowa. I encourage you to continue to fight the shifting of funds to "bail-out" private businesses at the expense of our children and the future of this great nation. If there is anything I can do to help preserve these funds, please let me know. On behalf of the Corning Community School District, the patrons of Adams County, and most of all the children of our district, we thank you for these funds.

Respectfully,

MIKE WELLS,
Superintendent.

DES MOINES PUBLIC SCHOOL SYSTEM,
Des Moines, IA, March 3, 2009.

DEAR SENATOR HARKIN, As a member of the Des Moines School Board I would like to thank you for all the work you have done to enable our school system to receive Harkin Grants. Without them our urban school district would be lagging behind in both infrastructure and fire safety needs.

The Des Moines Public School System is an urban school district with a free and reduced lunch rate above 50 percent. We have received a total of 8 Harkin Grants in the amount of \$4.275 million dollars. We have used the Harkin Grants in a number of our buildings. For example, we have been able to use the infrastructure portion of the Harkin Grants to add to our renovations at Moulton School, Capitol View Elementary and Carver Elementary. All three of these schools have a free and reduced lunch rate over 79 percent. The Harkin Grants have helped to bring 21st century buildings to students of all economic backgrounds. Harkin Grants have also been used to help Des Moines East High School with its renovation expansion to meet the needs of its urban population. We have also received Harkin Grants for renovations at one of our downtown schools. Without this funding our urban school district would be lagging behind our suburban counterparts.

Our nearly 30,000 students have also become safer at school through the fire safety component of the Harkin Grants. That portion has been instrumental in allowing us to keep our children safer in a school district that does not have the resources of many suburban schools. They have helped to bring our buildings to a superior level of safety.

In conclusion, as a board member of the Des Moines Public School System, I would like you to know how important your Harkin Grants have been in renovating some of our high poverty schools and in keeping all

our students safe. Programs like the Harkin Grants have helped us immensely. You will never know how much these grants mean to an urban system like the Des Moines Public Schools.

Gratefully yours,

PATTY J. LINK,
Director, Board of Education.

Mr. HARKIN. Rather than trying to deprive the schoolchildren in Iowa of this funding, I encourage the Senator from Oklahoma to extend this program to his own State and to all other States and the District of Columbia. In the coming weeks, I will reintroduce the Public School Repair and Renovation Act, which I have been introducing for some time, which would create a competitive grant program for schools across America to receive funds to repair and renovate school facilities based upon the successful program we have had in Iowa. Were some mistakes made in the beginning? Yes. But the Department of Education, over the last 10 years, has figured out how to do this, how to separate the two pots—one for fire and safety with no match requirements, one for buildings and innovation requiring a match—and then taking in the proposals on a competitive basis and deciding where the money should go. I encourage the Senator from Oklahoma to support this bill. I ask him to be an original cosponsor to get this out to schools all over the country.

Now let me also talk about the \$1.8 million I secured in this bill for research into swine odor and manure management. That always brings a smile to everyone's face. David Letterman will be talking about it and Jay Leno will be talking about it, \$1.8 million to study why pigs smell. I suppose that is the way they will couch it. We all know how the game is played. Critics will take something such as this with a funny sounding name or purpose, hold it up for ridicule. For some reason, especially outside rural America, the very word "manure" seems to be cause for laughter and levity and jokes. In farm country, manure and odor management are profoundly serious challenges that can be mitigated through scientific research. I urge the Senator to visit farms in his own State. Ask his own farmers and neighbors about whether it is worthwhile to conduct research into animal odor and manure management.

If I am not mistaken—and I may be—I believe the attorney general of Oklahoma, a few years ago, brought an action against the neighboring State of Arkansas in terms of some of the effluent coming into Oklahoma and this raised questions of manure management and how it is put on the land and such. That is what this research is about. Some people living in rural America are concerned about livestock agriculture and its environmental impacts. So it makes good sense to fund research that addresses how rural com-

munities and livestock agriculture can coexist.

I wish to point out this item did not originate as a congressionally directed earmark. This research unit of the Agriculture Research Service originated administratively within the U.S. Department of Agriculture to conduct scientific research to address significant challenges facing livestock agriculture. This item is only included as an earmark now because the last Bush budget proposed to terminate a number of ongoing agricultural research projects in order to come in at a lower funding level, knowing full well this needed research would likely be restored by Congress, which is what we are doing. But it didn't originate here in Congress. It originated administratively.

Let me also point out to the Senator from Oklahoma, this is not a project for the State of Iowa. It provides funding for the Agricultural Research Service which is the main in-house research arm of the U.S. Department of Agriculture. The mission of ARS is "to find solutions to agricultural problems that affect Americans every day from field to table."

One might say the money is going out to ARS in Iowa. That is because that is where they do the research. If ARS was doing research on peanuts, they would probably be doing it at an ARS research facility in Georgia. If they were doing it on cotton, they would be doing it in Mississippi or someplace not in Iowa. So why are they doing it in Iowa? Because one-fourth of all the hogs in America are produced in my State. We are the No. 1 producer of pork, and we are very proud of it. The pork industry is critical to our State's economy. But as the demand has grown for pork and as we produce more pork, one can understand that the management problems of what to do with the waste has become very serious, not only for the odor problems but for the waste itself.

At any given day, we have 20 million hogs living in Iowa. Think about it, 20 million. A lot of farmers use the manure from hogs as fertilizer. The Department of Agriculture, soil scientists, and others have encouraged that. But there can be odor problems and other environmental impacts. So that is what this research seeks to resolve. It looks at improving nutrient or feed efficiency in swine. This research would help the livestock industry make better use of co-products from the production of biofuels, which is a growing industry in our State and the Nation. Quite frankly, we can't feed the byproducts to swine like we can cows. They are not a ruminant animal. But this research is looking at how to improve those byproducts for swine—everything from the feed to the byproducts and odor—to improve the quality of life for those who live in rural areas. We have had swine odor and manure

management challenges in my State. And not only in Iowa; as chairman of the Agriculture Committee, I have visited North Carolina and have witnessed the same issues there too. So how do we alleviate this? How do we make it possible for a very good industry, the swine industry, to meet the demand and at the same time be good neighbors and do it in an environmentally sound way? That is what this money is for. The research doesn't only help Iowa it helps all across the country because it is research conducted by the Agricultural Research Service. They are doing it in Iowa because that is where most of the hogs are. Congress didn't originate it here. It originated with the administration.

A lot of States share the same problem we do with odor and waste problems. I suppose we will hear a lot of jokes on David Letterman and Jay Leno. A lot of other people will be making jokes about this money for manure. Keep in mind, this is not wasteful or unnecessary or frivolous. This is very important to the daily lives of the people of my State and every other place where we raise swine.

I appreciate this opportunity to share with my colleagues my reasons for including these two items in the Omnibus appropriations bill. I stand here and say, unequivocally, I am proud of both of them. I believe the effort to remove them from the bill is misguided. I urge colleagues to vote against the Coburn amendment.

I yield the floor.

THE PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oklahoma.

Mr. COBURN. Madam President, it is interesting, the first of the Senator's remarks had to do with the Constitution. He conveniently skipped over article I, section 8, and went straight to article I, section 9. If you read what Madison and the Founders wrote about article I, section 9, they had a very limited scope for what we ought to be doing. As a matter of fact, the trouble we find ourselves in today is because we have abandoned the enumerated powers of the Constitution. We have excused them and we have said: We should fund it all.

As far as education, Federal funds fund 20 percent of education but 80 percent of the problems. If you think our schools are successful, look at our scores compared to everywhere else in the world. Our scores started going down when the Federal Government started getting involved in education, not prior.

The other assumption is, you have to have a great building to have a great education. That is absolutely wrong. Education is based on the incentive of the children, the quality of the teacher, and the control of discipline. You can teach as well in a Quonset hut as you can the most modern school, if you have motivated kids, great teachers, and great control of the classroom.

The purpose for trying to eliminate these earmarks isn't necessarily that they are wrong. They are truly unauthorized, but that would be a totally different story if a group of peers had said these are priorities, but they haven't. The problem is, is it a priority now, when every penny you will use, whether it is the new school program you want me to cosign or the earmarks you have in the bill today, is going to be borrowed from your grandchildren.

The very schools you are going to build in Iowa, that we are not going to build in the rest of the country, by leveraging Federal dollars are going to be charged to the kids of the kids who are there. They are going to pay for it. It is not about whether it is right or wrong; it is about whether it is a priority, whether we ought to be doing it now.

The Agricultural Research Service is a fine organization. Every time we need money for agriculture, we steal money from the Agricultural Research Service. There is nothing wrong with studying manure and its application as both a fertilizer, soil enhancer, and other things. There is nothing wrong with studying the other aspect of the odor. We slaughter 10,000 hogs a day in one plant in Oklahoma. I know exactly what it smells like. I have traveled every farm area in my State. As a matter of fact, to me a lot of it smells pretty good compared to what you smell in the cities. But the fact is, is it a priority that we spend that money now?

The real problem we have isn't earmarks. It is two: One is, we give this document short shrift; No. 2, we have become parochialized. We forget what our oath was that we signed when we came in here, to uphold the Constitution, to do the right things for this country as a whole in the long term and do the best things we can for the future of the children who follow. But what we have turned into is what can we take home; how do we look good at home; how do we send Federal dollars home.

The reason the stimulus bill was bad is because we took the lack of fiscal discipline in this body and we transferred it to every State house in the country. Ask any Governor what is happening now that we have passed the stimulus. The hard choices will not be made in the States. So the future prospect for fiscal discipline in the States is now gone. The next time they have problems, they will be counting on us. We have now transferred our bad habit of being fiscally irresponsible to the States.

I think it is ridiculous that at this time in our Nation, when we are going to have a \$1.7 trillion deficit, we would spend the first penny on anything other than a necessity because when we have a \$1.6 trillion deficit, it is not just \$1.6 trillion, it is \$1.6 trillion we are going to borrow over the next 30

years, and we are going to be paying awfully high interest rates. It is not very long—2015—when we are going to be at 40 percent of the budget going to interest. There will not be a Harkin school program for Iowa in 2015 because there will not be any money. We will not be able to borrow any more money because the interest rates and the cost to borrow it will be too high because the rest of the world will doubt whether we can pay back the money.

So the prudence I am asking for in trying to eliminate some of the earmarks is to think about the long term rather than the short term, to think about what is best for our country in the long term, not what is best for us and how we look at home, and to do what is within the framework of the Constitution.

The final point I will make: Presidential earmarks ought to have exactly the same dealing as we do with congressional earmarks—get them authorized, put them in a list of priorities, and then fund them. But do not send an earmark to the floor that is not authorized by the Congress and the relevant committee it comes through.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I appreciate the engagement by my friend from Oklahoma on this issue. But I will point out, first of all, one little mistake I think the Senator might have made. The research for the ARS for the swine research is well within the authorization the Agriculture Committee provided in the farm bill. It is well within their purview. So it is not outside their purview whatsoever. Again, I say the reason we put it in there: It has been administratively asked for before, but the Bush administration in the last year did not include it because they wanted to cut down their request, knowing full well we would probably fund it, which we have done here. But I just wanted to point that out.

Interestingly, the Senator mentioned article I, section 8, of the Constitution. Article I, section 8, of the Constitution, I would point out, is very clear:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the Defense and general Welfare of the United States. . . .

To borrow money on the credit of the United States; . . .

Et cetera, et cetera.

Well, Congress—Congress, it says—has the power and authority to provide for the general welfare and to borrow money. I do not like to borrow money more than anyone else. But the Senator from Oklahoma said something about: Well, the money we are using to build these schools is borrowing from our grandchildren. I cannot think of a better thing to borrow from our grandchildren than to build better schools.

As I pointed out, my father worked on WPA. I have his WPA card hanging on the wall of my office. They built schools all over America, schools which we are still using today. In fact, one of the Iowa Department of Education grants went to a middle school—it used to be a high school—it is a middle school that was built by WPA and had been in such disrepair, but the building itself was sound. They just had an old heating plant. Kids were getting sick. It was cold and drafty in the winter-time. They got a grant. They came in. They put in a new geothermal heating system. They put in double-paned windows. Here is a school built by WPA in 1939 and, with just a little bit more money, today is going to be used for another 50 more years for kids. So I say, if we are going to borrow from our grandchildren, let's build them better schools so the kids today will be better educated and will make more money and so our grandchildren will be better off.

Lastly, my friend from Oklahoma says that better buildings do not lead to better schools. He said: You could learn in Quonset huts, you could have a better education in a Quonset hut, I guess, than in some of our better schools. Well, I do not know how to respond to that. If you have a Quonset hut, are you going to have the up-to-date, latest technology in terms of the Internet? Probably not. Are you going to have up-to-date technology in terms of a science lab? Probably not. Physics lab? Probably not. Biology lab? Probably not. So what kind of education are you going to get in that Quonset hut? If we are sending our kids to school in Quonset huts, what are we telling them about how we value education? I dare say the nicest things that our kids should see in their daily lives ought to be where they go to school. They ought to be the brightest, the best lit, the best built, with the latest technology, with the best teachers and the best material. Then we are saying to our kids: Here is what we value.

So I could not disagree more with my friend from Oklahoma that kids will learn as well in a Quonset hut as they can in a nice building. All you have to do is look at the test scores of kids from schools that are in areas where they have high property taxes, a lot of wealth. Just look at those test scores and look at the scores of the kids who come from your poverty areas and rural areas. I do not mean just inner city but rural poverty areas. Look at their test scores. That will tell you something right there. Why? They cannot afford to hire the best teachers. They cannot afford to pay more for their teachers. They cannot afford to have the best laboratory and equipment and Internet technology for our kids.

So I could not disagree more with my friend from Oklahoma. I believe one of

the most important things we can do in the Federal Government is to provide funds for the building and rebuilding and modernization of our schools all over America. As I said, I am sorry we are not doing it nationwide. We tried, and we will try again. But it is the one way we can help our local property taxpayers, help our kids—not interfere with what they are taught or how they are taught or what teachers they hire or what books they use. Let's take a page from what we did in the 1930s. Let's do it again. Let's build more schools all over America and make them modern and up to date for our kids so our grandkids will have a better life.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 610

Mr. LEVIN. Madam President, amendment No. 610 would strike from the bill funding for a number of projects. One of the projects which would be stricken is funding which I requested for the redevelopment of part of old Tiger Stadium and its ballfield. It is in an economically distressed area of Detroit called Corktown. I support funding of this project from the Economic Development Initiatives account. The purpose of that account is for projects such as this.

Historically, old ballparks have been demolished after Major League teams move out. Members of the community in Detroit, where I live, recognized the economic development value in old Tiger Stadium and its ballfield, so they formed a nonprofit organization called the Old Tiger Stadium Conservancy to help preserve a piece of this part of Detroit and its baseball history and to help revitalize the economy of downtown Detroit, because this is very close to the downtown in an area called Corktown.

The conservancy has been working with the city, which owns the stadium. This is a stadium owned by the city of Detroit. They worked on a plan to preserve part of this stadium—the original part of the stadium, which had been called Navin Field 140 years ago—and to do this for a number of purposes; mainly, so that youth leagues would be playing on that field.

That field and that piece of the stadium are a huge magnet for economic development. So to preserve that field—that field of dreams—and to redevelop that part of the stadium's structure and the adjacent land and to use the adjacent land for retail shops, restaurants, and other commercial and entertainment attractions will bring economic activity into a distressed neighborhood and into the city of Detroit.

Now, it was said yesterday, I believe, that it did not make sense for this fund to preserve an old stadium we are not going to do anything with. That is just

simply not accurate. There is huge interest by developers in this old piece of Tiger Stadium and the field it is part of. Part of this old stadium has been demolished, demolished by the city, so what is left is a piece of this stadium, essentially between first and third base. This field and this piece of the stadium is nothing short of an anchor for the economic development project that will bring much needed jobs to a part of the city that desperately needs them. The conservancy has already received a number of letters of interest from local organizations and financial institutions expressing the desire to participate in the redevelopment, to bring commercial operations into the remaining stadium structure and the neighborhood area.

For too many years, economic development in this area has been stymied because of the unpredictable status of what was to happen to this property at the corner of Michigan and Trumbull, right near downtown Detroit. So there is now a new excitement, not only for the expectation of sports activities on the field, where youth teams will come and play, but also for the adjacent commercial retail, sports training programs, and other activities that will be attracted to the site.

According to the Housing and Community Development Act of 1974, the Economic Development Initiatives account, which this is part of, will benefit persons of low- and moderate-income and may be used for a number of purposes, including the restoration and preservation of historic properties and for economic development to improve the use of land for residential, commercial, industrial, recreational, and other needed activity centers. This project is what the 1974 act had in mind because it reuses part of a historic structure which has been sitting vacant for a decade and maintains its historic field as a recreational and commercial center of economic growth in a low- to moderate-income neighborhood in the city of Detroit.

So I hope this amendment will be defeated. This is an expenditure that comes from an important fund called the Economic Development Initiatives account. That fund is going to be spent in any event, and I can think of a few other things which also should come out of that account, but this is surely one of them. I hope this amendment is defeated and these funds are retained.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I rise to speak in support of funding in this bill for the American Lighthouse Foundation. This allocation was recommended to the Appropriations Committee by Senator SNOWE and by me. Now, I can understand why those who are unfamiliar with this program might view this as an easy target. That

is why I have come to the floor to explain to my colleagues, who may not be familiar with this program, why it is important and why it warrants Federal support.

The nonprofit American Lighthouse Foundation in Rockland, ME, partners with the U.S. Coast Guard to protect, restore, and preserve federally owned historic lighthouse properties. Let me repeat that. These are federally owned, and I wonder if the sponsor of this amendment understands that is the case.

The Coast Guard leases lighthouses to the American Lighthouse Foundation in an effort to help support restoration because the foundation raises private funds that help to relieve some of the burden that otherwise would fall on the American taxpayer.

The three Maine lighthouses that will directly benefit from that funding—Owls Head, Pemaquid Point, and Wood Island—are maintained by the U.S. Coast Guard as active aids to navigation. Let me repeat that point. These are active aids to navigation. The Presiding Officer knows how important that is. These lighthouses perform a vital function for Maine's lobster and fishing industries, as well as for commercial shipping and recreational boaters. They are critical active navigation aids.

I would also note the American Lighthouse appropriation is a direct investment in Federal property, a responsibility that dates to 1789 when the first Congress extended Federal funding to lighthouses. This isn't new. This isn't something the Senators from Maine dreamed up when we were trying to come up with worthy projects. This goes back to the beginning days of our Republic.

By working in partnership with the Coast Guard, the foundation has been able to raise funds from the private sector. Over the past decade, the foundation has invested more than \$2 million in restoring lighthouses throughout New England, and in the process, saved the Federal Government much money by improving these sites with private sector dollars. So this is a wonderful public-private partnership. It is the kind of partnership we in Congress like to see and that we promote.

So, again, let me make three points I have to believe that the sponsor of this amendment was not fully aware of: First, that these lighthouses are federally owned; they are Federal property. Second, they house within them active aids to navigation maintained by the Coast Guard—the lights, the horn. These active aids to navigation are used by our fishing industry, our lobstermen, by commercial shippers, by recreational boaters. These are active lighthouses. Third, this is a public-private partnership. The foundation raises millions of dollars from private sources to help restore these light-

houses that contain aids to navigation used by the Coast Guard. Thus, the burden is shifted from the Federal Government to the private sector, and that is extremely helpful.

So I think this is a great example of why it is important that those of us who are sponsoring this funding come to the floor and explain it. I think when that is done, it casts a whole new light on the purpose of this funding and why it deserves Federal support.

Madam President, I yield the floor.
The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 623

Mr. INOUE. Madam President, I wish to speak on amendment No. 623, an amendment submitted by the Senator from Oklahoma, because it is most troubling for several reasons.

First, this amendment presumes guilt without the benefit of the full legal process. Second, it presumes that the 14 clients actively or knowingly participated in the alleged activities of the firm without any evidence to support that assumption. Third, the amendment will punish the clients for having funds allocated to their projects without any knowledge of wrongdoing. Fourth, it makes the assumption that Members requested these projects because of ties to the lobbying firm rather than because these projects addressed the needs of their constituents.

The last thing we in this body should do on matters such as this is rush to judgment. Yes, we know the firm was raided by the FBI, and we also know the firm is in the process of being disbanded, but we also know no one from the firm has been convicted of any crime. In fact, as far as we know, no one has even been indicted for a crime. Further, there is nothing to suggest that the clients themselves are being investigated, much less guilty of some Federal offense. There has been absolutely no indication by anyone involved in the actual investigation that any of the clients of the PMA firm were involved in any illicit activity.

Under our legal system, everyone is presumed innocent until proven guilty, but under this amendment we will presume such guilt. We will presume guilt even of those who are not under investigation. It is not the responsibility of the Senate to presume guilt. That determination should be left to the courts based on evidence presented by Federal investigators.

Our "evidence," however, is based on press reports. But even in this most questionable evidence, there has been no assertion that the clients were involved in any type of criminal activity and certainly none has been accused of any wrongdoing. Nonetheless, the amendment would deny funding for projects included in this bill by Members of the House and the Senate. The projects were approved by the relevant subcommittees and displayed publicly on the Internet.

Rather than assuming guilt, what we should assume is that Members who asked for these projects did so because they believe they will serve the needs of their constituents. We have no information that indicates that funds were recommended for these programs because of the efforts of any lobbying firm. We can't even say with certainty the funds were included at the behest of this particular lobbying firm. I would point out that the Senator from Oklahoma must also not be so sure since he has modified his amendment to remove one of the projects which he originally had on his list.

Are we seriously considering voting to cut funds for projects because we think they might—they might—have been related to a firm which is under investigation, even though the projects' advocates are not under investigation?

As do many of my colleagues, I meet with lobbyists every year—dozens of them. They seek hundreds of millions of dollars in earmarks in appropriations bills. I am not the only Member in this situation. Incidentally, the firm is not a Hawaiian firm, although the projects involved are Hawaiian. For the most part, the lobbyists with whom I meet request funds for projects pertaining to my State of Hawaii. But as do most Members of Congress, I seek funding only for ones which I believe will have the greatest benefit for my State and for its citizens and which hold the greatest promise for achieving a larger national objective. This is what we were elected to do—to serve our constituents.

Why do we presume guilt in this instance instead of innocence? Why do we assume wrongdoing by clients because they hired this lobbying firm? Why should we assume Members requested funds because of the efforts of the lobbying firm instead of the merits of the programs?

I can't speak personally of any of these projects because most of them were included by the House and agreed to by our subcommittees, but I do believe most Members act responsibly. I, for one, am willing to give the Members who sponsored these projects the benefit of the doubt that they did so because they believe the projects were meritorious and worthy of their support. I am not willing to presume our Members are guilty of wrongdoing because their constituents hired some lobbyist who might—and I emphasize the word "might"—have been engaged in some illegal activity.

Do any of us seriously believe the Members who sponsored these programs in their States and districts did so for any reason other than it benefited their constituents or they believed in the work the clients are engaged in? For every Duke Cunningham willing to trade earmarks for cash, there are 534 other Congressmen and

Senators who would never think of doing such a thing. I do not believe we should impugn the motives of the Members who sponsored these earmarks, and I can think of no reason to do so.

I recognize this is what we call a tough vote. Many Members might wish to vote in favor of this amendment because they fear the news spot that says they supported crooked earmarks. But my colleagues should understand if we don't stand up for this institution—the Senate—and its Members, no one else will. We should all recognize the next time this could be your earmark or mine. You could be the one standing on the Senate floor forced to defend yourself because someone is accused of wrongdoing, even though that matter is completely unrelated to your behavior.

This is actually a simple matter. There is no evidence to support wrongdoing by the Members involved. There is no evidence to suggest these projects are not meritorious. There is no evidence to suggest the clients who engaged in these projects did anything wrong.

Finally, we cannot be certain anyone engaged in any wrongdoing. This amendment sets a course down a slippery slope that is unnecessary. Federal laws already provide remedies to recoup funds depending on the circumstances if our legal system determines laws were broken. Funds can be rescinded and improper payments can be recovered by the agencies involved.

Finally, the agencies have their own rules and regulations to follow if they believe there is any impropriety involved. We should allow the legal process to work and then assess an appropriate response based on the results. We should not convict the clients and Members and enact punishment before we even know whether a crime has been committed. Therefore, I urge my colleagues to oppose this unfair amendment.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. Will the Senator withhold his request?

Mr. INOUE. I am sorry. Yes, I withhold.

THE PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWBACK. Madam President, I thank my colleague from Hawaii, with whom I have had the great pleasure of serving in this body, for withholding that request.

I come to the Senate floor today to address the Omnibus appropriations bill, as well as to address one of the major needs of a major industry in our State.

I would ask my colleagues to think about this for a second: If there was a business in the United States they knew about that contributed annually around \$150 billion to the U.S. economy; employed 1.2 million people,

mostly in the manufacturing sector of the economy; is a major export driver with 40 percent of their production—40 percent of this \$150 billion going to overseas sales, contributing to the economy, contributing as a multiplier, and a significant multiplier—to the economy, I think most people would say: What is the business and how do we support it? How do we move it on forward in these tough economic times, if the business is having a great deal of difficulty? The one major thing they are asking from the Government now is not to badmouth them, not to talk them down. It is to be positive about this business instead of being down. So of all the businesses we have coming to us asking for money, for support and grants and these sorts of things, we have one that is a major industry, an exporter, and a major manufacturer. They want us not to badmouth them anymore. We should be able to comply with that request, and we ought to.

I am talking about the general aviation industry, which is this \$150 billion industry, flying 1.2 million people, primarily in the manufacturing sector. It is a major exporter that is growing but is having enormous difficulty in this economic and global climate because so much export was going overseas. Federal officials are making fun and saying people should not fly on these business aircraft; they should not use these things. They are making it a matter of derision.

The industry is simply asking us not to do that; help us out, don't talk us down, don't hurt us. The industry is appreciative of the bonus depreciation that was put in the stimulus package, and I am also appreciative of that. I hope it can help. It doesn't help when the President and others say people are disappearing on private jets and flying around the country.

I think it is helpful to present a few facts on the actual situation and say who actually uses business aircraft and where they go. Eighty-six percent of the passengers on business aircraft are not company senior officials but instead are mostly midlevel employees, including salespeople, engineers, and other technical specialists. These companies have operations in a number of different places. They can't get into convenient commercial airports, and they use business aircraft to get these people back and forth between various sites very efficiently.

A lot of my colleagues don't realize there are some 5,000 airports nationwide, but only 500 are served by commercial airlines. So 10 percent are served by commercial airlines and the other 90 percent are not. How do you get in and out of all the other 90 percent, other than by using business aircraft—whether it is propeller or jet? They are what ends up connecting a lot of people on a rapid basis throughout the country. That is important for peo-

ple to realize. Without the use of a lot of business aircraft, you are going to have much more inefficiency in companies, a lot more difficulty getting people from point A to B.

In a lot of cases, you have emergency situations where you have business aircraft moving people who are very sick from one place to get them to a critical hospital; it gives them access. Behind all this and the numbers I am talking about, you have a bunch of people working for these companies.

I will show you some pictures of people in my State. I am proud of the work they do in business aircraft. This is King Air by Beechcraft. The assembly line is back here. I have been in these factories a number of times. It is an interesting and cool business. It is one a lot of places around the world are trying to steal from the United States. The Japanese, the Brazilians, and certainly the Chinese are trying to take this manufacturing business from the United States. We are the center of business aviation and of the construction of these planes for the world. As you might guess, it is a high-wage, high-skill manufacturing field. It is a great business. Consequently, you have a number of other competitors trying to break into this field at the same time our Government is talking down this business in the United States. The workers in my State who are making these great quality aircraft are saying: Just don't talk bad about us.

I have some other pictures I wish to show you of other people in this business. I want individuals to be able to see this. Behind every discussion, you have the people who make the aircraft. Most people who see this aircraft probably say there is probably somebody well-to-do inside. But more likely it is an engineer, a salesperson or a technician. These are the people building it. This is a Hawker 4000. It is a great aircraft that came out. I will show another aircraft. These are made in Wichita, with a lot of suppliers from the entire region and the country that are going into making these aircraft. These are some of the volunteers, the employees working here, volunteering in the community and this is from the Christmas season and this is soccer. Here are some of their products. I will show another one as well, so people can get an idea of who all is involved in this picture. This is the rollout of an aircraft, a Cessna. This is the celebration of the rollout of the first Sovereign jet. You can see in the picture the people involved in this.

I hope my colleagues will take note that when they use a cheap shot to say we should not have these guys using business aircraft, 90 percent of your airports would not be accessible if people were not using these. These are experts getting to various operations. The corporations would be far less efficient, and they would lose the connection for people to be able to make it to

medical services that are critical in some places in the country. There is a lot of good this business does, and it is a business dominated by the United States. We need to support it, not hurt it.

Finally, on an amendment I hope comes up on a separate issue in the omnibus bill, there is a sunset of the DC scholarship program. I raise the point to my colleagues that this has been a very successful program, with a strong support base from the people who are using it and a desire to continue to use it. I think we ought to continue it rather than sunset this particular program.

In the omnibus bill, the opportunity scholarship program is sunsetted unless there is reauthorization that takes place. Hopefully, that will occur this year, and reauthorization will occur.

Listen to who is participating in this program, and if it is sunsetted, who cannot continue to participate. The average annual income of the people participating was around \$22,800, far below the eligibility level for this program, which is 185 percent of the Federal poverty level or \$39,000. The actual number is \$22,736, and that is the average annual income of the people participating. Just over 1,700 students are participating in the program. They are trying to get into schools that are better for their kids because the DC Public Schools have not served them well.

The DC Public Schools' per pupil expenditure is the highest in the country at \$15,000. The DC class size is one of the lowest in the country; it is a 14-to-1 student to teacher ratio. Yet reading scores continue to languish near or at the bottom of national assessment in the Nation. Recent data shows that 69 percent of fourth graders in the DC public schools are reading below basic levels. DC students ranked last in the Nation in both SAT and ACT scores. Forty-two percent of DC students drop out of school compared to 31 percent nationwide.

People fudge with figures and say it doesn't mean this or that, but what you have are 1,700-plus students who have opted to use a scholarship to get into a private school that they are very happy with, that they are performing well in, and that the parents are happy with, rather than the DC Public School System that, by and large, is not serving students well, and the longer you stay in that system, the poorer you are doing.

Most representatives, Congressmen and Senators, who have children and grandchildren in DC don't send their children to public schools. As a matter of fact, I don't know if anybody in this body does. Yet we consign people who don't have the income ability to get out of the DC public system into a school system that has failed students. A number of efforts are being made to change this system. I applaud the ef-

forts by the mayor's office and the superintendent of schools, Michelle Rhee. But if you are in the system, these changes are taking time to make and you don't have time when you are going through the first, second, third, and fourth grades. Each year you are losing ground.

Here is a group of students who have found a way to get into a better situation. We should not take that away. It is wrong for us to take that away. I know they believe it is wrong to take that away. I urge my colleagues to not let this program be sunsetted but to reestablish it. I would like to see it expanded so more students could take advantage of it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENT NO. 608

Mr. INOUE. Madam President, may I associate myself with the comments of the chair of the Commerce, State, Justice Subcommittee regarding the amendment proposing an earmark for the Emmett Till Unsolved Civil Rights Crime Act.

Make no mistake, no one in this Chamber is interested in denying funding to resolve unsolved civil rights cases—no one. But what we are interested in doing is passing this bill as quickly as possible, so that the Department of Justice has the necessary and adequate funding to pursue these cases.

This amendment slows down that process. This amendment earmarks \$10 million with existing funding for the Weed and Seed Program, which is an authorized competitive grant program under title I of the Omnibus Crime and Control and Safe Streets Act, which funds communitywide strategies to reduce violent crime, drug abuse, and gang activities.

This authorized program has nothing to do with resolving unsolved civil rights cases. Yet this amendment takes almost half the funding in one authorized program designed to combat violent crime and gang activities and earmarks it for a different program that already has millions in funding available for this effort.

I am confident this administration's Department of Justice will be using its resources to solve as many of these cases as possible.

The Department of Justice has at its disposal \$123 million provided for the Civil Rights Division, \$151 million in funding to reduce the backlog of untested DNA evidence, and \$30 million for State and local governments to investigate and prosecute civil rights violations.

These are just a few of the many authorized civil rights-related programs for which the subcommittee chair has provided increased funding for the fiscal year 2009.

The best way to fund initiatives of the Emmett Till Unsolved Civil Rights

Crime Act is to pass this measure—the underlying measure—now and send it to the President for his signature. The amendment of the Senator from Oklahoma detracts from that effort, while providing no overall benefit.

I yield the floor and suggest the absence after quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think it is a good time to take stock of where we are on this bill and to give my thoughts and feelings to my colleagues on why it is so important to get it done and move it swiftly.

The bill that is before us is unfinished business. It is an Omnibus appropriations bill that finishes up the funding for this year. The reason we are in this situation is for a variety of reasons, including an election, and the appropriations bills did not get done. Some of them did, but most of them did not get done. This bill wraps them up in a package, and here is where we are. We have two choices: Either we pass this bill the way it is or we go back to the continuing resolution which takes us back a year and a half ago.

It is very important for us to consider that point because a year and a half ago, life in America was very different. A year and a half ago, we were not in the jam we are in now economically. We did not see homes being lost at such a rapid rate. We did not see unemployment figures going into the double digits in some of our States, including California, which I am so proud to represent, my State. But it has over 10 percent unemployment at this time. If we go backward, as Senator McCain is suggesting, and other colleagues, if we go backward to the continuing resolution approach where we ignore everything that has happened, then we have a budget for this year that is irrelevant in many aspects.

Why do I say that? In this particular omnibus bill—which I am sure has flaws, because nothing in life is perfect—we do address the housing crisis. In this omnibus bill, we do give the SEC, the Securities and Exchange Commission, the funding it needs to move against these Ponzi schemes and these frauds that are being perpetrated on the people. In this bill, we do more for education. We do more for health care. In this bill, we step up to the best of our ability to address some of these problems.

We know that if any of these amendments are adopted, it is going to weigh this bill down because the House has

acted and said basically: This is last year's business; we don't want to get bogged down with it. Either take it or leave it. That is where we are.

As I have said often on this floor, we usually do not have a chance to get the perfect bill around here. It is very difficult to get the perfect bill, unless each of us wrote it his or her own way. Then it would be perfect for us.

Clearly, there are issues with this bill. But I want to say again, if you were sitting with your family and you went back to last year's budget and all of a sudden you realized that in the last 12 months, things had radically changed in your family—let's say you had a child who got sick with a terrible disease, let's say that your grandma had to go into a nursing home and she needed certain things—you would realize that last year's budget does not fit what your requirements are. You would have to address your child's health, your grandma's situation to be relevant for the year.

It doesn't always mean spending more money. I am not suggesting that at all. But this omnibus bill does respond to the needs of our people. Put that together with the stimulus bill, which is finally beginning to bear fruit out there—and I am excited about it because we are starting to see the funding flow to our States, we are starting to see people get back to work. Once we do this, it is another boost to the people of our great country.

These amendments that are coming at us at the end of the day, I believe many of them are meant to weigh this bill down, to take this bill off course. I am going to talk about a couple of those amendments.

Senator COBURN has an amendment for he says, the worst projects in the world—whatever he calls it. He is going after them. And one of those projects that he picks is one I was proud to get in here. So I want to talk about it because I am proud of it. The way Senator COBURN describes it, you wouldn't know what I did.

He says there is money in the bill for the Great Park in Orange County. But what he doesn't say is there is funding in here, and it is not that much funding compared to a lot of these items—\$475,000 to restore the El Toro Marine Corps Air Station hangar No. 244. This hangar was opened in 1943 to house aircraft during World War II. The hangar is being renovated. It is being turned into a military history museum and a welcoming center for the park.

This particular \$475,000 is not going for anything other than the renovation of this hangar to bring it back to life, to serve as a tribute to our veterans and to their military service. It will be on the site of what used to be a leading military installation on the west coast. Millions of U.S. military personnel during World War II, Korea, Vietnam, and the Cold War passed through El

Toro. This base reuse project honors our military history and the service and the sacrifice of our military men and women.

This is not the first time my Republican friends have gone after veterans. I had another funding request. We were able to win that one, and we will win this one, too. I believe it. They were going after a program to help disabled veterans get back to a normal life. They actually did that. But we beat them then, and we will beat them now.

The hangar needs a number of repairs and upgrades to make it suitable for public use. This deals with the upgrade of electricity, fire safety systems. And 100 jobs will be created. Not bad. Mr. President, 100 jobs will be created through the rehab of this building, and another 10 to 20 full-time jobs will be created to staff the facility when it is built.

Here is the thing. Orange County, in which this particular project resides, is a Republican county. Registered Republicans outnumber registered Democrats by 235,000 voters, and they voted for this project 58 to 42 percent in an election where 500,000 votes were cast. Yet I have a Senator who comes on the floor and tries to say this is some frivolous, horrible project. I resent it, and so do the veterans resent it.

I ask unanimous consent to have printed in the RECORD a series of letters from veterans very concerned about Senator COBURN's amendment.

There being no objection, the material was ordered to be printed in the RECORD as follows:

MARCH 3, 2009.

Senator BARBARA BOXER and MEMBERS OF CONGRESS.

DEAR SENATOR, I am taking this opportunity to formally thank you for all the success Orange County has experienced with the redevelopment of the former Marine Corps Air Station El Toro. If you had not taken a leadership role in helping the Orange County voters decide the future of the surplus military property at El Toro, I am certain our aspirations for a Great Park at the site would not have materialized.

Now, as the Orange County Great Park Corporation's lead sponsor for the development of a heritage museum honoring the contributions of our community to the defense of this great country, I must seek your support once again. In the creative scheme to preserve an in-tact 1943 vintage U.S. Marine Corps squadron area, including two logistics buildings and a squadron administration-headquarters facility, and a historic hangar (hangar #244) our corporation seeks federal funds to help defray renovation costs.

The veterans and civilian employees who worked, transited, or were stationed at MCAS El Toro would be the primary beneficiaries of your successful efforts. We will incorporate the restoration of the subject buildings into an education program for local students—least we allow history to be forgotten.

My heartfelt request comes to you not only from a retired U.S. Marine Corps aviator, citizen activist with a twenty year experience defending the voters rights to decide the former MCAS El Toro's final design

and use, but, also from my experiences as a Director at the Orange County Great Park Corporation and as a Commissioner of the California State Parks and Recreation Commission.

Our heritage museum needs your resolute support at this critical point in time. Please present this message to your fellow member of Congress.

Respectfully,

WILLIAM GUSTAV
KOGERMAN,
*LtCol USMC (Ret); Director,
Orange County Great Park Corporation; Commissioner,
State Parks and Recreation Commission.*

MARCH 3, 2009.

Re: Renovation of Hangar #244 at MCAS El Toro.

MEMBERS OF CONGRESS: I have recently been informed that funding for the renovation of hangar 244 at the Great Park has been withdrawn. This is a travesty. MCAS El Toro once stood as an American symbol of freedom, providing a sense of security and an abundance of opportunity for surrounding communities. It would be a shame to allow the last remaining hangar standing at the Great Park to fall rather than serve as a reminder of the service this once great post served to the residents of Orange County and Southern California.

I strongly support the renovation of hangar #244.

JOHN ROTOLO,
GySgt USMC (Ret).

Both while in the military and since, I have traveled abroad. As a nation, we have done very little relative to our European counterparts to preserve historic treasures. This persistent desire to upgrade and update leaves our society at a historical disadvantage. Our society quickly forgets our roots and those who have fought to preserve them. As a result, the patriotic nature of our society has been damaged because we've underfunded the preservation of sites such as Hanger #244.

This past January, I was in the UK and visited Winston Churchill's Museum and Cabinet War Rooms (<http://cwr.iwm.org.uk/>). This is a fine example of how preserving historic military locations can communicate to the masses, the greatness of the military and its ability to produce such leadership. The people that I was with that day expressed great pride in their country, what they stood for and the military's accomplishments.

As a former Sergeant in the USMC stationed at MCAS Tustin, I had spent considerable time at MCAS El Toro. Geographically, I would suggest that MCAS El Toro's location and ease of access is an ideal location for a historic landmark. I stand behind your initiative to renovate hangar #244 at MCAS El Toro and wish that your funding returns with due speed.

Regards,

DAVE RISTOW,
*Chief Financial Officer,
KSS Retail*

LTCOL CLIFTON WALLACE USMC (RET),
Irvine, CA.

Re: MCAS El Toro Hangar #244.

MEMBERS OF CONGRESS: I would like to publicly add my emphatic support for the project to renovate Hangar 244 at the former

Marine Corps Air Station El Toro, California now the Orange County Great Park. I served as a pilot at MCAS El Toro from 1977 until I retired from the Marine Corps in 1999 and feel it is extremely important that Hangar 244 be renovated and restored to its historical condition.

Hangar 244 is an original hangar from the 1940s and the last remaining historic hangar at the Great Park. It must be renovated and preserved to not only preserve the building but also the heritage of five decades of service to our nation's defense. The Great Park intends to build an aviation/heritage museum at the site and Hangar 244 will be a historic center piece for this new museum.

On October 2, 2008, the Orange County Great Park Corporation conducted an "El Toro Homecoming" event which honored veterans from World War II that were stationed at MCAS El Toro. Several hundred WWII veterans attended this historically important and emotional tribute conducted in Hangar 244 resulting in rich memories and moving stories by the men and women who served our nation during this time of great need. I strongly encourage support for the Hangar 244 renovation project and strongly request that funds for this project be restored.

Semper Fi,

CLIFTON WALLACE.

COL THOMAS Q. O'HARA USMCR (RET),

Lake Forest, CA.

CEO Orange County Great Park,
Irvine, CA.

SIR, I would like to express my wholehearted support for the renovation of hangar #244 at the former Marine Corps Air Station El Toro, CA now the Orange County Great Park. I served at MCAS El Toro in the 1960s, 1970s, 1980s, and 1990s and feel it extremely important that hangar #244, an original hangar from the 1940s, and the last remaining historic hangar at the Great Park be renovated and preserved to not only preserve the building but also the heritage that over five decades of service to our nation is represented by that last hangar. The Great Park intends to build an aviation/heritage museum at the site and hangar #244 will be a historic center piece for the new museum. I strongly encourage support for the renovation project and hope funds for this project are restored.

Semper Fi,

TOM O'HARA.

Mrs. BOXER. Mr. President, here is one letter. It is to Members of Congress signed "Semper Fi, Clifton Wallace." He is a retired marine. He says:

I'd like to publicly add my emphatic support for the project to renovate Hangar 244 at the former Marine Corps Station El Toro, California now the Orange County Great Park. I served as a pilot . . . from 1977 until I retired in 1999 and feel it is extremely important that Hangar 244 be renovated and restored to its historical condition.

Hangar 244 is an original hangar from the 1940s and the last remaining historic hangar at the Great Park. It must be renovated and preserved to not only preserve the building but also the heritage of five decades of service to our nation's defense. . . .

He says:

On October 2, 2008, the Orange County Great Park Corporation conducted an "El Toro Homecoming" event which honored veterans from World War II that were stationed at [this base]. Several hundred WWII veterans attended this historically impor-

tant and emotional tribute conducted in Hangar 244 resulting in rich memories and moving stories by the men and women who served our nation during this time of great need. I strongly encourage support for the Hangar 244 renovation project and strongly request that the funds [be there].

That is one. And this goes on veteran after veteran. Senator COBURN comes to the floor and talks about the Great Park and the free balloon rides that the kids have there. What does that have to do with this line item that turns this hangar into a museum for those who put their life on the line? I will say, Senator COBURN has gotten them so riled up and so worked up and so upset. For what reason? None that I can see.

So here is a circumstance where we have a line item our veterans want. One of them talks about visiting Europe and saying how much more the Europeans have preserved these memories of their fighting men and women compared to our country and he begs Senators not to strip this out.

Here we have a circumstance where Senator COBURN is saying I have a line item that is about "the Great Park," but he does not say what the purpose of the line item is: to restore the hangar and turn it into a military museum and a visitor center to celebrate those who have given so much to our Nation.

Then we have another amendment by Senator MURKOWSKI. What she wants to do is go back to the bad old days of the Friday night midnight rules that the Bush administration took at the very end of their days here. The midnight rules were put in place and ran roughshod over the rights of the public to participate in the rulemaking process.

The language in the bill goes back to the status quo ante. In other words, it goes back to before the Bush administration issued its midnight rules.

On December 11, 2008, almost 35 years to the day after the Endangered Species Act became law, and after the Republicans lost the election, the Bush administration issued a midnight rule which allows Federal agencies to decide unilaterally that consultations with the U.S. Fish and Wildlife Service or the National Marine Fisheries Service are not necessary when there is any type of development proposal. That midnight rule made a mockery of the process we are supposed to follow.

According to press reports, a Department of Interior e-mail indicated the Fish and Wildlife Service received 300,000 comments on the proposed rule. The agency reviewed 200,000 of these comments in 32 hours. This is an average of 6,000 comments every hour. Let's face it, Mr. President, I don't care how many people you had looking at these comments, it is not possible that they could have reviewed the outcry from all over the country.

Now, who agrees with me? Dozens of groups. I am going to read some of the groups that said: No, don't do this. Yet they did it anyway:

The Audubon, American Rivers, Arizona Wilderness Coalition, Californians for Western Wilderness, Center for Biological Diversity, Defenders of Wildlife, Endangered Species Coalition, Friends of Red Rock Canyon, Friends of the Missouri Breaks Monument, Grand Canyon Wildlands Council, the Trust for Public Land, the Wilderness Society, Union of Concerned Scientists, World Wildlife Fund, Partnership for the National Trails System, Natural Resources Defense Council, Oregon Natural Desert Association, National Trust for Historic Preservation . . .

I am not reading them all, Mr. President, so I ask unanimous consent to have printed in the RECORD the entire list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Audubon, American Rivers, Arizona Wilderness Coalition, Californians for Western Wilderness, Center for Biological Diversity, Cienega Watershed Partnership, Defenders of Wildlife, Earthjustice, Endangered Species Coalition, Friends of the Agua Fria National Monument, Friends of Red Rock Canyon, Friends of the Desert Mountains.

Friends of the Missouri Breaks Monument, Friends of the Sonoran Desert National Monument, Grand Canyon Wildlands Council, Grand Staircase Escalante Partners, Idaho Conservation League, International Dark-Sky Association, League of Conservation Voters, National Parks Conservation Association, National Trust for Historic Preservation, National Wildlife Federation, National Wildlife Refuge Association, Natural Resources Defense Council, Oregon Natural Desert Association.

Partnership for the National Trails System, Rincon Institute, San Juan Citizens Alliance, Scenic America, Sierra Club, Sky Island Alliance, Snake River Raptor Volunteers, Soda Mountain Wilderness Council, Southern Utah Wilderness Alliance, The Trust for Public Land, The Wilderness Society, Tuleyome, Union of Concerned Scientists, World Wildlife Fund.

Mrs. BOXER. Mr. President, you have the Bush administration, after they lost the election, take this step, not even looking at the peer-reviewed scientific evidence. The CRS—the Congressional Research Service—said there appears to be little additional protections by this act.

So they had two of these midnight rules. One dealt with the consultations they are supposed to have with environmental agencies before permits are given; the second one had to do with the polar bear. The Bush administration determined that the polar bear is a threatened species, and we all know, just from a little bit of reading or watching TV, that the polar bear is endangered or, I would say, certainly threatened because the ice habitat is melting literally under their feet. The Endangered Species Act applies to the polar bear. Oh, no, the Bush administration said, we are going to deny key protections for the polar bear under the Endangered Species Act. So they unilaterally decided by a rule that the only thing that will apply to the polar bear is marine mammal protection, not the Endangered Species Act, and the

Bush administration put in this special rule without any notice or comment. They simply decided they wanted to eliminate the ESA's protections for the polar bear, and once again they ran roughshod over the process.

So in this omnibus bill, this is all we do. We say let's go back to regular order. Let's go back to the status quo ante. Let's go back to the way it was before these midnight rules were passed. I am very disappointed we have to vote on this because I think it is a matter of common sense and pride in the place we work. We need to follow a process.

It has nothing to do with how one feels about the polar bear. Frankly, I am heartbroken when I see what is happening to the polar bear. Other people may not be moved by it, may not be touched by it. But it doesn't matter how one feels about the polar bear. What matters is that we stand for the laws we passed in this great country under Republican and Democratic administrations, and the Endangered Species Act was one of those. If we see it isn't working, we can take steps, but let's not shortcut the process. So I hope we will oppose the Murkowski amendment.

Again, not everybody will agree with me the polar bear deserves protection under ESA. Not everybody will agree with me that before a permit is granted there ought to be consultation with Fish and Wildlife. Frankly, I think that is a very modest and moderate position to take and a commonsense position. But don't support an amendment which just says: To heck with what the public says. We don't care. It doesn't matter. Cut it short. Remove the Endangered Species Act. Remove the consultation process. That is not a way to go, and especially for the Bush administration to do it after the election, on one of those late-night announcements. Let's give this administration a chance to take a look at both of these rules, take a look at making sure the scientists are listened to, the public is listened to.

So, again, in closing, I want to say this in summing up. Senator COBURN has attacked the veterans in my State by calling a line item in this bill one of the worst projects in this bill. He actually did. The veterans in my State are up in arms, and I put the letters in the RECORD and I hope we will vote against the Coburn amendment. The way he has presented it is so unfair to my veterans. He talks about free balloon rides and the Great Park. The funding here is simply to refurbish a historic hangar, the only hangar at El Toro that can be preserved to remember these veterans. So I hope we will vote that down, and I hope we will vote down the Murkowski amendment because if you vote for her amendment, friends, what you are saying is the process should be truncated; that it doesn't matter who the President is—President Obama.

In other words, if you vote for this as a process, you are saying to this new President: Well, we support your being able to just decide whatever you want; to ignore the public comments, ignore the scientists; just get up and do whatever you want at midnight. I think that is wrong, and I don't care if the President is Republican or Democrat, we shouldn't do it that way. It isn't the right way to do it.

So I hope we will take a stand against that kind of government, and I hope we will take a stand in favor of my veterans. I hope we can, in fact, pass this bill and get on with our business because the option is to go back to a bill that was written—basically, it goes back to the old budget, before we had all the problems we have now. I think it is looking backwards. I think it is putting our government in reverse at a time when we need to move forward with confidence. I believe passing this bill is an important part of what we need to do this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 623

Mr. MCCAIN. Mr. President, I rise to briefly discuss the amendment that has been proposed by the Senator from Oklahoma, Mr. COBURN, to prohibit funding for PMA-related earmarks.

A lot of Americans don't know who PMA is, Mr. President. In fact, I didn't until recently, but it is very interesting. The Coburn amendment, by the way, would strike 13 projects where funding is directed to clients of the PMA Group, a lobbying firm currently under Federal investigation for corruption.

Today, we have before us a massive omnibus spending bill totaling nearly \$410 billion that contains over 9,000 earmarks. Perhaps even more troubling than the number of earmarks is to whom and how some of this funding is being directed. Contained within this legislation are 13 earmarks totaling over \$10 million directed to clients of the PMA Group.

Mr. President, the PMA Group is a lobbying firm that was recently forced to close its doors after the home of its owner and offices were raided last November by the FBI for suspicious campaign donation practices. That investigation continues to this day.

Well known for its deep ties to Capitol Hill, the PMA Group has a long and lucrative history for securing earmarks for its clients, including approximately \$300 million in the fiscal year 2008 Defense appropriations bills—none of them authorized, by the way—\$300 million.

There have been many accusations against the PMA Group, including using straw donors to further spread their wealth to curry favor with influential Members of Congress. A February 14, 2009, Washington Post article

examined campaign contributions reportedly given by members of the PMA Group and found "several people who were not registered lobbyists and did not work for the lobbying firm," including a 75-year-old California man who, despite being listed in financial disclosure documentation as a donor and PMA employee, had never even heard of the firm.

Mr. President, I ask unanimous consent to have printed in the RECORD that complete article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 14, 2009]

DESPITE LISTING, DONORS DON'T WORK FOR FIRM BEING PROBED

(By Carol D. Leonnig)

Marvin Hoffman is listed in campaign finance records as one of the many lobbyists with the powerful PMA Group donating money to lawmakers. But Hoffman is a soon-to-retire information technology manager in Marina del Rey, Calif., who has never heard of the Arlington lobbying firm or the Indiana congressman to whom he supposedly gave \$2,000.

"It's alarming that someone is stealing my identity somewhere," Hoffman, 75, said in an interview. "I've never heard of this company."

Another contributor listed as a PMA lobbyist is, in fact, a sales manager for an inflatable boat manufacturer in New Jersey. John Hendricksen said he did make campaign donations but never worked at PMA and does not know how he ended up listed in records that way.

These errors, along with other unusual donations linked to the firm, come as the Justice Department examines allegations that PMA may have violated campaign finance laws. The offices of PMA, which ranked last year as the 10th-largest Washington lobbying firm by earnings, were raided in November by FBI agents and Defense Department investigators.

Federal investigators are focused on allegations that PMA founder Paul Magliocchetti, a former appropriations staffer close to Rep. John P. Murtha (D-Pa.), may have reimbursed some of his staff to cover contributions made in their names to Murtha and other lawmakers, according to two sources familiar with the investigation. PMA has long had a reputation for securing earmarks from congressional appropriators, particularly for defense contractors, and it has donated generously to influential members of Congress. Magliocchetti personally gave \$98,000 in campaign donations last year, according to campaign records.

Federal election laws limit the amount of money individuals may contribute to candidates, but lobbying firms often show their clout by collecting and bundling contributions. It is illegal for employers to reimburse donors for their contributions.

The Washington Post examined contributions that were reported as being made by PMA employees and consultants, and found several people who were not registered lobbyists and did not work at the lobbying firm. It is unclear whether the donors misidentified as PMA associates are part of the federal probe.

A PMA spokesman said the firm's management does not know Hoffman or Hendricksen and does not know how the errors were made

in reports to the Federal Election Commission.

"It's up to the campaigns to report contributions in their FEC filings," said PMA spokesman Patrick Dorton.

FEC spokeswoman Mary Brandenberger said she has not often seen such misidentified donations, but if a complaint were received, the commission would first question the campaign about its record-keeping.

Jan Witold Baran, a campaign finance and ethics expert and Wiley Rein lawyer, said the errors pose serious questions and should be cleared up.

"It's true that candidate campaigns have the responsibility for disclosure, but the information they obtain usually comes from the contributor or the person who solicited from the contributor," Baran said. "The question is: Where did that information come from?"

Murtha aide Matthew Mazonkey said the congressman was not the recipient of the erroneous donations.

PMA, founded in 1989 by Magliocchetti, a former Murtha aide to the House Appropriations Committee, has enjoyed a high success rate in winning earmarks for its clients, which include such major defense contractors as Lockheed and General Dynamics. PMA also represents a circle of lesser-known but also successful contractors such as Argon ST, MTS Technologies, DRS Technologies and Advanced Acoustic Concepts. Many PMA clients have opened offices in Murtha's western Pennsylvania district, donated generously to him, and received millions in earmarks requested by the congressman.

In the last election cycle, PMA and its clients donated \$775,000 to Murtha's campaigns. Last year, those clients received earmarks worth \$299 million and arranged by Murtha and his colleagues.

The majority of PMA's 35 lobbyists had worked on Capitol Hill or at the Pentagon. Several of the top lobbyists were also PMA directors and had ties to lawmakers.

Two men listed in campaign finance reports as together giving \$30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island, his family said. Jon C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

Walker and Pugliese did not return repeated phone calls and messages.

Pugliese is listed as a PMA Group "associate," and Walker is a PMA Group "consultant" in finance records.

Rebecca DeRosa, who is listed as a part-time accountant at PMA and director, recently married Magliocchetti and has given generously on PMA's behalf for several years. Last year alone, she personally gave \$73,000 to lawmakers and congressional political action committees, records show. For most of those donations, she is listed as a PMA employee. Her donations included \$22,000 to the Democratic Congressional Campaign Committee and \$4,250 to Rep. James P. Moran Jr. (D-Va.).

DeRosa did not answer her phone or returns calls to the Gaithersburg office of the

DRS subsidiary, where she is listed as an employee.

Mr. MCCAIN. An article from the Congressional Quarterly on February 19 noted another curious statistic from the PMA Group's financial disclosure forms. Somehow during the course of the last four election cycles, PMA's political action committee reported expenses of \$18. Now, I have heard of businesses trying to cut overhead costs, but spending \$18 over 8 years doesn't pass the smell test.

I don't use the word "corruption" lightly, Mr. President. I don't. But we have seen the abuses of the appropriations process before, and we obviously haven't learned. Whether it was Jack Abramoff bilking millions of dollars from numerous Indian tribes or Duke Cunningham steering high-value defense contracts to firms that curried his favor through bribes and extravagant trips around the world, we have a broken system that breeds this sort of behavior.

Let me remind you there are former Members of Congress and staff members who now reside in Federal prison. The allegations against the PMA Group are serious and troubling, and we in Congress should treat them as such. How in the world do we approve 13 earmarks that were obtained by a group that has been raided and shut down by the FBI? How do we tell the American people we did such a thing—\$10 million and over \$300 million in last year's Defense appropriations bill?

Mr. President, the American people, sooner or later, are going to hold us accountable. Why should we approve earmarks from an organization that is clearly in violation of numerous laws, including having the FBI raid them and shut them down? They have all said they are no longer in business anymore, and clearly there are people listed in campaign finance reports—and I will quote again from the Washington Post article:

... giving \$30,000 to lawmakers and being part of the PMA Group team are not Washington lobbyists at all. They live and work in the Florida resort community of Amelia Island, where PMA founder Magliocchetti has a beachfront condominium. Both are listed as directors of PMA.

And the article goes on and on, Mr. President.

"John Pugliese had been a sommelier at the posh Ritz-Carlton Hotel on the island," his family said. John C. Walker is in charge of golf marketing at the neighboring Amelia Island Golf Club, according to club personnel and its Web site. They each donated identical amounts to the same lawmakers, in 12 installments each, almost always on the same date.

I will talk some more about this before this is over because the American people are beginning to figure it out. The American people are rising up in strenuous objection to this kind of process, with 9,000 porkbarrel earmark projects on them. Some of them are of

value. Some are not. We do not know because it did not go through the authorization process these projects need to go through to be properly vetted and authorized by the authorizing committees.

We are not through with this bill, I am happy to say. I will be talking a lot more about it, and the American people are talking a lot more about it. There have been some statements made that I am angry. I am angry, but I am not nearly as angry as the taxpayers are. I am not nearly as angry as the people who see that we are going to give \$10 million in earmarks that were obtained by a company, a lobbying outfit, that has been raided and shut down by the FBI.

I urge my colleagues to vote in favor of the Coburn amendment to remove at least the \$10 million from this porkbarrel bill that was obtained through an organization of questionable credentials, questionable donors, and certainly—according to the FBI, having shut them down—being people who do not deserve to be able to have \$10 million of the taxpayers' dollars.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I come to the floor to speak against Coburn amendment No. 596, not the amendment Senator MCCAIN was speaking to, and also to put some personal remarks in the RECORD in a few minutes. I understand some of my colleagues are here to speak as well, but since I am on the floor, I would like to make a comment about PMA.

I do not know PMA. I don't know the organization. But the Senator from Arizona certainly knows there are processes and ways to get at this other than amending this bill, which has a very tight deadline and is very important to all of the agencies of this Government.

He raises some legitimate points. He is angry. Many of us are angry about this process that has gone too far. But may I remind my colleague from Arizona that this Democratic-led Congress has reduced the number of earmarks by 50 percent, has made every single one transparent, has gone through an open and public process, and none, to my knowledge—on the testimony of the chairman of the committee who is on the floor now—has been put in at any time in a closed-door conference session, which was done routinely when the other side was in charge. While it is not perfect, while investigations must continue to go on and people must be held accountable, the Senator from Arizona knows he is not the only one angry, he is not the only one helping to lead this reform effort. President Obama himself has done a great deal of work on this subject, and we will continue to.

The second point I would like to make as an appropriator and one who

does have directed spending in this bill is that since when did every authorizing committee turn out to be perfect in their authorization language? Since when did every bill that goes through every committee come out to a perfect end? We have a long list of bills and authorization programs that did not work, that were ineffective. So since when is it appropriate to come and say every authorization is perfect, but those things that were debated openly in the appropriations committee—testimony given, evidence in support of some of these programs—are all put in sort of a subcategory? I resent that.

This is a balance between authorizers and appropriators. It always has been and probably always will be. What we need to do is get back to a balance, which was completely out of whack when the Republicans were in charge of the budget process. As Democrats are trying, with some of our colleagues' support, to get a handle on this situation, I think the public is at least pleased that we are moving in that direction. We do have a ways to go. I certainly will admit that. With the leadership of Senator INOUE, I think we are making some progress.

AMENDMENT NO. 596

On the Coburn amendment No. 596, I rise in opposition to it. It is a difficult amendment to oppose because on its face it seems as if it makes a great deal of sense. In fact, there was a strong vote for it on another bill. But I rise in opposition on this point alone: The amendment calls for everything in the bill to be competitively bid. On its face, it sounds like the right thing to do. Most people do put contracts out for competitive bid in the private sector. But there are any number of times the private sector does not do that. In the public sector, there are any number of reasons—whether it is special intelligence procurement; whether it is in the small business sector; whether it is programs that reach out especially to veterans where there are certain new technologies that have to be sole-sourced and not competitively bid—there are any number. The Senator from Oklahoma knows that very well. He is actually on the Homeland Security Committee and, I believe, the subcommittee that has jurisdiction. Mr. President, you and I serve on that committee with him. There is a way to go about narrowing or making sure that most of the Federal procurement is done through competitive bid. Not on this bill. Not this day. Not at this time.

It is not as if there are not some good arguments, but that is the problem with these amendments. They are not here to try to change and reform, contrary to what the others talk about. They are here to stop, to delay, to derail, to cause something to fail. They are not here in a constructive way.

That is why I am urging my colleagues to oppose Coburn amendment

No. 596, to vote down the McCain and others amendments that have been offered—not because they do not have some kernels of truth in what they are trying to do, but this is not the time to do it and this is not the bill.

Finally, because I know my colleague from Missouri is here to speak, and others, I wish to take a moment, if I may, to pay tribute to a young man who worked for me for many years—actually, for 12 years.

(The remarks of Ms. LANDRIEU are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Missouri is recognized.

(The remarks of Mrs. MCCASKILL and Mr. UDALL of Colorado pertaining to the submission of S. Res. 63 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. UDALL of Colorado. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 596

Mr. DORGAN. Mr. President, we will vote this afternoon on a number of amendments to the Omnibus appropriations bill. I want to comment briefly on one of them, and that is the Coburn amendment No. 596. That amendment presumably requires competitive bidding procedures to award contracts. That is a subject for which I have very strong support. I am all in favor of competitive bidding. I am tired of seeing sole-source contracts and contracts that go to special companies. I have held 18 hearings on the subject of contracting in Iraq. I have seen the most unbelievable waste, fraud and abuse that has ever happened in the history of this country. So sign me up as somebody who believes in competitive bidding and contracts. But let me make the point that this amendment goes way beyond the goal of requiring competitive bidding in support of saving the taxpayers money. This amendment does something much more than that.

This amendment—because it has not come through a committee and is not the product of a committee hearing—people don't understand. For example, it would set back 30 years of progress with respect to Indian communities and tribal governments where we have pursued something called Indian self-determination. The approach for self-determination on Indian reservations is to allow those tribal governments to access some of the funds in the programs designed explicitly for tribal governments dealing with housing,

health care, education, and law enforcement. This amendment would essentially deny them opportunities to access those funds and move them off into a completely different process. It undermines the whole notion of self-determination for Indian reservations.

I know that is not what was intended by the author. I know that is not what was intended. But we should not, in any event, here in the twelfth hour, consider amendments that have not been the part of any hearing I am aware of. We should not pass legislation that would have the consequence of undermining 30 years of progress. This progress is moving towards self-determination on Indian reservations where tribal governments are able to access those funds explicitly to best use them to benefit their tribal government.

We have the most significant poverty, unemployment, health care crisis, and homelessness anywhere in this country on Indian reservations. Many of them are living in Third World conditions. Health care is being rationed. It ought to be front-page news. Forty percent of the health care needs for American Indians is unmet. We have kids and elders dying because the money isn't there to provide adequate health care. The same is true with respect to education and housing. We have tried over the period to begin moving in the direction of self-determination in which, rather than have someone in some agency decide how tribes must address their housing or health care issue, self-determination for tribes allows them to begin to use that funding to best address their needs. I don't think anybody wants to upend the program. That wouldn't make any sense. We don't want to have a circumstance where we subvert progress that we have made in recent years on self-determination for Indian tribes.

This is only one issue. I am sure there are dozens with respect to this amendment. I couldn't support an amendment that, while it sounds good, has significant, unintended consequences for the first Americans. The first Americans were here to meet us, they are those who now live in substantial poverty, and those for whom legislation dealing with self-determination has tried to help by moving in a different direction. We should not undermine that. We should not in any way injure that approach to try to improve life on American Indian reservations. That is not the intent of the author, but I know that will be the consequence.

I hope my colleagues will join me in voting against the amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DEMINT. Mr. President, it was great to hear Mrs. McCASKILL, the Senator from Missouri, speaking on the floor. She has been a real champion of fighting one of the real causes of excess spending and waste in Washington. She came down to talk about earmarks. In this case, she was talking about Republican earmarks. I congratulate her because we have to go after them all. If there is one thing in this whole Congress that is bipartisan, it is earmarks. If America wants to know how well bipartisanship works, you can look at earmarks because when it comes to wasteful spending, there is great bipartisan agreement here in the Congress that as long as we get our pork, as long as we get our political projects we can take back home, then we will vote for whatever is in the bill no matter how big it is.

Senator McCASKILL, though relatively new to the Senate, has been willing to take on not just my party but her own in fighting this root cause of much of the wasteful spending in Washington. So I commend her very much for coming to the floor, not just today but many other times.

She has worked with me on several earmark-related bills. She supported a 1-year moratorium on earmarks, which then-candidate Senator Obama flew back to vote to suspend earmarks for a year so we could look at ways to reform them so we would not continue this pattern of very wasteful spending.

I honestly believe the reason we are looking at trillion dollar bills today is because of this whole earmarking process. This \$400 billion Omnibus appropriations bill we are considering this week, I am convinced would be voted down if the leadership on both sides had not sprinkled earmarks for about every Member of the House and the Senate. It is a way to pass bills that otherwise would not pass.

I do need to correct one thing Senator McCASKILL mentioned, which is this idea that since the Democrats took over the majority, they have cut earmarks in half. I wish that were true, but, unfortunately, it is not. If you look at this chart I have in the Chamber, earmarks have grown under bipartisan agreement for years.

As we came into 2006, we began—several of us in the Senate and the House were putting increasing pressure on both sides to cut the number of earmarks, and they dropped a little bit. But this lower figure here, as shown on the chart, came as the Republicans had lost the majority in the election but had not yet given up the majority in that January. A number of us held back an omnibus bill with thousands of

earmarks in it, and we ended the year 2007 with less earmarks than we had had in almost 10 years.

But, as you see, under the Democratic majority, it is already back to the second highest number, counting this omnibus we are talking about this week with over 9,000 new earmarks which are totally unnecessary, totally against the things that have been said in the last election, that in 2009, at least counting as of this week, we are nearly at 12,000—the second highest in history. So neither party can boast we have done anything significant about earmarks.

As America looks in, they are becoming increasingly outraged at this flagrant waste we are shamelessly involved with every week. So I commend Senator McCASKILL for taking on both parties, senior Members in both parties, on this earmark issue.

But the real issue now comes back to leadership in our country, and is there anyone in Washington with the power to change this who is willing to take on the issue. My hope has been since the last election that while I know I will disagree with President Obama on a number of things, it was my understanding and my hope he would keep his word on fighting earmarks. He certainly talked about it during his election.

He said, in April of 2008: We can no longer accept a process that doles out earmarks based on a Member of Congress's seniority rather than the merit of the project.

He said, in October of 2008: We need earmark reform, and when I'm President, I will go line by line to make sure we're not spending money unwisely.

But, last week, his Budget Director said: This omnibus we are talking about this year is last year's business. We just need to move on.

So I guess this week we have suspended the Presidency, we have suspended hope and change, and we have gone back to nearly 12,000 earmarks.

Senator McCASKILL said: Do not take anyone seriously who says one thing and does another. That is the worst sin of all.

What I am afraid of, at this point in the new Presidency, is that the only change that has occurred in Washington is the change with the President himself. This is an issue he said he would help us on. This is an issue he said he knew was a core problem of waste and corruption here in Washington. This is not a Republican or Democratic issue. Neither party can sit down here and say they are righteous in this. But both parties need to come to the understanding, the realization, that this earmarking process is destroying our whole work as a Congress.

You see, what this has done is this has trained the American people to believe that our purpose here in Washington is to take money home to our

States and congressional districts. It is teaching the American people that we use earmarks as a reward to help those groups and organizations that helped us get elected. Or we use taxpayer money to bail out people who have been irresponsible in their decision-making.

But what we have forgotten is that our constitutional oath is to defend and protect the Constitution of the United States of America, not to get projects for our district. But what earmarking has done has perverted the whole purpose of this Congress. Instead of working on fixing a Tax Code that is destroying our economic base in this country, and overseeing our financial system to keep it from financial collapse, and fixing Social Security and Medicare so we can keep our promises to seniors, and defending our country by funding the military properly—instead of doing that, we spend most of the year here in Washington figuring out which local roads and bridges and water and sewer plants and bike paths we are going to build.

In this omnibus bill or ominous bill—whatever you want to call it—it is hard to read the list and then think about the rhetoric of how treacherous these times are, how difficult they are, and that every penny we spend of taxpayer money has to go to help our economy and help the American people.

What does \$1.8 million for swine odor and manure management research have to do with these difficult times we are in, or \$200,000 for a tattoo removal violence prevention outreach program, or \$75,000 for a Totally Teen Zone where people can play Xbox?

Folks, if I read this, it is only going to make you madder and madder and madder. This is a mix of Republican and Democratic earmarks. You would hear a lot of Senators say: I know this is a bad bill, I know it is wasteful, but I have something in it for back home. I can't vote against it.

There is only one person in Washington who can stop all this because Congressmen and Senators will say, similar to a bunch of drunks: I am not going to drink as much tomorrow. But they don't have the power to stop themselves. I have become convinced, after 10 years of being in the House and the Senate, we don't have the power to stop ourselves.

There is one person in Washington who can lead on this issue and he said he would lead on this issue and he said this is a change we could expect from his administration. The President should veto this omnibus bill with over 9,000 earmarks in it—9,000 of what I am reading here. It takes money. They say: It is not that much money; oh, it is just \$7 billion or \$8 billion or whatever; but the reason we are passing a \$400 billion bill that we should not be passing right now is because it has these earmarks in it.

The reason you won't see very many people on the floor of this Senate come in and vote no is because they have something in it for back home that they have already done a press release on, taking credit and beating their chests for taking home the bacon, but the taxpayers are paying for it. Folks are getting more and more outraged, and I am, too, because I have children and I have grandchildren now and I know we are taking all these millions of dollars and putting it on their backs for the rest of their lives and taking credit for our little projects in our press reports.

There is only one person who can stop this; the person America counts on today for changing the way we do business in Washington. After only a month in office, if this system has changed him rather than him changing the system, then we are all in trouble. We have not reduced earmarks, and we are on track to have the highest number of earmarks in history within the next year, in a bipartisan fashion. There is nothing noble about combining bad ideas from both parties and calling it bipartisanship, and that is what we are doing here today.

I would encourage the President to threaten a veto of this bill, to follow through on a veto of this bill, and make this Congress send this bill back to committee and do the things America needs instead of the things we want politically to help us get elected in our next election that is coming up.

I wish to thank, again, the Senator from Missouri, Mrs. MCCASKILL, for bringing up this issue and having the courage to fight both parties on a very important issue to our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, on behalf of the leadership, I ask unanimous consent that the Senate now proceed to vote in relation to the Coburn amendment No. 596; that no amendment be in order to the amendment prior to a vote; that upon disposition of amendment No. 596, the Senate resume consideration of the Coburn amendment No. 608; and that there be 20 minutes of debate remaining with respect to the amendment, with no amendment in order to the amendment prior to a vote in relation thereto; with the time equally divided and controlled between Senators LEAHY and COBURN or their designees; that upon the use of that time, the Senate proceed to vote in relation to amendment No. 608.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. Mr. President, I wish to clarify the time. There is no time at this moment, but it will be soon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, prohibiting no-bid contracts is a laudable goal.

With billions of dollars wasted on no-bid contracts by the previous administration, it is a goal that Democrats and Republicans should embrace.

But Amendment No. 596 which is disguised as a good government amendment does far more harm than good.

This amendment would require that only procedures in accordance with section 303 of the Federal Property Administrative Services Act would be eligible to receive funds.

The result would be to strictly limit opportunities for small businesses, minority-owned businesses and Native Americans to receive agency contracts.

The Indian Self-Determination Act and the Native American Housing Assistance and Self-Determination Act allow tribes to provide governmental services to their members by entering contracts and receiving grants. Requiring these contracts and grants to go through a competitive process would undermine the purposes of tribal self-determination.

The tribes in Nevada and throughout America know how to best serve their members' interests. Tribes enter contracts with the Bureau of Indian Affairs and the Indian Health Services to provide these services. This amendment threatens their authority to do so.

Enacting this amendment would roll back years of Small Business and Indian Affairs Committee authorizations by requiring that all contracts be awarded through just one specific section of one specific law.

Small businesses employ more than half of our country's private sector workforce. If we pass this resolution and deny these small businesses the ability to compete on a level playing field, we will be severely impeding our country's desperately needed job creation engine.

Congress has authorized a number of procedures over the years to help small businesses, veteran-owned businesses, minority-owned businesses and tribal enterprises gain access to government contracts. We have done so on a strong bipartisan basis because we recognize that small businesses are able to provide the same level of skill and service as their larger counterparts. We should continue giving these small companies a fair chance to earn business, prosper, grow and create the jobs our country desperately needs.

Mr. INOUE. Mr. President, I ask for the yeas and nays on the Coburn amendment No. 596.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachu-

setts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—38

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Bayh	Feingold	McConnell
Bennett	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Shelby
Burr	Hagan	Specter
Chambliss	Hatch	Thune
Coburn	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Klobuchar	Warner
Crapo	Kyl	Webb
DeMint	Martinez	

NAYS—57

Akaka	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hutchison	Nelson (NE)
Bingaman	Inouye	Pryor
Bond	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Kohl	Sanders
Byrd	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Snowe
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Cochran	Lincoln	Udall (CO)
Collins	Lugar	Udall (NM)
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wicker
Durbin	Mikulski	Wyden

NOT VOTING—4

Conrad	Kennedy
Johannes	Sessions

The amendment (No. 596) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 608

The PRESIDING OFFICER. There will now be 20 minutes of debate prior to a vote on amendment No. 608 of the Senator from Oklahoma. Who yields time?

The Senator from Oklahoma is recognized.

AMENDMENT NO. 608

Mr. COBURN. Mr. President, this amendment is a very straightforward amendment. This Senate made a commitment last year through the Emmett Till Unsolved Civil Rights Crime Act that we would fund in this bill money to be applied to the Justice Department to start and bring up to a level that is appropriate the funding of the investigative, prosecutorial, and other necessary agencies with which to go after these unsolved crimes.

The reason it is important is that in most of these crimes, the witnesses are

very elderly. So the timeliness of it is very important.

It is interesting today that the other side produced a letter from the Attorney General that states exactly the opposite position they took last year when I opposed trying to get the money to pay for this bill. They bring forth a letter that says Attorney General Holder is going to make sure we try to do this within the funds he has. That is the very argument I made last year, but it was not good enough. So we had hundreds of press releases go out on all these things we are going to do on the Emmett Till Unsolved Civil Rights Crime Act. Yet when it comes time to fund it this year, we cannot find \$10 million in a \$410 billion bill to do it. Either we mean to do it and we mean to uphold the promise we made to this group that has worked hard to have that bill passed or we are full of hot air.

This amendment takes \$10 million from a program that has questionable results in half of its grant money. I will not go into the details of it. Yet we will not fund this bill. I said last year on the Senate floor, we will see if you fund it. And sure enough, you didn't fund it. So you didn't keep your commitment, you didn't keep your commitment to Alvin Sykes, a guy who has worked 10 years to get that bill passed. And now we come up and say we will take care of it through the administration, which was the very argument I used that said we didn't need increased authorization. Now all of a sudden you say that is good enough. Well, it is not good enough. It breaks your commitment to fully fund this program to bring to justice those who committed these terrible crimes.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time is available in opposition to this amendment?

The PRESIDING OFFICER. Ten minutes.

Mr. LEAHY. Mr. President, I recall the young man who killed his parents and threw himself at the mercy of the court saying: You have to give me mercy, I am now an orphan. I have heard that line used before on this floor and I use it again in this instance because I hope we can tell the truth about what happened on the Emmett Till Unsolved Civil Rights Crime Act.

I worked very hard over the last two years with Senator DODD and Congressman LEWIS to pass the Emmett Till Unsolved Civil Rights Crime Act to provide resources for the Department of Justice and Federal Bureau of Investigation to investigate and prosecute decades-old unsolved civil rights cold case crimes. It could have been law earlier had not Republican opposition obstructed its enactment. We tried to get this bill through the Senate. It was

being held up. Now, after the efforts to stop it from becoming law in the first place, we are told: Oh, my gosh, my Emmett Till bill, which I love so much, you are not funding it right. That is not right. This should have been a non-controversial bill and it should not have taken several Congresses to pass.

Indeed, passage ended years of opposition by Senator COBURN and others across the aisle. In June 2007, we unsuccessfully attempted to get Senate consideration and passage of the bill by unanimous consent. Senator COBURN placed a hold on the Till bill. The Senator from Oklahoma also announced that he opposed the Till bill because the FBI is already investigating and prosecuting old civil rights cases and because crimes committed before 1970 cannot be prosecuted under most Federal civil rights statutes.

Majority Leader REID included the Emmett Till bill in the Advancing America's Priorities Act, S. 3297, last summer. It was still opposed by the Senator from Oklahoma who objected to its consideration.

I worked for months to have it considered and passed as a separate stand alone measure. I have to thank Senator DODD and Representative JOHN LEWIS for their leadership and hard work in persevering and getting it through the full Senate over the objection and the roadblocks of the Senator from Oklahoma. I was happy when he finally ended his opposition, after much public criticism, and I told him so at the time. After he lifted his hold, the full Senate passed the Till bill unanimously by voice vote. Senator COBURN announced that he "can't convince" his colleagues that "there are plenty of funds" at Justice to probe these old crimes, so he decided to lift his hold.

I am glad that Senator COBURN finally ended his opposition to the Emmett Till bill. I know that he now likes to emphasize that he belatedly became a supporter of the bill, but that was after years of having stalled its passage. Regrettably, the current Coburn amendment appears to be as mischievous as was his unsuccessful amendment to the District of Columbia House voting rights bill last week. It should suffer the same fate. It should not delay or deter passage of the Omnibus appropriations bill that needs to be passed by the Senate and signed by the President this week.

This special "earmark" that the Senator from Oklahoma is proposing is just not needed. Its functional impact if accepted would be to prevent enactment of the Omnibus appropriations bill this week and force it to be reconsidered by the House of Representatives. At a time when confidence and funding of our Nation's institutions is critical, we should not be playing games with funding. We need to get it done. We need to work together to solve the Nation's problems.

In fact, this Omnibus appropriations bill increases funding for the Justice Department, specifically for the Civil Rights Division, and already increases funding available to Emmett Till-type investigations and grants. I doubt that anyone in the Senate is a stronger supporter of Federal assistance to State and local law enforcement than I. Providing that support will take place when the Omnibus appropriations bill is enacted and we can provide the increased funding at last year's appropriated levels and the funding in the continuing resolution. I believe the best way to move forward, if we support the Emmett Till bill and care to solve unsolved civil rights era crimes, is to pass the Omnibus appropriations bill without adding this additional, unnecessary "earmark."

The able chair of the Appropriations Subcommittee, a long-time supporter of the Emmett Till bill, has set forth, not only does the Civil Rights Division get more funding under the bill, not only does the inspector general receive more funding under the bill, but \$30 million is available under the bill for competitive funds for States and local jurisdictions, including for investigating and prosecuting civil rights violations. In addition, the increased funding for U.S. attorneys' offices, something for which some of us have been fighting for years, is significant; the funding for grants to State forensic labs is significant; and there is more than \$150 million to reduce the backlog of offender profiles and untested DNA, something we have fought for in the Debbie Smith Act for years.

Does anybody doubt Attorney General Holder is sensitive to these matters? Of course he is. Our first African-American Attorney General does not need to be lectured or mandated on investigating heinous crimes committed against African Americans during the civil rights era. He has spoken about his dedication to restoring the Civil Rights Division. He will demonstrate his commitment. Indeed, in his recent letter to Chairwoman MIKULSKI he reiterates the Justice Department's "wholehearted" support for the goals of the Emmett Till Unsolved Civil Rights Crime Act, notes some of the actions the Department has already taken, and states his "personal commitment" to pursue these matters. Ironically, Senator COBURN voted against the nomination of Eric Holder, as well.

I join Chairman INOUE, the distinguished chair of the Appropriations Committee; Chairwoman MIKULSKI, the chair of the Appropriations Subcommittee; Senator DODD, the author of the Emmett Till Unsolved Civil Rights Crime Act; and the majority leader in opposing this amendment at this time on this legislation.

Our interest is actually in going after these unsolved crimes, not in trying to

add a poison pill amendment to the bill on the Senate floor. That is what we did, we fought for years over the objection of the Senator from Oklahoma to get the Emmett Till bill passed. Let's not now kill it with an amendment on the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will be very brief. Senator LEAHY described the situation very well. One name that was not mentioned in the discussion here was Jim Talent, a former colleague of ours from Missouri, a former Republican Member of this body who was the principal author of the Emmett Till legislation. I was his cosponsor, and when he left, I became the lead sponsor and others joined on both sides of the aisle to adopt this legislation to pursue unsolved civil rights cases.

I say to my friend from Oklahoma, I am pleased we resolved it. He had some problems not so much with the idea of investigating unsolved matters. His concern was, if I recall, whether the matter ought to be authorized without having an offset at the time. As I recall, that was the debate.

We went a year, maybe longer, while this was held up and we were not able to adopt it. The argument is that had we done so, when it finally passed unanimously in this body, it was after the Commerce-Justice-Science appropriations bill was adopted. So it was too late to get the funding in that proposal. As a result, we ended up with an authorization.

As Senator LEAHY has pointed out, Eric Holder has testified, in fact, I think, in response to questions of my friend from Oklahoma, whether there would be funding for this program during either his confirmation hearing or an appearance before the committee. He responded there was adequate funding. He said—I think his quote was at the time he would “figure out ways to try to move money around” to investigate and prosecute these crimes.

Of course, under this omnibus bill before us, Department of Justice funds can be used to investigate unsolved civil rights crimes. The money includes \$123 million for the Civil Rights Division at the Department of Justice responsible for investigating cold cases, which is \$7 million more than the fiscal year 2008 levels. There is an additional \$30 million for competitive funds for State and local governments. Eligible activities include expenses associated with investigating and prosecuting civil rights violations that are criminal in nature.

Obviously, as Senator LEAHY and others have pointed out, it is critically important we get this omnibus bill done or funding altogether will be eliminated. I say it is time we move forward. This has been an important matter, the fact that we received unanimous support on this effort back a few months ago.

Jim Talent, who came up with the idea, thought we ought to pursue these matters. I thought it was a worthy one. That is why I joined him in it. On a bipartisan basis, we stepped forward. It would be unfortunate at this hour to take this omnibus bill, which has resources to do that, to reject this and obviously send the whole matter into conference, which would delay the funding that is appropriated in this bill.

With that, I respectfully say to my friend from Oklahoma that I appreciate his support of the underlying concept and bill, that we pursue these matters of unsolved civil rights cases. I welcome his participation in that. I strongly urge my colleagues respectfully to reject the amendment so we can move forward and provide the funding necessary for the bill.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first, I regret the inference that my obstruction to this bill was anything other than financial. To me it is a fairly low blow to imply, by the chairman of the Judiciary Committee, that I had a motivation other than financial. I am known in this body for trying to make us more efficient and to save money.

The second thing is it is laughable to call it an earmark. It is authorized. That is what we passed last year. It is authorized. It is authorized by 100 Senators. The commitment that was made was that we would fund it.

One of my negotiations for finally agreeing is that if you are going to do this and you are going to authorize it at \$15 million a year, you ought to at least fund it since the very statements were that we didn't have the money within the Justice Department to do this the way the Justice Department was funded.

There is not one mention of this bill in either the report language or the text of the bill related to this particular act. So what we see is cover.

I truly wish to see us solve all these. But the game that is being played today is somebody forgot to fund it.

The final point I will make before my time runs out is that if this gets added, we are not going to not fund this. This bill is still going to pass, we are still going to do the hard work, and we are still going to fund the agencies. To imply otherwise is disingenuous.

This amendment was put up in a sincere effort to keep a commitment to Alvin Sykes, not to create mischief, not to be a bill killer, but to create a commitment. The last thing I told Alvin Sykes: You got it authorized. Your problem is going to be getting it funded. He was assured by the office of Senator DODD and others that it would be funded. And what do you know, the bill comes through and it is not funded. I don't know if it was a mistake. Just

say it was a mistake and we will take care of it in the next bill. But to deny the fact we made a commitment and now are not keeping it and assign all sorts of motives different than what they are is pretty distasteful, I would say.

I reserve the remainder of my time.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I was going back over the notes of what I said. I don't find anything where I ascribe any motives to the Senator from Oklahoma. I am shocked that he thought I had. If there is any implication in the record that I was ascribing motive to my friend and valued member of the Senate Judiciary Committee, it certainly was not intended. I did, however, relate the fact that he held up the bill for some considerable period of time. That is a fact. That is in the RECORD. That is known. I will let him explain why he held it up. I ascribe no motives. In fact, in my 36 years in the Senate, I have not ascribed motives to any colleague of mine, even if he or she placed a hold on a bill. I am not about to start now. The fact is, the Senator from Oklahoma did place a hold on the important Emmett Till bill. The fact is, the full Senate did pass it over his objection. The fact is, we do have a letter from Eric Holder, the Attorney General, promising that his Justice Department has already, and will continue, to commit its resources towards prosecuting civil rights era cold cases. The fact is, the money we want to have is already in the bill we consider today. And the fact is, we have to pass this bill with the appropriations in here, including for the Department of Justice, so we can move forward as a nation. We must ensure that the Emmett Till bill is more than simply a statute. It must also be an answer to the hopes of all Americans that justice might finally occur in so many of the unsolved civil rights cases.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from Eric Holder.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ATTORNEY GENERAL,
Washington, DC, March 3, 2009.

Hon. BARBARA MIKULSKI,
Chairwoman, Subcommittee on Commerce, Justice, Science and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRWOMAN: The Department of Justice wholeheartedly supports the goals of the Emmett Till Unsolved Civil Rights Crime Act. The racially-motivated murders from the civil rights era constitute some of the greatest blemishes upon our history.

The Department is working in partnership with the National Association for the Advancement of Colored People, the Southern Poverty Law Center, and the National Urban League to investigate the unsolved racially-

motivated violent crimes committed more than 40 years ago. The FBI has prioritized the top dozen of these cases, though there are more than 100 unsolved murder cases from the civil rights era under review by the FBI.

You have my personal commitment that the Department will continue to pursue these serious crimes in those matters in which the law and the facts would permit effective law enforcement action. We will continue to use our resources and expertise to identify and locate those responsible for these crimes and prosecute them whenever possible, consistent with the Principles of Federal Prosecution.

Sincerely,

ERIC H. HOLDER, Jr.

Mr. LEAHY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 20 seconds remaining.

Mr. LEAHY. Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Oklahoma.

Mr. COBURN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 4½ minutes remaining.

Mr. COBURN. I thank the Chair.

You know, it is interesting, when I hold bills it is hardly ever on policy. Every one of you got a letter from me—everybody in this body—which said I will oppose all new legislation if you are spending new money unless you decrease authorization somewhere else. The American people get that.

You can't keep growing the government and promising we will do things. So we are seeing it wrung out—the true operations of the Senate—because what we are doing is promising something, but when it comes down to dividing the pie, we don't have the money. So instead of recalling our press releases, we don't fund them. We don't keep our commitments.

No wonder the American people don't trust Congress. We play games. We manipulate. This is something that should have had, and was committed to having, a line item in the appropriations bill to make sure this money funds what is necessary on a timely basis.

The letter the chairman of the Judiciary just submitted for the RECORD has already been submitted for the RECORD. It was submitted this morning. But it is ironic that the very argument I used in trying to get them to offset this bill last year is the very argument they are using now to say we don't need to have a line item in the appropriations bill for it. It wasn't a good enough argument last year, but it is a good enough argument now that you don't want to fund this directly.

This is a matter of timing. We ought to put the money in this on a timely basis to make sure we solve these crimes. The witnesses are dying and the information is going away. Justice denied comes about because we are delaying justice. Regardless of the good intentions of the Attorney General, we

can force them to spend this money in that way, and the way to do that is to put a line item in the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, there is very little time left to the Senator from Vermont. I serve on both the Appropriations Committee and also as Chairman of the Senate Judiciary Committee, the committee that has oversight over the Department of Justice. The amendment of the Senator from Oklahoma to fund the Emmett Till bill is unnecessary and would kill the overall appropriations. I will oppose it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment would not kill this bill. What it will do is, it will go back to the House, and they will have to agree to it. Everybody knows that. We have known this day was coming for a long time. Whatever the outcome, the fact is, those commitments weren't kept. We didn't do what we told the very people who worked very hard to accomplish this we would do, and it sheds a light on our body that should not be there.

Mr. President, I yield back the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Coburn amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—37

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Bennett	Ensign	McConnell
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Shelby
Burr	Hatch	Specter
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	
Cornyn	Martinez	

NAYS—58

Akaka	Gregg	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murkowski	
Gillibrand	Murray	

NOT VOTING—4

Conrad	Kennedy
Johanns	Sessions

The amendment (No. 608) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was not agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. We have a couple more amendments offered by the Senator from Oklahoma that we are going to try to dispose of this evening. It is my wish that we could do that about 5:30 this afternoon. So people who wish to speak on the remaining two Coburn amendments should come and do that.

We do not have an agreement yet to that effect, but we are sure going to try to get to that. As everybody knows, there is an event at the White House that Senator MCCONNELL and the chairmen and ranking members have been invited to attend. We are going to do that. We are going to move through as many of these amendments as we can tonight. I would like to only get those two amendments voted on.

That means we have three that have already been filed, so we are going to come in early in the morning and start working on those. It is my understanding that there are a number of other amendments people want to offer. But I should alert everyone, we are kind of winding down. We have tomorrow to work on this. But I would hope everyone would understand we have been through a lot of amendments, with no prerequisites as to what they are, and I think that unless something untoward happens, I am going to file cloture on this tonight for a Friday morning cloture vote.

We will have to see at that time how many amendments we can dispose of tomorrow to see what the temperature of the body is. It would certainly be possible, with a consent agreement, that we can dispose of this tomorrow. But it is up to the Senators as to what they want to do. As I have indicated, the CR expires on Friday. So we have

to do something. I have told people this, but so there is no misunderstanding, I have spoken, in fact with the Speaker last night, had a meeting with her about 4:30 in the afternoon. She said: We have put our Members through a lot over here on this appropriations bill. I am not going to put them through any more. If there are any amendments, we are going to do a CR for the rest of the year.

But the information I have given the Senate is nothing new. I said that earlier this week. So we have had good debate on all these amendments. I hope it continues.

AMENDMENTS NOS. 607 AND 635

Mr. KYL. Mr. President, while the leader is still here, I ask unanimous consent that the Thune amendment No. 635, and the Wicker amendment No. 607 be modified with the changes that are at the desk.

Mrs. BOXER. Reserving the right to object, I have not seen those modifications.

Now I am being told they are very minor. In that case I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 607 and 635), as modified, are as follows:

AMENDMENT NO. 607

On page 927, strike line 14 and all that follows through page 929, line 20, and insert the following:

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading “International Organizations and Programs” in this Act that are available for UNFPA and are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the “Global Health and Child Survival” account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2009 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) IN GENERAL.—Not later than 4 months after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(2) DEDUCTION.—If a report submitted under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, the amount of such funds that the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the President to deny funds to any organization by reason of the application of another provision of this Act or any other provision of law.

AMENDMENT NO. 635

On page 458, after line 25, insert the following:

EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH

For deposit in the Emergency Fund for Indian Safety and Health established by subsection (a) of section 601 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (25 U.S.C. 443c), for use by the Attorney General, the Secretary of Health and Human Services, and the Secretary of the Interior in accordance with that section, \$400,000,000, to be derived by transfer of an equal percentage from each other program and project for which funds are made available by this Act, notwithstanding the limitation contained in section 3: *Provided*, That, not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report regarding the transfer.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in deference to the majority leader’s request, I will not ask that amendment No. 635—

Mr. REID. Would my friend withhold for a unanimous consent request?

Mr. KYL. I will.

Mr. REID. Mr. President, I ask unanimous consent that the votes in relation to the Coburn amendments Nos. 610 and 623 occur at 5:35 p.m. today with no amendments in order to either amendment prior to a vote; and that the votes occur in the order listed with 2 minutes of debate equally divided prior to the second vote; and that the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I will not object, but I would like to make an inquiry, if I could, of the majority. I have been trying to get up a noncontroversial amendment for a long period of time. It is one that has actually been on this legislation since 1996, supported by Democrats and Republicans. I have to have an opportunity to get this thing up.

Mr. REID. Mr. President, I indicated to the Republican floor staff that that is one amendment we are aware is going to be offered. We hope to be able to start offering those as soon as we finish the votes this evening—at least

yours and maybe a couple others we will consider, the one amendment Senator KYL is going to speak on now.

I asked Senator KERRY, the chairman of the committee, to take a look at it before we make an agreement on it, but yours is one we are aware of. We understand it. We are ready. I would only say to my friend from Oklahoma, I do not know what word you used—noncontroversial or whatever it is—that is in the eye of the beholder.

Mr. INHOFE. That is also in the eye of the majority of Democrats and Republicans in the last 17 years.

Mr. REID. But the majority has changed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I was going to offer for consideration my amendment No. 634, but I will do that after the second vote at the request of the majority leader. Let me take a couple minutes right now to explain what this amendment is.

During the Presidential campaign, President Obama said:

If we can impose the kinds of sanctions that, say, for example, Iran right now imports gasoline, even though it’s an oil-producer, because its oil infrastructure has broken down, if we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis. That starts putting the squeeze on them.

Indeed, I think the President is exactly right about that. I know of no disagreement with that proposition. I also think there would be no disagreement with the proposition that U.S. taxpayers should not be supporting Iran’s energy sector. As a result, I have offered or I will be offering this amendment No. 634 that does exactly that. It says very simply: That none of the funds made available in this appropriations legislation, can go to companies helping Iran either import or export energy or energy-related goods.

It also does give the President the authority to waive the provision if he deems it necessary for a valid national security reason.

Two quick points for colleagues who may say: Well, of course, we are not going to allow any of this money to go to companies that provide this kind of relief to Iran’s energy sector. I would note two examples. Senator LIEBERMAN and I sent a letter to the Export-Import Bank last October because the bank gave \$900 million to loan guarantees to a company that was exporting gasoline to Iran. When we asked the bank whether it thought the taxpayers should be funding those kinds of benefits to Iran, one of the points raised in the response to me, one that was, by the way, rather indirect in answering the question I asked was:

The Ex-Im Bank generally is prohibited from taking foreign policy determinations into account when making credit decisions pursuant to its Charter.

Well, of course, those are the kinds of considerations the American taxpayers would want to be taken into account. I would also note, on Monday, the Wall Street Journal noted that several of our colleagues from the other body wrote to the Secretary of Energy concerning a purchase of crude oil from another company doing business in Iran's energy sector. In this case, the company is named Vitol, a Netherlands trading firm that was fined \$17.5 million after a jury convicted the company for criminal misdeeds related to the oil-for-food scandal.

Obviously, the U.S. Government should not be doing business with a company such as that.

Mr. President, I ask unanimous consent that a piece from the American Foreign Policy Council by Orde Kittrie and carried, I believe, in the Wall Street Journal, be printed in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I would hope when my colleagues have an opportunity to vote on this amendment, they will agree that ensuring the appropriate use of American taxpayer money is important, it is one of our obligations. We agree with the President that is the kind of thing we can do to put some pressure on Iran, and as a result, we should not be sending our money to companies that would be supporting the energy sector in Iran.

I appreciate my colleagues' consideration of the amendment when we have an opportunity to offer it, debate it, and vote on it.

EXHIBIT 1

[From the Wall Street Journal, Nov. 13, 2008]

HOW TO PUT THE SQUEEZE ON IRAN

CUTTING OFF ITS GASOLINE IMPORTS MAY BE THE ONLY PEACEFUL WAY TO GET TEHRAN TO ABANDON ITS NUCLEAR WEAPONS PROGRAM

(By Orde F. Kittrie)

If Barack Obama is to persuade Iran to negotiate away its illegal nuclear weapons program, he will first need to generate more leverage than what the Bush administration is leaving him with. The current U.N. sanctions have proven too weak to dissuade Tehran's leaders, and Russia and China seem determined to keep those sanctions weak. Meanwhile, the regime continues to insist there are no incentives in exchange for which it would halt or even limit its nuclear work.

However, Tehran has an economic Achilles' heel—its extraordinarily heavy dependence on imported gasoline. This dependence could be used by the United States to peacefully create decisive leverage over the Islamic Republic.

Iranian oil wells produce far more petroleum (crude oil) than Iran needs. Yet, remarkably for a country investing so much in nuclear power, Iran has not developed sufficient capacity to refine that crude oil into gasoline and diesel fuel. As a result, it must import some 40% of the gasoline it needs for internal consumption.

In recent months, Iran has, according to the respected trade publication International Oil Daily and other sources includ-

ing the U.S. government, purchased nearly all of this gasoline from just five companies, four of them European: the Swiss firm Vitol; the Swiss/Dutch firm Trafigura; the French firm Total; British Petroleum; and one Indian company, Reliance Industries. If these companies stopped supplying Iran, the Iranians could replace only some of what they needed from other suppliers—and at a significantly higher price. Neither Russia nor China could serve as alternative suppliers. Both are themselves also heavily dependent on imports of the type of gasoline Iran needs.

Were these companies to stop supplying gasoline to Iran, the world-wide price of oil would be unaffected—the companies would simply sell to other buyers. But the impact on Iran would be substantial.

When Tehran attempted to ration gasoline during the summer of 2007, violent protests forced the regime to back down. Cutting off gasoline sales to Iran, or even a significant reduction, could have an even more dramatic effect.

In Congress, there is already bipartisan support for peacefully cutting off gasoline sales to Iran until it stops its illicit nuclear activities. Barack Obama, John McCain and the House of Representatives have all declared their support.

On June 4 of this year, for example, Sen. Obama said at a speech in Washington, D.C.: "We should work with Europe, Japan and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—from cutting off loan guarantees and expanding financial sanctions, to banning the export of refined petroleum to Iran."

He repeated this sentiment during the presidential candidates' debate on Oct. 7: "Iran right now imports gasoline . . . if we can prevent them from importing the gasoline that they need . . . that starts changing their cost-benefit analysis. That starts putting the squeeze on them."

How do we stop the gasoline from flowing? The Bush administration has reportedly never asked the Swiss, Dutch, French, British or Indian governments to stop gasoline sales to Iran by the companies headquartered within their borders. An Obama administration should make this request, and do the same with other governments if other companies try to sell gasoline to Iran.

But the U.S. also has significant direct leverage over the companies that currently supply most of Iran's imported gasoline.

Consider India's Reliance Industries which, according to International Oil Daily, "re-emerged as a major supplier of gasoline to Iran" in July after taking a break for several months. It "delivered three cargoes of gasoline totaling around 100,000 tons to Iran's Mideast Gulf port of Bandar Abbas from its giant Jamnagar refinery in India's western province of Gujarat." Reliance reportedly "entered into a new arrangement with National Iranian Oil Co. (NIOC) under which it will supply around . . . three 35,000-ton cargoes a month, from its giant Jamnagar refinery." One hundred thousand tons represents some 10% of Iran's total monthly gasoline needs.

The Jamnagar refinery is heavily supported by U.S. taxpayer dollars. In May 2007, the U.S. Export-Import Bank, a government agency that assists in financing the export of U.S. goods and services, announced a \$500 million loan guarantee to help finance expansion of the Jamnagar refinery. On Aug. 28, 2008, Ex-Im announced a new \$400 million long-term loan guarantee for Reliance, including additional financing of work at the Jamnagar refinery.

Or consider the Swiss firm Vitol. According to International Oil Daily, Vitol "over the past few years has accounted for around 60% of the gasoline shipped to Iran." Vitol is currently building a \$100 million terminal in Port Canaveral, Florida.

Last year, when Minnesota Gov. Tim Pawlenty discovered that an Indian company, Essar, was seeking to both invest some \$1.6 billion in Minnesota and invest over \$5 billion in building a refinery in Iran, he put Essar to a choice. Mr. Pawlenty threatened to block state infrastructure subsidies and perhaps even construction permits for the Minnesota purchase unless Essar withdrew from the Iranian investment. Essar promptly withdrew from the Iranian investment.

Florida officials could consider taking a similar stance with Vitol.

The Minnesota example is not the only precedent. U.S. outreach to foreign banks and to oil companies considering investing in Iran's energy sector has reportedly convinced more than 80 banks and several major potential oil-field investors to cease all or some of their business with Iran. Among them: Germany's two largest banks (Deutsche Bank and Commerzbank), London-based HSBC, Credit Suisse, Norwegian energy company StatoilHydro, and Royal Dutch Shell.

A sustained initiative may be able to convince most or all current and potential suppliers that the profits to be gained from continuing to sell gasoline to Iran will be dwarfed by the lost loan guarantees and subsidies and foregone profits they will incur in the U.S. from continuing to do business with Iran.

Last Sunday, a group of 60 Iranian economists called for the regime to drastically change course, saying that President Mahmoud Ahmadinejad's "tension-creating" foreign policy has "scared off foreign investment and inflicted heavy damage on the economy." The economists said the current sanctions, as weak as they are, have cost Iran billions of dollars by forcing it to use middlemen for exports and imports. Halting Iran's gasoline supply could contribute to reaching a tipping point—at which economic pressures and protests convince the regime its illicit nuclear program poses too great a risk to its grip over the Iranian people.

If the federal and key state governments in the U.S. were to make it their goal to achieve a halt by companies selling gasoline to Iran, it could be a game-changer. It may be our best remaining hope for peacefully convincing Iran to desist from developing nuclear weapons.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise this evening to address criticism that has been raised by some of our Republican colleagues about the Omnibus appropriations bill that is before us today. As I have talked about repeatedly, this bill that is in front of us now is very critical. At the end of this week, a few days from now, the continuing resolution we have been operating under is going to expire. At that time, the Government will shut down if we do not take action.

This bill we are talking about keeps the Government running at a time when we desperately need Federal employees on the job working to help our economy recover. Our communities are counting on the money and the work in this bill. This bill fulfills the commitment we made to our communities

back in June and July, when we marked up these appropriations bills. It ensures that the basic needs of Government, from housing to law enforcement, to transportation safety are met and that our agencies keep up with inflation.

I have come to the floor because some of my colleagues on the other side of the aisle have been raising questions about the 1 percent of funding in this bill that they call earmarks. I wish to spend a minute talking about that 1 percent of this funding.

The fact is, this is money that is being directed to critical needs in our communities, projects that our local leaders say they badly need so they can keep people safe or help them fund housing or ensure that local businesses stay strong.

Opposing that money means opposing new jobs, updating infrastructure and economic opportunity in local communities, including many in my home State at a time when communities across this country need all the help they can get to recover from this economic crisis. For example, this bill includes \$3 million to help widen a very dangerous stretch of road between Walla Walla and Pasco in my home State of Washington.

Now, in the last 18 years, there have been over 1,000 accidents on that stretch of highway. Over 400 people have been hurt and more than 30 people have died. It is so dangerous a stretch of highway that local officials formed a coalition just to fight for funding to widen that highway. I have been very proud to work with them to help make their community safe. The sooner we can get that highway fixed the better.

This bill also includes \$3 million to reimburse communities in Washington State for some of the cost of protecting our northern border. Now, most of the communities on our northern border are very small. But they bear the large burden of protecting our Nation from international criminals, including drug dealers and potential terrorists, and jailing international fugitives.

In fact, in Whatcom County, in the northern part of my State of Washington, they spend about \$2 million from their general fund, from the county's general fund, every year to process these border-related criminal cases. They shoulder, this poor little county, an unfair burden in return for keeping all of us safe.

Those police and sheriffs along the border have made it clear to me that they need help. I was glad to work in this bill to help ensure that the Federal Government, us, is stepping up to support that local county.

This bill includes over \$700,000 to build 83 studio apartments for chronically homeless and mentally ill people in Seattle, with at least a third of the space designated for homeless veterans. Because of this housing money, they

are going to have a stable place to live. It will prevent some of the most vulnerable people in our community from falling through the cracks and allow them the chance to focus on getting treatment and rebuilding their lives.

Cascade Supportive Housing is a key part of King County's 10-year plan to end homelessness. Not only will this money help the people who live there, it will take a burden off the social safety net and ultimately save all of us money in services we would have had to provide. So like all of the projects listed, this might not have gotten Federal support if that community had not come to me as their Senator and if I had not been able to work hard, as my job is, to secure money in this appropriations bill. I am proud I can include funding for programs that help my constituents.

We have heard these projects called insulting and wasteful. Tell that to the commuters in Walla Walla. Tell that to the families trying to keep their homes in Seattle. Tell that to law enforcement personnel in Bellingham in Whatcom County.

Washington State is 2,500 miles away from this Nation's Capitol. When I come to DC, it is my responsibility to fight for my home State. I don't want to leave the decisions about what is best for Washington up to a bureaucrat in an agency who has never been to or even heard of Walla Walla or Pasco or Blaine, who has no idea who the people in those communities are or what their needs are. The Founders of our Constitution didn't want that either. In fact, our Nation's Founders made it clear that the administration has no right to spend money without congressional approval. They believed the people, through their representatives—and that is all of us—should make those decisions. Without congressionally directed spending, the President would have unprecedented power to determine where all of our taxpayer dollars are spent.

It is easy for critics to pull out projects that may sound funny to them or make an easy cable news story. They do this and then try to paint every bit of congressionally directed spending with one brush. I reject those efforts. I reject the notion that each and every bit of spending we direct is correct or wasteful. My constituents do too.

Additionally, unlike the pictures some of my colleagues are trying to paint, none of this spending is secret. Last Congress, Democrats led the most sweeping ethics and earmark reform in history. This year, the Appropriations Committees in both the House and Senate went out of their way to voluntarily bring that transparency to a new level. Last year, we reduced earmark spending by 43 percent. After President Obama won in November, we then went back and cut it by 5 percent more.

Each and every earmark in this bill now has a name attached to it. Anyone who wants to can go online and find out who is asking for money and for what. That is the accountability and the transparency our constituents deserve and we have provided.

Secondly, Democrats are not the only ones directing money in this bill. Nearly half of the earmarks Republicans object to were inserted by Republicans themselves. This bill directs \$475,000 to build an emergency shelter at a Women's Bay in Alaska; \$475,000 to Harbor Homes in Nashua, NH, to build housing for honorably discharged homeless veterans; \$475,000 for the construction of a residential substance abuse treatment center for women and their children in Sioux Falls, SD; \$617,000 for a new building for the Houston food bank in Houston, TX; and \$190,000 to build low-income housing in New Orleans. These and dozens of other projects are going to help families who are hungry or veterans who are homeless. They will enable parents to get access to high-quality childcare and families to find safe, affordable housing. They are good projects, and I am sure the Republican Senators who put them in these bills did so because they know this money will make a real difference for people in their communities. They know that if they didn't fight for funding in this bill, it is going to be up to some DC bureaucrat who might not know that the Houston food bank needs a new roof or that there is a real need for an emergency shelter at Women's Bay, AK. All of these create jobs. They direct money to vital infrastructure needs. They help strengthen communities for the future.

Senators who oppose this bill say it is full of waste. I doubt any of the Senators who asked for this money would say their project was money gone to waste. I bet neither would the communities that need the money to help shelter families or support businesses or keep people safe.

The point is, just as I don't expect a Senator from Oklahoma or Arizona to know the needs of Walla Walla or Bellingham, I don't want to tell another Senator that I know their State better than they. We have huge needs in this country today. We cannot afford to tie this bill up any longer on petty, baseless arguments. We cannot afford to risk shutting down the Government at the end of the day.

I urge colleagues, let's get this bill passed. Let's move forward. Let's get to work addressing the real problems Americans face every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask permission to speak as chairman of the Senate Committee on Appropriations Defense Subcommittee. I realize the Defense bill is not part of this package,

but I have become quite concerned with the debate because I am certain many of my fellow Americans are now reaching the conclusion that earmarks are evil, that it is a waste, the money is down the drain.

I would like to share with my colleagues and refresh their memory as to what some of the funds have been spent for. This may come as a surprise to many Americans, but breast cancer research is in the Defense bill. It is an earmark. The National Institutes of Health has just declared that the finest research on breast cancer is that program. That is an earmark because no one wanted to put in money for breast cancer. Now it is becoming the fad of the Nation. It is popular. But it took an earmark to begin that program. We have spent millions of dollars.

Then we have an aircraft called the C-17. It is now the most productive and the best working aircraft we have to carry cargo and personnel. Then we have the F-22, a fighter plane that requires a landing space just about the size of this room. I am citing these because these have shortened a war in Iraq. There is also the Predator, the unmanned vehicle. We send a plane out with no pilot, but it sends back signals and photographs, makes it possible for the men and women on the field to know what is on the other side of the mountain. That is an earmark. It did not come out of the mind of the President of the United States or from the Defense Department. It came from the minds of the members of the committee. I dare anyone to suggest that these are evil products. It has helped to shorten the war. It has helped to save lives. It will bring back the brave and courageous men and women from Iraq.

Yes, there are many more I can cite. But I think these few should remind us that earmarks are not evil.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, the Coburn amendment concerning the removal of line item appropriations from the bill that were sponsored by a group called PMA is pending before the Senate. I think it would be of interest to my colleagues to have some additional information about this organization.

I have mentioned before this organization's offices were raided in November in connection with an FBI investigation into its campaign contribution practices. According to multiple news accounts, the Associated Press reported Tuesday that the home of the founder of the PMA group, former

House appropriations aide Paul Magliochetti, was also raided. Also, by doing some cursory research, we became aware that CQ reported last week that 104 Members of the House sponsored or cosponsored earmarks for clients of the PMA group in a single bill—the fiscal 2008 Defense appropriations bill. That set of lawmakers got \$1.8 million in campaign contributions from the PMA group and its employees between 2001 and 2008. I also pointed out earlier today there was a Washington Post story as well as others reporting that there are campaign contributors who are listed as being contributors who have no knowledge, nor have ever been involved, in making campaign contributions.

I also noted that the payment for inserting the 14 appropriations—the 14 projects—in this bill to PMA Group comes to a total of \$2.185 million. That is not a bad business for 1 year, to get paid \$2.185, nearly \$2.2 million of the taxpayers' money—for getting porkbarrel projects inserted in appropriations bills. It is another reason why we should take these projects out. Many of these projects have been going on for some time and have been receiving very large amounts of Federal dollars for a long period of time. Most of them are doing the business that could be done by the National Science Foundation or done by the Department of Defense in competitive bidding, and many other ways that funding for these various companies and projects could have been implemented. Instead, they were inserted in an appropriations bill without authorization, without hearings, and without scrutiny. It is a very large amount of money—over \$10 million which is being appropriated—and I am sure the payment to that lobbying group comes out of the money they are able to secure through this process.

So a cursory examination of the 14 projects identified revealed over \$2 million paid to PMA as a fee for their services of a lobbying group that secured the earmarks. I think it is another reason why the Coburn amendment should be adopted. If the Coburn amendment is not adopted, then clearly, it is not only business as usual in Washington, but it indicates without a doubt that even if the FBI raids your headquarters, even if the home of the head of the lobbying group is raided by the FBI, your projects will still be inserted into appropriations bills without authorization, without scrutiny, and without competition.

This is a very important vote that is coming up. It is only—when I say “only”—\$10 million, but this organization, PMA, has been able to secure hundreds of millions of dollars over the years for various entities. If we go ahead and do not remove these projects, then it is not only business as usual in Washington, it has hit a new low.

I wish to thank the Senator from Oklahoma for his courage. I am aware, as he is, that it is not the most popular thing to do, to come to the floor and try to eliminate these projects and help work to reform the system that is obviously badly broken.

I note the presence of the majority leader on the floor. I did note his quote today where he said that the amendment is “a nice try, but there's no lobbying organization I know of that is earmarked.”

Well, they are identified in the bill as according to the legislation or rule we passed last year. It may be a nice try, but I want to assure the majority leader that as long as I am here, I will come to this floor and I will go to the American people and try to stop this terrible waste of their tax dollars at a time when Americans are experiencing the most difficult of times.

With that, I thank the Senator from Oklahoma again for his courage and his hard work.

I yield the floor.

Mr. COBURN. Mr. President, could I inquire of the Chair what the order of business is now?

The PRESIDING OFFICER (Mr. SCHUMER). Votes are scheduled to begin at 5:35.

Mr. COBURN. Do we have any arrangement for the division of time?

The PRESIDING OFFICER. No, there is no such arrangement.

Mr. COBURN. I ask unanimous consent to be recognized and to share that time with anybody in opposition.

Mr. REID. Mr. President, I think the only speakers left are Dr. Coburn and myself, so he can go ahead and use any time he wants and if he goes over, I can use my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this amendment is straightforward. There is an alleged significant violation of Federal law associated with the firm that was responsible for lobbying for the insertion of these 13 earmarks. I have not said anything about the quality of these earmarks. I have not said anything about the individuals who actually placed them. What I ask my colleagues is, in light of where we are today, should we not back off and say these should be stricken from the bill at this time until that situation is clarified?

It is prudent from a couple of standpoints. The investigation is rolling forward. We have had private residences now searched by the FBI, computers taken, and information pulled under subpoenas and search warrants issued by Federal courts. Do we want to be in the midst of passing things that were connected with what appears to be and is alleged to be improper behavior both in terms of the source of the funds, the payment of campaign funds, and the lobbying efforts on behalf of these firms?

I cast no aspersion on the firms or the entities that are getting this, nor on the individuals who have placed these earmarks. But I can tell my colleagues the American people are not going to be happy if we don't recognize that maybe there is a checkpoint here where we ought to reconsider what we are doing in light of the developing situation around this firm. If we go forward and assume there will be prosecutions and convictions, we find ourselves in a very uncomfortable position of having encouraged it. We also send a signal to other individual lobbying firms that there isn't a standard of behavior to which we will not respond to their lobbying efforts.

I ask my colleagues to take a look at this not as Members of the Senate but as individual citizens outside of the Senate in the country, as others look at us and say, What are you doing?

Is there not a point in time—again, I make the point that the Senator from Arizona made that it would be totally different if these were authorized earmarks, but they are not. They went through the Appropriations Committee, not the authorizing committees. They have never been judged by a group of our peers. They weren't voted on; they were inserted. We raise the specter of whether we can be trustworthy in front of the American people. We need to work to regain their trust.

I will not say any more. This will speak a lot about our body and what the American people say. I understand the votes are lining up. I understand that. But I will assure you that I will keep coming to the floor on earmarks—not because I am against earmarks. If you authorize an earmark, I will give you your right to do whatever you want to do. On unauthorized earmarks that aren't vetted and are put out in front of the rest of the Congress and the rest of the individuals on committees to have a vote on whether they are a priority, I am going to keep raising that issue. I am sorry if that is irritating, but that is the way it is going to be.

Mr. President, Senator BOXER defended an earmark she sponsored that I have singled out as an example of misplaced priorities.

The Boxer earmark, which is one of nearly 9,000 tucked into this bill, is listed on page 100 of the bill's report and is described only as \$475,000 "for improvements to the Orange County Great Park" from the Economic Development Initiatives to "Orange County Great Park Corporation, CA."

Nothing more is stated as to the purpose or intent of this earmark.

Senator BOXER claimed that my criticism of this earmark was an insult to veterans in her state. This is apparently because the unwritten and unspecified intention of the earmark according to her statement is to restore

the El Toro Marine Corps Air Station Hangar Number 244 into a history museum and welcoming center.

The reality is this type of legislating without transparency is an insult to all taxpayers.

With nearly 9,000 earmarks in this bill described with nothing more than a few words or a single vague phrase, it is next to impossible for anyone other than the Senators and lobbyists who requested these earmarks to know the real intent of how billions of dollars in taxpayer dollars are intended to be spent.

As I found from statements made by the Senator from California and the Great Park's own Website, the Great Park "will be larger than New York's Central Park and San Francisco's Golden Gate Park COMBINED."

This municipal park is expected to cost \$1.1 billion. Its main attraction is a massive helium balloon operated by two pilots with six-figure salaries. According to the Orange County Great Park Corporation Website, "The Orange County Great Park Plan will provide a wide array of active and passive uses, including a 2.5 mile canyon and lake, miles of walking and biking trails, a cultural terrace, Orange County's largest sports park, a botanical garden, and a tethered helium observation balloon that will be an icon for the Great Park. More than 3,885 of the 4,700 acres will be dedicated to open space, education, and other public uses."

As found by the Los Angeles Times, the Great Park also includes a \$300,000 tent designed to resemble an airplane hangar that costs \$75,000 a year to clean; a four-person visitor center crew hired under a \$370,000 annual contract; a series of orange dots painted along the park's entrance road at a cost of \$14,000.

Additional costs have included \$838,000 to build a road to the balloon, plant citrus trees and buy a \$300,000 special 50-by-50-foot tent that will serve as the visitor center, \$380,000 a year for two balloon pilots, a hostess and maintenance, \$100,000 a year for a balloon replacement fund, \$94,000 a year for portable restrooms, \$52,000 annually for security between 1 and 5 a.m., and \$30,000 a year for trash removal.

This appropriation of almost half a million dollars could have gone to any of these initiatives none of which sound like true national priorities.

Local county officials were, in fact, outraged with what local funds were being appropriated for. The bulk of the first \$52 million the city spent on this project went to hire a team of dozens of design, engineering and public relations consultants, to build the balloon ride and to pay administrative staff.

"To have nothing more than a balloon and the possibility of a 27-acre park is disappointing," said county Supervisor Bill Campbell, "They're spend-

ing a lot on engineers, PR people and other things, and they're not delivering."

State Assemblyman Todd Spitzer—a Republican from Orange County—also criticized the city for not building recreation facilities that could be used by the public, while wasting money on "a ridiculous, oversized balloon and free rides."

With a state-wide unemployment rate at over 10 percent and almost 2 million unemployed, Californians may also prefer these funds to be spent on other more pressing priorities.

While we all want to honor the great sacrifices of our veterans, I do not believe this earmark is a national priority, especially in light of the poor local spending decisions made in the past on this ambitious municipal park project. Perhaps this money and the billions spent on the other pork projects in this bill could have been better spent on veterans health care or survivor benefits for the spouses and families of those who lost their lives fighting for our great Nation.

Ms. SNOWE. Mr. President, I rise in opposition to the Coburn amendment No. 610, which will eliminate, among other appropriations requests one that my colleague from Maine, Senator COLLINS, and I had submitted that would help preserve and rehabilitate historic lighthouses along the Maine coast.

At a time when our economy continues to cascade downward with unemployment at record highs, I do believe it is critical to scrutinize the size and scope of spending measures which is frankly what we did in regard to the recently enacted stimulus package—so I understand the impetus behind my colleague's amendment. At the same time, regrettably, his amendment would potentially harm not only the existence of an historic emblem of my State and our Nation, but also a key economic catalyst for tourism that is part and parcel of my home State and the livelihood of many of her citizens.

Each lighthouse tells a different story and each one is as integral to the history and narrative of our State as the magnificent landscapes on which they proudly stand. That is why, in 1995, I introduced a bill that would later become law to establish the Maine Lights Program. We succeeded in preserving this significant component of American heritage through collaboration among the Federal Government, the State of Maine, local communities, and private organizations, while at the same time, relieving what had become a costly strain on the U.S. Coast Guard.

Across the country, responsibility for the care of our lighthouses has been assumed by nonprofit historic societies—many of which are struggling in these uncertain economic times. That is why this bill would appropriate \$380,000 to the American Lighthouse Foundation,

stewards of 11 of Maine's 83 historic lighthouses.

I believe that the essential word in my previous sentence is "stewards"—because the structures are still federally owned property. It is not private property, it is not city or town property or even State property, but Federal property. It is also imperative to note that these lighthouses are operable aids to navigation. Lighthouses may seem a quaint relic of a bygone era, however they are not an anachronism. Daily, lighthouses lead our Nation's mariners and fishermen away from danger.

Given that the maintenance of lighthouses is now being transferred under the National Lighthouse Preservation Act from Federal ownership to non-profit historical societies like the American Lighthouse Foundation, the task of providing the required resources to ensure the longevity and viability of these lighthouses would also represent a welcomed economic boost both to tourism and also to job creation.

The fact is, tourism has become increasingly crucial to Maine's economy, as manufacturing jobs have fled our State, not to mention our Nation. In fact, in 2006, the most recent year for which statistics are available, approximately one-fifth of State sales tax revenues were attributable to tourism, and, when income and fuel taxes are added, the Maine State government collected \$429 million tourism-related tax dollars in that year.

The Maine State Planning Office, which has quantified more precisely the pivotal role tourism plays in the Maine economy, found that in 2006, tourism generated \$10 billion in sales of goods and services, 140,000 jobs, and \$3 billion in earnings. Tourism accounts for one in five dollars of sales throughout Maine's economy and supported the equivalent of one in six Maine jobs. The Planning Office also discovered that an estimated 10 million overnight trips and 30 million day trips were taken that year in Maine, with travelers spending nearly \$1 billion on lodging, \$3 billion on food, and \$1 billion on recreational activities.

But those statistics are from 3 years ago—before the economy began to unravel at an accelerating rate, and so given these economic times confronting all of us, the financial necessity of our lighthouses, especially to tourism, has grown, not dissipated.

And so, I urge my colleagues to defeat this amendment and send a message not only that historic preservation of our nation's prominent buildings and structures—like our lighthouses—continues to be in the national interest, but also that tourism is an industry we should be striving to support as a key antidote to our ailing economy.

Mr. BYRD. Mr. President, my colleague from Oklahoma has offered an

amendment which seeks to eliminate funding for 11 initiatives. Among those initiatives he seeks to eliminate is language authorizing the National Park Service to expend up to \$300,000 to defray the costs of the events associated with the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry.

For those whose memories need refreshing, on the evening of October 16, 1859, abolitionist John Brown led a group of men to Harpers Ferry to seize control of the town and steal weapons from the old Federal armory to be used in the cause against slavery. By the morning of October 18, the engine house, later known as John Brown's Fort, was surrounded by a company of U.S. Marines under the command of COL Robert E. Lee of the U.S. Army. With most of his men either dead or captured, John Brown was taken into custody, tried, and found guilty of treason, conspiring with slaves to rebel, and murder. Although John Brown's short-lived raid on Harpers Ferry failed, his trial and execution helped to focus the Nation's attention on the moral issue of slavery and constituted a major step toward the Civil War.

I had requested \$300,000 to enable the National Park Service to fully support the myriad activities that have been planned in the Harpers Ferry area throughout this year to highlight the relevance of John Brown's raid to the history of this country. Ultimately, the Interior Appropriations Subcommittee, rather than supporting direct funding, included language to provide the National Park Service the authority to expend up to \$300,000 for the anniversary effort.

The Park Service is expecting that nearly 100,000 people will participate in the series of reenactments, dramatic productions, family activities, and special tours that have been planned by the John Brown Sesquicentennial Quad-State Committee. Supporting the events for such crowds at the Harpers Ferry National Historical Park will largely be the burden of the National Park Service. Without the additional support, the agency reports that planned activities at Harpers Ferry would likely have to be reduced in scope by 75 percent.

As a Congress, we should be doing all in our power to keep the unique history of our country alive and accessible to anyone who wants to learn. In better understanding the significance of the Harpers Ferry raid, we learn about our Nation's failures, our mistakes, and the inequities of our past. But we also learn about the values and ideals upon which our Nation was founded—the values and ideals that have inspired the American people throughout our history. Writing about the thousands of soldiers who lost their lives during the Civil War battle at Antietam, his-

torian Bruce Catton explained that those men did not die for a few feet of a cornfield or a rocky hill. They died that this country might be permitted to go on, and that it might be permitted to fulfill the great hope of our Founding Fathers.

So may be said of all those courageous men who participated in the historic raid on Harpers Ferry. They paid the ultimate sacrifice to permit this country to go on, to fulfill the great hope of our Founding Fathers. They sacrificed to promote and to protect the freedom and liberties of all Americans. As President Abraham Lincoln said of those soldiers who fell in the Battle of Gettysburg, they "gave their lives that this Nation might live."

Without this knowledge of our heritage, we cannot appreciate the hard-won freedoms that are now our birthright. As I have said before, one does not protect what one does not value. And one does not value what one does not understand.

Mr. INOUE. Mr. President, many of my colleagues whose spending initiatives are under attack by this amendment have spoken today to provide a more detailed explanation of what the funding would be used for.

If we took the time to listen, we discovered that what may appear frivolous based on a three word description is actually relevant to the programs under which the funding is provided, and relevant to improving the lives of our constituents.

For example, the tattoo removal earmark on this list is for a program run by Providence Holy Cross Hospital in Mission Hills, CA, to remove gang insignia tattoos of reforming gang members. It is an effective anti-crime program founded by Sister June Wilkerson.

For ex-gang members, having a tattoo often means not getting hired for a job, or beaten or killed. It is that simple. It is that effective.

I have a few comments about the bill as a whole and earmarks. I would also like to note that this bill reflects a reduction in earmarks of 45 percent from fiscal year 2006 and a 5-percent reduction from last year.

These initiatives are not a surprise to anyone in this chamber. Every earmark in this bill is on the Internet.

A few Members are simply trying to pick a project here and a project there to attack to further their effort to amend and delay passage and possibly kill this bill.

We need to finish our work here.

I have no problems with reforming the way we do business, in fact, in our continuing effort to provide unprecedented transparency to the process, Chairman OBEY and I announced further reforms to begin with the 2010 bills, including: (1) a further reduction in earmarks. We have committed to reducing earmarks to 50 percent from fiscal year 2006 level; (2) posting requests

online to offer more opportunity for public scrutiny of member requests. Members will be required to post information on their earmark requests on their web sites at the time the request is made explaining the purpose of the earmark and why it is a valuable use of taxpayer funds; and (3) early public disclosure to increase public scrutiny of committee decisions.

Earmark disclosure tables will be made publically available the same day as the House or Senate subcommittee rather than full committee reports their bill or 24 hours before full committee consideration of appropriations legislation that has not been marked up by a Senate subcommittee.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, if I don't finish my remarks before 5:35, I ask that everybody recognize that the vote may occur a minute or two right after 5:35.

This amendment directs the Senate to eliminate 13 separate science and education projects from this bill. The Senator from Oklahoma claims these projects are somehow associated with a lobbying outfit that is under some kind of an investigation. He acknowledges that the quality of the congressionally directed spending is not questioned, that the persons whose names are associated with these congressionally directed funding matters are not in question. So what is this all about?

I wish to remind my colleagues of the many reforms this Congress has imposed on the earmarking process. The days of unlimited and unaccountable congressionally directed spending are gone. Those days are behind us. We passed the most sweeping ethics and lobbying reform in the history of the country—and rightfully so. We have never gone beyond that.

Last year, when we were back in power for the first time in a number of years, we Democrats dramatically reduced the volume of earmarks in the bills—by 43 percent. In this bill, we reduced them another 5 percent. The volume of earmarks is less than half what they were in 2006 when our Republican colleagues were in the majority.

Just as important, under our reforms, each and every congressionally directed spending earmark in this bill is fully disclosed and transparent to the public. What does that mean? Each of these is backed by a letter from a House or Senate sponsor certifying that they and their family members have absolutely no financial interest in the earmark. For every one of these earmarks, the name of the grantee and the House or Senate sponsor are posted on the Internet for the public to see. So there is the name of the person requesting it, a certification that no one benefits from it other than the person

to whom the money is directed, and they are posted on the Internet before any of these are voted on in the House or Senate.

This amendment is the third separate amendment the Senator from Oklahoma sought to present to the Senate on this topic of congressionally directed spending. Everybody knows how I feel about these. I am a Member of the Congress of the United States. I believe in the Constitution. I believe that when the Founding Fathers set up this country, they set up three separate and equal branches of Government. What Congress has been doing since we became a country is have the Congress involved in where spending takes place. I have an obligation to the people of Nevada to make sure there is not some bureaucrat down in one of these big offices in Washington, DC, who determines every penny spent in Nevada. I think I have a better outlook on this than a lot of people who are bureaucrats. I have been here going on 27 years, and I have done my best to direct congressional spending to places in Nevada where I think it helped. It has helped. I am one who believes we are going to reduce these earmarks even more. We have made that commitment. But no one should lecture me on what my role is as a Member of Congress.

I say that this amendment, I repeat, is the third separate amendment the Senator from Oklahoma has sought to present on this topic. A couple of days ago, the Senator filed amendment No. 609 to address this lobbying outfit known as PMA. I don't even know what that stands for; I have no idea. Yesterday, he filed a completely different amendment, No. 623, which he called to the floor. That amendment purported to list earmarks in this bill that are associated with this suspect lobbying organization. Then, after he presented No. 623 to the Senate, he realized he had a project listed in this amendment for DePaul University that probably had absolutely nothing to do with this lobbying group. So he got consent—we didn't object to changing the amendment—to remove that project from the list.

That is the central point. We don't necessarily know who the lobbying groups are behind the projects that are asked to be appropriated by Members of Congress, just as Senator COBURN didn't know who the lobbyist was for this project for DePaul. We don't include earmarks at the behest of lobbyists; we include them at the behest of elected Members of Congress. That is what the Appropriations Committee does.

There are famous firms in town—Tommy Boggs—everybody knows Patton Boggs, but that firm has nothing in here. They are a big lobbying outfit. Their name doesn't appear on anything. The only thing that appears is

what is in the RECORD, and it is so transparent, you could not try to hide anything if you wanted to anymore. You have to list everything, and it appears in the RECORD days before we vote on it.

For the projects I champion in Nevada, I don't check to find out if a lobbyist cared. I don't really care, Mr. President. A lot of my constituents in the city of Las Vegas, Clark County; the city of Reno, Boulder City; North Las Vegas, and the universities have lobbyists. I don't give those entities I just mentioned an earmark because some lobbyist asked for it. I support projects in Nevada because they are brought to me by my mayors, community organizations, and universities. I support them because I believe they will improve the lives of people in my State.

We cannot start picking and eliminating earmarks because we think we know who the lobbyist may be, just like DePaul University. Lobbyists don't face the voters. Lobbyists are not accountable for the merits of these projects, and nobody has focused more attention on lobbyists than President Obama. Congressmen and Senators are accountable for these projects, not lobbyists. Congressmen and Senators will be held accountable by constituents, not lobbyists. Every one of these objections to funding that the Senator from Oklahoma has raised has the name of a Member of Congress by it. That is the person responsible.

I hope my colleagues will join me in defeating this vexatious amendment which is without any foundation.

CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act.

Harry Reid, Daniel K. Inouye, Patty Murray, E. Benjamin Nelson, Mark L. Pryor, Amy Klobuchar, Debbie Stabenow, Bernard Sanders, Patrick J. Leahy, Sheldon Whitehouse, Byron L. Dorgan, Richard Durbin, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, Mary L. Landrieu, Jon Tester, Tom Harkin.

Mr. REID. Mr. President, I indicated to my friend, the distinguished Republican leader, that I would file a cloture motion. I didn't tell him when. I said it would be today. One reason I am doing it now is that during the day we have had scores of other amendments filed. It is obvious there is no effort to help us pass this extremely important legislation. I think the time has come to bring it to a close. We can vote either Friday morning or we can vote sometime tomorrow. Other amendments

will be offered, and I understand that. We will work with the minority as to what those amendments should be. We know we have three pending. I have talked to a number of other Senators on the Republican side who want to offer amendments. We will take those into consideration.

Mr. President, I ask that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 610, offered by Senator COBURN.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—34

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Bennet	Feingold	McConnell
Brownback	Graham	Nelson (FL)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Thune
Coburn	Hutchison	Udall (CO)
Corker	Inhofe	Vitter
Cornyn	Isakson	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—61

Akaka	Gillibrand	Nelson (NE)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennett	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Bond	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown	Kohl	Shelby
Burris	Landrieu	Snowe
Byrd	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Voinovich
Cochran	McCaskill	Warner
Collins	Menendez	Webb
Dodd	Merkley	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feinstein	Murray	

NOT VOTING—4

Conrad	Kennedy
Johannes	Sessions

The amendment (No. 610) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 623, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided before a vote on amendment No. 623, as modified.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I yield back my time.

Mrs. MURRAY. I yield back our time.

The PRESIDING OFFICER. All time is expired.

The yeas and nays have not been ordered.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—43

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Bayh	Ensign	McCain
Bennet	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (FL)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Klobuchar	Wicker
Corker	Kyl	
Cornyn	Lincoln	

NAYS—52

Akaka	Harkin	Reed
Baucus	Inouye	Reid
Begich	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Kohl	Shaheen
Burris	Landrieu	Specter
Byrd	Lautenberg	Stabenow
Cantwell	Leahy	Tester
Cardin	Levin	Udall (CO)
Carper	Lieberman	Udall (NM)
Casey	McCaskill	Voinovich
Dodd	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Nelson (NE)	
Hagan	Pryor	

NOT VOTING—4

Conrad	Kennedy
Johannes	Sessions

The amendment (No. 623), as modified, was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCHUMER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, we have now pending three votes; three amendments are still pending. I have spoken to the distinguished manager of the bill on the Republican side. He wishes to offer an amendment on behalf of Senator KYL, Senator CRAPO, and one by Senator INHOFE. Is that right, I say through the Chair to my friend from Mississippi?

Mr. COCHRAN. Madam President, the leader is correct.

Mr. REID. That gives us six votes to work out sometime tomorrow. I think, from our perspective, we are drawing to the end of a little situation on which we have been here all week. I think we have given everyone the opportunity to offer amendments. We have filed now about 70-some-odd amendments. I think we have been more than reasonable on this bill. The time for this CR runs out the day after tomorrow.

Originally, as some will recall, Friday was listed as a "no vote" day and we were hopeful that could take place. I am still hopeful we can work out something tomorrow. If we cannot work out something with the minority tomorrow, we will have a cloture vote, probably about 9:30 on Friday. We hope that is not necessary but that we will see. We are going to do our best.

I have been informed by the distinguished manager of the bill on the Republican side that he believes that each of the three Senators—CRAPO, INHOFE and KYL—would agree to time agreements on their amendments.

The other three amendments have had some discussion but we will have to have some more because, of course, they were laid down yesterday.

I think that gives the body an understanding of where we are and where we are going to go tomorrow. We will probably come in about 9:30 tomorrow and try to work through these amendments.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENTS NOS. 634, 613, AND 638

Mr. COCHRAN. Madam President, in keeping with the statement of the majority leader, I ask unanimous consent that the pending amendments be set aside and that amendment No. 634 by Senator KYL, No. 613 by Senator INHOFE, and No. 638 by Senator CRAPO be called up.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. KYL, proposes an amendment numbered 634.

The Senator from Mississippi [Mr. COCHRAN], for Mr. INHOFE, proposes an amendment numbered 613.

The Senator from Mississippi [Mr. COCHRAN], for Mr. CRAPO, for himself, Mr. VITTER, and Mr. CORNER, proposes an amendment numbered 638.

The amendments are as follows:

AMENDMENT NO. 634

(Purpose: To prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector)

At the appropriate place, insert the following:

SEC. _____. (a) Except as provided under subsection (b), none of the funds made available under this Act may be spent by a Federal agency in a new contract or other expenditure of Federal funds with a company identified by the Department of the Treasury Office of Foreign Assets Control (OFAC) as having a business presence in Iran's energy sector, including Iran's refineries, gasoline, refined petroleum products, and oil and natural gas fields.

(b) The President may waive the application of subsection (a), on a case-by-case basis, if the President—

(1) determines that such waiver is necessary for the national security interests of the United States; and

(2) submits an unclassified report to Congress, with a classified annex if necessary, that describes the reasons such waiver is necessary.

AMENDMENT NO. 613

(Purpose: To provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons)

On page 942, between lines 14 and 15, insert the following:

RESTRICTION ON ASSESSED CONTRIBUTIONS AND VOLUNTARY PAYMENTS TO UNITED NATIONS

SEC. 7093. None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

AMENDMENT NO. 638

(Purpose: To strike a provision relating to Federal Trade Commission authority over home mortgages)

Strike section 626 of title VI, of Division D.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. CONRAD. Madam President, I wish to offer for the record the Budget Committee's official scoring of H.R. 1105, the Omnibus Appropriations Act for fiscal year 2009.

The bill, as passed by the House, provides \$407.6 billion in nonemergency discretionary budget authority, BA, for

fiscal year 2009, which will result in new outlays of \$244.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$468.1 billion.

The bill also includes \$100 million in emergency discretionary BA for 2009 resulting in \$85 million in new outlays for the Secret Service.

When the nonemergency funding in H.R. 1105 is combined with the funding included in H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for fiscal year 2009, the overall level equals the Appropriations Committee's 302(a) allocation for budget authority and is \$2.5 billion below the committee's allocation for outlays.

Each appropriations subcommittee included in H.R. 1105 is at its respective 302(b) suballocation for budget authority and outlays.

The bill would cause the 2009 budget resolution spending aggregates to be exceeded and would therefore be subject to a point of order under Section 311(a)(2)(A) of the Congressional Budget Act. In addition, several provisions in the bill make changes in mandatory programs—CHIMPs—that are subject to a point of order under section 314 of S. Con. Res. 70, the concurrent budget resolution for fiscal year 2009. Finally, the bill includes an emergency designation pursuant to section 204 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. No other points of order lie against the bill as passed by the House.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HR. 1105, Omnibus Appropriations Act, 2009 (Spending comparisons—House Passed Bill (in millions of dollars))

	Total Funding
House-Passed Bill:	
Budget Authority	407,602
Outlays	468,067
Previously-enacted:	
Budget Authority	605,084
Outlays	636,433
Total:	
Budget Authority	1,012,686
Outlays	1,104,500
Senate 302(a) allocation:	
Budget Authority	1,012,686
Outlays	1,107,004
House-Passed Bill Compared To:	
Senate 302(a) allocation:	
Budget Authority	0
Outlays	-2,504

Note: The bill also includes \$100 million in emergency funding for the Secret Service. •

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING JASON MATTHEWS

Ms. LANDRIEU. Madam President, I wish to pay tribute to a young man who worked for me for many years—actually, for 12 years. He has been a very vital part of the Landrieu staff. He is retired. He left our office after 12 years of wonderful service.

Jason Matthews started out with me as an assistant in my first campaign for the Senate as literally a young kid right out of college. He worked his way up. He had no real political connections other than just a passion for the work, a heart for people, and a good mind. He came to Washington with me 12 years ago and started out, maybe even answering the phones some days, and worked his way up as military LA and then as legislative director and then general counsel and then left our office with the title chief of staff.

Besides serving with such great humor and a great mind for policy and, as I said, a great heart for people, he served with great cheer through very difficult times that our office and many of my colleagues from Louisiana have been through considering the storms of the past recent years and the extra work our staffs have had to go through because of them. Jason led that effort with good humor. Because of him, many wonderful accomplishments in our office have been achieved. One I will mention, and I will share the rest for the record, is Louisiana's long-standing effort to achieve some balance and fairness in the distribution of oil and gas royalties and revenues which interior States have enjoyed since 1927 and coastal States have not because of the peculiarity in the law. Jason helped us fight a 10-year battle and finally was successful.

The people of all of Louisiana will be grateful for many years for his service. He has led the people of Louisiana to great achievements. He has served the people of our country well. I wanted to pay tribute to him today and to wish him the best as he goes on to future endeavors here in the Washington, DC, area.

TRoubLED ASSEt RELIEF PRO- GRAM OVERSIGHT ENHANCE- MENT ACT

Mr. INHOFE. Madam President, to date, over 380 companies have received some \$300 billion taxpayer dollars from the Troubled Asset Relief Program, supposedly to improve their financial stability. These include some of the largest corporations and financial institutions in America.

Yet in recent years, many of these same firms found enough money to contribute annually to some of the most radical organizations in the nation.

They have donated large sums to ACORN, Friends of the Earth, Planned Parenthood, the Natural Resources Defense Council, and Conservation International Foundation, to name just a few. The vast majority of Americans do not support the agendas of these fringe groups, whose excesses have been well-documented over the years.

Companies that get bailed out cannot carry on as if it were business as usual. They should not grab for taxpayer dollars help with one hand and give money to these radical organizations with the other.

That is why I have introduced the Troubled Asset Relief Program Oversight Enhancement Act.

This legislation would let us see how these companies are spending their money. If they are not focused on increasing their solvency or liquidity, if they are not working on lending to small businesses and individuals, if they are not helping get this economy back on track, and are instead financing extremist organizations, then the American people need to know about it.

"Transparency" is one of the new watchwords in Washington. Let's have some of that transparency for the sake of the American taxpayers, who deserve to see how these companies are behaving after receiving hard-earned tax dollars.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not

only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I run a small 1-man truck brokerage business. The fuel prices are all but driving my company out of business. The quotes I receive from truckers leave little to no room for me to make a living. I have been in the transportation business for over twenty years and this is the first time I feel I will have close my company. Any assistance that can be offered to help lower fuel prices would be greatly appreciated. Also, health care needs a serious reform. For the first time in my adult life, my insurance premiums exceed my home mortgage payment. If all this keeps up, I will be forced to choose between my home and my insurance. My vote this next election depends on who is willing to actually help with these issues. Something must change soon or millions of Americans will be in financial trouble.

RANDY.

We need to let technology repair this gas war. It has been said that necessity is the mother of invention. We need to loosen up on new oil well drilling and other forms of energy. The communities that have the wind turbines and oil wells should have cheaper power and fuel. It really eats at Idahoans in Idaho Falls to have wind turbines in our yards and not reap the benefits. We need a few nuclear reactors making energy and ethanol. We need to remove fields from CRP and give farmers incentives to plant. We need technology to invent better engines that use higher blends of ethanol and less oil-based fuels. In the meantime, record numbers of Americans are going to go broke. I personally have cut back my driving by half.

TODD, Idaho Falls.

The president needs to overturn the executive order not to develop natural energy resources. [Conservatives] need to be hollering to anyone who will listen that we need oil, natural gas, coal production and nuclear power plants. Americans are not against alternative energy, but let us develop it before we shut off the oil spigot. The Green movement is whispering in the ears of the [liberals] and they have no choice but to be against developing our petroleum resources. Believe me, [liberals] drive as much as I do and are as mad. Help us go forward. There needs to be leadership in D.C., let [liberals] keep saying no to oil, they will cut their own throat. If nothing is done, 1861 is around the corner. T

WADE.

Thank you for working hard for us in Idaho. I am a 64 year old man, disabled and on SSA. I have a wife and a 14-year-old son. I live 50 miles from the nearest place where I can shop for food and supplies. I use to go to town once a month. Now I have to try to make my supplies last me a lot longer. Since the price of gas has gone so high, I have a lot less money to buy food after I fill my truck with gas. I go nowhere else except to the doctor.

Congress talks about everyone conserving and using less, but how much less do you in-

tend for us to conserve. We could go back to the 18th century and become a Third World country, but that seems a little bleak, does not it! I do not understand why our Congressmen are working so hard to make it a reality.

Congress also tells us to use alternative sources of energy, but there are no sources available, affordable, or viable. Congress is making laws to force us to use energy sources that have not been invented yet (just talked about) or have not been perfected.

Please weigh the consequences of your actions. The quality of life and the security of America are at stake. Please tell your fellow Congressmen to do what is best for our survival and our way of life.

JIM.

We can all say our woes, and how much it cost, but we have to keep going. What I do not get it, why are we not using our own resources? Why are we not becoming self sufficient. If we are ever under attack, I ask you, who will come to our aid? Exactly—no one!

We need to pull back to the basics here. We are fighting terrorist, as rightly we should. But, they cannot just hurt us with guns and bombs. They can infect our food we receive from overseas, send disease, and undermine our food sources, our fuel sources. This does not take a rocket scientist to figure out. I am just a wife, mother, grandmother working her everyday job and I can see the light.

America needs to wake up before we are in worse shape than we are now. We send so much overseas. Send them the knowledge to care for themselves. We import so much; why-I have no idea. Wonder why we have so many out-of-work people. We do nothing but outsource everything and take away from our own American families. And why?

I have lived in Nebraska and Kansas; I see oil pumps standing still. Can you please explain why that is? I see no reason. Please, this is your country going down the tubes and no one is going to save it but us.

CINDY.

Thank you for the opportunity to express my thoughts on the current gasoline price/oil price fiasco. As an retiree in the state of Idaho, I have a fixed income. It is not quite to the point of "gas or food," but could be soon under the current trend. We have significantly altered the way we live.

Some people have said how much it now costs them to go to the coast. We cannot afford to go to the coast as much as I would like to see family and do some chartered fishing. We carefully evaluate local trips to see if they are truly necessary, and attendance at many events within a couple hours drive is eliminated. The cost of oil is tied to most things for transportation, extraction/harvesting and processing. That results in less we can buy as the cost goes up.

It seems we are unofficially under "economic sanctions" by OPEC." Under a pure supply and demand situation, we should see the price of oil/gasoline drop when the demand drops. Lately when we drop our demand for oil, the OPEC scales back oil production-keeping the supply low to keep the demand up and the prices high. This is basically declaring economic war on the world in general, and the US in particular. We need to increase our production to override some of this manipulation of our economy. It is time to remove the restrictions on energy development from oil shale.

The argument that oil companies have "lots of unused land they have leases on" is an argument from someone with no idea of

how the system works. The companies lease the land to explore and then develop when it is profitable. The oil companies know the potential of lands under their leases by geologic maps and test drilling, and for many areas the time/price is not right for extraction of that oil to be profitable. On other acres under lease there may be no oil at all!

Oil speculation is another issue that keeps us on high alert. I understand the rules have been changed to allow wild speculation without controls. It is time for the US to become energy self-sufficient, including the use of our own oil, wind and other resources.

JAMES, Boise.

So, how are gas prices affecting us? Not much. You see, we have always considered it a civic duty to try and limit our use of our natural resources. We drive modest, fuel-efficient cars. We choose to live in an area that allows us options to use alternate transportation such as bicycles, public transport, and walking. I am not writing this to be smug. My point is that citizens can, and should, take measures to reduce their use of fossil fuels. Nowhere in the Constitution does it guarantee cheap gas.

Just as I think the citizens have a duty to limit their use of natural resources, I think our political leaders need to make the tough call and instead of reading melodramatic letters about someone not being able visit their dying relative, explain to them that the days of cheap gas are gone and we need to invest in public transport and more fuel efficient vehicles. The drumbeat for more drilling is not the answer either. Our political leaders are doing a disservice to us by bringing up the issue. We need to wean ourselves from our reliance on oil and not add to it.

Boise is a great city and could be a leader in innovative alternatives to gas guzzling vehicles caught in gridlock. It will take strong political will and citizens ready to do their civic duty to their neighbors and their children.

TIM, Boise.

If we would drill for our own oil instead of allowing our enemies drill for our oil it would make a big difference. Another thought that might help would be to at least limit the amount of refined oil that leaves our country and keep it here it would also make a big difference.

BOB and CINDY.

Thank you for the opportunity to speak out. I have lived in Idaho Falls my whole life. I am a father of three, married, and have a modest home. Over the past five years, my wife and I have made it our goal to get out of debt, pay off our home early, and save for retirement. I am sure you have heard similar stories before. I am an average guy, with an average income, with an average house.

In order to put things into perspective, I would like to go back to December 2002. Gas prices at that time were \$1.30 per gallon give or take a few cents. In 2003, they rose to \$1.80. By 2004, they rose again to nearly \$2.00 per gallon. In 2005 we saw prices hit \$2.50 mark and above. By 2006, Idahoans were paying \$3.00 and above for a gallon of gas. As 2007 approached, gas prices were in the \$3.50 range. As we approach the mid-point of summer 2008, a gallon of fuel is now at the \$4.00 mark for regular. I might add here that gas is typically cheaper as winter approaches and demands for fuel are not as great. So these figures are just representative numbers at a glance.

As you can see, a gallon of gas has tripled in price since 2002. If you were to look at his-

torical data, you would find that gasoline prices were stable from about 1985 through most of 2002. For about 17 years, Americans enjoyed what I would consider a fair price for a gallon of gas. I did some research on current gas prices in Iran and Iraq.

Currently Iran pays 5 cents per liter and Iraq pay 8 cents per liter. If you were to convert liters to gallons, it would take 3.78 liters per gallon. If you were to buy 4 liters of gas (over a gallon), it would cost 20 cents in Iran, 32 cents in Iraq. See link for pricing http://www.nationmaster.com/red/graph/ene_gas_pri-energy-gasoline-prices&b_desc=1. I could go on, but you get the point. Oil being produced by these countries is reaping the benefit of cheaper prices.

I must digress a moment. I now need to complain. Remember, I am the average guy with the average income. I would like to talk about how rising fuel prices have affected my family. As fuel prices rise, so have other commodities. Produce, meats, poultry, grains, and dairy have all spiked in the last year. Consumer goods and durables have also risen. The past three years have been very difficult to stay on a budget since gas prices have raised so dramatically. Our family is committed to stay out of consumer debt. We have no credit cards nor do we have any store credit that we borrow from. Both of the vehicles we own are pre-2000 year models. We do not overspend what we make but we feel the crunch and feel that we make less money now than when we did four years ago. The dollar just does not stretch enough these days. It is frustrating and depressing as we budget our money each month down to the penny.

Now that I have got that off my chest, what is the solution? I firmly believe that America has the technology now to manufacture and make our own fuels. There are many alternative fuels out there that can and already have been developed. Grain alcohol is viable. Continued exploration of fossil fuels is also very important. Alternative energy sources need to be used more. Wind Power in south east Idaho needs to be tapped. Solar energy is another avenue. Electric cars are also viable and cheaper to drive and cleaner than any gas engine. Countries that manufacture their own fuels always pay less at the pump. Why cannot we do the same? Another idea is to offer incentives to states to develop, manufacture, and sell the cheapest (and best) fuels. Regardless of what people think, nuclear power is one of the cheapest and cleanest sources of power on the planet. There are many countries that use nuclear power (Japan) and have for many years without mishap. We need to move forward start implementing existing technology that is proven to work.

Again, my ideas are not new. This technology is here now. It has been developed. We just need to implement it. Thank you for your time and hope this letter reaches you in good health. I think you are doing a super job for us in the Senate.

MARK, Idaho Falls.

I would like to see the speed limit reduced to 55 mph. Everybody knows how that would benefit energy and lives. The 75 mph speed limit between Boise and Mountain Home should be the first one reduced. Then cut the 65 mph between Boise and Mc Call. (and right up the line)

DONABETH, Boise.

I am 63 years old and last year, right before the prices went out of control, already had purchased an electric bike to use to get to

work. Fortunately I only live a little over a mile away and can use this bike that goes 15 miles an hour. My determination to ride this bike increased as the hot days turned into colder ones and I was able to ride my bike through November so I would not have to fill the pick-up with gas too much. Government wants us to recycle to help environment and I am all for it, but when we try to do our part, we do not get any help in return. If you do get an electric car which no one can afford but the wealthy.

I see my single parent daughter trying to commute and make ends meet and it gets increasingly difficult because with gas prices she goes with less food for family, etc.

I think it is outrageous for our country and politicians to allow these price increases when we have the means to take care of this country. 20 years ago they spoke of getting alternatives and did not push this issue and had they done so much more could have been done. I am afraid that before long we will see violence in this country mainly because our jobs are gone, price increases in every area of products, but no one ever increases the wages to meet the demands of other increase. What is the matter with people in government and businesses?

I do not like to see government control but because our business people will not use common sense to see what happens when the jobs go there is not sufficient jobs to go and buy the products. What is wrong with this picture? We need to start taxing products from overseas that come here so business's will come back to the states and put our people back to work. How sad our government has deserted their own people.

I am hoping with all my heart that someone will step up to the plate and really try to make a difference. We have to do something as everything is getting out of control and it is sad because of what our forefathers have tried to do before us to make it a great country. I am angry and I do not like politics but when I see people trying to do well for their families and that means is taken away from them someone needs to speak up.

DEVERA, Nampa.

Many of our family members are opting out of a treasured activity this summer because of the fuel prices: we normally have a family reunion (as everyone is all over the place) and meet each other and catch up. Many aren't coming because as they said, "I just cannot afford to pay the gas to drive there and plane tickets are just as expensive." My sister and I would not think twice normally about taking a drive down to our relatives or drive to get to our vacation spot, but now we are rethinking going on vacation at all. My family and I have also started buying online because it is cheaper than driving around town to find what we need. We have also cut down our "dining out" to practically once every two months (if that). If the local businesses aren't feeling the consequences of that, I'll be surprised because my family is not the only one that is doing it.

We aren't getting as much fresh produce in our diets this year because they just cost too much (the grocer claims that the fuel prices are affecting the food prices). This also makes us buy less food and the cheaper brands. I have even caught myself of suspecting the grocer and the gas station manager of glutting themselves by gouging us with the "it is OPEC's fault you pay so much" (and these people are my neighbors, which makes me feel a little ashamed of myself).

All of this is only the parts of my life where I have seen the biggest impact. I really cannot think of many aspects in my life that have not been affected by the fuel hikes. Hope this enlightens you to the trials of at least one voter.

JEORGETTE.

I do not have much of a different story than many other Idahoans. I work hard each day 11 to 12 hours. I live in a rural area of Canyon County, so ride-sharing or carpooling is not a viable option for me. I have to drive 18 miles to work so riding a bike is not an option especially after putting in a 12 hour day. I drive a small pick up Chevy S-10 to help reduce my gas usage, my wife in I traded in our ford tarsus for a KIA Spectra last November to help save money and protect our budget of the current (November 07) high gas prices.

What I can say is that the only way out of our current situation is for our Congress to show OPEC, that we are willing to take back control of our oil dependence.

ROBERT.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTICE RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS AND POLICIES OF CERTAIN MEMBERS OF THE GOVERNMENT OF ZIMBABWE AND OTHER PERSONS TO UNDERMINE ZIMBABWE'S DEMOCRATIC PROCESSES OR INSTITUTIONS—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency

with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2009.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, March 3, 2009.

TRANSMITTING CERTIFICATION THAT THE EXPORT OF TWO ENVIRONMENTAL CHAMBERS TO BE USED TO TEST AUTOMOTIVE PARTS IS NOT DETRIMENTAL TO THE U.S. SPACE LAUNCH INDUSTRY AND WILL NOT MEASURABLY IMPROVE MISSILE OR SPACE LAUNCH CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA—PM 11

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of two environmental chambers to be used to test automotive parts is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from this export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.

THE WHITE HOUSE, March 3, 2009.

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

H.R. 548. An act to assist citizens, public and private institutions, and governments at

all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 548. An act to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-871. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorothalonil; Pesticide Tolerances" (FRL-8402-7) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-872. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethomorph; Pesticide Tolerances" (FRL-8401-6) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-873. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Famoxadone; Pesticide Tolerances" (FRL-8400-9) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-874. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluazifop-P-butyl; Pesticide Tolerances" (FRL-8401-1) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-875. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propoxycarbazone; Pesticide Tolerances"

(FRL-8400-4) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-876. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebuconazole; Pesticide Tolerance" (FRL-8399-3) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-877. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fruit, Vegetable, and Specialty Crops—Import Regulations; Proposed Revision to Reporting Requirements" ((Docket No. AMS-FV-07-0110)(FV07-944/980/999-1 FR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-878. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Relaxation of Handling and Import Regulations" ((Docket No. AMS-FV-08-0036)(FV08-946-1 FIR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-879. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Changes in Handling Requirements for Fresh Nectarines and Peaches" ((Docket No. AMS-FV-08-0108)(FV09-916/917-1 IFR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-880. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Increased Assessment Rate" ((Docket No. AMS-FV-08-0105)(FV09-932-1 IFR)) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-881. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0107)(FV09-925-2 IFR)) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-882. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2008–2009 Crop Year for Tart Cherries" ((Docket No. AMS-FV-08-0089)(FV09-930-1 FR)) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-883. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Proceedings

Before the Commodity Futures Trading Commission" (RIN3038-AC50) received in the Office of the President of the Senate on March 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-884. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2008 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC-885. A communication from the Assistant Secretary of the Navy (Research, Development and Acquisition), transmitting, pursuant to law, a report relative to overseas ship repairs; to the Committee on Armed Services.

EC-886. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Armed Services.

EC-887. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting, pursuant to law, a notice of additional time required to complete a report relative to recruiting incentives; to the Committee on Armed Services.

EC-888. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General James N. Soligan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-889. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report on the actions taken by the Commission relative to the Fair Debt Collection Practices Act during fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-890. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-891. A communication from the Secretary, Office of the General Counsel, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Adjustments to Civil Monetary Penalty Amounts" (17 CFR Part 201) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-892. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Indianapolis, Indiana" (MB Docket No. 08-122) received in the Office of the President of the Senate on March 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-893. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the DTV Delay Act" (FCC 09-11) received in the Office of the President of the Senate on March 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-894. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's Alternative Fuel Vehicle pro-

gram for fiscal year 2008; to the Committee on Energy and Natural Resources.

EC-895. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Hawaii; Correction" (FRL-8771-1) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Environment and Public Works.

EC-896. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of California; 2003 State Strategy and 2003 South Coast Plan for One-Hour Ozone and Nitrogen Dioxide" (FRL-8770-1) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Environment and Public Works.

EC-897. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New Source Performance Standards; Supplemental Delegation of Authority to the State of Wyoming" (FRL-8770-2) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Environment and Public Works.

EC-898. A communication from the Acting United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the 2009 Trade Policy Agenda and 2008 Annual Report of the President of the United States on the Trade Agreements Program; to the Committee on Finance.

EC-899. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbors for Sections 143 and 25" (Rev. Proc. 2009-18) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Finance.

EC-900. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC Section 41—Revised Exhibit C" (LMSB-4-0209-008) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Finance.

EC-901. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue Foreign Tax Credit Generator Directive—Revision 1" (LMSB-04-0109-002) received in the Office of the President of the Senate on March 3, 2009; to the Committee on Finance.

EC-902. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to Iraq for the period of December 15, 2008, through February 15, 2009; to the Committee on Foreign Relations.

EC-903. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0020–2009-0027); to the Committee on Foreign Relations.

EC-904. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2008; to the Committee on Energy and Natural Resources.

EC-905. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Institutional Review Boards; Registration Requirements" (RIN0910-AB88) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-906. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report for calendar year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-907. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Fiscal Year 2008 Report to Congress on Implementation of The Federal Information Security Management Act of 2002"; to the Committee on Homeland Security and Governmental Affairs.

EC-908. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities under the Civil Rights of Institutionalized Persons Act; to the Committee on the Judiciary.

EC-909. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Oklahoma Advisory Committee; to the Committee on the Judiciary.

EC-910. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Mississippi Advisory Committee; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

By Mr. TESTER (for himself and Mrs. FEINSTEIN):

S. 523. A bill to amend the Energy Policy Act of 2005 to establish pilot project offices to improve Federal permit coordination for renewable energy; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 524. A bill to amend the Congressional Budget and Impoundment Control Act of 1974

to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. KENNEDY, Mr. MCCAIN, Ms. STABENOW, Mr. BINGAMAN, Ms. COLLINS, Mr. DURBIN, Mr. NELSON of Florida, Mr. KOHL, Mr. LEVIN, Mr. LEAHY, Mr. SANDERS, Mr. KERRY, Mr. BROWN, Mr. FEINGOLD, Mr. JOHNSON, Mr. INOUE, Mr. TESTER, Mr. CASEY, Mrs. MCCASKILL, Mr. THUNE, Mr. BEGICH, and Mrs. SHAHEEN):

S. 525. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 526. A bill to provide in personam jurisdiction in civil actions against contractors of the United States Government performing contracts abroad with respect to serious bodily injuries of members of the Armed Forces, civilian employees of the United States Government, and United States citizen employees of companies performing work for the United States Government in connection with contractor activities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. UDALL of Colorado):

S. Res. 63. A resolution to amend the Standing Rules of the Senate to ensure that all congressionally directed spending items in appropriations and authorization legislation fall under the oversight and transparency provisions of S. 1, the Honest Leadership and Open Government Act of 2007; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself and Mr. CARPER):

S. Res. 64. A resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 295

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 295, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the

Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multi-level providers of services and suppliers for hospitalization episodes associated with select, high cost diagnoses.

S. 330

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 330, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 388

At the request of Ms. MIKULSKI, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 473

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms.

SNOWE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 506

At the request of Mr. LEVIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 506, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 510

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

AMENDMENT NO. 607

At the request of Mr. WICKER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 607 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 615

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 615 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 622

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 622 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 638

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 638 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation

and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to speak to a bill that I am introducing today to resolve a land conveyance dispute in Northwest Alaska, the Salmon Lake Land Selection Resolution Act.

Shortly after Alaska became a State in 1959, Alaska selected lands near Salmon Lake, a major fishery resource in the Bering Straits Region of Northwest Alaska. In 1971, Congress passed the Alaska Native Claims Settlement Act to resolve aboriginal land claims throughout the 49th State. In that act Congress created 12 regional Native corporations in state, providing the corporations with \$966 million and the right to select 44 million acres of land in return for giving up claims to their traditional lands in Alaska. The land and money was to go to make the corporations profitable to provide benefits to their shareholders, the native inhabitants of Alaska. The Bering Straits Native Corporation, one of those 12 regional corporations, promptly selected lands in the Salmon Lake region overlapping state selections, because the lake and the waters upstream and downstream from the lake spawn and contain fisheries resources of significance to Alaska Natives and also offer land suitable for a variety of recreational activities.

For the past 38 years there have been conflicts over the conveyances, delaying land from going to the corporation, harming the economic and cultural benefits of the corporation to Native shareholders, and complicating land and wildlife management issues between federal agencies and the State of Alaska. Starting in 1994, but accelerating in 1997, talks began among the State, Federal agencies and native corporations and towns in the region, located north of Nome—Salmon Lake itself is located 38 miles north of Nome—to reach a consensus on land uses in the region. Those talks reached agreement on June 1, 2007 with a resolution that satisfied all parties. This seemingly non-controversial legislation will implement the new land management regime in the area and finally complete the conveyance of ANCSA lands to the Bering Straits Native Corporation—giving the corporation title after surveys to the last of the 145,728 acres it was promised by Section 14 (h)(8) of ANCSA nearly four decades ago.

By this bill the Corporation will gain conveyance to 1,009 acres in the Salmon Lake area, 6,132 acres at Windy

Cove, northwest of Salmon Lake, and 7,504 acres at Imuruk Basin, on the north shore of Imuruk Basin, a water body north of Windy Cove. In return the Corporation relinquishes rights to another 3,084 acres at Salmon Lake to the federal government, the government then giving part of the land to the State of Alaska for it to maintain a key airstrip in the area. The Federal Bureau of Land Management also retains ownership and administration of a 9-acre campground at the outlet of Salmon Lake, which provides road accessible public camping opportunities from the Nome-Teller Highway. The agreement also retains public access to BLM managed lands in the Kigluaik Mountain Range.

The bill fully protects recreation and subsistence uses in the area, while providing the Corporation with access to recreational-tourism sites of importance to its shareholders and which might some day produce revenues for the Corporation. The agreement has prompted no known environmental group concerns and seems to be the classic “win-win-win” solution that all sides should be congratulated for crafting. The key, however, is for Congress to ratify the land conveyance changes by 2011, when the agreement ratification window closes.

Passage of this act is certainly in keeping with the spirit of the Alaska Lands Conveyance Acceleration Act that this body passed 5 years ago that was intended to help settle all outstanding land conveyance issues by 2009—the 50th anniversary of Alaska statehood. In Alaska where controversy abounds over land use, this is a hard-fought compromise agreement that seemingly satisfies all parties and makes good sense for all concerned. I hope this body can ratify this bill swiftly and move it to the House of Representatives for its concurrence and eventual signing by the President. The bill is important for residents of Nome who utilize the area and for all Alaska Natives who live in the Bering Straits Region.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 524. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am pleased to once again offer this measure, the Congressional Accountability and Line-Item Veto Act of 2009 with my colleague from Wisconsin, the Ranking Member of the House Budget Committee, Congressman PAUL RYAN. I have worked with Congressman RYAN on this issue for the last two years. He and I belong to different political parties, and differ on many issues. But we do share at least two things in common—our hometown of Janesville, WI,

and an abiding respect for Wisconsin's tradition of fiscal responsibility.

I am also delighted to be joined by my colleague, the senior Senator from Arizona, Mr. McCain, in introducing the Congressional Accountability and Line-Item Veto Act of 2009. Senator McCain has been one of the preeminent champions of earmark reform, and I have been pleased to work with him in fighting this abuse over the last two decades.

The measure we are each introducing today would grant the President specific authority to rescind or cancel congressional earmarks, including earmarked spending, tax breaks, and tariff benefits. This new authority would sunset at the end of 2014, ensuring that Congress will have a chance to review its use in two different presidential terms before considering whether or not to extend it. While not a true line-item veto bill, our measure provides for fast-track consideration of the President's proposed cancellation of earmarks. Thus, unlike current law, it ensures that for the specific category of congressional earmarks, the President will get an up or down vote on his proposed cancellations.

There have been a number of so-called line-item veto proposals offered in the past several years. But the measure we propose today is unique in that it specifically targets the very items that every line-item veto proponent cites when promoting a particular measure, namely earmarks. When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks.

When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

That is exactly what our bill does. It provides the President with new expedited rescission authority—what has been commonly referred to as a line-item veto—to cancel congressional earmarks. The definitions of earmarks that we use are the very definitions upon which each house has agreed in passing the Honest Leadership and Open Government Act in the 110th Congress.

Unauthorized congressional earmarks are a serious problem. By one estimate, in 2004 alone more than \$50 billion in earmarks were passed. While some in Congress may wish to dismiss this issue, this year a single bill, the omnibus appropriations bill we are considering in the Senate, has by one count over eight thousand earmarks that cost over \$7 billion. That is just one bill. We haven't even begun the ap-

propriations process for the coming fiscal year.

There is no excuse for a system that allows that kind of wasteful spending year after year, and while I have opposed granting the President line-item veto authority to effectively reshape programs like Medicare and Medicaid, for this specific category, I support giving the President this additional tool.

Under our proposal, wasteful spending does not have anywhere to hide. It is out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they begin.

The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that's what we are trying to get at with this legislation.

President Obama recognizes the pernicious effect earmarks have on the entire process. When he asked Congress to take the extraordinary step of sending him a massive economic recovery package, he knew such a large package of spending and tax cuts would naturally attract earmarks. He also recognized that were earmarks to be added to the bill, it would undermine his ability to get it enacted, so he rightly insisted it be free of earmarks.

I was pleased to hear reports that President Obama looks forward to giving the line item veto a "test drive." I very much hope that with this bill we can give him that opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Congressional Accountability and Line-Item Veto Act of 2009".

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

"PART B—LEGISLATIVE LINE-ITEM VETO

"LINE ITEM VETO AUTHORITY

"SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 30 calendar days after the enactment of any bill or joint resolution containing any congressional earmark or providing any limited tariff benefit or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the repeal of the congressional earmark or the cancellation of any limited tariff benefit or targeted tax benefit. If the 30 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of Congress or for a period greater than 30 calendar days, the President may propose a cancellation under this section and transmit a

special message under subsection (b) on the first calendar day of session following such a period of adjournment.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to repeal any congressional earmarks or to cancel any limited tariff benefits or targeted tax benefits.

"(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the congressional earmarks, limited tariff benefits, or targeted tax benefits to be repealed or canceled—

"(i) the congressional earmark that the President proposes to repeal or the limited tariff benefit or the targeted tax benefit that the President proposes be canceled;

"(ii) the specific project or governmental functions involved;

"(iii) the reasons why such congressional earmark should be repealed or such limited tariff benefit or targeted tax benefit should be canceled;

"(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed repeal or cancellation;

"(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed repeal or cancellation and the decision to propose the repeal or cancellation, and the estimated effect of the proposed repeal or cancellation upon the objects, purposes, or programs for which the congressional earmark, limited tariff benefit, or the targeted tax benefit is provided;

"(vi) a numbered list of repeals and cancellations to be included in an approval bill that, if enacted, would repeal congressional earmarks and cancel limited tariff benefits or targeted tax benefits proposed in that special message; and

"(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed repeals or cancellations are not substantially similar to any other proposed repeal or cancellation in such other message.

"(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to repeal or cancel the same or substantially similar congressional earmark, limited tariff benefit, or targeted tax benefit more than one time under this Act.

"(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 2 special messages for any omnibus budget reconciliation or appropriation measure.

"(2) ENACTMENT OF APPROVAL BILL.—

"(A) DEFICIT REDUCTION.—Congressional earmarks, limited tariff benefits, or targeted tax benefits which are repealed or canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

"(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the

applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

“(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

“PROCEDURES FOR EXPEDITED CONSIDERATION

“SEC. 1012. (a) EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

“(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

“(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

“(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

“(3) CONSIDERATION IN THE SENATE.—

“(A) REFERRAL AND REPORTING.—Any committee of the Senate to which an approval

bill is referred shall report it to the Senate without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

“(B) MOTION TO PROCEED TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the Senate. A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

“(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

“(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

“(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

“(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

“(G) CONSIDERATION OF THE HOUSE BILL.—

“(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to a vote under subparagraph (C), then the Senate may consider, and the vote under subparagraph (C) may occur on, the House companion bill.

“(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to subparagraph (C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

“(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

“PRESIDENTIAL DEFERRAL AUTHORITY

“SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD CONGRESSIONAL EARMARKS.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obligation for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall make any congressional earmark deferred pursuant to paragraph (1) available at a time earlier than the time specified by the

President if the President determines that continuation of the deferral would not further the purposes of this Act.

“(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A LIMITED TARIFF BENEFIT.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any limited tariff benefit proposed to be canceled in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any limited tariff benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

“(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

“(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

“(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

“IDENTIFICATION OF TARGETED TAX BENEFITS

“SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the ‘chairmen’) shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

“(b) STATEMENT INCLUDED IN LEGISLATION.—

“(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

“(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: ‘Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall apply to _____’, with the blank spaces being filled in with—

“(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word

'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

"(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

"(C) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

"(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

"(2) in the case of a statement described in 13 subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

"(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

"(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

"(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

"TREATMENT OF CANCELLATIONS

"SEC. 1015. The repeal of any congressional earmark or cancellation of any limited tariff benefit or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed repeals and cancellations contained in that bill shall be null and void and any such congressional earmark, limited tariff benefit, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed repeals or cancellations applied.

"REPORTS BY COMPTROLLER GENERAL

"SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any congressional earmark is not repealed or limited tariff benefit or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

"DEFINITIONS

"SEC. 1017. As used in this part:

"(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

"(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed repeals of congressional earmarks or cancellations of limited tariff benefits or targeted tax benefits in a special message transmitted by the President under this part and—

"(A) the title of which is as follows: 'A bill approving the proposed repeals and cancella-

tions transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

"(B) which does not have a preamble; and

"(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed repeals and cancellations _____', the blank space being filled in with a list of the repeals and cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____', the blank space being filled in with the public law number to which the special message relates;

"(D) which only includes proposed repeals and cancellations that are estimated by CBO to meet the definition of congressional earmark or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014; and

"(E) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

"(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

"(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

"(A) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

"(B) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

"(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

"(6) CONGRESSIONAL EARMARK.—The term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

"(7) ENTITY.—As used in paragraph (6), the term 'entity' includes a private business, State, territory or locality, or Federal entity.

"(8) LIMITED TARIFF BENEFIT.—The term 'limited tariff benefit' means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

"(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

"(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—

"(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

"(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

"(11) TARGETED TAX BENEFIT.—The term 'targeted tax benefit' means—

"(A) any revenue provision that—

"(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

"EXPIRATION

"SEC. 1018. This title shall have no force or effect on or after December 31, 2014".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "1017" and inserting "1012"; and

(2) in subsection (d), by striking "section 1017" and inserting "section 1012".

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting "(a)" after "402." and by adding at the end the following new subsection:

"(b) Upon the receipt of a special message under section 1011 proposing to repeal any congressional earmark, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed repeal relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate."

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended by striking "rescinded or that is to be reserved" and insert "canceled" and by striking "1012" and inserting "1011".

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

"PART B—LEGISLATIVE LINE-ITEM VETO

"Sec. 1011. Line item veto authority.

"Sec. 1012. Procedures for expedited consideration.

"Sec. 1013. Presidential deferral authority.

"Sec. 1014. Identification of targeted tax benefits.

"Sec. 1015. Treatment of cancellations.

"Sec. 1016. Reports by comptroller general.

"Sec. 1017. Definitions.

"Sec. 1018. Expiration.

"Sec. 1019. Suits by Comptroller General.

"Sec. 1020. Proposed Deferrals of budget authority."

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any congressional earmark, limited tariff benefit, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED REPEALS AND CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed repeal or cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

Mr. MCCAIN. Mr. President, I am honored to once again be joining my friend, colleague, and partner in reform, Senator FEINGOLD, in introducing the Congressional Accountability and Line-Item Veto Act. Additionally, I would like to thank Republican PAUL RYAN from Wisconsin for introducing this legislation in the House of Representatives. I applaud my two colleagues from Wisconsin for their leadership on this important issue.

Our bill does a number of things. First, it provides the President with a constitutional line item veto authority. This legislation would ensure timely consideration of earmark rescission requests by the President, which must be submitted to Congress within 30 calendar days of signing a bill into law. It gives the House and Senate 12 legislative days to act after the President sends a rescission. It respects and preserves Congress's constitutional responsibilities, as it requires both the House and Senate to pass a rescission request before it can become law. This bill limits the number of rescission requests per bill to guard against gridlock in Congress due to multiple rescission proposals. Finally, it sunsets at the end of 2014 in order to review how the authority is working after the administration has had the opportunity to work with Congress to employ this tool to control spending and to determine if it should be renewed.

Why do we need to grant the President a line-item veto authority? Currently the Senate is debating a pork-filled \$410 billion, 2,967 page Omnibus appropriations bill to fund the Federal Government through the second half of the fiscal year. Not surprising, the measure is chock full of over 9,000 unnecessary and wasteful earmarks. We need serious reform and we need it now—this Omnibus appropriations bill is a perfect example of what is wrong with this system.

Here are some examples of the earmarks contained in the omnibus legislation:

\$1.7 million for pig odor research in Iowa; \$2 million for the promotion of astronomy in Hawaii; \$6.6 million for termite research in New Orleans; \$2.1 million for the Center for Grape Genetics in New York; \$650,000 for beaver management in North Carolina and Mississippi; \$1 million for mormon cricket control in Utah; \$332,000 for the design and construction of a school sidewalk in Franklin, Texas; \$870,000 for a wolf breeding facilities in North

Carolina and Washington, \$300,000 for the Montana World Trade Center; \$1.7M “for a honey bee factory” in Weslaco, TX; \$951,500 for Sustainable Las Vegas; \$143,000 for Nevada Humanities to develop and expand an online encyclopedia; \$475,000 to build a parking garage in Provo City, Utah; \$200,000 for a tattoo removal violence outreach program in the LA area; \$238,000 for the Polynesian Voyaging Society in Honolulu, Hawaii; \$100,000 for the regional robotics training center in Union, SC; \$1,427,250 for genetic improvements of switchgrass; \$167,000 for the Autry National Center for the American West in Los Angeles, CA; \$143,000 to teach art energy; \$100,000 for the Central Nebraska World Trade Center; \$951,500 for the Oregon Solar Highway; \$819,000 for catfish genetics research in Alabama; \$190,000 for the Buffalo Bill Historical Center in Cody, WY; \$209,000 to improve blueberry production and efficiency in GA; \$400,000 for copper wire theft prevention efforts; \$250,000 to enhance research on Ice Seal populations; \$238,000 for the Alaska PTA; \$150,000 for a rodeo museum in South Dakota; \$47,500 to remodel and expand a playground in Ottawa, IL; \$285,000 for the Discovery Center of Idaho in Boise, ID; \$632,000 for the Hungry Horse Project; \$380,000 for a recreation and fairground area in Kotzebue, AK; \$118,750 for a building to house an aircraft display in Rantoul, IL; \$380,000 to revitalize downtown Aliceville, AL; \$380,000 for lighthouses in Maine; \$190,000 to build a Living Science Museum in New Orleans, LA; \$7,100,000 for the conservation and recovery of endangered Hawaiian sea turtle populations; \$900,000 for fish management; \$150,000 for lobster research; \$381,000 for Jazz at Lincoln Center, New York; \$1.9 million for the Pleasure Beach Water Taxi Service Project, CT; \$238,000 for Pittsburgh Symphony Orchestra for curriculum development; \$95,000 for Hawaii Public Radio; \$95,000 for the state of New Mexico to find a dental school location; \$143,000 for the Dayton Society of Natural History in Dayton, OH; \$190,000 for the Guam Public Library; \$143,000 for the Historic Jazz Foundation in Kansas City, MO; \$3,806,000 for a Sun Grant Initiative in South Dakota; \$59,000 for Dismal Swamp and Dismal Swamp Canal in Virginia; and \$950,000 for a Convention Center in Myrtle Beach, SC;

This waste is outrageous, and the President should veto this omnibus spending bill. The process is clearly broken, and the American public deserves better.

We need to curtail earmarks, not just disclose them. Again, the examples I have just mentioned are earmarks that are among the over 9,000 contained in the omnibus legislation currently being considered in the Senate—so it is clear that the lobbying and ethics reform bill that was enacted in August 2007 has done nothing to curb this proc-

ess—even though it continues to be touted for its “tough” and “historic” earmark reform provisions.

Perhaps even more troubling than the number of earmarks is to whom and how some of this funding is being directed. Contained within the Omnibus appropriations legislation are 14 earmarks, totaling nearly \$9.7 million, directed to clients of the PMA Group, a lobbying firm recently forced to close their doors after being raided last November by the FBI for suspicious campaign donation practices. That firm remains under investigation today. I have long spoken of a broken appropriations process, vulnerable to corruption and abuse, and the allegations against the PMA Group and some Members of Congress stand as a testament to the urgent need for reform. It is wholly inappropriate for Congress to allow these provisions to move forward while their principal sponsor is under Federal investigation. Together with my colleague from Oklahoma, Dr. COBURN, we offered an amendment to strip these earmarks from the omnibus. If our amendment fails we will effectively be giving our tacit approval to the abuses we have repeatedly declared our intention to eliminate.

Six months ago, in a debate in Oxford, MS, President Obama stated that “We need earmark reform, and when I’m president, I will go line by line to make sure that we are not spending money unwisely.” I fully agree. All one needs to do is read the Omnibus appropriations bill pending before the Senate to know that we need serious, comprehensive earmark reform and we need to grant the President a constitutional line-item veto authority so that he can go line by line through these bloated, earmark filled appropriations bills and send rescission requests to Congress.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending. But our appropriations bills do not always put our national priorities first. The process is broken and it needs to be fixed. We have entered the second year of a recession. Record numbers of homeowners face foreclosure. The national unemployment rate stands at 7.2%—the highest in 16 years—with over 1.9 million people having lost their jobs in the last 4 months of 2008. Additionally, we learned just Friday that the GDP sank 6.2 percent in the last quarter of 2008—far worse even than what was expected—with the economy contracting by the fastest pace in a quarter century.

Even when faced with these tremendous difficulties, Congress’s appetite for pork seems bigger than ever. When are people going to wake up and truly grasp the seriousness of the economic situation confronting us? We cannot afford, literally, to continue to operate under the same Washington status quo.

Let's consider some cold, hard facts: current national debt: \$10.7 trillion; 2009 projected deficit: \$1.2 trillion; total cost of the economic stimulus enacted two weeks ago: \$1.124 trillion; (\$789 billion plus interest; TARP I and II: \$700 billion; TARP III: \$250 billion–\$750 billion, or more; President's Budget Request for 2010: \$3.6 trillion.

I was encouraged in January 2007 when the Senate passed, by a vote of 96 to 2, an ethics and lobbying reform package which contained real, meaningful earmark reforms. I thought that, at last, we would finally enact some effective reforms. Unfortunately, that victory was short lived. In August 2007, we were presented with a bill containing very watered down earmark provisions and doing far too little to rein in wasteful earmarks and porkbarrel spending. We can change that and enact reforms that will help to restore the faith and confidence of the American people in their elected representatives—and passing this bill should be the first step we take.

Again, the bill we are introducing today will ensure timely congressional consideration of earmark rescission requests by the President. This will enable the President to propose the removal of wasteful earmarks from legislation that arrives on his desk for signature and send these earmarks back to Congress for expedited votes on whether or not to rescind funding; give the House and Senate 12 legislative days after the President sends a rescission request to Congress to bring a rescission bill to consideration on the floor of the full House and Senate; respect and preserve Congress's constitutional responsibilities, as it requires both the House and Senate to pass a rescission request before it can become law. If either the House or Senate votes against a rescission by a simple majority, it is not enacted; require the President to submit earmark rescission requests to Congress within 30 calendar days of signing a bill into law; limit the number of rescission requests per bill, to guard against gridlock in Congress due to multiple rescission proposals. Under this legislation, the President can propose one rescission package per ordinary bill, or two rescission packages for omnibus legislation. Each rescission package may include multiple earmarks; sunset at the end of 2014, providing a President this tool to control spending over the portions of two different Presidential terms. The sunset provision would give Congress the ability to review this legislation and decide whether to renew it.

As my colleagues are well aware, for years I have been coming to the Senate floor to read list after list of the ridiculous items we have spent money on—hoping enough embarrassment might spur some change. And year after year I would offer amendment after amend-

ment to strip porkbarrel projects from spending bills—usually only getting a handful of votes each time. Earmarks are like a cancer. Left unchecked, they have grown out of control. And just as cancer destroys tissue and vital organs, the corruption associated with the process of earmarking is destroying what is vital to our strength as a Nation, that is, the faith and trust of the American people in their elected representatives and in the institutions of their Government.

We must keep in mind that even strong line-item veto authority will not solve all of our fiscal problems. We also desperately need to reform our earmarking process and our lobbying practices—and we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President the authority to propose rescissions that then must be approved by the Congress would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork. I look forward to the Senate's consideration of this legislation. It is abundantly clear that the time has come for us to eliminate the corrupt, wasteful practice of earmarking.

In his final State of the Union Address, President Reagan stood for the last time before both Houses of Congress and asked for line-item veto authority for future Presidents. On that evening, the President had with him three pieces of legislation: an appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds. President Reagan slammed down on the lectern the 43 pounds of paper and ink, which represented \$1 trillion worth of spending. He did so to emphasize the magnitude of wasteful spending in the bills—spending that the President could not stop unless he was willing to veto each piece of legislation in its entirety. In the case of the continuing resolution, that would have meant that the Federal government would shut down.

More than 20 years later we are in exactly the same situation we were in when President Reagan said to Congress, "Let's help ensure our future of prosperity by giving the President a tool that, though I will not get to use it, is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States: the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto."

The time has come to heed Ronald Reagan's call for line-item veto authority.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 63—TO AMEND THE STANDING RULES OF THE SENATE TO ENSURE THAT ALL CONGRESSIONALLY DIRECTED SPENDING ITEMS IN APPROPRIATIONS AND AUTHORIZATION LEGISLATION FALL UNDER THE OVERSIGHT AND TRANSPARENCY PROVISIONS OF S. 1, THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Mrs. McCASKILL (for herself and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 63

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

(a) FURTHER TRANSPARENCY.—Rule XLIV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"13.(a) All congressionally directed spending items shall be included in the text of an appropriations or authorization bill and any conference report related to that appropriations or authorization bill.

"(b) Not later than 48 hours after the request, each request for a congressionally directed spending item for an appropriations or authorization bill made by a Senator shall be posted on the Senator's web site. The posting of the request for a congressionally directed spending item shall include the name and location of the specifically intended recipient, the purpose of the congressionally directed spending item, and the dollar amount requested. If there is no specifically intended recipient, the posting shall include the intended location of the activity, the purpose of the congressionally directed spending item, and the dollar amount requested.

"(c) It shall not be in order to consider an appropriations or authorization bill, amendment, or conference report if it contains a congressionally directed spending item for a private for-profit or non profit entity."

(b) CLARIFYING APPLICATION TO CONFERENCE REPORTS.—Paragraph 8 of rule XLIV of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a) and inserting the following:

"(a) A Senator may raise a point of order against one or more provisions of a conference report if they constitute a congressionally directed spending item that was not included in the measure originally committed to the conferees by either House. The Presiding Officer may sustain the point of order as to some or all of the congressionally directed spending items against which the Senator raised the point of order."; and

(2) striking subparagraph (e).

(c) REQUIRING FULL SEARCHABILITY.—Paragraph 3(a)(2) of rule XLIV of the Standing Rules of the Senate is amended by inserting "in an searchable format" after "available".

(d) SUPERMAJORITY REQUIREMENT.—Paragraph 10 of rule XLIV of the Standing Rules of the Senate is amended by striking "or 3" and inserting "3, or 13".

(e) AVAILABILITY BY THE COMMITTEE OF JURISDICTION.—Paragraph 6(b) of rule XLIV of the Standing Rules of the Senate is amended to read as follows:

“(b) With respect to each congressionally directed spending item requested by a Senator, each committee of jurisdiction shall make available for public inspection on the Internet the written statements and certifications under subparagraph (a) not later than 48 hours after receipt of such statements and certifications.”.

Mrs. MCCASKILL. Mr. President, I disagree with earmarks. I disagree with the process. Although we have made great strides in reforming earmarks, I do think there are further steps we need to take.

Today, I have introduced a resolution, a Senate resolution, with the senior Senator from Colorado, Mr. UDALL, to bring even more transparency to this process. Basically, this resolution requires all requests to be posted on committee Web sites and the Member's Web site within 48 hours of request. It requires all information in the request letter be listed online, including location, purpose, and cost. This is not presently required. It requires electronically searchable text of all bills and conference reports, and it strengthens the ability to remove earmarks by a point of order.

There are some loopholes that we, I think inadvertently, created when we did S. 1 early in my first year as a Senator.

This resolution will require earmarks to be in the bill text. I discovered that there were some airdropped earmarks in a bill. Because they were in a managers' statement, the point of order was not possible. So this requires all the earmarks to be in the bill text, which will subject them to the rules. It applies the airdrop point of order to the authorization bills in addition to the appropriations bills, and it further limits earmarks to public projects only.

In this time, I do not believe we can afford to be earmarking in the private sector or anywhere other than the public sector as we struggle with our deficits and our spending.

But I really rose today not to speak so much about the resolution I have introduced today but more to speak a little bit about how confused I have been over the last few weeks by many of my friends on the other side of the aisle. While we have a lot of work to do in regard to earmarks, I congratulate my party because we have created transparency. We now know who is earmarking, and because of that we now know that earmarking has nothing to do with party. Yes, there are thousands of earmarks in this bill by Democrats, but there are thousand of earmarks in this bill by Republicans.

Earmarking is not about party. Earmarking is about power. This is about whether you have the power to get an earmark, and power depends on various things when it comes to earmarking. It depends on what committee you are on. It depends on whether you are an appropriator. It depends on your senior-

ity. It depends on whether you have a tough election fight. It depends, to some extent, on whether you are in the minority party or in the majority party because the split is 60-40 right now. Sixty percent of the earmarks—it is kind of an unwritten rule—go to the majority party and 40 percent go to the minority party. It was the other way around when the Democrats were not in power. That doesn't seem to me to be a very logical way to spend public money. It should be about the merit of the project. It should be about cost-benefit.

There are many people making the argument that we should not let bureaucrats decide. Congress has had the power of the purse for over 200 years. Congress has been directing spending in this country for over 200 years.

Earmarks are a new creation. The first earmarking started in the 1970s, that ability to make a solitary, lonely decision as to where money is going to be directed. In fact, in 1991, there were only 541 earmarks, and at the height of earmarking, under President Bush and under a Republican-controlled Congress, there was \$27 billion in earmarks. In fact, the number of earmarks has been cut in half under the leadership of my party.

This notion that bureaucrats are doing the decisionmaking is wrong—we have the power to tell the bureaucrats how to spend the money. We can tell them it is formula grants. We can tell them it is competitive grants. In fact, that is what we do for 99 percent of the budget. We tell the executive branch how to spend the money. It is now only for 1 percent that we decided we cannot tell the bureaucrats how to spend the money, so this notion that somehow we need to do earmarks because the bureaucrats are going to run amok—I don't get it.

In fact, most earmarks skim money off other programs. You can look at the history of the Byrne grants. They have gone down over the last 8 or 9 years. Now we are increasing them—which is great. Byrne grants are competitive at the local level. But what happened while the Byrne grants were going down? In the same time, earmarks were going up. There is a connection.

When money is skimmed off the formula for highways, that is just more local projects that the local people want to build that are not built because a Senator or Congressman knows better.

Now, here is the weird part about this. This is what I want to focus on today: my friends on the other side of the aisle. I listened while podiums were pounded about wasteful spending during the debate on the stimulus bill, during the debate on the economic recovery bill. I watched as my friends across the aisle took to the airwaves and gave many different speeches

about wasteful spending in the stimulus bill.

Let me quote some of the things they said:

Pet programs. Honey pot for whatever you need. A porkulus bill. Wasteful spending. Pet projects. Earmarks. Earmarks. Earmarks. An orgy of spending.

That was what they said about the stimulus bill, when, in reality, there were no earmarks in the stimulus bill. Everything that was spent in the stimulus bill was either competitive grants or formula funding.

Now, here is the weird part. They went on and on and on during the stimulus bill about earmarking. No fewer than 17 different Senators stood, and with absolute righteous indignation, talked about the pet projects in the stimulus bill. Guess what? Every single one of them has earmarks in this bill. One member of Republican leadership said:

That is the problem with earmarks. All Senators are equal, except some Senators are more equal than others when it comes to slipping things in bills.

Every single member of the Republican leadership has earmarks in this bill. Every single one of them. Every single one of those people rejected the stimulus that was one of the largest tax cuts in American history, but had no earmarks, because supposedly they were so upset about wasteful spending.

Those very same Senators have earmarks in this bill, such as the Interstate Shellfish Sanitation Conference. The Interstate Shellfish Sanitation Conference, beaver management, parking lots, all brought to you by the very same people who called out wasteful spending in the President's economic recovery bill.

If you do not take my word for it, check out the Taxpayers For Common Sense Web site. According to their statistics, 6 of the top 10 earmarkers in this bill are my friends on the other side of the aisle. In fact, the Republican leader has twice as many solo earmark dollars in this bill than the Democratic leader.

America, do not be fooled. Earmarking is an equal opportunity activity. It is a bad habit. The minority party is taking full advantage of it. Do not take anyone seriously who says one thing and does another. That is the worst sin of all. Any parent knows one basic rule: The example you set is way more important than anything you say.

Mr. UDALL of Colorado. Mr. President, I rise in support of the McCaskill-Udall resolution on earmark reform, and I am proud to be an original cosponsor of this legislation so ably authored by my colleague, Senator MCCASKILL. I have appreciated the opportunity to work with her in developing this bill, which is designed to strengthen transparency and accountability in the way Congress authorizes and appropriates Federal dollars.

If there was ever a time in our history when we needed to reassure the American people that Congress understands the need for reform and integrity in the process of authorizing and appropriating Federal funds, it is now. It is today. As our economy continues a deep slide into recession, we have found it necessary to stimulate recovery with historic levels of public spending.

Now, the American people expect us to act with speed but not haste. They also expect Federal spending will reflect critical national priorities and broader public purpose. Most of all, they expect Congress to pass funding bills in ways that ensure wise use of taxpayer dollars.

Those are the purposes of this legislation. It is not just about preventing the abuse of so-called congressional earmarks, it is, rather, about reassuring the American people that their dollars and the debt future generations will incur as a result of our spending will be debated in the sunshine of public scrutiny.

In short, this bill is about restoring integrity to a legislative process that has, for a number of reasons, gone off track. It is about restoring public confidence in the legislative branch. Now, I say this without casting any aspersions on the motive of my colleagues in this institution or my former colleagues in the other body. Most of us have sought earmarks for our States and our districts because of a sincere desire to help our constituents and support worthy projects.

Along the way, however, the public has lost confidence in the integrity of this process. Although there have been too many "bridges to nowhere," the problem is as much about the process that yields these earmarks. They are tucked into spending bills without an opportunity to debate or consider their merits or even their true authors.

This bill brings important reform to the earmark process. First, it requires that all earmarks be included in the text of bills rather than a separate "statement of managers" that is not technically part of the bill text. Previously legislation allows Senators to strip out earmarks from bill text only, not from the statement of managers.

This reform will result in greater transparency because it will make it possible for any earmark to be stripped out of the bill. Second, the bill requires that all earmarks requested by a Senator be posted on a Senator's Web site within 48 hours after the request. It also requires committees to post on their Web sites all information that Senators are required to submit about an earmark request, including the name of the proposed recipient, the location, purpose, and financial certification from Senators certifying they have no financial interest in that project and all within 48 hours of receiving that request.

This reform, in short, offers a check against the information that Senators post on their own Web sites and provides fuller transparency by requiring this information to be compiled in a central location. Citizens know how to use the Web, and it has increasingly become a watchdog tool for Government. Instead of shrinking from it, I believe we should embrace this technology to inform our constituents and, yes, invite their comment and even criticism.

Third, this bill prohibits earmarks from private or nonprofit entities. By limiting earmark requests to the public sector, we avoid the risk of inadvertently helping a campaign donor or mixing a private gain with a public purpose. An earmark to help our communities ought to be community based and community supported. There ought to be a public benefit that is recognized in a way that is accountable to public decisionmakers.

Fourth, this bill prevents earmarks from mysteriously surfacing in conference negotiations on authorization bills. Previous legislation already prohibits this air dropping of earmarks in conference negotiations on appropriations bills, but this reform would broaden that proposition to include authorization bills, which are often considered to be blueprints for the annual funding bills.

Let me be clear. I admire the hard work of our committee chairs and their staffs, and my experience in both Chambers has led me to the conclusion that great effort is made to ensure integrity and accountability in spending bills. Important, and often very complex bills, can be undermined in the public eye when individual earmarks are not carefully scrutinized. We can all agree that it often takes only one bad apple to spoil even the best barrel, and this provision is designed to keep out the bad apples.

Fifth, the bill requires that all appropriations and authorization conference reports be electronically searchable at least 48 hours before they can be considered by the full Senate. This reform will help the public and Congress identify earmarks that were added during the conference in appropriations bills that can be thousands of pages long.

In conclusion, I believe we can begin the important work of restoring public confidence in the way Congress legislates if we continue on the path we began in 2007, with earmark and ethics reform. This bill closes loopholes in the law we passed in 2007, and strengthens accountability, transparency, and integrity.

Now, there are some who would argue for abolishing all earmarks, including those supporting governmental entities. I have to tell you, I think that may be a case of throwing the baby out with the bathwater. At a time of economic crisis, I believe it is important for Senators to have the tools that can

direct Federal funding to job-creating projects in their home States.

For those of us who are not fortunate enough to be appropriators, the opportunity to offer carefully considered earmarks is important. I have not come to the conclusion that all earmarks are bad; in fact, it is the process of their consideration and inclusion that needs reform.

Along with a constitutional line item veto and other reform measures, I believe that, in fact I know, we can construct a path of reform that is both fiscally responsible and in keeping with the highest ethical standards.

SENATE RESOLUTION 64—RECOGNIZING THE NEED FOR THE ENVIRONMENTAL PROTECTION AGENCY TO END DECADES OF DELAY AND UTILIZE EXISTING AUTHORITY UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT TO COMPREHENSIVELY REGULATE COAL COMBUSTION WASTE AND THE NEED FOR THE TENNESSEE VALLEY AUTHORITY TO BE A NATIONAL LEADER IN TECHNOLOGICAL INNOVATION, LOW-COST POWER, AND ENVIRONMENTAL STEWARDSHIP

Mrs. BOXER (for herself and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 64

Whereas the burning of coal creates more than 130,000,000 tons of coal combustion waste a year;

Whereas coal combustion waste is made up of various types of waste, including fly ash, bottom ash, boiler slag, and flue gas emission control waste;

Whereas the National Academy of Sciences found that coal combustion waste "often contain a mixture of metals [including arsenic, lead, selenium, mercury, cadmium, beryllium, chromium, thorium and uranium] and other constituents in sufficient quantities that they may pose public health and environmental concerns if improperly managed.";

Whereas the 2 most common forms of disposal for coal combustion waste are landfills and surface impoundments, with impoundments generally holding a "wet" waste mixture of water and landfills holding a "dry" waste that does not include intentionally added water, although other forms of disposal also occur in other areas including mines;

Whereas a 1993 report prepared for the United States Department of Energy found that over the preceding 50 years, roughly 500,000,000 tons of coal combustion waste were disposed of at then-existing or operating waste management units, and that about 1,000,000,000 tons of coal combustion wastes had been disposed of at an estimated 759 closed units;

Whereas the United States Environmental Protection Agency reported to Congress in 1999 that there were roughly 600 fossil fuel combustion waste disposal units operating at approximately 450 coal-fired power plants;

Whereas the United States Department of Energy in 2006 found: "The total number of [coal combustion waste] disposal units permitted, built, or laterally expanded between January 1, 1994 and December 31, 2004 ('new units') is not known, as no industry organization or government agency tracks this information,";

Whereas on Monday, December 22, 2008 at 1:00 a.m. a wall constructed of coal combustion waste and dirt failed on a 84-acre surface impoundment holding coal combustion waste and water at the Kingston Fossil Plant in Harriman, Tennessee, 40 miles west of Knoxville;

Whereas the spill from this "wet storage" impoundment at the Kingston plant released 5,400,000 cubic yards of waste, equaling more than 1,000,000,000 gallons or an amount nearly 100 times greater than the amount of oil spilled in the Exxon Valdez disaster, into the Emory River and the surrounding valley and community;

Whereas the spill from the Kingston plant covered half of a square mile of land and water with waste up to 12 feet deep, destroying roads, waterways, wildlife, trees, railroad tracks, and impacting 42 properties, 40 homes, and sections and coves of the Emory River used by businesses, community members, families, and children;

Whereas the Kingston spill occurred around 1:00 a.m. in the morning in December, but if it had occurred at midday during the summer, when businesses, community members, families, and children regularly use the river and coves, the already-extensive property damage could have been far greater and the loss of life could have been catastrophic;

Whereas the United States Department of Energy has information demonstrating wet storage impoundments present risks to public safety, health, and the environment: "[W]et impoundment systems require substantially greater disposal site volumes than dry systems... Also, the presence of free liquid increases the possibility of leachate (i.e., a combination of ash solids and water) creation and its potential for migration into underlying soils and groundwater";

Whereas in 2006 the United States Department of Energy reported inconsistent coal combustion waste disposal standards, with some States weakening safeguards and others improving protections;

Whereas the United States Environmental Protection Agency in 2000 produced a draft regulatory determination that certain fossil fuel combustion wastes, including coal ash, should be regulated as a hazardous waste under the Resource Conservation and Recovery Act; and

Whereas the United States Environmental Protection Agency has continued to issue information on the adverse effects of coal combustion waste but the agency has so far not required any consistent Federal regulatory protections for coal combustion waste disposal practices despite their clear authority to do so: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for the United States Environmental Protection Agency to—

(A) immediately conduct and complete reviews, including onsite confirmatory examinations, of all coal combustion waste impoundments and landfills to ensure the safety of people and the environment located in any area that may be threatened by a spill or release from an impoundment or landfill;

(B) report to the Senate Committee on Environment and Public Works on the earliest date possible that the Agency can regulate

coal combustion waste using their existing authority under the Resource Conservation and Recovery Act;

(C) propose rules as quickly as possible to regulate coal combustion waste under the Resource Conservation and Recovery Act using the substantial information currently available to the Agency; and

(D) issue final rules as quickly as possible on regulating coal combustion waste under the Resource Conservation and Recovery Act; and

(2) recognizes the need for the Tennessee Valley Authority to meet the intentions of Congress and be "a national leader in technological innovation, low-cost power, and environmental stewardship".

AMENDMENTS SUBMITTED AND PROPOSED

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 653. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 654. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 655. Mr. DEMINT submitted an amendment intended to be proposed by him to the

bill H.R. 1105, supra; which was ordered to lie on the table.

SA 656. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 657. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 658. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 659. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 660. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 661. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 662. Mr. THUNE (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 663. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 664. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available in Title II of Division C under the heading "JUVENILE JUSTICE PROGRAMS" under the heading "OFFICE OF JUSTICE PROGRAMS" may be used for the At the Park After Dark Gang Prevention Program in California through a congressionally directed spending initiative and the amount made available under that heading is reduced by \$50,000.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available in Title II of Division C under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" may be used for a tattoo removal violence prevention outreach program in California through a congressionally directed spending initiative and

the amount made available under that heading is reduced by \$200,000.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, section 726 of this title shall have no effect.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, none of the funds made available under the heading "SALARIES AND EXPENSES" under the heading "AGRICULTURAL RESEARCH SERVICE" in title I may be used for a honey bee laboratory in Texas through a congressionally directed spending initiative and the amount made available under that heading is reduced by \$1,762,000.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. _____. **PROHIBITION OF USE OF FUNDS TO TEACH SCIENTISTS TO TALK TO THE PRESS.**

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated or otherwise made available in title III of division F, under the heading "HIGHER EDUCATION" may be available for Stony Brook University School of Journalism in New York through a congressionally directed spending initiative; and

(2) the amount made available under such heading shall be reduced by \$214,000.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 427, lines 10 and 11, strike "\$6,590,000, to remain available until expended" and insert "\$5,090,000, to remain available until expended: *Provided*, That no amounts made available under this heading shall be made available for the California National Historic Trail Interpretive Center".

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7 _____. (a) Notwithstanding any other provision of this Act, none of the funds made available under this Act may be used for congressionally directed spending initiative related to—

(1) the Virus-Free Wine Grape Cultivars or Wine/Grape Foundation Block in Washington;

(2) the Viticulture Consortium in California, New York, or Pennsylvania;

(3) the Center for Advanced Viticulture and Tree Crop Research in California; or

(4) the Center for Grape Genetics in New York.

(b) Notwithstanding any other provision of this Act, the amount made available under the heading "SALARIES AND EXPENSES" under the heading "AGRICULTURAL RESEARCH SERVICE" in title I is reduced by \$1,677,000.

(c) Notwithstanding any other provision of this Act, the amount made available under the heading "RESEARCH AND EDUCATION ACTIVITIES" under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE" in title I is reduced by \$4,384,000.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. _____. **PROHIBITION OF USE OF FUNDS FOR ANTI-BULLYING PROGRAMS.**

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated or otherwise made available in title II of division B, under the heading "JUVENILE JUSTICE PROGRAMS" may be available for the Self-Determination Anti-Bullying in Lifetown in Michigan through a congressionally directed spending initiative; and

(2) the amount made available under such heading shall be reduced by \$820,000.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, section 110 of title I of division B shall have no effect.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 221 of division F.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds appropriated under this Act may be used to repeal or amend part 88 of title 45, Code of Federal Regulations.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. **PROHIBITION OF USE OF APPROPRIATED FUNDS TO STUDY, RECOMMEND, OR IMPLEMENT A NEW METHOD OF TAXATION BASED ON VEHICLE MILES TRAVELED.**

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to study, recommend, or implement a new method of taxation based on vehicle miles traveled.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 823, beginning on line 12, strike "may be used to pay" and all that follows through "practice abortions" on line 14 and insert "may be made available for any private, nongovernmental, or multilateral organization that performs or actively promotes abortion as a method of birth control".

SA 653. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI of division D, insert the following:

SEC. _____. No funds made available under this Act shall be used to ensure compliance with the requirements of subchapter IV of chapter 31 of title 40, United States Code, or any other provision of law requiring prevailing wages to be paid.

SA 654. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. **USE OF APPROPRIATED FUNDS FOR 2010 CENSUS.**

Notwithstanding any other provision of this Act, funds appropriated or otherwise made available under this Act for the 2010 Census shall be used in a nonpartisan fashion preserving the integrity and independence of the census process, and no such funds shall be used by the Executive Office of the President or other political officials to interfere

with the conduct of the 2010 Census or to manipulate the census process for partisan gain.

SA 655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, between lines 21 and 22, insert the following:

SEC. ____ . PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

Notwithstanding any other provision of this Act, no funds appropriated or otherwise made available under this Act may be used in conducting the 2010 Census to include aliens who are in the United States in violation of the immigration laws of the United States for purposes of tabulating population for the apportionment of Representatives in Congress among the several States.

SA 656. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI of division D, add the following:

SEC. 6 ____ . PROHIBITION ON FUNDING FOR EMINENT DOMAIN.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other provision of law, none of the funds made available by this Act shall be used for any exercise of eminent domain for the purpose of taking from a private individual or entity an interest in property for transfer of ownership of, or a leasehold interest in, the interest to another private individual or entity.

(b) EXCEPTION.—Subsection (a) shall not apply to any transfer of an interest in property for—

- (1) use by a public utility;
- (2) a road or other right-of-way open to the public or common carriers for transportation;
- (3) an aqueduct, pipeline, or similar use;
- (4) a prison or hospital; or
- (5) any use relating to, and that occurs during, a national emergency or national disaster declared by the President under Federal law.

SA 657. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . Notwithstanding any other provision of law, Federal funds may not be made available to the Palestinian Authority, any Federal Government agency, or other entity receiving any foreign assistance from the United States for humanitarian relief, reconstruction, or assistance in the Gaza Strip until the Secretary of State certifies to Congress that none of the United States foreign assistance is being used to provide material support or resources, training, or expert advice or assistance (as such terms are defined in section 2339A(b) of title 18, United States Code) to a terrorist organization (as defined

in section 2339B(g)(6) of title 18, United States Code).

SA 658. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1120, between lines 6 and 7, insert the following:

DETENTION OF INDIVIDUALS AT GUANTANAMO BAY, CUBA

SEC. 414. (a) None of the funds appropriated or otherwise made available by this Act may be used to construct, modify, or otherwise enhance any facility in the United States or its territories to house any individual held at the detainee complex at Guantanamo Bay, Cuba, as of the date of the enactment of this Act.

(b) Notwithstanding section 3 of this Act, for purposes of this section, the term “this Act” shall be treated as referring to divisions A through J of this Act.

SA 659. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

In title V of division B, insert after section 530 the following:

PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR ENHANCE FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES AT GUANTANAMO BAY, CUBA

SEC. 531. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended to construct, modify, or otherwise enhance any facility in the United States or its territories to house any individual currently held at the detainee complex at Guantanamo Bay, Cuba

SA 660. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 444, line 21, insert “, of which \$2,000,000 shall be available for Cuyahoga Valley National Park, of which \$1,500,000 shall be available for emergencies and hardships, of which \$1,500,000 shall be available for inholdings,” before “and of which”.

SA 661. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CABIN USER FEES.

Title VI of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6201 et seq.) is amended by adding at the end the following:

“SEC. 615. DELAYED IMPLEMENTATION.

“(a) IN GENERAL.—Notwithstanding any other provision of this title, this title shall not be implemented until January 1, 2010.

“(b) PAYMENTS FOR 2009.—For fiscal year 2009, cabin user fees shall be equal to the fee applicable for fiscal year 2008, as adjusted under section 614(a).”.

SA 662. Mr. THUNE (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, after line 2, insert the following:

SEC. 753. None of the funds appropriated in this Act may be used by the Federal Communications Commission to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the “Fairness Doctrine”, as such doctrine was repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987).

SA 663. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 451, strike lines 3 through 9.

SA 664. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 679, after line 22, add the following:

SEC. 524. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—

(a) APPROPRIATIONS FOR TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—There are appropriated—

(1) \$60,000,000 to the Economic Development Administration of the Department of Commerce to carry out the trade adjustment assistance for communities program under subchapter A of chapter 4 of the Trade Act of 1974;

(2) \$20,000,000 to the Secretary of Labor to carry out the Community College and Career Training Grant Program under subchapter B of chapter 4 of the Trade Act of 1974; and

(3) \$20,000,000 to the Secretary of Labor to carry out the Industry or Sector Partnership Grant Program for Communities Impacted by Trade under subchapter C of chapter 4 of the Trade Act of 1974.

(b) OFFSETS.—

(1) The amount appropriated or otherwise made available by title V of division D under the heading “LIMITATIONS ON AVAILABILITY OF REVENUE” under the heading “FEDERAL BUILDINGS FUND” under the heading “REAL PROPERTY ACTIVITIES” under the heading “GENERAL SERVICES ADMINISTRATION” is decreased by \$50,000,000.

(2) The amount appropriated or otherwise made available by title IV of this division

under the heading "LIMITATION ON ADMINISTRATIVE EXPENSES" under the heading "SOCIAL SECURITY ADMINISTRATION" is decreased by \$50,000,000.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 9:30 a.m. in room 216 of the Hart Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 4, 2009, at 9 a.m. to conduct a hearing entitled "Where Were the Watchdogs? Systemic Risk and the Breakdown of Financial Governance."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Getting to the Truth Through a Nonpartisan Commission of Inquiry" on Wednesday, March 4, 2009, at 10 a.m., in room SD-106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 4, at 2:30 p.m., to conduct a hearing entitled "Tax Haven Banks and U.S. Tax Compliance—Obtaining the Names of U.S. Clients with Swiss Accounts."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. BOXER. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, March 4, 2009 from 10 a.m.–12 p.m. in Dirksen 562.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Sara Crouse and Lauren Gannon from my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 146

Mr. WARNER. Madam President, I understand that H.R. 146 has been received from the House and is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

Mr. WARNER. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, MARCH 5, 2009

Mr. WARNER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Thursday, March 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided and controlled between the two leaders or their designees; further, that the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Madam President, earlier this evening the majority leader filed cloture on the Omnibus appropriations bill. As a result, the filing deadline for first-degree amendments is 1 p.m. tomorrow. Rollcall votes in relation to pending amendments are expected to occur throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Thursday, March 5, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RONALD C. SIMS, OF WASHINGTON, TO BE DEPUTY SECRETARY OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE ROMOLO A. BERNARDI, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

JOHN BERRY, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS, VICE LINDA M. SPRINGER, RESIGNED.

HOUSE OF REPRESENTATIVES—Wednesday, March 4, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 4, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

Chaplain Cherita Potter, National Chaplain, American Legion Auxiliary, Seaside, Oregon, offered the following prayer:

Dear Lord, we thank You for this day and the opportunities it presents to us.

Fill us with a renewed spirit, never to waver when the way is hard. Prepare each of us with open hearts and broadened minds to face the many challenges set before us.

Direct our thoughts and emotions so that we may exhibit fair judgment and the practice of good core values.

May the principles of justice, freedom, democracy, and loyalty be ever preserved for a happy and secure America.

Open our eyes to the needs of others. Make us sensitive to the issues of poverty, racial, sexual, and age discrimination, war and peace, pollution and our environment.

Help us to recognize and grasp the opportunities for service, that each one of us might make a difference.

God, we thank You for this great Nation and the service men and women who defend and protect our freedoms. Help us to know how to best honor and support them. Fill them with strength and courage to endure.

May Your blessings be with those suffering from the ravages of war and our duty to them be ever on our minds.

We are comforted by Your presence as we pray for a peaceful Nation.

In Your Name we pray, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING CHAPLAIN CHERITA POTTER

The SPEAKER pro tempore. Without objection, the gentleman from Oregon (Mr. WU) is recognized for 1 minute.

There was no objection.

Mr. WU. Madam Speaker, I'd like to first welcome my father, K.C. Wu, to the House gallery.

It is also my distinct pleasure and honor to welcome our guest chaplain for today, Ms. Cherita Potter.

Ms. Potter is the national chaplain for the American Legion Auxiliary and one of my constituents in Oregon. She is also an active member of Community Presbyterian Church in Cannon Beach, Oregon, where she participates in Vacation Bible School, choir and Bible study.

Ms. Potter has served in a number of leadership roles at both the State and national levels of the American Legion Auxiliary, and I would like to thank her personally for her ongoing service to our Nation's veterans.

She is joined today by her husband, Toby, a retired Navy Seabee.

I ask my colleagues to join me in recognizing Ms. Potter for her service to our country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from references to persons in the gallery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, only the doors immediately opposite the Speaker and those

immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, February 26, 2009, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 5 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at 10:49 a.m., the following proceedings were had:

JOINT MEETING TO HEAR AN ADDRESS BY THE RIGHT HONORABLE GORDON BROWN, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

The Speaker of the House presided.

The Majority Floor Services Chief, Mr. Barry Sullivan, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentlewoman from Connecticut (Ms. DELAURO);

The gentleman from Missouri (Mr. SKELTON);

The gentleman from California (Mr. BERMAN);

The gentleman from Massachusetts (Mr. NEAL);

The gentleman from North Carolina (Mr. MCINTYRE);

The gentlewoman from California (Ms. WATSON);

The gentleman from Kentucky (Mr. CHANDLER);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from Indiana (Mr. PENCE);

The gentleman from Michigan (Mr. MCCOTTER);

The gentlewoman from Washington (Mrs. MCMORRIS RODGERS);

The gentleman from Texas (Mr. CARTER);

The gentleman from California (Mr. MCCARTHY);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from New York (Mr. KING);

The gentleman from New York (Mr. McHUGH); and

The gentleman from Wisconsin (Mr. PETRI).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Connecticut (Mr. DODD);

The Senator from Wisconsin (Mr. FEINGOLD);

The Senator from California (Mrs. BOXER);

The Senator from Maryland (Mr. CARDIN);

The Senator from Virginia (Mr. WEBB);

The Senator from New Hampshire (Mrs. SHAHEEN);

The Senator from Delaware (Mr. KAUFMAN);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Indiana (Mr. LUGAR);

The Senator from Tennessee (Mr. CORKER);

The Senator from Georgia (Mr. ISAACSON);

The Senator from Idaho (Mr. RISCH);

The Senator from Wyoming (Mr. BARRASSO); and

The Senator from Mississippi (Mr. WICKER).

The Majority Floor Services Chief announced the Acting Dean of the Dip-

lomatic Corps, Her Excellency Heng Chee Chan, Ambassador of the Republic of Singapore.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for her.

At 11 o'clock and 7 minutes a.m., the Majority Floor Services Chief announced the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

The Prime Minister of the United Kingdom of Great Britain and Northern Ireland, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

(Applause, the Members rising.)

Prime Minister BROWN. Madam Speaker, Mr. Vice President, distinguished Members of Congress, I come to this great capital of this great Nation, an America renewed under a new President, to say that America's faith in the future has been, is, and always will be an inspiration to me and to the whole world.

Two centuries ago, your creation of America was the boldest possible affirmation of faith in the future. It's a future you have not just believed in but a future you have built with your own hands.

On the 20th of January, you, the American people, wrote the latest chapter in the American story, with a transition of dignity, in which both sides of the aisle should take great pride. And on that day, billions of people truly looked to Washington, D.C., as a shining city upon the hill, lighting up the whole of the world.

Let me thank President Obama for his leadership, for his friendship and for giving the whole world renewed hope in itself.

And I know you will allow me to single out for special mention today one of your most distinguished Senators, known in every continent and a great friend. Northern Ireland today is at peace, more Americans have health care, children around the world are going to school, and for all those things, we owe a great debt to the life and courage of Senator EDWARD KENNEDY.

Today, having talked to him last night, I want to announce, awarded by Her Majesty the Queen on behalf of the British people, an honorary knighthood for Sir EDWARD KENNEDY.

Madam Speaker, Mr. Vice President, I come in friendship to renew, for new times, our special relationship that is

founded on our shared history, our shared values and, I believe, our shared futures.

I grew up in the 1960s as America, led by President Kennedy, looked to the heavens and saw not the endless void of the unknown but a new frontier to dare to discover and to explore. People said it couldn't be done but America did it.

And 20 years later, in the 1980s, America, led by President Reagan, refused to accept the fate of millions trapped behind the Iron Curtain and insisted, instead, that the peoples of Eastern Europe be allowed to join the ranks of nations which live safe, strong, and free. People said it would never happen in our lifetime, but it did, and the Berlin Wall was torn down brick by brick.

So, early in my life, I came to understand that America is not just the indispensable Nation; you are the irrepressible Nation.

Throughout your history, America has led insurrections in the human imagination. You've summoned revolutionary times through your belief that there is no such thing as an impossible endeavor, and it's never possible to come here without having your faith in the future renewed.

Now, I want to thank you on behalf of the British people because throughout the whole century, the American people stood liberty's ground, not just in one world war but in two. And I want you to know that we will never forget the sacrifice and the service of the American soldiers who gave their lives for people whose names they never knew and whose faces they never saw, yet people who have lived in freedom thanks to the bravery and valor of the Americans who gave that last full measure of devotion.

Cemetery after cemetery across Europe honors the memory of American soldiers, resting row upon row, often alongside comrades-in-arms from Britain. And there is no battlefield of liberty on which there is not a piece of land that is marked out as American, and there is no day of remembrance within Britain that is not also a commemoration of American courage and sacrifice far from home.

In the hardest days of the last century, faith in the future kept America alive, and I tell you that America kept faith in the future alive for all the world.

And let me do a tribute to the soldiers, yours and ours, who today fight side by side in the plains of Afghanistan, the streets of Iraq, just as their forefathers fought side by side in the sands of Tunisia, the beaches of Normandy, and then on the bridges over the Rhine.

Almost every family in Britain has a tie that binds them to America. So I want you to know that whenever a young American soldier or marine or sailor or airman is killed in conflict,

anywhere in the world, we the people of Britain grieve with you. We know that your loss is our loss, your family's sorrow is our family's sorrow, and your Nation's determination is our nation's determination that they shall not have died in vain.

And after that terrible September morning, when your homeland was attacked, the Coldstream Guards at Buckingham Palace played the "Star Spangled Banner," our own British tribute, as we wept for our friends in the land of the free and the home of the brave.

And let me, therefore, promise you our continued support to ensure that there is no hiding place for terrorists, no safe haven for terrorism. You should be proud that in the years after 2001, that while terrorists may destroy buildings and even, tragically, lives, they have not, and will not ever, destroy the American spirit.

So let it be said of the friendship between our two countries that it is in times of trial, true; in the face of fear, faithful; and amidst the storms of change, constant.

And let it be said of our friendship also, formed and forged over two tumultuous centuries, a friendship tested in war, strengthened in peace, that it has not just endured but is renewed each generation to better serve our shared values and fulfill the hopes and dreams of the day, not alliances of convenience. It is a partnership of purpose.

Alliances can wither or be destroyed, but partnerships of purpose are indestructible. Friendships can be shaken, but our friendship is unshakable. Treaties can be broken, but our partnership is unbreakable. And I know that there is no power on Earth that can ever drive us apart.

We will work tirelessly with you as partners for peace in the Middle East; for a two-state solution, proposed by President Clinton and driven forward by President Bush, that provides for nothing less than a secure Israel, safe within its borders, existing side by side with a viable Palestinian state.

And we will work tirelessly with you to reduce the threat of nuclear proliferation and reduce the stockpile of nuclear weapons. And our shared message to Iran, it is simple: We are ready for you to rejoin the international community, but first, you must cease your threats and suspend your nuclear program.

Past Prime Ministers have traveled to this Capitol Building in the times of war to talk of war. I come now to talk of new and different battles we must also fight together, to speak of a global economy in crisis and a planet imperiled.

These are new priorities for our new times, and let us be honest. Tonight too many parents, after they put their children to bed, will speak of their worries about losing their jobs or the need

to sell the house. Too many will share stories of friends or neighbors already packing up their homes. Too many will talk of a local store or business that has already gone to the wall.

For me, this global recession is not to be measured just in statistics or in graphs or on a balance sheet. Instead, I see one individual with one set of dreams and fears, then another and then another, each with their own stars to reach for, each part of a family, each at the heart of a community, now in need of help and hope. And when banks have failed and markets have faltered, we the representatives of the people have to be the people's last line of defense.

That's why for me there is no financial orthodoxy so entrenched, there's no conventional thinking so ingrained, there's no special interest so strong that it should ever stand in the way of the change that hardworking families now need.

We have learned through this world downturn that markets should be free, but markets should never be values-free. We have learned that the risks people take should never be separated from the responsibilities that they must meet. And if perhaps some once thought it beyond our power to shape the global markets to meet the needs of the people, we now know that that is our duty. We cannot and must not stand aside.

In our families and workplaces and in our places of worship, we celebrate men and women of integrity, who work hard, treat people fairly, take responsibility, look out for others, and if these are the principles we live by in our families and neighborhoods, they should also be the principles that guide and govern our economic life.

And the world has learned that what makes for the good society also now makes for the good economy, too. My father was a minister of the church, and I have learned again what I was taught by him: that wealth should help more than the wealthy; that good fortune should serve more than the fortunate; and that riches must enrich not just some of our communities but all of our communities. And these enduring values are, in my view, the values we need for these new times.

We tend to think of the sweep of destiny as stretching across many months and years before culminating in decisive moments that we call history. But sometimes the reality is that defining moments of history come suddenly and without warning, and the task of leadership then is to define them, to shape them, and to move forward into the new world they demand.

An economic hurricane has swept the world, creating a crisis of credit and a crisis of confidence. History has brought us now to a point where change is essential, and we are summoned not just to manage our times but to transform them.

Our task is to rebuild prosperity and security in a wholly different economic world, where competition is no longer just local, but it's global; and where banks are no longer national, but they're international. And we need to understand, therefore, what went wrong in this crisis, that the very financial instruments that were designed to diversify risk across the banking system instead spread contagion right across the globe. And today's financial institutions, they're so interwoven that a bad bank anywhere is a threat to good banks everywhere.

But should we succumb to a race to the bottom and to a protectionism that history tells us that in the end protects no one? No. We should have the confidence, America and Britain most of all, that we can seize the global opportunities ahead and make the future work for us. And why? Because while today people are anxious and feel insecure, over the next two decades, literally billions of people in other continents will move from being simply producers of their goods to being consumers of our goods, and in this way, the world economy will double in size. Twice as many opportunities for business, twice as much prosperity, the biggest expansion of middle class incomes and jobs the world has seen.

So we win our future not by retreating from the world but by engaging with it. America and Britain will succeed and lead if we tap into the talents of our people, unleash the genius of our scientists, set free the drive of our entrepreneurs. We will win the race to the top if we can develop the new high-value-added products and services and the new green goods that the rising numbers of hardworking families across our globe will want to buy.

So, in these unprecedented times, we must educate our way out of a downturn. We must invest and invent our way out of a downturn. We must retool and reskill our way out of a downturn. And this is not blind optimism or synthetic confidence to console people. It's a practical affirmation for our times of a faith in a better future.

Every time we rebuild a school, we demonstrate our faith in the future. Every time we send more people to university, every time we invest more in our new digital infrastructure, every time we increase support for our scientists, we demonstrate our faith in the future.

And so I say to this Congress and this country, something that runs deep in your character and is woven in your history, we conquer our fear of the future through our faith in the future, and it is this faith in the future that means we must commit to protecting the planet for generations who will come long after us.

The Greek proverb, what does it say? Why does anybody plant the seeds of a tree whose shade they will never see?

The answer is because they look to the future. And I believe you, the Nation that had the vision to put a man on the Moon, are also the Nation with the vision to protect and preserve our planet Earth.

And you know it's only by investing in environmental technology that we can end the dictatorship of oil, and it's only by tackling climate change that we can create the millions of new green jobs that we need and can have.

For the lesson of this crisis is that we cannot just wait for tomorrow today. We cannot just think of tomorrow today. We cannot merely plan for tomorrow today. Our task must be to build tomorrow today.

And America knows from its history that its reach goes far beyond its geography. For a century, you have carried upon your shoulders the greatest of responsibility: to work with and for the rest of the world. And let me tell you that now, more than ever, the rest of the world wants to work with America.

If these times have shown us anything it's that the major challenges we face are global. No matter where it starts, an economic crisis does not stop at the water's edge. It ripples across the world. Climate change does not honor passport control. Terrorism has no respect for borders. Modern communication instantly spans every continent. The new frontier is that there is no frontier, and the new shared truth is that global problems now need global solutions.

And let me say to you directly: you now have the most pro-American European leadership in living memory. It's a leadership that wants to cooperate more closely together in order to cooperate more closely with you. There is no old Europe, no new Europe. There is only our friend Europe.

So, once again, I say we should seize this moment because never before have I seen a world willing to come together so much. Never before has that been more needed and never before have the benefits of cooperation been so far-reaching.

So when people here and in other countries ask what more can we do to bring an end to this downturn, let me say this. We can achieve more by working together. And just think of what we can do if we combine not just in a partnership for security but in a new partnership for prosperity.

On jobs, you the American people, through your stimulus proposals, could create or save at least 3 million jobs. We in Britain are acting with similar determination. But how much nearer an end to this downturn would we all be if the whole of the world resolved to do the same?

And you are also restructuring your banks. So are we. But how much safer would everybody's savings be if the whole world finally came together to outlaw shadow banking systems and outlaw offshore tax havens?

So just think how each of our actions, if combined, could mean a whole much greater than the sum of its parts: all, and not just some, banks stabilized; on fiscal stimulus, the impact multiplied because everybody is doing it; rising demand in all our countries creating jobs in each of our countries; and trade once again the engine of prosperity, the wealth of nations restored.

No one should forget it was American visionaries who over a half a century ago, coming out of the deepest of depressions and the worst of wars, produced the boldest of plans for global economic cooperation. They recognized that prosperity was indivisible. They concluded that to be sustained it had to be shared.

And I believe that ours, too, is a time for renewal, for a plan for tackling recession and building for the future, every continent playing their part in a global new deal, a plan for prosperity that can benefit us all.

And first, so that the whole of the worldwide banking system serves our prosperity rather than risks it, let us agree at our G-20 summit in London in April on rules and standards for accountability, transparency, and reward that will mean an end to the excesses and will apply to every bank, everywhere, and all the time.

Second, America and a few others cannot be expected to bear all the burden of the fiscal and interest rate stimulus. We must share it globally. So let us work together for the worldwide reduction of interest rates and a scale of stimulus that is equal to the depth of the recession and round the world to the dimensions of recovery and, most of all, equal to the millions of jobs we must safeguard and create.

And third, let us together renew our international economic cooperation, helping emerging markets rebuild their banks. Let us sign a world trade agreement to expand commerce. Let us work together also for a low carbon recovery. And I am confident that this President, this Congress, and the peoples of the world can come together in Copenhagen in December and reach a historic agreement to combat climate change.

And let us never forget in times of turmoil our duties to the least of these, the poorest of the world. In the Rwanda museum of genocide, there is a memorial to the countless children who were among those murdered in the massacres in Rwanda. There is one of the face of a child, David. The words beneath him are brief; yet, they weigh on me heavily. It says: Name, David. Age, 10. Favorite sport, football. Enjoyed making people laugh. Dreamed to become a doctor. Cause of death, tortured to death. Last words, "The United Nations will come for us."

But we never did. That child believed the best of us. That he was wrong is to

our eternal discredit. We tend to think of a day of judgment as a moment to come, but our faith tells us, as the writer said, that judgment is more than that. It is a summary court in perpetual session.

And when I visit those bare, run-down, yet teeming classrooms across Africa, they're full of children, like our children, desperate to learn, but because we've been unable as a world to keep our promises to help, more and more children, I tell you, are being lured to expensively funded madrassas, teaching innocent children to hate us.

So for our security and our children's security and these children's future, you know the greatest gift of our generation, the greatest gift we could give to the world, the gift of America and Britain, could be that every child in every country should have the chance 70 million children today do not have, the chance to go to school, to spell their names, to count their age and perhaps learn of a great generation who are striving to make their freedom real.

Let us remember that there is a common bond that across different beliefs, cultures, and nationalities unites us as human beings. It is at the core of my convictions. It's the essence of America's spirit. It's the heart of all our faiths. And it must be at the center of our response to this crisis, too.

Our values tell us we cannot be wholly comfortable while others go without comfort; that our communities can never be fully at ease if millions feel ill at ease; that our society cannot be truly strong when millions are left so weak. And this much we know: when the strong help the weak, it makes us all stronger.

And this, too, is true. All of us know that in a recession the wealthiest, the most powerful, and the most privileged can find a way through. So we don't value the wealthy less when we say that our first duty is to help the not-so-wealthy. We don't value the powerful less when we say our first responsibility is to help the powerless. And we do not value those who are secure less when we say our first priority must be to help the insecure.

These recent events have forced us all to think anew, and while I have learned many things over these last few months, I keep returning to something I first learned in my father's church as a child. In these most modern of crises, I am drawn to the most ancient of truths. Wherever there is hardship, wherever there is suffering, we cannot, we will not, we will never pass by on the other side.

But you know, working together there is no challenge to which we're not equal. There's no obstacle we can't overcome. There's no aspiration so high it cannot be achieved.

In the depths of the Depression, when Franklin Roosevelt did battle with fear

itself, it was not simply by the power of his words, his personality, and his example that he triumphed. Yes, all these things mattered, but what mattered more was this enduring truth: that you, the American people, at your core, were, as you remain, every bit as optimistic as your Roosevelts, your Reagans and your Obamas.

And this is the faith in the future that has always been the story and promise of America. So, at this defining moment in history, let us renew our special relationship for our generation and our times. Let us work together to restore prosperity and protect this planet, and with faith in the future, let us together build tomorrow today.

Thank you.

(Applause, the Members rising.)

At 11 o'clock and 43 minutes a.m., the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the Acting Dean of the Diplomatic Corps from the Chamber.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 49 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona) at 12 o'clock and 45 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

HEALTH CARE—IT'S TIME FOR A CHANGE

(Mr. JOHNSON of Georgia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Ladies and gentlemen of America, the American Recovery and Reinvestment Act provides \$20 billion to accelerate the adoption of health information systems by doctors and hospitals; these are electronic medical records. This will modernize health care in this country, it will save billions of dollars by reducing the need for duplicate diagnostic procedures, it will reduce medical errors and improve the quality of services. This will create or save hundreds of thousands of jobs, many in the high-tech sectors, tens of billions of dollars in system-wide savings, including a net reduction in private health insurance premiums for families.

I want the public to know that it's time for change. Our health care system should have been addressed many, many years ago, but under this new administration and under this Democratic leadership of this fine body, we are doing what needs to be done in order to put this country in a posture it needs to be in for the new millennium.

TAX DEDUCTIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, one of my constituents, Gail, from Lititz, Pennsylvania, recently wrote to me about a provision in the President's recently released budget. She said, among other things, "God has blessed us abundantly in many ways; in turn, we have been able to bless others. We donate a very large percentage of our income to the hungry, homeless, orphaned and widowed. We are in the top tax bracket. Any increase in our taxes or decrease in our charitable deductions will not hurt our standard of living, it will, indeed, hurt the very people that the government is trying to help."

When Alexis de Tocqueville wrote with praise for America, he cited our civic institutions, like churches and other nonprofit organizations, as the basis for our strength in the Nation. The Obama administration is woefully misguided if they think reducing the tax credit for charitable donations will help America. During an economic recession, our churches, charities, and other community organizations that assist many individuals quicker and more effectively than government programs will be harmed. It's a mistake to change our tax policy to reduce funding to these organizations when their help is needed most in communities across America.

THE TIME TO ACT IS NOW FOR HEALTH CARE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Last week, President Obama submitted a budget that expresses his commitment to transforming health care in America. Tomorrow, he will gather Members of Congress, consumers, business men and women, and health care providers at the White House to discuss how to achieve the common goals he laid out in the budget, "constraining costs, expanding access, and improving quality."

The economic crisis we face is not a cause for delay, it is an argument for comprehensive reform. The need for action couldn't be clearer. Every percentage increase in the unemployment rate means another 1.1 million Americans becomes uninsured.

Over half of all Americans, many of them insured, are doing without medical care because of high costs. Emergency rooms are being forced to turn away patients, and businesses that cover their workers are struggling to be competitive in the face of rising premiums.

We must assure that all Americans are covered and give each a choice of a public health insurance plan or private plan that provides comprehensive, affordable and high-quality care. The time to act is now.

THE AMERICAN PEOPLE ARE THE SOLUTION

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, I rise with concern about the President's budget.

Now is not the time to be raising taxes. We should not be raising rates, nor should we diminish the benefits for people who are paying their mortgage as they should be. As determined as the Democrats are to raise taxes, you don't fuel the engines of economic growth by penalizing those who are responsible, who do play by the rules, and who don't need a bailout. By reducing the tax reductions for mortgage interest, the Democrats are raising taxes, and they are growing government while reducing economic incentives for those who have resources to invest in a faltering economy.

Further, at this time of need, now is not the time to reduce the benefits for making charitable donations. Non-profit religious organizations and institutions of higher education are also struggling in this economy. The net result of the President's budget is less money for donating to those worthwhile causes.

We do have a choice: do you want to keep your money and spend your money, or do you want the government bureaucracy to tax and spend? I believe in the American people; it's their money, not the government's money. Government is not the solution, the American people are the solution.

CONGRATULATING THE 2008 STATE CHAMPION ELK LAKE WARRIORS

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, I rise today to honor the 2008 Pennsylvania State championship boys cross-country team, the Elk Lake Warriors. I am blessed to have five terrific kids, all of whom attend Elk Lake, and my oldest three boys are all cross-country runners.

The cross-country team's victory is remarkable for many reasons, it's only the third State championship that Elk Lake has ever won. But what I found truly remarkable was their inspirational path to victory. Not one runner on the team won an individual medal at the State meet, but working together, they won the State title, an incredible lesson for us all. They each gave it their all and demonstrated an incredible dedication to each other and their team; they were victorious.

As we know, our Nation is facing incredible challenges right now. It is all too easy to forget the simple value of pulling together and putting aside our differences in difficult times. I am confident that if we all heed the lessons offered by a small rural school in Pennsylvania, we will succeed. And once again, my congratulations to the 2008 State champions, the Elk Lake Warriors.

MORE TAXES—LESS PROSPERITY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, history shows that if you tax something, you get less of it; if you subsidize something, you're going to get more of it.

This budget raises taxes. We shouldn't raise taxes during a recession on anyone that pays taxes. Tax increase will do several things. Small businesses that pay most of the taxes, they will have a tax increase. So to pay for these new taxes, they're going to have to cut jobs to pay for those taxes. It raises the utility rates on people that use energy. Now, that hurts those folks, the working poor, who have a fixed income, in essence, a tax increase on the poor. It cuts deductions for home mortgages and charitable contributions; that, in essence, hurts people who try to live in a home and con-

tribute to charities. And the budget redistributes wealth.

Abraham Lincoln said, "You don't make the poor rich by making the rich poor and you don't make the weak strong by making the strong weak."

The budget is flawed with more government spending, more government control, and it raises taxes. Taxes will create less prosperity, not more prosperity.

And that's just the way it is.

A TRIBUTE TO QUENTIN MEASE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute to a giant in our community in Houston, Texas, that we lost just a few days ago.

Quentin Mease was 100 years old, and he lived that life vigorously and with great fulfillment. He was a servant of the people. No, he was not elected, but he was one of the founding members of the National Urban League Houston chapter. He was a founding member of what is now called the Harris County Hospital District. One of the satellite hospitals was named after Quentin Mease.

He was truly a giver, a philanthropic, a person who believed that he was, in fact, our brothers' and sisters' keeper. He lost his life, but he was full of life when he passed. He will be recognized on Thursday for a wake and Friday for a funeral.

I believe the words of the President of the United States in his African American History Month that said, "The ideals of the founders became more real and more true for every citizen of African American ancestry to realize our full potential as a Nation, and to uphold those ideals for all who enter into our borders and embrace the notion that we all are endowed with certain inalienable rights."

Quentin Mease, fallen in battle, believed that we were all endowed with certain inalienable rights. He gave his all. He wanted us all to be embraced under this bright and shining flag. He believed in America. As an African American, he is a giant, and I thank him for highlighting young people like myself to give us an opportunity to go forward into the future.

Thank you, Mr. Mease. May God bless you. And may God bless you as you rest in peace.

SMALL BUSINESS—KEY TO GETTING OUR ECONOMY BACK ON TRACK

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, unemployment in my home State of Florida

and across the country continues to rise. As the stock markets and retirement accounts fall, our national debt is approaching \$11 trillion. And just last week, Congress approved, over my objections, a \$410 billion spending bill that was 8 percent higher than last year, more than twice the rate of inflation. On top of all this new spending, we now hear that the White House is proposing nearly \$1 trillion in new taxes. Now is not the time to be raising taxes or embarking on a reckless spending spree.

Rather than exploding the size of Federal Government, Congress should be working to strengthen the backbone of our economy with small businesses. Seventy percent of all new jobs are created by small business, many of them in our area family owned.

Let's get our economy back on track by helping to work with small businesses. That's the legacy that we want to leave our children and grandchildren.

PASS THE HELPING FAMILIES SAVE THEIR HOMES ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, by now we all know what a central role the housing market crisis has played in our economic troubles. The housing meltdown is devastating for families and communities, particularly for innocent families who have lived within their means and paid their mortgages on time. Through no fault of their own, their home values are eroding and their life savings are threatened. That's why we must pass the Helping Families Save Their Homes Act. It restores fairness to the bankruptcy system.

Current law allows loan modifications for vacation homes and yachts, yet prohibits them for primary residences. This bill will end this inequity. It also fixes the Hope for Homeowners program to increase mortgage modifications and reduce foreclosures. It is not about bailing out lenders or borrowers who made irresponsible decisions, it is, rather, finding fair and effective solutions to stabilizing the housing crisis and stabilizing the market.

Mr. Speaker, this legislation is also needed to get our country back on track. I urge my colleagues to vote for a stronger economy and vote for this bill.

PRESIDENT'S BUDGET PUTS INFRASTRUCTURE AND AMERICA AT GREAT RISK

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I received a letter from the President of

the Louisiana Oil and Gas Association expressing grave concern over the administration's budget proposal we were sent last week. Our Nation's oil and gas industry is not made up of the five or so Big Oil companies; instead, it is several thousand independent oil and natural gas producers. It is these companies that drill and produce the vast majority of oil and natural gas produced here in the United States.

The administration's budget proposals will strip the economic incentives that provide the investment capital that is needed to explore and produce oil and gas for our country. Without these incentives, exploration and production of oil and natural gas will drastically decline, trillions of dollars will be lost, tens of thousands of jobs will be lost, and our Nation's energy security will be severely threatened.

In my home State of Louisiana, 25 percent of the Nation's energy is produced. We are the heartbeat of our Nation's energy infrastructure. Simply put, the administration's budget proposals will put that infrastructure and our country at great risk and drive up home utilities and gas at the pump.

□ 1300

VOTE "YES" ON HELPING FAMILIES SAVE THEIR HOMES ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, there is unusually broad agreement on the fact that to stop the downward spiral of this economy, we have to act on several fronts at once in a forceful and coordinated manner.

We have addressed the need for job creation and tax relief with the economic recovery bill. We are addressing the banking crisis and credit freeze with the second round of TARP funds and the launching of the TALF program. Now we have the chance to take action on a critically important front, stabilizing housing prices. All across the country, neighborhoods are struggling as each foreclosed home reduces the value of nearby properties.

The Helping Families Save Their Homes Act will give more tools to homeowners to stay in their homes and allow judicial modifications of home mortgages. It helps families facing foreclosure stay in their homes, thus stabilizing lives, home prices, neighborhoods and restoring confidence in the economy.

I am confident that a "yes" vote on this bill is in the best interests of our American economy.

BUSINESS AS USUAL

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, later this week President Obama is expected to sign the omnibus spending bill into law. That bill contains nearly 9,000 earmarks. Now, this is unfortunate. It sends a signal that we have ushered in a new era of absolutely the same, business as usual.

I would encourage the President, if he is going to sign the omnibus bill, to at least announce a change moving forward. He could announce, for example, that he will not sign legislation in the future that contains congressionally directed no-bid contracts to private companies.

He should encourage the Congress to end the appearance of pay-to-play when no-bid contracts are given to those who give us campaign contributions. Giving no-bid contracts to our campaign donors should be beneath the dignity of this House. Now our leadership, both on the Republican and the Democratic side, has not recognized this yet, but I hope that the President does.

HELP FOR HOMEOWNERS

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, this week the House is scheduled to take up H.R. 1106, the Helping Families Save Their Homes Act of 2009. While much of the controversy over this bill is focused on the title I provisions, the provisions in title II will provide safe harbor for lenders willing to modify mortgages and improve the HOPE for Homeowners program.

Allow me to dispel a few of the myths surrounding this legislation.

Myth: The bill only benefits a small number of homeowners.

Fact: This bill will actually help all homeowners by protecting their neighborhoods from the negative effects of foreclosure. Every foreclosure brings down the value of nearby homes, further eroding the equity of homeowners who are up to date on their mortgages. Millions of middle class families are just one sickness or one layoff away from a possible foreclosure.

Myth: The bill rewards bad behavior.

Fact: This bill requires homeowners to negotiate with their lenders in good faith before they can even consider applying for judicial modification of their home loan through bankruptcy.

Myth: The bill is a dramatic change in the Bankruptcy Code.

Fact: This bill equalizes the rules by treating residential bankruptcies the same as corporate, farm and vacation home bankruptcies.

Mr. Speaker, I urge my colleagues to support this legislation.

I'd like to remind my colleagues that while much of the controversy over this bill has focused on the Title I provisions, the provisions in Title II will help thousands of homeowners

and enjoy broad support. Providing safe harbor for lenders willing to modify mortgages and improving the HOPE for Homeowners program are much-needed reforms that will help stem the tide of foreclosures and protect our neighborhoods. I would like to take a few moments to dispel some of the myths surrounding the legislation that could also be referred to as the Neighborhood Protection Act.

Myth: This bill only benefits a small number of low income homeowners or homeowners who bought more house than they could afford.

Fact: H.R. 1106 will actually help all homeowners by protecting their neighborhoods from the negative effects of foreclosure. Every foreclosure in a neighborhood brings down the value of nearby homes, further eroding the equity of homeowners who are up to date on their mortgages. Furthermore, the foreclosure crisis has spread beyond victims of the subprime crisis or individuals who purchased more home than they could afford. As President Obama noted in his address to this body, millions of middle-class families are just one sickness or one layoff away from possible foreclosure. Without the ability to sell or refinance a home with a current value lower than the mortgage value, these families are out of options.

Myth: The bill rewards bad behavior.

Fact: H.R. 1106 requires homeowners to negotiate with their lenders in good faith before they can even consider applying for a judicial modification of their home loan through bankruptcy. And the bill prevents judges from modifying loans for homeowners who have the ability to make their payments or make other bad faith efforts to game the system. The specious argument that the bill rewards bad behavior is being promoted by the banks, who themselves were rewarded for their bad behavior by the previous Administration. After receiving hundreds of billions of dollars in taxpayer bailouts, the banks should be the last to complain. This bill is designed to help families who have worked hard and played by the rules, but are trapped by declining property values and escalating job losses.

Myth: The bill enables homeowners to avoid their financial responsibilities.

Fact: H.R. 1106 allows judges to modify a mortgage only in those cases where it is truly not affordable for the homeowner and even then judges can only reduce the mortgage to the fair market value of the property. Lenders are able to recoup the fair market value of the house, plus interest, which is much better than they usually secure in a foreclosure sale.

Myth: The bill is a dramatic change in the bankruptcy code.

Fact: H.R. 1106 equalizes bankruptcy rules by treating residential bankruptcies the same as corporate, farm, and vacation home bankruptcies. H.R. 1106 will give struggling families or individuals the same right to modify the loans on their primary homes as wealthy investors have to modify the loans on their second or third properties.

Myth: The bill will dramatically increase bankruptcies.

Fact: Bankruptcy proceedings are unpleasant and scar one's credit record for years. No one looks forward to bankruptcy. And this bill provides stringent conditions, with a series of

interim steps and requirements, so bankruptcy proceedings are only used as a last resort after exhausting all other options to save a home.

Myth: This bill is another bailout for the banks and will cost taxpayers tens of billions.

Fact: H.R. 1106 actually redirects existing TARP funds from the banks to homeowners. It also will make sure the TARP funds are spent on economic recovery and neighborhood stabilization rather than salted away in some bank vault or paid to bank shareholders as dividends. This bill does exactly what the American people have asked for; it helps homeowners rather than banks and big business.

Mr. Speaker, H.R. 1106 is not a perfect bill, but it is one more piece in the mosaic of positive efforts we are making to turn our economy around. It is good for homeowners. It is good for the future stability of our neighborhoods. It is good for our nation's economy.

That is why I ask my colleagues to join me later today in supporting H.R. 1106.

WHERE IS THE OBAMA ADMINISTRATION ON SUDAN?

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, today the International Criminal Court issued an arrest warrant for Sudan's President Bashir, charging him with seven counts of war crimes and crimes against humanity. This is the first time the court has accused a sitting head of state of war crimes.

The world knows what's happening in Sudan and Darfur, and yet the Obama administration has failed to appoint a special envoy. I have asked him to appoint a former Senator, Bill Frist from Tennessee, who can start today. The tribunal spokesman said the crimes included, and I quote, "murdering, exterminating, raping, torturing and forcibly transferring large numbers of civilians and the pillaging of their property."

According to the U.N., an estimated 300,000 have been killed since the Darfur conflict began and 2.7 million displaced. And yet the Obama administration has failed to appoint a special envoy. As recently as just yesterday, the AP reported that in recent weeks 26,000 people have fled their homes in Darfur and flooded Zamzam refugee camps, already at 50,000.

I close by saying time is short. The killing and the devastation goes on. The administration must act. This cannot wait.

INNOVATION HAS ALWAYS BEEN A HALLMARK OF AMERICAN SUCCESS

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, innovation has always been a hallmark of American success. Innovation will transform the way we generate and store power from renewable resources, use electricity more efficiently, and create a workforce for the 21st century.

President Obama's budget promotes the development of innovative clean energy technology, modernizes the electric grid, and provides the capital to double renewable energy generating capacity. With these investments we will change the way our country generates, uses and delivers energy. We will produce jobs throughout the United States and begin to end our dependence on foreign oil.

America's prosperity depends on bold action and investments in research and development, on our ability to adapt through innovation and on creating green jobs that will build a foundation for a clean energy economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING BEVERLY ECKERT FOR 9/11 VICTIMS WORK

Mr. PASCRELL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 201

Whereas on the morning of September 11, 2001, terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City and a third into the Pentagon outside Washington, DC;

Whereas the passengers and crew aboard United Flight 93 acted heroically to prevent the terrorist hijackers from taking additional American lives, by crashing the plane in Shanksville, Pennsylvania and sacrificing their own lives instead;

Whereas thousands of innocent men, women, and children were brutally murdered in the attacks of September 11, 2001;

Whereas pursuant to Public Law 107-306, the 9/11 Commission was formed to ascertain, evaluate, and report on the evidence regarding the terrorist attacks;

Whereas the 9/11 Commission was also required in Public Law 107-306 to make a full and complete accounting of the circumstances surrounding the terrorist at-

tacks, report on the United States' preparedness for, and immediate response to, terrorist attacks, and make findings, conclusions, and recommendations for corrective measures that could be taken to prevent, prepare, and respond to acts of terrorism;

Whereas the 9/11 Commission stated in its report that it "interviewed more than 1,200 individuals" to assist in making its recommendations;

Whereas one of the groups representing the victims, "Voices of September 11", testified before the 9/11 Commission;

Whereas Beverly Eckert was the widow of Mr. Sean Rooney, who died in the September 11, 2001, terrorist attacks on the World Trade Center and following her husband's death, Beverly Eckert co-founded "Voices of September 11", an advocacy group for survivors and 9/11 families;

Whereas Beverly Eckert was instrumental in the development and growth of this important advocacy group, which now claims more than 5,500 members;

Whereas Beverly Eckert worked admirably with the 110th Congress and was a key proponent in the final passage of the "Implementing the 9/11 Commission Recommendations Act of 2007" as the legislation to effectuate the recommendations of the 9/11 Commission to prevent, prepare, and respond to acts of terrorism; and

Whereas the United States will forever be grateful for the services of Beverly Eckert and mourn her loss: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks;

(2) recognizes Beverly Eckert's work to help bring about implementation of the 9/11 Commission recommendations to prepare, prevent, and respond to acts of terrorism; and

(3) extends its deepest condolences to the family of Beverly Eckert and the families of all those who lost their lives due to the crash of Continental Connection Flight 3407.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PASCRELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PASCRELL. Mr. Speaker, I rise in support of this resolution and yield myself such time as I may consume.

I rise in support of H. Res. 201, which recognizes Beverly Eckert's service to the United States of America, particularly the survivors and the families of the attack on September 11, 2001.

Ms. Eckert was the widow of Mr. Sean Rooney, who was killed in the World Trade Center on September 11. For many, the devastating loss of a

partner, of a husband, would lead to a state of grief, anger, fear, paralysis.

But Beverly Eckert turned the September 11 attacks into a clarion call of government accountability and transparency, Mr. Speaker. When there were questions about what led to the attacks, Beverly Eckert demanded answers.

When some tried to dismiss her call for answers, she pressed on and cofounded the "Voices of September 11," an advocacy group for survivors which now claims more than 5,500 members.

This led to the creation of the National Commission on Terrorist Attacks upon the United States—or the 9/11 Commission—and we all remember that commission led by former Congressman Lee Hamilton and, of course, Governor Tom Kean of New Jersey. Beverly Eckert did not stop there. She attended the 9/11 Commission hearings and was there when the 9/11 Commission published its findings and recommendations.

Mr. Speaker, I want to allow, because of time factors with some of the Members, two young ladies who are Members of this great body, who are always there first to recognize and sensitive to those people, the real heroes of America.

I yield 2 minutes first to Ms. SLAUGHTER from the State of New York.

Ms. SLAUGHTER. I thank both gentlemen for the time.

As a New Yorker, obviously the events of September 11, 2001, are really seared in our memory, as I am sure they are in the memory of all Americans.

On February 12, this year, 2009, the Nation was shocked and saddened by the devastating plane accident in Clarence, New York, a few miles outside of Buffalo. Our thoughts and prayers will always be with the family and friends who lost loved ones on Continental Connection Flight 3407.

Today, we are here to recognize one of the persons on that plane, Beverly Eckert, who also lost her life on that day. We thank her for her tremendous service to our Nation and particularly to the survivors and families of the September 11, 2001, attacks.

Mr. Speaker, Beverly Eckert, as mentioned, was the widow of Sean Rooney, who died in the September 11 attacks on the World Trade Center and had been among the most visible faces of the victims' families in the aftermath of the attacks. Following her husband's death, she cofounded Voices of September 11, one of the first advocacy groups for the survivors of 9/11 and families.

Beverly was instrumental in the development and growth of this important group, which is now supported by more than 5,500 members. Along with other members of the Voices of September 11, she testified before the 9/11 Commission to help report on the September 11 terrorist attacks.

Beverly worked with the 110th Congress tirelessly, and she was a key proponent in enacting the 9/11 Commission's recommendations to prevent, prepare and respond to acts of terrorism. Simply put, Beverly's work helped to make our Nation safer and more secure.

Beverly was a passenger on Flight 3407 on her way to Buffalo to mark what would have been her husband's birthday and launch a scholarship in his memory. We lost an inspiring and tenacious champion in Beverly, and we must continue to honor her memory and accomplishments.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PASCRELL. I yield the gentlelady an additional 30 seconds.

Ms. SLAUGHTER. We must continue to honor her memory and accomplishments while carrying on her mission. Today we consider a resolution to acknowledge her service on behalf of the survivors and to recognize her work to help protect our Nation.

The resolution also extends condolences to the families of all those who were lost on the Continental Connection flight.

I urge my colleagues to support the resolution to honor the life of Beverly Eckert, commemorating her valuable service to the 9/11 survivors and families in this country.

Mr. BILIRAKIS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today to join my colleagues in honoring Ms. Beverly Eckert.

Ms. Eckert lost her husband, Sean Rooney, on September 11, 2001. Since then, Ms. Eckert has been a tireless advocate for the families and survivors of these September 11 attacks. She is the cofounder of the nonprofit foundation Voices of September 11, which currently has more than 5,500 members.

Ms. Eckert lobbied for the establishment of the 9/11 Commission, passage of the Intelligence Reform and Terrorism Prevention Act, establishment of the WMD Commission, and the development of a memorial to the victims of the September 11 attacks at Ground Zero.

Ms. Eckert was a passenger on Continental Flight 3407, which crashed on February 12, 2009, near Buffalo, New York. Ms. Eckert, who grew up in Buffalo, was returning to her hometown to honor her husband on his 58th birthday and establish a scholarship in his name.

Ms. Eckert is survived by her three sisters, seven nephews and her one niece. My heart goes out to her family and friends. I hope they can take comfort in the fact that Ms. Eckert has been reunited with her husband.

I honor Ms. Eckert and all those who lost their lives as a result of the tragic crash of Continental Flight 3407.

I urge Members to support this resolution.

I reserve the balance of my time.

Mr. PASCRELL. Mr. Speaker, I yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

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Mrs. MALONEY. I thank the gentleman for yielding and for his constant leadership and support for the 9/11 families and for the reforms to make our country safer and to my good friend and colleague LOUISE SLAUGHTER, who authored this resolution.

Mr. Speaker, I rise in strong support of the resolution honoring Beverly Eckert, who died in a plane crash in Buffalo going to honor the memory of her husband on his 58th birthday.

She told me the last time she spoke to him, he was in the burning towers and the fire was coming towards him. She was devoted to him. It broke her heart. But it did not break her spirit. She dedicated her life to making sure that other families did not suffer the same type of loss that she did by not protecting our citizens, by putting in place strong homeland security laws.

As the co-Chair of the 9/11 Family Steering Committee, and I was the founder and Chair of the 9/11 Commission Caucus, we worked almost daily, first to support the creation of the 9/11 Commission; then to fund it, to give it subpoena power, to give it time to do its work. And when they came back with a report that had 47 recommendations to make Americans safer, she then dedicated her life to implementing them into law. I was one of the authors of the first bill that reorganized our intelligence, the first major intelligence reorganization since 1948, to share information so that we could better prevent another attack. And then H.R. 1, which rolled all the other recommendations to make America safer into the bill, H.R. 1, the first bill that the Democratic leadership passed in the last Congress, this passed with Beverly's leadership and support.

She worked out of my office for 4 years. She would lead vigils in front of the White House. She was at 9/11 constantly raising the need and the importance to pass this important legislation. She was a spirit. She was a leader. She was one of the finest people I have ever met. And many, many people owe a great deal of gratitude for a safer America because of her work.

Mr. BILIRAKIS. I urge my colleagues to support this resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PASCRELL. Mr. Speaker, I yield myself such time as I may consume.

Instead of letting leaders in Washington pat themselves on the back for the 9/11 Commission, which we are apt to do, Beverly Eckert insisted on the implementation of the Commission's

recommendations. When Ms. Eckert was told that the recommendations would be difficult to implement, she was not deterred. Where she saw there were problems, she demanded and worked tirelessly for solutions. She traveled to Washington and pushed for the passage of the implementation of the recommendations of the 9/11 Commission Act, as Mrs. MALONEY and Ms. SLAUGHTER pointed out.

To sum up, Beverly Eckert was a tenacious citizen who nudged and prodded the leaders of this Nation to look at their mistakes and implement the steps to correct them. Ms. Eckert was not interested in partisanship, fear-mongering or saber rattling. Beverly Eckert was a woman who made sure that the death of her husband and those who died on September 11 would not be in vain. In that process she taught us all why we should not give into the fear of terrorism.

I urge all my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this resolution honoring, Beverly Eckert, a great American. As a 9/11 widow, Beverly Eckert rose above a daunting challenge. America has asked her to not only overcome her grief over losing her husband, but to take on a leading role as a advocate for other victims.

Beverly Eckert, who died on February 12 in the crash of Continental Connection Flight 3407 in Clarence Center, N.Y., was co-founder of Voices of September 11, a group representing the victims of the September 11 terrorist attacks. Her husband, Sean Rooney, died in the World Trade Center. Under Eckert's leadership, Voices of September 11 grew into an influential advocacy group of more than 5,500 members. Eckert supported the work of the 9/11 Commission and urged Congress to adopt its recommendations. Less than a week before her death, she met with President Barack Obama at the White House with other terrorist victims' families to discuss changes in the government's handling of terror suspects.

As a member of the House Committee on Homeland Security and the Chair of the Subcommittee on Transportation and Infrastructure I am well aware of the importance of keeping the memory of September 11, 2001 at the forefront of our conscious.

This resolution honors Beverly Eckert for her service on behalf of September 11 victims and their families and recognizes her work to bring about the implementation of the 9/11 Commission recommendations to prevent and respond to acts of terrorism. It extends condolences to Eckert's family and the families of all those who lost their lives in the Continental Connection Flight 3407 crash.

Certainly the irony of Beverly Eckert dying in a plane crash that appears to be weather-related is not lost on us. That does not diminish the breadth of her work over the last eight years. It is fitting that Beverly was greeted at the White House by President Obama just a week before she perished.

It is my hope Mr. Speaker that we continue to honor Beverly Eckert and the other victims

of Continental Connection Flight 3407 and the terrorist attacks of 9/11 by energizing our pursuit of the terrorists who hurt our nation. We can do this by bringing to justice the perpetrators of those attacks and the forces behind them.

Mr. Speaker, I am thankful for the opportunity to speak to our nation at this poignant time but also a moment where we can be reminded of the arduous task that this new administration faces in pursuit of terrorists and seeking to raise our profile as a nation of peace. We can be a leader in the fight against terrorism and still saving the world. We can only hope that Sean Rooney and Beverly are reunited in heaven.

Mr. HIMES. Mr. Speaker, I rise to honor a constituent and citizen activist, Beverly Eckert who lost her life in the tragic crash of flight 3407 just a few weeks ago.

In addition to being a beloved sister, aunt, and friend, Beverly, who lost her husband in the September 11 terrorist attack on the World Trade Center, was an impressive activist and will be missed, both for her outspoken work on behalf of 9/11 victims and by those who knew and love her.

After her husband died on September 11th, Beverly co-founded Voices of September 11, a group that serves those affected by the attacks and advocates for effective response to terrorism.

In the days, weeks and years after the 9/11 attacks, Beverly was a tireless advocate for the victims' families. She spearheaded protests that led politicians to set aside more land for a memorial at Ground Zero, fought to ensure federal authorities would thoroughly probe the cause of the twin towers' collapse, and spoke eloquently again and again about her husband, Sean Rooney, and the many others who died that day.

As a member of the Family Steering Committee, a group of relatives of victims of 9/11, Eckert helped to spearhead the public fight for a 9/11 Commission to investigate the attacks.

Throughout the years, Beverly remained active in the fight against terrorism. This winter she met with President Obama at the White House along with other relatives of those killed on 9/11 and in the bombing of the USS *Cole* to discuss how the new administration would handle terror suspects.

Beverly's activism should remind all of us what the actions of one person can do. While she did not work alone, we all have her to thank for making us safer today. Her patriotism should be admired and her citizenship should serve as a model for us all.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H. Res. 201, which recognizes the life of Beverly Eckert, a co-founder of "Voices of September 11th" and the widow of Sean Rooney, who was killed in the Twin Towers on September 11th.

Ms. Eckert worked tirelessly for "Voices of September 11th," an advocacy and support group of widows, mothers, and children of the victims of 9/11, which served as a driving force for intelligence and homeland security in the wake of the attacks of September 11, 2001. After the attacks, Beverly Eckert focused all of her emotions into organized advocacy for government accountability and future transparency to make our Nation more secure.

Ms. Eckert was faced with opposition and indifference, but she continued to press forward in her fact-finding and preventative efforts.

Her strong, constant voice led to the creation of the National Commission on Terrorists Attack Upon the United States—or the 9/11 Commission. After the Commission's formation, Eckert continued her mission by participating in hearings and demanding implementation of the Commission's recommendations. During testimony as a member of the 9/11 Commission's Family Steering Committee, Eckert praised the Commission for their efforts to completely inform the public as to the failures on September 11th through public hearings and reports. She also warned Congressional members and the White House in regards to the Commission's recommendations that, unlike other commission recommendations, implementation of 9/11 Commission recommendations would be necessary because "there is no shelf on which they can be hidden." To that end she successfully pushed for the passage of the "Implementing Recommendations of the 9/11 Commission Act of 2007."

In conclusion, Beverly Eckert was a tenacious citizen who nudged and prodded the leaders of this Nation to look at their mistakes and implement the steps to correct them. Ms. Eckert was not interested in partisanship, fear-mongering, or saber-rattling. She was a woman who made sure that the death of her husband and those who died on September 11th would not be in vain. In that process, she reinforced the message that you can make a difference and that we, as a nation, should not give into the fear of terrorism.

I urge my colleagues to support the resolution and formally recognize Ms. Beverly Eckert for her continued work to ensure that the victims and families of the September 11th attacks are never forgotten and to ensure that our country is protected from such attacks in the future.

Mr. PASCRELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PASCRELL) that the House suspend the rules and agree to the resolution, H. Res. 201.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PASCRELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE HOMELAND SECURITY DEPARTMENT ON ITS SIXTH ANNIVERSARY

Mr. CARNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) recognizing and honoring the employees of the Department of Homeland Security on its sixth

anniversary for their continuous efforts to keep the Nation safe.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 195

Whereas the Department of Homeland Security was created as a result of the terrorist attacks of September 11, 2001, to consolidate our Nation's efforts to prevent, prepare for, protect against, respond to, and mitigate against threats to the homeland, including acts of terrorism, natural disasters, and other emergencies;

Whereas the Department of Homeland Security marks its sixth year of full-scale operations on March 1, 2009;

Whereas more than 223,000 employees of the Department of Homeland Security work diligently to deter, detect, and prevent acts of terrorism and stand ready to respond to a terrorist attack, natural disaster, or other emergency;

Whereas the employees of the Department of Homeland Security are dedicated individuals who rarely receive the recognition they deserve;

Whereas the employees of the Department of Homeland Security work tirelessly to protect our Nation, frequently working long hours and sacrificing time with their loved ones;

Whereas the employees of the Department of Homeland Security support the Department's mission to secure the borders, protect critical infrastructure, share information, facilitate safe and lawful travel and trade, and work with States and localities to enhance preparedness;

Whereas the employees of the Department of Homeland Security deserve the best in training and resources to accomplish their vital mission;

Whereas the United States has not been attacked since September 11, 2001, and this is due in large part to the dedicated service of the employees of the Department of Homeland Security; and

Whereas the Nation owes a debt of gratitude to the employees of the Department of Homeland Security for their continued and steadfast efforts to secure the homeland: Now, therefore, be it

Resolved, That the House of Representatives recognizes and honors the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. CARNEY) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. CARNEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CARNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support House Resolution 195, a measure to

honor the employees of the Department of Homeland Security and to mark the sixth anniversary of the Department's creation.

The Department of Homeland Security was tasked with the Herculean responsibility of coordinating with State, local, and tribal entities to prevent future terrorist attacks, secure our borders, and to prepare for and respond to events of national significance. Comprised of 22 different Federal agencies and employing over 223,000 of our finest Federal employees, DHS quickly became one of the largest Federal departments.

Twenty-four hours a day, 7 days a week, 365 days a year, employees of the Department of Homeland Security are working to prevent and prepare for any threat to our country. At this very moment they are patrolling our skies, securing our borders, sailing our coastal waters, and screening people and cargo entering our country. They are also collaborating, cooperating, and coordinating with State, local, and tribal governments and first responders in all 50 States and our territories to ensure we can respond to any future large-scale events either man-made or natural. These dedicated Homeland Security employees are working tirelessly to improve the safety for all Americans and are doing a commendable job.

Department of Homeland Security employees stand willing, ready, and able to respond should catastrophe strike. They work long hours to deter, detect, and prevent acts of terrorism against the homeland. They can be sure that Congress will continue to conduct vigorous oversight of management at DHS, but I cannot stress how much we truly appreciate the work of the dedicated DHS employees working to protect the safety of all Americans.

My thanks to Congressman BILIRAKIS for introducing the resolution and to the Speaker for the time on the floor today. I encourage my colleagues to support House Resolution 195 as we honor the employees of the Department of Homeland Security.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to honor the men and women of the Department of Homeland Security who work diligently to secure our Nation.

I'm proud to introduce this resolution with Congressman CHRIS CARNEY, chairman of the Subcommittee on Management, Investigations, and Oversight, on which I serve as ranking member.

Chairman CARNEY, I look forward to working with you this Congress, and I think our subcommittee is getting off to a great start by having this resolution on the floor today.

I also want to thank Chairman THOMPSON, Ranking Member KING, and

the other members of the Committee on Homeland Security who joined as cosponsors of my resolution.

My district is home to many of the department's employees, including Transportation Security officers, Customs and Border Protection officers, Immigration and Customs Enforcement agents, and Coast Guardsmen. I thank them for the work they do day in and day out to ensure that Florida, and our Nation, is secure.

These employees often do not receive the recognition they deserve. The fact that our Nation has not been attacked since September 11, 2001, is due to their tireless efforts. They work long hours, often sacrificing time with their loved ones, to get the job done.

In 2006 the Department of Homeland Security ranked nearly last in the Office of Personnel Management's Federal Human Capital Survey, showing overwhelming employee dissatisfaction and low morale. Since that time the department, under former Secretary Chertoff's leadership, has worked to address these issues, and I'm pleased to report their efforts are paying off.

The Office of Personnel Management recently released the results of the 2008 Federal Human Capital Survey, and the department showed improvement in nearly every category of the survey, ranking in the top five of most improvement among Federal agencies. The largest increase came in the job satisfaction indices, evidencing a much-needed increase in employee morale.

This is great news, but more work needs to be done, Mr. Speaker. The department will now use the results of this survey to further improve working conditions at the department and within its components. As the ranking member of the Subcommittee on Management, Investigations, and Oversight, I look forward to working with the department and Chairman CARNEY to address the concerns of the employees, improve morale, and foster a "one DHS" culture, so very important. The department's employees deserve nothing less, in my opinion.

Mr. Speaker, I urge all Members to join me in honoring the hardworking men and women of the Department of Homeland Security by supporting this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. CARNEY. Mr. Speaker, I yield myself such time as I may consume.

As you have heard, Mr. BILIRAKIS and I discussed the Department of Homeland Security and the importance of the employees and the incredible talents that they represent in protecting us 24/7/365. It's actually the most important job we have in this country right now. They are keeping the borders safe. They are making sure we are not attacked, and they have prevented the attacks since 9/11. That in combination with our support will make

them the finest domestic force that we have.

I encourage every Member of this body to vote for H. Res. 195.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of House Resolution 195.

As Chairman of the Committee on Homeland Security, it is an honor for me to join Mr. BILIRAKIS in recognizing the employees of the Department of Homeland Security on the sixth anniversary of the Department's inception.

Since its creation, the Department's mission has continued to grow and evolve. While the initial impetus for the Department's creation was the horrific terrorist attacks of September 11th, the Department has since grown into an agency that is charged with not only protecting us from terrorism, but also protecting us from dangerous goods, emerging threats, and coordinating response to catastrophic incidents.

Despite a host of challenges and repeated internal reorganization, the Department's employees have worked tirelessly to ensure continued security for all Americans. Their dedication in the face of frequent internal adversity is to be commended.

The Department's employee workforce represents hundreds of occupations, from scientists to emergency managers to border patrol agents to economists. And, although the make-up of the Department is diverse and employee responsibilities are plentiful, all of its employees are united in carrying out the Department's mission to protect the American people, reduce the risk of terrorist attacks, and enhance the Nation's preparedness and response capabilities.

I pledge to them, that I will continue to work to ensure that employees have the necessary resources and training to do their jobs. These dedicated individuals should also be afforded with full protections and rights that are given to other employees in the federal government.

As the Chairman of the Homeland Security Committee, I have repeatedly challenged the Department's senior leaders to make the Department a top-notch agency. I believe that the Department's workforce cannot be taken for granted.

With the change in leadership at DHS, there is a real opportunity to improve morale by investing in the men and women that help keep the nation secure. I look forward to working with Secretary Napolitano and the rest of the Department's leadership to make sure that they get the training, resources, and support that they need.

I urge my colleagues to support the resolution and thank the men and women who make up the Department of Homeland Security for their constant vigilance and commitment.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank you for an opportunity to speak on an important anniversary. As we honor the Department of Homeland Security we also take the time to salute the nearly 223,000 employees who make up the agencies staff. I recently had the pleasure of meeting the new Secretary of the Department of Homeland Security, Janet Napolitano and made sure to mention how proud I am of her staff.

Congress created the Homeland Security Department as a result of the tragic events of September 11, consolidating the nation's ef-

forts to prevent, prepare for, protect against, respond to, and mitigate threats to the homeland. On March 1, 2003, the Homeland Security Department united 22 agencies, and 2009 marks its sixth year of full-scale operations.

As a member of the House Committee on Homeland Security and the Chair of the Subcommittee on Transportation and Infrastructure I am well aware of the sacrifice and diligence of the more than 223,000 Homeland Security employees who work in the department. This resolution recognizes and honors the employees of the Homeland Security Department on its sixth anniversary for their continuous efforts to keep the nation safe.

Our nation has remained safe since the terrorist attacks thanks to the hard work, fastidious attention to detail and dedication of the many employees of this Department.

The day-to-day tedium that the professionals at the Department of Homeland Security only serve to underscore how vital they are as a protective force. Mr. Speaker, they truly are on the frontlines, at our nation's busiest ports. They are the people who make sure that our children can walk home from that little red schoolhouse; they are the people who allow us to exercise our constitutional right to travel freely and associate with whom we like; they are the people who allow us to proclaim loudly that "I have the right to free speech," to essentially be American.

I would also be remiss if I did not take note of some of the tasks that the department faces this year onward. The Department of Homeland Security is an integral part of the plan to increase usage of safer and more efficient mass transit. We must utilize our federal dollars to improve our rail and over-the-road bus systems. We must work to ensure safe package by training workers to be the best they can and to continue to take pride in their work. These improvements must be modernized to be the best security and safety systems.

The Transportation Worker Identification Credential or TWIC program must be updated to allow for seamless processing for our workers most of whom depend on their jobs to feed their families. Border and Maritime security is the absolute beginning of what it means to be a safe country.

Transportation Security Administration or TSA workers must continue to be better trained because they are on the frontlines of our nation's airport security. These workers must also be afforded the opportunity to have collective bargaining rights if they chose and the ability to report fraud, corruption and wrongdoing. That is the essence of the whistleblower protections which we just voted to include in H.R. 1 that I fought for and will continue to press, and yes, even in a Democratic administration. Mr. Speaker, these are just a few of the laundry list of items that Secretary Napolitano and her staff will tackle in the coming months and years. I am confident though that they are up to the task of making the Department of Homeland Security an even better federal agency.

Mr. KUCINICH. Mr. Speaker, I rise to declare my support for the employees of the Department of Homeland Security (DHS) and to thank them for their important service to our country. I recognize that their tireless work and dedication often keep them from their

families and loved ones. Accordingly I wish to thank them for the sacrifices they make in their service to our nation.

However, I believe it is important to point out that more must be done to support all of the employees at DHS. In 2003 the former administration terminated the collective bargaining rights of TSA screeners just as TSA workers were ready to vote on joining the union of the American Federation of Government Employees (AFGE). Transportation security workers deserve collective bargaining rights. It is an insult to these dedicated men and women within DHS, including FEMA and Border Patrol, that their rights to organize have been denied. Transportation Security Officers deserve the same collective bargaining rights enjoyed by other employees of the Federal workforce.

I unequivocally appreciate the dedicated service of DHS employees. Their hard work and commitment to public service is outstanding and valuable.

Mr. CARNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLEROSIS AWARENESS WEEK

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 14) supporting the goals and ideals of Multiple Sclerosis Awareness Week.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 14

Whereas multiple sclerosis can impact men and women of all ages, races, and ethnicities;

Whereas more than 400,000 Americans live with multiple sclerosis;

Whereas approximately 2,500,000 people worldwide have been diagnosed with multiple sclerosis;

Whereas every hour of every day, someone is newly diagnosed with multiple sclerosis;

Whereas it is estimated that between 8,000 and 10,000 children and adolescents are living with multiple sclerosis;

Whereas the exact cause of multiple sclerosis is still unknown;

Whereas the symptoms of multiple sclerosis are unpredictable and vary from person to person;

Whereas there is no diagnostic laboratory test available for multiple sclerosis;

Whereas multiple sclerosis is not genetic, contagious, or directly inherited, but studies show there are genetic factors that indicate certain individuals are susceptible to the disease;

Whereas multiple sclerosis symptoms occur when an immune system attack affects the myelin in nerve fibers of the central nervous system, damaging or destroying it and replacing it with scar tissue, thereby interfering with or preventing the transmission of nerve signals;

Whereas in rare cases multiple sclerosis is so progressive it is fatal;

Whereas there is no known cure for multiple sclerosis;

Whereas the Multiple Sclerosis Coalition, an affiliation of multiple sclerosis organizations dedicated to the enhancement of the quality of life for all those affected by multiple sclerosis, recognizes, and celebrates Multiple Sclerosis Awareness Week;

Whereas the Multiple Sclerosis Coalition's mission is to increase opportunities for cooperation and provide greater opportunity to leverage the effective use of resources for the benefit of the multiple sclerosis community;

Whereas the Multiple Sclerosis Coalition recognizes and celebrates Multiple Sclerosis Awareness Week during 1 week in March every calendar year;

Whereas the goals of Multiple Sclerosis Awareness Week are to invite people to join the movement to end multiple sclerosis, encourage everyone to do something to demonstrate their commitment to moving toward a world free of multiple sclerosis, and to acknowledge those who have dedicated their time and talent to help promote multiple sclerosis research and programs; and

Whereas this year Multiple Sclerosis Awareness Week is recognized during the week of March 2, 2009 through March 8, 2009: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the goals and ideals of Multiple Sclerosis Awareness Week;

(2) encourages the President to issue a proclamation in support of the goals and ideals of Multiple Sclerosis Awareness Week;

(3) encourages States, territories, possessions of the United States, and localities to support the goals and ideals of Multiple Sclerosis Awareness Week by issuing proclamations designating Multiple Sclerosis Awareness Week;

(4) encourages media organizations to participate in Multiple Sclerosis Awareness Week and help educate the public about multiple sclerosis;

(5) commends the efforts of the States, territories, and possessions of the United States who support the goals and ideals of Multiple Sclerosis Awareness Week;

(6) recognizes and reaffirms our Nation's commitment to combating multiple sclerosis by promoting awareness about its causes and risks and by promoting new education programs, supporting research, and expanding access to medical treatment; and

(7) recognizes all people in the United States living with multiple sclerosis, expresses gratitude to their family members and friends who are a source of love and encouragement to them, and salutes the health care professionals and medical researchers who provide assistance to those so afflicted and continue to work to find cures and improve treatments.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gen-

tleman from Georgia (Mr. GINGREY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

□ 1330

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, first let me thank my colleague the gentlewoman from California, Mrs. CAPPS, for yielding me the time. As a former nurse, Congresswoman CAPPS understands very, very well what people with multiple sclerosis must go through. I appreciate her work in managing this resolution. I thank her for her advocacy on behalf of people with MS and for working to ensure that everyone has access to quality, affordable health care in America. Thank you, Congresswoman CAPPS.

I also want to thank my colleagues Congressman RUSS CARNAHAN and Congressman MICHAEL BURGESS, the co-chairs of the Multiple Sclerosis Caucus in the House, for working with me on this resolution and for keeping the Congress focused on MS issues. This is really a bipartisan issue, and I appreciate both of my colleagues for working together to make sure that it stays that way.

I also have to thank the over 110 cosponsors who joined with us to champion MS Awareness Week and who made the consideration of this resolution today possible on the suspension calendar. In particular I want to thank Chairman HENRY WAXMAN and Ranking Member JOE BARTON and their staffs for agreeing to bring this resolution straight to the floor, and, of course, to Christos Tsentas on my staff, who understands this issue very well and has shepherded us through this process.

Mr. Speaker, I would be remiss if I didn't mention the work also of the Multiple Sclerosis Coalition and in particular the National MS Society and its staff, especially Shawn O'Neil, for leading the charge to create MS Awareness Week and for helping us with this resolution. And, of course, I have to thank all of those who are living and suffering with multiple sclerosis and all of the friends and family and loved ones who care for them and take care of them when they are in need. This resolution is about commending you as well. And let me just say I have to thank my dear sister Mildred for teaching me what it is like to live with multiple sclerosis.

Mr. Speaker, Congresswoman CAPPS, I called my sister and I talked to her before I was going to share her story to make sure that she didn't have a problem with any privacy issues, and she said to me, "Barbara, if there is anything you can do to raise awareness about the condition that not only myself has, but many, many, many Americans, then just do it and share what I have to tell you." So this is her story, coming from my sister Mildred.

She said to me, "You know, it is so frustrating to go to a doctor and for me to ask a doctor a question about the symptoms of my disease and the doctor says 'I just don't know.'" She said at first she thought the doctors were just putting her off, but come to find out the doctors just don't know.

So this bill is for all of the times that she told me she gets up in the morning, and this is very typical of MS patients, she gets up in the morning and wonders whether she will be able to walk that day. Let me just say for all of the times that she is in remission, dreading the next flare-up, she said to me that every day she wonders what is going to trigger the return of her symptoms.

Mr. Speaker, she also said to me that it is very important that we raise awareness about MS and that we do more outreach and more public education, more research, and really provide for more care for MS patients and more supportive services. My sister, I believe she was diagnosed when she was about 26 or 27. She didn't tell me I could tell her age, so I won't do that, but she is a year younger than I am and 2 years ago I celebrated the 21st anniversary of my 39th birthday. So you can figure that out.

She has been living a productive and fruitful life. She has learned about the treatments and medications. Fortunately, she has had access to some of the best, and she wants everybody to have access to the types of treatment she has had. But she also recognizes there may or may not be a cure during her lifetime, and that this Multiple Sclerosis Awareness Week, which we designated for March 2 to March 8, is really the beginning of this effort. So, for that she is deeply grateful, like I know all MS patients are throughout the country.

Some people may not know what multiple sclerosis is. Let me just explain a little bit about it, because this resolution is about raising awareness.

MS is a chronic, unpredictable disease of the central nervous system. It is thought to be an autoimmune disorder where the immune system incorrectly attacks healthy nerve fibers of the central nervous system, interfering with transmission of nerve signals throughout the body. People with MS can experience a range of symptoms that can either have permanent or intermittent damage, depending on the type of MS that they have. These

symptoms can include blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, problems with memory and concentration, paralysis, blindness and more.

Most people are diagnosed with MS between the ages of 20 to 50, just as my sister was, though there is no actual diagnostic laboratory test for multiple sclerosis. I remember my sister was diagnosed by the process of elimination, given all the tests that were available then. Given the range of symptoms that occur, it is also quite common for someone to be misdiagnosed, and typically it takes about 10 years to receive a correct diagnosis.

There are over 400,000 people, 400,000 people, throughout the United States suffering from MS, and worldwide over 2.5 million cases have been diagnosed. But the real numbers of people living with MS are almost certainly higher.

Although MS is largely characterized as a disease that affects Caucasian populations, it does occur among African Americans and other minority groups and can be quite severe. As my sister said, it is a disease that really does need to come out of the closet for people of color. Because people of color tend to access the health care system less frequently, they may not get diagnosed at the rates they should.

Let me just say, our First Lady, Michelle Obama, her dad, Mr. Frasier Robinson, had multiple sclerosis, so our First Family clearly understands the need for this awareness and for outreach efforts and for more resources put forth toward really finding the cause and cure of MS.

The causes of MS are unknown, though there are an unusually high number of MS cases among Gulf War veterans. There is no cure for the disease.

So the resolution that we are considering today will support the work of the Multiple Sclerosis Coalition in raising awareness about MS by urging States, localities and the media to participate in MS Awareness Week. Also we are pleased that the defense appropriations bill included \$5 million to fund research into multiple sclerosis among our veterans, so I look forward to working with Chairman OBEY and Chairman MURTHA to ensure that these funds are well used.

Again, let me thank all of my colleagues for their support. It is very timely and urgent that we consider this. On behalf of my sister Mildred, who lives in Las Vegas, Nevada, and all of those individuals throughout the country with MS, let me just thank you so much for your leadership and for this resolution.

Mr. GINGREY of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 14, sup-

porting the goals and ideals of Multiple Sclerosis Awareness Week. I certainly want to commend my colleague from California, Representative BARBARA LEE, for introducing this very important and very timely resolution.

As many of you are now aware, this week is Multiple Sclerosis Awareness Week, and I would encourage everyone listening today and all Americans to take some time and reflect on this disease and its impact on our families, our friends and our society.

Representative LEE talked about her sister and what the family has gone through, and I think as a physician, although I am not a neurologist, I think she explained it, Mr. Speaker, perfectly in regard to her description of the disease of multiple sclerosis. I know to her disappointment it really hasn't changed much over the 10 or 15 years since her sister came down with the disease. It is still a diagnosis of exclusion. It is hard. There is no marker, there is no blood marker, and it is very difficult. So the points that BARBARA LEE brought out are absolutely accurate and very informative.

Mr. Speaker, I have had no one in my family that suffered from multiple sclerosis. I have had some very close friends who suffer from it and are doing well. But as Representative LEE pointed out, it comes and goes. They have good days and bad days. One man, a great friend, is in a wheelchair and has been for many years, but he has had children and grandchildren. Another lady is a very good friend as well and she has had children.

But, again, this is a disease that can end up ultimately as bad as something like Lou Gehrig's disease, amyotrophic lateral sclerosis. It doesn't often progress to that extreme degree, but I indeed had a first cousin about my age who died from Lou Gehrig's disease, so I am very much aware of this condition and very supportive of this resolution regarding multiple sclerosis.

MS and other chronic diseases like it, they change lives, and it presents significant challenges for those who suffer, for them and for their families, as BARBARA LEE mentioned.

Mr. Speaker, MS is a chronic disease that attacks the central nervous system. Essentially MS heavily impairs and prevents nerve cells in the brain and in the spinal cord from communicating with each other. They just can't make that connection. So those symptoms that she described, from numbness in the limbs, loss of vision, and, yes, even eventually paralysis in some cases, are very unpredictable, and, of course, it can vary from person to person.

Mr. Speaker, unfortunately for the 400,000 Americans living with MS, the cause of the disease, as I mentioned at the beginning of my remarks, remains unknown. But I want to recognize and applaud the work currently underway

at NIH, the National Institutes of Health, and other medical research institutions across the country to improve the lives of people with multiple sclerosis. There is little doubt that our collective resolve to find a cure remains undeterred, as demonstrated by this great resolution.

Mr. Speaker, with that, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I am pleased to yield 3 minutes to the co-Chair of the Multiple Sclerosis Caucus, our colleague, the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I want to thank the gentlelady from California for her leadership and work on this. I am very proud and honored to be co-Chair of the Congressional MS Caucus with my colleague Dr. MICHAEL BURGESS. This is truly a bipartisan effort and one that just had tremendous resources and support from around the country to help raise this awareness. I encourage everyone to show their commitment and support of Multiple Sclerosis Awareness Week and the MS movement with really simple actions throughout this week, MS Awareness Week, March 2 through 8.

MS Awareness Week was created by the MS Coalition to raise national awareness about the disease and to recognize those who have dedicated their time and talent to promoting MS research and programs.

In order to raise awareness, I am very pleased that Representative BARBARA LEE has taken the lead to introduce H. Con. Res. 14, recognizing and supporting the goals and ideals of MS Awareness Week, encouraging the President, State and local governments to issue proclamations designating MS Awareness Week, and encouraging the media to help educate the public about MS. Today, I ask for all of my colleagues' support.

I want to give a special thanks to the MS Society back in St. Louis, Missouri, my home, that has been so active and been so helpful to me in this effort, and also want to remember my first cousin, Betty Carnahan, who we lost years ago and who first helped me learn about this disease.

Because of small gestures by everyday people, my colleagues in this body, and cutting edge research by our Nation's finest, each day people living with MS have a better and a brighter future to look forward to.

Mr. GINGREY of Georgia. Mr. Speaker, I continue to reserve my time.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I wish to speak on H. Con. Res. 14 by rising in support of it, as I do, in recognition and support of the goals and ideals of Multiple Sclerosis Awareness Week, and I do so on behalf of the Multiple Sclerosis Society of the Central Coast of California, which does such great work in raising awareness of the

issue and raising funds to support their work and the work of the Society across the country, and also in providing vital services to those afflicted with multiple sclerosis who are my constituents.

This week of awareness and recognition takes place from March 2nd to March 8th, and it is an honor to speak on behalf of this awareness, commending as I do my colleague from California, Ms. BARBARA LEE, whom we heard, who introduced this resolution along with the cochairs of the Multiple Sclerosis Caucus, Mr. CARNAHAN and Mr. BURGESS.

□ 1345

Many of us have very special people in our lives who live every day with MS. I know I do, and I'm thinking right now particularly of one young friend.

Multiple sclerosis, as we have been discussing, is a chronic and unpredictable disease of the central nervous system. Four hundred thousand people throughout the United States and 2½ million around the world are suffering today from multiple sclerosis. It's thought to be an autoimmune disorder where the immune system incorrectly attacks healthy nerve fibers of the central nervous system, interfering with transmission of nerve signals throughout the body.

People with MS, as we know, experience a range of symptoms that can be either permanent or intermittent, depending on the type of disease that they have. These symptoms can include blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, problems with memory and concentration, paralysis, blindness and more. And as we have heard from Barbara Lee's sister's story, it's very hard to diagnose, and often takes years to do that. And it afflicts people, often women, between the ages of 20 to 50.

There is no actual diagnostic laboratory test for multiple sclerosis, and so many questions about it. It's quite commonly misdiagnosed.

Multiple Sclerosis Awareness Week was created by the Multiple Sclerosis Coalition, a group of affiliated organizations, to help raise awareness and to leverage additional resources to fight this disease.

The resolution we are considering today will support the work of this coalition by urging States, localities and the media to participate in MS Awareness Week, and by encouraging people, including Members of Congress, to educate themselves about the disease.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of H. Con. Res. 14, supporting the goals and ideals of Multiple Sclerosis Awareness Week. More than 400,000 Americans live with multiple sclerosis. This disease knows no gender, age, or ethnic boundaries. It strikes all in our society, even our children, with an estimated 8,000 to 10,000 who live with this terrible disease, by attacking the central nervous system. Symptoms, progress, and severity of the disease vary widely from patient to patient. Some can lead normal lives with symptoms like numbness in the limbs while others can be stricken with paralysis or blindness.

Mr. Speaker, I think everyone here can say that they know someone with MS. My wife and I know a number of people in our community in South Florida that are currently affected.

Despite the prevalence of this terrible disease, we are still a long way off before a cure is found. We still don't know what causes MS and have no definitive way to diagnose it. Physicians are forced to use a combination of diagnostic strategies, which includes ruling out all other possible diagnoses. The result is that patients can go months, if not years, without a definitive understanding of what's causing their debilitating symptoms.

Mr. Speaker, we must find a cure. As we have seen with other diseases where we have made major advances in treatment, progress starts with awareness in all levels of society and government. That's why the concurrent resolution that we are considering today is so important. Not only does it recognize the goals and ideals of Multiple Sclerosis Awareness Week, but it reaffirms our national commitment to finding a cure.

I am proud to support this resolution. I thank my colleague from California, Ms. LEE, along with Mr. CARNAHAN and Dr. BURGESS, for introducing this resolution, and urge my colleagues to vote "yes" on final passage.

Mrs. CAPPS. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 14.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CAPPS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL CRIMINAL JUSTICE MONTH

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 45) raising awareness and promoting edu-

cation on the criminal justice system by establishing March as "National Criminal Justice Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 45

Whereas there are approximately three million Americans employed within the justice system;

Whereas approximately seven million adults are on probation, parole, or are incarcerated;

Whereas millions of Americans have been victims of crime and, consequently, lost income, incurred medical expenses, and suffered emotionally;

Whereas the cost of crime to individuals, communities, businesses, and the various levels of government exceeds the billions of dollars spent each year in administering the criminal justice system;

Whereas, in 2006, fifty percent of Americans admitted they fear that their home would be burglarized when they are not home; thirty-four percent of American women feared that they would be sexually assaulted; and forty-four percent of Americans feared they would be a victim of a terrorist attack;

Whereas approximately thirty-five percent of Americans have very little or no confidence in the criminal justice system and the negative effects of crime in regard to confidence in governmental agencies and overall social stability are immeasurable;

Whereas crime rates have dropped since the early 1990s, but most Americans believe that the rate of crime is increasing;

Whereas Federal, State, and local governments increased their spending for police protection, corrections, judicial, and legal activities in fiscal year 2005 by 5.5 percent or \$204 billion; and

Whereas there is a need to educate Americans and to promote awareness within American society as to the causes and consequences of crime, as well as the strategies and developments for preventing and responding to crime: Now, therefore, be it

Resolved, That—

(1) it is the sense of the House of Representatives that—

(A) National Criminal Justice Month provides an opportunity to educate Americans on the criminal justice system; and

(B) Americans should be aware of the causes and consequences of crime, how to prevent crime, and how to respond to crime; and

(2) the House of Representatives urges policymakers, criminal justice officials, educators, victim service providers, nonprofits, community leaders, and others to promote awareness of how to prevent and respond to crime through National Criminal Justice Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend Congressman TED POE of Texas for introducing this legislation.

Establishing March 2009 as National Criminal Justice Month will help increase awareness of the harmful effects of crime, not only on the immediate victims, but on our society as a whole. It will also help bring public focus on the need to make our criminal justice system as effective as possible, not only in responding to crime, but in helping to reduce its incidence.

Millions of Americans have been victimized by crime. Millions more are on parole, on probation, or incarcerated. And our Nation spends billions of dollars each year on efforts to address crime. And yet too many Americans say they have little confidence in the criminal justice system.

There are a number of steps we can take to address this lack of confidence. For one, we could invest more resources in education. Educated Americans not only have more opportunities, they also have a greater appreciation of the effects they have on the world around them, and they certainly have a much dramatically lower incidence of criminal behavior.

By failing to invest in education, we have allowed a cradle-to-prison pipeline to develop. What we should be building is a cradle-to-college pipeline instead. And we see the unfortunate results on any given day, over 2½ million incarcerated in our prisons, almost all of them poor, almost two-thirds of them African American or Latino.

There's another thing we need to do, and that's to focus beyond the step of incarceration and to think about rehabilitation, keeping first-time offenders from becoming repeat offenders. That requires investing meaningfully in vocational training, education, counseling and other skills development that prisoners need in order to re-enter society and become productive citizens.

Congress took an important step in that direction last year when it passed the Second Chance Act. Now we need to follow through with adequate funding to make its promises take hold.

Third, I think it's time we acknowledge the failure of the so-called War on Drugs as our government has fought it over the last few decades. Increasingly stiffer and stiffer sentences for non-violent drug offenses hasn't worked, not to significantly reduce illegal drug use or the criminal enterprise that has grown up to feed it. It's worked only to swell the prison population.

It's time that we brought more of the focus on intervention, treatment and

yes, fact-based education to come to grips with the drug problem. The Drug Courts program has been more successful in curtailing recidivism because of its focus on treatment. Studies show that those sent to Drug Court have a 1-year recidivism rate, only one-sixth as high as those sent to prison for a similar offense.

I believe making this month National Criminal Justice Month can help the many in our communities who are dedicating themselves to reducing crime bring greater awareness to their efforts.

I encourage my colleagues to support H. Res. 45 as well.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, House Resolution 45. The goal of this resolution is to raise awareness and promote education of our criminal justice system by establishing March 2009 as National Criminal Justice Month.

It's important to educate Americans about our criminal justice system and encourage discussion on how to prevent and respond to criminal conduct. That's why this legislation has been introduced.

As a former prosecutor and judge, I've been involved in the criminal justice system for a long time, 8 years as a prosecutor and 22 years as a criminal court judge in Houston, Texas. And this resolution will encourage communities to discuss the causes, consequences and long-term effects of criminal conduct in our country.

It is important for us to talk about why guilty defendants should receive appropriate punishment for their acts, but we should also do everything in our power to make sure victims receive the assistance that they need. After all, long after the crime is committed, a victim still has to face devastating consequences. Sometimes victims are sentenced to a life of misery because of the crime that was committed against them.

We have the responsibility to protect the lives of the innocent, and to advocate on behalf of crime victims. That is why I've established the bipartisan Victims' Rights Caucus, along with my friend, JIM COSTA from California. The mission of the Caucus is to ensure that victims and law enforcement have a voice in Congress.

Every year, millions of Americans become victims of crime. Those crimes range from robbery to homicide. Unfortunately, these people don't choose to become victims of crime, but they are picked by someone else in our community as prey. And suddenly they are thrust into the criminal justice system without having a say.

Victims of crime have no high-dollar lobbyist in Washington, D.C. They look

to Members of Congress to advocate on their behalf. And the purpose of the system is to provide justice for victims and defendants, because the same Constitution that protects defendants of crime protects crime victims as well. People who commit crimes against the rule of law, which is our society's rule of law, should be held accountable for their actions.

In addition, by establishing March 2009 as National Criminal Justice Month, this resolution will also recognize and applaud the efforts of law enforcement officials, judges, court staff, and the many probation officers throughout the country who work with offenders to help them reintegrate into our community.

Throughout my years of service, I've been impressed with the professionalism and dedication of the public servants who work in the criminal justice system. These brave and dedicated Americans work every day to make our communities a better and safer community, and they work with defendants to help them turn their lives around.

I urge all my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. I have no additional speakers, so I would continue to reserve if the gentleman has speakers.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, according to the Bureau of Justice statistics, 35 percent of Americans have little or no confidence in our criminal justice system. It is unfortunate that one-third of the people in this country feel that way. And we shouldn't be surprised because that's all that they hear when they turn on their local news at night is crime and violence. It's mostly bad news about crimes being committed in their communities and across the Nation.

But the reality is that crime rates have dropped dramatically since the 1990s. However, because of what people hear and see on the news, most Americans believe the crime rate is actually increasing. It is important to recognize the gains we have made in combating crime across the country, and Americans should have more confidence in this criminal justice system.

Mr. Speaker, I've traveled to multiple countries and observed the way their criminal justice system operates. I've been in China, and back in the 1980s I was in the former Soviet Union. I would say that neither one of those countries has a justice system. They just have a system. And our criminal justice system is the best in the world. Not only is it unmatched in its ability to determine the guilt of an individual, but also in the way it assures the rights of defendants and victims in a court of law.

This resolution will encourage people across America to talk about the ways

to prevent and respond to criminal conduct. And in doing that, it will help restore people's faith in the best justice system in the world, and that's the one that we have in this country because, Mr. Speaker, justice is what we do in this country.

And that's just the way it is.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I once again commend the gentleman for introducing this legislation. I urge its passage. I share his enthusiasm for our system of justice, that preserves the rights of the defendant but also elevates the needs of the victims for justice.

We honor those who work in our system, be they judges, prosecutors, defense counsel, police officers, and I would say, yes, also drug treatment people who are trying to prevent crime from recurring. So this month celebrates those in our community who serve in the criminal justice system. They deserve our thanks.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this resolution raising awareness about the criminal justice system and crime awareness month. I urge my colleagues to support this important bill.

I find it tragic that approximately three million Americans are employed within the justice system. Approximately seven million adults are on probation, parole, or are incarcerated. Many more millions of Americans have been victims of crime and, consequently, lost income, incurred medical expenses, and suffered emotionally.

To be sure there is a high cost of crime to individuals, communities, businesses, and the various levels of government exceeds the billions of dollars spent each year in administering the criminal justice system. It is because of this that I have authored innovative legislation aimed at addressing these problems. For example, in the 110th Congress and again in the 111th Congress, I sponsored the Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009 which addresses the disparity between crack and powder cocaine. The bill is presently numbered H.R. 265.

I also authored H.R. 61, Federal Prison Bureau Nonviolent Offender Relief Act of 2009. Importantly, this bill amends the federal criminal code to direct the Bureau of Prisons to release prisoners who (1) served one half or more of his or her term of imprisonment, (2) obtained at least the age of 45; (3) has never been convicted of a crime of violence; and (4) has not engaged in any violation of institutional disciplinary regulations.

These two pieces of legislation will go far in addressing the problems in the criminal justice system and will go far in educating the masses of Americans about the criminal justice system. Federal, State, and local governments increased their spending for police protection, corrections, judicial, and legal activities in fiscal year 2005 by 5.5 percent or \$204 billion. My bills if passed will decrease the amount of money spent on protecting communities and the warehousing of prisoners in the industrial prison complex.

More work needs to be done by Members of Congress. In 2006, fifty percent of Americans

admitted they fear that their home would be burglarized when they are not home. Thirty-four percent of American women feared that they would be sexually assaulted and forty-four percent of Americans feared they would be a victim of a terrorist attack.

What is astonishing is that approximately thirty-five percent of Americans have very little or no confidence in the criminal justice system and the negative effects of crime in regard to confidence in governmental agencies and overall social stability are immeasurable.

The reality is that crime rates have dropped since the early 1990s, but most Americans believe that the rate of crime is increasing. Let me share some alarming statistics regarding crime in Houston.

CRIME STATISTICS IN HOUSTON

According to Houston Police Department statistics:

VIOLENT CRIMES

Violent crimes in Houston increased less than 1 percent in 2008 compared with 2007.

Homicides dropped by 16 percent.

The number of homicides dropped from 353 in 2007 to 295 last year.

Sexual assaults increased more than 8 percent from 2007.

Aggravated assaults increased at 9.1 percent.

DOMESTIC VIOLENCE

Of the 1,092 additional aggravated assault cases in 2008, more than half were reports of domestic violence.

NONVIOLENT CRIMES

Nonviolent crimes declined more than 10 percent in 2008.

Property dropped by more than 10 percent.

Auto thefts decreased last year, dropping more than 21 percent to 15,214, down from 19,465 in 2007.

The bills that I authored are intended to make America a better, fairer place, and are intended to assist families and the incarcerated. They are smart bills that are aimed at making America a safer place and are aimed at lessening the expense of warehousing prisoners and the indiscriminate locking up of prisoners. I urge my colleagues to support this resolution and the bills that I sponsored.

Ms. ZOE LOFGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and agree to the resolution, H. Res. 45.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING CERTAIN IMMIGRATION PROGRAMS

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 1127) to extend certain immigration programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking "March 6, 2009," each place such term appears and inserting "September 30, 2009."

SEC. 2. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "March 6, 2009" and inserting "September 30, 2009".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

□ 1400

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1127 extends two immigration programs, one for religious workers and one for doctors who serve in medically underserved areas, through the end of this fiscal year. If we do not extend these programs, they will sunset on March 6, 2009, just 3 days from today. These programs are too important to let expire.

The Special Immigrant Non-Minister Religious Worker Program allows religious workers to enter the United States to do important work. The 5,000 religious workers eligible for these visas each year are called to a vocation or are in traditional religious occupations with bona fide nonprofit religious organizations. They are missionaries, counselors, instructors, and pastoral care providers. Considering the current economic crisis we are experiencing and the degree to which Americans are turning to religious organizations for help, these religious workers are needed now more than ever.

The other program is the so-called Conrad "J Waiver," a critically important immigration program that helps medically underserved communities attract highly skilled physicians. This

program is crucial to the States as it helps them attract doctors who have received their medical training in the United States to work in areas that desperately need doctors.

Its importance was demonstrated again a year and a half ago when a tornado utterly destroyed the town of Greensburg, Kansas. Without this program, that town would not have had any doctors. They were of tremendous help in keeping casualties to a minimum. We need to keep this program going so that States can attract medical talent and can keep the doors of small town clinics open.

Both of these programs have strong bipartisan support, and this bill would extend the programs through the end of the fiscal year when the issue can be revisited, hopefully, in a much broader context.

I commend committee Ranking Member LAMAR SMITH for his work in making this a bipartisan measure. I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate the gentlelady from California for introducing this very important legislation, this commonsense legislation, to help the medical community but, more importantly, to help those who are medically ill throughout the United States and the rest of the world. So I support H.R. 1127, which reauthorizes two deserving programs through the end of this fiscal year.

Foreign citizens who participate in medical residencies in the United States on what is called the "J" visa exchange program must generally leave the United States at the conclusion of their residencies and reside abroad for 2 years before they can be allowed to return to this country. The intent is to encourage American-trained foreign doctors to go home to improve health conditions and advance the medical profession in their native countries.

In 1994, Congress created a waiver of this 2-year foreign residence requirement, and this waiver was available, if requested, by the State departments of public health for foreign doctors who are committed to practicing medicine for 3 years in areas having a shortage of health care professionals. This program has been very successful, and Congress has extended the waiver on multiple occasions.

This waiver's current authorization expires this Friday. The gentlelady from California, with this legislation, reauthorizes the waiver until September 30, 2009, the end of the fiscal year.

This bill also extends the authorization for certain religious worker immigrant visas. The Immigration and Nationality Act makes available green

cards each year to special immigrant religious workers. This program allows religious denominations in the United States to bring in needed religious workers—both ministers and those working in religious occupations or vocations—so long as the workers have been performing those functions for at least 2 previous years.

The non-minister categories were added by the 1990 immigration bill, and Congress has extended their authorization several times since then. However, the authorization also expires this Friday. This bill extends the program through September 30, 2009, the end of the fiscal year. These visas assist many American religious denominations to meet the needs of their followers.

Because this bill reauthorizes two worthy immigration programs, I urge my colleagues to support this.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would now yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I regret that I must stand in opposition to allowing immigration extensions or reforms without addressing a temporary extension of the H-2B returning worker program.

The H-2B visa program was created to provide access to nonimmigrant, temporary workers for seasonal and peak load needs when no American workers can be found. Foreign workers offer small and seasonal businesses short-term help, and they return to their home countries at the end of the season. H-2B visas are capped at 66,000 visas per year. Even with 66,000 visas per year, it does not meet the labor needs of seasonal businesses.

To help fill these needs, Congress established the H-2B returning worker program in 2005. This program exempts returning workers who have received an H-2B visa in one of three previous fiscal years from counting against the 66,000 cap. However, this exemption expired on September 30, 2007. In the 110th Congress, this exemption had the support of 158 bipartisan Members of Congress—88 Democrats and 70 Republicans. In the 111th Congress, the bill has just been introduced, and we already have the support of 32 Democrats and 23 Republicans. As of January 7, the U.S. Citizenship and Immigration Services had already received enough visa petitions to exceed the cap for H-2B visas for the second half of this fiscal year.

This demand highlights the immediate need for Congress to extend the H-2B visa returning worker program to help small and seasonal businesses fill their seasonal labor needs and to keep full-time Americans and businesses working. These returning workers have provided relief to small businesses throughout the Nation, covering a broad spectrum of industries like

landscapers, tourism, restaurants, hotels, and seafood processors.

H-2B workers offer short-term help. They cannot and do not stay in the United States. More importantly, the H-2B program contains strong provisions to ensure American workers have the first chance to work.

Without an extension of the returning worker program, small and seasonal businesses will face significant labor shortages this year as they did last year. We have constantly been told we cannot bring this bill to the floor until we address comprehensive immigration. Then why are we bringing up the J-1 program when we're letting H-2B expire?

Therefore, regrettably, I must oppose H.R. 1127.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the ranking member of the Judiciary Committee (Mr. SMITH of Texas).

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 1127, but I also agree with STEVE KING, the ranking member of the immigration subcommittee, about the need for religious worker reciprocity. Some countries that send religious workers to the United States refuse entry to religious workers from the United States and do not allow for the free exercise of religion.

Each year, the U.S. Commission of International Religious Freedom compiles a list of countries that seek to control religious thought and expression, that show open hostility to religious minorities and that fail to protect certain religious groups. The 2008 list includes Burma, North Korea, Iran, Pakistan, China, Saudi Arabia, Sudan, Turkmenistan, and Uzbekistan.

One way to help advance religious freedom is to do as Representative KING suggests and prevent citizens of countries that are hostile to religious freedom from participating in our religious worker visa program. Both the Special Immigrant Non-Minister Religious Worker Program and the rural J-1 visa waiver program are set to expire this Friday, March 6. H.R. 1127 extends both programs until September 30, 2009.

The J-1 visa program provision waives the 2-year foreign residency requirement for foreign doctors who are willing to serve in medically underserved areas. The waiver program enables people in rural and in intercity communities to have access to quality medical care. The Special Immigrant Non-Minister Religious Worker Program allows 5,000 religious workers per year to enter the United States to assist churches and other religious establishments.

While I support the program, I have long been concerned about the level of fraud. In 2006, the U.S. Citizenship and Immigration Services Office conducted an assessment on the religious worker visa program. They selected 220 religious workers at random and found

fraud in one-third of the cases. In addition, they found "many of the cases reviewed had multiple fraud indicators." In 32 of the fraudulent cases, the religious institution was not bona fide. It either did not exist or it existed only on paper. Thirty-nine of the fraudulent cases were marked by fraudulent supporting documentation or material misrepresentations within a document by a legitimate religious institution.

The Department of Homeland Security issued a final rule last November, making several changes designed to reduce fraud in the program. Immigration Chairwoman LOFGREN and I are awaiting a report by the DHS inspector general regarding the effectiveness of those fraud prevention measures. I hope we will address concerns about fraud and will also ensure that reciprocity is contained in any future extension of the religious worker visa program.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I am rising in support of this legislation, and I do so with some sadness because I agree with the point made on the H-2B visa by the gentleman from Michigan.

However, within this J-1 bill before us, H.R. 1127, is legislation to extend the Conrad 30 program, which expires on March 6, 2009. Now, that is a program, the basis of which many foreign medical professionals presently serving in many medically underserved areas, including in North Dakota, are here. So if we don't get this done in time—and let's face it, March 6, 2009 is right on our head right now—we raise havoc with the delivery of medical care through many rural underserved areas. We are literally talking about the medical professionals having to pack up and go home. We've worked mighty hard to get them there in the first place. If we lose them, they may never come back.

What's more: What about the patients in these rural clinics this afternoon who are seeing their physicians? What if the physician is gone and care is disrupted?

There are many ways to make a point, but we have got something that could be, for many, a matter of life and death, and that's keeping these medical professionals in the rural area by extending for 6 months this Conrad State 30 Program. It's just too important. We need it too badly.

So I urge the enactment of this legislation, giving us 6 more months on that program. Then I urge us to take the gentleman's point and pass the H-2B visa reform.

Mr. POE of Texas. Mr. Speaker, I yield 5 minutes to the ranking member of the Subcommittee on Immigration (Mr. KING of Iowa).

Mr. KING of Iowa. Mr. Speaker, we're here to address the extension of these two programs, including the religious worker visa program extension, which is set up to authorize now until September 30 of this year, until the end of this fiscal year.

I had recommended that we bring this bill back before committee for the purposes of a markup so that we could reevaluate the policy. We have had hearings on this subject matter in the previous Congress, and we all know that the actions of the previous Congress don't color the existing Congress.

The history of the religious worker visa program has had some problems with fraud. It was created in 1990, but from the beginning, it has been a magnet for people who want to perpetrate a scam on America's immigration system.

According to the State Department's Bureau of Consular Affairs—and this is dated September of 2005, their Fraud Digest—"The religious worker visas are known as some of the most difficult to adjudicate."

The Fraud Digest then goes on to discuss various cases in which people were prosecuted for fraudulent use of the program, the religious worker program. For instance, in 2004, a Venezuelan national was convicted in Virginia visa fraud. He had filed 179 fraudulent petitions for religious ministers. In addition to creating fraudulent certificates of ordination, diplomas and other supporting documentation, he also obtained valid 501(c)(3) tax exemptions from recognized religious organizations without their knowledge.

The immigration subcommittee has long been aware of the fraud in this program. Mr. Speaker, I take you back to a 1997 GAO investigation which was requested by the subcommittee. The State Department conducted a field inquiry to get the views of consular offices as to the level and type of fraud. In 41 percent of the 83 responding posts, some type of fraud or abuse was acknowledged. The State Department also noted that, under the program's regulations, "almost anyone involved with a church, aside from the explicitly excluded occupations of cleaning, maintenance and support staff . . . arguably could qualify as a religious worker."

□ 1415

This clearly wasn't the intent of the program. It doesn't remain the intent of the program that will, I think, likely be reauthorized today.

When the GAO released its final report in 1999, the agency noted that the types of fraud often encountered in the processing of religious worker visas "involved petitioners making false statements about the length of time that the applicant was a member of the religious organization and the nature of the qualifying experience."

The report went on to state that "evidence uncovered by INS suggests that some of these organizations exist solely as a means to carry out immigration fraud." That was then. This is more current.

Recently, I will say in July of 2006, Mr. Speaker, the U.S. Citizenship and Immigration Service's Office of Fraud Detection and National Security conducted a fraud benefit assessment on the Religious Worker Visa Program. They selected 220 cases at random—of which we're very familiar with on the committee—they found an astonishing 33 percent fraud rate. That's one of every three were fraudulently based. In 32 of the fraudulent cases, the religious institution either didn't exist or only existed on paper. And 39 of the fraudulent petitions included fraudulent supporting documentation or material representations within a document.

Other instances of fraud included cases where the petitioner could not be located or connected to any religious entity and where the petitioning religious entity was unaware that the petition had been filed and was unaware of the beneficiary.

Also in the modern era, in 2003, Mohammed Khalil and three of his sons were arrested in connection with submitting false applications to bring over 200 individuals to the United States using the religious worker visa program. During court proceedings, prosecutors revealed that Khalil made statements to an undercover witness professing allegiance to Osama bin Laden. He also allegedly stated, "Hopefully, another attack in the United States will come shortly."

That gives you, I think, Mr. Speaker, the feel for how this program has been abused.

However, I want to make clear, Mr. Speaker, to you and to the RECORD, and eventually to the American people, that I recognize—as will every Member of this Congress—that there are very sincere religious workers who come to the United States that fit within the category and within the intent of this Congress. And I think what we need to do today is honor them, thank them, recognize that this is a country that was built upon religious freedom. And where we can promote religious freedom, we need to do so within our own borders and around the globe.

That's why I have raised the issue that we are receiving religious workers from countries that will not allow American religious workers to go into them unless they fit within their narrowly defined religious category.

The SPEAKER pro tempore (Mr. CHILDERS). The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman 1 additional minute.

Mr. KING of Iowa. So this being an American value of religious freedom and religious liberty, we need to also

export that freedom around the world. We have many soldiers that are buried in foreign lands to promote that freedom. They've paid their price. There's been a price paid in this country continually for religious freedom. We need to promote it around the world.

For us to open up the doors of the United States of America to religious workers from countries who come here to advance their version of their side of society and not have those countries allow American missionaries to come into them, I think sets up a standard that we should not tolerate. So I will be introducing legislation that sets up a reciprocity program in this religious workers visa program. And I look forward to the opportunity in September or prior to September to raise this issue in a better format.

Until that time, and believing that we will have an open forum in this Congress and a real legitimate debate on the subject of religious worker reciprocity, I intend to support this resolution today and work in good faith to improve it before it comes up for reauthorization on September 30, 2009.

Ms. ZOE LOFGREN of California. Mr. Speaker, we have no additional speakers.

If the gentleman has additional speakers, I would reserve and allow him to proceed.

Mr. POE of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. To the gentleman from Texas, I thank you for yielding time.

Mr. Speaker, I'm here to speak in favor of at least a portion of this bill related to the J-1 Visa program. I am a co-chair of the Rural Health Care Coalition along with the gentleman from North Dakota (Mr. POMEROY). In our efforts in rural States to attract and retain physicians in communities that are highly underserved with medical care, the J-1 Visa program, the Conrad 30 program, has become a critical component of our ability to maintain a health care delivery system.

Kansas alone since 2002 has attracted and retained 103 physicians. There are many communities that I represent in Kansas that have no doctor except for a J-1 Visa doc. Now, a J-1 Visa doctor is someone born in a foreign country but trains in the United States, takes their residency and certification here and earns the ability to practice medicine.

In return for serving in an underserved area—and while I represent generally a rural State—these underserved areas are often urban areas of our country as well. And in return for serving the needs of patients in those communities across America, they are allowed to remain in the United States for an additional 3 years.

Just last August—an example of where this comes home—the American

Methodist Ministries of Garden City, Kansas, finally was able to recruit a physician for their community health clinic. That physician is a J-1 visa doctor from Peru; bilingual—a very added attractive feature to this physician's practice, but for a community that was so desperate for a physician, really a dream come true.

Much about how to save lives, improve the health of Kansans and Americans relate to this program. We have tried for a number of years to extend the J-1 visa program longer than for a year at a time. And there are those who want to make changes, reallocate the physicians among States. The Conrad 30 program, the J-1 visa program, allocates 30 physicians per State in the country. The program is managed by State agencies who make the determination and have some flexibility in determining the definition of what is underserved. Most often, it's a general practice, a family, internal medicine doctor; but occasionally it's a specialist in an area that has no ability to attract and maintain a specialist, maybe even at a university hospital setting.

So I come to the floor today to express my desire to see that the J-1 visa program is extended and would tell you that it's very much about saving the lives of persons and very much about increasing the chances that we improve the health of Americans across our country.

So I'm appreciative of the Judiciary Committee bringing this bill to the floor. I congratulate its author for that success, and I'm looking forward to seeing it work its way through a long and always arduous process as we try to balance various States, various regions of the country and a need for physicians across America with the available physicians in this country.

So I appreciate being yielded to. I thank the Speaker for the time I have had to speak in favor. I would like to encourage my colleagues, whether you're from a rural area like me or an urban area like many others, this program matters in the lives of many Americans.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would inquire if the gentleman has additional speakers.

Mr. POE of Texas. Mr. Speaker, I have no additional speakers. I support this resolution.

I yield back the remainder of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just urge, again, support for this measure. I would also like to include in the RECORD a letter dated today signed by a number of religious groups, including the Lutheran Immigration and Refugee Service, the Mennonites, the National Association of Evangelicals, the U.S. Catholic Conference of Catholic Bishops and others outlaying the need for religious work-

ers in this country and urging support of the bill.

MARCH 4, 2009.

DEAR REPRESENTATIVE: We write to strongly urge the House of Representatives to pass H.R. 1127, legislation that would extend the Special Immigrant Non-Minister Religious Worker Visa Program through September 30, 2009. As you know, without congressional action, this important program is set to expire on March 6, 2009.

The Special Immigrant Non-Minister portion of the Religious Worker Visa Program became law in 1990. Originally enacted with a sunset provision, it has enjoyed broad, bipartisan support in Congress and has been reauthorized four times since then.

Under this important program, up to 5,000 visas each year are available for religious workers employed by a broad range of religious denominations and organizations. Religious communities that participate in the program have found these special visas vital to carrying out their work. The following are just a few examples of how large and small religious denominations and organizations use the visas to benefit their own communities and the larger society:

Catholic dioceses and Catholic institutes of religious men and women rely heavily upon religious sisters, brothers, and lay missionaries from abroad, who are sponsored and qualify for these permanent residency visas. Some fill a growing need in the Catholic Church for those called to religious vocations. Others provide critical services to local communities in areas including religious education, and care for vulnerable populations such as the elderly, immigrants, refugees, abused and neglected children, adolescents and families at risk.

Jewish congregations, particularly in remote areas with small Jewish communities, rely on rabbis, cantors, kosher butchers, Hebrew school teachers, and other religious workers who come from abroad through the religious worker program. Without them, many Jewish communities would be unable to sustain the institutions and practices that are essential to Jewish religious and communal life.

Smaller religious communities rely on the visa, as well. For example, the lifetime vocation of members of the Church Communities International, a religious communal order, includes a commitment to Christian brotherhood and faithful service through the provision of emergency relief, housing assistance, food distribution, education, medical care, counseling and mediation. To affect its ministries, the order depends upon the ability afforded by the program to relocate non-clergy religious members from its locations overseas.

Other religious denominations, such as the Methodist and Baptist churches, The First Church of Christ, Scientist, the Church of Jesus Christ of Latter Day Saints, the Lutheran Church, the Hindu faith, the Church of Scientology, and the Seventh Day Adventist Church, also rely on the visas to bring in non-minister religious workers, who, in addition to providing some of the same services mentioned above, also work in areas as diverse as teaching in church schools, temple workers, producing religious publications, sustaining prison ministries, and training health care professionals to provide religiously appropriate health care.

Because of the increasingly diverse ethnic makeup of our religious congregations and the nation as a whole, the special immigrant religious worker visa category is particularly important in addressing the specific

pastoral and service-related needs of ethnic groups, including the Hispanic, Asian, and African communities. A special category for non-minister religious workers is also necessary because religious organizations face obstacles in using traditional employment immigration categories, which historically have not fit their unique situations.

We ask that you support H.R. 1127, which would extend this important program, prior to its expiration on March 6, 2009. Your support is vital for the continuation of the Non-Minister Special Immigrant Religious Worker Visa program and for the service of its beneficiaries on behalf of religious organizations and communities across the nation.

Thank you for your continuing support of the Religious Worker Visa Program and your assistance in achieving a permanent extension of this program.

Respectfully,

American Jewish Committee; Catholic Legal Immigration Network, Inc.; Church Communities International; Conference of Major Superiors of Men; Hebrew Immigrant Aid Society; Lutheran Immigration and Refugee Service; Mennonite Central Committee, United States.

National Association of Evangelicals; National Spiritual Assembly of the Bahai of the United States; The Church of Scientology International; The First Church of Christ, Scientist, Boston, MA; United Methodist Church, General Board of Church and Society; World Relief; U.S. Conference of Catholic Bishops.

I would just briefly note that as to the H-2B program, we are struggling mightily to see if we can reach consensus on that. We have efforts underway. I can make no guarantee that we will be successful, but there are active efforts underway to see if consensus can be reached.

As for the other issues raised, I would just like to note that Mr. SMITH and I have worked very closely to make sure that this program, the Religious Workers Program, has integrity. And we now have 100 percent site visits for every church that applies, which we are advised informally by DHS, has really brought a much greater level of integrity to this system. And I think it's a product of the work that we did in the last Congress that helped us to be able to say that today.

So I urge support of this measure.

As for the reciprocity issue, I look forward to hearing the ranking member's proposals. I would just note, however, that because Russia is not very happy when we send evangelicals to their country, it doesn't mean that we should deny Russian Orthodox believers in the United States the assistance of Russian Orthodox member laypeople. I think that we'll work through these issues. This is an important step forward. And I urge its support.

Mr. WITTMAN. Mr. Speaker, the House's consideration of H.R. 1127, legislation to extend certain visas for religious workers and doctors serving in underserved areas highlights our broken immigration and visa system.

While R-1 visas and the Conrad 30 J waivers are noble programs there are many small

businesses in my congressional district that face critical shortages of workers because Congress has failed to address the H-2B temporary worker visa program.

Without prompt action by Congress to extend H-2B visa cap relief, employers who rely on temporary and seasonal employees face severe worker shortages and the looming possibility of business closures in 2009.

Workers with H-2B visas provide necessary labor for the seafood, tourism, hospitality, and landscape industries, as well as many other temporary and non-agricultural jobs in this country. Due to the seasonal nature of the work and the structure of the cap, employers often face uncertainty and employment shortages during their busiest season.

I urge you to take action to quickly pass the Save Our Small and Seasonal Business Act of 2009. H.R. 1136 would address this important issue impacting many businesses in my district and across the country. Your leadership in this matter is critical in assuring that small and seasonal business will be able to successfully navigate the challenging times facing our economy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this bill reauthorizing two very important programs, the Non-Minister Religious Worker Program and the Program for Doctors Serving in Underserved Areas Program. I urge my colleagues to support this important bill that reauthorizes these much needed and much utilized programs.

"The Special Immigrant Non-Minister Religious Worker Visa Program." The participants under this program have come under closer scrutiny as investigations have determined that the participants were engaging in fraud. The religious worker visa program allows U.S. religious denominations to fill critical religious worker positions for which there are no qualified candidates in the U.S. with qualified religious workers abroad. The program provides for two types of visas. The one is a special immigrant visa, which allows qualified religious workers to immigrate to the U.S. permanently and later become citizens if they so choose and meet the qualification. The other is the non-immigrant visa, which allows qualified religious workers to enter temporarily and perform services in the U.S. for a proscribed period. Both of these visas may be granted to both ministers and non-minister religious workers.

This bill extends the program but does not provide for it to be in place permanently. I think that this bill is much needed and I urge my colleagues to support it.

The second program extended under this bill is the special program for doctors serving underserved communities. The Immigration and Nationality Act allows for foreign doctors to train in the United States under the "J-1" visa program, otherwise known as non-immigrants in the "Exchange Visitor Program." This Exchange Visitor Program seeks to promote peaceful relations and mutual understanding with other countries through educational and cultural exchange programs. Accordingly, many exchange visitors, including doctors in training, are subject to a requirement that they must return to their home country to share with their countrymen the knowledge, experience, and impressions gained

during their stay in the United States. Unless USCIS approves a waiver of this requirement in those cases, the exchange visitors must depart from the United States and live in their home country for two years before they are allowed to apply for an immigrant visa, permanent residence, or a new nonimmigrant status.

A waiver of the two year foreign residency requirement is available for doctors who have trained in the United States under the J-1 visa if a state or an interested federal agency sponsors the physician exchange visitor to work in a health manpower shortage area within the state for 3 years as a non-immigrant in H-1B status (temporary worker in specialty occupation). The Secretary of Health and Human Services determines which areas have a health manpower shortage.

This bill would extend this waiver to ensure that areas in the United States with a shortage of doctors have an option to hire a doctor with a J-1 visa for three years where there is no other doctor available to fill the job.

As the immigrant doctors are getting a benefit so too should underserved Americans. In the underlying bill, I am pleased that my language was included. Specifically my language ensured that the underserved would indeed be served. My language provided:

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) Federal programs waiving the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) for physicians are generally designed to promote the delivery of critically needed medical services to people in the United States lacking adequate access to physician care; and

(2) when determining the qualification of a location for designation as a health professional shortage area, the Secretary of Health and Human Services should consider the needs of vulnerable populations in low-income and impoverished communities, communities with high infant mortality rates, and communities exhibiting other signs of a lack of necessary physician services.

This language was included in the bill. I will continue to work with Congresswoman LOFGREN and the Immigration Subcommittee to ensure that this happens.

Mr. BISHOP of New York. Mr. Speaker, I rise today in opposition to H.R. 1127. I oppose this legislation, not due to a lack of merit, but because many members of this body have sought relief for an equally vital visa issue—the H-2B Visa program.

The H-2B Visa program was designed to provide access to nonimmigrant, temporary workers for seasonal needs when no American workers can be found. These foreign workers offer short-term assistance and return to their home country at the end of their season. H-2B visas are capped at 66,000 per year. This still does not meet the needs for small businesses. In fact, the 2009 cap was met within the first week of January.

I have previously called upon the leadership of the Congress to address this urgent need in districts like mine across the country. To the detriment of so many of the small businesses that are the engine of our economy, this issue is ensnared in the broader immigration debate and no action has been taken to date.

In the absence of such a consensus, I respectfully oppose this bill and ask my colleagues to join me in supporting and calling

for a vote on H.R. 1136, the "Save Our Small and Seasonal Businesses Act," introduced by my friend from Michigan, Mr. STUPAK.

During these difficult economic times, we cannot leave our small businesses with few options and even fewer workers.

Ms. ZOE LOFGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 1127.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 111-23) on the resolution (H. Res. 205) providing for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 201, by the yeas and nays;

House Resolution 195, by the yeas and nays;

House Resolution 45, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

Proceedings on remaining postponed motions to suspend will resume later.

RECOGNIZING BEVERLY ECKERT FOR 9/11 VICTIMS WORK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 201, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PASCRELL) that the House suspend the rules and agree to the resolution, H. Res. 201.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 12, as follows:

[Roll No. 94]

YEAS—419

Abercrombie	Courtney	Honda
Ackerman	Crenshaw	Hoyer
Aderholt	Crowley	Hunter
Adler (NJ)	Cuellar	Inglis
Akin	Culberson	Inslee
Alexander	Cummings	Israel
Altmire	Dahlkemper	Issa
Andrews	Davis (AL)	Jackson (IL)
Arcuri	Davis (CA)	Jackson-Lee
Austria	Davis (KY)	(TX)
Baca	Davis (TN)	Jenkins
Bachmann	Deal (GA)	Johnson (GA)
Bachus	DeFazio	Johnson (IL)
Baird	DeGette	Johnson, E. B.
Baldwin	Delahunt	Johnson, Sam
Barrett (SC)	DeLauro	Jones
Barrow	Dent	Jordan (OH)
Bartlett	Diaz-Balart, L.	Kagen
Barton (TX)	Diaz-Balart, M.	Kanjorski
Bean	Dicks	Kaptur
Becerra	Dingell	Kennedy
Berkley	Doggett	Kildee
Berman	Donnelly (IN)	Kilpatrick (MI)
Berry	Doyle	Kilroy
Biggert	Dreier	Kind
Bilbray	Driehaus	King (IA)
Bilirakis	Duncan	King (NY)
Bishop (GA)	Edwards (MD)	Kingston
Bishop (NY)	Edwards (TX)	Kirk
Bishop (UT)	Ellison	Kirkpatrick (AZ)
Blackburn	Ellsworth	Kissell
Blumenauer	Emerson	Klein (FL)
Blunt	Engel	Kline (MN)
Boccieri	Eshoo	Kosmas
Boehner	Etheridge	Kratovil
Bonner	Fallin	Kucinich
Bono Mack	Farr	Lamborn
Boozman	Fattah	Lance
Boren	Filner	Langevin
Boswell	Flake	Larsen (WA)
Boucher	Fleming	Larson (CT)
Boustany	Forbes	Latham
Brady (PA)	Fortenberry	LaTourette
Brady (TX)	Foster	Latta
Braley (IA)	Fox	Lee (CA)
Bright	Frank (MA)	Lee (NY)
Broun (GA)	Franks (AZ)	Levin
Brown (SC)	Frelinghuysen	Lewis (CA)
Brown, Corrine	Fudge	Lewis (GA)
Brown-Waite,	Gallegly	Linder
Ginny	Gerlach	Lipinski
Buchanan	Giffords	LoBiondo
Burgess	Gingrey (GA)	Loeb
Burton (IN)	Gohmert	Lofgren, Zoe
Butterfield	Gonzalez	Lowey
Buyer	Goodlatte	Lucas
Calvert	Gordon (TN)	Luetkemeyer
Camp	Granger	Lujan
Cantor	Graves	Lummis
Cao	Grayson	Lungren, Daniel
Capito	Green, Al	E.
Capps	Green, Gene	Lynch
Capuano	Griffith	Mack
Cardoza	Grijalva	Maffei
Carnahan	Guthrie	Maloney
Carney	Gutierrez	Manzullo
Carson (IN)	Hall (TX)	Marchant
Carter	Halvorson	Markey (CO)
Cassidy	Hare	Markey (MA)
Castle	Harman	Marshall
Castor (FL)	Harper	Massa
Chaffetz	Hastings (FL)	Matheson
Chandler	Hastings (WA)	Matsui
Childers	Heinrich	McCarthy (CA)
Clarke	Heller	McCarthy (NY)
Clay	Hensarling	McCaul
Cleaver	Hergert	McClintock
Clyburn	Herseth Sandlin	McCotter
Coble	Higgins	McDermott
Coffman (CO)	Hill	McGovern
Cohen	Himes	McHenry
Cole	Hinchee	McHugh
Conaway	Hinojosa	McIntyre
Connolly (VA)	Hirono	McKeon
Conyers	Hodes	McMahon
Cooper	Hoekstra	McMorris
Costa	Holden	Rodgers
Costello	Holt	McNerney

Meek (FL)	Rangel	Smith (WA)
Meeks (NY)	Rehberg	Snyder
Melancon	Reichert	Souder
Mica	Reyes	Space
Michaud	Richardson	Spratt
Miller (FL)	Rodriguez	Stearns
Miller (MI)	Roe (TN)	Stupak
Miller (NC)	Rogers (AL)	Sullivan
Miller, George	Rogers (KY)	Sutton
Minnick	Rogers (MI)	Tanner
Mitchell	Rohrabacher	Tauscher
Mollohan	Rooney	Taylor
Moore (KS)	Ros-Lehtinen	Teague
Moore (WI)	Roskam	Terry
Moran (KS)	Ross	Thompson (CA)
Moran (VA)	Rothman (NJ)	Thompson (MS)
Murphy (CT)	Roybal-Allard	Thompson (PA)
Murphy, Patrick	Royce	Thornberry
Murphy, Tim	Ruppersberger	Tiahrt
Murtha	Rush	Tiberi
Myrick	Ryan (OH)	Tierney
Nadler (NY)	Ryan (WI)	Titus
Napolitano	Salazar	Tonko
Neal (MA)	Sanchez, Linda	Towns
Neugebauer	T.	Tsongas
Nunes	Sanchez, Loretta	Turner
Nye	Sarbanes	Upton
Oberstar	Scalise	Van Hollen
Obey	Schakowsky	Velazquez
Olson	Schauer	Visclosky
Olver	Schiff	Walden
Ortiz	Schmidt	Walz
Pallone	Schock	Wamp
Pascarella	Schrader	Wasserman
Pastor (AZ)	Schwartz	Schultz
Paul	Scott (GA)	Waters
Paulsen	Scott (VA)	Watson
Payne	Sensenbrenner	Watt
Pence	Serrano	Waxman
Perlmutter	Sessions	Weiner
Peters	Sestak	Welch
Peterson	Shade	Westmoreland
Petri	Shea-Porter	Wexler
Pingree (ME)	Sherman	Whitfield
Pitts	Shimkus	Wilson (OH)
Platts	Shuler	Wilson (SC)
Poe (TX)	Shuster	Wittman
Polis (CO)	Simpson	Wolf
Pomeroy	Sires	Woolsey
Posey	Skelton	Wu
Price (GA)	Slaughter	Yarmuth
Price (NC)	Smith (NE)	Young (AK)
Radanovich	Smith (NJ)	Young (FL)
Rahall	Smith (TX)	

NOT VOTING—12

Boyd	Garrett (NJ)	Perriello
Campbell	Hall (NY)	Putnam
Davis (IL)	McCollum	Speier
Ehlers	Miller, Gary	Stark

□ 1453

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE HOMELAND SECURITY DEPARTMENT ON ITS SIXTH ANNIVERSARY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 195, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the resolution, H. Res. 195.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 13, as follows:

[Roll No. 95]

YEAS—418

Abercrombie	Courtney	Honda
Ackerman	Crenshaw	Hoyer
Aderholt	Crowley	Hunter
Adler (NJ)	Cuellar	Inglis
Akin	Culberson	Inslee
Alexander	Cummings	Israel
Altmire	Dahlkemper	Issa
Andrews	Davis (AL)	Jackson (IL)
Arcuri	Davis (CA)	Jackson-Lee
Austria	Davis (KY)	(TX)
Baca	Davis (TN)	Jenkins
Bachmann	Deal (GA)	Johnson (GA)
Bachus	DeFazio	Johnson (IL)
Baird	DeGette	Johnson, E. B.
Baldwin	Delahunt	Johnson, Sam
Barrett (SC)	DeLauro	Jones
Barrow	Dent	Jordan (OH)
Bartlett	Diaz-Balart, L.	Kagen
Barton (TX)	Diaz-Balart, M.	Kanjorski
Bean	Dicks	Kaptur
Becerra	Dingell	Kennedy
Berkley	Doggett	Kildee
Berman	Donnelly (IN)	Kilpatrick (MI)
Berry	Doyle	Kilroy
Biggert	Dreier	Kind
Billbray	Driehaus	King (IA)
Bilirakis	Duncan	King (NY)
Bishop (GA)	Edwards (MD)	Kingston
Bishop (NY)	Edwards (TX)	Kirk
Bishop (UT)	Ellison	Kirkpatrick (AZ)
Blackburn	Ellsworth	Kissell
Blumenauer	Emerson	Klein (FL)
Blunt	Engel	Kline (MN)
Bocciari	Eshoo	Kosmas
Boehner	Etheridge	Kratovil
Bonner	Fallin	Kucinich
Bono Mack	Farr	Lamborn
Boozman	Fattah	Lance
Boren	Filner	Langevin
Boswell	Flake	Larsen (WA)
Boucher	Fleming	Latham
Boustany	Forbes	LaTourette
Brady (PA)	Fortenberry	Latta
Brady (TX)	Foster	Lee (CA)
Braley (IA)	Fox	Lee (NY)
Bright	Frank (MA)	Levin
Broun (GA)	Franks (AZ)	Lewis (CA)
Brown (SC)	Frelinghuysen	Lewis (GA)
Brown, Corrine	Fudge	Linder
Brown-Waite,	Gallegly	Lipinski
Ginny	Gerlach	LoBiondo
Buchanan	Giffords	Loeb sack
Burgess	Gingrey (GA)	Lofgren, Zoe
Burton (IN)	Gohmert	Lowey
Butterfield	Gonzalez	Lucas
Buyer	Goodlatte	Luetkemeyer
Calvert	Gordon (TN)	Lujan
Camp	Granger	Lummis
Cantor	Graves	Lungren, Daniel
Cao	Grayson	E.
Capito	Green, Al	Lynch
Capps	Green, Gene	Mack
Capuano	Griffith	Maffei
Cardoza	Grijalva	Maloney
Carnahan	Guthrie	Manzullo
Carney	Gutierrez	Marchant
Carson (IN)	Hall (TX)	Markey (CO)
Carter	Halvorson	Markey (MA)
Cassidy	Hare	Marshall
Castle	Harman	Massa
Castor (FL)	Harper	Matheson
Chaffetz	Hastings (FL)	Matsui
Chandler	Hastings (WA)	McCarthy (CA)
Childers	Heinrich	McCarthy (NY)
Clarke	Heller	McCaul
Clay	Hensarling	McClintock
Cleaver	Herger	McCotter
Clyburn	Herseth Sandlin	McDermott
Coble	Higgins	McGovern
Coffman (CO)	Hill	McHenry
Cohen	Himes	McHugh
Cole	Hinche	McIntyre
Conaway	Hinojosa	McKeon
Connolly (VA)	Hirono	McMahon
Conyers	Hodes	McMorris
Cooper	Hoekstra	Rodgers
Costa	Holden	McNerney
Costello	Holt	Meek (FL)

Meeks (NY)	Rehberg	Snyder
Melancon	Reichert	Souder
Mica	Reyes	Space
Michaud	Richardson	Spratt
Miller (FL)	Rodriguez	Stearns
Miller (MI)	Roe (TN)	Stupak
Miller (NC)	Rogers (AL)	Sullivan
Miller, George	Rogers (KY)	Sutton
Minnick	Rogers (MI)	Tanner
Mitchell	Rohrabacher	Tauscher
Mollohan	Rooney	Taylor
Moore (KS)	Ros-Lehtinen	Teague
Moore (WI)	Roskam	Terry
Moran (KS)	Ross	Thompson (CA)
Moran (VA)	Rothman (NJ)	Thompson (MS)
Murphy (CT)	Roybal-Allard	Thompson (PA)
Murphy, Patrick	Royce	Thornberry
Murphy, Tim	Ruppersberger	Tiahrt
Murtha	Rush	Tiberi
Myrick	Ryan (OH)	Tierney
Nadler (NY)	Ryan (WI)	Titus
Napolitano	Salazar	Tonko
Neal (MA)	Sánchez, Linda	Towns
Neugebauer	T.	Tsongas
Nunes	Sanchez, Loretta	Turner
Nye	Sarbanes	Upton
Oberstar	Scalise	Van Hollen
Obey	Schakowsky	Velázquez
Olson	Schauer	Visclosky
Oliver	Schiff	Walden
Ortiz	Schmidt	Walsh
Pallone	Schock	Wamp
Pascarella	Schrader	Wasserman
Pastor (AZ)	Schwartz	Schultz
Paul	Scott (GA)	Waters
Paulsen	Scott (VA)	Watson
Payne	Sensenbrenner	Watt
Pence	Serrano	Waxman
Perlmutter	Sessions	Weiner
Peters	Sestak	Welch
Peterson	Shadegg	Westmoreland
Petri	Shea-Porter	Wexler
Pingree (ME)	Sherman	Whitfield
Pitts	Shinkus	Wilson (OH)
Platts	Shuler	Wilson (SC)
Poe (TX)	Shuster	Wittman
Polis (CO)	Simpson	Wolf
Pomeroy	Sires	Woolsey
Posey	Skelton	Wu
Price (GA)	Slaughter	Yarmuth
Price (NC)	Smith (NE)	Young (AK)
Radanovich	Smith (NJ)	Young (FL)
Rahall	Smith (TX)	
Rangel	Smith (WA)	

NOT VOTING—13

Boyd	Hall (NY)	Putnam
Campbell	Larson (CT)	Speier
Davis (IL)	McCollum	Stark
Ehlers	Miller, Gary	
Garrett (NJ)	Perriello	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1503

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL CRIMINAL JUSTICE MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 45, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is the motion offered by the gentlewoman from California (Ms.

ZOE LOFGREN) that the House suspend the rules and agree to the resolution, H. Res. 45.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 16, as follows:

[Roll No. 96]

YEAS—415

Abercrombie	Conyers	Hill
Ackerman	Cooper	Himes
Aderholt	Costa	Hinche
Adler (NJ)	Costello	Hinojosa
Akin	Courtney	Hirono
Alexander	Crenshaw	Hodes
Altmire	Crowley	Hoekstra
Andrews	Cuellar	Holden
Arcuri	Culberson	Holt
Austria	Cummings	Honda
Baca	Dahlkemper	Hoyer
Bachmann	Davis (AL)	Hunter
Bachus	Davis (CA)	Inglis
Baird	Davis (KY)	Inslee
Baldwin	Davis (TN)	Israel
Barrett (SC)	Deal (GA)	Issa
Barrow	DeFazio	Jackson (IL)
Bartlett	DeGette	Jackson-Lee
Barton (TX)	Delahunt	(TX)
Bean	DeLauro	Jenkins
Becerra	Dent	Johnson (GA)
Berkley	Diaz-Balart, L.	Johnson (IL)
Berman	Diaz-Balart, M.	Johnson, E. B.
Berry	Dicks	Johnson, Sam
Biggert	Dingell	Jones
Billbray	Doggett	Jordan (OH)
Bilirakis	Donnelly (IN)	Kagen
Bishop (GA)	Doyle	Kanjorski
Bishop (NY)	Dreier	Kaptur
Bishop (UT)	Driehaus	Kennedy
Blackburn	Duncan	Kildee
Blumenauer	Edwards (MD)	Kilpatrick (MI)
Blunt	Edwards (TX)	Kilroy
Bocciari	Ellison	Kind
Boehner	Ellsworth	King (IA)
Bonner	Emerson	King (NY)
Bono Mack	Engel	Kingston
Boozman	Eshoo	Kirk
Boren	Etheridge	Kirkpatrick (AZ)
Boswell	Fallin	Kissell
Boucher	Farr	Klein (FL)
Boustany	Fattah	Kline (MN)
Brady (PA)	Filner	Kosmas
Brady (TX)	Flake	Kratovil
Braley (IA)	Fleming	Kucinich
Bright	Forbes	Lamborn
Broun (GA)	Fortenberry	Lance
Brown (SC)	Foster	Langevin
Brown, Corrine	Fox	Larsen (WA)
Brown-Waite,	Frank (MA)	Latham
Ginny	Franks (AZ)	LaTourette
Buchanan	Frelinghuysen	Latta
Burgess	Fudge	Lee (CA)
Burton (IN)	Gallegly	Lee (NY)
Butterfield	Gerlach	Levin
Buyer	Giffords	Lewis (CA)
Calvert	Gingrey (GA)	Lewis (GA)
Camp	Gohmert	Linder
Cantor	Gonzalez	Lipinski
Cao	Goodlatte	LoBiondo
Capito	Gordon (TN)	Loeb sack
Capps	Granger	Lofgren, Zoe
Cardoza	Graves	Lowey
Carnahan	Grayson	Lucas
Carney	Green, Al	Luetkemeyer
Carson (IN)	Green, Gene	Lujan
Carter	Griffith	Lummis
Cassidy	Grijalva	Lungren, Daniel
Castle	Guthrie	E.
Castor (FL)	Gutierrez	Lynch
Chaffetz	Hall (TX)	Mack
Chandler	Halvorson	Maffei
Childers	Hare	Maloney
Clarke	Harman	Manzullo
Clay	Harper	Marchant
Cleaver	Hastings (FL)	Markey (CO)
Clyburn	Hastings (WA)	Markey (MA)
Coble	Heinrich	Marshall
Coffman (CO)	Heller	Massa
Cohen	Hensarling	Matheson
Cole	Herger	Matsui
Conaway	Herseth Sandlin	McCarthy (CA)
Connolly (VA)	Higgins	McCarthy (NY)

McCaul	Platts	Smith (NE)
McClintock	Poe (TX)	Smith (NJ)
McCotter	Pollis (CO)	Smith (TX)
McDermott	Pomeroy	Smith (WA)
McGovern	Posey	Snyder
McHenry	Price (GA)	Souder
McHugh	Price (NC)	Space
McIntyre	Radanovich	Spratt
McKeon	Rahall	Stearns
McMahon	Rehberg	Stupak
McMorris	Reichert	Sullivan
Rodgers	Reyes	Sutton
McNerney	Richardson	Tanner
Meek (FL)	Rodriguez	Tauscher
Meeks (NY)	Roe (TN)	Taylor
Melancon	Rogers (AL)	Teague
Mica	Rogers (KY)	Terry
Michaud	Rohrabacher	Thompson (CA)
Miller (FL)	Rooney	Thompson (MS)
Miller (MI)	Ros-Lehtinen	Thompson (PA)
Miller (NC)	Roskam	Thornberry
Miller, George	Ross	Tiahrt
Minnick	Rothman (NJ)	Tiberi
Mitchell	Roybal-Allard	Tierney
Mollohan	Royce	Titus
Moore (KS)	Ruppersberger	Tonko
Moore (WI)	Rush	Towns
Moran (KS)	Ryan (OH)	Tsongas
Moran (VA)	Ryan (WI)	Turner
Murphy (CT)	Salazar	Upton
Murphy, Patrick	Sánchez, Linda	Van Hollen
Murphy, Tim	T.	Velázquez
Murtha	Sanchez, Loretta	Visclosky
Myrick	Sarbanes	Walden
Nadler (NY)	Scalise	Walz
Napolitano	Schakowsky	Wamp
Neal (MA)	Schauer	Wasserman
Neugebauer	Schiff	Schultz
Nunes	Schmidt	Waters
Nye	Schock	Watson
Oberstar	Schrader	Watt
Obey	Schwartz	Waxman
Olson	Scott (GA)	Weiner
Olver	Scott (VA)	Welch
Ortiz	Sensenbrenner	Westmoreland
Pallone	Serrano	Wexler
Pascarella	Sessions	Whitfield
Pastor (AZ)	Sestak	Wilson (OH)
Paul	Shadegg	Wilson (SC)
Paulsen	Shea-Porter	Wittman
Payne	Sherman	Wolf
Pence	Shimkus	Woolsey
Perlmutter	Shuler	Wu
Peters	Shuster	Yarmuth
Peterson	Simpson	Young (AK)
Petri	Sires	Young (FL)
Pingree (ME)	Skelton	
Pitts	Slaughter	

NOT VOTING—16

Boyd	Hall (NY)	Rangel
Campbell	Larson (CT)	Rogers (MI)
Capuano	McCollum	Speier
Davis (IL)	Miller, Gary	Stark
Ehlers	Perriello	
Garrett (NJ)	Putnam	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1512

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Speaker, on March 4, 2009, I missed two votes, that on H. Res. 195 (rollcall vote No. 95) and H. Res. 45 (rollcall vote No. 96). Had I been present, I would have voted "yea" for both H. Res. 195, Recognizing and honoring the employees of the Department of Home-

land Security on its sixth anniversary for their continuous efforts to keep the Nation safe, and H. Res. 45, Raising awareness and promoting education on the criminal justice system by establishing March as "National Criminal Justice Month."

DESPITE OUR DISAGREEMENTS,
WE ARE ALL STILL AMERICANS

(Mr. BOCCIERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOCCIERI. Mr. Speaker, many economic indicators show that our country is in her greatest time of need since the Great Depression, with too many citizens unemployed, losing their homes and their jobs, and they're looking to us here in Washington for leadership.

I become increasingly alarmed when I hear the voice of divisive mainstream media hosts attempting to inspire others to join them in wishing failure upon our government, our elected President, and our country in crisis. To wish failure on our elected leaders is to wish failure upon our financial markets, our businesses, our workers, and our children.

Ironically, during the debate leading to the Iraq war conflict, many of the same "opinion leaders" suggested that anyone who held a contrary opinion to the President about going to war was somehow uninspired, unpatriotic, and even un-American.

I put my life on the line for this country along with my brothers and sisters in the military so such ill wishers could say whatever they wanted to. The minority's wishing that President Obama fail is wishing that our Nation fails and inflames and ignites and divides our great Nation.

This is the time for a debate of ideas and solutions. In this great time of need, I reject extremism that divides our country, and we should all embrace a voice that unites us around a common thread: that despite all of our disagreements, we are all still Americans.

□ 1515

TRIBUTE TO JAMES L. WATSON

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, my district, Gaston County and the City of Gastonia lost a great leader when they lost three-term City Councilman James L. Watson, who passed away this Wednesday.

"Slug" Watson, as he was known, became a great baseball player in youth and was always known as "Slug." He was a great friend of mine and an early supporter of mine. He was an Army veteran, president of his own small

business and a community stalwart. Citizens of West Gastonia had no greater friend and advocate than James Watson.

James was also an active member of his church, where he was a deacon. Upon his election in 2003, his constituents in Ward 6, the only area of Gastonia that overlaps with my congressional district, found themselves also served by a city councilman who had a passion for service and loved helping people. Slug showed us all perseverance. He ran three times for city council and lost, but he was elected three times after that.

James left his native Gastonia to serve our country in the Army and later went on to earn a degree in Small Business from the University of South Carolina.

Upon returning, he embarked on a successful business career with several firms, culminating in the founding of Watco of Gastonia, a parts company of which he was the President and Owner for the past 24 years.

Citizens of West Gastonia had no greater friend or advocate than James Watson. He was a stalwart in the community for decades. He served on the Shiele Museum Board of Trustees, The Gastonia Recreation Advisory Board, was on the first Executive Board of Gastonia Community Watch Association, was past President of the Hunter Huss High School Booster Club, and was a Shriner. He was also an active member of Maranatha Baptist Church where he was a former Deacon.

In politics, I learned a real lesson from James, that of persistence. He ran for City Council three times before he was victorious.

I want to extend my condolences to his wife of nearly 50 years, Carolyn, and the entire Watson family, as well as the mayor and city council of Gastonia. We have all lost a true statesman and a great leader.

PUTTING THE COUNTRY BACK ON
TRACK

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, as we start to debate the budget that was submitted last week, I think a lot of Americans all across the country and a lot of people here in this Chamber have some very serious concerns about the direction that this administration seems to be taking us in. This rampant spending and tax increases are dangerous to our country and our economy at a time when we are having trouble and difficulty all across the land.

The last thing we need is a \$1.4 trillion tax increase, over \$600 billion of which would fall on the backs of every small business owner in this country, and over \$600 billion in the form of a carbon tax, a tax on energy, that every consumer in this country would pay in higher utility rates.

This is surely not the time to be raising taxes to the tune of over \$1.4 trillion on the backs of small businesses

and families across this country. We need to go in a better direction. We will be proposing that, and hopefully the administration will work with us to put us on a better path to get our country back on track.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE RED COATS ARE COMING— THE RED COATS ARE COMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, I should inform you that the Red Coats are coming! The Red Coats are coming! The United States Capitol once again has been invaded by the Red Coats. I am not talking about Prime Minister Gordon Brown who spoke to this assembly this morning. I am not talking about the fact that the British came and burned this building in 1814. No, not at all. But the Nation's Capitol is simply being taken away from the American people.

The new Capitol Visitors Center, the CVC as they call themselves, opened its doors in December of 2008, and since that day many new bureaucratic rules have been decreed. These new regulations infringe on the American people's right to visit this Capitol. It is their building. It doesn't belong to us or to the Red Coats.

Mr. Speaker, there once was a time when a family would come from my district. They would show up at my office and they would ask to see the Capitol. Myself or a staffer would bring them over to the Capitol, take them through these mighty halls by showing them the statues of the two famous people from Texas, Stephen F. Austin and Sam Houston, giving them a peak at the old Supreme Court Chamber, and they could spend as much time in this building as they wanted to. But no more. Apparently the good old times have been replaced by censored, controlled tours which can only be given by the CVC staff, the Red Coats.

Now, before a staff member can even help on a tour of this Capitol, that person must attend a 6-hour or 2-day-long propaganda school given by the CVC Red Coats. The actual tour that everybody must see before they come into

this building starts with an opening video given by the Red Coats. It is a controlled and censored video and a controlled and censored trip through this building. The theme opens in the video by saying that the national motto of the United States is "E Pluribus Unum", which means, according to the video, "Out of Many, One."

Well, Mr. Speaker, I must have missed something. I thought that the United States motto was directly above your head, which says "In God We Trust." But not according to the Red Coats. They just changed the national motto on their own. There is, in fact, no mention of those words or religious history of our country in the entire CVC complex. This includes their exhibit halls, which are supposed to chronicle the real history of America. But the Red Coats have rewritten the history of the United States and omit religion or any reference to God.

Once citizens watch the video, they are allowed into this building to go on their tour, as long as they do it on time and they are not late. You can't wander around and get away from the Red Coat tour guide like the old days. They get to spend a few minutes in the rotunda, a few minutes in Statuary Hall and a couple of minutes in the crypt. But that is it. There is no looking around at the paintings by Brumidi in the hallways. And if your State statue is not on the controlled tour, you are out of luck. You don't get to see it. Unfortunately, now one of Texas' statues is off the approved route. I guess my constituents will just have to become a Member of Congress before they will ever get to see it.

Mr. Speaker, I believe that we should make visiting our Capitol a safe and pleasurable experience for all constituents and all Americans everywhere, and these politically correct positions by the Red Coats are not the way to do it.

I recently signed a letter that is being sponsored by Mr. KIRK and Mr. LOEBACK that outlines just a few of these ridiculous regulations. This letter, bipartisan, of course, goes to Mr. Ayers, the acting Architect of the Capitol, who is the chief Red Coat.

Member offices have little control over scheduling tours. Once in awhile somebody will just show up in my office and they want to go see this building. It is their first and only trip to Washington. You can't do that anymore. You have got to get on a list and you have got to make that request a month ahead of time at least before you can come into this building. Those "dropin" days are over, unfortunately, because the Red Coat police are in charge, and if they walk through the building and they get off the tour, the Red Coat police dress them down.

Late groups are often turned away. If a family misses their tour by a few minutes or the security lines are too

long and they don't get there on time, they may be out of luck and not even get in this building. They are sent home to come back another time. Unless they are trained by the CVC, congressional staff members are no longer allowed to even give tours. And don't forget those "reeducation sessions" last between 6 hours and 2 days.

According to a letter I just received from the CEO of the Visitor Center, things are going pretty good, according to them. They say thousands of people are making reservations. Well, apparently that is true, because my staff assistant is having an impossible time booking tours for our constituents during the first week of April, spring break, when most of them are coming up here. And the Capitol, unfortunately, is not friendly anymore.

Mr. Speaker, the United States Capitol belongs to the American people. It doesn't belong to us. It doesn't belong to the Red Coats. It belongs to the American people. And I am disappointed in the new regulations from the CVC and the disrespect that has been shown to the American people and Members of Congress.

Mr. Speaker, the Red Coats have arrived and they are stealing the people's Capitol away from America. That ought not to be, but that's just the way it is.

LET'S GIVE THE PEOPLE OF THE WORLD DIGNITY AND OPPORTUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Iraqi Government is reopening the infamous Abu Ghraib prison. It has been renovated to include computers, recreational areas, a library and a barber shop for the prisoners. The Iraqis promise to treat prisoners humanely and in accordance with international standards.

Some disagree with this decision to reopen Abu Ghraib. They say it should have been turned into a museum to document the crimes that took place there. Others say it should have been simply knocked down. But the Iraqi Government says it must keep the facility because it actually needs the space.

The renovations are designed to remove any reminders of the terrible violations of human rights that took place at Abu Ghraib when it was under U.S. control. Those violations did a great deal of damage, Mr. Speaker, to America's reputation. Even worse, they sent a terrible signal to the world. The UN has reported that nondemocratic countries have used U.S. actions in places like Abu Ghraib to justify their own abuses.

Mr. Speaker, the people of the world expect America to offer a better example than that. They expect us to work for peace and to treat people with dignity and compassion.

The Obama administration has already taken important steps in that direction. The President has renounced torture. He has ordered the closing of Guantanamo Bay. His administration has also released documents which show how the previous administration violated the constitutional rights of the American people right here at home.

President Obama has also pledged to use diplomacy instead of war as the first tool of American foreign policy. He has signaled his willingness to talk to Iran and Syria, two nations that we must engage to create stability in the Middle East. He is trying, Mr. Speaker, to diffuse tensions with Russia, and Secretary of State Clinton has pledged a vigorous effort to kick-start the stalled peace process between Israel and the Palestinians.

But there is still a lot more that we just have to do. We must remove all of our troops and military contractors out of Iraq by August 2010. Leaving 50,000 residual troops is unacceptable. The Iraqi people will view it as an enduring occupation force and it will delay the reconciliation and the unification the Iraqi people need. They need that to build stability and democracy in their country.

We must also redeploy our troops out of Afghanistan and use humanitarian assistance instead of military force to achieve our goals there.

□ 1530

Every expert on Afghanistan knows that foreign military intervention never succeeds in that part of the world. Helping the Afghan people to build schools and roads will work a lot better than sending in more troops.

I've also called for a worldwide ceasefire or "time-out" to give diplomacy, to give humanitarian assistance and conflict resolution a chance to work. By intensifying our efforts in these areas, Mr. Speaker, our efforts of "soft power" or "smart power" and reducing the size of our military, we can move towards a conflict-free world.

Mr. Speaker, President Obama has said, and I quote him, "We have a significant stake in ensuring that those who live in fear and want today can live with dignity and opportunity tomorrow."

The President is right. Instead of bombs, instead of bullets, let's give the people of the world dignity and opportunity. That's the way to defeat terrorism. That's the way to keep America safe, and that's the way to ensure peace around the globe.

DEMOCRATS' CAP-AND-TRADE AMOUNTS TO A STEALTH ENERGY TAX ON EVERY AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the President of the United States stood here in the well the other night, and one of the things he said that was met with a great deal of applause was that there wasn't going to be one dime, not one dime of new taxes on anybody making under \$250,000 a year, any family making under \$250,000 a year.

And yet what was omitted from his talk was the cost to every single person because of a tax increase that's kind of hidden. It's called the cap-and-trade tax increase. And it's going to cost about \$65 billion a year. And it deals with carbon dioxide emissions.

Every time we use coal or gas or any substance to create energy in this country, it emits carbon dioxide. And so \$65 billion in new taxes are going to be levied on business that will be passed on to consumers in the form of higher prices on their electricity, their gasoline, their oil, their food and almost anything they buy, because anything they buy is made from energy. And the energy in this country is going to be taxed up to \$65 billion a year with this cap-and-trade tax that the President's got in his budget. The American people simply don't realize that.

Now, there was an interview that was on Fox the other night. And I want to read to you just a little bit about that. First of all, let me just say that Peter Orzag, the former CBO Director and current OMB Director down at the White House, verified that energy taxes designed to decrease carbon emissions like those in President Obama's budget will be passed on to American families, and this will be passed on in the form of higher prices to every family in the form of higher prices for energy, food, lodging and everything else.

Senator Obama, when he was in the Senate, admitted during the presidential campaign, said, "Under my plan of cap-and-trade, electricity rates would necessarily skyrocket."

And on Fox the other night, Jim Angle was reporting on the cap-and-trade issue, and he said, "Almost every activity in the U.S. economy emits carbon dioxide, but President Obama wants to impose a cap on total emissions throughout the economy and charge industry a new tax of at least \$65 billion a year for their current activities."

Now, when the President said he's not going to tax anybody, any family making under \$250,000 a year, that's erroneous, because when you take the tax they're going to have to pay indirectly for the cost of food, lodging, energy of any kind, it's going to result in thousands and thousands of dollars to every family.

When you turn on your lights in your house, when this budget is passed, you will be paying much more money for your electricity. When you buy gasoline at the pump, you're going to pay more for your gasoline. When you get fuel oil or coal or anything else that you use for energy, you're going to be paying because of this tax that's being passed in this budget by this President.

And it's going to be on everybody, not just the people making under \$250,000. It's going to be on everybody. Every man, woman and child who lives in this country that uses energy will be taxed. And I think the American people need to know that. That's why I'm down here on the floor, because when they say they're not going to raise your taxes, and that everybody making under \$250,000 is not going to pay one dime more in taxes, they're not telling you the whole story. You are going to pay more in taxes and you're going to pay through the nose.

VEGAS IS MAD AND IS NOT GOING TO TAKE IT ANYMORE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 5 minutes.

Ms. BERKLEY. Mr. Speaker, I'm mad and I'm not going to take it anymore. I've had enough of my colleagues bashing my district, my hometown and the community I love, Las Vegas. I've sat back as Las Vegas has been maligned, insulted and lied about for the sole purpose of making political points. I've been waiting for common sense to prevail. But I'm here to say that this nonsense, the bashing and the lies about Las Vegas have got to end, and they've got to end now.

It started with Senator McCONNELL's misguided attack on the stimulus bill by singling out a mob museum in Las Vegas as an earmark in the stimulus package. There's only a couple of things wrong with that. There never was an earmark in the stimulus bill. There are none. And there certainly wasn't one for a mob museum. There was never a mention of it in the stimulus package. But the lies continued.

And then we found out about the maglev train. Countless Republicans have misrepresented the \$8 billion included in the stimulus bill as being an earmark for the Las Vegas-Anaheim maglev route. The only problem is, even after it was pointed out that there is no earmark, that Las Vegas and California are going to have to compete with the other projects, that this has been a project that's been in the works for 20 years, and that it will bring thousands of visitors to the Las Vegas area and to the Southern California area, the lies continue.

The latest one was Louisiana Governor Bobby Jindal. He repeated the lie in his televised response to the President's remarks to Congress, claiming

the bill included funding for a magnetic levitation line from Las Vegas to Disneyland. That is absolute nonsense.

And then it goes one worse. Representative TRENT FRANKS just mentioned today that there's a maglev train going all the way from Disneyland to the Moonlit Bunny Brothel. Now, I grew up in Las Vegas. I've never heard of the Moonlit Bunny Brothel. But I guarantee that maglev train is not going there.

And then the latest whipping boy is in the omnibus bill. Sustainable Las Vegas. Just yesterday Senator MCCAIN took to the floor of the Senate to attack Sustainable Las Vegas. What does Sustainable Las Vegas mean, he yelled?

Well, let me enlighten the Senator. It's a University of Nevada education and research program on energy supply, water supply and air quality, very serious issues for the desert Southwest, cities like Las Vegas and Phoenix and Tucson. But the Senator knows that.

So why is that program being singled out? Why is it different from the hundreds of other projects that are given to university research programs throughout the United States, including universities in Arizona? Because it has Las Vegas in its name.

And let me tell you about my hometown of Las Vegas. It's a community of families looking for a better life, a community of schools and churches and mosques, Saturday soccer, a community of working people, small businesses and beautiful hotels.

And that brings me to the most egregious affront to Las Vegas. Stop badmouthing Las Vegas, and stop telling businesses and major companies to stay away from Vegas. You are hurting our economy. You're forcing major layoffs of employees in the hotel industry. Hundreds of thousands of Nevadans depend on the tourism and convention business for their livelihood.

Las Vegas has long been a city where serious business is conducted, where small and large conventions can be accommodated. When it comes to business meetings, Las Vegas is the best city on the planet. You still get the best bang for your buck. Great hotels, great convention facilities, great transportation, great restaurants and a great price.

When you badmouth Las Vegas, you are hurting our major industry, you're hurting your fellow citizens. By taking away their livelihood, you are taking food out of their children's mouths.

Las Vegas is having a very tough time right now. High mortgage foreclosure rate, high unemployment, high bankruptcy rate; we are hurting. Every attack on Las Vegas by my colleagues is a knife in the heart of my city. So I implore my colleagues, stop bashing Las Vegas. Find some other whipping boy. We've had enough. We're not going to take it anymore.

THE END IS NOT NEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the end of the war is not near. I might ask, are the troops coming home from Iraq as promised? Not quite. Sixteen months is too quick, so the plan now is to do it in 34 months. The administration claims all the troops will be out of Iraq by the end of 2011. Sure they will.

We're told that 50,000 U.S. troops will still be in Iraq in August of 2010, and we're supposed to cheer. We're told that they won't be combat troops, so we're to believe that means they won't be exposed to any danger. If they are non-combat troops, does that mean they are bureaucrats, policemen, teachers or soldiers without weapons? This will hardly satisfy the Iraqis, who resent any foreign troops at all in their country. A U.S. puppet government protected by 50,000 American soldiers is not the road to peace.

Will the Iranian-friendly Shiite majority not be motivated to take advantage of the instability we have created?

Will the 100,000 Sunni militants we arm and subsidize continue to obey our wishes? It sounds to me like a powder keg exists with the indecisiveness of our Iraqi policy.

There is no intention to close the dozens of military bases that now exist. The world's biggest embassy will remain in Baghdad and incite continued resentment toward the American occupation. Our soldiers will remain easy targets of the rightfully angry nationalists.

Our presence will serve as an incentive for al Qaeda to grow in numbers and motivate more suicide bombers. An indefinite presence, whether in Iraq, Afghanistan, or Pakistan, will continue to drain our financial resources, undermine our national defense, demoralize our military and exacerbate our financial crisis. All this will be welcomed by Osama Bin Laden, just as he planned it. It's actually more than he had hoped for.

More likely the outcome will be that greater than 50,000 Americans will be in Iraq in August of 2010, especially when the contractors are counted. Violence will accelerate. We will be an occupier at the end of 2011, and we will remain a pariah in the Middle East.

The war in Afghanistan and Pakistan will be much bigger, unless the dollar follows the path of the dollar-based world financial system and collapses into runaway inflation. In this case, the laws of economics and the realities of history will prove superior to the madness of maintaining a world empire financed by scraps of paper.

Our military prowess, backed by a nuclear arsenal, will not suffice in overcoming the tragedy of a currency crisis. Soviet nukes did not preserve its empire or the communist economy.

This crisis demands that we quickly come to our senses and reject the foreign policy of interventionism. Neither credit coming from a Federal Reserve computer nor dollars coming from a printing press can bail us out of this mess. Only the rule of law, commodity money and liberty can do that.

Mr. Speaker, let's consider reinstating the Constitution before it's too late.

HOUSING AND BANKRUPTCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, please let me share with you concerns regarding the bill, H.R. 1106, on housing and bankruptcy that were rolled together, four bills rolled together into one likely to come before the House for consideration tomorrow.

□ 1545

First of all, the bill continues and reinforces the seriously flawed mortgage securitization approach to the U.S. housing market. The overarching concentration and securitization of the housing mortgage market by Wall Street bond houses and money center banks are continued in the bill rather than replaced by an approach that restores prudent Main Street lending practices again.

Our housing finance system is far too concentrated. Its system-wide imprudent practices centered in the securitization process, itself, have done enormous damage domestically and internationally and have ripped neighborhoods and communities apart across our Nation. The bill and related administration actions adhere to and, indeed, expand Wall Street securitization as the fundamental architecture of our Nation's mortgage and loan financial system. The continuation of this risky and imprudent system has converted poorly underwritten, poorly appraised and poorly serviced mortgage loans, the majority a result of predatory lending practices to securitize bond instruments. Financial activity and equity have been drawn out of local regions and have been concentrated in a very few irresponsible and likely fraudulent, in many cases, Wall Street money center banks.

The vast majority of troubled subprime mortgages are held by institutions whose names you know—JPMorgan, Bank of America, Citigroup, HSBC, Wachovia, Wells Fargo—and the proximate cause of the severe economic downturn our Nation is experiencing in the mortgage foreclosure crisis and its consequential seize-up of credit is due to the practices of those institutions.

That seize-up is due to widespread uncertainty about valuing mortgages

on the ledgers of those financial institutions and others across our country. Until that uncertainty is repaired by employing the skills of the Federal Deposit Insurance Corporation and by true value accounting at the Securities and Exchange Commission, any bill we might consider here merely bites at the edges of a systemic reform that will fall far short of what is needed. Any major housing bill may be evaluated by whether it contributes to reforming this fundamental financial architecture that has brought our economy to this point.

Responsible lending requires that our financial system re-empower the local banking, local underwriting and local mortgage markets first. Such a reform plan should be a foundation stone that precedes any legislation that proposes to transfer hundreds of billions of dollars more to the very money center banks and servicing companies that have produced the chaos that ails our mortgage lending system. Reform must come first, not last. No matter how well-intentioned any housing bill is, there must be a broader policy context in which it is advanced.

Number 2, the vast majority of people in foreclosure are not in bankruptcy. Different regions of our Nation are likely to be impacted differently, and this bill will not help them, and I place in the RECORD plenty of information about that.

Number 3, the bill will not bring private-sector lenders back to the mortgage market. Thus, it will not restore confidence across the troubled credit markets. You could see that the President announced the program last month, and the market has already discounted it; the dollar has been further driven down, and our stock markets are even weaker.

Number 4, the bill actually cherry-picks mortgage winners and losers while cramming down the bankruptcy option for others, denying equal justice under property law to all. The bill throws the far larger numbers of homeowners with non Fannie Mae and Freddie Mac troubled loans to the bankruptcy courts, almost like a cramdown, presuming their culpability, while doing nothing to ascertain lender and servicer performance or even guilt in the mortgage contract. In doing so, the bill denies millions of our citizens immediate, full legal rights and representation in legal proceedings.

Number 5, irresponsible and likely fraudulent lenders and servicers should not be rewarded with any more taxpayer-funded money as the bill does. Again, we should be using the FDIC and the SEC as they were properly intended, and that is not being done.

You know, one of the questions we can ask under this bill is: How will Treasury and HUD pick who gets principal awarded and who doesn't under

this bill to try to work out a few of the loans that are out there?

Number 6, this proposal creates a future private market incentive to dump troubled loans to Fannie Mae and Freddie Mac that does not restore the market discipline that is necessary.

Number 7, there are no provisions in the bill to recoup funds to the U.S. taxpayer for the significant cost of this bill. The banks, actually, in one provision in the bill will get a little bit if a mortgage appreciates in value once it's sold, but the government will get nothing.

Finally, the cost estimates of this bill are truly questionable. The administration says maybe it might cost \$275 billion, but in truth, that is only a guess. If home values continue to plummet and the plan does not succeed in whole or in part, it is likely that the cost of the bill will be much higher. What about if Freddie and Fannie loans redefault? Already, the administration is asking for another \$400 million of additional guarantee authority in those instrumentalities.

In sum, our citizens deserve full justice, not a continuing reliance on the very institutions that brought us to this fork in the road.

Mr. Speaker, tomorrow, the House is scheduled to vote on H.R. 1106.

Please let me share with you 8 concerns I have regarding the 4 bills that have now been rolled into one to address the mortgage foreclosure crisis and its bankruptcy provisions.

The first concern is the bill continues, and reinforces, the seriously flawed "mortgage securitization" approach to the U.S. housing market.

The overarching concentration and "Securitization of the housing mortgage market by Wall Street" bond houses and money center banks are continued rather than replaced by an approach that restores "Main Street Prudent Lending" practices. Our housing finance system is far too concentrated. Its system-wide imprudent practices, centered in the securitization process, have done enormous damage domestically and internationally, and have ripped neighborhoods and communities apart across our nation.

This bill, and related Administration actions (e.g., the SBA loan securitization provisions of the Recovery Act) adhere to and, indeed, expand "Wall St. securitization" as the fundamental architecture of our nation's mortgage and loan financial system. The continuation of this risky and imprudent system has converted poorly underwritten, poorly appraised, poorly serviced mortgage "loans"—the majority a result of predatory lending practices—to securitized "bond" instruments. Financial activity and equity have been drawn out of local regions and concentrated in a few very irresponsible, and likely fraudulent, Wall Street and money center banks. A handful of these investments houses, which have brought our nation to the financial edge, have converted very recently to bank holding companies to come under the cover of federal insurance protection.

The vast majority of troubled subprime mortgages are held by the following irresponsible,

money center institutions or subsidiaries they created—JP Morgan Chase, Bank of America, Citigroup, HSBC, and Wachovia, Wells Fargo. The proximate cause of the severe economic downturn our nation is experiencing is the mortgage foreclosure crisis and consequential seize up of credit across our nation's financial system. This is due to widespread uncertainty about valuing mortgages on the ledgers of financial institutions. Until that uncertainty is repaired, any bill that merely bites at the edges of systemic reform will fall short of what is required.

Any major "housing" bill must be evaluated by whether it contributes to reforming this fundamental financial architecture that has brought our economy to this point. If not, it will not restore a rigorous and prudent lending model for home loan origination and servicing, with disciplined secondary markets. If reform does not occur, financial power will continue to be concentrated on Wall Street and money center institutions, and equity drawn away from to local communities. Responsible lending requires that our financial system re-empower the local banking, underwriting, and mortgage markets. Such a reform plan should be the foundation stone that precedes any legislation that proposes to transfer hundreds of billions of dollars more to the money center banks and servicing companies that produced the chaos that ails our mortgage lending system. Reform must come first, not last. No matter how well intentioned any housing bill, there must be a broader policy context in which it is advanced.

The 2nd concern is the vast majority of people in foreclosure are not in bankruptcy. Different regions of our nation are likely to be impacted differently. This bill will not help them.

The bill's partial and confusing approach to who will be helped, and who will not be helped in their housing situation, will exacerbate the economic crisis, not ease it. Far from being a systemic solution to the housing credit and foreclosure crisis, this bill cherry picks some "winners" who will achieve mortgage workouts. The anticipated Obama plan will address only some mortgage holders whose mortgages happen to be held by Fannie Mae and Freddie Mac. The majority of mortgages not held by Fannie Mae and Freddie Mac will not be addressed by the Obama plan. This omission represents the vast majority of subprime, troubled mortgages in our nation. Federal taxpayer-funded subsidies, thus, will flow to help workout only those loans held by federally guaranteed secondary market instrumentalities.

Furthermore, the complexity of this bill means as well as the Obama plan any benefits are likely to be uneven rather than systemic. Some loans owned by Freddie and Fannie will be targeted; the vaster number of subprime loans will not be considered. In regions like Ohio, where the recession has worn on and deepened over this decade, it is unclear who may benefit. At best there are rough estimates available now, state by state, as to how many loans may be eligible or affected. Most of the borrowers who aren't in either FNMA/Freddie will be out of luck in the Obama plan. States like Ohio and Michigan could be absent workout assistance again, or with minimal impact, as they have been under

the Hope for Homeowners Bill, rushed through Congress last July, wherein only 25 homeowners have been assisted. It is conceivable that many greedy consumers, whose loans happen to be owned by Fannie and Freddie, could be helped, while the majority of families in states like Ohio, where foreclosures are rising, will not get help as their loans are largely subprime. What is fair about this?

The 3rd concern is the bill will not bring private sector lenders back into the mortgage market. Thus, it will not restore confidence across the troubled credit markets.

Why? This bill is uneven, lacks clarity, and is even confusing in picking who might be assisted, and who might not be assisted. Thus, the bill will cause more market disruption. As in the Obama plan's announcement last month, it was discounted by the market and already has further driven down the value of the dollar and our stock markets. The market knows this bill will not address the fundamental problems of seized credit markets and lack of interbank confidence plaguing our banking system.

The 4th concern is the Obama plan cherry picks mortgage winners and losers, while this bill crams down the bankruptcy option for others, denying equal justice in property law to all. As a last resort this bill throws homeowners to the bankruptcy courts—almost like a cramdown presuming their culpability—while doing nothing to ascertain lender and servicer performance, and even guilt, in the mortgage contract. In so doing, the bill denies millions of our citizens full legal rights and representation in legal proceedings about their Mortgage contract—as well as a complete mortgage audit. The courts should weigh the interests of all parties in the mortgage contract. Normal judicial proceedings could yield that. The bankruptcy option relegates normal judicial proceedings to second place to determine lender culpability. Mortgagors need primary attention not secondary and equal legal representation when confronting Wall Street megabanks and servicers, as mortgage fraud and predatory practices pervaded the sick housing system America faces today. This bill throws citizens into bankruptcy court before real justice and transparency of the mortgage instrument as a contract is unwound in a court of law. Are borrowers the only party to the mortgage contract? The bill does not provide equal justice as lenders, banks, and servicers responsible are held harmless legally, and some even provided funding. What unequal justice is this?

The 5th concern is irresponsible and likely fraudulent lenders and servicers should not be rewarded with more taxpayer-funded money, as the Obama plan does. The normal federal institutions skilled in mortgage workouts, and bank insolvencies, should be engaged—the Federal Deposit Insurance Corporation and the Securities and Exchange Commission.

Lenders and servicers should be required by legislation to participate in mortgage workouts. Our government shouldn't be paying lenders or servicers anything to get them to participate. It is likely mortgage and accounting fraud were endemic across several institutions, as well as lack of proper reporting back to mortgagors under the Truth in Lending and Real Estate Practices Act. Frankly, workouts systemwide should have been occurring in the

time-proven way—by engaging FDIC's full powers along with updating the SEC's approach to true value accounting for real estate loans held on the books of lenders. As this still is not being done, the economic harm gets worse daily. The TARP Bailout gave power to the wrong federal department to handle real estate workouts. Treasury had had no experience in real estate lending. Treasury has never been the appropriate federal agency to do bank and mortgage workouts. Its focus has always been Wall Street. Their record since TARP has demonstrated they have done nothing to get the banks and servicers to the table to do workouts as a result of the billions the banks have received from TARP. Now, under the Obama plan, how will Treasury and HUD pick who gets principal funds and who doesn't?

The 6th concern in the Obama plan creates a future private market incentive to dump troubled loans to FNMA and Freddie.

In the way this legislation favors loans held by FNMA and Freddie Mac, it does not restore prudent lending rigor to the marketplace, but signals that the government will become the dumpster for troubled loans. Again, this bill's architecture sends the wrong message to the market.

The 7th concern is there no provisions in the Obama plan to recoup funds to the U.S. taxpayer for the significant cost of the bill.

Any federal assistance to homeowners should include provisions to recoup to the government some portion of the appreciation of any housing assets that may be available on sale of affected units. The Obama plan does provide such recoupment to the bank, in the case of reworked FNMA/Freddie loans, but not to the government which is assuming a huge additional guarantee risk. The Administration plan is silent on such recoupment to the U.S. government.

The 8th concern is the cost estimates for the Obama plan are questionable.

Cost estimates provided by the Administration total at least \$275 billion. But, in truth, they represent only a guess. If home values continue to plummet, and the plan does not succeed in whole or part, it is highly likely the cost of the plan will rise much higher. Further, it is highly uncertain whether many Freddie and FNMA loans will not redefault, increasing long term costs. Already, the Administration is requesting increased guarantee authority on both be raised a total of \$400 billion more. An overriding concern remains that most subprime loans at the heart of the foreclosure crisis are not held by FNMA/FreddieMac. Lack of resolution in that segment of the market will further pull down home values and exacerbate the situation. To add some perspective, there is a real question as to whether the \$75 billion dedicated to loan modifications will be significant enough to right the market. Ohio alone needs \$20 billion to fill its housing finance gap. This plan might help places like California where the housing bubble burst but its impact in Ohio is unclear, where the recession has dragged on for 8 years. People need adjusted home mortgage, and even rent-to-own rental schedules. These must be negotiated one by one. The Administration plan will not help the vast majority of underwater homeowners because their plan is not systemic in its approach.

In sum, this bill and the Obama plan do little to nothing to address the fundamental cause of crisis—widespread and overuse of concentrated securitization practices, mortgage and appraisal fraud, and the seize up of credit markets due to improper use of federal instrumentalities in attempting to resolve the situation.

Our citizens deserve full justice, not continuing reliance on the very institutions that brought us to this fork in the road.

FEAR MONGERING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, you know, we have heard so much about global warming for so long. It is interesting, though: We're now hearing the term "climate change." Has anybody started to ask why we're no longer hearing about global warming as being the evil thing and now we're hearing climate change is the evil thing?

You know, I try to figure it out. All I can figure is that we're getting data indicating that the Earth may have been cooling for some time now. Groups that are getting enormous contributions, maybe even Nobel Prizes, whatever, by claiming global warming realized, uh-oh, if we're going to keep the money flowing in, we'd better be able to adapt in case the world is cooling instead of warming, so let's start saying we've got to do something about climate change. From my standpoint, that would mean we have to have some real serious discussions with the sun and with God. Nonetheless, climate change is now evil.

I read an article recently that indicated that, you know, when we've been saying these greenhouse gases are trapping the heat in, it just may be that those carbon dioxide/greenhouse gases are causing the sun to bounce off into space and that they may be cooling the planet. They're going to have it either way, apparently. It's warming. It's cooling. They want to be alarmists because that allows a socialist agenda to come forward, and it allows the government to become big brother and run everything.

You know, the wonderful Democratic Party member teachers who I had growing up, they were fantastic. In junior high, we were talking about photosynthesis and how a plant can take carbon dioxide and end up producing oxygen out of the process. It would seem that it would be cyclical. If you look at the patterns of the Earth, what we have are cycles up and down. The temperature goes up, and the temperature goes down over time—back up and down. You have more greenery. More carbon dioxide will apparently help that to grow. Then if we get too much, we'll start having too much oxygen and not enough carbon dioxide. It's just

amazing how nature addresses these issues by having cycles where it comes and it goes.

But if you're in government and you want to control everything, you have got to scare people. You have got to have people alarmed, and that's what we're hearing over and over here on the floor of the House: Let's scare America. Let's make them be afraid of carbon dioxide because—guess what. If we really had the responsibility of regulating carbon dioxide, I can tell you from personal experience there are some people around here who are breathing too much. We're going to have to cut out some of this breathing because there's a whole lot of breathing going on, and that's too much carbon dioxide. That is how absurd it has been getting. You know, Congress is not the answer to everything that's wrong with the world. It's just not.

Then we've got this omnibus spending bill that was passed last week. Maybe the Senate passes it tomorrow night. It was irresponsible. It was immoral. We as a generation, in effect, have gone to the bank—in this case China—as our Secretary of State has and has just asked them to “keep buying our debt, please.” We go to China as the bank and say, “Please, keep buying our debt. We're going to borrow money. We're not going to pay you back, but our children and our grandchildren will take care of paying you back.” That is immoral. That is irresponsible for a parent to borrow money and say, “My children someday will pay you back because I can't control my spending. I'm just throwing money away, but they'll pay it back someday.” That is not what we should be doing.

Now, at the same time, we on the Natural Resources Committee are having hearings all the time. People don't realize we're putting more and more of our natural resources off limits. Every month, more natural resources are off limits. We're having hearings now because they want to put a moratorium back on drilling the Outer Continental Shelf. It would provide a million jobs. ANWR would provide a million jobs. The untouched gas in Alaska would provide a million jobs. Yet, even though it would cost nothing—no raised taxes—they don't want to do it.

It's time to stop the fear mongering. It wasn't right when Secretary Paulson talked President Bush into it, and it's certainly not right now in order to promote a socialist agenda. Let's do the right thing for a change and quit borrowing money because we can't control ourselves. Our kids will have to pay it back. Let's control ourselves and show some responsibility for a change.

THE NEED FOR THE ANTHRAX ATTACKS INVESTIGATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, this week, I reintroduced the Anthrax Attacks Investigation Act, H.R. 1248. Since the attacks occurred, I have pressed for a full investigation into this insidious biowarfare attack on our country.

My bill's purpose is simple: to examine and to report on how the attacks occurred and on how we can prevent similar episodes in the future. Numerous experts and advisory committees say that biological attacks or emerging epidemics are our greatest public risks.

As you may know, the anthrax attacks in 2001 originated from a postal box, evidently, in the Twelfth Congressional District in New Jersey. They disrupted the lives of people throughout the region and the country. For months, Americans lived in fear of a future attack and of the possibility of receiving cross-contaminated mail. Mail service was delayed, and people wondered whether there was a murderer at large in their midst. Further, my own congressional office and others here in Washington were shut down after it was found to be contaminated with anthrax. These attacks raised the fear of terrorism to a fevered pitch.

Since the Department of Justice and the Federal Bureau of Investigation announced in early August of last year that Dr. Bruce Ivins was their prime suspect before his suicide a month earlier, I've spoken with FBI Director Mueller about the case. He readily has admitted that the case against Dr. Ivins is and was circumstantial and that the FBI has no direct physical evidence tying him to the attack. No anthrax spores were found in his car or his home, and the FBI has no evidence that Ivins actually mailed the letters in New Jersey. Nevertheless, the FBI and the DOJ are closing the case because they believe the available circumstantial evidence against Dr. Ivins is overwhelming and because no evidence has surfaced to suggest that he had any accomplices.

A number of important questions about this case remain unanswered: How did the perpetrator or perpetrators manage to pull off these attacks that were somewhat complicated in the first place? Why did the FBI pursue the wrong suspect for so long? Is the science behind the case sound? Should the case be closed? Have we learned the right lessons, and have we implemented the right changes in our defenses to make another such attack less likely? Why are investigators so certain that Ivins acted alone?

Indeed, last month in Baltimore, at the conference of the American Society for Microbiology, FBI scientist Jason Bannan told the press something I had not previously heard from the FBI officials, something that only raises more questions about the FBI investigation.

Dr. Bannan noted during the investigation that the FBI collected at least

60 water samples from communities where government laboratories work with anthrax. The purpose of collecting the samples was to see if there was any unique chemical signature in one of the water samples that would match with the water that was used to grow the anthrax spores that were mailed. According to the New York Times, Bannan said, “The water research ultimately was inconclusive about where the anthrax was grown.”

□ 1600

Despite this, the FBI remains adamant that the anthrax could only have come from that site in Maryland that Dr. Ivins used even though the Bureau has never been able to replicate the chemical signature of the material in the attacks.

This is just one question.

As has so often been the case, each new revelation by the FBI seems only to raise more questions about the conduct and conclusions of the investigation underscoring why an independent review of the investigation is needed badly. In addition, there are important policy and public safety questions that our government has yet to answer satisfactorily.

In December 2008, the Commission on the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism—itsself an outgrowth of the 9/11 Commission and its recommendations—issued a report. It used alarming language to prod our government to act. It affirmed something that was demonstrated with the deadly anthrax attacks: Terrorists will likely use weapons of mass destruction attacks on America which feature biological weapons.

However, examining the 2001 anthrax attacks was not an explicit mandate of that Commission. This was in contrast to the 9/11 Commission which was specifically charged with looking at how the September 2001 attacks happened, why the Federal Government failed to prevent the attacks and what remedial measures were necessary to prevent a similar catastrophe in the future. The question is, have we implemented the lessons learned from those attacks in the fall of 2001?

The Commission that I am proposing here is similar to this 9/11 Commission that should look at the incident, why it was not prevented, and what we can do to prevent such things in the future. Just as the 9/11 Commission looked not only at the attacks that morning but also recommended changes in the structure of government agencies, screening methods and government oversight, so should an anthrax commission look not only at the specific crime but also at measures for prevention, detention, and investigation of future bioterrorism.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in honor of National Women's History Month, and I would like to recognize some of the great women throughout our Nation's history by focusing on my congressional district in South Florida.

These pioneers have fought valiantly for various causes, but they have all helped to lead the exodus of American women from an era of subjugation into one of equality between the genders. In South Florida, we have truly been blessed by the lives and the leadership of some of the great pioneering women of our Nation's history.

I'm talking about women like Roxcy Bolton. Roxcy was inducted into the Florida Women's Hall of Fame for forcing police and prosecutors to make rape crime a priority, as well as illustrating to health departments the need for rape treatment centers.

Dr. Ellen Prager is another such woman of greatness in South Florida. Dr. Prager has dedicated 20 years of her life to our ocean. She has had an accomplished career that began as a safety diver and research assistant at an underwater habitat in St. Croix. Now, Dr. Prager is the chief scientist for the Aquarius Reef Base in Key Largo, Florida, where I have had the distinct pleasure of scuba diving with her and her esteemed scientists twice already.

Aquarius is the only operating undersea research laboratory in the world, and it allows Ellen and her fellow scientists to spend as much as 2 consecutive weeks underwater studying the Florida Keys National Marine Sanctuary. From Aquarius, Dr. Prager utilizes a telepresence to educate people around the world about the wonders of our planet's oceans.

Marjory Stoneman Douglas was another such pioneering woman. Ms. Douglas began Friends of the Everglades, an advocacy group dedicated to the preservation of the Florida river of grass. Ms. Douglas was awarded the Presidential Medal of Freedom for her work on behalf of this precious and delicate ecosystem, which has become engrained in the unique culture of the great State of Florida.

Athalie Range, Mr. Speaker, was another pioneer among the great women of Florida. Ms. Range was the former president of the Liberty City Elementary PTA in 1953. Ms. Range fought to eliminate the deplorable conditions of segregated public schools. She may not have been the only one to notice the disparity between white and black schools, but she was one of the first to do something positive about it. She stood before the all-white school board, which turned out to be no match for her fighting spirit. These segrega-

tionist policies, which seemed to be set in stone, were smashed beneath the weight of her mighty will.

In fact, South Florida is blessed with many remarkable women, and our chapter of RESULTS is cultivating distinguished, altruistic women like Betsy Skipp, Gale Neumann, and Kathleen Gordon. These women have devoted their precious time and their ample talents to this amazing organization that advocates solutions to raising the standards of living throughout the globe.

Their role within RESULTS has been to pioneer the use of microenterprise programs to empower even more women to pursue their dreams and achieve greatness of their own. These women are heroines. I admire them, and young girls in South Florida aspire to achieve even a fraction of what they have.

Every day I am thankful that my daughters will have the benefit of walking the road that these courageous women have paved for all of us.

VOTE "NO" ON NO-BID CONTRACTS

The SPEAKER pro tempore (Ms. LORETTA SANCHEZ of California). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, later this week we'll vote on whether to instruct the Ethics Committee to investigate the relationship between earmarks and contributions from the PMA Group, an organization that is currently under investigation by the U.S. Department of Justice.

Last week, I offered a broader resolution. This one is specific. At its core is the notion that the House should have a higher standard of conduct than whether or not a Member can be indicted or convicted. The broader resolution gained the support of 182 Members—a substantial number, but still short of passage.

Let me make an appeal to the newer Members of this body, those who have been elected in the past few election cycles: Most of you campaigned on principles of good government, that Congress should take its article 1 powers seriously, that we should be careful and deliberative stewards of the public purse.

I have some sobering news. It's now up to you to uphold the dignity and decorum of this institution. It's now up to you to ensure that those who view our proceedings from afar will have enduring respect for what is done here.

This duty would normally fall to the more seasoned Members of this body, particularly those who have been entrusted with leadership positions. One would assume that they would feel it their obligation to be the guardians of the reputation and the dignity of the people's House. But this is not the case.

For whatever reason, those who have been chosen to lead have chosen not to lead on this issue. While the Department of Justice investigations swirl around us, while some of our former Members sit in prison, we have opted for business as usual, insisting that campaign contributions do not constitute "financial interest," whistling past the Justice Department as we go.

Those who have been entrusted in leadership positions may tell you that securing no-bid contracts, even for those who give you campaign contributions, is simply an exercise of your article 1 authority under the Constitution. But you know better than that.

When the President stood in this body 1 week ago and called for an end to no-bid contracts, he received a standing ovation. We all stood and cheered. But the very next day we passed legislation that provided thousands of no-bid contracts, including several to clients of the PMA Group—a lobbying group currently under investigation by the Department of Justice.

So here we are. A privileged resolution has been offered that would ask the House Ethics Committee to investigate earmarks and campaign contributions related to the PMA Group. We will vote on that resolution on Thursday.

This resolution, or something similar to it, will eventually pass. We will eventually come to understand that it is beneath the dignity of this institution to continue to sweep this issue under the rug and pretend that no one will notice.

It simply isn't right to give no-bid contracts to those who give us campaign contributions. I believe that the overwhelming majority of this body understands that, regardless of what our leaders may tell us. I think an overwhelming majority of this body knows that we need a higher standard than we currently employ.

Madam Speaker, we owe this institution far more than we are giving it. Let us vote for this privileged resolution and give it the respect it deserves.

DEFENSE SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the President has announced we will soon be sending an additional 17,000 troops to Afghanistan, bringing our total there to approximately 55,000.

A few days ago, I read a one-line mention in a story that the Defense Department, which is now the Department of Foreign Aid, was going to spend \$100 million to build a new road in Afghanistan. I think our Founding Fathers would think we had flipped out or lost our minds to spend \$100 million

to build a road in Afghanistan, especially since we are over \$11 trillion in debt and thus are spending money that we do not have. Of course, \$100 million is just a tiny drop in the bucket of the billions and billions that we have spent over there since 2001, in an impoverished country that is no realistic threat to us whatsoever.

Of course, every giant bureaucracy is doing everything it can to expand its mission and exaggerating its threats so it can get more money. That is what the war in Afghanistan is really all about—money and power instead of any real threat.

According to the Congressional Research Service, we have spent \$173 billion in Afghanistan since 2001, and as far as I'm concerned, it's pouring money down a rat hole. It is a complete waste. I think if there are any fiscal conservatives left in Congress, they should be horrified by the waste that is going on over there.

General Petraeus said in an article in the Washington Post a few days ago that the situation in Afghanistan, despite all of this money, has deteriorated markedly in the past 2 years. Those were his words. He said Afghanistan has been known over the years as the graveyard of empires, and if we're not careful, it's going to help be the graveyard of our empire as well.

Professor Ian Lustick of the University of Pennsylvania wrote recently about the money feeding frenzy of the war on terror and he wrote this: "Nearly 7 years after September 11, 2001, what accounts for the vast discrepancy between the terrorist threat facing America and the scale of our response? Why, absent any evidence of a serious terror threat, is a war on terror so enormous, so all-encompassing, and still expanding?"

"The fundamental answer is that Al Qaeda's most important accomplishment was not to hijack our planes but to hijack our political system.

"For a multitude of politicians, interest groups and professional associations, corporations, media organizations, universities, local and State governments, and Federal agency officials, the war on terror is now a major profit center, a funding bonanza, and a set of slogans and soundbites to be inserted into budget, project, grant, and contract proposals."

And finally, Professor Lustick wrote, "For the country as a whole, however, it has become a maelstrom of waste."

Now we have a national debt of \$11.315 trillion, an incomprehensible figure—and the GAO tells us in addition that we have over \$55 trillion in unfunded future pension liabilities.

It's just not going to be long at all before we're not going to be able to pay all of our Social Security and Medicare, veterans pensions, and all the things we have promised our own people if we don't stop spending money in ridiculously wasteful ways.

And, of course, what does the Defense Department tell us? Just as they always do: What they want is more money to spend in Afghanistan and more troops in every place else.

Bruce Fein, who was a high-ranking official in the Reagan administration, wrote just a few days ago in the Washington Times that it is ridiculous that we now have troops in 135 countries and approximately 1,400 military installations around the world. And he said we should redeploy our troops to the United States.

He said, "No country would dare attack our defenses and our retaliatory capability would be invincible. Esprit de corps would be at its zenith because soldiers would be fighting to protect American lives on American soil, not Afghan peasants."

And he wrote this: "The redeployment would end the United States casualties in Iraq, Afghanistan, and elsewhere, it would end the foreign resentments or enemies created by unintended killing of civilians and the insult to pride excited by foreign occupation."

At the end of this column, he wrote: "The American empire should be abandoned and the republic restored. The United States would be safer, freer, and wealthier." And, Madam Speaker, I can tell you, I agree with him.

□ 1615

FRAGILE X SYNDROME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. HARPER) is recognized for 5 minutes.

Mr. HARPER. I come to you today to tell you a story, and it's my family's story that has great relevance to many of you, and many of you in this country.

My wife and I met and started dating when she was 15 and I was 17. We met at a great place to meet your spouse, church. We dated for 5½ years and got married. And we didn't really think we wanted children—we really wanted grandchildren, but could not figure out a way to get there. And we finally decided, after 10 years of marriage, that we would have some kids.

Our first son, Livingston, was born in 1989, and he is now 19 years old. As we went through his development in early years, we noticed that he was not doing things as soon as we thought he should be. Everything that he did was in the very tail end of the late normal range; he did them, but it was delayed. Our pediatrician told us it was okay, that he would probably grow out of this, and we continued to go along with just normal life.

At one point, when he was about 19 months old, we went out of town on a trip, left him with one of the grandparents. And he got sick while we were

out of town and had to go to the doctor. At that point, the next week the doctor called me and said I think that there's something wrong with your son; I don't know what it is, but we'll look, we'll try to figure out what it is. At that point, we were 4 months pregnant with our daughter. And we didn't know, we just started looking to see why he was developmentally delayed. We started going—and I say "we," my wife was the one who did the brunt of this work. There was speech therapy twice a week, occupational therapy twice a week, tests, trips to the hospital, to the doctor, all the things that you do, trying to determine what's wrong with your child.

That continued. We went through all types of tests; we went through genetic tests that came back normal, we went through other things. We were finally given a misdiagnosis of mild cerebral palsy and labeled a near miss on autism. That's what we dealt with for the next 2 years. So we did those things that you had to do to survive.

At some point in 1993, when he was almost 4 years old, our next-door neighbor went to an education seminar in Jackson, Mississippi, and went to a breakout session called Educating Children With Fragile X. Our next-door neighbor had never heard of Fragile X. And she goes to this session, watches the video, hears this parent speak, and her mouth falls open. And she comes home that night and tells us, I think this is it. At that point, we requested testing to be done specifically for Fragile X syndrome, and it was determined that, indeed, he did have that.

The things that led us to know things were wrong, he was rocking some when he would sit, he was doing a lot of hand flapping, and maybe chewing on some objects. And then he was late doing many things, speech and language and those type issues. So we got the diagnosis of Fragile X syndrome. We went to the Children's Hospital in Denver, Colorado, where he was evaluated by Dr. Randi Hagerman and her Fragile X team. It's been tough, but we have a wonderful son. He is a blessing to everybody that he comes across. And we're so thankful for our son Livingston.

Our daughter Maggie does not have Fragile X syndrome. But I wanted to mention this today because there are over 130 parents from across 35 States—all over the country—that are here today for National Fragile X Advocacy Day. And I want to commend them for the hard work that they're doing, the things that they're doing to bring attention to this.

This is something that we can work on together here in Congress. It is a bipartisan effort. We can work to find the right things for research, things that will help on treatments, and things that will ultimately lead to a cure. And I'll tell you this, for all parents of special needs children, this is

something you should never give up on, never stop fighting, never quit believing. Our son graduated from high school last year. He is now in a local community college. He works two nights a week.

I want to thank the National Fragile X Foundation for all their hard work.

KEEP GOVERNMENT OUT OF THE WAY AND EMPOWER THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. CHAFFETZ) is recognized for 5 minutes.

Mr. CHAFFETZ. Madam Speaker, I rise because I am concerned about the direction of this country and the fundamental and proper role of government.

I still remember reading and seeing the old films and seeing President Kennedy stand up and say, "Ask not what your country can do for you; ask what you can do for your country," and yet we seem to be moving in the wrong direction.

The furnace, the engine that is the United States of America, what makes America so great are the entrepreneurs, that entrepreneurial spirit. It is the American people who grab hold of things and make things happen; and yet at every turn I look and I see government getting in the way.

As I meet with entrepreneurs, as I meet with people who own businesses and employ people and have jobs, they don't sit back and say, boy, I wonder what the government is going to do to make my life better. The question that they ask is, what sort of hindrances are going to be in the way?

We've got to understand in this country that manufacturing is good; it's good to manufacture. We have to actually create and build things in the United States of America. We can't simply be a service-based economy. And yet at every single turn I see these radical environmentalists who want to get in the way and prohibit us from actually developing and creating something. I see this so-called cap and trade—I think it's more like a cap and tax, where we're going to simply tax our way out of our problems and say every piece of energy that we create in this country we're going to add a tax to it. That's not going to grow this country; that's not going to propel us forward.

We have created so many barriers to entry for the person who wants to start their own home-based business to the largest manufacturers that are in this country. We have to empower these people, and that means getting government out of the way, creating life that's more simple.

Now, is there a role and responsibility for government to regulate certain things, for instance on Wall

Street? Of course there is. Nobody has ever suggested that we just simply get rid of everything, but we have not streamlined the process.

Look, I'm a Republican. The President has said several things that I agree with, that I applaud him for—the ending of no-bid contracts, a push for earmark reform; he said he wants smaller government. I even like the fact that he put the Iraq appropriations into the base budget instead of these supplemental appropriations, and I applaud him for that. But it is imperative for the American people to hold their public leaders accountable for what they say they're going to do. I think that's all we ask. I've got a wife, I've got three kids. All I want them to do is I just want my kids to do what they say they're going to do.

And so when the President calls for appropriations without earmarks, and the very next day—the very next day—we get to vote on a bill with 8,500 earmarks in it, you just have to look at that and say, wait a second, the talk is good, but are we actually walking the walk? It's not yet happening.

We don't have time to wait anymore. We talk about smaller government. Well, we just passed the single largest spending bill in the history of the United States of America for \$1 trillion—\$1 trillion. We had just something like 13 hours to actually review it. Please, we have to be held accountable.

I'm a freshman. It is an honor and a privilege to serve the United States Congress. I didn't create this problem, but I am here to help clean it up. And for those of us that have been elected, entrusted by the people, the constituents within our districts, I say, please, hold us all accountable; raise expectations. It is not government, it is not government that is going to get us out of this; it is going to be the empowerment of the entrepreneur, it is going to be the empowerment of the American people that will drive and propel this country forward. It is always what has created the greatest success in the United States of America. It is the power that makes us the greatest country on the face of this planet. But we have to make sure that we keep government in check.

It's about smaller government, not bigger government. Please, I ask that we be united and fight for this cause, fight for the American entrepreneur. Keep government limited, keep it out of our way, and empower the American people.

CERTIFICATION REGARDING EXPORT OF CERTAIN ITEMS TO THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-21)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

In accordance with the provisions of section 1512 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I hereby certify to the Congress that the export of two environmental chambers to be used to test automotive parts is not detrimental to the U.S. space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from this export, will not measurably improve the missile or space launch capabilities of the People's Republic of China.

BARACK OBAMA.
THE WHITE HOUSE, March 3, 2009.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO ZIMBABWE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-22)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions is to continue in effect beyond March 6, 2009.

The crisis constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions has not been resolved. These actions and policies pose a continuing unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue this national emergency and to maintain in force the sanctions to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, March 3, 2009.

THE PROTECTION OF LIFE

□ 1630

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he might consume to my good friend and colleague, ZACH WAMP.

Mr. WAMP. I thank the Speaker, and most of all I thank the gentleman from New Jersey for his extraordinary leadership. He brings us to the floor today to talk about something that doesn't get enough attention.

At a time of economic duress and hardship, all eyes are on the economy, and for many reasons that is absolutely right. But there are some real big issues that, frankly, are being overlooked under this new administration and across the country today and they are fundamental to what kind of people we are.

Today, we're talking about the protection of life. We all know that abortion divides our country. And we're grateful for all those Americans who say that they want to reduce the number of abortions in our country, those that say that they oppose abortion, but then when it comes time, as the previous speaker said, to actually enact policies, that's the most important time that you can actually stand up for what you say you believe.

With the stroke of a pen, we now have a new executive order that says that taxpayers, basically, in this country will fund abortions that Americans want to have anywhere in the world. That is something overwhelmingly opposed by the American people, that their taxpayer dollars would go to fund abortion.

We teach our children the lesson of the boiled frogs, where if you throw a frog in a pot of boiling water it will jump right back out, but if you leave the frog in cold water and slowly turn the temperature up, that frog will die and never leave the water. So, over time, here we are just becoming more and more accustomed to this harsh treatment of innocent life by the people of the greatest Nation in the history of the world.

This issue of abortion does divide us, but there are fundamental truths about the protection of innocent life from conception forward and our Constitution, which we all swear to uphold, protecting life.

Today, Mr. SMITH is going to go into detail about why it is so important for those of us who believe as we believe—many of us on religious convictions—that we should protect all innocent life, and how, frankly, that is under assault in this country today, sometimes by the stroke of a pen, sometimes on the floor of this great deliberative body, but it is constantly now something that is under attack.

I have recently reintroduced a bill that is very related, H.R. 1050, reintroduced with an outstanding Member of Congress from the Democratic side, Representative BART STUPAK from Michigan, a devout Catholic. He and I have introduced H.R. 1050, which bans human cloning.

Listen, most people would say, what, you have to pass a bill to ban human cloning? Human cloning is not banned under the laws of the United States of America? And the answer is no.

Now, interestingly, seven of the other G8 countries, the industrialized nations, including Canada, France, Germany and Italy, have completely, unequivocally, banned human cloning, but not the United States of America, no.

If anything, I would think it would be the other way around. We would have been the first to say "no" to human cloning, but with the G8 we are the last.

This process that the proponents of cloning call therapeutic cloning is advancing to the degree that reproductive cloning, the cloning of human beings, is just the next step. Many have given testimony here at the Commerce Committee, the health subcommittee, that human cloning is just a matter of time. It's not if it will happen in this country, it's when it will happen in this country.

The other industrialized countries, the sophisticated countries of the world have said, no, ban it, stop it. This is a Frankenstein-type outcome. This is fundamental. It's not gray, it's black and white.

This does not ban embryonic stem cell research. It bans embryonic human cloning. This is a fundamental question of what we are all about and whether or not we will allow this.

Even the United Nations, which is not exactly a conservative body in the world, passed a declaration to adopt all measures necessary to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life.

This hour is dedicated to the protection of human life. Let's ban human cloning in this country, surely to goodness. We can do that in a bipartisan way on the floor of this House.

I call on the House to support BART STUPAK and ZACH WAMP in H.R. 1050.

Mr. SMITH of New Jersey. I thank my good friend, but especially for his extraordinary work on banning human cloning and for his leadership on life issues in general.

Madam Speaker, human embryo-destroying stem cell research is not only unethical, unworkable and unreliable, it is now demonstrably unnecessary.

Recent spectacular breakthroughs in noncontroversial adult stem cell research and clinical applications to effectuate cures with the mitigation of

disease or disability have been well documented. For several years, significant progress has been achieved with adult stem cells derived from non-embryonic sources, including umbilical cord blood, bone marrow, brain, amniotic fluid, skin and even fat cells. Patients with diseases, including leukemia, type 1 diabetes, multiple sclerosis, lupus, sickle cell anemia and dozens of other maladies have significantly benefitted from adult stem cell transfers.

Members will recall back in 2005, President Bush signed legislation that I authored, along with my friend and colleague, Mr. ARTUR DAVIS, which provided \$265 million to establish a comprehensive nationwide network to collect, type and disseminate, using best practices, umbilical cord blood, the aftermath, the leftover, the medical waste, after a baby is born.

Some 4 million women give birth in the United States every year. In the past, the umbilical cord and the placenta was simply thrown away, despite the fact that it is teeming with stem cells that could be used to effectuate cures and to mitigate disease. The legislation combined cord blood and bone marrow efforts under HRSA, so now we have a program, a nationwide program, to try to help people who are suffering from serious disease.

We know that leukemia patients can be greatly benefitted, in some cases cured, from leukemia as a result of those transplants. Many of our African-American friends, some 1 out of every 500 who suffer from sickle cell anemia can also benefit greatly from these kinds of transplantations. That legislation is being run by HRSA and it is working.

Adult stem cells, Madam Speaker, are truly remarkable. They work, they have no ethical baggage, and advances are made every day at a dizzying pace.

But perhaps the greatest breakthrough of all, Madam Speaker, was the discovery of a process that turns every day ordinary skin cells into pluripotent embryo-like stem cells.

On November 20, 2007, Japanese scientists Shinya Yamanaka and Wisconsin researcher James Thomson shocked the scientific community by independently announcing their ability to derive pluripotent stem cells to the reprogramming of regular skin cells, regular skin cells turned into pluripotent skin cells. The iPS cells, as they are called, are made by adding a small number of factors or genes to regular skin cells in a Petri dish that can remodel mature cells into stem cells that are functionally identical to those obtained from embryos.

In other words, Madam Speaker, scientists have found a way of transforming your cells, skin cells, and mine, into stem cells called induced pluripotent stem cells or iPS. Pluripotent stem cells are those miraculous building block cells that can be

coaxed into becoming any type of tissue found in the human body.

Unlike embryonic stem cells that kill the donor, are highly unstable, have a propensity to morph into tumors and are likely to be rejected by the patient unless strong anti-rejection medicines are administered, induced pluripotent cells, stem cells, have none of those deficiencies and are emerging as the future, the greatest hope of regenerative medicine. While some Members of Congress and President Obama still don't get it, the breakthroughs have not been lost on the mainstream press.

For example, on November 21 Reuters reported, and I quote, "Two separate teams of researchers announced on Tuesday they had transformed ordinary skin cells into batches of cells that look and act like embryonic stem cells, but without using cloning technology and without making embryos."

The New York Times reported on this same day, "Two teams of scientists reported yesterday that they had turned human skin cells into what appear to be embryonic stem cells without having to make or destroy an embryo—a feat that could quell the ethical debate troubling the field."

The Associated Press said, "Scientists have created the equivalent of embryonic stem cells from ordinary skin cells, a breakthrough that could someday produce new treatments for diseases without the explosive moral questions of embryo cloning."

Even University of Wisconsin's Dr. James Thomson, the man who first cultured embryonic stem cells, told The New York Times, "Now with the new technique, which involves adding just four genes to ordinary skin cells, it will not be long before the stem cell wars are a distant memory. 'A decade from now, this will just be a funny historical footnote.'"

Dr. Thomson told the Detroit Free Press, "While ducking ethical debate wasn't the goal, (it is) probably the beginning of the end of the controversy over embryonic stem cells."

In Medical News Today, Dr. Thomson went on to say, "Speaking about this latest breakthrough, the induced cells do all the things embryonic cells do. It's going to completely change the field."

"The other advantage of the new method is the fact that using cells drawn from the patient's own skin, the stem cells can be customized to the patient, bringing numerous benefits, such as the elimination of immune system rejection. They are probably more clinically relevant than embryonic stem cells."

Madam Speaker, this past Monday, more good news, no, let's call it great news on the iPS front. Research teams from the United Kingdom and Canada published two papers in the prestigious scientific journal, *Nature*, announcing

that they had successfully reprogrammed ordinary skin cells into induced pluripotent skin cells without the use of viruses to transmit the reprogramming genes to the cell. Using a "piggyback" system, as they called it, the scientists were able to insert DNA where they could alter the genetic make-up of the regular cell before being harmlessly removed.

According to many scientists, the removal of potentially cancer-causing viruses means this breakthrough increases the likelihood that iPS cells will be safe for clinical use in human patients. The lead scientist from Canada, Andras Nagy, was quoted in the Washington Post saying, "It's a leap forward in the safe application of these cells. We expect this to have a massive impact on this field."

And George Daley at Children's Hospital in Boston said, "It's very significant. I think it's a major step forward in realizing the value of these cells for medical research."

This breakthrough, Madam Speaker, suggests the momentum has decisively and irrevocably swung to non-controversial stem cell research like iPS cells and away from embryo-destroying research. The lead scientist from the UK was quoted in the BBC saying, "It is a step towards the practical use of reprogrammed cells in medicine, perhaps even eliminating the need for human embryos as a source of stem cells."

Finally, in the Washington Post Dr. Nagy made a series of interesting comments this week. First, that his studies showed that the iPS cells had many of the properties of embryonic stem cells. Secondly, while the research in this case was done on fetal cells, the approach had worked equally well with adult stem cells. And, third, since iPS cell research should no longer require the specialization of virus labs and researchers, the number of researchers working on iPS cells is expected to increase again beyond the large number already devoting their attention to induced pluripotent cells since November of 2007. There has been an explosion in this area, because this holds the greatest promise.

Time magazine reports, reporting on the efficacy and the advantage of iPS stem cells, "The iPS technology is the ultimate manufacturing process for cells; it is now possible for researchers to churn out unlimited quantities of a patient's stem cells, which can then be turned into any of the cells that the body might need to replace or repair."

Despite all of this, Madam Speaker, this new and extraordinary progress in the iPS and adult stem cell research arena, the Obama administration and the House and Senate Democratic leadership remain obsessed with killing human embryos for experimentation at taxpayer expense.

Why persist in the dehumanizing of nascent human life when better alter-

natives exist, alternatives that work on both ethics grounds and efficacy grounds. Nonembryonic stem cell research is the present and it is the future of regenerative medicine, and the only responsible way forward.

At this point, Madam Speaker, I would like to yield to my good friend and colleague, VIRGINIA FOXX.

Ms. FOXX. I want to thank my colleague from New Jersey (Mr. SMITH) for sharing this time with me and for taking the lead on this special order on stem cell research.

I want to also say that I want to associate myself with the remarks from our colleague from Tennessee (Mr. WAMP) in saying that this is an extremely important issue for us to be dealing with.

If we don't deal with the issue of life, if we don't deal with what are the ethical principles that drive us, then the other things really don't matter. We have a lot of things that are weighing on people's minds in terms of the economy, and we know that's important, and we are very concerned about folks who have lost their jobs and who are struggling with the economy.

□ 1645

But what's most important is that we deal with the essential elements of what makes us human beings, and I think it's important that we are doing this Special Order tonight.

One of the most gratifying experiences that I have had since I have been in Congress was one night about 3½ years ago when we were supposed to be doing a Special Order on stem cell research. We were scheduled to do that. I wasn't going to lead it, but all of my colleagues suddenly had conflicts and asked me if I would lead the Special Order. I was standing right here and I spoke for about 40 minutes about the issue. And when I got back to my office, which took me about 5 minutes, it was at 9:30 at night, and one of my staffers was still there waiting for me, and she told me that she'd had a call, as soon as I finished my speaking on the floor, from a gentleman from Maryland. He said he had never watched C-SPAN in his life. He was surfing through the channels, saw this little gray-haired woman standing on the floor of the House, wondered how an average citizen was able to stand on the floor of the House and speak because he thought it was only Members of Congress that could do that. So he stopped to listen. And he heard my description of stem cell research. And he just called to thank me for doing it and to tell me that he didn't understand the issue and now he did and he was very gratified by that.

So I am very, very pleased that our speaking to people about this issue does make a difference, and I hope that by having this Special Order today, we will have many people who understand

the issue better and will have their minds changed if they were going in the wrong direction or have their minds made up if they didn't have an opinion.

What I did that night was describe basically what stem cell research is and what are the differences in the way people talk about it, and I think that continues to be an important issue.

I am a very strong pro-life person. All people who are pro-life are in favor of stem cell research. I support stem cell research. Many people believe that pro-life people do not support stem cell research.

However, we don't support research that requires the killing of human life. That's what's important to us. We know that we can do stem cell research without destroying human life. We also know that a lot of taxpayer money is being spent on embryonic stem cell research. And I think, frankly, we're paying more than our fair share for research that many people find to be morally repugnant.

For 2008 NIH estimated it would spend \$37 million on embryonic stem cell research. That \$37 million is not nothing; it is a lot of money. However, from that money we have achieved no positive results. That is, we have nothing to show for all the money that has gone into embryonic stem cell research. That point needs to be made over and over again because we have gained treatment for 70 diseases through the use of adult stem cell research, and what separates those of us who are pro-life from those who are pro-abortion is that we support research into adult stem cells.

One of the reasons I am also very excited about the research that is going on in adult stem cells is because Dr. Anthony Atala and his team at Wake Forest in the Institute of Regenerative Medicine are getting great results as a result of their research into adult stem cells and they are not destroying human life. Dr. Atala, who came to Wake Forest from Harvard and brought a large team with him, is a tissue engineering specialist, and he has found that amniotic fluid stem cells have those pluripotent properties that have been pointed out earlier that grow as fast as embryonic stem cells. He's received tremendously positive response, particularly in growing bladders. In addition, stem cells coming from the umbilical cord and from the placenta and amniotic fluid have shown tremendous results, as my colleague Mr. SMITH has talked about.

So it's important that we always distinguish between adult stem cell research and embryonic stem cell research. We must continue to educate the American public on this issue, and we need to explain to people the ethical questions that we are dealing with.

We should never in this country sanction research that would harm other

human beings. Many of us know that there was research done in the 1930s with prisoners that was very wrong. We have condemned that research over and over again. But since that time, we have had very, very strong and ethical programs to protect adults from diseases that would cause them harm and that would cause them death, and yet people don't see the same problem when we are dealing with embryos, and we must point that out to people. We are crossing an ethical Rubicon when we sanction using embryos for research or creating embryos for this research. That is going over the line, and we must explain that to the American public. We must explain the long-term implications for our society and for the human race. Not being careful to take care of human life at the beginning of life has implications for whether we will take care of human life all throughout life and particularly at the end of life. We also have to point out that we have gotten much better results, again, from the use of adult stem cells and umbilical cords and other ways to get cells other than destroying life.

I hope today that there's at least one other person like the gentleman in Maryland who saw me do this 4 years ago and who's understanding this issue for the first time and understands particularly the distinction that we are making between doing ethical research on adult stem cells and what most of us consider is unethical research on embryos which will destroy them. Then we can continue to support programs like that of Dr. Atala at Wake Forest University and other places where they're seeing excellent results. That's the kind of research this country should be doing. We know we can get good results from that.

And I want to support again my colleagues who are here tonight speaking on this issue and helping the American public and others understand it. We are an ethical people, and we want to continue to be an ethical people and do research that will produce good results.

With that, Madam Speaker, I yield back to the leader for tonight, Mr. SMITH.

Mr. SMITH of New Jersey. Thank you, Congresswoman Foxx, for your wonderful and very incisive comments today, and I really appreciate your leadership on life issues as well, especially when it comes to embryonic stem cell research and the alternative that is, without question, adult stem cells and especially induced pluripotent stem cells derived from such everyday skin that we all carry on our bodies, which has proven to be highly efficacious and works, and I think it is the future.

I would like to now yield to Mr. FORTENBERRY.

Mr. FORTENBERRY. First, let me thank the gentleman from New Jersey

for conducting this very, very important discussion.

Madam Speaker, over the past several years, I have received scores of letters from my constituents that reflect widespread national confusion about stem cell research. Let me take a few moments to cut through the fog on this important issue.

There are two types of stem cell research often confused in our public debate. The first, which I wholeheartedly and enthusiastically support, is the type of stem cell research which uses cells derived from sources such as cord blood, skin, and bone marrow, commonly known as adult stem cell research. This is good science, helping to save American lives and providing real treatment options now.

The American people deserve to know that adult stem cell science is progressing at a staggering pace, showcasing over 70 successful clinical treatment models for conditions ranging from heart disease to Parkinson's disease, spinal cord injury, sickle cell anemia, stroke damage, leukemia, chronic liver disease, and many, many more. The empirical evidence is sound, and it really is eye opening, giving hope to those who suffer from these debilitating conditions.

Madam Speaker, the American people also deserve to know that there is a clear distinction between adult stem cell science and embryonic stem cell science. Between hope and promise for cures on the one hand and misleading, misguided efforts to funnel their tax dollars to bail out research companies, research enterprises, that thrive on the destruction of nascent human beings, embryos, who are no less human than Members of this august legislative body.

Widely touted and vigorously promoted nationwide as a potential cure for many of the same conditions that adult stem cell research may treat, embryonic stem cell research requires the destruction of unborn human persons to derive stem cells for research. We know that embryonic human life is still human life. The marvels of modern science leave no room for confusion on this important point. Moreover, embryonic stem cell research has shown no clinical success to date. It represents a degradation of human life that is wrong. Science that harms human beings, no matter how small they are, no matter how vulnerable they are or easily disposable they are, is always wrong.

With so many proven ethical alternatives, embryonic stem cell research presents an unnecessary moral dilemma for persons of goodwill. It siphons limited Federal funds away from adult stem cell research that is now saving lives. And American taxpayers, who have recently been asked to shoulder an unprecedented deficit that will burden generations to come, should not

be forced to pay for it. Adult stem cell research works, saves lives, and avoids the ethically divisive issue of the destruction of innocent and unborn human life.

So, again, with that I want to thank the gentleman from New Jersey for conducting this important dialogue.

Mr. SMITH of New Jersey. I thank Mr. FORTENBERRY for his leadership. He has shown, since he has been here, himself to be not only a leader but someone who thinks both inside and outside the box on so many human rights and humanitarian issues. And this is a human rights and humanitarian issue, and I thank him for his contribution not just today on the floor but every day as a Member of this august body.

Mr. FORTENBERRY. Thank you very much.

Mr. SMITH of New Jersey. I would like to yield to Mr. FORBES.

And before doing so, I'd just remind our colleagues that a couple of years ago, Mr. FORBES and Mr. LIPINSKI brought a researcher from Brazil and a researcher from the United States who had another breakthrough, in this case cord blood, for type 1 diabetics. And some of the diabetics, virtually all except two, who had been given cord blood transplantation got off their insulin. They were no longer insulin dependent. And, again, so many people in this Chamber, so many people in the White House, and perhaps even HHS don't seem to get it; that the real progress, the real advances are being made in the realm of adult stem cells, and those kinds of advances are being made each and every day. And Mr. FORBES is the prime sponsor of some very, very important legislation dealing with adult stem cells, which I hope he will elaborate on.

I yield to Mr. FORBES.

Mr. FORBES. Thank you, Congressman SMITH. And I also want to thank Congressman FORTENBERRY for his comments and to begin by saying that many of us come to this debate for different reasons. Some because of philosophical reasons, some for political reasons. I come to it for a rather personal reason.

My father, about 5 years ago, died from Parkinson's disease. My brother currently has Parkinson's disease. So it's near and dear to my heart. But what's most important is I don't need political debates or political rhetoric. What I need is some cures or I need someone who can provide some way of treating those illnesses.

If you just step back and take a moment, as Congressman SMITH has pointed out, we find that all of the major breakthroughs have been with adult stem cells, not with embryonic cells. In fact, I have here a scorecard, and I know no one can see this in the body tonight, but if you showed the victories for peer-reviewed studies from adult stem cells, you would have 73 different

illnesses that have been treated successfully with adult stem cells. And then if you look on the embryonic side, you would find 0 over there.

And one of the exciting things for us as we go through this debate is, as I travel around, I find, Congressman, as I know you do, that a lot of people really do not understand the difference between the two because the debate gets muddled many times; but as Congressman FORTENBERRY pointed out so correctly to us, we really have now three major types of cells that we're talking about.

□ 1700

We are talking about the adult stem cells, which have absolutely no ethical problems and have shown all of the benefits for really dealing with illnesses. We then have the embryonic stem cells, which have a number of ethical concerns and have shown absolutely no benefits in treating illnesses. And now we have the induced pluripotent stem cells, or the IPS cells, which are ethical, because they, Congressman, as I think you mentioned, really come back from the adult cells as we work back and reprogram those and they have all the capacity of the embryonic cells without any of the ethical problems.

So really what we have is a situation where the science in this whole discussion has outpaced the debate, and the science has now proven that we really don't need the research for the embryonic stem cells. But in a day and age where every day we give up and see so much negative news, there is some exciting, good news, as Congressman SMITH has pointed out, and I would like tonight just to talk about some of those great advances that we have seen.

First of all, in 2007, the Journal of the American Medical Association published a study on the first stem cell treatment for diabetes patients. Researchers from Northwestern University and Brazil performed a clinical trial with 15 diabetic patients, and 13 of the 15 patients with type 1 diabetes were insulin-free after receiving an adult stem cell transplant using blood stem cells.

In 2002, doctors treated a patient for Parkinson's disease with his own neural stem cells. This is the world's first clinical trial using stem cells for the treatment of Parkinson's disease. Doctors actually isolated the patient's stem cells, induced them to differentiate into the desired nervous system cells and implanted them back into the patients' brain.

Just a few weeks ago, a study on this treatment was published in the *Bentham Open Stem Cell Journal* and the study outlines the long-term results of this trial. For the 5 years following the procedure, the patient's motor skills improved by over 80 percent for at least 36 months.

Now, a word of caution must be added that since this is a single case study, a larger clinical trial is needed to replicate these findings and assess their long-term sustainability. But notwithstanding, this is an incredible scientific breakthrough.

In 2006, the *Journal of Spinal Cord Medicine* reported a treatment for spinal cord injury using adult stem cells. A doctor in Portugal transplanted nasal stem cells into seven patients with spinal cord injury. Following the procedure, these patients regained some motor function and sensation, and two patients showed bladder control improvement.

I understand that the FDA recently approved a clinical safety trial using human embryonic stem cells for newly injured spinal cord patients. However, it is important to note that this is not a treatment, but only approval to begin experiments with humans to test for safety. On the contrary, this 2006 study demonstrates actual patient treatment using adult stem cells.

All of these studies show that stem cells can be derived from human cells and used to successfully treat patients, all while maintaining ethical standards. Advancing scientific development and protecting life do not have to be opposing forces.

In just a brief summary, I would like to respond to another question that Congressman SMITH had or suggested he had, and that is that we talk about the Patients First Act, which is a bipartisan bill that was introduced previously. It is now H.R. 877, the Patients First Act, which has been introduced in the 111th Congress. It was originally introduced by Congressman LIPINSKI from Illinois and myself as H.R. 2807.

As we step back, for those of us with loved ones who suffer from these illnesses as I did with my father and I currently do with my brother, it just makes common sense that we would like to do a couple of things.

First of all, we would like to get as much research as we can to the problem, and not just floating out for some hypothetical research. The second thing is we don't want all the theories around, we don't want all the political posturing. What we want is cures in today's time so that we can get them to these patients and they can impact their lives.

So we wrote a bill that did something that is really novel. It used some common sense. It just said what would happen if for a change, instead of worrying about what all of the interest groups wanted, we put the patients first. If you put the patients first, you ask one simple question of the NIH. You simply ask them to do this: Tell us which research, either on the adult stem cells or embryonic stem cells, is going to get the most near-term clinical benefits for the patients, and that is where we want to laser in our money. That is

where we want to focus in our money, because that gives us the greatest opportunity for a cure and certainly for treatment.

I am convinced if you do that, right now the scorecard would be 73 for the adult stem cells and zero for the embryonic stem cells. But as Congressman SMITH has so accurately stated, even if you say there is research potential with the embryonic stem cells, there is actually no reason why we couldn't use the IPS cells to do all of that without one bit of ethical problem.

So, Congressman, I just want to tell you tonight in this world of bad news, there is some exciting news out there of what we are seeing. I think patients have reason today to hope if we just do our job and we say let's get off of the divisive debate that has marred this whole area for so long. Let's concentrate on where we can put our research to help patients. In so doing, I think we will end up doing the research with the adult stem cells, and the promise there I think is really limitless now for what our patients will see.

So thank you so much.

Mr. SMITH of New Jersey. Thank you to RANDY for his extraordinary contribution and for his leadership on these issues, especially having dealt with and currently dealing with such a difficult hardship with his own family.

I will never forget when Parkinson's disease and fetal tissue transplantation in the mid-1990s was being offered as the panacea, the brass ring, to try to end that very horrible disease, which we all know people, you know it personally in your own family. Unfortunately, we found very quickly that taking fetal tissue from a baby about to be aborted turned out to be an unmitigated disaster as this very unstable group of cells would very quickly proliferate and become various bone tissue and other tissue inside the brain, causing worse convulsions and tremors on the part of the patients in whom the transplantation was given.

I think we have a very similar parallel today where there is an excessive amount of hype and hyperbole about embryonic stem cells, which have an unbelievable propensity, very grave propensity, to become tumors. Not only are they killing embryos to derive the stem cells, but once those stem cells are in hand they become tumors, they are unstable, and, if transplanted into humans, there is a great fear that we would see a replication of the fetal tissue debacle of the mid-1990s.

As you pointed out so well, RANDY, there is an ethical alternative that does not have the rejection factor, will not require anti-rejection drugs, whether it be Celsep or any of these other drugs that those that get transplants get. None of that would happen. And you don't have the tumor formations from these IPS cells.

Mr. FORBES. If the gentleman will just yield briefly and then I will yield right back, one of the things that is so exciting for us as we look in this debate is many of the people that began, the scientists that began doing research on embryonic research have now folded their tent and realize they don't have to do that. They are going back and now saying we don't need to do that. We will use IPS cells or do the adult stems cells.

Mr. SMITH of New Jersey. As you said, the pioneers of embryonic stem cells are now the pioneers of the ethical IPS.

Mr. JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding and for the comments from our colleague from Virginia too.

I want to just take us a minute to thank the gentleman from New Jersey for his commitment over the years, over the decades, even though you don't look that old, over the decades of standing up for the defenseless, the most vulnerable, for standing up and making a commitment to the truth that all life is precious, it should be protected, it is sacred, and government has a fundamental responsibility to protect the weak from the strong. That is what Congressman SMITH has done for years, and I am proud to join in that effort, along with other pro-life Members of the United States Congress.

We all want positive treatments to result from stem cell research. We just don't want to destroy human life in getting those treatments. And I thought the gentleman's comments from Virginia were right on target where he talked about the positive results, the positive treatments that have resulted from adult stem cell research. Unbelievable. The scorecard, as the gentleman from Virginia pointed out, is overwhelmingly in favor.

It is interesting, and the gentleman from New Jersey made this point: The ethical decision is the smart decision. The ethical decision is the actual productive decision. It is the one that leads to positive results for families, for people out there, so they can get the treatment they need, and doesn't destroy human life in the process. That is what we should champion. That is the ideal that is consistent with this country that is frankly consistent with our founding.

I always go back to this, and I will close with this and yield back to our pro-life chairman of the Pro-Life Caucus. The document that started it all, and I think it is important to go back to these first principles, the document that started it all in this country, the Declaration of Independence, it is interesting what the Founders said when they said we hold these truths to be self-evident. All are created equal, endowed by our Creator with certain in-

alienable rights, that among these are life, liberty and the pursuit of happiness.

It is always interesting to note the order the Founders placed the rights they chose to mention. Can you pursue happiness, can you go after your goals and your dreams, those things that have meaning and significance to you and your family if you first don't have liberty, if you first don't have freedom? And do you ever experience true liberty, true freedom, if government doesn't protect that most fundamental right, your right to life.

That is what the congressman from New Jersey, Congressman SMITH, has been doing for years, and we appreciate that and we are proud to join in that effort to protect human life and to protect research that is actually going to make sure we protect human life as we move forward and get those positive results that are going to help all kinds of people across this country, around the world, all kinds of families around this country and around the world.

Mr. SMITH of New Jersey. I would just say to my friend, I thank you for your leadership as well. You are new to the Congress. Not that new. You certainly have stepped out time and time again, and it is greatly appreciated by all.

It is interesting that before we have had votes on embryonic stem cell research in this body, Members who take the other view have taken to the floor, to the well of the House, and said things like this, this is from Rahm Emanuel as reported by The Washington Post, I remember when he said it, "It is ironic that every time we vote on this legislation, [embryonic stem cell research, embryo destroying research legislation] all of a sudden there is a major scientific discovery that basically says you don't have to do embryonic stem cell research."

Our good friend and colleague DIANA DEGETTE said, "I find it very interesting that every time we bring this bill up there is a scientific breakthrough."

That is because, Madam Speaker, almost every day there is a scientific breakthrough in the area of adult stem cell and the induced pluripotent stem cells. The skin cells that have been turned into embryo stem cells without destroying or killing an embryo, without the ethical baggage, that is the biggest breakthrough of all. And it seems to me that we should be rejoicing. We have moved beyond the ethical debate because we have something in hand that is the promise and the hope of regenerative medicine.

Mr. JORDAN of Ohio. Well said, Congressman SMITH.

Mr. SMITH of New Jersey. I would like to yield to the distinguished gentleman from Louisiana, Mr. FLEMING.

Mr. FLEMING. Thanks to the gentleman for yielding.

I have put up a quote here which we'll get to in just a moment, and it is on the subject that we are currently discussing about stem cell research. I apologize if some of this is redundant, but I think this new information is very interesting and very exciting and I think it bears perhaps a little important redundancy.

For more than a decade Congress has been debating the ethics of using taxpayer dollars to fund research that requires the destruction of a human embryo. Science is making this debate obsolete.

At the beginning of the embryonic stem cell debate, only 2 years after human embryonic stem cells were first derived, President Clinton's Bioethics Council concluded, and here it is written, that in our judgment, in 1999, the National Bioethics Advisory Commission under President Clinton, said, in our judgment, the derivation of embryos remaining following infertility treatments is justifiable only, that is only if no less morally problematic alternatives are available for advancing this research.

Now, thanks in part to the very same researcher who first discovered how to derive human embryonic stem cells, researchers have discovered how to make pluripotent embryonic-like stem cells without harming or destroying a human embryo.

Let me repeat that. They have discovered a way of creating embryonic-like stem cells without harming or destroying a human embryo.

You may have heard about these cells. They are called iPSC for induced pluripotent stem cells. They were first discovered in 2007. These cells are made by reprogramming adult cells, such as cells from your skin, into embryonic-like cells.

Of course, just to digress for a moment, to understand what the purpose of this whole idea of stem cells is, it is taking undifferentiated cells, and the future is amazing. We can create organs potentially.

□ 1715

Just think about, in terms of kidneys, hearts or whatever being transplanted. We would have organs that would no longer require any sort of immuno-suppressive drugs.

Anyway, in the 2 years since this technique was first published, hundreds of scientists have been feverishly at work perfecting this technique. Just this week, researchers published a major, just this week now, a major improvement on the technique of creating human iPSC stem cells. You may have read about this in the Washington Post that came out on Monday.

Previously, in order to reprogram cells to their embryonic-like state, researchers relied on viruses which were known to cause cancer when injected into humans. Now, researchers have

shown that it is possible to make iPSC stem cells without the harmful virus. In fact, the factors used to reprogram the cells are completely removed, leaving behind only the embryonic-like iPSC stem cells.

So what this means is, not only are we having to use embryonic cells, which means destroying an embryo, a human life, but we can literally take it from the skin of an adult. And even more importantly, we don't have to use viruses to reprogram the nucleus. The problem with viruses, of course, you can introduce all sort of matter into the DNA, such as cancer, which is very dangerous.

These cells are even better than embryonic stem cells from embryos created through IVF because they can both be patient-specific and disease-specific, even for diseases we only barely understand.

Surely this meets the criteria set forth by the Clinton Bioethics Commission. Researchers, funded in part by our own National Institutes of Health, have discovered a viable and promising alternative to destroying embryos for their stem cells. Such research is no longer justifiable, even according to the Clinton criterion, which I've laid out here in large print. And certainly research that is both morally controversial and out of date does not need to be subsidized by the American taxpayer.

So, even in spite of all this, through private means, embryonic stem cell research can still go on, even though it's not needed, as long as taxpayers do not pay for it.

I feel there was never a justification in the past to destroy embryos for the purpose of stem cell research. But now we have two reasons to embrace this new technology, and that is, as I pointed out a minute ago, the fact that it's safer because we don't have to use viruses, and we no longer have to destroy embryos.

So, in closing, Madam Speaker, surely, even those who maintain a pro-abortion position will support this newer, safer technique which requires no Federal dollars to destroy human embryos.

Mr. SMITH of New Jersey. I thank my good friend, Mr. FLEMING, for his contribution and for his leadership. I would like to yield to Mr. BILIRAKIS 3 minutes.

Mr. BILIRAKIS. Madam Speaker, fellow Members, I'm glad to be on the House floor with you this afternoon discussing this very important topic of adult stem cell therapy. The breakthroughs in technology that have been already discussed, they are exciting, the breakthroughs. And I'm encouraged that science and medical communities are moving toward an ethical approach to treating very sick patients.

This miracle of ethical adult stem cell therapy really hit home with me

last month when I met with a Florida cardiologist by the name of Dr. Zannos Grekos, who has been using adult stem cells to treat his very sick cardiopulmonary patients. The doctor has had extraordinary results, and the best part is no embryonic stem cells are used.

Dr. Grekos' groundbreaking procedure involves a simple blood draw which extracts adult stem cells from the patient's own blood. Since it is the patient's own blood, there is no possibility of the body rejecting its own stem cells. The few naturally occurring stem cells in the blood are cultivated into millions of regenocytes. The regenocytes are re-injected back into the patient's heart or blood vessels. They then stimulate tissue re-growth and greater blood flow to the affected area.

This treatment has proven to have miraculous results, and once again, the best part is that embryos are not destroyed and, because regenocytes are extracted from the patient's own blood, they cannot be rejected by the patient's body.

It was reported on CNBC.com a couple of weeks ago that this groundbreaking treatment has successfully treated heart disease, and even helped a patient beat a rare metabolic condition known as Fabry Disease, which would otherwise require a heart transplant.

Madam Speaker, the government should not be in the business of funding destruction of embryonic stem cells. We should be in the business, however, of assisting bright, young, innovative doctors and scientists like Dr. Grekos, who have forged a path of ethical adult stem cell therapy.

I, for one, am excited about the future of this therapy, and encourage this body to do all we can to support ethical adult stem cell therapy.

Mr. SMITH of New Jersey. Mr. BILIRAKIS, thank you so much.

Mrs. BACHMANN.

Mrs. BACHMANN. I thank the gentleman from New Jersey for yielding.

It's exciting to see what science has wrought just in the last few days, the discoveries that have come about. But the bottom line in all of it is this: Cloning will lead to the exploitation of women. That's harmful and that's not good, especially for poor women in the United States and around the world.

Women's eggs are required in the process of cloning, and the extraction technique exposes otherwise healthy women to the risk of infertility and, sadly, tragically, even of death.

The recent cloning scandal that we've witnessed in South Korea should serve as a warning here to those of us in the United States. Many Korean women were coerced into donating their eggs for Professor Hwang's fraudulent research. Not only is it wrong, really wrong to destroy human embryos, but it's even worse to put

women in a position where their health is at risk to do unethical research, especially now, when we find science has taught us we don't have to.

The use of the iPS cells, or the adult stem cells, make it unnecessary to use women's eggs, while researchers who have been pushing human cloning have been seeking them.

We all know that November 20, 2007, a Wisconsin researcher and a Japanese scientist discovered, they independently announced their ability to derive pluripotent stem cells through the reprogramming of regular stem cells. This is a marvelous breakthrough.

And then just days ago, on March 1, 2009, two research teams demonstrated they could reprogram cells without the use of potentially cancer-causing viruses. This is marvelous.

iPS can produce a large number of both patient-specific as well as disease-specific stem cell lines because, according to the Telegraph newspaper, tests on the reprogrammed cell lines showed they behave exactly, exactly like embryonic stem cells. These cells have already been used to make heart muscle, brain neurons, motor neurons, blood, insulin secreting cells.

We are thrilled at the advances that science has made. Let's use these advances to make sure that we can further do more research that will protect people's lives.

But, at the same time, let's not hurt women, let's not destroy their lives, and let's not destroy their fertility; and certainly we shouldn't do anything that should lead to women's death.

And I thank you so much to the gentleman from New Jersey for leading this important hour. Thank you so much.

Mr. SMITH of New Jersey. Mrs. BACHMANN, thank you very much for your leadership and your very eloquent words.

I yield such time as he may consume to Mr. MARK SOUDER.

Mr. SOUDER. I thank my friend, colleague from New Jersey.

I think one of the happiest moments in our life, or any grandparent, is to see your first grandchild. And my grandson, Grant, was born about a year and a half ago to my daughter, Brooke and her husband, Jeff. And we've watched him develop.

But from the time he became an embryo, egg and sperm joined, his stem cell content, his cell content was the same as it is now. All he's added is a little bit of chubbiness and a little bit of height as he's grown.

Now, in about a month our first granddaughter is going to be born, Reagan. And we've watched her grow in the womb. But from the time she was conceived, she became a separate human being. Nothing's really going to change. It's just she's going to grow and she's going to develop personality, add to her intelligence. But she's been the same make-up from the beginning.

Now, the question is, is why are some so intent on taking human life? And why are they so intent in using our taxpayer dollars to make us do that?

We've worked for many years. You've been a stalwart in this. We did a hearing, when we were in the majority, where we showed that there were already scientific breaks occurring in skin cells and so on. And as you said, sometimes the allegation is, why do these breakthroughs come right before we have a big vote?

They come constantly, as you so eloquently said, on lupus, on different diseases. Now we have yet another one. The advances are all in non-embryonic.

So why do we continue, other than because to try to take guilt relief off an abortion, to try to confuse the issue of when human life begins, why do we continue to, quite frankly, waste so much, when, in fact, many people would have been cured, healed and better had we put it into other types of stem cell research other than embryonic?

Thank you for your leadership. And I yield to you for a close.

Mr. SMITH of New Jersey. Thank you very much, Mr. SOUDER.

Let me just say in conclusion, Madam Speaker, that the present and the future of regenerative medicine, which holds great promise and hope for each and every one of us, every one of us has members of our own family who have suffered from degenerative diseases, developmental disabilities and the like. We all know the pain and the agony.

I chair or co-chair the Autism Caucus, the Spina Bifida Caucus, the Alzheimer's Caucus, and believe passionately in trying to find cures for diseases. But the future of regenerative medicine is with adult stem cells, including and especially non-embryonic but embryo-like induced pluripotent stem cells, iPS. That has to become, iPS, a household word.

THE MAJORITY MAKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Madam Speaker, it's a great honor for me to be here tonight to join with many of my colleagues from The Majority Makers, the Class of 2006, which brought change to the Congress, and now hopes to join with President Obama to bring change to the country. We're here tonight to talk about the challenges facing this country that are manifold, the incredible, unprecedented nature of our situation, the opportunities that we face, because every challenge comes with opportunities, and also to talk about the budget that President Obama has proposed to

this Congress, because it is a budget that takes us in a very different direction in this country, echoing and reinforcing his theme of his campaign, which was to bring change to the country. And it's also the motivation for all of us who came to Congress in the Class of 2006.

□ 1730

You know, I have the great privilege of serving on the Ways and Means Committee and also on the Budget Committee. Over the last 2 days, we've heard Secretary of the Treasury Timothy Geithner and OMB Director Peter Orszag talking about what the situation is in the country—the economic challenges we in the world face—and also what the Obama administration plans to do about them in asking for our assistance. Two things have been very clear in listening to both of these two gentlemen, who are new to their jobs, in listening to the new administration and also in listening to our colleagues on the other side of the aisle as they're responding to the initiatives of the administration.

The two things are: One, that they like to take potshots at the budget, which is fair game, because this is, after all, sometimes a partisan exercise. Also, the ideas that they bring to the debate are really no new ideas at all. As a matter of fact, listening to Republicans talk about the economic situation and their suggestions for how we move forward is kind of like listening to the coach of the Detroit Lions saying, "hey, use my playbook," after they just went 0 and 16. I don't want to pick on the Detroit Lions, but that's really what it sounds like because they bring no new ideas to the table.

That's what is so impressive about this team that President Obama has assembled and about the budget that he has brought to the Congress and to the American people. It is a budget that is full of new ideas and of new approaches to very old and very difficult problems.

So, as we're here tonight to talk about where we've been and where we're going and where we need to go in this country, I just want to mention the fact that Prime Minister Gordon Brown was here today. The theme of his address to the joint session of Congress was—and he has mentioned the expression many times—"faith in the future." That's really what we're trying to bring to this country, faith in the future, because that faith has been destroyed over the last decade in the United States, and that's what we are so committed to doing, and I think that's what the Obama administration is committed to doing as well, to restoring faith in the future, because that is also what has driven our country, our people, our businesses, and our institutions, which is that we believe there is a better time facing us, a better time ahead, and we have taken

those steps. We have worked as hard as we can and have used our ingenuity to realize the future that we all aspire to. So I look forward to the discussion tonight as it's always a pleasure to be with my colleagues.

I would like to yield, first of all, to someone who has been a consistent participant in these discussions we've had, the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman from Kentucky. Thanks for your leadership on the issues, as we know, we have been really faced with as we move into this next congressional session.

It was interesting. A week ago, most of us were at home, speaking to people in small businesses, speaking to homeowners. Many of us do Congress on Your Corner, which is an idea where we just meet at the local supermarket or local drug store or local 5 and 10 and just have a chance to talk to people about what they're really thinking about right now and how we can solve these problems that our country is looking at. You know, it breaks down into three things:

One is: What can we do to stimulate the economy? What can we do to generate consumer interest and business interest? Because, if we produce more, people will buy more and demand will go up, all those kinds of things. What do we do about the mortgage crisis? It's not just the people who are sort of in foreclosure. There's a very large number of people who are at jobs where maybe they're earning \$50,000.

I was just at a car dealer's the other day, and they were telling me that the owner of the company came to the 140 employees and asked them to vote on whether they wanted to reduce their salaries. He, himself, the owner, had taken no salary in the last year, but he literally asked them if they'd be willing to take less compensation in order to avoid people being laid off. They took a vote and they did it. The reality is someone who's earning \$50,000 may be earning \$40,000 or \$35,000, and someone who is willing or is able to pay \$750 for a mortgage maybe now can afford \$600.

Well, there are simple solutions to that, and I'm very gratified that Congress is moving forward. The Obama administration has put out a number of proposals which, I think, need quick movement because they're just commonsense, and they make sense.

Everyone understands it's not in the best interest of a street for a home to be foreclosed on on that street. The better way to deal with that is to keep that person in the home. If the person is earning a little less than he was earning before, or that \$50,000 to \$35,000, and he can afford \$600 versus \$750, well, it's simple enough. Take the difference and defer it to the end of the mortgage or amortize the mortgage 40

years instead of 30 years. Get the payments to where the person can still afford to stay in the home and can take care of that home and can have a roof over his head. Add value to the community versus having that home boarded up and having it depress every other property on the street.

That's the kind of work that we need to encourage the banks to work on with our local community folks, with our homeowners, and those are some of the proposals that are out on the table today. I think those are the kinds of things that I've been hearing from our communities. We need to know that the government is working on encouraging banks and on finding incentives to get the banks to work with us.

Of course, other than the stimulus, which is already in place—and it's going to begin to filter into the communities over the next number of weeks—the last thing, of course, is fixing the banks in a way that they will lend to small businesses. I know we're going to talk about that tonight because we're a country of small businesses. We understand that's the lifeblood of our communities—to create jobs, to create wealth and to support local communities. I know that there are a number of ideas we're going to discuss which will help get those small businesses back on track because we know that we need to get the banks to help out with that.

So, with that, I'll turn it back to the gentleman. I'm looking forward to this good discussion on how we're going to move forward over the next number of days.

Mr. YARMUTH. I thank the gentleman from Florida.

One of the great things about having these discussions is we get perspectives from all over the country, not just from different, more conservative, more aggressive districts but, rather, geographically and demographically. There are a lot of important perspectives that help shape the context of this discussion.

I would now like to yield to my colleague, the distinguished gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman, and I thank my colleagues for joining us tonight in this important discussion.

I want to focus on the President's budget and, in particular, on what is different about this budget in that the President has looked in a comprehensive way at our economy, not just at the crisis that we find ourselves in today, at this moment in time, but also at how to get ourselves out and where we want to be a year from now, 5 years from now, 10 years from now. We all understand that.

What the President has done with his budget is include within it segments of our economy that have been ignored in budgets over time—things like health

care, like energy and like education—because what we understand in this Congress is we cannot move forward as a nation; we can't solve our economic problems, and we can't move this country forward and continue as the pre-eminent Nation on the planet in this global economy unless we reform our health care system, unless we find a way to get ourselves off of our addiction to foreign oil and unless we continue to improve the quality of the education available to all students in this country and make education more accessible so we can continue to be competitive in the global economy.

What we have set before us is the realization that every family, every business and every individual in this country is impacted by the cost of education, by the cost of energy and by the cost of health care, and we are going to talk about those issues tonight and certainly going forward.

I want to focus specifically on health care. The President has laid out an ambitious agenda, and he has done something that is unique. He has allowed Congress to have a say in it in a way that has not been the case in previous health care discussions. The President has said, "These are my priorities, and while I'm willing to work with the 435 Members of the House and with the 100 in the other body, let's work with the American people," because, in heart, that's what we are. We are Representatives. Let's put together a plan that can solve this crisis that we face, not just with our economy but in the health care system.

So what are some of the things that we hear when we go back and we have Congress on Your Corner?

Well, when we talk about the cost of health care, I often hear people say, "Well, why are you taking my money? I'm happy with my insurance. I'm covered. I have a job. I'm fine." Somebody will say, "Why are you taking my money and giving it to somebody else who doesn't have health care? I understand that that's a problem and that that's unfortunate, but why are you spending my money on them?"

What I try to explain to people is they're already paying for the costs of that person's health care. The most obvious example that you've heard many times is, when that person needs health care, he goes to the emergency room, which is the least effective, the most costly and the most inefficient setting that you can possibly get for primary health care. So we're forcing them into that setting to begin with, and they get covered, and they get reimbursed, if you're the hospital, because that's our money. If you go to the hospital, the reason an aspirin costs \$10 is because of the cost shift that takes place. When you have someone show up who doesn't have insurance, the hospital or provider will shift that cost to somebody else. That's an obvious way.

What people don't think about is that your State taxes are higher because of exploding Medicaid costs all around the country. States are forced to pay for the Medicaid program. They shift that to the costs of the State taxpayers. Think of the delivery chain, the supply chain. At every level, health care costs impact the cost of the consumer. You've heard many times with regard to the auto industry, which is certainly struggling right now, that \$1,500 from the price of every car made in this country is due to the health care costs of the automaker.

Think about that. For every good and service that the American people buy on a daily basis, there is the cost to manufacture it, the cost to ship it, the cost to store it, and the cost to sell it. In every segment of that supply chain, there is a component that adds a premium for the cost of health care for the employers and for the employees who are involved in that little piece of the supply chain.

The salary and wages of the American people are lower because of the health care costs of the employer's, because they're offering health care to their employees. Therefore, the salaries are lower. We as an American people are already paying in a variety of ways for the people who don't have health insurance. We hear about the 47 million Americans who lack health insurance. We also need to remember the tens of millions more who live in fear every day of losing their coverage. They are one accident or illness away from losing everything. Less than half of small businesses in this country are able to afford to offer health care to their employees, less than half, because of the double digit increases that we've seen year after year after year.

This is simply an unsustainable course that we're on, but rather than looking at this in isolation as one problem that's separate from the economic situation that we face, the President and this Congress are going to work together and are going to look at those items together, along with energy independence and along with education, in a way that we haven't done before in taking a comprehensive look at it. These are the things that we're going to be talking about moving forward, and these are the things that this group is going to continue to discuss in these forums.

So I thank the gentleman from Kentucky, and I look forward to continuing the debate.

Mr. YARMUTH. I thank the gentleman.

I just have to add one thing because I think what he has done has brilliantly answered one of the charges that's always leveled about government action and its involvement in health care, which is, "Oh, we don't want socialized medicine."

What Mr. ALTMIRE has so intelligently recognized is that, whether it's

in an organized way or in a disorganized way, we do socialize the cost of medicine across society. Right now, we do it in a very disorganized way, which, unfortunately, leads to both the inefficiencies, the added expense and the fact that many people fall through the cracks and are not covered. So I thank him for his comments.

Now I would like to yield time to my good friend from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. YARMUTH. It's a pleasure to be here with all of you tonight to talk about what's going on in Congress and about a change that's coming in this country—a needed change, a change from the direction that was taken in the prior 8 years.

I don't have to tell anybody in this room or anywhere else across the country that somebody drove the car into the ditch, and we've got to get that car out of the ditch in terms of the economy—in terms of the financial and housing systems across this country. We are grappling with an economy that's struggling at best and with a deficit that we've inherited from the Bush administration of well over \$1 trillion. What are we going to do about it?

The first thing you have got to do is stabilize the financial and housing markets. Those two things are being done through recapitalizing the banks and by giving them the ability to stay on their feet. The housing market we need to stabilize, and the administration has a complete program as to how to do that:

One in terms of interest rates that good and creditworthy borrowers can take advantage of like they haven't been able to take advantage of in years and years and years. I mean solid loans that aren't fly-by-night, phony baloney types of loans but 5 percent interest rates available to good and creditworthy customers.

Second, for people who find themselves in markets that are difficult, where the prices of the houses have dropped but they're paying their way and they're struggling, there is an ability for them under the administration's proposal to refinance so that they, too, can take advantage of low mortgage rates that are available today. For those who have been laid off or who are otherwise having trouble with their homes and their mortgages, there are other avenues available to them.

So, first, we have got to stabilize the marketplace. That's happening. Second and more important is rejuvenating and invigorating the economy. We did that 2 weeks ago with the President's major recovery act.

□ 1745

There are components in that of investing in America like we've never

done before or we haven't done for years and years and years.

And that investment costs money. There is no question about it. Whether you're a family or a business or a country, there are times you have to invest. And we have invested, and those returns we're going to see in a new energy economy, in a change in how we deal with our health care system and rebuilding our infrastructure. Those returns are going to be long term, but they are jobs today. Jobs in America today. Jobs that we need desperately from coast to coast.

The third piece in getting this country back on track and changing its direction, and getting that car out of the ditch is to restore confidence in both the economy and the financial systems. And we are working to see which regulations, which laws that were eliminated that should be reinstated, and which laws or regulations have compounded the problem and should be eliminated so that we can restore confidence, reinvigorate the economy and stabilize the markets.

All of this is going to be done starting with a tremendous deficit in this country but reducing it by half over the next 4 years in a fiscally responsible fashion.

There is a lot of hard work for us here in Congress, but even more hard work for people all across this country. But this country is capable of doing it, has done it time and time and time again, and we will get the car out of the ditch. We've got an administration and a Congress that is dedicated to doing that. And so we will change the direction of this Nation and get it back on track.

With that, to my friend from Kentucky, I yield back.

Mr. YARMUTH. I thank my friend, and I'd like to ask a question of the gentleman from Colorado who has done such incredibly important work on the Financial Services Committee and on these issues of which he spoke.

One of the things that we face, I know in terms of the housing situation, is that we have a very different situation from place to place in the country. We know certain areas of California and Nevada and Michigan have suffered to a far greater extent than many other areas. And in some of these areas, where housing values have not declined as much, and some other ones, I know some of the citizens wonder, "Why should I worry about helping the people in California or Nevada? What's in it for me?"

Mr. PERLMUTTER. Would the gentleman yield?

Mr. YARMUTH. I'm asking the gentleman a question.

Mr. PERLMUTTER. That's a great question because, in Colorado, we sort of went into the downturn of the economy before the rest of the country, and we've been climbing out. We had a

much smaller drop in property values, our employment rate has been higher, but if the job layoffs were to continue, we would be falling into the same ditch as the rest of the country.

So for somebody from Colorado, the ability to maintain and build jobs—good energy jobs, health care jobs, jobs in rebuilding our highways, our transit, our electric grid—that will keep my State from driving into the ditch. So we're focused more on the jobs piece, but obviously having a strong and healthy financial system, as well as a housing market, is key as well. So this affects all of us, and we've seen it kind of roll across the country.

So even if in Colorado we have it better off today, we want to keep it that way. We don't want it to fall farther behind. So all of us are in this together.

Mr. YARMUTH. I thank the gentleman.

It now gives me great pleasure to introduce my colleague from the great State of Tennessee (Mr. COHEN).

Mr. COHEN. I appreciate the opportunity to join with my colleagues and the Majority Makers Caucus on this March 4, 2009. It's been 76 years since Franklin D. Roosevelt took his first oath of office, March 4—which was then in past history when the President took office—March 4, 1933, and he said, "The only thing the American people have to fear is fear itself."

President Roosevelt took office after President Hoover, and Mr. YARMUTH discussed some things that were about the Detroit Lions, and you don't have to go back as far as the Detroit Lions. You can look to what the Republicans said about Mr. Roosevelt's attempts to bring us out of the Depression. And they caused the Depression, President Hoover and Secretary of the Treasury Morgenthau of that Congress. And President Roosevelt brought us out of the Depression. He created work programs that put money in the economy and put people to work. And he made a major difference. He transformed this American economy.

Once again, the Republican responses are similar to what we saw pre-1933. They're similar to what we heard in 1993 when President Clinton was looking at bringing about a balanced budget and the Republicans said that wouldn't work. And the Republicans have said many of the same things about this proposal depending entirely on tax cuts and entirely on the same type of issues and policies that have gotten us into the ditch that we're in now.

The fact is we need to move forward and the leader of the Republican Party's philosophy is none other than Rush Limbaugh. And Rush Limbaugh has said he wants this American President to fail.

Now, I can understand people wanting to have power for their party, but

when you want a newly elected President of the United States—with a tremendous majority vote and majority support in this country—to fail, you are basically suggesting that the United States of America should fail. Because if President Obama fails in this most unusual time, when economic crisis has gripped this country—we're in a recession that is, in fact, probably is a depression, but we've kept the linguistics of a recession—you're suggesting that the American economy and the American Government should fail.

With the Republicans up here talking constantly against what President Obama has done and voting against it lockstep in the Recovery and Reinvestment Act, we saw a party that's not only being negative but is being, in my opinion, un-American. They've offered not new ideas but negative thoughts to question anything that's being done. They offer only the old and failed tax cuts.

We had the privilege today to listen to the Prime Minister of Great Britain, and he said, and I may quote: But sometimes the reality is that defining moments of history come suddenly and without warning, and the task of leadership then is to define them, shape them, and move forward to the new world they demand. An economic hurricane has swept the world creating a crisis of credit and of confidence. Credit and confidence. History has brought us now to a point where change is essential. We are someone not just to manage our times but to transform them. Our task is to rebuild prosperity and security in a wholly different economic world where competition is no longer local but global, and banks are no longer national but international.

What Prime Minister Brown said, and said so well, is besides the fact that we have to restore confidence—and that's what I hear from every economist that I talk to is that's one of the problems right now is the American public needs to have confidence.

We came out of the Great Depression. We've come out of smaller depressions, recessions, and we'll come out of this one. But we won't do it with naysayers saying that it won't happen and this plan will fail and not offering an alternative.

And it's a worldwide problem. And what Prime Minister Brown said to us is basically his government and the governments of the world are doing the same thing that our government is doing and doing it together in a united front: stimulus packages, reforming banks and making sure that we can go into a new economy and create jobs.

The President's plans create new jobs by going into broadband and extending broadband into rural areas and inner cities to create jobs and give people access to the Internet; seeing that health care costs are controlled, which is tak-

ing a larger and larger percentage of our budget and threatens American industry that has to bear those costs, while, in most other countries where they have national health care, the government bears it and not the industry. And we're competing against foreign producers who don't have that as part of their costs, so it's a disadvantage that we have. And General Motors and Ford and Chrysler have that disadvantage.

But we're trying to control health care costs, and we're trying to invest in education. We're putting more money into Pell Grants and giving people an opportunity to get better jobs to compete on the world scale where it is global and not local for competition for jobs. Investing more and more in science.

And in the previous discussion to this hour, we heard people on the Republican side talk about science. They talked about stem cells. We put over \$10 billion into the National Institutes of Health. I was really pleased that happened. I'd offered an amendment to do something similar, and it was passed by Senator HARKIN on the Senate side.

That's going to be putting scientists to work finding cures for the illnesses that they were talking about but refused to fund: heart disease, cancer, Alzheimer's, AIDS, diabetes, Parkinson's. Those illness can be cured or treatments can be found if we give enough opportunity for scientists to do their studies, and the National Institutes of Health is the organization from which those funds come.

There have been so many falsehoods put out about this bill, and I would like to share a few with the American public here. One is—and I found this most interesting. The Republicans have claimed that under this bill—and many people have probably heard this—that each job will cost \$275,000 per job. Paul Krugman, a Nobel Prize winning economist called that a "bogus charge." He said, "Why is it bogus? Because it involves taking the cost of a plan that will extend over several years creating millions of jobs each year and dividing it by the jobs created in just one of those years. It is as if an opponent of the school lunch program were to take an estimate of the cost of that program over the next 5 years and divide it by the number of lunches provided in just one of those years and asserts that the program was hugely wasteful because it cost \$13 per lunch while the actual cost of lunch was \$2.57."

There have been so many false figures put out and accusations concerning different programs in the bill and the different economic plans that have been put forth by the Obama administration.

We know from Larry Summers and others that stimulus moneys need to be timely, targeted, and temporary. And

they voted against giving the people who are on the front lines, the Purple Hearts of this recession, more extended unemployment compensation. They voted against giving States moneys for Medicaid when we know we're going to have more and more need for Medicaid because more people fall in that category and can't afford their health care. And they voted against extending people food stamps, and those moneys, particularly food stamps and unemployment, are the most timely.

Those people are in desperate need, targeted to those who will spend it immediately because they don't have resources otherwise, and temporary because it's a short-term amount of money that's expended. And those people spend it immediately. They won't spend it on their condos and vacation vistas that they might go to someplace else, but they will spend it in their neighborhoods and their communities. And they'll be taxed, sales taxed immediately and put money into State and local governments who need that money to provide law enforcement and other services.

So, Mr. YARMUTH, my friend from Kentucky, and the other sophomore Majority Makers I have joined here, I think we need to think about Franklin Roosevelt and the only thing we have to fear is fear itself. That was kind of what President Obama talked to us about in his State of the Union and addressed us about when he was sworn in. A confidence that this country is a great country and this government will overcome the obstacles that we face, though they be great, and we will be the greatest country on the face of the Earth in the 21st century as we've been in the past.

But we need to think in new ways. We need to invest in new sectors to provide new jobs and to give our people the resources and tools they need because we're a great people. And I think you can usually see history repeating itself. You see it being repeated here with Franklin Roosevelt, that Congress; President Obama and this Congress.

Thank you, sir.

Mr. YARMUTH. I thank my friend.

I want to tag along a little bit about the tax discussion because, it's interesting, there's an old saying that when all you have is a hammer, everything looks like a nail. And what we've seen out of our colleagues on the other side is the only policy that they even think about when it comes to the economy is tax policy and the need to cut taxes.

The Republican-run Congress, controlled Congress, in 2001 and then 2003 cut taxes. Most of that tax cut went to the very wealthiest people in the country. That tax cut was scheduled to expire in 2011. And now that the President's budget would allow those tax cuts to expire for the very wealthiest Americans, those making over \$250,000

a year, our colleagues on the other side want to say we're raising taxes, which is not true at all.

□ 1800

In fact, the way I look at it is, if you go to a store, and the store says we've got 40 percent off today and you happen to miss that sale and you go back the next day and it's back to regular price, you can't say the store raised prices, you just missed the opportunity. Well, in this situation, the wealthiest Americans did not miss the opportunity, they took full benefit of those tax cuts for the last few years. Meanwhile, the great disparity between the wealthiest Americans and everyone else continued to grow to unprecedented levels. And now that this President—and I assume this Congress—will say, let's restore some more fairness to the tax code, let's let those tax cuts expire, the rich can pay marginally more than they have been since the Bush administration cut taxes, and now they're complaining that that's a tax hike, which is frivolous.

Mr. COHEN. Would the gentleman yield?

Mr. YARMUTH. I would yield to my friend.

Mr. COHEN. Is it accurate to say that 95 percent of the Americans—and nobody with an income of a quarter of a million dollars a year or less—would see a tax increase and, in fact, would get a tax cut under this plan?

Mr. YARMUTH. That is clearly the effect of the President's budget, and it was clearly the effect of the recovery plan that we passed recently. And I think it was well justified. And I think the American people appreciate it and understand that—they know a tax cut when they see it and they know a tax hike when they see it. And 95 percent of the people in this country will see their paychecks increase, and they know that that's not a tax increase. So I thank the gentleman.

Now it gives me great pleasure, we've been around the country from Florida to Colorado to Tennessee and Kentucky and Pennsylvania, now it gives me great pleasure to introduce my colleague from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Thank you for organizing this colloquy.

As Congressman COHEN said today, this Chamber earlier today was a place of a historic event where the Prime Minister of England, Gordon Brown, addressed the people of our country as well as both Chambers. And he, I think, did a magnificent job about, number one, talking about the economic crisis that we're in in global terms, the numbers in terms of lost jobs—lost wealth that has taken place over the last 6 months is historic and staggering—but reminded us that the focus has always got to be on the impact, person by person, in terms of jobs that are lost.

In this country, where we have lost, as of the end of January, 3.6 million jobs, because of our health care system being tied to employment there is an added blow that families suffer when there is a layoff, which is that people are confronted with the almost impossible choice of maintaining their health insurance by paying for COBRA premiums—which in a State like Connecticut, for an individual that is about \$6,000 or \$7,000 a year, \$12,000 for a family—or letting their health insurance just lapse.

One of the things that was included in the Recovery Act—and it has now been 2 weeks since the President signed that measure in Denver, Colorado—is that we have seen, I think, Member offices, have a chance to sort of see our constituents vote with their feet in terms of the interests that they've expressed about different components. And in my office, certainly, the COBRA subsidy, which was a measure that was included in the Recovery Act—again, a historic effort by the government to step in and provide families with 65 percent of the premium costs if they are laid off—again, something that has never happened in any prior recession or economic downturn—is the piece of the Recovery Act that's gotten the most traffic in terms of phone calls and inquiries into my office.

I'd like to, again, as Prime Minister Brown indicated, share a story in my district of a guy, Tim Jensen, he's a reporter for a small weekly newspaper, got laid off last September. He's one of these guys that would show up with a camera and a pad and pen at any event, supported every parade, community event, veteran ceremony. And unfortunately—as we know, the newspaper business has suffered along with many, many other industries in our country—he lost his job in September. To compound that, as I indicated, he had to foot the bill for COBRA extension, and to compound that even further, he was diagnosed with cancer later this fall. So now he's in a desperate Hobson's impossible choice of whether to maintain his health insurance, depriving his family of literally food on the table, or give up his health insurance at a time when he literally has a life or death need for medical treatments. The Obama plan, which is to provide a 65 percent subsidy for people like Tim Jensen, is literally a life saver. It is going to provide him and his family with the means to maintain that health insurance coverage and avoid, again, just a total catastrophe for him and his family.

And it does tie in to the issue which I know we've been talking about here today, which is the impact on the public finances of this country. The fact of the matter is that people who do lose their health insurance end up being a public cost later down the food chain of our health care financing system, either in the form of uncompensated care

in the emergency room if there is a health care crisis, or they lapse and end up in a publicly financed program like Medicaid or some form of public assistance program for single adults, which many States operate. It is far more cost effective and rational to provide those individuals with a subsidy to maintain their existing health benefits while hopefully they will transition back into the workforce rather than to just completely abandon them, which unfortunately was the system prior to passage of the American Recovery and Reinvestment Act.

So, again, a measure which will provide the individual, which Prime Minister Brown talked about, which always should be our focus, will benefit not just that individual and their family, but also our overall system of public finances and health care coverage; again, hopefully just an appetizer in terms of the main course of health care reform, which this administration is, again, beginning to unfold with the release of its 2010 budget, and a Congress that is ready to roll up its sleeves and go to work in terms of all the key committees.

So this stimulus bill, the American Recovery and Reinvestment Act, has many, many components to it, which we've talked about over the last few weeks or so and will continue to do so. But clearly, the COBRA subsidy, a new, unprecedented effort by the government to step in and help unemployed workers—which are, sadly, going to increase at least in the short term—

Mr. PERLMUTTER. Would the gentleman yield?

Mr. COURTNEY. Sure, I would be happy to.

Mr. PERLMUTTER. Well, Mr. COURTNEY, one of the things that you've made the point so well, and Mr. DREIER, when he and I were arguing about the stimulus bill 2 weeks ago, is the immediacy of this, the urgency of this. The time to act is now, not 10 weeks from now, not 20 weeks from now. I mean, your friend's life was on the line. Mr. DREIER's friend, it was a tragedy because of job layoffs and a number of other things. So Mr. DREIER, explaining it as somebody on the other side of the aisle, but still wanted to vote no.

And what I've seen—and not to really pick on the other side because it's time for us to move forward in a positive way—their position is, just say no, we like the status quo. This country can't afford the status quo any longer. We need to move quickly, we need to move with purpose, and we need to move now. Because whether it's to maintain or create new jobs, provide COBRA where jobs have been lost, maintain State government—backfilling them so we keep the teachers and the firefighters and the policemen and the maintenance workers employed in this difficult time—or to assist people who

have suffered, we've got to move now. And this Congress and this President are moving now.

Now, my friends on the other side don't like it, but their old ways—and I'm pointing to the record deterioration of the budget—have just driven us right into the ditch. I said that before. We have to turn this around. And so we will, under the President's approach and the congressional approach, reduce what was a record deficit that we've inherited by almost half or more, doing so in a way that creates new jobs, creates a new energy economy, creates a health care system that works, and at the same time assisting people who have fallen on hard times. So I just appreciate working with all of you to get going on these problems and to turn this around.

I will now yield back to my friend from Kentucky, or to my friend from Connecticut.

Mr. COURTNEY. Just to sort of close the note there, which is that, as difficult and challenging as the time we're living in for individuals like my friend I just described, or the macro picture, the fact of the matter is we can do this. As the Prime Minister said, we have to maintain our optimism, and we will, because that's the nature of our country. And we're going to get through this and fix this problem. And thank God we've got a President who's ready to work with this Congress and get this country turned around and moving in the right direction.

With that, I yield back to Mr. YARMUTH.

Mr. YARMUTH. I thank my friends. And I think one of the things that is so impressive about this budget that we have had submitted to us is it is unique in so many ways and it is trend setting in so many ways.

I would like to yield once again to my friend from Florida (Mr. KLEIN) to talk about how this budget may differ from budgets we have seen.

Mr. KLEIN of Florida. Well, I thank the gentleman for the discussion today. Because I think if we think about how we plan our family budgets, whether it's sending your kids to college, whether it's planning for retirement, if you're in retirement, making sure that the investments you have, even in difficult times like this, will pay for the expenses that you have, these are all things, it's all about certainty, and it is about trying to know where you will be and plan for the future. I know a lot of small businesses I talk to, they want to know for sure about how they will be in a position to plan their capital budget, cover the expansion, make the investments in their equipment and things like that.

So one of the things we've been working on is this budget. And the budget of course is the plan for this next year's fiscal spending of our government. And

of course there are a lot of fixed expenses, there are things like, everything from prisons to roads to our military and defense and veterans, which are so important to us, particularly at a time when we are fighting two wars and we are creating a new generation of veterans. So as they come home, as this Congress has demonstrated, we will make sure that anyone who wears the uniform gets the benefit of making sure that this country stands behind them and their families for all the necessary care that they need in the future, as well as jobs.

But for the rest of the country, this really is a question of times when we do plan the necessary future vision. And I think what President Obama has offered to many of us that I think is really visionary and exciting—and we're seeing this in the blueprint or what we call our budget—it's a focus on education, it's a focus on health care, it's a focus on energy. Each one of these is a crucial component of moving our economy forward.

Education by far—and I've believed this for a long, long time; my mom is a teacher, she is a public school teacher, she has taught second grade. She absolutely instilled in me the notion of how important education is. And as one of the first people to go to college in our family, it really has given me the opportunity to do things that have allowed me to serve in Congress. But more importantly, education is the best investment as a country that we can make. And between the stimulus plan and the budget, there is investment in college education. In President Obama's speech last week he talked about having every person who wants to be able to get a college education get one.

We see our competition around the world, whether it's Singapore or China, other places, the engineering degrees and other degrees that are coming forward; that's an investment in their future. Well, we have a great education system and a great university system, and community colleges and apprenticeship programs and vocational programs, all of these need to be nurtured and supported. And every student who wants to go to school—and every adult who wants to go back to school, particularly in a time like this—needs to have that support because that will turn into a very high productive economy.

Health care. We know health care is just the Pacman eating up the costs in our economy, not just for government, not just for Medicare and Medicaid, but for private businesses. I know that when I was in a business, we had about 75 employees. Every year—and I know many of the people who are on the floor here understand this from their businesses or people at home understand this—every year you go back and have that conversation of what it's

going to cost to renew your health insurance; double-digit increases every single year—whether there has been an experience of sickness or anything in the business, that's exactly what happens, double-digit increases. So you have to make decisions; do you cut back? Do you pass off more of the costs to your employees? And at some point in time businesses say I can't afford it. And we want to give them the opportunity to provide that type of health insurance because it keeps their employees healthy. We don't want people showing up at the emergency room.

So this budget has an investment of changing our health care system to make it more efficient, better quality of medicine. And one of the ways they do this is bringing our health system into the 21st century with health technology. And this is something really simple. Think of when you go to your doctor's office, and your doctor, and all his good medicine and good advice he's given you, he writes down the information about his observations and your evaluation on a chart in pen, in many cases—not all, but many of them still do—and that's because their systems have just not kept up with. It's not a fault of the doctors, it's just that the systems have really not kept up in this business. Now, every other business in the United States, we pretty much are on computers. Well, you still see large racks of files in a doctor's office. So, God forbid if something happened, let's say I'm at home and I have my personal doctor, and that doctor has my little chart. And he takes some tests, my heart and all the cholesterol and all the normal things, and I get sick as I'm traveling—let's say I'm up here in Washington, D.C. Well, I may go to a doctor up here, and guess what that doctor starts with? Zero. Nothing. No file, no nothing. And if he wants to get information, he has to call and maybe have somebody Federal Express or some type of courier of the record up to Washington and maybe has to take tests all over again. It just adds tremendous cost into the system instead of having a very simple—with privacy, of course, secure—but a simple system to have all of the technology of health care. Plus, certainly the quality of medicine can be improved on as well; I know many of my doctor friends tell me that all the time.

□ 1815

There is an investment, an incentive for doctors and providers, hospitals and others. This is just common sense. Again, if we can save money it can result in better quality of medicine.

Lastly, of course, is energy, and I know many of us in this Chamber, Democrats and Republicans, most Americans, understand that we have got to get a grip on our energy policy and stop sending billions and billions of dollars to countries that are not our

friends but, in many cases, our enemies. We complain about Venezuela and Hugo Chavez, rightfully so, he is very anti-American, and he is a threat. And what do we do? We send millions and millions and millions of dollars daily over to Venezuela and buy their oil.

Well, that makes absolutely no sense to me and, I think, to most Americans. Well, it's not just Venezuela, it's all the Middle Eastern countries and plenty of other places. The sooner we can get into a mode where we can develop alternative energy, and whether it's wind or wave or solar or any combination of electric powers out there, and obviously there is coal and nuclear—and there are probably some answers as we focus our technology on some of those things as well to figure out the solutions to those problems—any number of ways that we need to make this country energy independent.

What President Obama does, and I certainly support, and I know most Americans do, is to really get our attention focused and make the kinds of investments necessary to get us into alternative energy. For energy conservation, electric grid, make sure that you are home, for example, with a new technology.

I had a small businessman in my area that came to me and said he has created a device which can now purchase and store electricity at the least expensive hours of the day. We know that at nighttime there is a low demand for power and you could, if they start pricing it that way, you could buy it less expensively. Boy, that makes a lot of sense, and then you can actually get more capacity out of our existing electric power plants, common sense. And these are the kinds of things that President Obama and many of us as Americans understand are the kinds of things that we need to do.

So the gentleman from Kentucky, I am actually very excited about the kinds of things that are in this budget. Well, sure, we are going to work on some and make them a little better. Maybe some won't work out, but I think there is a blueprint here for the future, it's a blueprint that will get our budget back in line, put people back to work, make the quality of our education, the quality of our health care, and certainly an energy policy that will put us into the future. This is the kind of leadership that I am really excited about.

Mr. YARMUTH. I thank my colleague, and I think that is truly one of the special things about this budget, is that it is forward-looking, it is visionary, and it doesn't rely on the tired actions of the past.

And, furthermore, it's such an honest budget. For the first time it is totally comprehensive, so that we don't keep things off the books like we have kept the expenditures for the war in Iraq

and Afghanistan over the last 8 years. It puts expenses for those activities in the budget, projects them. It also includes items for anticipating disasters like Katrina or other natural disasters we know are going to occur but we never put those expenses in the budget.

So this is fully transparent, it is comprehensive, it is honest and, again, it is forward-looking, and that certainly is something that I think the American people, as time goes on and we discuss this budget, will appreciate that it is large. There is no question about it. We are spending unprecedented amounts of money and we, unfortunately, are facing some pretty substantial deficits.

But if we stick to this test, the odds of our not just recovering from our current situation, but from setting the foundation for an incredible era of growth and progress in this country, are greatly improved because of this new agenda advanced by the Obama administration.

So, as we get toward the end of our hour, I would like to recognize my friend from Tennessee (Mr. COHEN) who has also played an important role in one aspect of meeting the challenge of this current situation, and that is an element of the housing problem that he has been particularly instrumental in dealing with.

Mr. COHEN. Thank you, Mr. YARMUTH.

Tomorrow we will have a vote in this House on a housing bill, and many have said that not only do we have to have confidence in our economy to have it come back, but we have to cure the housing problem first, which has been one of the main problems in causing us to go into this economic recession and the malaise that some say the economy is in and, indeed, it is.

One of the things we are doing tomorrow with the bill is to permanently make FDIC insurance for banks and credit unions \$250,000. That was something that we proposed in the first TARP and we were able to get that passed temporarily.

That permanent amount of money will secure American investors' deposits in banks and assure people they have confidence which they need to have and will have in the banks to know that their money is safe. That's important for our banking system to make it solid and for our constituents' deposits to make them secure.

The bill will also change and allow, for the first time, something that has been long in coming, the opportunity for people who might have to file chapter 13, bankruptcy, not a pleasant subject, not an easy subject, not an easy process but an ordeal where one has to go and show to the bankruptcy judge their need for help, all of their assets, their expenses, and be put on a plan for approximately 5 years on how they would have to spend their monies. And

they have to have approval from the court over their finances.

In that process one can have the loans that they have made on a second home, on a farm, on a family farm, on an airplane, on a yacht, just about every type of property, modified by a bankruptcy judge to make it affordable to the person going into chapter 13 bankruptcy. The judge can reduce the principal down to the secured amount, can extend the terms, can lower the interest rate, but the judge has not been allowed, since 1978, because of an act of Congress, to modify a person's principal residence, which is their most valuable possession—maybe not in a monetary fashion but generally it is, at least in a spiritual way.

And in this particular crisis, to allow people to modify their mortgages on their personal residences, is similar to what people can do with secondary homes, vacation homes, yachts, airports, family farms, et cetera. We allow people to stay in their homes to solidify their neighborhoods, to keep houses on the tax rolls, to keep neighborhoods solid where if your neighborhoods aren't solid, you have increased crime, increased vermin, increased problems, and maintain hope for people in their neighborhoods and in their homes.

This will be a first-time activity. We have worked with all elements in this Congress to come about with amendments, there will be a manager's amendment tomorrow, to make it to where it is a last resort, to guarantee that the monies, the people won't be allowed to enter into the bankruptcy or have their mortgages changed unless they meet very strict criteria and provide that relief that we need to help this housing market succeed.

So we help the banks tomorrow and our financial security, really not the banks but the individual depositors with the \$250,000 FDIC insurance, and we help individuals in their homes with the opportunity to stay there and help neighborhoods.

I think this is landmark legislation, and I know that it's been extended to Vermont and Kentucky as well. I thank the anchor of our hour and the former president of this class, the distinguished and honorable gentleman from the former Conference U.S.A. city, Louisville, Mr. YARMUTH.

Mr. YARMUTH. I thank my colleague and thank him for his work on this very important piece of legislation that we will be dealing with tomorrow, which will be another important component to get the ship of state back on course and to get our economy moving again.

It gives me great pleasure to welcome and recognize our distinguished colleague from Vermont (Mr. WELCH).

Mr. WELCH. Thank you. I have been listening to some of your comments, and I just want to make a few remarks about the budget. We all know that we

have an economy that's facing the biggest challenge since the Great Depression, and what this budget is attempting to do, and a lot of work getting from where we are to where we need to be, is, I think, very simple. It's about trying to revive the middle class.

You know, when you think about the recent history of America in the 1960s, when LBJ took on the challenge of trying to eliminate poverty and was successful in reducing it substantially, it was the right goal. The middle class paid.

And in the past 10 years, and even more, the policy has been, essentially, to lower taxes for very high-income folks, also provide deregulation for corporations, and it has resulted in a significant transfer of wealth. The top 1 percent of our country has enjoyed the greatest explosion of wealth since the 1920s, and, in fact, who paid for that? It was the middle class.

So the middle class paid for the programs that are essential, and I support it, that benefit the poor. The middle classes paid for the programs that were very, very generous to the quite wealthy, and it's the middle class who, in the end, is getting squeezed. This country has always done its best when it has had economic and political policies that have given an opportunity for people who are poor to move their way up into the middle class and for the middle class to sustain itself and to grow and prosper.

And what the Obama budget attempts to do is redirect our energies and our policies towards rewarding work and rewarding and enhancing the middle class.

Now, if we are going to be successful, we actually do have to pay attention to deficits, and it's a contradiction, so it seems, that on the one hand because of our fiscal situation we have to invest. We also have to commit ourselves to a health care policy that's going to make health care affordable, and to an energy policy that embraces the challenges of a new energy economy as something that can create jobs much. And we, as Democrats, who are supporting a middle class budget also have to embrace the absolute commitment to root out any waste and any excessive spending.

Mr. YARMUTH. I thank my colleague for his contribution.

I would like to conclude this hour of discussion from the Majority Makers, the class of 2006, that as this Congress proceeds and as we work with the Obama administration to set a new course for the country, to lay a foundation for growth and prosperity, a return to prosperity in this country, we look forward to further discussions.

And I think the most important thing we can say in closing is that to repeat the words of Prime Minister Brown this morning, who said, who kept mentioning, "faith in the future."

That's what we are about, restoring faith in the future for the American people, and this will be our main mission over the next 2 years as we proceed to help every American realize his or her ambition for a better life.

OPPOSE OVERSPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the honor to address you here on the floor of the United States House of Representatives, and it is always an honor to address you, Mr. Speaker.

I have spent some of the last hour listening to my colleagues, whom I appreciate voicing their opinions as well. I would like to take up some of their issues at the beginning, and then I will roll it into the subject matter of this next hour that I have.

But first of all, when a statement was made by the gentleman from Tennessee that Rush Limbaugh wants Obama to fail, he didn't say that, Mr. Speaker. He can't be quoted anywhere as he wants Obama to fail or President Obama to fail. It wasn't his intent at all. You have to listen to what he actually said.

He said he wants his policies to fail. That was a message that's clear. It's been reiterated over and over again across the media and this country, Mr. Speaker. So I have to come here and raise the issue in the beginning that that was a statement that was made, Mr. Speaker. Rush Limbaugh said that he wants President Obama's policies to fail so that we can go forward and preserve and protect and enhance our freedom and our liberties and our free market economy and perhaps, and I hope it's not so, perhaps our national defense as well.

I will stand with him on that. I have opposed these policies of overspending. I opposed the stimulus plan, and I opposed the bailout plan that came in the previous administration.

It was clear from where I stood that you simply cannot take money from the producers of this country and pour it into a void without a plan or a strategy and how it's going to emerge. Still, the U.S. Treasury couldn't tell us the results that would come from a \$700 billion bailout plan. The President of the United States can't tell us the results that will come from hundreds of billions of dollars, and, actually, more than \$1 trillion when you add the interest stimulus plan.

And so without a definable goal here, except the idea that spending is stimulus—and I disagree with that philosophy, spending is not stimulus. But, believing that, then the people on this side of the aisle have said, well, this is a comprehensive proposal, it's well thought out. We are going to have a

more responsible budget than George Bush had, and in the end we are going to have this economy that is going to grow to the point where we will be able to do this magnificent thing called "cut the deficit in half" by the beginning of President Obama's second term.

□ 1830

I heard that over here, too, although he really said by the end of his first term, which I think is more likely if they keep going down this path.

So the words "cut the deficit in half" echo to me. That was a goal that was laid out by President Bush. So it seems to me that President Obama, Mr. Speaker, is following at least one of the patterns of President Bush.

And I will tell you I was not particularly moved by the idea that we could cut the deficit in half in 4 years or 5 years or whatever that might be. I didn't come into this political life with half of a goal. I'd want at least a whole goal. So if we can cut it in half in 3½ years or 5 years or whatever the case may be, why couldn't we just eliminate it? Or maybe we could just double that period of time. If we could cut it in half in 4 years, maybe we can cut it in half again in another 4 years, and then we'll be down to only 25 percent of this huge deficit that we have now.

But, Mr. Speaker, this deficit is breathtaking. We are looking at the current administration's budget of a deficit of \$1.75 trillion. And we heard him speak to us of having to construct one leg of a multi-legged stool to get us out of this economic crisis that we are in. Well, the one leg, you have to add the bailout money from last fall and the \$1.1 or 2 trillion from the stimulus plan from just a little over a week ago, package that together, and without many of these things that got poured into by administrative action, you're at a \$2 trillion leg for one stool of what, according to the President, is a multi-legged stool. So if a leg costs \$2 trillion and it's multi-legged, I know it's not a milk stool. That would be a one leg. It's not a two-legged stool. I've never seen one of those. It's not a three-legged stool or he would have said so. So I have to presume that this stool that's going to be the rebuilding architecture of this formerly free market economy is going to be at least four legs at \$2 trillion a leg, which nearly doubles our national debt.

I remember the President's media personnel speaking on the morning of the President's address here in the joint session, Mr. Speaker, and he said our national debt is 10 percent of GDP, that we have to do something about that. It's too high.

Well, his current budget, the one that's just been defended by my colleagues from the other side of the aisle, takes that share to more than 12 percent of our GDP. In fact, it's 12.3 percent of our GDP. That's the current

President Obama budget. So this 10 percent of GDP that is national debt today becomes a 12.3 percent of national debt if this budget is enacted into law, and a lament that comes from his spokesman is we've got too high a percentage of our GDP in our national debt.

Well, Mr. Speaker, I think there's another number that we should be concerned about. I'm concerned about that. I'm concerned about the daily interest rate, that if all of this is enacted into law, the American people will be paying \$1 billion a year just in interest alone, \$1 billion a year.

Now, I hearken back to 1992 when President Clinton was elected. He was elected under the belief of the American people that we were in a recession, and he convinced the American people we were in a recession, and you might go back and look at the definitions and parse that so that it was, I'll say, marginally true. But President Clinton came to this Congress, Mr. Speaker, and he asked for a \$30 billion, that's \$30 billion with a "b," economic incentive plan, and that was supposed to put money out into the hands of people so they would spend it because the belief was that spending is stimulus. It was going to create, though, jobs like the AmeriCorps is today and put this \$30 billion into this, and it was going to bring us out of this recession that was defined during the presidential campaign of 1992. President Clinton brought that argument to this Congress, \$30 billion. And this Congress, being a Democratic Congress, debated the \$30 billion, chopped it down from \$30 billion, finally got it down to \$17 billion, and then decided, well, we're not going to do it after all. So they threw the idea of the stimulus plan over the side in 1993, after having taken a \$30 billion idea and reduced it to a \$17 billion idea, and they pitched it overboard because it wasn't a good enough idea. Well, today we have budgets that are proposed by the President of the United States that brings us to the point where we'll be paying \$1 billion a day, not \$17 billion in an economic stimulus plan like 1993 but \$1 billion a day. So, for example, when the fiscal year kicks in—let me say the calendar year. That's a little easier thing to think about, Mr. Speaker. But when the calendar year kicks in, if you want to keep track from the day you're watching your bowl games on how long it takes for the Federal Government to spend as much money on interest as it would take to have paid for the entire Bill Clinton stimulus plan, well, from January 1, 2, 3, 4, on up to the 17th of January, boom, you'd be done. That would be economic stimulus freedom day, the 18th of January, if you're paying this at the rate of this stimulus plan we have today.

Now, compare that 17 days at \$1 billion a day to pay for the entire Bill

Clinton stimulus plan to just the interest that we'll have here in the Federal Government if we let this all go forward that's being proposed out of the White House today. That's \$365 billion just in interest. That's not a stimulus plan, I'll suggest, Mr. Speaker. I will suggest that's anything but a stimulus plan. It works against us. It drains capital from the private sector. It drains capital from the productive sector of this economy.

So Rush Limbaugh didn't say he wants President Obama to fail. He said he wants his policies to fail because he's about freedom. And I'm about freedom. And we ought to be about quoting people correctly. Maybe if the gentleman from Tennessee actually listened to the words that Rush Limbaugh said, maybe he wouldn't have been so outraged. Maybe he would have just said, well, we have a legitimate philosophical disagreement, *que sera*. It would be okay. But that's not what's happening. They are seeking to criticize a high-profile individual in America in order to demonize him so that that individual can be put up as a poster for the things that they want to claim is wrong with their predecessors.

Well, here's the problem, Mr. Speaker. This has been a Democratic Congress for more than 2 years. The 110th Congress was all in the control of Speaker PELOSI. She received the gavel up here in January of 2007. There's no Federal spending in America that doesn't start in this Congress by Constitution. So any of the spending that's been initiated since that day has been initiated right here on this floor in the end in the House of Representatives. And our budgets and our deficits become the budgets and the deficits of the Democrats that are in charge. That's Speaker PELOSI. That's Leader HOYER. That's the committee Chairs and the people who have been handed the gavel by the Speaker.

And the American people need to understand that this isn't something that's driven by the minority today. The minority that we have here today has always driven for balanced budgets, fiscal responsibility, strong national defense, strong personal responsibility, strong families, defended the rule of law, protected the borders.

So we are today with a President that's going to cut the deficit in half by the beginning of his second term, but he's got to create this huge deficit in order to cut it in half. So if you go out and start biting off chunks of the GDP and grow from a 10 percent deficit of GDP to a 12.3 percent deficit of GDP, if you have a President's budget that's being proposed that takes a greater and greater share of the GDP of America, it isn't just the deficit that counts here. The share of the gross domestic product that was being consumed by the Federal Government at the beginning of the Depression in the early

1930s was 3.4 percent, Mr. Speaker. By the time the New Deal had been implemented by Franklin Delano Roosevelt and we got into the Japanese attack on Pearl Harbor, which essentially ended his New Deal, the Federal Government was by then taking over 12 percent of our GDP. It went from 3.4 percent of GDP at the beginning of the 1930s, and under FDR it went to over 12 percent of GDP before you factor in the extra spending that had to take place in the Second World War.

Now, FDR had a significant utility to this country in leading us through the Second World War. I do not take that away from him. I applaud him for that stolid leadership that he provided. But he didn't solve the economic problem. And anybody that can come to this floor and engage in this debate and point out for me some data that shows that the New Deal, which was profligate spending, unprecedented growth in the Federal Government role, consuming from 3.4 percent of GDP up to 12 percent of GDP, and not having anything to show for it, there's not a legitimate debate on the other side. The New Deal did not get us out of the Great Depression.

To be charitable, it may have, and I emphasize "may have," diminished the depths to which we might have otherwise fallen. I'm not convinced of that, but I will just concede that that could be the case. The data may show that if you didn't pour enough government spending in, maybe, maybe things would have completely collapsed and we would have had to build up from almost nothing or nothing as opposed to building up from almost nothing plus one. So maybe the New Deal programs diminished the depths to which we might have otherwise fallen. It certainly provided some soup kitchens and some WPA programs and CCC camps, and the Federal Government stepped in and hired a lot of people, competed directly with the private sector, by the way. That's what happened with the New Deal. And the recovery process that was needed to take place when capital was willing to take the risk again, when entrepreneurs were willing to take the risk again, that recovery took place through the Second World War.

This is where I don't see it quite the same way either as the President does, Mr. Speaker. I don't take the position that the Second World War got us out of the Great Depression. I take the position that the Second World War started our recovery from the Great Depression. It brought about a massive growth in production in America in our industry, and it positioned us that by the end of the Second World War, we were the world's industrial power because we had ramped up our industrial production here to meet the demands of the world in the Second World War. And at end of the war, we were essen-

tially the only industrialized country that had maintained our industrial base without its being destroyed by war. So we had a comparative advantage, as Adams Smith would say, against the rest of the world. And our economy grew, and America built more things and sold more things both domestically and abroad. And by 1954 the stock market had recovered to where it was on the day that it crashed in October of 1929. It wasn't the New Deal that got us out of the Great Depression. The Second World War gave us a very good start, as tragic as that world event was, but the recovery required another 9 years just to get back to where we were when the stock market crashed in October of 1929. Franklin Delano Roosevelt had been dead for 9 years before the stock market got back to where it was. So it's not his achievement necessarily. I think that it actually slowed our recovery.

And now we have, Mr. Speaker, a President who believes that the New Deal was a good deal, that FDR essentially lost his nerve and was too concerned about spending too much money. So he's concerned that FDR essentially backed down, and if he had just kept spending more and more money, then he would have been able to have this Keynesian effect, a real stimulus effect that would have brought us out of the Great Depression before the Japanese attacked us on December 7 of 1941. Well, the world will never know. That isn't what happened.

But the world also knows that there is no historical model for bringing about an economic recovery by taxing your citizens to death and transferring that wealth to other people and paying people not to work and by asking people to go forward and spend money that you hand to them. That's a temporary stimulus, if at all. And we tried that early last spring, a \$150 billion temporary stimulus plan. And you can look for the blip in that. What happened to the consumer spending? What happened to jobs? It didn't even show. In fact, about 70 percent of those \$150 billion that were injected into the economy in rebates were saved or used to pay off debt. They didn't stimulate the economy. So some of it was tax relief and to that extent it was good, but on balance it wasn't a stimulating plan. This is a huge plan based upon the same philosophy. Spending is stimulus is what President Obama has said, Mr. Speaker.

□ 1845

I looked back and I read through some of the documents written by John Maynard Keynes. This is pure Keynesian economics. It was Keynes that said I can solve the world's unemployment problem. We will just do this. We will go out to an abandoned coal mine and I will take U.S. currency and we will bury it in these holes around this aban-

doned coal mine. Then we fill the coal mine up with garbage, and then we'll turn the entrepreneurs in the country loose to go around and dig it up and be able to pick up this cash and take it out and spend it.

He said he can solve all of the unemployment problem in the country if you just give him enough cash and they could drill these little holes around in abandoned coal mines and then fill the coal mine up with garbage and then let the people dig through it. That would give them a job, of course, digging up the cash, and then they would take the cash out and spend it, and that would solve the economy.

Mr. Speaker, we are not going to solve an economic crisis until we produce. We have to provide incentives, which means getting government out of the way and reducing taxes so that people will produce. If they produce something that has value, they will take it out and market it and sell it and our economy will grow. And that is how you stimulate the economy, by increasing production, not by increasing spending. And it needs to be competitive production that gives people a comparative advantage against the rest of the world.

Innovations in the area of technology, for example, entrepreneurs that start businesses, people that are trading, buy, sell, trade, make gain, produce market, be smart about it, but do not punish the productive sector of the economy, or you will wait a long, long time for a recovery. We know that they waited a long time for the recovery of the Great Depression, from 1929 to 1939 to '49 to '54. All of that time, a complete and entire more than a generation before they saw the recovery that was brought about by two things, the Second World War and by the industrial productive might that we developed and the effect of that on the world's economy.

So, if you create, as a President of the United States, Mr. Speaker, a huge deficit, and then you say, oh, by the beginning of my second term in office I am going to cut my deficit in half, how would that be? It would be like the family budget, if I would go out and spend, let's say \$2,000 more per month than I make, I would have a \$2,000 a month deficit. And that would then be a \$24,000 a year deficit.

But I could make my pledge to my financial advisor that I am going to cut that deficit in half and just cut it down to \$1,000 a month. And if I needed to really bite the bullet and say, well, I am going to have to do more than this, I could maybe increase my spending to \$3,000 a month or \$4,000 a month, and then next year it would be easy enough, I would just cut it back to \$2,000 a month and say I cut my deficit in half. I am still spending the same amount I was, and I still have the same kind of deficit I had.

That is the kind of smoke and mirrors language that is coming out of the White House today, and the American people, Mr. Speaker, are sitting there accepting it. They are accepting the idea that if you spend a couple trillion dollars, if the White House spends a couple trillion dollars appropriated here, out of the beginning of the spending into the House of Representatives, and that \$2 trillion in the stimulus plan is going to, get this language, save or create 3.5 million jobs.

All right. Have we lost our senses? Don't we see through that clearly? I mean, this isn't any kind of blurry, opaque lens we are looking through. This is crystal clear in focus. Save or create 3.5 million jobs. Not new jobs, not defined jobs, not in any particular sector. Not create jobs. Save or create.

So, I guess I could go back to a pretty low educational level and ask maybe one of our children, figure this out. If you are going to save or create 3.5 million jobs, and if you have got a workforce of about 142 million here in the United States, let's just say that it is really clear that President Obama is going to accomplish that objective. I can guarantee that President Obama will accomplish the objective of saving or creating 3.5 million jobs, because, first of all, they aren't new jobs, and second of all, if you don't create a single one and you still have 3.5 million jobs left in America, you have met your promise.

These are carefully parsed words and pieces of language. This isn't something he is speaking off the cuff and bouncing around in between other meetings. It isn't like he was ambushed by the press. This is the speech writers carefully putting this language together. It has been repeated over and over again.

As far as I know, the press hasn't said, Mr. President, isn't it true that if there are 3.5 million jobs left in America, you will have kept your promise? That is what the promise is, Mr. Speaker.

There are also many other promises. One of them is we are going to have a carbon tax. So we are going to tax energy. Well, everything that we have in America takes energy to produce or deliver. A cup of coffee takes energy to heat it. It takes electricity to fire up the coffee pot. It takes energy to transport it. Everything we have takes transportation. It takes trucks, it takes rail, it takes trains. All of that burns energy. Almost all of it takes energy, hydrocarbon energy that comes from petroleum.

So if we are going to tax the carbon that is petroleum, if we are going to tax that we are taxing everybody in America. They are going to tax your light bill and your gas bill. That is your heat bill. Your gasoline bill as well. And this tax isn't going to be something that is put on your invoice.

It is going to be something insidious. It is going to be something that creeps and sneaks into your bills so you don't see it. It will be immeasurable.

I can just guarantee you if this happens, there won't be any study done in this Congress or anywhere else that is official at least by government that will tell you what it costs you to pay this carbon tax. But it is so far measured at \$646 billion, the carbon tax.

We are going to pay a tax on carbon. Why? Because we have some scientists who have decided that they want to tell us all that we are suffering from global warming. Climate change now is the word. And I will just say, pay attention to language. We have gone from global warming, well, actually we have gone from ice age. I remember ice age in the seventies. There was one scientist that was a lead scientist on predicting that we had a coming ice age, and he has now shifted over to the other side. Now he says no, the Earth is in global warming and we should backpedal from that as it was as we can.

But we have gone from ice age to global warming, and now global warming is kind of hard to hold because the Earth has been cooling for the last 10 years, so we have to change the language to climate change.

Now, if you have to fix the climate change problem, you will be able to do that forever. In fact, we always complain about the climate changing on us on a regular basis, wherever we come from. In Iowa, the climate is changing all the time. Just wait 5 minutes, it will change, we say. I talked to a fellow in Mississippi this morning. He says the same thing.

Climate change is going on all over America in little microcosmic ways. But you can address that and say we are going to fix it with government. We are going to fix it with a carbon tax. We are going to tax your energy.

If you tax our energy, you are taxing every single component of America's economy. You can't turn on your computer without taking energy. You can't light up your BlackBerry. You can't make a cell phone call. You can't turn on your lights. You can't get in a taxicab or on the Metro or drive your car. I suppose you can't ride your bicycle or go out to the farm and pitch a couple bales. But they have already figured out it takes energy to do that, and they are measuring against ethanol. A farm worker takes 4,000 calories a day to go out there and do the work. Now, I think he is overeating just a little bit. But they have measured it. Calories are energy. Human consumption of food is energy. Everything takes energy. Energy is based on carbon, and they want to tax carbon to the tune of \$646 billion. Then, to make sure it really goes to the right place, the White House wants to tax oil and gas directly, \$31.5 billion dollars.

And, by the way, if you thought you made a pretty good living and maybe

jumped through all these government hoops and were able to establish an estate, then we have it set up so we were seeking to get completely rid of the death tax. But President Obama is convinced that they are going to come back with the death tax and eliminate the loopholes, so now you can't even hope to die for free.

That is all going on. And on top of that, we are in two wars, Mr. Speaker. Two wars. There is still a conflict going on in Iraq, and I am transitioning into that, and there is clearly a conflict in Afghanistan which President Obama has ordered a surge.

Now, it seems a little odd to me that the President of the United States would not admit that the surge worked in Iraq, but he would order one in Afghanistan, even though they are two different countries, I agree, and it is a tough battle going on in Afghanistan, and I am going to stand with him on the orders he has given.

There are many more components to it, and I trust the White House is going to build out the State Department side of this, the economic side of this, and the strategic neighbors, and hopefully put together a more cooperative approach to this so that we can have a broad and complete solution in Afghanistan. I will stand with him on that, as tough as it is.

I will not walk away from our military. Not our military. I stand with them and I stand with their mission. Their mission has been in Iraq, and everybody serving there in the last few years not only volunteered for their branch of the service, but they volunteered knowing that they would be likely called up to go to Iraq. Many of them volunteered for that mission. That is our military; selfless, noble, self-sacrifice, bravery like the world has never seen. The best trained, the most disciplined, the best equipped, the best armed military the world has ever seen.

Yet on the floor of this Congress, Mr. Speaker, in the 110th Congress, the previous Congress, there were more than 40 votes brought to the floor that were designed to unfund, underfund, or undermine our troops while they are at war under orders to face the enemy. And they face them in a way that was a 360 degree battlefield. You never knew when they were going to be hit, there was no one that was in a safe zone, some safer than others.

Yet in all of this, President Bush took a look and decided he did not want to capitulate to the other side. And even though the advice that he was getting from many of his top military officers was essentially we are not in a position to win this war, Mr. President, and the implication was that he should just simply order a withdrawal, let me put it this way, a cynic would say declare victory and leave, but you can never declare victory and leave and call it a victory in a war.

In a way it is like a street fight. The person that is standing there when it is over is the one that wins. And if you don't occupy the territory you fought over, you don't get to say we won that war, we just got tired of it and left and when home. The world knows that, history knows that, President Bush knows that.

That is why he had the vision and the leadership to give the order for a surge. It was a well-researched strategy that had many components to it, not just the military tactical, but many the other components to it as well. And as that strategy was put together, and I made a number of trips over there and met with our top officers while this was being put together, I was sold on the strategy before it had a name, I was sold on the strategy before it was actually shaped. But we see now what has happened.

President Bush ordered the surge and we swelled the troops up to over 150,000 there. He made the order. And, of course, our troops nobly complied and they carried out their mission in a fashion that still amazes more than half of this Congress, most the country and even more of the world.

But, today the Pelosi Congress has established 18, 18 benchmarks that needed to be achieved in Iraq before they would be willing to support the efforts and the spending that is going on there. I took this in the middle of those 40-plus votes that were designed to unfund, underfund or undermine our troops, I took those benchmarks that were essentially imposed upon the Iraq effort to be setting the bar so high that it could never be achieved because so many were invested in defeat in this Congress.

Yet of the 18 benchmarks, 17 of the 18 benchmarks have been wholly or substantially achieved in Iraq. And I don't have that list in front of me, but I can tell you the one that is not yet been achieved, and that is the benchmark that requires the Iraqi Security Forces to be completely independent from U.S. military support.

So, that would be that the 613,000 Iraqi Security Forces that are in uniform today that have been trained and equipped by our military, standing up a military from a beginning takes years, but of those 613,000, by that 18th benchmark they would all have to be able to operate independent of U.S. communications, U.S. logistical support, U.S. training, U.S. intelligence, the list goes on of all the things that we are providing them and helping them with today.

I think that is a generation away before they reach that level. I think the 18th benchmark was completely unreachable, although they have made substantial progress. But I won't say it has been substantially completed or wholly completed at this point. So 17 of 18 benchmarks, and the remaining one

is an independent Iraqi Security Force. Seventeen of 18 benchmarks have been achieved, Mr. Speaker.

I am introducing, I have today introduced a resolution that addresses this. The resolution is a resolution that acknowledges and recognizes the achievements there. Seventeen of 18 benchmarks have been achieved. That is one point.

Another is American casualties in Iraq. Since the 30th of June, 2008, we have lost more of our military to accidents than we have the enemy; more to accidents than we have the enemy, Mr. Speaker. That is a measure too of a war that is going in the right direction.

The civilian deaths in Iraq have gone down by 90 percent and the ethno-sectarian deaths in Iraq have dropped by 98 percent.

□ 1900

There's a long period there where you had no sectarian deaths, where statistically so low that they were not reportable.

And yet, I remember, some of my colleagues over here and some of our Senate friends saying the war in Iraq is lost. It can't be won. We've been defeated. It's a civil war. There are sectarian deaths. It's out of control, and we need to get out people out right away, just maintain enough of a rear guard so that they don't get shot in the back as they retreat from Iraq. That's essentially the message that came from a good number of people over on this side of the aisle, Mr. Speaker, and a number of them in the Senate as well, and that was part of the debate on these 40-plus votes that were designed to unfund, underfund or undermine our troops.

But what's happened is there has been substantial achievement in Iraq. We have achieved a definable victory in Iraq. And I've introduced a resolution today that lays out the history on how we got there, the authority that was invested in the President of the United States by this Congress to engage in military action if he saw fit, and the responsibilities that he accepted and that our military accepted, as well as the things that went wrong, and then the things that went right.

But three elections almost, the last election was so successful there wasn't a single significant security event involved in the last election in Iraq in the last weekend of January, this year. And so they ratified a constitution. They've had three successful elections, they have an effective central government. And Maliki has become a powerful and influential leader that had the courage and the temerity to order his own troop actions to go down into Basra last year, and that turned out to be something that seemed to be tenuous but turned out to be successful, and it was a key component in establishing Baghdad and the central gov-

ernment as being in charge in the country of Iraq.

So however we measure this, by any complete objective measure, there has been a definable victory achieved in Iraq.

That's what this resolution does, Mr. Speaker. And it thanks and honors our military for their sacrifice of life and limb and blood and treasure and time away from their homes and having their destiny changed. No one served in that country without having the destiny of their life turned in one way or other. Some of them lost their lives. Some of them lost their limbs. All of them were affected in a way that it changed them, in a small way some perhaps, and in a very large way, others. It caused the breakup of some families. There were divorces because of the long deployments. There was a price paid by wives and husbands and children.

And yet, in this country, we bicker here trying to undermine an effort. And now, this Congress has a chance to say thank you for all of that sacrifice. This Congress has a chance to ratify this resolution and put it into the RECORD, in the CONGRESSIONAL RECORD for all time.

And some of the language in this resolution, Mr. Speaker, follows like this: The United States House of Representatives extends its gratitude to all those within the military and civilian departments and agencies of the United States Government who were responsible for directing the implementation of the surge strategy, including General David Petraeus and Ambassador Ryan Crocker.

The U.S. House of Representatives recognizes the importance and significance of victory in the Iraqi theater of the larger global struggle against radical Islamic jihadists terrorists.

And the United States House of Representatives commits itself to working with President Obama and his administration to continue the progress that has been made on the ground in Iraq since the surge strategy was implemented, recognizing that a definable victory has been achieved in Iraq, and that history will judge President Bush's successor by his ability to maintain his predecessor's victory.

That's what's been achieved in Iraq today, Mr. Speaker. And I stand with President Obama in maintaining and in building upon the achievements that have been made in Iraq.

This resolution is about honoring the accomplishments to this point. And it's about asking and actually challenging all of us to stand with those who have sacrificed so much so that price has meaning, so that the destiny of America, the destiny of every individual that served there was changed by their experience there. The destiny of America then needs to be changed also, as the benefit from the price that's been paid.

The destiny of America can be defined by the course of liberty and the course of freedom. And we have watched freedom be expanded around the world. I've watched it in a number of ways. Sometimes we've just fought them to a draw, and sometimes we expanded freedom dramatically. Free market capitalism expanded freedom around this world probably more than any war that there ever was. But those things fit in conjunction with each other.

The Second World War expanded freedom. If it hadn't been for that, we would have been either under the control of the imperial Japanese or the Nazis. And yet, we defended freedom. We expanded freedom.

Still, February 11, 1945, at Yalta, Winston Churchill, Franklin Delano Roosevelt and Joseph Stalin drew a line on a map, and the line on the map was the line west of which people would live in the free world and east of which they would live in the slavery of communism. When that line was drawn, February 11, 1945, that set the destiny for people for more than a generation to come, 2 generations to come.

But by November 9, 1989, the Berlin Wall came down. This Cold War that we'd fought for all of those years, along that line that was drawn at Yalta by Stalin, Franklin Delano Roosevelt and Winston Churchill, that line fell, that was the Iron Curtain. It came down literally with a crash, beginning November 9 when the Berlin Wall started to come down. And freedom echoed for a time, all the way across Eastern Europe, all the way across Asia, all the way to the Pacific Ocean. That was the result of this victory in the Cold War.

And the Yeltsin era came in, in Russia, and the satellite states for the Soviet Union declared their independence, and most of them are essentially independent today. But freedom has diminished back across that vast land of Russia. It's not what it was during that era. Most of the institutions of freedom have been diminished or eliminated by the Putin era within Russia.

But we advanced freedom, we advanced it in the Second World War dramatically. But the line was drawn, drawn between the east and the west, the line of the Iron Curtain. Then the Cold War was won and the Iron Curtain came crashing down, and hundreds of millions of people breathe free that would not have otherwise.

We found ourselves, though, in a conflict in Vietnam, which was the last direct military conflict between freedom and communism.

Now, the problem with losing your nerve and losing your will when it comes to foreign policy cannot be measured in, well, it's no longer convenient to support a war in Iraq. I'm unhappy and uncomfortable with the cost or the casualties that are there, so I'll make an objective decision to ra-

tionalize and pull out. That's something that was going on. That was some of the thought process that's going on by many of the people that are on staff today at the White House.

But there is a destiny of the free world that America leads that has to be attended to. It's our duty and it's our charge, and so, I'll submit this, Mr. Speaker, that America was viewed as the superpower of the world. We viewed the Soviet Union as the other superpower. We called them that. But much of the rest of the world saw us as the only superpower in the world. And we had never lost a war. The world didn't expect us to lose a war.

But when I picked up this book, this is a book, Vietnam's top military strategist tells how we won the war by General Vo Nguyen Giap. This is the general that commanded the North Vietnamese military during the Vietnam War. And General Giap, G-I-A-P, he writes in here some things that are illuminating.

Now, this isn't a very good book, and I don't recommend, Mr. Speaker, that people go out and buy it. I can give you the essence of it here in just a little phrase. And again, the title of the book is *How We Won the War*. The commander of the North Vietnamese, and he says here that the U.S. had already begun its decline from the position as the only superpower. This book is copyrighted in 1976, so it was written right after the fall of South Vietnam. General Giap said the U.S. had already begun its decline from the position as the only superpower. He viewed us as the only superpower in the 1970s and in the 1960s. That's one way to look at it. But he said the U.S. failure to win in Korea was the turning point.

So, Mr. Speaker, here's the lesson. We had a Korean War, and we negotiated a settlement rather than press for an all out victory. I'm not commenting on what was the right thing to do then from a military tactical standpoint. I am commenting on this: Settling for a negotiated settlement in Korea resulted in an inspiration for the North Vietnamese, that America didn't have the will to press for a victory in Vietnam, so they fought a war of attrition. They fought a war of attrition that went on for more than a decade. And the price for that was 58,000 American lives, hundreds of thousands of North Vietnamese lives. And this Congress voted to shut off all funding, not just to support American troops who had already been pulled out of South Vietnam. If you remember Vietnamization. The Vietnamese were taught and trained and equipped to defend themselves, and they had stepped up, and they were doing that.

This Congress shut off all funding. And I went back and read the legislation. And it says, no money, none of these funds or any funds heretofore appropriated shall be spent in Vietnam,

North Or South Vietnam actually, and in Cambodia or Laos, on the skies overhead or the seas beside these countries. In other words, whatever money was in the pipeline to go help the Vietnamese boys defend themselves, as I think that was the language that they used at the time, that money was shut off too. Money that I was already appropriated by a previous Congress and already sent by a Commander-in-Chief was shut off by this Congress, along with any other appropriations. When that happened it starved the defense of South Vietnam. No wonder they capitulated. They didn't have anything to fight with. And the legacy is left that the United States walked away from one of our friends and our allies.

Well, it started with Korea, a negotiated settlement, and we got to Vietnam.

And then, Mr. Speaker, I find myself sitting in a hotel in Kuwait City, waiting to go into Iraq the next day. The date was June 11, 2004. And I didn't know at the time, I don't think, about General Giap's look at Korea as his inspiration. But I was watching Al Jazeera TV, and I couldn't understand what they were saying, but they had English closed-caption. And I heard this, I think, in Arabic, come out of the mouth of Muqtada al-Sadr, who said, if we keep attacking Americans, they will leave Iraq, the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu. And I wrote those notes down when I heard that. But it also was branded into my memory, Mr. Speaker.

Our enemies in Iraq and our enemies around the world are inspired if they see lack of resolve. General Vo Nguyen Giap was inspired when he identified lack of resolve in a negotiated settlement in Korea. And our subsequent enemies in places like Lebanon and Mogadishu were inspirations as well to Muqtada al-Sadr and our current enemies that we have. These are all the terrorists worldwide. They talk about this. I mean, this is not something that is an original thought of Muqtada al-Sadr. This is something that's being voiced around the world to encourage and recruit our enemies.

And I'll say, America didn't, they couldn't win in Korea. They couldn't win in Vietnam. They pulled out of Lebanon. They pulled out of Mogadishu, and they will pull out of Iraq, is what they were hoping.

□ 1915

Well, Mr. Speaker, there is no military tactical reason to pull out of Iraq to avoid the conflict that's there, because much of our enemy has been mopped up by U.S. and Iraqi forces working in conjunction with coalition forces that are still there.

We must maintain this victory that has been achieved. I have defined it tonight, Mr. Speaker, for you. We must

maintain it because this is the point where we turn the destiny of America again at the price of the destiny of hundreds of thousands of military who have served in that country. Now we can turn the destiny of America toward the positive side again, and we can hand to the next generations the world's only superpower, who may have lost its will in Vietnam, who should not have pulled out of Lebanon in the stage that it was in, who should not have left Mogadishu, but who did stick it out in Iraq and who did ensure that the Iraqi people had their chance at freedom, that they had their chance at liberty, that they had their chance to be as they are quickly becoming: a moderate Muslim state that is our ally in the Middle East in an ideal strategic location for them to influence the Middle Eastern part of the world and in an ideal tactical location.

The Iraqi people on our side are understanding this: We didn't ever go there for their oil. We didn't ever go there to occupy. We went there to end the dictatorship of Saddam Hussein, and that happened.

Whatever you argue about whether the full spectrum of all of the reasons were intact or not, the fact remains that the President had to make a decision based upon the information he had. He made that decision. Once it was made, we stood with our troops and with their mission. Their mission has been wholly or substantially completed and will be, but we've got to remember that this is a fragile definable victory that has been achieved, and we cannot squander it, and we need to honor the Commander in Chief who gave the order of the surge, and we need to honor the people who brought it about. That does include the Iraqi people. It includes the Sunni awakening. It includes the commitment by them in understanding that, again, we didn't go there for their oil, and we didn't go there to occupy. We went there to give them a chance at freedom. They have their chance, and they will continue, and they're actually reaching harder and stronger than maybe they have the capability of doing.

When I sit in these briefings, I get this, and this wouldn't be a classified component. It's a concern that the Iraqis have maybe a little more confidence in their military capability than they actually have. Well, that's the right place for them to be, to be stretching and pushing this thing and to be asking for as much of their own military autonomy as we can give them. We've given them much. We've given them at least all of the security in at least 14 of the 18 provinces and maybe more, and I might have missed one or two. We handed over to them Anbar province, a place where 2½ years ago I couldn't go because it was too dangerous, a place where, in downtown

Ramadi, there was not a building that was not shot up. It was a rubble. It was a city of rubble that had been fought over so many times—a city of death.

I went shopping in downtown Ramadi and, additionally, in Fallujah where I've been several times. By the way, the mayor of Ramadi sounds like the mayor of Peoria. He says, "Get Baghdad to send me a little more money down here. I need more sewer, water and lights. We're rebuilding this town. We've got to get everybody off the dime. Why is it stuck? We need to go to work." That's what they're doing and what they've done.

In Fallujah, the mayor of Fallujah says, "We are a city of peace, and we are going to repair every building in this city so there's no sign of war."

If Fallujah is going to be known as the "city of peace," well, Mr. Speaker, that's what has been accomplished over the last number of years and especially since the surge was ordered.

This resolution that I introduced today is a resolution that calls upon this Congress to recognize that and to honor the price, the sacrifice, the accomplishments, and the achievements. It also asks the President: Hold this together. Nurture this along. Let's not make a political decision on the deployment of troops out of Iraq because it's a promise that you made 3½ years ago when you were a State Senator. Let's make sure that this is a tactical decision and also a political decision and an economic decision and a strategic decision. If you're going to make decisions like that, when you make an announcement that all of the combat troops are going to be out by the last day in August in 2010, as a Commander in Chief, you've fenced yourself in politically. What's the point? You can order those troops to be deployed out of this and can have all of our combat troops out by the last day in August of 2010 without having to tell the world. Just start that progression.

We've already started it, and it makes some sense to do that. It may even make a lot of sense to do that. It just should never, ever be a political decision, and there is no need to announce it. Then also to announce that, by the last day of 2011, all of our military will be completely out of Iraq, that's actually what the Status of Forces Agreement says, but it also says that we can renegotiate this.

So, Mr. Speaker, I'll submit that we've accomplished a lot in Iraq. We have accomplished so much that we've achieved a definable victory there. This Congress needs to celebrate the achievement of the definable victory in Iraq. We need to applaud everyone who has served there in uniform and especially those who have given life and limb and their families. It is a noble, noble act by a noble, noble people.

It is best expressed, I think, at the Korean war memorial where it says,

"This Nation honors our men and women who answered the call to serve a country they never knew and a people they never met."

It has happened over and over again from the United States of America. It has happened again in Iraq. It's happening in Afghanistan. We need to preserve those precious victories. We need to end this legacy of not having the will to complete the task that we've started. We need to end this propaganda that's coming out of the mouths of our enemies that says, well, we'll leave Iraq the same way we left Vietnam, Lebanon and Mogadishu. We can't have Osama bin Laden sitting in his cave up there in Pakistan, saying, "Well, they will leave Afghanistan the same way they left Vietnam, Lebanon, Mogadishu, and Iraq." If that happens, we've got a much larger enemy that we have to face and a much more determined enemy that we have to face.

They know they've lost in Iraq. They've said so. It says so in this resolution. We have quoted some al Qaeda leaders in this resolution that they have recognized they have lost tactically the war in Iraq. They don't have the ability to engage in any kind of an organized military way. They can cause some trouble, yes. There are a few of them left in pockets, particularly in Mosul, and they're being mopped up as we speak, but there has been a tremendous amount that has been accomplished.

If the President can make the charge that he inherited a \$1 trillion deficit and somehow then the responsibility for this economic crisis that we're in all falls back on his predecessor because he has inherited a \$1 trillion deficit, never mind he has offered a \$1.7 trillion budget—but if he can take that position over and over again that he inherited a \$1 trillion deficit and this economy, by implication, is all going to be on the shoulders of George W. Bush, then at least, Mr. Speaker, he can accept the responsibility of Iraq and the state that it's in and can preserve the definable victory that has been achieved.

That's what this resolution does. That's what it asks for. It's what, I think, the will of this Congress ought to be. I'm going to be asking the Speaker to allow this to come forward to the floor.

Right before I close, Mr. Speaker, I would yield to the gentleman from Nebraska so much time as he may consume of which I don't think there's a lot.

Mr. FORTENBERRY. I thank the gentleman from Iowa, and I always appreciate your passion and your willingness to engage in the most profound issues facing our country. I didn't mean to interrupt. If you were concluding, I was hoping you would yield time to me for about 6 or 7 minutes on another topic that I'd appreciate your listening to.

Mr. KING of Iowa. I'd be very happy to yield the balance I have.

Mr. FORTENBERRY. Thank you.

Mr. Speaker, today, the Prime Minister of the United Kingdom, Gordon Brown, spoke strongly and eloquently before this body of our Nation's specialness of our shared history, traditions, as well as our values. He also spoke of the past, present and future challenges confronting our partnered nations.

I respect this long, historic relationship that Prime Minister Brown laid out. There were many principles of his speech with which I deeply agree, such as the defense of human rights worldwide, nuclear security, a sustainable energy future, and human rights in addition to the fact that he also proposed a broad, vast, new array of new ideas that can help bring about a new day and mantle of leadership in this essential area of need for our world's poor. However, he also proposed a "global new deal," a new deal that is not clearly defined but that is pointed toward a vast, new, international arrangement.

With regard to the current financial difficulties in our developing global economy, it is indisputable that our economic challenges affect the rest of the world. America has a long history of meaningful trade with other nations, especially with our partner Great Britain, but America also has an entangled relationship pertaining to our national debt. We have borrowed from the United Kingdom, China, Japan, and from numerous countries in the Middle East to finance our burgeoning debt and to accommodate our deficit spending. Much of this has been discreet and out of the public eye, but the implications of foreign ownership of Federal debt instruments are greatly significant.

Approximately half of the total public debt is in foreign ownership. At some point, Mr. Speaker, global investors may grow weary and may decide not to take the risk of buying our debt. We would consequently be faced with the choice to stop borrowing to finance our deficit spending or to raise interest rates in order to attract investors. If any of these countries chose to quickly sell their U.S. holdings, a tumultuous devaluation of the dollar could quickly ensue.

As Prime Minister Brown said, we are all seeing how certain "financial instruments have spread contagion throughout the world." This is certainly true, and I appreciate the Prime Minister's calls for further transparency and accountability. However, I challenge his presupposition that a greater global consolidation of financial systems is in our national or in the international community's best interest.

Financial consolidation, extreme volatility and speculation in world markets, reckless use of exotic financial

instruments, liberalized credit have certainly contributed to the current collapse. The global scale of the credit crisis and confidence should give us pause to consider that our profound economic connectedness may actually cause more problems instead of prosperity. The increasing concentration of wealth assets into fewer and fewer financial institutions will increase our financial vulnerability. One of our greatest concerns right now is how to stabilize banks and financial entities that are deemed "too big to fail."

Well, Mr. Speaker, I believe we need a paradigm shift, a new paradigm. We should be asking: Are these financial systems too big to succeed? Now is the time to reconsider an essential component of Western philosophy—the great potential of the individual in solidarity with one's community. I believe that America, the United Kingdom and the other strong financial powers in Europe should take this time to empower individuals and communities to provide for themselves through a network of strong local and regional economies.

As the Prime Minister added, America is a nation of extraordinary capacity, and to spur growth, I believe it is imperative that our government's efforts be targeted toward helping small business entrepreneurs whose successes will be the bellwether of economic progress.

Recent data from the Commerce Department shows that small businesses have generated 60 to 80 percent of new jobs over the past decade. By enacting good commonsense initiatives to benefit entrepreneurial growth, we may create local jobs and new opportunities to stem the tide of economic difficulties in our communities, our State and nationwide.

Mr. Speaker, I believe that it is local financiers and local businesses who best know the needs of their communities and who are, in the very essence, more transparent and accountable. This is the motto we should return to, and it is the proper motto for us to help lead in building sustainable local economic connectedness for the world's developing nations.

I thank the gentleman for the time.

Mr. KING of Iowa. I thank the gentleman, and I would yield back the balance of my time.

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A NEW PHILOSOPHY OF RECOVERY AND RENEWAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, again, the gentleman from Iowa was kind enough to allow me to borrow some of his time. And I appreciate, again, his passion and his focus on the

essential issues of the day. But I'd like to continue, just briefly, the discussion that we were engaging in at the moment regarding the Prime Minister of the United Kingdom's address before a joint session of Congress today.

And let me add, Mr. Speaker, that Prime Minister Brown rightly warned us earlier of the dangers of protectionism. But in no way is it protectionist, I should add, to want to consolidate our economic recovery efforts on Main Street. More than any bailout crafted by Washington or Wall Street, it is a return to our hard-fought American ideals of responsibility, discipline, entrepreneurship and stewardship that will actually help Americans build a more just and secure future for ourselves, as well as for the world's poor.

Mr. Speaker, the United Kingdom has been a stalwart friend of ours throughout our modern history. And after two centuries of partnership, it can be said that we have no greater ally. In no way do I seek in these comments to undermine that. Our two nations will be forever grateful for our aid to one another during times of both war as well as peace.

The United Kingdom is our greatest ally in preserving our long-standing commitment to the inalienable human rights, especially for vulnerable populations. I deeply value the Prime Minister's words that when the strong help the weak, it makes us all stronger. And this certainly rings true with regard to the pursuit of international policies that recognize the inherent dignity and rights of the human person, which are essential to preserve liberty and justice in the world.

However, Mr. Speaker, let me make this clear: we should give long pause before becoming more intertwined in an internationalist, industrial financial model for the future. Let us continue our strong relationships of commerce with the United Kingdom and all other nations, but let us not find our financial wellbeing entangled in complex, poorly understood, exotic, international economic alliances. Instead, let us embrace a new philosophy of recovery and renewal based on the time-honored principles and notions of individual responsibility, entrepreneurship and community.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.
 Ms. BERKLEY, for 5 minutes, today.
 Mr. DEFAZIO, for 5 minutes, today.
 Ms. KAPTUR, for 5 minutes, today.
 Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, March 11.

Mr. JONES, for 5 minutes, March 11.
 Mr. FLAKE, for 5 minutes, today.
 Mr. DUNCAN, for 5 minutes, today.
 Mr. CHAFFETZ, for 5 minutes, today.
 Ms. FOXX, for 5 minutes, March 5.
 Mr. GOHMERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HARPER, for 5 minutes, today.
 Mr. FORTENBERRY, for 5 minutes, today.

ADJOURNMENT

Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Thursday, March 5, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

768. A letter from the Chairman, Jamestown 400th Commemoration Commission, transmitting the Commission's final report on the 18-month program of commemorative activities and events of Jamestown's 400th anniversary; to the Committee on Oversight and Government Reform.

769. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's first Quarterly Report, pursuant to Public Law 110-389; to the Committee on the Judiciary.

770. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4090 and PW4090-3 Turbofan Engines [Docket No.: FAA-2007-29110; Directorate Identifier 2007-NE-35-AD; Amendment 39-15808; AD 2009-04-02] (RIN: 2120-AA64) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

771. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation AE 3007A1E and AE 1107C Turbofan/Turboshaft Engines [Docket No.: FAA-2008-0230; Directorate Identifier 2007-NE-24-AD; Amendment 39-15809; AD 2009-04-03] (RIN: 2120-AA64) re-

ceived February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

772. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Turmo IV A and IV C Series Turboshaft Engines [Docket No.: FAA-2006-25730; Directorate Identifier 2006-NE-31-AD; Amendment 39-15798; AD 2009-02-08] (RIN: 2120-AA64) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

773. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Wytownia Sprzetu Komunikacyjnego "PZL-Rzeszow" S.A. PZL-10W Turboshaft Engines [Docket No.: FAA-2008-1068; Directorate Identifier 2008-NE-33-AD; Amendment 39-15807; AD 2009-04-01] (RIN: 2120-AA64) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

774. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet Model 55, 55B, and 55C Airplanes [Docket No.: FAA-2009-0054; Directorate Identifier 2008-NM-222-AD; Amendment 39-15802; AD 2009-03-01] (RIN: 2120-AA64) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

775. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, and 402B Airplanes [Docket No.: FAA-2009-0118; Directorate Identifier 2008-CE-073-AD; Amendment 39-15810; AD 2009-04-04] (RIN: 2120-AA64) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

776. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes, and Airbus Model A340-200, -300, -500, and -600 Series Airplanes [Docket No.: FAA-2009-0122; Directorate Identifier 2008-NM-223-AD; Amendment 39-15813; AD 2009-04-07] (RIN: 2120-AA64) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

777. A letter from the Assistant Administrator Office of Policy and Strategic Planning, Small Business Administration, transmitting the Administration's study done of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; jointly to the Committees on the Judiciary and Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 205. Resolution providing for further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability (Rept. 111-23). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SCOTT of Virginia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. GOHMERT, Mr. FORBES, and Ms. JACKSON-LEE of Texas):

H.R. 1292. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to establish a National White Collar Crime Center grants program for purposes of improving the identification, investigation, and prosecution of certain criminal conspiracies and activities and terrorist conspiracies and activities; to the Committee on the Judiciary.

By Mr. BUYER:

H.R. 1293. A bill to amend title 38, United States Code, to provide for an increase in the amount payable by the Secretary of Veterans Affairs to veterans for improvements and structural alterations furnished as part of home health services; to the Committee on Veterans' Affairs.

By Mr. RYAN of Wisconsin (for himself and Mr. KIRK):

H.R. 1294. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. BACHUS, Mr. NEUGEBAUER, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mr. ROGERS of Michigan, Mr. JONES, Mr. SHIMKUS, Mr. ROONEY, Mr. SESSIONS, Mr. TURNER, Mr. SMITH of Texas, Mr. PAULSEN, Mrs. BONO MACK, Mr. LANCE, Mr. BILBRAY, Mr. REICHERT, Mr. CASTLE, Mr. MCCAUL, Mr. JOHNSON of Illinois, Mrs. MILLER of Michigan, and Mrs. SCHMIDT):

H.R. 1295. A bill to mitigate mortgage foreclosures, facilitate and include fairness in housing recovery, and combat mortgage fraud, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLYBURN (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BUTTERFIELD, Mr. CARNEY, Mrs. CHRISTENSEN, Mr. CLAY, Mr. COSTA, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mr. DEFAZIO, Ms. DEGETTE, Mr. COOPER, Mr. DELAHUNT, Mr. DOGGETT, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HIGGINS, Mr. HINOJOSA, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MEEK of Florida, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLIVER, Mr. ORTIZ, Mr. PASCRELL,

Mr. PASTOR of Arizona, Mr. PAYNE, Mr. PERLMUTTER, Mr. PRICE of North Carolina, Mr. RAHAL, Mr. RODRIGUEZ, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SARBANES, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Ms. SHEAPORTER, Mr. SIRE, Ms. SLAUGHTER, Mr. SPRATT, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mr. WELCH, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WU, Mr. YARMUTH, Mr. CLEAVER, Mr. FARR, Ms. CLARKE, Mr. SALAZAR, Mr. ROSS, Mr. THOMPSON of California, and Ms. SCHAKOWSKY):

H.R. 1296. A bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 1297. A bill to establish the Hawai'i Capital National Heritage Area, and for other purposes; to the Committee on Natural Resources.

By Mr. BERRY (for himself and Mrs. EMERSON):

H.R. 1298. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, and Mr. CAPUANO):

H.R. 1299. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on House Administration.

By Mr. BURTON of Indiana (for himself, Mr. LAMBORN, Mr. RADANOVICH, Mr. BROWN of South Carolina, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Ms. FOXX, Mr. MARCHANT, Mr. SIMPSON, Mr. FORTENBERRY, Mr. BARTON of Texas, and Mr. SOUDER):

H.R. 1300. A bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments; to the Committee on the Judiciary.

By Mr. FORBES:

H.R. 1301. A bill to amend the Internal Revenue Code of 1986 to suspend the 180-day period for completion of a like-kind exchange in the case of the bankruptcy of a qualified intermediary or an exchange accommodation titleholder; to the Committee on Ways and Means.

By Mr. HARE (for himself, Ms. CORRINE BROWN of Florida, Mr. BUYER, Mr. FILNER, Mr. GRIJALVA, Mr. HOLDEN, Mr. MICHAUD, Mr. MORAN of Kansas, and Mr. RODRIGUEZ):

H.R. 1302. A bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health; to the Committee on Veterans' Affairs.

By Mr. RUSH:

H.R. 1303. A bill to require the Attorney General, through the Office of Justice Programs of the Department of Justice, to establish a 5-year competitive grant program to establish pilot programs to reduce the

rate of occurrence of gun-related crimes in high-crime communities; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Ms. BERKLEY, Mr. FRANKS of Arizona, Mr. ISRAEL, Mr. COBLE, Mr. POE of Texas, Mr. WOLF, Mr. SHADEGG, Mr. WESTMORELAND, Mrs. MYRICK, and Mr. BROWN of Georgia):

H.R. 1304. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. MARSHALL, Mr. ARCURI, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CARNEY, Mr. CHILDERS, Mr. COBLE, Mr. FILNER, Mr. FORTENBERRY, Ms. FOXX, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. GORDON of Tennessee, Mr. GRIFFITH, Mr. HALL of Texas, Mr. HELLER, Mr. HENSARLING, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. ISRAEL, Mr. JOHNSON of Illinois, Mr. JONES, Mr. KAGEN, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK of Michigan, Ms. KOSMAS, Mr. LATHAM, Mr. LEE of New York, Mr. LOBIONDO, Mr. LOESBACH, Mr. DANIEL E. LUNGREN of California, Mrs. MALONEY, Mr. MASSA, Mr. MCCOTTER, Mr. MCGOVERN, Mr. MEEKS of New York, Mrs. MILLER of Michigan, Ms. MOORE of Wisconsin, Mr. PETERSON, Mr. POE of Texas, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. TERRY, Mr. WALZ, Mr. WOLF, Mr. YOUNG of Alaska, Mr. POSEY, Ms. ROSELEHTINEN, and Mr. BACA):

H.R. 1305. A bill to provide for the issuance of a forever stamp to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart; to the Committee on Oversight and Government Reform.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. FRANKS of Arizona, and Mr. MCKEON):

H.R. 1306. A bill to amend title 28, United States Code, to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 1307. A bill to authorize improvements to flood damage reduction facilities adjacent to the American and Sacramento Rivers near Sacramento, California, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MCMAHON (for himself, Mr. ROONEY, and Mr. PERRIELLO):

H.R. 1308. A bill to direct the Secretary of Defense to adopt a program of professional and confidential screenings to detect mental health injuries acquired during deployment in support of a contingency operation and ultimately to reduce the incidence of suicide among veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mrs. NAPOLITANO (for herself and Mr. BILBRAY):

H.R. 1309. A bill to codify the definition of terms used in subheading 1604.14 of the Harmonized Tariff Schedule of the United States, relating to tuna products; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr.

REICHERT, Mr. YARMUTH, Mr. GRIJALVA, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. MCNERNEY, Mr. STARK, Ms. ESHOO, Mr. HONDA, Ms. ZOE LOFGREN of California, Mr. FARR, Mrs. CAPPS, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Ms. WATSON, Ms. HARMAN, Ms. LORETTA SANCHEZ of California, Mr. FILNER, Mrs. DAVIS of California, Ms. LEE of California, Ms. DEGETTE, Mr. POLIS of Colorado, Ms. DELAURO, Mr. MURPHY of Connecticut, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Ms. HIRONO, Mr. RUSH, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Mr. CHANDLER, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. MARKEY of Massachusetts, Mr. CAPUANO, Mr. DELAHUNT, Mr. SARBANES, Ms. EDWARDS of Maryland, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. KILDEE, Mr. LEVIN, Ms. KILPATRICK of Michigan, Mr. CONYERS, Ms. MCCOLLUM, Mr. ELLISON, Mr. CLAY, Mr. CARNAHAN, Mr. CLEAVER, Mr. PRICE of North Carolina, Mr. SHULER, Mr. MILLER of North Carolina, Ms. SHEAPORTER, Mr. HODES, Mr. ANDREWS, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. HOLT, Mr. SIRE, Mr. ENGEL, Mr. BISHOP of New York, Mr. ACKERMAN, Mr. NADLER of New York, Mr. WEINER, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. HINCHEY, Mr. HIGGINS, Ms. SLAUGHTER, Mr. KUCINICH, Ms. SUTTON, Mr. RYAN of Ohio, Mr. WU, Mr. BLUMENAUER, Mr. DEFazio, Mr. SESTAK, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, Mr. KENNEDY, Mr. LANGEVIN, Mr. COHEN, Mr. MORAN of Virginia, Mr. CONNOLLY of Virginia, Mrs. CHRISTENSEN, Mr. INSLEE, Mr. MCDERMOTT, Mr. SMITH of Washington, Ms. BALDWIN, Mr. KIRK, Mr. SMITH of New Jersey, Mr. WOLF, Mr. MCHUGH, Mr. PLATTS, Mr. HALL of New York, Ms. VELÁZQUEZ, Mr. COOPER, Ms. TSONGAS, Mr. PASCRELL, Mr. BRALEY of Iowa, Ms. PINGREE of Maine, Mr. OLVER, and Mr. HIMES):

H.R. 1310. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste; to the Committee on Transportation and Infrastructure.

By Mr. PAUL:

H.R. 1311. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts distributed from tax-favored accounts during a period of unemployment; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1312. A bill to amend the Internal Revenue Code of 1986 to exclude from Federal tax certain payments made in connection with reductions in force; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Ms. MATSUI):

H.R. 1313. A bill to amend the Elementary and Secondary Education Act of 1965 so that any local educational agency receiving funding under part A of title I of such Act or public charter school is eligible for a Troops to Teachers participant; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. BISHOP of New York, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Mr. ISRAEL, Mr. HIGGINS, Mrs. LOWEY, Mr. SHERMAN, Ms. WOOLSEY, Ms. ROYBAL-ALLARD, Mr. COURTNEY, Mr. BERMAN, Mrs. DAVIS of California, Mr. FILNER, Ms. GIFFORDS, and Mr. GRIJALVA):

H.R. 1314. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mr. SCHIFF:

H.R. 1315. A bill to prohibit the detention of enemy combatants at Naval Station, Guantanamo Bay, Cuba, to provide for de novo combatant status reviews by military judges, to repeal the Military Commissions Act of 2006, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H.R. 1316. A bill to provide for appropriate notification of communities and homeowners of establishment of flood elevations for purposes of the National Flood Insurance Program; to the Committee on Financial Services.

By Mr. SHUSTER:

H.R. 1317. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to individuals who pay their mortgages on time; to the Committee on Ways and Means.

By Mr. VAN HOLLEN (for himself, Mr. HOEKSTRA, Mr. LEVIN, Mr. KIRK, Mr. BURTON of Indiana, Mr. SMITH of Washington, Mr. CROWLEY, Mr. MORAN of Virginia, Mr. ACKERMAN, Mr. WELCH, and Ms. JACKSON-LEE of Texas):

H.R. 1318. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. FRANKS of Arizona, Mr. BARTLETT, Mrs. BLACKBURN, Mr. PENCE, Mr. WESTMORELAND, Mr. JORDAN of Ohio, Mr. GINGREY of Georgia, Mr. PITTS, Mr. MARCHANT, Mr. MICA, Mr. SMITH of Texas, Mr. ROGERS of Kentucky, Mr. AKIN, Mr. ROGERS of Alabama, Mr. BACHUS, Mr. MCCOTTER, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CHAFFETZ, Mr. SHUSTER, Mr. RADANOVICH, Mr. HOEKSTRA, Mr. WITTMAN, Mr. FORBES, Mr. HARPER, Mr. LUETKEMEYER, Mr. MORAN of Kansas, Mr. COFFMAN of Colorado, Mr. SOUDER, Mr. MILLER of Florida, Mr.

BILIRAKIS, Mr. NEUGEBAUER, Mr. CANTOR, and Mr. BRADY of Texas):

H.J. Res. 37. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. BRIGHT:

H. Res. 206. A resolution honoring the efforts and contributions of the Montgomery, Alabama, Chapter of the National Association of Women in Construction; to the Committee on Oversight and Government Reform.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. MILLER of Florida, Ms. HERSETH SANDLIN, and Mr. MITCHELL):

H. Res. 207. A resolution expressing the sense of the House of Representatives that all employers give veterans a holiday on Veteran's Day in honor of their service to our country; to the Committee on Education and Labor.

By Mr. KING of Iowa (for himself, Mr. MCHUGH, Mr. PENCE, Mr. MCCOTTER, Mr. CARTER, Mr. WILSON of South Carolina, Mr. FRANKS of Arizona, Mr. SAM JOHNSON of Texas, Mr. KLINE of Minnesota, Mr. AKIN, Mr. MILLER of Florida, Mr. ROGERS of Alabama, Mr. CONAWAY, Mr. WITTMAN, Ms. FALLIN, Mr. HUNTER, Mr. HENSARLING, Mr. BURGESS, Mr. COLE, Mr. GOHMERT, Mr. SHADEGG, Mr. PITTS, Mrs. SCHMIDT, Mr. GINGREY of Georgia, Mr. BRADY of Texas, Mr. WESTMORELAND, Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. RADANOVICH, Mr. LUCAS, Mr. LINDER, Mr. MCCAUL, Ms. FOXX, Mr. LATTA, Mr. BROUN of Georgia, and Mrs. LUMMIS):

H. Res. 208. A resolution chronicling the efforts of United States and Coalition forces to bring freedom, safety, and security to Iraq and recognizing the importance of the "surge strategy" in completing that mission; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. PAYNE, Mr. GARRETT of New Jersey, Mr. CAPUANO, Mr. MCGOVERN, Ms. BERKLEY, Mr. SARBANES, Ms. TSONGAS, and Mr. BROWN of South Carolina):

H. Res. 209. A resolution commemorating the 80th anniversary of the Daughters of Penelope, a preeminent international women's association and affiliate organization of the American Hellenic Educational Progressive Association (AHEPA); to the Committee on Oversight and Government Reform.

By Ms. MOORE of Wisconsin (for herself, Mr. BACA, Ms. BALDWIN, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. CARSON of Indiana, Mr. CASTLE, Ms. CASTOR of Florida, Mr. CHILDERS, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HINCHEY, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. KISSELL, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LUJÁN, Mrs. MALONEY, Mr. MASSA, Mr. McDERMOTT, Mr. MOORE of Kansas, Ms. NORTON, Mr. OBEY, Mr. RANGEL, Ms. HERSETH SANDLIN, Mr. SCOTT of Virginia, Mr. SERRANO, Mr.

SESTAK, Mr. SIRES, Mr. SPACE, Mr. STARK, Mr. TOWNS, and Mr. WEXLER):

H. Res. 210. A resolution expressing the sense of the House of Representatives that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance; to the Committee on Education and Labor.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY JOHN CONYERS, JR.

Amendment numbered 1 printed in House report 111-21, as modified, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, and Ms. SUTTON.

H.R. 22: Mr. PAYNE, Mr. ANDREWS, Mr. TONKO, Mr. HIMES, Mr. ADLER of New Jersey, Mr. GONZALEZ, and Mr. SMITH of New Jersey.

H.R. 23: Mr. MARKEY of Massachusetts, Mr. MOORE of Kansas, Mr. YARMUTH, Mr. LARSON of Connecticut, Mr. COURTNEY, Mr. WILSON of Ohio, Mr. LOEBACK, and Mrs. TAUSCHER.

H.R. 49: Mr. COFFMAN of Colorado, Ms. FOXX, and Mr. NEUGEBAUER.

H.R. 147: Mr. TEAGUE.

H.R. 151: Ms. MCCOLLUM.

H.R. 154: Mr. MASSA and Mr. MEEKS of New York.

H.R. 179: Mr. CONYERS, Mr. OLIVER, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 219: Mr. MCCOTTER.

H.R. 265: Mrs. CHRISTENSEN and Mr. ELLISON.

H.R. 270: Ms. SHEA-PORTER and Mr. ORTIZ.

H.R. 274: Mr. WOLF.

H.R. 293: Mr. PLATTS.

H.R. 307: Mr. INSLEE and Ms. SCHAKOWSKY.

H.R. 333: Mr. FRANK of Massachusetts, Mr. ELLISON, and Mr. HONDA.

H.R. 390: Mr. CARTER and Mr. GARY G. MILLER of California.

H.R. 444: Mr. ROGERS of Alabama, Mr. CHANDLER, Ms. SLAUGHTER, Ms. BERKLEY, and Mr. GUTIERREZ.

H.R. 479: Ms. SLAUGHTER.

H.R. 577: Mrs. MALONEY, Mr. MACK, Mr. BISHOP of Georgia, Mr. CARNAHAN, Ms. SUTTON, Mr. BERMAN, Mr. SERRANO, Ms. ZOE LOFGREN of California, Mr. BOOZMAN, Mr. RYAN of Ohio, Mr. MCINTYRE, Ms. MATSUI, Mr. BRALEY of Iowa, Mr. SMITH of New Jersey, Mrs. CAPPS, Ms. BALDWIN, Mr. CHANDLER, Ms. CASTOR of Florida, Mr. GONZALEZ, Mr. MICHAUD, Mr. ELLISON, Mr. BOSWELL, Ms. WOOLSEY, and Mr. TERRY.

H.R. 579: Mr. TONKO.

H.R. 618: Mr. TERRY.

H.R. 626: Mr. GRIJALVA, Ms. ZOE LOFGREN of California, and Mr. ISRAEL.

H.R. 627: Ms. HIRONO and Mr. COHEN.

H.R. 658: Ms. WASSERMAN SCHULTZ.

H.R. 673: Mr. WEXLER and Ms. SCHWARTZ.

H.R. 678: Mrs. MALONEY and Mr. PASCRELL.

H.R. 687: Mr. CHAFFETZ and Mr. PAUL.

H.R. 716: Ms. SUTTON, Ms. KAPTUR, Mr. WEXLER, and Mr. ORTIZ.

- H.R. 722: Mr. GORDON of Tennessee.
 H.R. 734: Ms. MATSUI, Mr. SIRES, Mr. LATOURETTE, Mr. DRIEHAUS, Mr. FATTAH, Mr. NEUGEBAUER, and Mr. JONES.
 H.R. 745: Mr. NEAL of Massachusetts.
 H.R. 756: Mr. GONZALEZ and Mr. GRIJALVA.
 H.R. 758: Mr. HOLT, Ms. HARMAN, Mr. BOCIERI, Mr. SPACE, Mr. LATOURETTE, and Ms. KILROY.
 H.R. 759: Mr. ENGEL.
 H.R. 764: Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. GALLEGLY, and Mr. PRICE of Georgia.
 H.R. 795: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 808: Ms. PINGREE of Maine.
 H.R. 816: Mr. FARR, Mr. BOOZMAN, Mr. LOEBSACK, Mr. DEFazio, Mr. REYES, Mr. GUTHRIE, Mr. ROSS, and Mr. TEAGUE.
 H.R. 819: Mr. PETERSON.
 H.R. 832: Mrs. CAPPS and Mr. NADLER of New York.
 H.R. 847: Mr. KLEIN of Florida, Mr. KUCINICH, Ms. DELAURO, Ms. LEE of California, Mr. LEWIS of Georgia, and Mr. GRIJALVA.
 H.R. 916: Ms. SCHAKOWSKY and Mr. GORDON of Tennessee.
 H.R. 930: Mr. POSEY.
 H.R. 953: Mr. BISHOP of Utah, Mr. LOBIONDO, Mrs. SCHMIDT, Ms. JACKSON-LEE of Texas, Mr. ALEXANDER, Mr. BARTON of Texas, Mr. TERRY, Mr. SOUDER, and Mr. JOHNSON of Illinois.
 H.R. 958: Ms. ROS-LEHTINEN, Mr. GRIJALVA, Mr. OBERSTAR, and Mr. VAN HOLLEN.
 H.R. 964: Mr. CHAFFETZ.
 H.R. 978: Mr. BROWN of South Carolina, Mr. UPTON, Mr. WATT, Mr. CARNEY, and Mr. WALZ.
 H.R. 983: Mr. NEUGEBAUER.
 H.R. 1016: Mr. DEFazio, Mr. TERRY, Mr. HOLT, Ms. KOSMAS, Mr. ELLSWORTH, Mr. GORDON of Tennessee, Mr. CARNAHAN, Mr. SCHRADER, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. SCHAUER, Mr. WELCH, Mr. ELLISON, Mr. WEXLER, and Mrs. DAHLKEMPER.
 H.R. 1017: Mr. CHANDLER, Mr. GORDON of Tennessee, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WALZ, Ms. ROS-LEHTINEN, Mr. BOSWELL, and Mr. LOEBSACK.
 H.R. 1021: Mr. GRIJALVA and Mr. KLEIN of Florida.
 H.R. 1023: Mr. LAMBORN, Mr. CHAFFETZ, Mr. HOEKSTRA, Mr. MCCAUL, and Mr. GALLEGLY.
 H.R. 1026: Mr. LATTI, Mr. BOOZMAN, and Mr. POSEY.
 H.R. 1040: Mrs. BLACKBURN.
 H.R. 1042: Mr. WITTMAN.
 H.R. 1066: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WASSERMAN SCHULTZ, and Mr. WEXLER.
 H.R. 1085: Mr. WITTMAN.
 H.R. 1090: Mr. BISHOP of New York.
 H.R. 1121: Mr. ETHERIDGE and Mr. BUTTERFIELD.
 H.R. 1136: Ms. KAPTUR.
 H.R. 1147: Mr. FRANK of Massachusetts, Mr. LATHAM, Mr. CARDOZA, Mr. MURTHA, Mr. LOEBSACK, and Mr. TONKO.
 H.R. 1176: Mr. ROGERS of Kentucky, Ms. GRANGER, Mr. DUNCAN, and Mr. WOLF.
 H.R. 1180: Mr. HENSARLING, Mr. PENCE, Mr. FRANKS of Arizona, Mr. SHADEGG, Mr. POSEY, Mrs. BACHMANN, Ms. FALLIN, Mr. WAMP, Mr. BROWN of South Carolina, and Mr. BISHOP of Utah.
 H.R. 1189: Mr. BILBRAY, Mr. MORAN of Virginia, Mr. TAYLOR, Mr. LANCE, Mr. KING of New York, Mr. SMITH of New Jersey, Mr. HALL of New York, Mr. BURTON of Indiana, Mr. McDERMOTT, and Mr. McHUGH.
 H.R. 1197: Mr. BISHOP of New York.
 H.R. 1199: Mr. MARCHANT.
 H.R. 1201: Mr. MOORE of Kansas.
 H.R. 1204: Mr. LOBIONDO, Mr. DAVIS of Kentucky, and Mr. ROGERS of Alabama.
 H.R. 1210: Mrs. LOWEY, Mr. BACA, Mr. DRIEHAUS, Mr. GERLACH, Mr. BARTLETT, Mr. HOLDEN, Mr. DEFazio, Mrs. BONO MACK, Mr. WAXMAN, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mrs. MALONEY, and Mr. HINOJOSA.
 H.R. 1240: Mr. LOEBSACK, Ms. BERKLEY, Mr. BOOZMAN, Ms. BORDALLO, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. CHILDERS, Mr. CLEAVER, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Mr. DOGGETT, Mr. ELLISON, Mr. ELLSWORTH, Mr. GRIJALVA, Mr. HINOJOSA, Mr. LARSON of Connecticut, Mrs. MALONEY, Mr. MICHAUD, Mr. MITCHELL, Mr. MORAN of Kansas, Ms. NORTON, Mr. PIERLUISI, Mr. ROSS, Mr. SARBANES, Mr. SCHRADER, Mr. SNYDER, Ms. SUTTON, Mr. THOMPSON of California, Mr. UPTON, Mr. WEXLER, Mr. WU, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. TERRY, Ms. MCCOLLUM, Mr. SPRATT, Mr. HARE, and Mr. MOORE of Kansas.
 H.R. 1246: Mr. GONZALEZ, Mr. GRIJALVA, Mr. BRALEY of Iowa, Ms. WOOLSEY, and Ms. CASTOR of Florida.
 H.R. 1254: Mr. LANCE.
 H.R. 1263: Mr. WAXMAN, Mr. MORAN of Virginia, and Mr. DAVIS of Illinois.
 H.R. 1270: Mr. HONDA and Mr. SPACE.
 H. Con. Res. 14: Mr. LARSON of Connecticut, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Ms. LORETTA SANCHEZ of California, Mr. BISHOP of Georgia, Mr. HINCHEY, Mr. SMITH of New Jersey, and Mr. SCOTT of Virginia.
 H. Con. Res. 18: Mr. PETERSON.
 H. Con. Res. 29: Mr. LOBIONDO, Mr. McMACHON, Mr. LANCE, and Mr. KAGEN.
 H. Con. Res. 34: Mr. GARRETT of New Jersey.
 H. Con. Res. 52: Ms. LINDA T. SÁNCHEZ of California.
 H. Con. Res. 55: Mr. PITTS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAO, Mr. PRICE of Georgia, Mr. ALTMIRE, Mr. PETERSON, and Mr. THOMPSON of Mississippi.
 H. Con. Res. 59: Mr. BISHOP of Georgia.
 H. Con. Res. 60: Mr. LANCE, Mr. BURTON of Indiana, and Mr. SMITH of New Jersey.
 H. Res. 86: Mrs. NAPOLITANO.
 H. Res. 89: Mr. PETERSON.
 H. Res. 109: Mr. BACA, and Mr. McHUGH.
 H. Res. 130: Mr. ROTHMAN of New Jersey and Mr. DOGGETT.
 H. Res. 155: Ms. RICHARDSON.
 H. Res. 156: Mr. LAMBORN and Ms. FALLIN.
 H. Res. 160: Ms. MCCOLLUM and Mr. HINOJOSA.
 H. Res. 174: Mr. GERLACH.
 H. Res. 182: Ms. LINDA T. SÁNCHEZ of California, Mr. HALL of New York, Mr. PAYNE, Mr. LARSON of Connecticut, and Mr. WEXLER.
 H. Res. 201: Mrs. LOWEY and Mr. MASSA.

EXTENSIONS OF REMARKS

AMBASSADOR RICHARD SKLAR

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Ms. PELOSI. Madam Speaker, on January 20, 2009, just hours after President Obama took the oath of office, our nation lost a tremendous American: Richard Sklar.

My friend Richard Sklar was a master builder: of family, of ideas, of infrastructure, of peace, of the future.

My husband, Paul, and I first met Richard and his beautiful wife Barbara in the 1970s. I remember the day the Sklars moved into the neighborhood. My daughters Christine and Nancy met them first, running home to exclaim to me, "A new family has moved in. They have children our age. Their mother is beautiful, and their father sings show tunes. And did I tell you, they're Democrats?"

My five children became fast friends with the Sklar children: Karen, Eric, Marc, and Pamela. We all quickly came to cherish Richard's larger-than-life personality, sense of humor, and love of life and family.

Richard was like the pied piper when it came to children. When one of my kids wasn't home, there was a good chance that the Sklars were hosting a basketball game, movie, meal, or party. Over 20 years ago, the kids saw the Smurf movie and bestowed Richard with the nickname "Papa Smurf." They—and he—used it ever since.

With a zest for the organic and the exotic, Richard and Barbara were "foodies" long before the term was officially invented. You could count on expanding your palate at the Sklar tables in San Francisco and Napa. He was proud of his homegrown grapes and figs, and enjoyed the small celebrations—weekends in the country, birthdays, and family dinners—as much as the big holidays. Though Jewish and proud of his heritage, Richard put up the biggest Christmas tree anyone had ever seen.

Richard was a master builder of ideas. A brilliant engineer, businessman, diplomat and mediator, Richard brought his passion, talents and determination to every challenge he faced. As pragmatic as he could be in business, Richard was at heart a dreamer—always pursuing big ideas, big ideals, and big innovations.

Richard loved people—earning the respect of all, from the people on the street to the President of the United States. His confidence in their possibilities inspired greatness in return.

But Richard wasn't afraid to use tough love as well, because he was passionate, mission-driven and fearless in all his endeavors. In one such tough love work moment, he said "I didn't come here to be uncritically loved; I get that from my grandkids." He certainly had his priorities in order.

Richard had an opinion about everything and was never shy about expressing his views—whether about family, movies, books, or politics. Richard wanted the last word in any conversation—and usually he got it.

Richard and I shared a birthplace—Baltimore, Maryland—and a love for progressive values and Democratic politics. Richard and Barbara were long involved in local and national politics from McGovern to Obama. They participated in every election cycle, building coalitions and urging participatory democracy. They opened their home for candidates for office at all levels of service. If you showed up at the Sklar house during TEDDY KENNEDY's 1980 campaign, any number of KENNEDY family and friends might be there for breakfast or dinner.

And more often than not, you would see that great Sklar and KENNEDY friend, ANNA ESHOO. Richard delighted in ANNA's success as a Member of Congress over the years.

Richard and Barbara taught their children to be active in civic life and have always taken great pride in their children's public service.

Throughout the years, Richard's role as master builder of ideas manifested itself in his work to preserve our planet for future generations. A force of nature himself, he never stopped thinking about new ways to save the planet, promote energy independence, and create innovative solutions by sheer force of will and intellect.

San Francisco will always bear the mark of Richard the master builder of infrastructure. In his lifetime, Richard oversaw construction of the Moscone Convention Center, kick-started Muni, and supervised the reconstruction of San Francisco's historic cable car system.

When you attend a conference at the Moscone Center, commute on an electric bus, or catch a cable car ride, you are among millions of people benefiting from the city that Richard helped rebuild.

The Balkans bear the touch of Richard the master builder of peace. In the 1990s, President Clinton asked him to help rebuild war-torn Bosnia, where he coordinated programs with the European Union, World Bank and International Monetary Fund to bring economic reconstruction and strategic reform to eight Balkan countries. He was responsible for restoring basic electricity and water services, re-opening the Sarajevo airport and strengthening mine removal efforts. He would return to the area a few years later to help with Montenegrin independence for which he received the highest non-citizen medal of honor.

Richard also served with distinction as U.S. Ambassador to the United Nations, and will be long remembered for his work to reform management, budgetary financing and personnel practices there.

Richard said that when he was an ambassador in Sarajevo, he made a point of writing out personal notes to the White House on the fax cover sheets that he knew the Bosnian

staffers would surreptitiously read—and discuss—as they sent his weekly reports back to Washington. He wanted the Bosnians to know that President Clinton never thought about Bosnia without considering "what does Richard Sklar think?" and that Richard Sklar never thought about Bosnia without knowing "this is what President Clinton thinks."

While Richard bore the title of ambassador, it is Barbara, with her grace and grit, who is the true family diplomat, negotiating strong personalities and countless adventures in parenting: from Eric's pierced ear to Marc's high school parties. Of course, according to Richard, Karen and Pamela were perfect.

As they traveled the world, Barbara provided the sense of home, keeping their network of family and friends together even while she developed her own networks in civics and philanthropy. Barbara's artistry captured on canvas their life from California to New York to Italy to the Balkans.

For their entire relationship, Richard called her, "Beautiful Barbara." She was always the most beautiful person that he knew.

Like all great visionaries, Richard knew he was building a future he would not see.

Even when he became ill, Richard never stopped his work for the next generation. He continued his work on the local Public Utilities Commission, mentored political figures, and fought for a cure for cancer—if not for him, then for others. Richard taught us how to fight: never giving up, never losing hope, ever confident that the struggle was worth it for every extra minute it gave him with Barbara, his four children, and his eight grandchildren.

He also used the time to come up with new ideas about how to rebuild our country. How we will miss those phone calls and detailed voice messages—mine always contained strategic advice for the House Democrats.

My last message from Richard came after he heard President Obama's inaugural address. He thought it was wonderful, and characteristically had some thoughts to share about it. Later that same day, Richard left us.

Knowing Richard's interest in show business, the movie that I think best describes his journey is, "It's a Wonderful Life". With Richard Sklar in it, it was indeed a wonderful life.

IN HONOR OF LAUREL BRENNAN
AND THE WOMEN IN LEADERSHIP
DEVELOPMENT PROGRAM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor Laurel Brennan, Secretary-Treasurer of the New Jersey State AFL-CIO and the Women in Leadership Development (WILD) program. As a devoted mentor, Ms. Brennan

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has been generous with her time in helping hundreds of women. Through her tireless efforts to help women advance in their professional endeavors, many have reached new heights in the labor movement and other fields.

In 1997, Ms. Brennan became the first woman to hold the position of Secretary-Treasurer of the New Jersey State AFL-CIO. Since this accomplishment she has implemented and developed the WILD program. Every year, under the leadership of Ms. Brennan, the New Jersey State AFL-CIO sponsors the WILD Conference in New Brunswick, NJ. The conference brings key players together to address a wide array of questions of how unions help women and how women help unions. The conference is designed to ensure that union women will have the opportunity to be educated, develop leadership skills and build diversity within labor movements.

Ms. Brennan's WILD program began in March 2004 as a way to recognize International Women's Day. During the first year she brought together 75 women to spend the day at the Rutgers Labor Education Center. Over the years, the number of women attending the conference expanded to reach over 250 people.

The New Jersey State AFL-CIO has been a leading proponent for workers' rights in our community. Representing a robust one million workers in our great state, the New Jersey AFL-CIO has an impressive record of advocating on behalf of working families. The Women in Leadership Development conference is a unique entity of the AFL-CIO. As Ms. Brennan's brainchild, WILD empowers women in unions. For the first time in its six year history, WILD will be bringing ten union women from the United Kingdom to compare efforts globally. This unique program not only benefits my community, but provides an exceptional foundation for women all over the world to use in the advancement of their careers.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the work of Laurel Brennan and the WILD program. Her advocacy for women in the labor movement has a lasting impact on many New Jerseyans and others. I am confident that Ms. Brennan and the WILD women will continue to inspire and benefit many others for years to come.

RECOGNIZING THE RETURN OF THE 40TH EXPEDITIONARY SIG- NAL BATTALION TO FORT HUACHUCA FROM IRAQ

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize, congratulate and welcome home the remaining Soldiers of the 40th Expeditionary Signal Battalion, part of the 11th Signal Brigade, to Fort Huachuca, Arizona.

The battalion's 600 Soldiers began their deployment in December 2007. The men and women of the 40th Signal Battalion supported combat operations throughout the Middle East

as part of Operation Iraqi Freedom by providing secure communications and command-and-control networks for both U.S. war fighters and coalition partners. This was the third time the unit was called to war since the conflicts in Iraq and Afghanistan began.

This week the remainder of the 40th Signal Battalion returned home to a proud and grateful nation. They join other Soldiers from 11th Signal Brigade who returned to Fort Huachuca at the end of December from a similar mission in the Middle East. Together, the 40th Battalion and the 11th Brigade Soldiers courageous and heroically completed their critical mission. They represent the best of Southern Arizona and our Army. As with all of our brave men and women, we are proud and appreciate their service to our nation.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. CARTER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Bus and Bus Facilities

Legal Name of Requesting Entity: Capital Metropolitan Transportation Authority

Address of Requesting Entity: 2910 E. 5th Street, Austin, TX 78702

Description of Request: \$2,612,500 is received for Capital Metro's Paratransit Vehicle Replacement. Pursuant to, and in accordance with, the Americans with Disabilities Act, Capital Metro provides door-to-door van and sedan Para-transit service throughout Central Texas for persons with disabilities and senior citizens. This \$11.7 million (FY08 operating budget) program provides more than 500,000 rides each year. Capital Metro will be replacing many of the vans and sedans that serve this program, as they are retired during the coming fiscal year.

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Temple Health & Bioscience Economic Development District

Address of Requesting Entity: 938 Canyon Creek Drive, Temple, TX 76502

Description of Request: \$381,000 is for the seed money to acquire a state of the art cyclotron and related equipment for the production of radioisotopes. Future funding requests may be submitted.

Cyclotron—\$2,350,000

Micro PET Scanner—\$265,000

Micro Lab—\$58,000

Lab Equipment—\$375,000

Shielding—\$32,000

Rigging—\$35,000

Building Construction \$425,000

Start-Up Funding—\$65,000

Misc. Expenses—\$17,000

Total—\$3,622,000

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Health Resources and Services Administration (HRSA)

Legal Name of Requesting Entity: Southwestern University (Georgetown, TX)

Address of Requesting Entity: 1001 E. University Avenue, Georgetown, TX 78626

Description of Request: \$466,000 is for the TLCC, which is an innovative national model for a biotechnology, life-sciences and nanotechnology center for recruiting and developing emerging companies. The faculty and students of Southwestern University will participate in research partnerships and internships using the requested laboratory equipment, wet lab, and nanotechnology clean room.

Budget: Key equipment and activities to be funded through this one-time federal request are as follows:

VWR Science Instruments—\$48,549

VWR Wet Lab—\$5,924

VWR Clean Room—\$29,839

VWR Conference Room and Equipment—31,882

NanoScience Atomic Force Microscope—101,058

Leeds Instruments Confocal Microscope—95,000

Applied Biosystems Mass Spectrometer—35,000

Ground Zero Anti-static Flooring—2,295

Ground Zero Installation—2,000

Guardian Power Generator—16,500

Guardian Generator Pad and Installation—7,500

Indirect Costs (15%)—63,832

Total—\$489,379

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Higher Education (Includes FIE)

Legal Name of Requesting Entity: Texas State University (Round Rock Higher Education Center)

Address of Requesting Entity: 601 University Drive, San Marcos, TX 78666

Description of Request: \$476,000 in funding will continue to support the efforts to establish a nursing program at RRHEC. The Bachelor of Science in Nursing (BSN) is an entirely new major for Texas State University only to be offered at RRHEC. Funding for equipment for the clinical and simulation laboratories and additional nursing faculty and staff for the simulations laboratories continues to be needed and FY09 funding will be used for the salaries for the nursing program personnel as well as the simulation lab equipment and operating costs. Future funding requests are expected.

FY09 Budget—\$1,500,000

Funding Request for Salaries and Benefits for Nursing Program Personnel—\$700,000

Director for Community and Continuing Education (1)

Administrative and Lab Staff (4)

Faculty (5)

Simulation Laboratory Equipment and Operating Costs—\$800,000

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Elementary and Secondary Education

Legal Name of Requesting Entity: Communities-in-Schools, Bell-Coryell Counties, Inc.

Address of Requesting Entity: 4520 E. Central Texas Expressway, Suite 106, Killeen, TX 76543

Description of Request: \$143,000 was secured for the Youngest Victims of War Project. The goal of the project is to continue to impact the lives of a minimum of 1,800 military children in a positive way by keeping them in school and focused on performing to their greatest potential. To accomplish this, the CIS staff focus on the following components while case managing students: Supportive Guidance and Counseling, Educational Enhancement, Parental and Family Involvement, Enrichment Activities, Health and Human Service Coordination, and Employment Skills Training. These activities encourage academic excellence, promote positive self-esteem, stress community involvement, and promote growth opportunities for students and their families. Future funding requests are expected.

Budget breakdown for the project:

PERSONNEL: (\$628,943)

18 CIS Site Directors @ \$30,603 annual salary = \$550,854

(each Site Director will case manage a minimum of 100 students)

1 Data Entry Spclst @ \$20,912 annual salary = \$20,912

10% Fringe for 19 these positions = \$57,177

(7.65% FICA and Medicare and 2.35% Organizational Insurance—W/C, Professional Liability)

PROGRAM EXPENSES: (\$22,464)

Currently, the average cost for overseeing CIS Campus operations is \$1,248 per campus. With an addition of 18 campuses, the total cost will be \$22,464. This cost covers the coordinated services as mandated for CIS by the Texas Education Agency by: 1) providing documentation to report program progress, 2) supervising CIS campus staff, 3) collaborating with ISD and campus administrators to maximize program success, and 4) overseeing the coordination of resources for students and their families.

TOTAL COST: \$651,407

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: EPA State and Tribal Assistance Grant (STAG)

Legal Name of Requesting Entity: City of Temple, TX

Address of Requesting Entity: 2 North Main Street, Suite 306, Temple, TX 76501

Description of Request: \$500,000 was secured for a wastewater Interceptor that will enable the construction of approximately 9,000 feet of wastewater main line and 11,500 feet of wastewater interceptor. \$50,000 will be spent on a Preliminary Design, \$155,000 on the Final Design, \$10,000 to Bid & Award construction, \$1.7 million for construction, and \$85,000 for construction administration. The federal government has provided \$500,000 of the \$2 million price tag. The requesting entity will provide the required funding match.

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Corps of Engineers—O&M

Legal Name of Requesting Entity: Congressman JOHN R. CARTER

Address of Requesting Entity: 409 Cannon House Office Bldg., Washington, D.C. 20515

Description of Request: \$2.85 million in the O&M account for the Army Corps of Engineers, Fort Worth District (SWF) to repair three parks surrounding Stillhouse Hollow Dam and Lake which were devastated in June 2007 during massive rains and flooding.

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Bureau of Reclamation—Title 16

Legal Name of Requesting Entity: Lower Colorado River Authority (LCRA)

Address of Requesting Entity: 3700 Lake Austin Blvd. Austin, TX 78767

Description of Request: \$1 million to assist in stretching available potable water resources by combining several current and future projects into a Williamson County Regional Reuse System. Total project cost is approx. \$24 million. Federal share cannot exceed 25% of that amount. The local communities provide the remaining 75%.

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Department of Justice, OJP-Byrne Discretionary Grants

Legal Name of Requesting Entity: Tarleton State University

Address of Requesting Entity: 1333 W. Washington, Stephenville, TX 76402

Description of Request: Provide an earmark of \$1.5 million to establish a rural law enforcement information technology and anti-terrorism service at Tarleton State University. On an annual basis, approximately 28.4% will be used for salaries and benefits; 7.9% for travel for training and meetings with agencies; 1% for equipment; .7% for office supplies; 5.4% for consulting for steering committees; 54% for database records management and assistance; and .3% for meeting expenses and teleconferencing.

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Austin

Address of Requesting Entity: 301 West 2nd Street, Austin, TX 78701

Description of Request: I have requested an earmark of \$350,000 to complete phase 1 of a security camera system for pedestrian-heavy and crime-ridden areas of the City of Austin. The initial build out will include 2–5 cameras, with the capacity to expand to a 20–100 camera system. The cameras will be able to capture and transmit real-time video footage and have high-resolution, outdoor pan/tilt/zoom, and low light vision capabilities. Approximately 60% of the grant funds will be applied towards design, hardware (including servers) and installation costs; the remaining 40% for software, installation and maintenance.

Requesting Member: Congressman JOHN R. CARTER

Bill Number: H.R. 1105

Account: NRCS, Conservation Operations

Legal Name of Requesting Entity: Texas A&M University

Address of Requesting Entity: 113 Jack K. Williams Administrative Bldg., 2142 TAMU, College Station, TX 77843

Description of Request: I have requested an earmark of \$333,000 to demonstrate the use of composted dairy manure, soil management, seeding, and erosion control structures to increase vegetation and reduce erosion on maneuver areas. Research results are documenting practice impacts on vegetation growth and water quality. In addition, the project is removing composted dairy manure from the North Bosque River watershed to help meet total maximum daily load requirements. Approximately \$188,700 will be spent on salaries and benefits; \$52,329 will be used for supplies and materials; \$6342 will go toward travel expenses; \$19,029 will be applied to equipment rental and contracts; and \$66,600 will be spent on administrative fees of the NRCS and AgriLife.

IN HONOR OF FRED SEARS, II

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to pay tribute to Fred Sears, II. In a state with many "firsts" in its history, I am proud of the fact that Fred Sears will be the first recipient of the "Goldey-Beacom College Ethics in Business Award."

As a native of Delaware, Fred's career in the banking industry spanned 38 years and culminated with his serving as President of Commerce Bank. Since 2003, Fred has served as President and CEO of the Delaware Community Foundation where he oversees the management of 900 funds with more than \$230 million in assets and the distribution of \$15 million in grants annually. These charitable funds benefit all of us in Delaware.

However, Fred's leadership at the Delaware Community Foundation is only a small glimpse of the impact he has had on our community. He has served on at least 56 boards, clubs or organizations over the past five decades. His leadership, guidance, counsel and support are sought by government entities, non-profits, sports programs, community groups, educational institutions, and businesses. His willingness to help others has no limit and we are all forever appreciative of what he has done to make our state a better place for everyone.

Leaders like Fred Sears come along once every couple of generations. His integrity and ethics are unsurpassed and he is a great example for others to follow. This is not the first time Fred has been honored or recognized for his good deeds. In 1977 the Wilmington Junior Chamber of Commerce presented him with the Young Man of the Year Award. Since then Fred has been recognized by the Boy Scouts of America, the Wilmington Rotary Club, the United Negro College Fund, the NCCJ, and the Opportunity Center, Inc. Each time, these community organizations recognized Fred for his leadership and willingness to assist others.

I have known Fred for many, many years and I am most proud of being able to call him my friend. Individuals like Fred Sears bring about positive change, and when a small state like Delaware finds someone like him it allows us to show a nation how people working together can make the world a better place. I congratulate Fred on receiving the first ever "Goldey-Beacom College Ethics in Business Award" and thank him for his extraordinary service to Delaware.

HONORING RED CROSS MONTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise this March day to celebrate "Red Cross Month." Since 1943, we have been celebrating March as Red Cross Month and promoting the services provided to the public by the Red Cross each day. The Red Cross has been at the forefront of helping individuals and families prevent, prepare for, and respond to large and small scale disasters for more than 127 years.

In my district, the Santa Clara Chapter of the American Red Cross helps many people in times of need. They range from victims of disasters such as house or apartment fires, floods or mudslides, and earthquakes; to victims encountered through national disasters such as Hurricanes Ike and Katrina and international disasters such as the 2005 tsunami and the Philippine earthquake.

This year in my district, the American Red Cross Chapter is hard at work and has already responded to local disasters, including a 5-unit townhome fire on January 12, 2009 that left 14 people homeless and caused more than \$2 million in damages.

The Red Cross is committed to making our homes and our communities safe and works closely with local, state and national partners to help people personalize their risk to natural hazards and make preparedness a personal priority. Join me in applauding the hard work of the American Red Cross volunteers and celebrating March as American Red Cross Month.

A PROCLAMATION HONORING THE 50TH ANNIVERSARY OF THE TUSCARAWAS COUNTY CHAMBER OF COMMERCE.

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Tuscarawas County Chamber of Commerce has nearly 600 businesses as members; and

Whereas, at 1:15 PM on May 21, 1959, the Tuscarawas County Chamber of Commerce was created out of the former New Philadelphia Chamber of Commerce; and

Whereas, the Tuscarawas County Chamber of Commerce has been instrumental in attracting new industries to the area; and

Whereas, the Chamber of Commerce has held as the core of its mission to promote the civic, economic and social welfare of Tuscarawas County; therefore, be it

Resolved that along with the friends, member businesses, and the residents of the 18th Congressional District, I commend the Tuscarawas County Chamber of Commerce for their staunch support of the county and their ever-present efforts to bring economic growth and industry to the people of Tuscarawas County.

CHILD NUTRITION PROGRAMS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to congratulate the California Legislature on the passage of Assembly Joint Resolution No. 69 addressing child nutrition programs.

The high occurrence of malnutrition, obesity and poor fitness in California are frightening.

Currently, only 6 percent of school lunches meet all of the School Meal Initiative (SMI) standards.

Over 30 percent of 7th graders in California are overweight and almost 40 percent cannot pass the state's fitness test.

The Resolution passed by the California Legislature urges Congress and the President of the United States to ensure that child nutrition programs establish comprehensive nutrition and wellness policies in schools.

In addition, this resolution supports the reauthorization of federal child nutrition programs and requests adequate reimbursements to fund the cost of producing a healthy school meal in the region where it is served.

I urge my colleagues to follow California's example and work together to ensure proper nutrition and fitness for American children.

I would now like to insert the following text from the California Assembly Joint Resolution No. 69.

ASSEMBLY JOINT RESOLUTION NO. 69

Whereas, The National School Lunch Program is declared to be the policy of Congress, "as a measure of national security, to safeguard the health and well-being of the nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the states, through grants-in-aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs"; and

Whereas, Federal regulations further state that participating schools shall ensure that children gain a full understanding of the relationship between proper eating and good health; and

Whereas, Child nutrition programs are responsible for collaborating with the school community to implement comprehensive nutrition and wellness policies in school districts; and

Whereas, All of California's more than 6 million pupils deserve access to high-quality, safe, nutritious meals available in the school setting, recognizing the link between ade-

quate nourishment and educational performance; and

Whereas, Children that experience hunger have been shown to be more likely to have lower math scores, decreased attentiveness, increased likelihood of repeating a grade, increased absences and tardiness, and more referrals to special education services; and

Whereas, Child nutrition programs in California provide over 4 million meals to school children daily, and must comply with complex state and federal requirements, provide adequate food preparation and dining facilities, and meet budget requirements despite rapidly escalating food, energy, transportation, labor, and other costs; and

Whereas, Losses in the school meal programs must be offset by other revenue sources that would otherwise support classroom instruction; and

Whereas, For each lunch provided to a child who qualifies for a free meal, the estimated average cost of producing the lunch is \$3.10; the reimbursement received for each meal, provided that all state and federal requirements are met, is \$2.6895 (a federal reimbursement of \$2.47 and a state reimbursement of \$0.2195); and

Whereas, The difference between reimbursement and cost undermines the ability to continue to provide nutritious meals to all pupils; and

Whereas, The United States Department of Agriculture recognizes higher cost as a factor in determining reimbursement rates by allowing a higher federal reimbursement rate in Alaska and Hawaii; and

Whereas, Many families that qualify for reduced-price meals, prescribed by federal law using the federal poverty level, find it difficult to pay the reduced fee, and the fee for a paid meal is an insurmountable barrier to participation for an increasing number of families in California; and

Whereas, The eligibility scale to qualify pupils for free or reduced-price meals is the same scale throughout the country and does not consider regions with higher costs of living; and

Whereas, A self-sufficiency index, which identifies the income levels at which families can meet their most basic needs without public support, is available in all regions to apply to meal eligibility standards; and

Whereas, A single-parent household with two children in San Mateo County, California, needs \$67,867 to be self-sufficient, while a similar family in Hardeman County, Tennessee, is self-sufficient with only \$21,657; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature supports reauthorization of federal child nutrition programs and urges the President and the Congress of the United States to ensure that reimbursement rates are adequate to fully fund the cost of producing a nutritious school meal relative to the cost of living in a region; and be it further

Resolved, That the eligibility scale used to qualify families for free and reduced-price meals be adjusted according to the self-sufficiency index for the region served; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

FLORIDA EVERGLADES BRIDGE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. DUNCAN. Madam Speaker, in yesterday's Washington Times is an article about a very controversial bridge project through the Florida Everglades.

This project has been strongly opposed by the Miccosukee Tribe through whose land this bridge would be built.

A federal judge has blasted this projected bridge in a scathing opinion, but our Omnibus bill ordered that it be constructed anyway.

The estimated cost is \$225 million, but because almost all federal projects are given lowball estimates on the front end, it would probably end up costing much, much more. I have discussed this project with my friend, Representative MARIO DIAZ-BALART in whose district this bridge project is located.

He told me he has discussed this bridge with the Army Corps of Engineers and all of the interested parties.

He believes that, while a bridge may have to be built at some point, that other, cheaper alternatives should be considered first.

I agree with Representative BALART, for whom I have the greatest respect.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article about this project from the Washington Times.

[From the Washington Times]

'BRIDGE TO NOWHERE' OK'D FOR EVERGLADES

(By Stephen Dinan)

A provision buried inside Congress' giant spending bill would overturn a federal court order, discard part of environmental law and reject an Indian tribe's plea, forcing the government to build a bridge in Everglades National Park that a federal judge declared "a complete waste of taxpayer dollars."

The project is being opposed by the Miccosukee tribe, and U.S. District Judge Ursula Ungaro called it an "environmental bridge to nowhere." She ordered the government in November to comply with federal environmental laws, which would further delay the long-controversial project.

But lawmakers inserted a provision in the 1,123-page omnibus spending bill that is pending in the Senate. It waives those laws and in sweeping language orders the Army Corps of Engineers to begin building the bridge "immediately and without further delay."

Those pushing for the bridge, which would elevate the Tamiami Trail roadway to allow water to flow freely into the Everglades, say Congress' urgency is justified.

"The project has been studied and delayed over and over again for 20 years. Meantime, one of the world's great treasures continues to die," said Dan McLaughlin, a spokesman for Sen. Bill Nelson, Florida Democrat. "The National Academy of Sciences, in a report to Congress, says the bridge is needed to allow water north of the road to flow south into the Everglades. Senator Nelson supports it. It's absolutely essential to restoring the 'Glades. No bridge—no water flow. No water—no Everglades."

But the Miccosukee, who went to court last year to stop the bridge, are crying foul, saying it's hypocritical of Congress to ignore its own environmental laws.

The tribe also said that overturning a court order smacks of the broken treaties and poor treatment Indians suffered in years past.

"You tell the tribe to follow the law, but when the tribe follows the law and wins, you throw them out of court. It's really immoral and unconscionable," said Dexter Lehtinen, an attorney for the tribe. His wife is Rep. Ileana Ros-Lehtinen, a Florida Republican who Mr. Lehtinen said recuses herself from these matters.

The \$212 million bridge is part of a complex and contentious decades-old plan to try to restore the free flow of water through the Everglades, the swamp that covers much of southern Florida and is considered critical to the state's ecosystem. Decades of development and road-building have ruined the usual water flows.

Plans to restore water flow have changed repeatedly, and parts have been caught up in litigation, including the proposal to build a one-mile-long bridge along the northern park boundary at the Tamiami Trail, or U.S. Highway 41, which backers say would help the free flow.

The Miccosukee trace their time in the Everglades back to the 1700s when they moved to avoid encroaching upon European settlers farther north, in what is now Georgia, Alabama and northern Florida. They gained U.S. government recognition in 1962 and have both official reservation land and other land in perpetual lease.

Rather than the bridge, the tribe wants the government to instead clean out culverts and build swells that the Miccosukee say better and more cheaply restore water flow.

"The judge found that the likelihood is that people in Miami-Dade County are going to be flooded, there's not going to be any benefit to Everglades National Park, and Miccosukee land is going to be further damaged," said Terry Rice, owner of an environmental services company and a former head of the Army Corps of Engineers district that includes the Everglades, who served as a witness for the tribe in court.

"Why do you say you have to build a project and you're not going to abide by any laws unless you can't abide by the laws?" Mr. Rice said.

The judge apparently agreed.

In issuing her preliminary injunction against the bridge, she said it won't begin to help water flow until the corps takes other steps, which are still in the planning stages. Given that, the judge said, rushing to build the project amounts to "no more than construction of an 'environmental bridge to nowhere' that accomplishes (and harms) nothing but which would be a complete waste of taxpayer dollars."

Backers acknowledged that tacking this sort of provision onto a spending bill was unusual, but said the bridge has widespread support, and only the tribe—and now the federal judge—objected.

Still, it could not be learned Monday who approved the insertion of the provision that forces the bridge to be built into the \$410 billion spending bill making its way through Congress.

The Miccosukee, in an ad last week, blamed House Speaker Nancy Pelosi and Senate Majority Leader Harry Reid for the measure. The tribe called it "a lamentable blast from the past in American history."

But both leaders' offices said they weren't responsible.

"We had nothing to do with this," said Jim Manley, a spokesman for Mr. Reid, Nevada Democrat.

"This language was included at the request of the Bush administration and has bipartisan support. Neither the speaker nor her office played a role in its inclusion," said Drew Hammill, a spokesman for Mrs. Pelosi, California Democrat.

The Army Corps of Engineers also said it wasn't the source.

"To our knowledge the corps did not promote or draft this language," said spokeswoman Lt. Col Elizabeth Robbins.

The Interior Department did not return messages for comment.

Spokesmen for Sen. Dianne Feinstein, California Democrat, and Rep. Norm Dicks, Washington Democrat, the chairmen of the Senate and House subcommittees that wrote the parts of the bill funding the Interior Department, didn't have a comment Monday night.

A spokeswoman said Rep. Mario Diaz-Balart, a Florida Republican whose district could be affected, was unavailable, while a spokeswoman for Sen. Mel Martinez, Florida Republican, said the senator did not request the provision, but she said she couldn't say whether he supported it.

Rep. Debbie Wasserman Schultz, a Florida Democrat whose district is also affected, does support moving forward, said spokesman Jonathan Beeton.

"The congresswoman supports this project because it is the essential next step in Everglades restoration," Mr. Beeton said. "This view is supported by the National Academy of Sciences. At the same time, she understands the concerns and the deep commitment of the Miccosukee Tribe to the restoration of the Everglades."

Several Democrats pointed to the Bush administration's support for the provision. But that came in his fiscal 2009 budget, submitted nine months before the judge ruled that the environmental laws hadn't been followed.

THANKING DEBORAH PRICE FOR
HER SERVICE TO THE HOUSE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, on the occasion of her retirement at the end of February 2009, I rise to thank Ms. Deborah Price for her 25 years of outstanding service to the United States House of Representatives.

Deborah began her career with the House on September 19, 1984, and served in positions within the Office of Finance of the Chief Administrative Officer. As a Team Lead within the Office of Financial Counseling, she provided financial assistance and guidance to all Member and Committee offices including monitoring and projecting available fund balances and ensuring expenditures comply with both House and Committee rules and regulations.

Deborah has provided financial guidance to every entity of the House, assuring that House staff and vendors are paid accurately. Her passionate customer service and tireless commitment to the countless House staff members who have worked with her will be deeply missed.

On behalf of the entire House community, we extend congratulations to Deborah for her

many years of dedication and contributions to the financial management of the House. We wish Deborah many wonderful years enjoying her retirement.

**A PROCLAMATION HONORING THE
187TH ANNIVERSARY OF THE
QUINN CHAPEL AFRICAN METH-
ODIST EPISCOPAL CHURCH**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Quinn Chapel African Methodist Episcopal Church was founded in 1821 and is celebrating its 187th anniversary in Chillicothe, Ohio; and

Whereas, the congregation of Quinn Chapel African Methodist Episcopal Church can trace their roots to the first Methodist church congregation in Chillicothe and can boast to be among the first African Methodist Episcopal churches in the state; and

Whereas, the church was founded to extend equal rights and privileges of worship to African congregants at a time when such congregants were not afforded the same considerations as their white brethren and has continued to seek equality and brotherhood that transcends race. Congregants from the Quinn Chapel African Methodist Episcopal Church played integral roles in the Underground Railroad and other abolitionist causes throughout the 19th century; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Quinn Chapel African Methodist Episcopal Church for nearly two centuries of dedication and service to the Chillicothe community and their efforts to preach equality and faith among all races and religions throughout the years.

**RECOGNITION OF THE PASSING
AND LIFE OF WILBERT "BILL"
TATUM**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. RANGEL. Madam Speaker, once in a while someone leaves this Earth and their life's story needs to be told, not just because it's interesting, but because it illustrates lessons that should be passed along. Madam Speaker, I rise today to recall the life Wilbert "Bill" Tatum, longtime publisher of the *Amsterd News* and my personal friend, who, to the sadness and shock of my community, died suddenly last week. Bill lived the life that people dream of and few attain, and while doing so became a friend, mentor, and "brother" to countless people.

In the early 1970s, Mr. Tatum, along with former State Comptroller H. Carl McCall and former Manhattan borough president Percy Sutton, bought the *Amsterdam News*. This venture into the news industry reflected their

longtime involvement in civic activism and passion for their community. Bill maximized his passion as the paper's publisher, a role for which his life prepared him.

Bill's voice goes back to his high school oratory competition days in North Carolina. He was a journalist, writing for three small newspapers that provided information to Black farmers. He served his country in the Marine Corps, graduated from Lincoln University in Pennsylvania, and received his master's degree from Occidental College in Los Angeles. In New York, he was a community activist who served as deputy Manhattan Borough President under Percy Sutton's borough presidency and held various city-level posts.

Under Bill's ownership, the *Amsterdam News* was a brash and controversial voice for the Black community, regularly scorching politicians like 1970's Mayor Ed Koch. He was one of the angriest—and most eloquent—of voices on issues of politics, civil rights, and community action. What some perceived as sensational journalism, we in the community knew reflected the honest views of the publisher and his readers. At the same time, he filled the pages with colorful articles on social and community happenings.

Bill was a gentleman who loved people and derived no bigger joy than helping his community. He gave opportunities to scores of budding journalists and was a friend and professional mentor to many. A kind and decent person with a keen sense of humor, Bill was a man for all seasons and fierce defender of the causes he believed in. Despite an illness that confined him to a wheelchair, he and his beloved wife Susan continued their travels around the world. He entrusted his daughter Eli to succeed him as publisher and editor, and she has done an admirable and successful job in filling his shoes.

Wilbert Bill Tatum will be remembered as an honorable man of tough love, who used his brilliant mind and the First Amendment to denounce injustices he saw in his community. His life reminds us that the greatest love we can share with others is the power to speak up and be honest about where we are and where we need to go. I will miss him dearly.

**IN HONOR OF JOHN JOSEPH
"WACKO" HURLEY OF SOUTH
BOSTON, MA**

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. LYNCH. Madam Speaker, I rise today in honor of John Joseph "Wacko" Hurley, in recognition of his outstanding contributions to his hometown of South Boston, MA, and to commend him for over 50 years of dedicated service to his community.

The son of Margaret and Michael Hurley, immigrants from County Kerry, Ireland, John was born on May 11, 1930 in South Boston and lived on East Fifth St. until 1965 when he moved to East Fourth St. in South Boston where he currently resides.

John attended Nazareth School at O and Third St., and South Boston High School grad-

uating in 1948. Subsequent to his graduation, John enlisted in the United States Navy, serving from 1950–1952 aboard the USS *Noah* (DD–841).

Upon completion of his distinguished service to our country, John worked for the State Veterans Services for 20 years. Following this position, John worked as an office manager for the Massachusetts Bay Transportation Authority for 18 years.

Along with providing distinguished service to his country and his state, John is also an active member of his community. A faithful parishioner at St. Brigid's Church in South Boston, John can be found daily at the 7 a.m. early morning mass followed by his walk around Castle Island. John also brought to the United States Supreme Court the case (*John J. Hurley v. GLIB*) that affirmed the First Amendment right of the South Boston Allied War Veterans Council to organize a private parade. He won a victory with a 9–0 vote. This law can now be found in every law book in the country. In fact, John has organized the Evacuation Day/St. Patrick's Day Parade in South Boston for the past 50 years.

John was recently awarded the Bishop Cheverus Medal from Cardinal Sean O'Malley, Archbishop of Boston, for Community Service and Catholic Dedication. You will find John every Thanksgiving and Christmas at St. Monica/St. Augustine serving holiday meals to the less fortunate.

Madam Speaker, John is known for his quick sense of humor and great storytelling. He has had the good fortune to be married to Molly for 56 years; they are the proud parents of 7 children, 15 grandchildren, and 2 great grandchildren.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with John J. "Wacko" Hurley's family, friends, and contemporaries to thank him for his remarkable service to his community of South Boston.

**A PROCLAMATION HONORING THE
TUSCARAWAS COUNTY COUNCIL
FOR CHURCH AND COMMUNITY**

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, Tuscarawas County Council for Church and Community has been faithfully serving the community of Tuscarawas County since 1966; and

Whereas, the Tuscarawas County Council for Church and Community has participated in "Character Counts! Week," a character building program meant to instill six pillars of character in children, from October 19–25; and

Whereas, the "Character Counts!" program teaches young people about the six pillars of character—trustworthiness, respect, responsibility, fairness, caring, and citizenship—and is an enrichment and community extension of the Tuscarawas County Council for Church and Community Character Formation Program, now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend

the participants of the "Character Counts!" program on their commitment to citizenship and respect of themselves and one another. I also commend those involved in the program for their dedication to the youth of our community and preparing them for lives of thoughtfulness, respect, and civic responsibility.

EARMARK DECLARATIONS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Natural Resources Conservation Service, Resource Conservation and Development

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA 92728

Funding Secured: \$134,000

Description of Request: Funding will be used to expand an existing \$2.2 million program launched in 2004 to distribute an additional 5,500 Smart Irrigation Controllers by the end of 2011 to the highest water using residential and commercial properties in Orange County. This "smart" Irrigation Controller technology assists customers in delivering the appropriate amount of irrigation water to landscape based on soil, slope, type of landscape, and changing water conditions. Smart irrigation controllers will help use exiting water resources and efficiently as possible to help take pressure off of our imported water supplies from Northern California and the Colorado River. When fully implemented there will be a reoccurring 40,000 acre foot savings of water every year.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Community Oriented Policing Services' Law Enforcement Technology Program

Legal Name of Requesting Entity: City of Brea

Address of Requesting Entity: 1 Civic Center Circle, Brea, CA 92821

Funding Secured: \$50,000

Description of Request: The City will use the funds to develop of a forensics criminal science laboratory for its police department. This will allow the Brea Police Department to meet legal and scientific standards in the proper handling and processing of biological evidence (DNA, blood, semen, saliva, and tissues); to process evidence in a manner that meets safety standards for the evidence technicians; more efficiently and effectively identify and collect latent fingerprint evidence through the use of chemistry and light. The creation of the forensics criminal science laboratory will give the Department the means in which to identify more suspects and solve more crime.

It will also reduce the workload on outside companies that Brea Police Department contracts with and the Orange County Sheriff's crime lab. Finally, it will allow the department to control the speed in which evidence is processed and maintained.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Office of Justice Programs, Juvenile Justice Delinquency Programs

Legal Name of Requesting Entity: Hope Through Housing Foundation

Address of Requesting Entity: 9065 Haven Avenue, Suite 100 Rancho Cucamonga, California 91730

Funding Secured: \$750,000

Description of Request: Funding will be used to administer an after school program on site at National CORE affordable housing facilities that is designed to help prevent violence and keep at risk youths off the streets. This program includes an array of services essential to assisting at-risk youth gain the resources they will need to succeed in life and school. An afternoon at Hope's After School and Beyond—Violence Prevention includes: team building exercises, self esteem building activities, homework assistance, family literacy and Peace Builders, the nationally acclaimed violence prevention curriculum. These elements will further develop positive and community networks that will support youth in their journey into adulthood, and will support their families in helping them on this journey.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Office of Justice Programs, Community Oriented Police Services' Law Enforcement Technology

Legal Name of Requesting Entity: Orange County District Attorney

Address of Requesting Entity: 401 Civic Center Drive, Santa Ana, California 92701

Funding Secured: \$500,000

Description of Request: Funds will provide for three DNA mobile collection vehicles that would travel to the five branch courts in Orange County to collect DNA on site from offenders and volunteers. Funds would also provide for related equipment, supplies and DNA processing. By expanding collection efforts, the District Attorney would be able to collect approximately 50 samples a day. The Orange County District Attorney DNA Expansion Project will strengthen local law enforcement efforts to solve, and ultimately prevent, "volume crimes" such as burglaries, auto thefts, and robberies. Currently, throughout the country, law enforcement DNA laboratories are backlogged and must focus on the most violent of crimes, such as homicides and rapes. Due to these backlogs, volume crimes are either "not processed" or significantly delayed. It is well documented that those who commit burglaries, also commit other crimes. These crimes include, but are not limited to, rapes, homicides, robberies, gang violence, drug possession and sales, carjacking, auto theft, etc.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: County of San Bernardino

Address of Requesting Entity: 655 E Third Street, San Bernardino, California

Funding Secured: \$1,925,000

Description of Request: The request is for the purchase of the Automated Fingerprint Identification System for mobile and fixed identification. In 1985, the Counties of Riverside and San Bernardino embarked on a joint venture to create a regional identification system designed to be shared by all law enforcement agencies in the 27,360 square mile jurisdiction (with a combined population of over 3,250,000). The system provides fingerprint, photo, and DNA services to all public safety agencies including the local police departments, district attorneys, school districts, coroners, and Sheriffs' Departments in both counties. It is also available to other state and federal law enforcement agencies that utilize these services on a routine basis.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange

Address of Requesting Entity: 300 N Flower Street, Santa Ana, California

Funding Secured: \$14,000,000

Description of Request: This funding will go to construction, acquisition of property rights, relocations, environmental mitigation and enhancement in Orange, Riverside, and San Bernardino counties for the Santa Ana River Mainstem Project. The Army Corps of Engineers considers the Santa Ana River as the worst flood threat west of the Mississippi River. The Corps estimated that 3 million people and 110,000 acres would be impacted, with potential loss of 3,000 lives and \$15 billion in economic losses in 1987 price levels. Estimated impacts and loss without the Project being constructed would be much greater with current population growth and value of land and structures. In addition to protecting a large, highly populated and rapidly growing area of Southern California, the Project has and will improve protection of major transportation corridors. The Santa Ana River Mainstem Project including Prado Dam was authorized under the Water Resources Development Act (WRDA) of 1986, and Section 309 of WRDA, 1996. The flood control districts of these counties are the Local Sponsors who are responsible for implementing the Project.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Department of the Interior and U.S. Bureau of Reclamation, Water and Related Resources, Title XVI

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, California

Funding Secured: \$558,000

Description of Request: Funds will be used to supply 72,000 acre feet per year of water and will provide the backbone facilities for future ground water replenishment system expansion. The Groundwater Replenishment System (GWR System) is a jointly funded

project of the Orange County Water District (OCWD) and the Orange County Sanitation District (OCSd) with OCWD serving as the lead or constructing agency. When complete, the GWR System will be the largest water recycling project of its kind in the world, reusing 140,000 acre feet per year (AFY) of advance treated wastewater (recycled water). Phase I, currently under construction, will supply 72,000 AFY and will provide the backbone facilities for future GWR System expansion. The GWR System will supplement existing water supplies by providing a new, reliable, high-quality source of water to recharge the Orange County Groundwater Basin and protect the Basin from further degradation due to seawater intrusion. By treating excess storm flows along the Santa Ana River, the GWR System project also postpones the need for OCSd to construct a new ocean outfall in Huntington Beach.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Environmental Protection Agency's State and Tribal Assistance Grants (STAG)

Legal Name of Requesting Entity: Orange County Sanitation District

Address of Requesting Entity: Ellis Avenue, Fountain Valley, California 92708

Funding Secured: \$300,000

Description of Request: The Orange County Sanitation District (OCSd) is under a Consent Decree mandate to comply with the Clean Water Act through implementation of secondary wastewater treatment standards. The Consent Decree compliance effort requires that OCSd undertake an enormous capital improvement program to construct, rehabilitate, and upgrade the facilities needed to comply with secondary treatment standards. Federal support has been provided to municipalities, including Los Angeles, San Francisco, Seattle, and Boston, for similar projects. These funds will go to meet this mandate.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Department of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Hope Through Housing Foundation

Address of Requesting Entity: 9065 Haven Avenue, Suite 100 Rancho Cucamonga, California 91730

Funding Secured: \$330,000

Description of Request: These funds will be used to administer an after school tutoring program on site at National CORE housing facilities. The project will combine intensive age-appropriate academic tutoring with enrichment activity for children in grades K-8. In addition, a family literacy component and community building technical assistance program will strengthen the support services available to children and youth. The program includes tutoring each day where a student attends, they receive 60 minutes of small group academic tutoring in both math and English/language arts. Each learning center is a literacy-rich environment stocked with age appropriate books, as well as creative writing and reading materials. Students are encouraged to check out books, create journals, and engage in any type of activity that encourages them to read and write.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Health Resources & Services Administration

Legal Name of Requesting Entity: Children's Hospital of Orange County at Mission

Address of Requesting Entity: 27700 Medical Center Road, Mission Viejo, California 92691

Funding Secured: \$95,000

Description of Request: Funds will be used to purchase needed equipment to retrofit all patient rooms on the Medical/Surgical unit with sleep sofas to improve the comfort and restfulness of overnight accommodations for parents of children in the Children's Hospital of Orange County at Mission. To facilitate and maximize parental and family involvement in patient care at CHOC at Mission, the hospital maintains open visiting hours and encourages parents to spend as much time as possible with their children, including sleeping overnight with their children, in the hospital. CHOC at Mission provides a family lounge area, two separate parent sleep rooms with bathrooms, and sleep accommodations for parents in each room on the general Medical/Surgical unit.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Federal Highway Administration, Interstate Maintenance Discretionary

Legal Name of Requesting Entity: Orange County Transportation Authority

Address of Requesting Entity: 550 South Main Street, Orange, CA 92868

Funding Secured: \$237,500

Description of Request: Funds will be used for the examination of the technical feasibility of options to connect SR-91 Express Lanes with SR-241 and for the preliminary engineering for funding for the SR-91 corridor and the Costa Mesa Freeway (SR-55) Interchange. The SR-91 is the only significant transportation facility connecting Orange County and Riverside County. The facility is currently operating at full capacity during peak hours and is critical for the movement of goods from the ports of Los Angeles and Long Beach to inland destinations. The request is partly for examination of the technical feasibility of options to connect SR-91 Express Lanes with SR-241. A direct connection between high occupancy toll (HOT) lanes on the SR-91 and the SR-241 toll road will provide a new travel option for SR-91 commuters and allow for a more balanced distribution of travel along the highly congested SR-91 corridor. The request is also for the preliminary engineering for funding for the SR-91 corridor and the Costa Mesa Freeway (SR-55) Interchange. Constructing this project will alleviate current and future congestion at the interchange of SR-91 and SR-55.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation, Community and System Preservation

Legal Name of Requesting Entity: City of Rancho Santa Margarita

Address of Requesting Entity: 22112 El Paseo, Rancho Santa Margarita, California

Funding Secured: \$95,000

Description of Request: The project will consist of removing failed pavement, installing new pavement in the failed areas, cold milling the pavement, overlaying the entire roadway surface with Asphalt Rubber Hot Mix, repairing the sidewalks, installing Concrete Access Ramps, adjusting utility manholes and water valves to grade, and installing new striping and traffic loops along the Antonio Parkway. The Antonio Parkway was constructed in the mid to late 1980s. Since that time, heavy use combined with the natural aging process has caused transverse block cracking, heaving, and shoving on its surface. A new surface course of asphalt rubber hot mix combined with full depth dig-out repairs will extend the life of the pavement another 20 years.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiative

Legal Name of Requesting Entity: Hillview Acres Children's Home

Address of Requesting Entity: 3683 Chino Avenue, Chino, California

Funding Secured: \$95,000

Description of Request: This request is for construction and improvements to Hillview Acres Children's Home facilities. One of the biggest challenges Hillview faces today is their aging physical plant. The campus's relationship impact model was written and implemented in the 1970s. Since that time, Hillview has continued to be progressive in the way they treat and care for injured children. As their success in taking care of abused and neglected children maintains and increases in strength, their facilities have weakened and no longer parallel the quality of their program.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 1105

Account: Department of Housing and Urban Development, Economic Development Initiative

Legal Name of Requesting Entity: National Community Renaissance

Address of Requesting Entity: 9065 Haven Avenue, Suite 100, Rancho Cucamonga, California

Funding Secured: \$950,000

Description of Request: Funding will be used for the construction of affordable housing communities. With this funding, National Community Renaissance will undertake one or more large-scale neighborhood revitalization projects, develop or acquire and preserve over 10,000 additional apartments in at least 10 more states nationwide, and establish a best-in-class non-profit Web portal, a free information resource that will become the go-to location for updates and information assistance in using affordable housing resources. National Community Renaissance is one of the largest nonprofit affordable housing development corporations in the United States. It manages several business lines that contribute to the development and preservation of high quality affordable housing throughout the country, including development of new affordable housing, preservation of existing affordable housing at risk of going to market rate, and full service

construction management with expertise in multifamily and mixed use development.

A PROCLAMATION HONORING THE
SANDY VALLEY HIGH SCHOOL
CARDINALS FOOTBALL TEAM

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Sandy Valley High School Cardinals football team admirably squared off against the Garaway High School Pirates on the night of Friday, September 12, 2008; and

Whereas, recognizing the game was not going their way, the Sandy Valley Cardinals, under the direction of Coach John Groff, exemplified the finest in sportsmanship and class by allowing the Pirate's team manager, Craig Gordon, a young man with Down Syndrome, to record his first touch of the football during a game; and

Whereas, Cardinals players allowed Gordon to carry the football into the end zone for a touchdown, giving him a memory and a feeling of pride that will last a lifetime, now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the players and coaches of the Sandy Valley High School Cardinals for showing the very highest in class, sportsmanship, and character by allowing Gordon the opportunity to fulfill a dream of scoring a touchdown during a game in his senior year. Coach Groff, his coaching staff, and the Cardinals players have proven to be decent and honorable men who should be proud of their actions on the field that night.

TROOPS TO TEACHERS
IMPROVEMENT ACT OF 2009

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. PETRI. Madam Speaker, today I am reintroducing the Troops to Teachers Improvement Act to improve opportunities for veterans to transition into second careers in teaching. I am pleased to once again be joined in this effort by Congresswoman DORIS MATSUI. I have been a supporter of the Troops to Teachers program since its authorization, and I am proud of its success over the last decade. Since 1994, this program has placed nearly 10,000 veterans in our nation's classrooms.

Troops to Teachers is a unique program that provides retiring military with a \$5,000 stipend to help cover the costs of teaching certification in exchange for three years service in a high-need school, which until recently was defined as receiving grants under part A of Title I. To further encourage participants to teach in schools with the greatest need, a \$10,000 bonus is offered to those who agree to teach for three years in a school with 50 percent of students below the poverty level.

This structure has proven very effective in transitioning qualified retiring military personnel into second careers in teaching. Indeed, Troops participants fill several critical needs among educators: eighty-two percent are male, over one-third ethnic minorities, and a majority bring an expertise in science and math to the classroom. In an increasingly globalized economy, these valuable characteristics provide a vital resource for schools across the country.

However, this success is now in jeopardy due to a drafting error in the 2001 No Child Left Behind Act which has inadvertently restricted the number of schools at which participants may fulfill their service. The applicable definition for "high-need local education agencies" for Troops to Teachers was inadvertently changed as it was included in the section of the legislation regarding other alternative programs that had a different definition. This stricter definition requires a higher threshold for "high-need," requiring the school to have either 10,000 students or 20 percent of students from families below the poverty level. However, the original Title I definition of high-need was also retained in the law in the section specifically detailing the Troops program. Essentially, Congress inadvertently created two conflicting definitions of "high-need" with regard to this program.

Early on, the Department of Education and the Troops to Teachers program recognized this unintended change in law and worked together to address it. From 2003–2005, while discussions were being held on how to reconcile this discrepancy, the program continued to operate under the original and intended definition. However, after the completion of a negotiated rulemaking process in September 2005, the Department issued a regulation stating that the new, stricter definition was not an error but congressional intent. As one of the leading supporters of this program during the drafting of No Child Left Behind, I can assure my colleagues that this clearly was not the intent of the supporters of the program.

Madam Speaker, the unfortunate result of this, aside from limiting the number of schools at which veterans may teach and honor their obligation of three-years service, is that it has disproportionately impacted western and rural states. In my home state of Wisconsin, the number of eligible school districts has been reduced from approximately 420 to 13. Not surprisingly, participation in the program has fallen significantly since the implementation of the new definition. This decision, although understandable given the conflicting definitions contained in the law, is a disservice both to veterans wishing to continue their service to our nation as educators as well as children who stand to benefit from their unique expertise.

The bottom line is that we are losing out on great teachers because they cannot accept the certification stipend due to a lack of schools meeting the higher needs threshold in their communities. The more we restrict opportunities for participation, the fewer teachers we will be able to bring into public education, and the fewer teachers we will eventually be able to attract to the schools with the greatest need. Further, given the nation's need for more math and science teachers, we should be removing, not creating, restrictions that pre-

vent qualified teachers in these areas from teaching in our nation's classrooms.

Madam Speaker, with Troops to Teachers, the Department already has an established program that is well-funded and successful. Rather than restricting it, we should be maximizing this program's potential. This legislation would correct this error and restore the original intent of the Troops to Teachers program. Our bill would ensure that veterans participating in the Troops to Teachers program may receive a \$5,000 stipend for teaching for three years in any school that is in a district receiving grants under part A of Title I. This legislation would result in a 49% increase in the number of eligible schools for the program. This would mean that in my home state of Wisconsin, 94 percent of the schools in the state would once again be eligible for the program.

The legislation would retain the current criteria for troops to receive an additional bonus of \$5,000 for teaching in a high need school, defined as in a school district that has at least 10% or greater who come from families living below the poverty level and a school where at least 50% of students are eligible for free or reduced lunch or have a "high percentage" of students with disabilities.

I urge my colleagues to join me and Congresswoman MATSUI in supporting this successful program and restoring the opportunity to "serve again" to our nation's veterans.

A PROCLAMATION HONORING THE
200TH ANNIVERSARY OF THE
CHALFONT METHODIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Chalfont Methodist Church was founded in 1808 and is celebrating its 200th anniversary in Washington Township, Ohio; and

Whereas, the congregation was started by Mordecai Chalfant, a member of the society in Methodism in 1808 but did not have a church until 1811, and

Whereas, in June of 1970, when the East Ohio Conference of the Methodist Church decided to close the parish due to dwindling membership, the building was turned over to another congregation and scheduled to be demolished, the community came together to form the Chalfant Society, raising money to purchase the building and have it named to the National Register of Historic Buildings; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Chalfont Methodist Church for two centuries of dedication and service to the Washington township community and their determination to save the church building and continue the good works of the parish.

H.R. 1293, DISABLED VETERANS HOME IMPROVEMENT AND STRUCTURAL ALTERATION GRANT INCREASE ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. BUYER. Madam Speaker, I am pleased to introduce a bill to provide an increase in the amount payable to disabled veterans under the Department of Veterans Affairs (VA) Home Improvement and Structural Alteration Program.

Known as the HISA program, this important VA benefit provides grants to seriously disabled veterans who require home adaptations to provide access to in-home medical care.

Typically, HISA grants are used for such things as widening doors; putting in handrails or special lighting; making kitchens, bathrooms, windows, or electrical outlets and switches more accessible; building ramps or improving entrance paths and driveways.

The benefit is paid from the medical care appropriation and is available to both veterans with service-connected and non-service connected disabilities. A service-connected veteran can receive a HISA grant in addition to other home adaptations grants available through the Veterans Benefits Administration.

Congress first authorized VA to establish the HISA program as part of outpatient care for home health services in 1973. We have been engaged in the Global War on Terror for nearly eight years and are seeing an increasing number of servicemembers returning from Iraq and Afghanistan utilizing VA health care. It is especially important that this program remains relevant and can meet the needs of our newest generation of veterans.

The current maximum amount of a HISA grant is \$4,100 for service-connected veterans and \$1,200 for non-service connected veterans. This amount was established by Congress in 1992 and has not been raised in seventeen years.

My bill would increase the maximum amount of the grants to \$6,800 for service-connected veterans and \$2,000 for non-service connected veterans. This recommended increase reflects a three percent increase for each year since 1992. It accounts for inflation and the increased cost of home modifications.

I urge my colleagues to join me in cosponsoring this legislation. It would have a direct and immediate impact on improving health care and the quality of life for our disabled veterans.

SOLID WASTE GREENHOUSE GAS REDUCTION ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. MORAN of Virginia. Madam Speaker, today I am introducing the "Solid Waste Greenhouse Gas Reduction Act," legislation that will reduce our nation's contribution to

global warming by addressing the methane gas that escapes from municipal solid waste landfills.

Hardly a week goes by without reports of new evidence that the world climate is changing because of human activities that are putting greenhouse gases into the atmosphere. Scientists predict that as the earth warms, droughts and flooding will become more severe, threatening the world's food supply. Warmer ocean waters are producing expanding oxygen-depleted zones that are unable to support sea life. Higher temperatures are shrinking the Arctic ice cap, threatening coastal communities with rising sea levels and destroying the habitat that polar bears depend on for survival. It is imperative that we look at all the options available to us for reducing emissions of greenhouse gases.

While most of us are familiar with the harmful effects of CO₂, methane is a greenhouse gas that is even more harmful. The U.S. Environmental Protection Agency reports that methane is over 20 times more effective at trapping heat in the atmosphere than CO₂. Decomposing waste in landfills is the largest source of U.S. anthropogenic methane emissions, accounting for approximately 24 percent of these emissions. About 138 million tons of municipal solid waste were discarded into 1,754 landfills in 2006, according to EPA estimates. Municipal and other landfills emitted over 6 million metric tons of methane gas into the atmosphere in 2005, the equivalent of 132 million tons of CO₂.

The Solid Waste Greenhouse Gas Reduction Act will create a new national program to address these emissions. By requiring the owner or operator of a municipal solid waste landfill to collect a modest fee on each ton of waste disposed of, revenue will be made available to support programs to reduce the amount of waste entering landfills and to make beneficial use of the methane generated by decomposing landfill waste.

A fee of \$5.00 per ton will produce close to \$700 million in revenue for this program. The fees will be remitted to the local government having jurisdiction over the area in which the landfill is located. The local government could use the fees itself to undertake greenhouse gas reduction projects that were determined by EPA to be cost-effective. Alternatively, the local government could provide grants, loans, or other financial assistance to other entities to undertake such projects, or could transfer the fees to the State for that purpose. Projects could include waste reduction measures or recycling programs to reduce the amount of methane generated by decomposition, landfill gas recovery, and waste recovery including energy generation.

Americans understand the enormous challenge we face as a nation in preventing global warming and are asking how they can make a difference. With the funding provided by this legislation, local communities can identify and implement projects that will make a real contribution to reducing greenhouse gases. I urge my colleagues to support the "Solid Waste Greenhouse Gas Reduction Act."

A PROCLAMATION HONORING THE GARAWAY HIGH SCHOOL GOLF TEAM ON THEIR SECOND STRAIGHT DIVISION III STATE CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Garaway High School Pirates Golf team competed in the Ohio State Division III Boys Golf Championship Tournament; and

Whereas, under the direction of head coach Ryan Taggart and assistant coach Mike Felton, the team overcame a two stroke deficit to Lima Central Catholic after the first day of play to win the tournament by eight strokes with a combined score of 631 to Lima's 639, and

Whereas, this is the team's second consecutive win in the Division III championship tournament and its third in five years, creating a dynastic legacy of sportsmanship, skill, and determination, and

Whereas, Garaway's Kevin Miller, finished as the individual state champion for the second year in a row defeating challenger Nathan Tarter of Mogadore High School, 141 to 144; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend Kolt Andreas, Donny Beechy, Michael Dague, Kevin Miller, Greg Moomaw, and Ryan Troyer for their excellent performance on the golf course and congratulate them on their second win in as many years. The Garaway High School Golf Team has shown exemplary sportsmanship and skill under the management of Coaches Taggart and Felton, and should be proud of their achievement.

INTRODUCTION OF BILLS TO HELP THE UNEMPLOYED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. PAUL. Madam Speaker, today I am introducing two pieces of legislation to help the increasing number of Americans who, because of the recession, have lost their jobs. The first bill, the Unemployed Tax Relief Act, makes a laid-off worker's last paycheck tax free.

The second bill, the Unemployment Assistance Act, allows unemployed people to make penalty-free withdrawals from accounts such as Roth IRAs and 401(k)s, to cover living expenses, health care, education, and job training expenses. People who make these penalty-free withdrawals while unemployed will be able to replenish their accounts once they have started new jobs.

Madam Speaker, while we may disagree about the best solutions to the economic crisis gripping the nation, I hope my colleagues will at least agree on these commonsense measures and cosponsor the Unemployed Tax Relief Act and the Unemployment Assistance Act.

PAUL HARVEY

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SMITH of Nebraska. I rise today to remember Paul Harvey, one of our nation's great storytellers and a fixture for anyone who spent time listening to radio while traveling Nebraska's highways.

Unfortunately, we lost one of our most distinctive voices on Saturday when Harvey passed away at the age of 90.

Since 1951, his signature "Stand by . . . for news" alerted listeners to both stories which would strike a chord for the common man, and for commentary which would bring smiles to faces and nods across our country.

Paul Harvey's strength was his ability to tap into the humor, empathy and charm which made him unique. In a day of constantly streaming news and information, Harvey made each of us feel like we were listening to a local radio commentator, not a national program.

America's air waves are a little quieter today.

So I end today with the immortal words of Mr. Harvey, "Good day, America."

INTRODUCTION OF A BILL TO ESTABLISH THE POSITION OF PHYSICIAN ASSISTANT SERVICES WITHIN THE OFFICE OF THE UNDER SECRETARY OF VETERANS AFFAIRS FOR HEALTH

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. HARE. Madam Speaker, I am pleased to introduce a bill today that would elevate the current position of Physicians Assistant (PA) Advisor to a full-time Director of PA Services in the VA Central Office.

I would like to thank my good friend Representative JERRY MORAN for leading this effort with me, as well as Chairman FILNER and Ranking Member BUYER and all of my colleagues who are original cosponsors of this legislation. I would also like to thank the American Academy of Physician Assistants for their tireless work on this bill.

There are currently about 1,600 PAs serving in the Veterans' Health Administration (VHA), including many veterans, National Guard and Reservists. PAs are a critical component of the health care delivery system and are responsible for roughly one-quarter of all primary care patients seen in the VHA.

The change from the current role of PA Advisor, who works part time and is based in the field, to a full-time Director is necessary in order to ensure that PAs are being appropriately and effectively utilized throughout the VHA. Right now, the PA Advisor is being left out of strategic planning discussions and long-term staffing initiatives, leaving PAs with no voice and no advocate.

Additionally, there is a severe disparity throughout VHA facilities in how PAs are

being utilized, what medical services they can perform, and even whether facilities can hire PAs.

Most importantly, the unnecessary restrictions and widespread confusion are causing the VA to miss an important opportunity to improve the quality of health care for veterans.

One of the biggest challenges facing current and future PAs in the VA system is their exclusion from any recruitment and retention efforts or benefits; the VA designates certain positions, such as physicians and nurses, as critical occupations, which are given priority in loan repayment and scholarship programs. Since PAs are not designated as a critical occupation, they are excluded from these monies, despite the fact that the VA has determined PAs and Nurse Practitioners are functionally interchangeable and equal in the work they perform.

The underutilization, lack of recruitment and retention efforts, and pay disparity are all leading PAs to not consider the VHA as a viable employment option.

PAs are very important for veterans living in rural areas, like those living in my congressional district. Veterans that live in underserved areas made the same sacrifices as their urban and suburban counterparts. With a disproportionate number of these brave men and women being cared for by PAs, it is critical that we establish a system that will best serve the needs of those veterans so as not to compromise their care.

Considering the fact that nearly 40 percent of all VA PAs are projected to retire in the next five years, the VA is in danger of losing its PA workforce unless some attention is paid to this critical group.

My bill will allow the Director of PA Services to become an integral component within the VA system, to proactively solve the many issues facing PAs, and give PAs a fair and long overdue voice within the VA.

Madam Speaker, this commonsense legislation promotes quality medical care for our veterans and I am proud to introduce it again this Congress. This bill (H.R. 2790) passed the House in the 110th Congress, but stalled in the Senate. I look forward to working with my Congressional colleagues to once again bring this measure to the floor so our nation's heroes have access to the care they need and deserve.

A PROCLAMATION HONORING THE 200TH ANNIVERSARY OF TUSCARAWAS COUNTY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, Tuscarawas County is celebrating the 200th anniversary of its organization; and Whereas, Tuscarawas County has contributed greatly to the history and culture of eastern Ohio and its residents should take pride in the accomplishments of the county and look forward to its future; and

Whereas, the residents of Tuscarawas County will celebrate the county's 200th anni-

versary with a Bicentennial Parade, fireworks show, music by local school and adult performers, and exhibits commemorating the history and culture of Tuscarawas County; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the residents of Tuscarawas County, past and present, for their contribution to the state of Ohio over the last 200 years, congratulate them on the bicentennial of the county, and wish them well in the festivities planned to commemorate this once in a lifetime event.

INTRODUCTION OF DOMESTIC TUNA CANNING BILL

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mrs. NAPOLITANO. Madam Speaker, today I am introducing a bill to clarify existing tariff law and protect our domestic tuna canning industry. Bumble Bee Foods operates the only tuna cannery remaining in the United States in Santa Fe Springs, CA in my 38th Congressional District. This cannery relies on imported tuna loins from Asia to manufacture canned tuna in the U.S.

For 75 years, Congress and the administration have implemented a \$10 per loin ton (less than 1%) duty rate on tuna loins while having a 12.5% duty rate on canned tuna. The difference in these duty rates is to encourage companies like Bumble Bee to can tuna in the United States. Given our current economic situation, it is of maximum importance to help maintain and create jobs in the United States.

Bumble Bee imported tuna loins in plastic bags sealed with metal clips and paid the lesser duty rate. At the direction of the Food and Drug Administration in 2000, Bumble Bee stopped this practice and instead began packaging loins with a heat seal to improve product quality and safety.

Upon inspection of the heat sealed bags in August 2006, the local Customs Service at the Ports of Los Angeles and Long Beach concluded that the new bags were airtight and imposed increased duties of 12.5%. This is contradictory to Congress' intent and the historical application of customs regulations that put a lower tariff rate on imported tuna loins to promote the domestic tuna canning industry. The fact that current imports of loins are in heat sealed plastic bags to more effectively prevent contamination of frozen tuna loins should not change the underlying classification of the product.

The bill I am introducing today will clarify the previously long standing customs regulations and allow tuna companies to continue to safely import tuna loins at a lower duty rate to can in the U.S. The bill requires Customs to adopt a clear test to determine whether a container is "airtight" that is based on universal standards, promotes health and safety, and comports with the intent of the tariff legislation. Under such a test, heat sealed loin bags would not be subject to the higher duty rate paid by canned tuna imports.

Madam Speaker, I urge my colleagues to support this bill which will clarify Congress' intent to protect the domestic canning industry

by maintaining a lower duty rate on imported tuna loins.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding an earmark I received as part of H.R. 1105, the FY09 Omnibus Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction
Project Name: Antelope Creek Flood Damage Reduction Project

Amount: \$4,620,000

Name and Address of Requesting Entity: Lower Platte South Natural Resources District located at 3125 Portia Street, Lincoln, Nebraska 68521.

Description: The Antelope Creek Flood Damage Reduction Project is a critical element of a flood control, transportation and community revitalization project known as the Antelope Valley Project. The project is being constructed in central Lincoln adjacent to the University of Nebraska Lincoln main campus to improve flood control, transportation networks and community well-being in the city's downtown area.

A CALL FOR CONGRESSIONAL RESPONSIBILITY AND TRANSPARENCY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. MORAN of Kansas. Madam Speaker, I rise in opposition to a cost-of-living increase for Members of Congress. Across our country, the faltering economy is closing businesses and leaving many without jobs. Our national debt is climbing to levels that future generations will be responsible for. I believe it is past time for Congress to be responsible. One action we can take is to cancel the automatic pay increase.

Without a direct yes-or-no vote on this provision, we add to the impression that too many people have of Congress. If Congress is to vote itself a raise in pay, it should be done in full view.

This process should be reformed. Members of Congress should not be able to receive an automatic cost-of-living increase. Each of us should be on the record with the citizens of our districts whether we believe an increase to our own salary is justified. In this time of increased economic hardship, I am going on the record in firm opposition to this increase in pay. Since I was not allowed to directly vote yes or no, this forum has become my only re-

course. We will not have the transparent process promised to my fellow Americans until we cease this automatic system. I only wish I could do more to right this injustice to the American taxpayer. We have a long way to go in gaining the people's trust. Ending this unfair practice would help.

2009 ACADEMY NOMINEES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. FRELINGHUYSEN. Madam Speaker, every year more high school seniors from the 11th Congressional District trade in varsity jackets for Navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new. Our area has repeatedly sent an above average contingent of its sons and daughters to the nation's military academies for decades.

This should not come as a surprise. The educational excellence of our area's schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing has caught the eye of military academy leaders, as many of them now know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating those superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. The procedure, still used today, is a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to the unfettered nepotism that had handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process, the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens, several of whom are distinguished veterans, who have shown exemplary service to New Jersey, their communities, and to the continued excellence of education in our area. Members of the board come from diverse backgrounds and professions, but they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer groups, their service goes largely unnoticed.

I would like to recognize these men and women and thank them publicly for partici-

pating in this important panel. Serving as board member requires hard work and an objective mind. They have the responsibility of interviewing over 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. Interested high school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy. Information includes academic achievement, college entry test scores, and other relevant activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed 38 applicants. Nominations included ten to the Naval Academy, eight to the Military Academy, five to the Merchant Marine Academy, and five to the Air Force Academy; the Coast Guard Academy does not use the Congressional nomination process. The recommendations are then forwarded to the academies by January 31, where admissions staff reviewed files and notified applicants and my office of their final decision on admittance.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make. This holds especially true at a time when our nation is fighting the war against terrorism. The current conflicts in Iraq and Afghanistan serve as constant reminder that wars are fought by the young. And, while our military missions are both important and sometimes dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2009—11TH CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE ACADEMY

Nicholas A. Davis, Sparta, Sparta H.S.
Joseph W. Geib, Oak Ridge, Jefferson H.S.
Richard B. T. Margerison, Long Valley, West Morris Central H.S.
Matthew D. Nafie, Basking Ridge, Ridge H.S.

MERCHANT MARINE ACADEMY

Ian M. Bland, Somerville, Somerville H.S.
Dalton R. Harbula, Parsippany, Parsippany Hills H.S.
Yehudi Maldonado, Morristown, Morristown H.S.
Kevin M. McCormick, Lake Hopatcong, Pope John XXIII H.S.
Ryan J. McCoy, Flanders, Roxbury H.S.
Andrew M. Seals, Long Valley, West Morris Central H.S.

MILITARY ACADEMY

Alex P. Filauo, Denville, Morristown Beard.
John G. French, Jr., Denville, Morris Catholic H.S.
Steven T. Godine, Whippany, Hanover Park H.S.
Christopher A. Johnson, Chester, Home Schooled.
Matthew D. Parsons, Green Pond, Morris Knolls H.S.

Stephen E. Rogacki, North Caldwell, Seton Hall Prep.

Luke T. Suczewski, Chatham, Delbarton School.

Russell J. Tepper, Flanders, Mt. Olive H.S.
NAVAL ACADEMY

Kristen A. Asdal, Chester, West Morris Mendham H.S.

Zachary GP Beecher, Randolph, Randolph H.S.

William B. Brundage, New Vernon, Pingry.
Douglas F. Chesnulovitch, Sparta, Sparta H.S.

Aaron Z. DeWitt, Califon, West Morris Mendham H.S.

Robert F. Eckert, Parsippany, Parsippany H.S.

Michael C. Jones, Basking Ridge, Ridge H.S.

Jacob B. Levin, Madison, Madison H.S.
Marykate B. Moore, Chatham, Villa Walsh Academy.

Jack A. Morado, West Caldwell, St. Benedict's Prep.

A PROCLAMATION CONGRATULATING MARTHA MILLER ON ACHIEVING HER 100TH BIRTHDAY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, Martha Miller will soon celebrate her 100th birthday; and

Whereas, she has been able to drive a car and maintain a home through her 97th year; and

Whereas, Martha Miller has volunteered as a poll worker through her 94th year; therefore, be it

Resolved that along with her friends, family, and the residents of the 18th Congressional District, I congratulate Martha Miller on achieving her 100th birthday, and for her contributions to her community and country.

INTRODUCTION OF THE CAN DO BILL

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. RUSH. Madam Speaker, today I am introducing the Communities in Action Neighborhood and Opportunity bill, also known as the CAN DO bill. The Department of Justice reports that, on average, 45 people are shot and killed daily in America. Annually, there are 16,000–17,000 gun deaths in America.

The Communities in Action Neighborhood Defense and Opportunity Act is a comprehensive, community-based approach designed to address the issue gun violence. The bill calls for a four-pronged strategy in addressing gun violence in our nation's most crime-infested neighborhoods, including aggressive law enforcement, increased access to mental health and psychological counseling, additional employment training and job placement, and increased educational and recreational services for at-risk youth.

Madam Speaker, the issue of gun violence affects all Americans, white, black, Latino, Native American, and Asian. And gun violence pervades in all of our communities: urban, suburban, and rural. This issue is not a black or white issue, and it is not an urban or rural issue. This is an American issue that we must address with all of the resources we have at our disposal.

The research confirms that in order to effectively combat the causes of youth gun violence, there must be a holistic approach that provides not only aggressive law enforcement, but also provides at-risk youth with constructive alternatives to their dangerous lifestyles and gives them access to critical social services and programs.

This bill is unique in that it brings together the entire community to provide alternatives to youth by establishing partnerships between public and private agencies, businesses, community-based nonprofits, churches, schools, and universities. There is an 'all hands on' approach in order to get all of the stakeholders involved and provide a comprehensive and effective strategy that families and communities can support and get behind.

Madam Speaker, I urge all of my colleagues to support the CAN DO bill and help end the destruction that is tearing apart so many of our communities. Americans of conscious must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

EARMARK DECLARATION

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SMITH of Nebraska. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks the Third Congressional District will receive as part of the Consolidated Appropriations for Fiscal Year 2009.

Requesting Member: Congressman ADRIAN SMITH

Bill Number: H.R. 1105

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: University of Nebraska Kearney

Address of Requesting Entity: 905 West 25th Street, Kearney, Nebraska, USA

Description of Request: Provide an earmark of \$100,000 for the University of Nebraska World Trade Center. The funding would be used to provide market research to businesses, facilitate participation in trade shows, organize trade missions, conduct international trade education for businesses, and offer business services that directly support trade for clients. This program will be a one-stop resource for businesses at various stages, from exploring opportunities to forming export and import agreements with trade partners. The Small Business Administration has recognized that support for entrepreneurship is critical to economic growth, as reflected in SBA's guiding principles of supporting entrepreneurs through

a network of local resource partners and empowering the spirit of entrepreneurship in every community. This project will provide specific support for growth-oriented small businesses that need access to larger markets, a particular challenge faced in non-metropolitan areas. Because impact is closely tied to the geographic distribution of resources, this project will achieve federal interests by locating a resource partner in a critical region.

Requesting Member: Congressman ADRIAN SMITH

Bill Number: H.R. 1105

Account: Transportation and Community and Safety Preservation

Legal Name of Requesting Entity: Nebraska Department of Roads

Address of Requesting Entity: 1500 Highway 2, Lincoln, Nebraska, USA

Description of Request: Provide an earmark of \$570,000 for a new interchange located on Interstate 80 at Cherry Avenue, which is located approximately three miles east of Kearney's only interstate exit. This project will provide efficient access from Interstate 80 to the large industrial and commercial area on the northeast part of the city and relieve traffic congestion along 2nd Avenue. Currently, regional and national truck traffic serving these businesses must pass through the center of Kearney, causing delays and safety concerns. A new interchange and connecting roadway will encourage economic development and investment in this part of the country at a time when rural areas are experiencing difficult economic times.

Requesting Member: Congressman ADRIAN SMITH

Bill Number: H.R. 1105

Account: Transportation and Community and Safety Preservation

Legal Name of Requesting Entity: Panhandle Area Development District

Address of Requesting Entity: 1432 10th Street, Gering, Nebraska, USA

Description of Request: Provide an earmark of \$475,000 for the Heartland Expressway Corridor Management Study. The funding would be used to prepare a corridor development and management plan for the Heartland Expressway High Priority Corridor which will update project cost estimates, schedule segment priorities, and quantify economic development benefits. The plan will include, at a minimum, a coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments; the results of any environmental reviews and mitigation plans; a gap analysis identifying areas that need environmental reviews; a complete and comprehensive analysis of corridor costs and benefits; a finance plan, including any innovative financing methods and a State-by-State breakdown of corridor finances; and, the identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

RECOGNIZING NEWTON-CONOVER
HIGH SCHOOL'S STATE FOOT-
BALL TITLE

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. McHENRY. Madam Speaker, I would like to recognize the Red Devils of Newton-Conover High School for winning the North Carolina state football championship. The Red Devils, led by head coach Nick Bazzle, met the Tarboro Vikings in the University of North Carolina's Kenan Stadium for the state 2A title.—

Roughly 5,000 fans from Catawba County traveled to Chapel Hill to cheer on the Red Devils to the school's first state football championship. The hard work and dedication that these young men have put into the Newton-Conover football program paid off with an impressive 51–28 victory in the title game.

The enthusiastic support shown by the students, Principal Kevin Campbell, and the community has made this football season a historic one for Newton-Conover High School. I commend them for their efforts—and a great victory!

EARMARK DISCLOSURE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. COBLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Federal Aviation Administration Airport Improvement account

Legal Name of Requesting Entity: Burlington-Alamance County Regional Airport

Address of Requesting Entity: 3441 North Aviation Drive, Burlington, North Carolina 27215

Description of Request: Provide an earmark of \$855,000 for lengthening the existing runway to 6,400 feet. Specifically, funds will be used for site preparation, along with paving and airfield strengthening of a 1,500-foot runway extension to 6,400 feet. The airport is located in the heart of North Carolina's premier area of growth and development along the Interstate 40/Interstate 85 corridor between Raleigh-Durham-Chapel Hill and Greensboro-High Point-Winston-Salem. While completion of significant airport enhancement projects such as the installment of a High Intensity Runway Lighting System and the strengthening of the existing runway to support 120,000-pound aircraft have been successful in increasing corporate air traffic, safe operations of these aircraft are marginal on the airport's existing 5,000-foot runway. This project received \$1,000,000 in Fiscal Year 2004 and \$980,000 in Fiscal Year 2008.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Federal Highway Administration Transportation and Community Systems Preservation account

Legal Name of Requesting Entity: North Carolina Department of Transportation

Address of Requesting Entity: North Carolina Department of Transportation, 1542 Mail Service Center, Raleigh, North Carolina 27699

Description of Request: Provide an earmark of \$427,500 for the widening of SR 1306 and SR 1363 (Mebane Street) from SR 1158 to NC 54 in Burlington, North Carolina. Specifically, this project, TIP number U-3303, proposes to widen to multi-lanes SR 1306 and SR 1363 (Mebane Street) from SR 1158 (Huffman Mill Road) to NC 54 (Chapel Hill Road) in Burlington, NC. The length of the project is 2.4 miles. Right-of-way acquisition is currently underway and construction is set to begin in Fiscal Year 2009. This project has received no prior federal appropriations.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Federal Railroad Administration Grade Crossings on Designated High Speed Rail Corridors account

Legal Name of Requesting Entity: North Carolina Department of Transportation

Address of Requesting Entity: North Carolina Department of Transportation, 1542 Mail Service Center, Raleigh, North Carolina 27699

Description of Request: Provide an earmark of \$2,280,000 for the Southeast High Speed Rail (SEHSR) Corridor Initiative from Greensboro to Charlotte. The project is located on the rail corridor between Greensboro and Charlotte. Specifically, funding will be used to restore three double track sections, adding capacity, improving freight and passenger service reliability and bi-directional operation. North Carolina has invested significant funds to renovate or replace all passenger stations, improve grade crossing safety, and reduce travel time by approximately one hour to be automobile-competitive. The corridor supports some 60 freight and 6 passenger trains daily. The project will be developed and implemented with the communities, Norfolk Southern Railway, and the North Carolina Railroad Company.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Federal Highway Administration Transportation and Community Systems Preservation account

Legal Name of Requesting Entity: City of High Point, North Carolina

Address of Requesting Entity: 211 South Hamilton Street, High Point, North Carolina 27261

Description of Request: Provide an earmark of \$95,000 for the High Point Greenway Project. The project encompasses a 3.8 mile greenway is located in High Point, North Carolina and funding will be used for completing the remaining 1.1 miles to create walking, jogging, bicycling and other recreational activities. The City of High Point is contributing \$1.3 million to this project, and needs federal assistance to complete the project. This project

meets all of the requirements of FHWA's Transportation, Community, and System Preservation program from which federal funds are being sought.

This area is rapidly urbanizing and opportunities to preserve and develop recreational resources in the future will be limited. The High Point Greenway provides high quality healthy living resources to the citizens of High Point and Guilford County, as well as to tourists from across the world who visit the City. Some of those tourists include people who visit High Point for the International Furniture Market, which is the largest home furnishings trade show in the world, and is the largest biannual event in the state to which an average 140,000 people from more than 100 countries attend.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Federal Transit Administration Bus and Bus Facilities account

Legal Name of Requesting Entity: City of Greensboro, North Carolina

Address of Requesting Entity: Greensboro Transit Administration, 320 East Friendly Avenue, Greensboro, North Carolina 27401

Description of Request: Provide an earmark of \$1,140,000 for the Greensboro Maintenance/Operations/Administration Transit Facility, Land Acquisition, Design and Construction. This project, NC TIP number TD-4915, would replace the existing facility that is too small and outdated to handle Greensboro's growing fleet and operations. The facility will enhance the Greensboro Transit Authority's service delivery efficiency and the quality of transit services. No previous funds have been appropriated for this project. Dollars will be used for land acquisition, design and construction. Rep. MEL WATT is the lead on this request.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology account

Legal Name of Requesting Entity: North Carolina State Highway Patrol

Address of Requesting Entity: 4702 Mail Service Center, Raleigh, North Carolina 27699

Description of Request: Provide an earmark of \$350,000 for the North Carolina State Highway Patrol (NCSHP) Communications Enhancement project. Specifically, funds will be used to purchase and install a state-of-the-art communications console at Troop D Headquarters in Greensboro, North Carolina. The console to be replaced is outdated technology and parts are no longer available. Parts must be scavenged from other abandoned consoles of the same vintage (if they can be found) or fabricated.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology account

Legal Name of Requesting Entity: Alamance County, North Carolina

Address of Requesting Entity: 124 West Elm Street, Graham, North Carolina 27253

Description of Request: Provide an earmark of \$500,000 for the 800 MHz Emergency Communications System Conversion project in

Alamance County, North Carolina. Specifically, funds will be used to convert its current VHF emergency communications system to an 800 MHz emergency communications system between January 1, 2009 and July 1, 2009. The reason for converting to the 800 MHz emergency communications system is based on two primary needs: safety and interoperability. Under the current VHF system, there are areas within the county that are without coverage which causes a safety issue for many of our system users and health and/or safety issues for those in need of emergency services. There are times when the users are unable to communicate with anyone. Because many of the users in Alamance County are on different VHF systems, there is also a lack of interoperability between users. Currently, only the City of Burlington, the Town of Elon, and the Town of Gibsonville Guilford/Greensboro's 800 MHz system.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Department of Commerce, International Trade Administration account

Legal Name of Requesting Entity: North Carolina State University's National Textile Center and the Textile/Clothing Technology Corporation [TC]²

Address of Requesting Entity: N.C. State University, Contracts and Grants, Administrative Services Building III, Raleigh, NC 27695 and 211 Gregson Drive, Cary, NC 27511

Description of Request: Provide an earmark of \$100,000 for the National Textile Center and the Textile/Clothing Technology Corporation [TC]². Specifically, funding will be used for developing new materials; providing trained personnel, industrial partnerships and technology transfer mechanisms; strengthening the nation's textile research and education efforts; and improving textile and apparel productions techniques. This request was almost made by Reps. WATT, MYRICK, Hayes, SHULER, and BUTTERFIELD.

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Department of Education Elementary and Secondary Education (FIE) account

Legal Name of Requesting Entity: University of North Carolina at Greensboro (UNC-G)

Address of Requesting Entity: 1601 MHRA Building, 1111 Spring Garden Street, Greensboro, North Carolina 27412

Description of Request: Provide an earmark of \$250,000 for the ON TRACK—LEARN MATH project. Specifically, funds will be used to develop a reform-based problem-solving mathematics enrichment program for use in after school settings with elementary school-aged children. Undergraduate majors in elementary education at UNCG and elementary school teachers in Guilford County will team together to deliver the ON TRACK programs. The ON TRACK program, together with current efforts spearheaded by local and state curriculum directors, will address several problems related to mathematics instruction and achievement: the manner and methods used to teach mathematics, low student achievement, teachers' low expectations of students in this area, and the upcoming reforms to the NC mathematics curriculum in 2009. To foster

student engagement and parent support for this program, the program will provide fun, stimulating activities that use hands-on experiences to reinforce conceptual learning. This project has not received federal funds and is lead by Rep. BRAD MILLER

Requesting Member: Congressman HOWARD COBLE

Bill Number: H.R. 1105

Account: Health and Human Services Office of the Secretary account

Legal Name of Requesting Entity: University of North Carolina at Greensboro (UNC-G)

Address of Requesting Entity: 1601 MHRA Building, 1111 Spring Garden Street, Greensboro, North Carolina 27412

Description of Request: Provide an earmark of \$238,000 for the North Carolina Council for Health Literacy project. Specifically, dollars will be used to support the infrastructure for this initiative, which would address health literacy. This includes support training for public health and clinical health professionals; statewide readability service, media campaign; and targeted research and evaluation projects. This project has not received federal funds and is lead by Rep. BRAD MILLER.

HONORING PATRICIA ANNE MCKEE

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor today one of Michigan's finest postal service employees, Patricia Anne McKee of Albion, Michigan. Patricia is retiring after 35 years of service with 29 years of supervisory and postmaster experience. She has been a postmaster for 25 years and a dedicated member of the Albion community for 22 years. Patricia has served our state with honor and distinction and has shown extraordinary devotion to her community, being active and serving on many boards and committees as well as volunteering in her spare time. She has done all of this as a loving mother to Travis and a loving grandmother to Kemar. In her spare time she enjoys reading, traveling, playing the piano and spending time with family, friends and special partner, Greg. Patricia is a model of patriotism and well deserves our respect and appreciation for her years of dedication to the postal service and the Albion Community.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following regarding earmarks I received as part of the FY 2009 Omnibus.

AGRICULTURE, FDA AND RELATED PROGRAMS

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, Research and Education

Legal Name of Requesting Entity: University of Miami

Address of Requesting Entity: 4600 Rickenbacker Causeway, Miami, FL 33149

Description of Request: I have secured \$2,494,000 for the Southeastern Climate Consortium Application of Climate Forecasts in the Southeastern United States. The Consortium reduces economic risks and improves social well-being by providing climate information that is integral to agricultural decision-making. The program seeks to develop flood forecasting methods to help farmers and producers plan for reducing risks of economic losses and environmental damage; develop partnerships and methods for incorporating climate forecasts and other climate information into agricultural and water policy decisions; and begin development of a prototype decision support system for the application of climate forecasts to water resource management, especially for agricultural water use.

COMMERCE, JUSTICE, SCIENCE

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Justice, COPS Law Enforcement Technology account

Legal Name of Requesting Entity: City of Hialeah

Address of Requesting Entity: 501 Palm Avenue, Hialeah, FL 33010

Description of Request: I have secured \$600,000 to enhance the City of Hialeah police department's current radio system which does not allow for radio interoperability among other law enforcement agencies, especially important during times of statewide response to natural disasters, domestic security incidents or multi-agency jurisdictional public safety efforts. The XPS radio system would bridge the current gap and achieve interoperability with the State of Florida by replacing and upgrading fixed end, portable and mobile radio communication equipment.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Commerce, NOAA, Operations, Research and Facilities account

Legal Name of Requesting Entity: Florida International University

Address of Requesting Entity: University Park Campus, 11200 SW 8th Street, Miami, FL 33199

Description of Request: I have secured \$500,000 to develop the capability of real-time forecasting for storm surges associated with hurricane activity and flooding. The State of Florida is completing a state-wide collection of data from airborne lasers to record detailed elevation information. Combined with new computational capabilities and overland flow algorithms, the proposed models would allow Florida the best understanding of storm surge effects and subsequent planning advantages. This new information will save lives and mitigate property loss due to storm surge flooding.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Juvenile Justice account

Legal Name of Requesting Entity: ARISE Foundation

Address of Requesting Entity: 4001 Edmund Benson Boulevard, Miami, FL 33178

Description of Request: I have secured \$300,000 to educate at-risk youth. Established in 1986, ARISE has trained over 5,000 certified life skills instructors who have gone on to teach over 3,600,000 documented hours of evidence-based life skills lessons. Specifically targeting high-risk youth, ARISE's goal is to stop the cycle of crime and violence while offenders are young enough to learn life lessons—and ultimately, to reduce rates of recidivism, drug abuse and violence while building skills to keep juveniles in school and out of harm's way. The ARISE Life Management Skills Lessons provide both training and program materials for teaching such lessons to incarcerated youth through interactive methods that help develop positive social and emotional skills needed to break the cycle of violence and crime that would otherwise doom many of today's juvenile offenders. Further, it provides demonstrable outcome measures on the value of expanding this statistically proven, award-winning, professionally managed intervention program.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Justice, Juvenile Justice account

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$200,000 to continue the partnership between Miami-Dade County and the Department of Justice in administering the JAC program which has been recognized by the White House Office of National Drug Control Policy for its exemplary results in reducing the recidivism rate among juveniles in Miami-Dade County. The Office of Justice Programs also strongly supports the JAC's initiative to provide an expanded data base, as it could offer valuable lessons to other large jurisdictions across the U.S. The Juvenile Assessment Center, a centralized processing, referral, and evaluation center for all juveniles arrested in Dade County, opened in late October 1997 and has served over 100,000 arrested juveniles. The JAC allows representatives from law enforcement and social services to work together to provide a complete range of services at the initial stages of the juvenile's involvement with the Juvenile Justice System. Over 5,000 juveniles have participated in the Post-Arrest Diversion component of the project since 2000, with a success rate of 73% and a sharply decreased recidivism rate among juveniles in Miami-Dade County. A successful completion of this demonstration project will continue to reduce juvenile crime in Miami-Dade County and provide a valuable blueprint for similar efforts across the country.

ENERGY AND WATER DEVELOPMENT

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Army Corps of Engineers, Operations and Maintenance account

Legal Name of Requesting Entity: Florida Inland Navigational District, Intracoastal Waterway Maintenance

Address of Requesting Entity: 1314 Marcinski Road, Jupiter, FL 33477

Description of Request: I have secured \$4,019,000 for the maintenance dredging of the Intracoastal Waterway in portions of St. Johns, Duval, St. Lucie, Martin and Indian River Counties.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Energy, Science BER account

Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE 2nd Avenue, Miami Shores, FL 33161

Description of Request: I have secured \$761,200 to fund Phase II of the Institute for Collaborative Sciences Research which is intended to create a state-of-the-art research infrastructure through new laboratory and teaching space. The focus of the Institute will be to prepare minority leaders for future work in healthcare professions while facilitating important research that has a direct benefit on minority populations in my South Florida community. Barry University is one of the largest independent universities in Florida. The university boasts a student body that is more than 60% minority and 42% are the first in their family to attend college.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Office of Science, BER account

Legal Name of Requesting Entity: St. Thomas University

Address of Requesting Entity: 16401 NW 37th Avenue, Miami Gardens, FL 33054

Description of Request: I have secured \$570,200 for a continuation of the university's Minority Science Program and its commitment to attract top minority students to pursue a career in science and provide them with up-to-date laboratories, cutting edge curriculum, experienced professors and research opportunities. To this end, STU is constructing a state-of-the-art science facility, the Carnival Cruise Lines Science and Technology Building. The U-CORTE project will be located in the space vacated by the Department of Natural Sciences when it moves to the new building. It consists of establishing a university-community resource center and programs to stimulate and expand linkages between the university and local community partners. This partnership will address disparities in access to critical health, mental health and legal services in the low-income, minority communities of Miami Gardens and Opa Locka, which are adjacent to St. Thomas University.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Army Corps of Engineers, Construction account

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$478,000 for dredging of the Miami Harbor at

the Port of Miami which includes the design, preparation of plans and specifications for bidding. The Chief of Engineers has recommended the deepening project to 50–52 feet and Congress has authorized the project (Title I, Water Resources Development Act of 2007). It is essential that the Planning, Engineering, and Design (PED) begin in FY09. Extended delay in the proposed dredging improvements could be detrimental to the economy of South Florida and the nation. Cargo growth at the Port of Miami has been phenomenally strong. However, the industry standard container ship is becoming larger, and the Port cannot handle the newer ships without deeper channels. In addition, the Port has been facing increasing competition from foreign ports with existing significantly deeper channels and faces lost business to foreign ports (such as Freeport).

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Army Corps of Engineers, Investigations R&D account

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$239,000 for an ongoing feasibility study being conducted by the U.S. Army Corps of Engineers and Miami-Dade County that examines the affect of canal and groundwater discharges on Biscayne Bay's hydrodynamics, water quality and ecology. This study will help determine the historic freshwater flows to Biscayne Bay and help to improve the ecosystem.

LABOR, HHS AND EDUCATION

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Health and Human Services, HRSA account

Legal Name of Requesting Entity: Miami Jewish Home and Hospital Hialeah PACE Center

Address of Requesting Entity: 5200 NE 2nd Avenue, Miami, FL 33138

Description of Request: I have secured \$476,000 to develop a PACE Center in Hialeah, Florida. The Program of All-Inclusive Care for the Elderly (PACE) is an innovative long-term care model that allows frail elders to remain at home. The goal of PACE is to deliver high quality, cost-effective care while managing participants' complex medical, functional, and social needs. PACE integrates financing and delivery of acute and long-term care services. PACE enables older individuals who are eligible for nursing home care to continue living in the community with a full spectrum of medical, social and rehabilitative services. The Program of all Inclusive Care for the Elderly (PACE) meets three important objectives in providing long-term care services: a) it allows long term care in operate in a managed care environment, b) it integrates Medicare and Medicaid into a seamless and transparent funding source, and c) it allows nursing eligible older adults to remain at home.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Health and Human Services, HRSA account

Legal Name of Requesting Entity: Miami Children's Hospital

Address of Requesting Entity: 3100 SW 62nd Avenue, Miami, FL 33155

Description of Request: I have secured \$285,000 to construct two new hybrid pediatric cardiac suites under the Miami Children's Hospital Congenital Heart Institute. These adjoining hybrid suites will feature: full cardiac operating room capabilities including cardiopulmonary bypass, dedicated pediatric cardiac anesthesia, state of the art hybrid cardiac surgical/interventional table, low dose digital flat panel imaging technology and operating room ventilation and temperature control. The goal of CHI is to achieve 100% survivability for children with congenital heart disease, and to improve their health status throughout their lives. This mission is entirely consistent with the goals of HRSA and HHS, and better medical interventions at the early stages of the disease lead to better quality of life for patients, shorter hospital stays, and fewer hospital admissions over their lifetime.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Health and Human Services, HRSA account

Legal Name of Requesting Entity: Florida International University

Address of Requesting Entity: 11200 SW 8th Street, Miami, FL 33199

Description of Request: I have secured \$238,000 to establish a nanotechnology facility to develop biosensors capable of measuring exposure to environmental and occupational hazards for community safety. The proposed Center for Advanced Diagnostics Devices would be able to design regional toxin monitoring systems. In addition, the project allows Florida International University's College of Medicine to merge research and treatment with real time toxin exposure detection.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: SAMHSA Mental Health account

Legal Name of Requesting Entity: Spectrum Programs, Inc.

Address of Requesting Entity: 11031 NE 6th Avenue, Miami, FL 33161

Description of Request: I have secured \$238,000 to demonstrate the effectuality of a mental health and substance abuse treatment continuum that integrates research, best practices and emergent treatment methodologies across the spectrum of mental health, substance abuse, and co-occurring disorders in a continuous improvement model, making the processes and procedures of behavioral health treatment more effective, the timelines to improved behavioral health shorter, and the gains more sustainable, substantially reducing the catastrophic personal, family, and societal consequences of historically disaggregated treatment approaches. The funding will establish the Florida Center for Excellence in Emerging Behavioral Health Strategies.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Administration for Children and Families Social Services account

Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE 2nd Avenue, Miami Shores, FL 33161

Description of Request: I have secured \$167,000 to support the Center for Community Services Initiatives (CCSI) to enhance opportunities for external individuals and groups to participate in on-campus programs. The Center will serve as an educational resource to community organizations, including health providers. Barry service-learning opportunities support local community clinics, helping to improve the quality and accessibility of health care, including behavioral health care.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Education, Elementary and Secondary Education (FIE) account

Legal Name of Requesting Entity: Miami-Dade County Public Schools

Address of Requesting Entity: 1450 NE 2nd Avenue, Miami, FL 33132

Description of Request: I have secured \$143,000 to develop a curriculum modeled on world-class standards, delivered by a high-quality teaching corps, resulting in an internationally superior level of student achievement, and to establish an international education model of excellence. The membership of the ECIC will include chief education officers, national and international education researchers, business leaders, and mayors of major urban cities from around the world, ensuring that work of the ECIC is informed by the context of the new world economy and what will be required to succeed in it.

TRANSPORTATION/HUD

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Federal Transit Administration, New Starts account

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$20,000,000 for Phases II and III of the Miami-Dade County Transit Authority's Metrorail Orange Line Expansion. Primarily, in Phase II, Miami-Dade County Department of Transit is in the final planning stage for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue between the existing Dr. Martin Luther King, Jr., Metrorail station and the Broward County line. Phase III, the County's East-West Corridor Rapid Transit Project proposes to extend Metrorail some 10-13 miles from the Miami Intermodal Center to Florida International University and points west. As fewer than 48% of the County's residents live outside incorporated Miami, this Orange Line expansion project will allow for more options for commuting and travel around Miami-Dade County.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Number: FY 2009 Omnibus

Account: Federal Highway Administration, TCSP account

Legal Name of Requesting Entity: City of Hialeah, FL

Address of Requesting Entity: 501 Palm Avenue, Hialeah, FL 33010

Description of Request: I have secured \$570,000 to enable the city's Streets & Engineering Department to develop and implement the City's 5-year Capital Improvement Program. The City of Hialeah has a rapidly aging infrastructure with some areas facing more than 50 years since any work has been done in repairs/reconstruction. Areas have been chosen throughout the city, based on roadway need, drainage concerns, areas that have not been reconstructed for over three decades and fill-in for sections that are still needed.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, TCSP account

Legal Name of Requesting Entity: City of Sweetwater, FL

Address of Requesting Entity: 500 SW 109th Avenue, Sweetwater, FL 33174

Description of Request: I have secured \$475,000 to repair, resurface and mill city sidewalks and streets. Many of the city's sidewalks and streets have not been serviced in over 20 years due to the lack of funding for improvements and maintenance. These damaged sidewalks and streets compromise citizen safety (several are unsafe for walking and bicycling); cause damage to property (i.e., cars, bicycles); and give the city an undesirable aesthetic appearance. Sweetwater does have approximately \$300,000 in matching funds for sidewalk and street-related projects.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Federal Transit Administration, Buses and Bus Facilities account

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$475,000 to purchase additional buses for Miami-Dade County. Federal bus and bus-related funds will enhance current levels of service to meet the growing transportation demand—increasing bus routes and improving service frequencies. The purchase of additional buses will have an important collective impact on Miami-Dade County's ability to decrease congestion and promote intermodal linkages for passengers throughout the South Florida region.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Federal Transit Administration, Buses and Bus Facilities account

Legal Name of Requesting Entity: City of Pembroke Pines, FL

Address of Requesting Entity: 10100 Pines Boulevard, Pembroke Pines, FL 33026

Description of Request: I have secured \$475,000 to purchase three buses for the City of Pembroke Pines senior center for transporting the elderly population. This program will help to alleviate congestion on already crowded city streets and ensure additional safety of the elderly population who frequent the senior center.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Federal Highway Administration, TCSP account

Legal Name of Requesting Entity: City of Doral, FL

Address of Requesting Entity: 8300 NW 53rd Street, Suite 100, Doral, FL 33166

Description of Request: I have secured \$237,500 for property acquisition, design, permitting, and construction of roadway gaps and intersections identified to be in need of capacity improvements. This will help to alleviate roadway sections that are failing due to large traffic volumes. In addition, there are several roadway gaps where development has expanded the grid pattern of the City roadways surrounding small parcels that have not been developed. The completion of these small sections of roadway would complete the City's grid pattern and provide additional options for increasing traffic to avoid already congested intersections.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: FY 2009 Omnibus

Account: Department of Housing and Urban Development, EDI account

Legal Name of Requesting Entity: City of Miami Springs, FL

Address of Requesting Entity: 201 Westward Drive, Miami Springs, FL 33166

Description of Request: I have secured \$237,500 to replace the municipal gymnasium in Miami Springs, Florida. The new community center will be a focal point of Miami Springs, providing functions including theater, elderly continuing education and gymnasium functions.

ANNA BELLE CLEMENT O'BRIEN
PRESENTED WITH 2009 HUMANITARIAN LEADERSHIP AWARD

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I could not think of a more fitting person to receive the Frank G. Clement 2009 Humanitarian Leadership Award. Miss Anna Belle, a well known political figure in Tennessee, has long been an advocate for Tennessee's children and working families living in the Upper Cumberland region.

Anna Belle Clement O'Brien was reared and schooled in the values and lessons of life west of Nashville in Dickson, Tennessee, before embarking on a path that led her through the Office of Price Administration, the Governor's office, the Tennessee House of Representatives and the Tennessee Senate.

Known for her great storytelling abilities, wonderful sense of humor, quick wit, warm smile, it's hard not to be comfortable around Miss Anna Belle. Over the years I have learned much about what molded her into the role model and leader she has been.

Armed with a great memory, you will quickly learn through Miss Anna Belle's stories that she was raised in an environment where service to your neighbor is not only spoken, but actually done. The majority of us lucky enough to serve the public believe in the power of a

good and responsive government. Miss Anna Belle articulates those beliefs well by saying, "Politics is a beautiful word to me. . . . I truly believe politics make handicap children walk and the mentally ill have a better life. Politics builds roads and makes education available for all."

Those words couldn't ring more true. Miss Anna Belle, the first woman to ever serve as a committee chair, brought common sense and a tireless work ethic to the job and a love of the people she served.

I read an interview she gave once in a local newspaper where she said, "I love this area we moved to over 40 years ago. No thought was given by either of us to run for public office before we moved here. It wasn't planned this way, but it has been a most exciting life. I am grateful to the people in the community for allowing me to serve for all those years." Well, Miss Anna Belle, I along with the countless Tennesseans you have helped over the years, thank you for your tireless leadership in working to make sure future generations have a better quality of life. Congratulations for being recognized for your hard work. It is well earned and most deserved.

INTRODUCTION OF THE "AFGHANISTAN-PAKISTAN SECURITY AND PROSPERITY ENHANCEMENT ACT"

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise to introduce the Afghanistan-Pakistan Security and Prosperity Enhancement Act. The legislation is aimed at protecting our national security and that of our allies in the fight against Al-Qaeda and the Taliban. I am pleased to be joined by Mr. HOEKSTRA, Mr. LEVIN, Mr. KIRK, Mr. BURTON, Mr. SMITH (WA), Mr. CROWLEY, Mr. MORAN, Mr. ACKERMAN, Mr. WELCH and Ms. JACKSON-LEE. Senator CANTWELL has introduced the companion measure in the Senate.

This bill authorizes the President of the United States to designate Reconstruction Opportunity Zones, ROZs, in Afghanistan and in certain areas of Pakistan. Qualified businesses operating in those zones will gain duty-free access to U.S. markets for designated products, thereby providing significant employment opportunities where few currently exist. A ROZ program could go a long way toward bolstering economic development in this critical region of the world where extremists have tried to exploit the lack of economic opportunities to gain recruits for their radical agenda.

The 9/11 attacks against the United States resulted from Al-Qaeda exploiting a safe haven in Taliban controlled Afghanistan. We cannot allow this to happen again. These extremists pose a threat to the people of Afghanistan, Pakistan and the United States.

I commend President Obama for his focus on the threat that this region poses to our national security. I am pleased that the President and Secretary Clinton have appointed a sea-

soned negotiator, Ambassador Holbrooke, as the Special Representative for Afghanistan and Pakistan.

U.S. and NATO forces are essential to confronting the threat. However, the President has recognized that the threat cannot be neutralized by military force alone. We need a comprehensive strategy to deal with these countries. Such a plan must include programs to expand the economic opportunities of the people in this region.

Towards that end, hopefully Congress will revisit the foreign assistance bill that was introduced by Senators BIDEN and LUGAR in the last Congress. The Reconstruction and Opportunity Zone bill that we are introducing today is another vital tool to bolster these economies. In my recent trip to Afghanistan and Pakistan, the importance of this ROZ bill was specifically raised by Presidents Zardari and Karzai. I urge the House to pass this bill quickly to assist these countries in achieving economic sustainability.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 5, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for February 2009.

SD-106

MARCH 9

2:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine preventing worker exploitation, focusing on protecting individuals with disabilities and other vulnerable populations.

SD-430

5 p.m.

Finance

To hold hearings to examine the nomination of Ronald Kirk, of Texas, to be United States Trade Representative, with the rank of Ambassador.

SD-215

MARCH 10	2:30 p.m.	creased federal siting authority and regional transmission planning.
9:30 a.m.	Budget	SD-366
Armed Services	To hold hearings to examine the President's proposed budget for fiscal year 2010.	Veterans' Affairs
To hold hearings to examine current and future threats to the national security of the United States; with the possibility of a closed session to follow in SH-219.	SD-608	To hold joint hearings to examine legislative presentations of veterans' service organizations.
Veterans' Affairs	Health, Education, Labor, and Pensions	SD-106
To hold an oversight hearing to examine budget for veterans programs for fiscal year 2010.	SD-430	10 a.m.
SR-418	MARCH 11	Commerce, Science, and Transportation
10 a.m.	10 a.m.	To hold hearings to examine climate science, focusing on empowering our response to climate change.
Energy and Natural Resources	Budget	SR-253
To hold hearings to examine proposed legislation to provide for the conduct of an in-depth analysis of the impact of energy development and production on the water resources of the United States.	To hold hearings to examine the President's proposed budget request for fiscal year 2009 for the Department of Energy.	MARCH 17
SD-366	SD-608	9:30 a.m.
Finance	Judiciary	Armed Services
To hold hearings to examine the President's fiscal year 2010 health care proposals.	Constitution Subcommittee	To hold hearings to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command.
SD-215	To hold joint hearings with the House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties to examine S.J. Res. 7 and H.J. Res. 21, proposing an amendment to the Constitution of the United States relative to the election of Senators.	SH-216
Health, Education, Labor, and Pensions	Homeland Security and Governmental Affairs	MARCH 18
To hold hearings to examine rebuilding economic security, focusing on empowering workers to restore the middle class.	To hold hearings to examine violent Islamist extremism, focusing on al-Shabaab recruitment in American.	9:30 a.m.
SD-106	SD-342	Veterans' Affairs
Judiciary	Rules and Administration	To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.
To hold hearings to examine patent reform in the 111th Congress, focusing on legislation and recent court decisions.	To hold hearings to examine voter registration, focusing on assessing current problems.	334, Cannon Building
SD-226	SR-301	MARCH 19
Commission on Security and Cooperation in Europe	2:30 p.m.	9:30 a.m.
To hold hearings to examine the impact of potential climate remediation policies on carbon-intensive United States industries and creating climate-friendly economic and trade policies, focusing on how the financial crisis impacts the implementation of climate-friendly policies within the United States and among trading partners.	Commerce, Science, and Transportation Aviation Operations, Safety, and Security Subcommittee To hold hearings to examine Federal Aviation Administration reauthorization, focusing on NextGen and the benefits of modernization.	Armed Services To hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea.
SR-428A	SD-253	SH-216
10:30 a.m.	MARCH 12	10 a.m.
Banking, Housing, and Urban Affairs	9:30 a.m.	Commerce, Science, and Transportation
To hold hearings to examine enhancing investor protection and the regulation of securities markets.	Energy and Natural Resources To hold hearings to examine proposed legislation regarding siting of electricity transmission lines, including in-	To hold hearings to examine cybersecurity, focusing on assessing our vulnerabilities and developing an effective defense.
SD-538		SR-253
		MARCH 25
		9:30 a.m.
		Veterans' Affairs
		To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.
		SR-418

SENATE—Thursday, March 5, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Father John McCormick, St. James Cathedral, Orlando, FL.

The guest Chaplain offered the following prayer:

Almighty God, our Father, as men and women called to honor the Nation that You have called us to live in by our generous and public life of service, strengthen our sense of gratitude for the many blessings with which we have been endowed. We stand in this Chamber, surrounded by the many monuments and burial sites that honor all the men and women who, throughout the passing of time, have made the ultimate sacrifice that has enabled our country to be a beacon of light and goodness for all peoples.

As we begin this day of work in Your kingdom, extend Your hand of blessing and protection over the Members of this body. Hold close those who serve with honor and sacrifice in the military services and their family members whose sacrifice mirrors that of their loved ones. Bless and protect us all. Make us ever grateful for what You have done in and through each one of us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following our remarks, there will be a period of 1 hour for Senators to speak in morning business. I have had numerous requests this week by Republicans and Democrats to speak on issues they want to address. I hope they now will come.

Following morning business, the Senate will be back on the appropriations bill we have worked on this week. I filed cloture on the bill last night and announced to the Senate that we will continue work on this until we finish it one way or the other. I hope we work out something to vote tonight. If we can't, we will do it in the morning. The filing deadline for first-degree amendments is 1 p.m. today. Rollcall votes in relation to pending amendments, of which we now have six, are expected to occur throughout the day. As those who were here last night will remember, I indicated that we had covered a wide universe of amendments. I had spoken to Senator KYL, the assistant Republican leader, and a number of other Senators—Mr. CRAPO and Mr. INHOFE—who wanted to offer amendments. We agreed to do those. We have six amendments pending. We will see how we do disposing of amendments today. I hope we can move through them fairly quickly. I look forward to doing what I can to finish as quickly as we can.

MEASURE PLACED ON THE CALENDAR—H.R. 146

Mr. REID. Mr. President, H.R. 146 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The bill clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

Mr. REID. I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, I see the Senator from Florida here. A constituent of his was here this morning to give the opening prayer.

I have a couple of consent agreements, I say to my friend the majority leader, that I believe are objected to on his side.

Mr. REID. I might surprise you.

Mr. McCONNELL. I will withhold on propounding these requests because I know the Senator from Florida would like to offer observations about his guest.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

WELCOMING THE GUEST CHAPLAIN

Mr. MARTINEZ. Mr. President, I was so proud to have my pastor and very good friend deliver the opening prayer. Father McCormick and I have known each other since 1983, when he first came to our parish church of St. James in Orlando. He is a product of Dublin, Ireland, but he became a proud citizen in 1973, much as I did in 1971. He has not only been a tremendous source of faith and inspiration to me and my family and, more importantly, perhaps, my children, but he has also been a tremendous advocate for the poor and needy in our community. He does tremendous work overseas as well in a program called Food for the Poor where the Caribbean nations and Latin America have benefited greatly from his generosity and hard work.

There are a couple of things I must point out. He has also developed a love for American football since coming here. But not being perfect, he has chosen the Cowboys over the Redskins. And then in a further imperfection that may be less forgivable, he has chosen the Gators over the Seminoles in Florida. I frequently have been a patient listener as he, on Sunday mornings, regales about the Gators and beats up on the Seminoles. Today is my day for revenge. I am awfully proud to have him here. He is a wonderful friend. I know he has looked forward to this day.

I thank the Chair for the courtesy of allowing me to say a couple words about my dear friend and pastor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, we join the Senator from Florida in welcoming his pastor this morning. I am pleased to see that he will be forgiven for his sin of advocating the success of the Cowboys and the Gators.

UNANIMOUS-CONSENT REQUESTS— H.R. 1105

Mr. McCONNELL. Mr. President, on behalf of Senator GRASSLEY, the ranking Republican on the Finance Committee, I ask unanimous consent that when the Senate resumes consideration of H.R. 1105, the omnibus bill, the pending amendments be set aside and, on behalf of Senator GRASSLEY, it be in order to call up amendment No. 628, which strikes section 102 related to IRS private debt collection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, this is a topical issue. From news accounts this morning, I heard it mentioned a couple of times. I will be happy to work with Senator GRASSLEY, see how we work through these amendments. I think it is something we could do. I know he would agree to a reasonable time period. We will see what we can do to work that out. For this time, I object, but I hope we can work something out.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. McCONNELL. Mr. President, on behalf of Senator SESSIONS, I ask unanimous consent to take up amendment No. 604, which relates to a 5-year reauthorization of the E-Verify Program.

Mr. REID. Mr. President, I am not as familiar with that as Senator SESSIONS. I know he has talked about that on a number of occasions. I will be happy to have my staff look at this, and hopefully we can work our way through the amendments we have. I know Senator SESSIONS feels strongly about this. I hope we can work out something and have him come and present this amendment. But for this morning, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from North Dakota.

HEALTH CARE REFORM

Mr. DORGAN. Mr. President, last evening President Obama had invited the chairs and ranking members of committees in both the House and Senate to the White House for dinner. I wanted to mention that the opportunity for Republicans and Democrats, both chairs and ranking members of committees, to spend some time with the President was very important, a very important signal by the President to the Congress that he wants to work with everybody. He didn't give a speech. He and his wife, the First Lady, welcomed the Members of Congress. I was pleased to be there. My point is, this President is trying to reach out and change the culture, which is so important.

This afternoon, I have been invited by the President to join a number of my colleagues, Republicans and Democrats, to go to the White House for a health care summit. Once again, the President is reaching out to see if there are ways for Republicans and Democrats, who work for the same masters—that is, American interests and the American people—to come together and find ways to reach significant policy goals. Do we have a need to address our health care problems? Absolutely. We spend much more than any other group of people on the face of the Earth on health care. Our costs are much greater than anyone else's, yet the outcomes are not. We rank 41st in life expectancy despite the fact that we spend far more than anyone else in the world on health care. Health care costs are accelerating. They are injuring businesses paying for health care insurance for employees. Health care costs are strangling family budgets. Health care costs are hurting Government, which has to pay for Medicare and Medicaid. We have to get a handle on it.

The President is saying: Let's try to find a sensible, thoughtful way to reform health care. A good start is to invite a group of Republicans and Democrats from the Congress, a group of people from the private sector, from the health care industry, from the consumer side, supporters and opponents of various kinds of reforms and changes, to a summit at the White House to say: Let's talk. Let's try to figure out how we address these issues.

I commend the President because we have to change the culture. This cannot possibly continue to be an "us

versus them" Congress or a Congress and Presidency that is deeply divided.

This country faces very serious challenges. The fact is, we have to work together to solve them. The very serious financial challenge, the crisis we face, is going to require the best energies all of us have and the best ideas of all of us. Included in the financial crisis is what health care costs are doing to the economy. That is why the President has indicated that one of the first issues we have to tackle, even as we try to stabilize the economy, is to address the issue of the burgeoning cost of health care. So I commend the President, and I look forward to the meeting today at the White House. I think it will be a good start to at least begin discussing health care costs.

I want to talk about one piece of health care costs because yesterday Senator SNOWE from Maine, myself, Senator MCCAIN from Arizona, my colleague Senator STABENOW from Michigan—we announced, on behalf of 25 Senators, a piece of legislation we introduced yesterday dealing with prescription drug costs. One of the fastest rising items of health care costs is the cost of prescription drugs.

Now, we have introduced this legislation before, and it has successfully been blocked. But things have changed in a very dramatic way. The makeup of the Senate has changed. One of the people who cosponsored our legislation in the last session of the Congress is now sitting in the White House—then Senator Barack Obama, now President Obama. He was a cosponsor. The Chief of Staff at the White House, Rahm Emanuel, was one of the key sponsors in the House. So the fact is, we think we have an opportunity to pass legislation that will put some downward pressure on prescription drug prices. This is bipartisan and nonpartisan. This stretches from JOHN MCCAIN to President Obama. Both Presidential candidates were cosponsors in the last session of Congress of this identical piece of legislation. Many other Republicans and Democrats have joined us, so that as we introduced it, there are 25 original cosponsors.

Now, let me describe the problem we face in this country. By consent, I wish to show two bottles that did contain medicine. These are bottles of Lipitor. Lipitor, by the way, is a drug that I think probably is the most prescribed drug in this country, or at least one of the top prescribed drugs in this country. It is a cholesterol-lowering drug. Lipitor is made in Ireland and then shipped around the world.

Here is the way Lipitor is shipped in these bottles: same size, same cap; the only difference is, one is blue, one is red; the same pill put in the same bottle, made by the same company, FDA inspected. This red one goes to the United States. This blue one goes to Canada. The difference? This red one costs twice as much.

The U.S. consumer is told: You pay more than twice as much for the same prescription drug. Why? By what justification should not just Lipitor but other medicines be priced in a manner that says to the American consumer: You pay much more than we are asking others around the world to pay for the identical prescription drug? There is no justification.

Zocor, here is an example of a cholesterol-lowering drug. The United States and Canada—\$5.16 for a 20-milligram pill in the United States; \$2.45 in Canada.

Let me describe where these drugs are coming from. We are told by the opponents of this: Well, if drugs were to come into this country from outside the country, there might be a counterfeiting problem. Well, do you know what. Most of these drugs are made outside of our country. Lipitor is made in Ireland. Nexium is made in France. Tricor is made in France. Vytorin is made in Singapore and Italy and the UK.

Now, my point is simple: We have a law in this country that says the drug companies can import drugs into our country, made in other regions of the world, but consumers cannot, registered or licensed pharmacists cannot, and wholesalers cannot. Our piece of legislation is very simple. It says, let's provide some competition here. If the prescription drug industry is selling their drugs in virtually every other country in the world for a fraction of the price they sell those drugs here, let's let licensed pharmacists in our country purchase them from Canada or another country and pass the savings along to the consumer. Let's let wholesalers who are licensed in this country access those lower cost prescription drugs. Let's allow American consumers to access those drugs from Canada.

Now, I sat on a hay bale out on a farm 1 day at a little town meeting where there were 40 or 50 farmers, and we sat and talked about life and about the farm program and about what was going on in their region of North Dakota.

There was one old codger there who was kind of lamenting what it was costing him to live. He said: We don't make much money. We don't have much spendable income. And he said: I'm over 80 years old, and my wife has been fighting breast cancer for the last 3, 3½ years. He said: She has to take a drug called Tamoxifen. He said: So we have been going to Canada to try to buy Tamoxifen because it costs 80 percent less in Canada. It is the same drug—exactly the same drug—prescribed for an elderly woman who is fighting cancer, but you can pay much, much, much more here in the United States or much, much, much less in other countries. He said: For us, we have to drive to Canada to try to access this drug.

Americans should not have to do that. This ought to be a fair pricing strategy for American consumers, and today it is not. So we have introduced legislation that has substantial safety requirements attached to it. We provide substantial additional funding for the Food and Drug Administration. We provide pedigree requirements for drug lots produced anywhere in the world. We provide much more inspection of plants that produce drugs the FDA is approving. By the way, we know that substantial amounts of ingredients come from China and elsewhere. We also know that despite the fact there are supposed to be inspections of many of these plants, the inspections are few and far between.

The legislation we have introduced will dramatically increase the margin of safety—not decrease it—increase the margin of safety. What it will do is allow the American public to have access to lower cost prescription drugs. If one part of driving up the costs of health care in this country, as rapidly as it has gone—if one part of that is the rapidly increasing price of prescription drugs, then we can remedy that. We can simply say to the pharmaceutical industry: Give us the opportunity to have the same kind of pricing the rest of the world has. We can make that happen, not by asking them to give it to us, but by requiring a circumstance where our pharmacists and our wholesalers can access those same lower cost drugs.

Now, what does it mean? Well, we could save with this legislation about \$50 billion in the next 10 years for American consumers; and about \$10 billion of that would be saved by the Federal Government for its programs, Medicare and Medicaid.

Here is a New York Times piece. It says: "More Americans Are Skipping Necessary Prescriptions, the Survey Finds." That was from January of this year. It says: One in seven Americans under 65 went without prescribed medicines, as drug costs spiraled upward in the United States, a nonprofit research group said.

Well, we can fix this. We can pass this legislation. As I indicated earlier, finally I think we have a bit of a tailwind here. We have a President who wants this. He put it in his budget. So now we have put in the architecture of a complete piece of legislation. We have worked on it for many years. My colleague, Senator SNOWE, and I, and many others—from Senator KENNEDY, Senator MCCAIN, Senator GRASSLEY, Senator STABENOW—all of us have worked to make this happen: increase the margin of safety, reduce prescription drug prices, and give the American people the opportunity to have some sort of competitive prescription drug prices that others all around the world have as a result of the current scheme that—let me not use the term

"scheme"—as a result of the current pricing policies of the prescription drug industry.

Let me complete my statement by saying, we introduced this legislation yesterday. We will continue to try to access more and more cosponsors. Whether this is a part of a health care reform bill or passed on its own, I think it is going to be good news for American consumers.

Let me say one more time that the President's call today for a health care reform summit at the White House is one more example of bringing Republicans and Democrats together. This President is determined to do that. That is good news because there are a lot of good ideas that can come from every corner of this Chamber and every corner of the political system.

We ought to work together to give the American people the best of what both political parties have to offer rather than the worst of each, and nowhere is that more important than to do it in health care reform.

I thank the President for creating this summit this afternoon. One of the issues I will raise there will be the prescription drug importation bill, which I think could put some downward pressure on prescription drug prices, and that would be good for the people who live in this country and be good for this country's budgets and business budgets and so on.

Mr. President, I yield the floor.

The ACTING PRESIDENT *pro tempore*. The Senator from Maryland.

OMNIBUS APPROPRIATIONS

Mr. CARDIN. Mr. President, I take the floor in defense of one of our most successful environmental statutes. Since its nearly unanimous passage in 1973, the Endangered Species Act has protected nearly 2,000 species from extinction. That success has contributed significantly to the economic benefit of this Nation. According to a study by the Fish and Wildlife Service, wildlife-related recreation—meaning hunting and fishing and wildlife watching—generated more than \$122 billion in revenue in 2006. So this statute has protected wildlife diversity and has protected our economy.

In my home State of Maryland, wildlife watching generated over \$1 billion in revenue and sustained over 10,000 jobs.

In December of 2008, the Bush administration finalized two rules that undercut the success of the Endangered Species Act. Now, that was in December of 2008, after the elections, after Senator Obama was elected President of the United States. The Bush administration issued two regulations in an effort to undermine the Endangered Species Act.

One rule undermines important safeguards for all threatened and endangered species. The other withholds key protections from the polar bear.

I believe it is critical the safeguards that have worked to protect endangered species for decades be reinstated. Section 429 of the fiscal year 2009 Omnibus Appropriations Act would give the Secretaries of Interior and Commerce the authority they need to do that. It will allow the Secretaries to reverse the Bush administration's midnight regulations and reinstate the regulations previously in place.

To understand why this special authority is needed, I think it is helpful to understand how devastating the rule changes are. So let me say a little bit about the two rules President Bush put in place.

For decades, under section 7 of the Endangered Species Act, Federal agencies have consulted with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service to make sure an agency's planned actions do not jeopardize a threatened or endangered species.

In line with a long record that expressed a low regard for science, in December, 2008, the Bush administration finalized a rule that effectively eliminated the critical role scientists play in the section 7 system of checks and balances. What the Bush administration regulation did was to allow a Federal agency to avoid consultation with the scientists in making its determination as to whether there was an impact on an endangered species.

Professional scientific organizations argued, came out and said, quite frankly, this is unacceptable. The agency does not have the capacity to make a determination as to whether a species is endangered by the action of the agency. They do not have the budget. They do not have the expertise. And, quite frankly, they have a different mission. So the impact of this regulation could have a devastating impact on the protection—legitimate protection—of wildlife.

Now, some of my colleagues argue that requiring consultation with independent scientists will slow infrastructure projects funded through the recently passed American Recovery and Reinvestment Act. But let me remind my colleagues that the projects that are ready to go have already gone through this environmental review. They are ready to go. They will not be delayed as a result of section 7 of the Endangered Species Act. We are ready to proceed. And as President Obama recently said:

With smart, sustainable policies, we can grow our economy today and preserve the environment.

But, quite frankly, these changes to the consultation rule were not the only regulations the Bush administration issued. We had the one that would compromise consultation with scientists in issuing the appropriate safeguards under the Endangered Species Act. The other was specifically aimed toward

the polar bear. The new rule granted no new protections to the polar bear. Now, the President's regulations said differently, but that is not the case. The special rule not only denied additional protections normally provided under the Endangered Species Act, but it set a bad precedent for weakening ESA safeguards.

The new rule does not require plans to monitor, minimize, or mitigate impacts that could harm the bears. And the rule does not allow scientists and agencies to even consider climate change as a factor that could injure polar bears.

Last year, I had the opportunity, along with members of the Environment and Public Works Committee, to visit Greenland. We saw firsthand what is happening in regard to the loss of the snow caps and the impact it is having on the polar bear population.

Global climate change is clearly affecting the future stability of the polar bears, and the regulation that was issued in December compromises that. It is quite clear why. Seven editorials from newspapers in 32 States oppose the Bush administration's efforts. Dozens of wildlife, scientific, and environmental organizations oppose the change. In addition, eight State attorneys general, including the attorney general of Maryland, have filed suit to have these regulations withdrawn.

So we have an amendment that has been offered. The amendment would take out of the omnibus bill the additional authority we want to give to the agencies so that they can reverse the midnight changes attempted by the Bush administration. I would urge my colleagues to reject that amendment. Let's not compromise the protections we have in the Endangered Species Act that allow Federal agencies to have the best information before they take action on their projects. It is what we should be doing. It does preserve the diversity of wildlife in this Nation. It maintains the leadership of the United States on these types of issues. It is the right policy. We should go through regular order when we change it. The Bush administration did not do that. They did this as a last-minute gesture of the Bush administration. Let's restore the status quo, and then let's look at the normal regulation process for modifications that may be needed.

I would urge my colleagues to reject the amendment offered that will undermine the Endangered Species Act.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise this morning to speak once again about

the pending bill before the Senate—the very large and significant omnibus spending bill—but more specifically about provisions in this bill that have very little to do with spending and have a lot to do with foreign policy, including provisions relating to U.S. and Cuban relations. I decided to inform the Senate of a few things that are in this morning's press and why what this bill will do makes so little sense for the United States at this moment in time and why it would be a mistake for us to approve the current bill.

The current bill is an attempt to, frankly, usurp from the Executive the prerogative to conduct foreign policy. In his campaign, the President indicated there were some things he wanted to change about U.S. policy toward Cuba relating to travel and remittances. I would hope that would be done in the order of Presidential prerogatives and not by a legislative fiat but that, as it is done, it is done in a way that is conducive to the best interests of our Nation and the best interests of our long-term foreign policy objectives. Unfortunately, it is being done in a haphazard way, without real clarity about the implications it will have relating to what is attempting to be done.

One of the issues relates, more importantly than all, perhaps, to agricultural business trade with Cuba. This is a \$780 million-a-year business which is now done by the Cubans paying cash before they can receive the goods, before the goods leave our ports. This was done in the prior administration because, in fact, the Cuban Government was not exactly playing it as it was supposed to. The shipments would get to Cuba and then payment would not be there when the goods arrived, but maybe 30 days later, maybe 60 days later, and it was all of a sudden creating a problem. So we fixed the problem, and American farmers are protected. They get to sell their goods to Cuba—and \$780 million is not an insignificant amount of sales—they get paid in cash, and they get paid before the goods leave the port. That makes a lot of sense for America. It may not make a lot of sense for Cuba because it is an inconvenience. But I don't think we should be making policy to the convenience of a brutal, dictatorial regime so close to our shores and which is a hostile and avowed enemy of the United States.

But what happened today in the news that is of interest? Well, several things. Let's see, how do we begin. There has been great hope that there will be change in Cuba because Raul Castro is now in charge. I remember as a child always hearing that Raul Castro was the enforcer; that Fidel was the nice guy and Raul was the tough guy. Raul Castro is credited with over 500 deaths under his supervision in the first months of the revolution. In addition

to that, he is the head of the armed forces—the armed forces where an Air Force plane was directed by him and authorized by him to shoot down civilian airplanes in the Florida straits, killing three Americans and an American resident. That was done to an unarmed civilian aircraft.

So there is great hope that this guy is going to be somehow an agent of change, is going to be an agent of pragmatism, and is going to be someone who is less ideological. I remember hearing all the time how the real ideologues were Raul Castro and Ernesto Guevara. Those were the two ideologues. They were the real Communists. It was Raul Castro who first went to the Soviet Union and made deals with them about beginning this arms buildup that led to the missile crisis that put the world in peril.

So now we are talking about the future of Cuba. So he has had a shakeup. He has really had a military coup. If it was anyone else other than a romantic revolutionary in Cuba, the U.S. press would be talking about this as, in fact, a military coup, which is really what has happened. He has tightened the circles.

There is an article today by the AP which talks about the closing of the ranks. The fact is that the only rays of hope, the only people under 75 years of age in any position of significant leadership—Carlos Lage and Felipe Perez Roque have both been ousted. Worse than that, now Fidel Castro has said they were undignified, or some other term such as that, which means they have now fallen into disgrace, never to be heard from again, and they are not going to be the future leaders. Many people thought Carlos Lage was the logical next successor. Nobody really knows who will be leading Cuba in the future. But much like the sclerotic Soviet Union leadership of the time before Gorbachev where they were passing around the titular head of government from one 80-year-old to another, the Cubans are doing the very same thing. It is the same old guard. Ramiro Valdes, an enforcer, a tough guy, a hard-liner, no-nonsense, “kill them first, ask questions later”—that is who is really the effective No. 2 to Raul Castro today. So there is no real hope of change with this bunch in charge.

Here is the other thing that is of significance and importance to our U.S. interests. This is not about the interests of the Cuban Government: If we buy agricultural products from you, then you become a lobbyist for us and you advance our agenda, and at the top of that agenda is we don't want to have to pay cash when we pick up the goods. We want credit. We want the goods to be paid for when they get to Cuba, in our own sweet time, which is really nothing more than another way of eroding the trade sanctions we have with Cuba.

So there is another article today in the Miami Herald talking about Cuban influence in Venezuela spreading. Now, we know Hugo Chavez is not a friend of the United States. We also should remember that for almost 50 years now, Fidel and Raul Castro and their band of collaborators have not been friends of the United States. They, in fact, have been avowed enemies of the United States and continue to be at every international forum, at every place where they can be heard.

So this story today in the Miami Herald tells us that some 40,000 Cubans are now working in Venezuela, and of course Cuba receives 90,000 to 130,000 barrels of oil a day as a subsidy to continue their work and their repression of the Cuban people and the terrible living conditions they are in. So they are in public education, which is a way of controlling minds and hearts.

I remember how the first Ministry that went to an avowed Communist after Defense was Education. Armando Hart became the head of Cuba's Education Ministry back in the early 1960s. It is a way of controlling what people are reading, what people are studying, because education is subverted for political propaganda purposes to wash the minds of young people. Now, this sounds all Cold War-ish and it sounds like crazy stuff, but it is going on today.

So with Cuba's help, in addition to that, sources within the Venezuelan military say that Cuban military experts control several security circles that protect President Hugo Chavez. He doesn't trust his Venezuelans. He has to have his Cuban thugs there to keep him alive and protect him. They have penetrated strategic areas of the armed forces and the central government, including the situation room and Venezuela's Presidential palace. So they run his security, they run his situation room, the equivalent of our White House, and Cuban advisers play a critical role.

Now, why is that important? Well, it is important because it shows the linkage, the alliance, the partnership, the working together of Venezuela and Cuba to try to spread their brand of anti-Americanism and socialism throughout Latin America where they are having, frankly, significant success with Venezuela's oil wealth and with Cuba's know-how of the security apparatus and control.

That is all working very well for them because, see, here is the next news item in that same article in the Miami Herald. It also mentions that an additional area where the Cubans are providing their dark expertise is in that of policing. They are working as advisers to the police forces throughout the country, and Cuban advisers will play a critical role. It won't be long before we will be seeing the Committees for the Defense of the Revolu-

tion coming to a neighborhood near you in Venezuela. That is unfortunate, and that is bad for the Venezuelan people.

But here is now another thing not in the policy interests of the United States, another headline: This morning, Chavez orders expropriation of Cargill's rice plant. Another Miami Herald story. Well, the last I knew, Cargill is an American company. The last I knew, American investors invested their good money and have processing plants in a company based in Minneapolis, MN, and they operate in Venezuela. They invested in good faith. In good faith, they attempted to provide a service to the Venezuelan industry and commerce. So now we find out it is a purposeful, continuing attempt to expropriate, without appropriate compensation, American properties.

We go full circle. This is how the Cuban trade sanctions began under the Eisenhower administration—it almost sounds comical now. The fact is that it began because of Cuba's expropriations of American property in Cuba without proper compensation and in violation of every international law and rule in existence. So today we find that, in partnership, the Cubans and Venezuelans are once again continuing this advance of anti-Americanism, of expropriation of American properties, of taking out each and every one.

I believe this article details that Empresas Polar, another private enterprise, is no longer going to be private because the government is taking it over. Over the past year, Chavez has nationalized Venezuela's largest telephone, electric, and cement companies. His government is also negotiating compensation for a takeover of the country's biggest steelmaker, Sidor. So, as we can see, it is a pattern of government control. From the police forces that are being trained now by the Cubans—have been, really—to the security apparatus around President-for-life Hugo Chavez, to everything else that goes on around them, we find that the Cuban presence is there and is continuing and is ever-present.

So at a time when all of this is taking place, at a time when just today these three articles are in our news media—this is just today, by the way. There are things such as this every day about what is going on in Latin America right under our noses. So on this very day, when these three news articles—we are probably going to take a vote tonight where we are going to pass a spending bill that contains provisions dealing with foreign policy issues that have not been through hearings, that have not had the consultation and input of the executive branch, and we will just go headlong into that. This is not to mention, by the way, the 9,000 earmarks—some of which are very questionable and some of which are by a company under Federal investigation as we speak—and a

tremendous amount of spending that completely violates what the President said would be the change and the hope that the American people had, that there would be a new day, that we would be looking at every line in the budget and we would be looking at all the spending with a fine-tooth comb, and, by golly, there will not be earmarks because I will stop earmarks. I remember the President saying that. I wish today he would stand up and live up to those campaign promises.

It is a very lame excuse to say that this is last year's business. This is happening on a Democratic majority watch in both Houses of the Congress. This is happening on the watch of a President who promised differently during his campaign. So whether it be because of what is in this bill as it relates to spending or whether it is by the overreach of seeking to dictate foreign policy in a very misguided and mishandled way, where, frankly it isn't really clear where we are left if the provisions in this bill are passed as to how the U.S. Government will enforce its regulations that are now being disbanded.

It is making a real mess and mockery of the process. For a lot of those reasons, I hope my colleagues on both sides of the aisle will consider whether it is wise to support this bill, whether it is, in fact, a good idea or whether we should be looking at ways in which we can allow reason to prevail and put the best interests of the United States first, not the best interests of the agricultural import Cuban company that forces those whom they buy product from to sign a memorandum of understanding, where they agree to lobby on behalf of Cuba's agenda. One of the top items of that agenda is this issue of not having to pay cash as the goods leave the port.

I know the chair worries about the rice farmers in Arkansas. It is great they can sell rice in Cuba. Rice to Cubans is like potatoes to the Irish. We love to eat rice with every meal. It is great that Arkansas is selling rice to Cuba. Isn't it great also that those rice growers from Arkansas are getting paid for it? The last thing we need in these economic times is to provide credit to a country that is uncreditworthy. They have the worst credit in the world, save one other country. I would like to know what is that country. Out of every country in the world, only one country has worse credit than Cuba. So to the second worst credit country, we are going to give them credit as they purchase food rather than simply allow the current business to continue; \$780 billion is not a bad piece of business.

It is going great. It ain't broke. Don't fix it. This bill seeks to fix that and more in a misguided and wrong way, which I know is not in the best interest of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise in support of the Fiscal Year 2009 Omnibus Appropriations Act.

Before I begin, I want to commend Chairman INOUE for his leadership in bringing this bill forward. Over the course of this grueling week of debate, he has done his best to ensure that this process has been civil, open, and transparent. In doing so, he has protected the authority and responsibility of the Congress to shape the funding priorities of this country.

I would be remiss if I did not recognize the work of Senator BYRD, who laid the groundwork in the Appropriations Committee last year, winning bipartisan support for nearly all of the bills that comprise this legislation.

Finally, I wish to acknowledge the work of all of the subcommittee chairs, but in particular, Senator MIKULSKI, for her support in helping address the needs of New England's lobster and groundfish harvesters who continue to be severely impacted by Federal regulations and catch restrictions and face the prospect of losing not only their livelihoods but a way of life. Because she has been such an effective advocate for the watermen of Chesapeake Bay, she has recognized, perhaps more than anyone outside New England, the economic and cultural importance of our fishing communities, as well as the strain they are under.

Mr. President, setting aside the fact that we must pass a bill now in order to avoid a Government shutdown, the fact is this is the right bill for us to pass.

It will, as I indicate, avoid disruption of essential services to the Nation at a time when the American people demand and need the support of a functioning Government.

This legislation complements the American Recovery and Reinvestment Act by funding additional programs that will save and create thousands of jobs. It includes continued investments in transit, highway, and water infrastructure. These kinds of investments are sorely needed throughout the country. In Rhode Island, trucks and other large vehicles must be diverted from a key stretch of the interstate because of concerns about its structural integrity. This is a disruption in commerce that Rhode Island and the region can ill-afford. This package includes funding to help speed the repairs at this important stretch of highway.

The bill will also ensure we are investing in the institutions that are responsible for protecting the public interest, but have fallen down on the job. Indeed, over the course of this decade, we have witnessed the unraveling of essential regulatory agencies, from the Consumer Product Safety Commission

to the Food and Drug Administration, often with alarming results. Certainly, the failure to provide adequate resources for these agencies has been a major contributor to their failures. With the supplemental appropriations bill passed last year and continuing with this legislation, we have begun to reverse the effects of years of chronic underfunding. Senator DURBIN, in response to the concerns that Senator DODD, and I raised with respect to funding for the Securities and Exchange Commission, SEC, worked to increase funding for the Commission in this bill. The additional \$37 million provided here will give the SEC resources to aggressively investigate and prosecute fraud that cost taxpayers and investors billions of dollars. Coupled with systemic reform within the Commission, this funding will help restore investor confidence and integrity to our markets.

Thanks to the efforts of Senator HARKIN, this legislation also continues to invest in our most valuable national resource—our people. As the successor to the late Claiborne Pell, I am gratified that this omnibus bill substantially increases funding for the grant bears his name. This legislation, together with the funding provided in the economic recovery package, will help boost the maximum Pell grant by \$619 to \$5,350 in fiscal year 2009. It is worth noting how far we have come. Just 2 years ago, the maximum Pell grant was stuck at \$4,050—the same level it had been funded at over the previous 4 years.

To supplement Pell grant and other higher education assistance, this legislation maintains funding for the Leveraging Educational Assistance Partnership, leveraging additional need-based grant aid and support services for our neediest students and families. It also boosts funding for the teacher quality enhancement grants by \$17 million to improve college teacher preparation programs and ensure that every classroom in America has a high-quality teacher.

The bill increases funding for the state library program under the Library Services and Technology Act to \$171.5 million. I have long advocated for this funding level because it is the amount necessary to reach a key goal included in the 2003 reauthorization of the Museum and Library Services Act that I authored to double the minimum State allotment. This additional funding will help libraries respond to the demand for free access to all types of information and digital and online service. With the economic crisis we are suffering through, libraries have become critical centers for guidance and career services for unemployed workers as they search for jobs, and families as they search for the diversion that a public library can provide in very difficult economic times.

The bill increases funding for the National Institutes of Health by almost \$1 billion, which will fund 10,600 new research grants. I strongly supported the historic doubling of NIH funding between 1998 and 2003. Regrettably, since 2003, our investment in science has eroded. As a result, only 24 percent of research projects are currently funded, compared to 32 percent in 1999. I am glad that with the economic recovery bill and this bill, we will reverse that trend and invest in lifesaving research that will result in cures and treatments for debilitating diseases.

The bill increases funding for community health centers by \$125 million, which will provide access to an additional 470,000 uninsured Americans. In my State, this program just awarded a grant to a health clinic that was on the verge of shutting its doors. The funding is a lifeline that saved 25 jobs, and could create another 22 jobs within the next 18 months. More important, the center will provide primary health care, mental health counseling, and dental care to those who have lost their jobs, and with them their health insurance, during this economic crisis. This will keep people healthy and reduce health care costs in the future.

The bill increases support for health care workforce programs, which is critical to increase access to primary care and to address the nursing shortage that our country faces.

Lastly, the bill increases funding for immunizations by \$30 million, which will provide vaccinations to an additional 15,000 children. Immunizations are one of the most cost-effective ways to improve health and an important component in transforming our health care system to prevent sickness, and not just treat it.

Mr. President, for all of these reasons and more this bill makes the right investments in our country and I urge its passage.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I wish to discuss the DC voucher program, officially the DC Opportunity Scholarship Program. This is a program that was established in 2004 to provide low-income families with scholarships to attend private schools in the District of Columbia.

The legislation we are debating, unfortunately, makes it harder for that program to continue. The fiscal year 2009 omnibus legislation includes language that would end the scholarship

program in September 2010, and it says we could not continue it by appropriation, which is unusual. It would also add the requirement that the DC City Council would have to approve whatever we did.

That is a very unwise situation, I believe. The U.S. Secretary of Education, Arne Duncan, said yesterday that poor children getting vouchers to attend private schools in the District of Columbia should be allowed to stay there. He said that to the Associated Press. I am reading from that article where it says that Secretary Duncan opposes vouchers. But he says essentially that Washington is a special case, and kids already in private schools on the public dime should be allowed to continue.

To quote him directly, he said that "I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. . . . I think those kids need to stay in their school."

I think Secretary Duncan is right. I also think—and I said this at his hearing—that Secretary Duncan is the best of the distinguished appointments President Obama has made. He can be a real help to the children in this country. I look forward to working with him.

I am an original cosponsor of an amendment that Senators ENSIGN, LIEBERMAN, GREGG, VOINOVICH, KYL, DEMINT, BROWBACK, and CORNYN have introduced that would solve this problem, that would remove the language from the omnibus bill that would make it harder for the DC Voucher Program to continue.

I think we should also take note that DC Mayor Adrian Fenty and Chancellor Michelle Rhee, both of whom are acting courageously to try to improve the schools in the District, favor keeping the program.

The Washington Post, the Chicago Tribune, the Wall Street Journal editorial pages have all voiced support of this program since this omnibus language was introduced in the House. The DC program is being singled out.

I understand this may cause some problem with some House Members who would rather see us not amend the bill that came to us, but that is our job. This is the Senate. That is the House of Representatives. If, in a great big bill that spends \$410 billion, we see some things that need to be improved, we ought to have a chance to improve them. In this case, there is broad agreement with the President's Education Secretary and many others that the DC kids need this and deserve this. There are 1,700 children currently attending private schools in DC using these opportunity scholarships of up to \$7,500 a year.

I make this point to call attention to the DC voucher program and the importance of making certain we have a chance to amend the omnibus bill—the

bill before us—so we do not make it harder for the DC voucher program to continue. If that means we have to go on into next week in order to have a sufficient number of amendments, then we should do that.

I appreciate the fact that the majority leader has adopted this year, as he should, the practice that the Senate is a place that is distinguished primarily by virtually unlimited debate and virtually unlimited amendments and then we vote. So a premature conclusion to this bill before we have a chance to improve it, such as keeping the DC voucher program, I think would be unwise.

Madam President, I ask unanimous consent to have printed in the RECORD the Associated Press article, the Washington Post editorial, the Chicago Tribune editorial, and the Wall Street Journal editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

US SCHOOLS CHIEF WANTS DC KIDS TO KEEP VOUCHERS

(By Libby Quaid)

WASHINGTON.—Education Secretary Arne Duncan said Wednesday that poor children getting vouchers to attend private schools in the District of Columbia should be allowed to stay there even as congressional Democrats work to end the program.

His remarks, in an interview with The Associated Press, put the Obama administration at odds with Democrats who oppose the program because it spends public dollars on private schools.

Duncan opposes vouchers. But he said Washington is a special case, and kids already in private schools on the public dime should be allowed to continue.

"I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning," Duncan told said. "I think those kids need to stay in their school."

Democrats in Congress have written a spending bill that would effectively end the program after next year. The bill says Congress and the city council would have to OK more money, which is unlikely.

A vote is expected later this week.

Lawmakers, in a statement accompanying the bill, said no new children should be enrolled in the program. And they said D.C. schools chancellor Michelle Rhee should take steps to minimize any disruption for kids as they transition back into public schools.

The issue of vouchers exposes a deep fissure between Republicans, who support them, and Democrats, who oppose them.

Republicans insist that parents deserve a choice if their kids are in failing schools, saying vouchers create competition that puts pressure on public schools to do better.

Democrats say it is impossible to expect public schools to do better while precious public dollars are being siphoned away to private schools.

"I don't think vouchers ultimately are the answer," Duncan said. "We need to be more ambitious. The goal shouldn't be to save a handful of children. The goal should be to dramatically change the opportunity structure for entire neighborhoods of kids."

The voucher program in Washington has been an exception in the debate over vouchers. Because of the sorry state of public

schools in the nation's capitol, some Democrats were willing to allow it in 2003 when a Republican-led Congress created the voucher program.

And while big-city school superintendents generally oppose vouchers, Rhee, the schools chancellor, has said she is open to the District's voucher program.

"I don't think vouchers are going to solve all the ills of public education, but parents who are zoned to schools that are failing kids should have options to do better by their kids," Rhee told *The New York Times* recently.

The D.C. program gives scholarships to about 1,700 poor kids so they can attend private schools.

It is the only federal voucher program in the country. Other cities and states have similar programs—vouchers are available in Milwaukee, Cleveland, Florida, Utah, Arizona and Georgia—but they are paid for with local tax dollars.

Several states offer tax credits to help pay for private school, but those are also local and not federal programs.

Obama sent mixed messages on vouchers during his presidential campaign. He told the *Milwaukee Journal Sentinel* in February 2008 that he was open to vouchers if research showed they work. But his campaign swiftly backtracked, issuing a statement saying Obama had always been a critic of vouchers.

Supporters of the District's voucher program are quick to point out that Obama's daughters attend a private school in Washington, Sidwell Friends School, that also has students whose tuition is paid through the voucher program.

When asked about Duncan's remarks, Sen. Lamar Alexander, R-Tenn., said the education secretary was "exactly right."

"Senators should listen to him by voting this week to continue funding vouchers for DC schoolchildren," Alexander said.

[From *The Washington Post*, Mar. 2, 2009].

'POTENTIAL' DISRUPTION?

ENDING D.C. SCHOOL VOUCHERS WOULD DASH THE BEST HOPES OF HUNDREDS OF CHILDREN

Rep. David R. Obey (Wis.) and other congressional Democrats should spare us their phony concern about the children participating in the District's school voucher program. If they cared for the future of these students, they wouldn't be so quick as to try to kill the program that affords low-income, minority children a chance at a better education. Their refusal to even give the program a fair hearing makes it critical that D.C. Mayor Adrian M. Fenty (D) seek help from voucher supporters in the Senate and, if need be, President Obama.

Last week, the Democrat-controlled House passed a spending bill that spells the end, after the 2009-10 school year, of the federally funded program that enables poor students to attend private schools with scholarships of up to \$7,500. A statement signed by Mr. Obey as Appropriations Committee chairman that accompanied the \$410 billion spending package directs D.C. Schools Chancellor Michelle A. Rhee to "promptly take steps to minimize potential disruption and ensure smooth transition" for students forced back into the public schools.

We would like Mr. Obey and his colleagues to talk about possible "disruption" with Deborah Parker, mother of two children who attend Sidwell Friends School because of the D.C. Opportunity Scholarship Program. "The mere thought of returning to public school frightens me," Ms. Parker told us as she related the opportunities—such as a trip to

China for her son—made possible by the program. Tell her, as critics claim, that vouchers don't work, and she'll list her children's improved test scores, feeling of safety and improved motivation.

But the debate unfolding on Capitol Hill isn't about facts. It's about politics and the stranglehold the teachers unions have on the Democratic Party. Why else has so much time and effort gone into trying to kill off what, in the grand scheme of government spending, is a tiny program? Why wouldn't Congress want to get the results of a carefully calibrated scientific study before pulling the plug on a program that has proved to be enormously popular? Could the real fear be that school vouchers might actually be shown to be effective in leveling the academic playing field?

This week, the Senate takes up the omnibus spending bill, and we hope that, with the help of supporters such as Sen. Joseph I. Lieberman (I-Conn.), the program gets the reprieve it deserves. If it doesn't, someone needs to tell Ms. Parker why a bunch of elected officials who can send their children to any school they choose are taking that option from her.

[From the *Chicago Tribune*, Mar. 3, 2009]

A VOTE FOR IGNORANCE

"If there was any argument for vouchers, it was, 'Let's see if it works.' And if it does, whatever my preconception, you do what's best for kids."—Barack Obama, Feb. 13, 2008.

There's a novel concept—approaching education policy with the paramount goal of helping students rather than, say, teachers unions or school bureaucracies. So novel, in fact, that within days of making that statement, Obama thought better of it. "Senator Obama has always been a critic of vouchers," his campaign declared.

Now Democrats in Congress are lining up to oppose this alternative rather than waiting to see if it works. In the giant spending bill passed last week by the House, they cut off money for the only federally financed voucher program in the U.S.

It's in Washington, D.C., which has among the worst schools in America. A 2007 report found that fewer than half of the capital's grade-school pupils are proficient in reading or math—and results are worse in higher grades.

In 2004, Congress financed a pilot program to give some 1,900 children vouchers to attend private schools.

It's a modest undertaking, providing just \$7,500 per child—less than a third of what the District of Columbia spends per pupil in public schools. It only begins to satisfy the demand for educational alternatives, since more than 7,000 kids applied for the vouchers. Ninety-nine percent of the recipients, by the way, are black or Hispanic, with an average family income of less than \$23,000.

But vouchers are anathema to many in the Democratic Party because teachers unions feel threatened by the prospect of more children going to non-union private schools. So this bill says there will be no more money for the program after this year and directs the head of D.C.'s public schools to "promptly take steps to minimize potential disruption and ensure smooth transition" for kids who will be forced back into schools their parents found wanting.

Democrats to kids: Tough luck.

What's the hurry here? This experiment has yet to run its course, with only two years' worth of data assessed so far. Patrick Wolf, a University of Arkansas professor who is leading the assessment, found that chil-

dren who got vouchers have performed no better than those who were turned down. But he says there have been "large positive effects" on their parents' satisfaction.

And there are reasons for hope. Of the 10 studies of existing voucher systems, says Wolf, nine found significant academic improvements.

President Obama doesn't need to be told about the deficiencies of Washington's public schools: He rejected them in favor of a private school for his daughters.

Ask how many members of Congress send their children to public schools in D.C.

They are pushing through legislation that is grossly unfair toward 1,900 children and their parents who don't have the luxury of paying for private schools.

We need more information about the effects of school vouchers. Should Democrats in Congress have their way, we won't get it.

If they want to end the experiment at such an early stage, it's not because they think it's failing, but because they fear it's working.

[From the *Wall Street Journal*, Mar. 3, 2009]

WILL OBAMA STAND UP FOR THESE KIDS?

Dick Durbin has a nasty surprise for two of Sasha and Malia Obama's new schoolmates. And it puts the president in an awkward position.

The children are Sarah and James Parker. Like the Obama girls, Sarah and James attend the Sidwell Friends School in our nation's capital. Unlike the Obama girls, they could not afford the school without the \$7,500 voucher they receive from the D.C. Opportunity Scholarship program. Unfortunately, a spending bill the Senate takes up this week includes a poison pill that would kill this program—and with it perhaps the Parker children's hopes for a Sidwell diploma.

Known as the "Durbin language" after the Illinois Democrat who came up with it last year, the provision mandates that the scholarship program ends after the next school year unless Congress reauthorizes it and the District of Columbia approves. The beauty of this language is that it allows opponents to kill the program simply by doing nothing. Just the sort of sneaky maneuver that's so handy when you don't want inner-city moms and dads to catch on that you are cutting one of their lifelines.

Deborah Parker says such a move would be devastating for her kids. "I once took Sarah to Roosevelt High School to see its metal detectors and security guards," she says. "I wanted to scare her into appreciation for what she has at Sidwell." It's not just safety, either. According to the latest test scores, fewer than half of Roosevelt's students are proficient in reading or math.

That's the reality that the Parkers and 1,700 other low-income students face if Sen. Durbin and his allies get their way. And it points to perhaps the most odious of double standards in American life today: the way some of our loudest champions of public education vote to keep other people's children—mostly inner-city blacks and Latinos—trapped in schools where they'd never let their own kids set foot.

This double standard is largely unchallenged by either the teachers' unions or the press corps. For the teachers' unions, it's a fairly cold-blooded calculation. They're willing to look the other way at lawmakers who chose private or parochial schools for their own kids—so long as these lawmakers vote in ways that keep the union grip on the public schools intact and an escape hatch like vouchers bolted.

As for the press, complaints tend to be limited to the odd column or editorial. That's one reason it was so startling back in 2000 when Time magazine's Tamala Edwards, during a live televised debate at Harlem's Apollo Theater, asked Al Gore about the propriety of sending his own son to private school while opposing any effort to extend the same choice to African-Americans without his financial wherewithal. As CNN's Jeff Greenfield would note later in the same debate, Mr. Gore "bristled" when Ms. Edwards put the question to him.

Virginia Walden-Ford, executive director of D.C. Parents for School Choice, wouldn't mind making a few more politicians bristle. "I'd like to see a reporter stand up at one of those nationally televised press conferences and ask President Obama what he thinks about what his own party is doing to keep two innocent kids from attending the same school where he sends his?"

As for Sidwell, the school has welcomed the Opportunity Scholarship program. Though headmaster Bruce Stewart declines to get into either politics or the Obamas, he says that a program that gives parents more educational options for their children is not only good for their kids, it's good for the community. Plainly he's not doing it for the money: Even the full D.C. voucher covers only a small fraction of Sidwell's actual costs.

All of which leaves the First Parent with a decision to make: Will he stand up for those like his own children's schoolmates—or stand in front of the Sidwell door with Mr. Durbin? It's hard to imagine white congressional Democrats going up against him if he called them out on an issue where they have put him in this embarrassing position. This, after all, is a man who has written of the "anger" he felt as a community organizer, when his attempts to improve things for Chicago school kids ran up against an "uncomfortable fact."

"The biggest source of resistance [to reform]," he said, "was rarely talked about ... namely, the uncomfortable fact that every one of our churches was filled with teachers, principals, and district superintendents. Few of these educators sent their own children to public schools; they knew too much for that. But they would defend the status quo with the same skill and vigor as their white counterparts of two decades before."

Let's just say that Sarah and James Parker—and thousands just like them—could use some of that same Obama anger right about now.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, the Senator from Tennessee is a friend of mine. He has served as Secretary of Education, we talk about education issues, and we share a common admiration for the new Secretary of Education. But I would like to correct, while he is still on the floor, a few of the things he said.

Five years ago, the Bush administration said, for the first time in the history of America, we will create a federally funded voucher program. Here is what it says: Federal taxpayers' dollars will be given to parents of students in the District of Columbia—Washington, DC—who want to put their kids in private schools. The Federal Government will pay a certain amount of money in tuition vouchers to those schools on

behalf of the students and their parents.

It was a 5-year experiment, and there was a lot of controversy associated with it. Some of us were skeptical. I offered three amendments to this DC voucher program. The first amendment I offered in the Appropriations Committee said that all the teachers in the voucher schools—the private voucher schools—have to have a college degree. The amendment was defeated. It was defeated because those pushing for voucher schools said that is going to stop creativity, it is going to confine these schools, and we should let them do what they are going to do.

I didn't buy that because, frankly, we impose those standards on public schools across America, but my amendment was defeated.

Now, the second amendment I offered said the DC voucher schools—the buildings themselves—had to pass the fire safety code of the District of Columbia for teaching children. All right? The amendment was defeated. Those pushing the voucher program said: You know, you don't get it. This is about a creative approach to education. It may not be the traditional classroom setting. We defeat your amendment.

The third amendment said: Well, in fairness, if the argument is that voucher schools are better than DC public schools, there ought to be a common standard to judge them. So my amendment said they shall take the same achievement test—the voucher school students and the public school students—so we can then compare apples to apples. My amendment was defeated, and the argument was voucher schools have to be allowed this creativity to think anew and to try different things. I don't buy it.

So I started with real skepticism and I voted against this program. Now, in the ensuing time—the 4 or 5 years—1,700 students have received Federal subsidies to go to private schools. It is the only place in America I know where that is happening. The idea, of course, was that at the end of this experimental authorization period, we would try to step back and ask: Was this a good idea? Was it good for the kids, good for the families, good for the District of Columbia, and our Nation?

That was the idea behind it. This law creating these DC voucher schools was to expire this year in June. Now, my committee funds the District of Columbia, the Federal funds that go into it, and so we said: You know, that may be too abrupt. It may not be fair. So what we will do is we will extend through the 2009–2010 school year the DC voucher schools, but somebody has to step back and take a look at this and ask: Is it working?

When the Government Accountability Office went to take a look at it, they said that some of these schools are world class—these voucher

schools—and some of them end up being classes taught in the basement of a private church in the District of Columbia by people who don't have the competence to teach.

Now, the Senator from Tennessee doesn't want that to happen in his State, and I don't want it to happen in my State, and I certainly don't think it should happen here on our watch. So I extended this program 1 year, and it is in the hands of Senator JOE LIEBERMAN. Senator LIEBERMAN is the chairman of the Committee on Homeland Security and Governmental Affairs. He gave his personal assurance to the Members of the Senate that there will be a hearing and an attempt to markup reauthorization of this program. That is the orderly process, it is the sensible process, and at the end of the day we are going to learn a lot about the voucher schools and how they are doing.

Now, in the meantime—and I know the Senator from Tennessee knows this—I would say we have a new school chancellor in the District of Columbia who is trying her very best to bring reform to public education. I know some of her proposals are controversial, but I think she is on the right track to bring in quality teachers and a quality learning environment in the public schools. So let us look at this thing in the perspective of an experiment for 5 years, that was extended 1 year by this bill, that we can take an honest look at and ask: Did it work?

Put aside for a moment whether you agree the Federal Government ought to put money into the hands of families to send kids to private schools and ask the basic question: Did it work? Are the students better off? Are they learning more? That is a legitimate question, and I want to know the answer, and I will bet the Senator does too. In the meantime, we should provide an environment for the public schools in the District of Columbia to have real reform, and that involves some money, I am sure, but it ought to be money we invest wisely as we invest in the voucher schools. There have been a few articles that have been inaccurate about the DC voucher program, and I wished to present my point of view on that program while the Senator from Tennessee is still here. I wish to move to another topic, unless he wants to address a question, which I would be happy to entertain.

Mr. ALEXANDER. I thank the Senator from Illinois, and I look forward to working with him on helping the District of Columbia, including the mayor and the superintendent in the District who would like for this to continue.

The question I have is: Why is it necessary for this legislation to insist that the program end in September of 2010 and that we add the provision the city council would have to approve it if it is continued by the Congress?

Usually, when we have education programs whose authorization runs out, we continue them for a while as we go through the analysis the Senator talked about, such as the Higher Education Act which took us 6 years or the Head Start Act which took us 3 or 4 years or No Child Left Behind or so many others. Why is it necessary that we even address the ending of this program in this legislation?

Mr. DURBIN. I might say, in response to the Senator from Tennessee, that is a legitimate question. When the law was written, that is what it said: This program will expire. The authorization will end. I have extended it in this bill an additional year so we can take the time not to push the kids out of the classrooms and take the time to make the judgment whether it is working.

One of your colleagues, whom you vote with frequently and who sits behind you, from Oklahoma, who has this passion about authorizations, he says: You know, you do an authorization bill, and you are talking about spending money. I don't happen to agree with him. I think it takes an appropriation in addition to an authorization. But if an authorization has any meaning, particularly when dealing with a new venture, in terms of Federal taxpayer dollars going to private schools, I think we owe it to everybody—the taxpayers as well as the parents, teachers, and kids—to ask the hard questions.

If the GAO comes in and tells us someone somewhere in the District of Columbia has created what they call a voucher school so that their wife can declare herself principal and their daughter can declare herself a teacher and the kids can sit in a building which doesn't have a fire exit, I am a little worried about that. I don't think we ought to go on with business as usual in that situation, and I would like to at least have an honest appraisal.

I would say to the Senator from Tennessee, it is my impression Senator LIEBERMAN of Connecticut is leaning toward the voucher school program, so he doesn't come to this with prejudice against it. I would not presume that is his ultimate position, but I think he will be an honest broker. He will bring all the facts out. I think that is why we are here, and I think it is a legitimate exercise of our responsibilities.

Mr. ALEXANDER. I thank the Senator from Illinois, and would only note that Senator LIEBERMAN is a cosponsor of the amendment we would like to have a chance to vote on.

AMENDMENT NO. 607

Mr. DURBIN. Madam President, there is an amendment pending—and it is an amendment offered by Senator WICKER of Mississippi—which is one of those red-hot amendments that gets people riled up around here because it deals with a controversial issue, and that is the issue of abortion.

Of course, many of us have stated our positions on the record time and again, but this comes down to a specific element here. What Senator WICKER does is to strike the language in the bill that permits funding of the U.N. Population Fund for six limited purposes. He has stated that his reason for doing so is to make certain we don't put money into China, where there is evidence of coercive abortion and involuntary sterilization; and he certainly says he doesn't want Federal funds to be spent for the promotion of abortion anywhere in the world.

I would say there are two elements of the bill which I would recommend to all Members before they vote on the Wicker amendment, which I hope they will oppose. Page 763 of the bill—it is a big one, but I will point you to the specific page, 763—says:

... none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization:

A flatout prohibition. It is already there. Then when it comes to the issue of China, which has been the centerpiece of this debate about coercive abortions and involuntary sterilization, there is a long section—page 929—which I will refer my colleagues to. The net result is this. It says in the first paragraph:

Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

So we ask the Secretary of State to go to New York and find out how much money is going to China, where we suspect coercive abortion and involuntary sterilization. The second paragraph says we will then deduct that amount of funds from any money that goes to the United Nations for family planning.

So it is specific, and we are specific in terms of these practices. We can't spend any money for these practices; and, secondly, no money to the People's Republic of China which is not set off by a reduction in the Federal investment.

Now, let me tell you why this amendment not only ignores the clear language of the bill but should not be passed. There are six limited purposes for which we are trying to use the U.N. Population Fund, and they are, among other things, to reduce genital mutilation and obstetric fistula and to provide voluntary family planning and basic health care to women and girls.

It has been my opportunity and honor to visit Africa. In one of those visits, with Senator BROWBACK of

Kansas, we went to the Democratic Republic of Congo, which doesn't get the publicity of many places in Africa, but it has been one of the killing fields. There have been thousands—maybe hundreds of thousands—of people killed in this region. It has been torn back and forth since the Rwandan genocide, with the exploitation of minerals. The net result has been the poorest people on Earth, smack dab in the center of Africa, have been pushed out of their villages and into refugee camps, and they have been victimized by guerilla soldiers.

Well, I went to a hospital in Goma, which is in the Democratic Republic of Congo. It is one of those places where you think if God has a bad day, the first thing he does is look at Goma because they have had it all—poverty, disease, all the strife of guerrillas and all the war that revolves around them and, to put the icing on the cake, a volcano which erupts with regularity. These poor folks get it in every direction. But there in Goma was a hospital called DOCS hospital. DOCS hospital is sustained and financed by protestant churches in the United States. It has a modern surgical suite, paid for by the United Nations.

When you go to this hospital, you see women lined up in a row, hanging onto their meager belongings, waiting for the chance to be admitted to the hospital. Why? Because this is the only place within hundreds of miles where they can go for surgical treatment of what is known as obstetric fistula. Obstetric fistula—I will try to describe it; not being a doctor—is the result of early pregnancies, long labors of young girls, rape, terrible mutilation that occurs and causes serious problems for these women. They become incontinent, they are unable to join their families, they are shunned by their villages. This is their only hope. They come to this hospital and they wait. They sit in the dust in the road hoping—and it is sometimes weeks later—to be seen by a doctor. They cook outside and help one another, and then they may go through a surgery. At the end of the surgery, they end up two to a bed trying to recuperate. Some of them, because they are so badly mutilated, have to go through multiple surgeries and wait month after weary month while a handful of surgeons and nurses do heroic jobs in trying to put their lives back together.

Is that worth putting some money into? Is it? Is it worth saying to the U.N. Population Fund: Can you help these people? Can you bring in some doctors, some surgeons to treat them? They are victims, helpless victims, who are trying to put their lives back together. I think it is money well spent.

I have a friend of mine named Molly Melching. Molly Melching is in Senegal. She was in the Peace Corps there, and after her service in the Peace

Corps she decided to stay on. She has created an organization called Tostan. Tostan is trying to stop the ritualistic genital mutilation of girls. It is horrible, and it is dangerous. Village by village, tribe by tribe, Molly is making progress, and I think that is the right thing to do, for the dignity of these young girls and for the role of women in these African societies. Is it worth money from the United Nations Population Fund? I think it is.

And voluntary family planning, we have ascribed to that particular goal in America, that women should have a choice to plan their families with their spouse and with their conscience. I think the same thing, short of abortion, should be available through the United Nations Population Fund. Unfortunately, the Wicker amendment strikes the language which permits funding for those purposes. It is not right.

We know you cannot spend the money here for coercive abortion, we know you cannot spend the money here for involuntary sterilization, we know if you spend the money in China we are going to take it away from the United Nations.

This amendment goes too far. I urge my colleagues, particularly those who are of a persuasion that opposes abortion and believe they should oppose it in every circumstance, give women in the poorest countries on Earth the option of voluntary family planning. Do something for these poor women who have been victimized by rape and war, and these young pregnancies that unfortunately cause so much damage to their bodies. Give them a chance to put their lives back together. Also, when it comes to genital mutilation, the United Nations should be in the forefront of promoting modern treatment of women and not leave ourselves in the distant dark past of these tribal customs. I am sure Senator WICKER does not intend for this to happen, but I am afraid that is the result of it.

I urge my colleagues to oppose the Wicker amendment.

ORDER OF PROCEDURE

Mr. DURBIN. Madam President, I ask unanimous consent that a vote with respect to amendment No. 607, as modified, occur at 12:10—that is the Wicker amendment; that there be 45 minutes of debate with respect to the amendment prior to the vote, equally divided and controlled between the leaders or their designees, that no amendment be in order on the amendment prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

OMNIBUS APPROPRIATIONS ACT, 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Wicker modified amendment No. 607, to require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

Thune modified amendment No. 635, to provide funding for the Emergency Fund for Indian Safety and Health, with an offset.

Murkowski amendment No. 599, to modify a provision relating to the repromulgation of final rules by the Secretary of the Interior and the Secretary of Commerce.

Cochran (for Kyl) amendment No. 634, to prohibit the expenditure of amounts made available under this Act in a contract with any company that has a business presence in Iran's energy sector.

Cochran (for Inhofe) amendment No. 613, to provide that no funds may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

Cochran (for Crapo (and others) amendment No. 638, to strike a provision relating to Federal Trade Commission authority over home mortgages.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent I may speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I have sought recognition to comment about the pending bill. As I reflect on it, I am speaking on the bill and do not need to put it in morning business. It is on the bill itself.

I note the majority leader has filed a motion for cloture and it is scheduled for 9:30 tomorrow. We may vote on it today. But whenever we vote on it, there are some observations I have. I want to give my thinking on the issue. My current inclination is to vote against cloture because there has been insufficient time to offer amendments.

This omnibus bill contains most of the budget process and there are a great many amendments pending. I compliment the majority leader for moving from the position of blocking all amendments. We have had considerable discussion last year, and even before that, about a practice of majority leaders taking procedural steps known as—there is an arcane procedure, inside-the-beltway talk—filling the tree, stopping amendments being offered and then moving to cloture. I have opposed cloture and have urged that regular order be followed in allowing amendments to be offered.

The unique feature about the Senate is that any Senator can offer virtually any amendment at virtually any time on virtually any bill. That, plus unlimited debate, makes this a very extraordinary body where we can focus public attention on important matters of public policy and acquaint the public with what is going on and seek to improve our governance.

The majority leader has objected to quite a number of amendments coming up. Looking over the list, there are quite a number of amendments which I believe merit consideration. Senator GRASSLEY has tried to advance amendment No. 628. He did again this morning. There was an objection raised to it.

Senator SESSIONS has sought to offer amendment No. 604 and he has been blocked on four occasions from offering this amendment on the economic stimulus.

Senator VITTER has a number of amendments, one of which is amendment No. 636, involving drug reimportation from Canada.

Senator ENSIGN has amendment No. 615, cosponsored by Senator VOINOVICH, Senator KYL, Senator DEMINT, Senator BROWNBACK, and Senator CORNYN, which would deal with a subject where they are seeking to have a vote.

I do not necessarily agree with all of these amendments. In fact, as I review them, there are some I disagree with. But I believe Senators ought to have an opportunity to offer amendments.

Yesterday the Senate voted on an issue involving Emmett Till, and many Senators voted against that amendment, as I understand it, to avoid having an amendment agreed to on the omnibus which would require a conference with the House of Representatives. I think it is something we ought to decide on the merits, as to the amendment, without respect to having a conference.

Regular order under our legislative process is to exercise our judgment on amendments. Then, if the Senate bill is different from the House bill, if an amendment is agreed to, then you have a conference. That is the way we do business. That is regular order. To determine how you are going to vote on an amendment in order to avoid a conference seems to me to be beside the point.

If there were some emergency, some reason to avoid a conference, perhaps so. But there is time to have a Senate bill which disagrees with the House bill and to have a conference and iron it out on regular order. Whenever we depart from regular order, it seems to me, we run into potential problems. The institutions of the Senate have been crafted over centuries. The Senate is smarter than I am, certainly, and perhaps smarter than other Senators. But I think we ought to follow the regular order. That is why I am disinclined to vote for cloture.

I know the majority leader wants to move this bill, but we have time to take up these amendments. If we move on into additional sessions of the Senate later this week, later tonight, later next week, then I think that is what ought to be done and Senators ought to have an opportunity to offer these amendments.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. At 11:25 the Senate will begin 45 minutes of debate on amendment No. 607, and the time will be equally divided.

Mr. LEAHY. Are we still in morning business?

The PRESIDING OFFICER. No, the Senate is on the bill.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 607

Mr. LEAHY. Madam President, I understand that we are on the Wicker amendment. I have listened to the statements made about it. It is hard to understand what the real purpose of the amendment is, although the junior Senator from Mississippi says the purpose is as follows: To require that amounts appropriated for the United Nations Population Fund are not used by organizations which support coercive abortion or involuntary sterilization.

I do not know anybody who would disagree with that. But apparently he believes that his amendment is necessary to prevent funds from being used for coercive abortion or involuntary sterilization. Let me state what is in the bill, because it is the same as current law. It already prohibits funds for abortions of any kind, whether coercive or otherwise. No funds in this bill can be used for abortion. So the amendment is unnecessary for that purpose.

His amendment prohibits funds for involuntary sterilization. Well, none of us is going to permit the use of Federal funds for involuntary sterilization. I urge him to read the bill. We already prohibit that. So the amendment is unnecessary for that purpose.

Actually, if he is on the floor, I would urge him to declare victory and withdraw his amendment. Long before he was in the Senate, we were already prohibiting the things he wants to prohibit.

His amendment also prohibits funds for the U.N. Population Fund for a program in China. Well, again, our bill already does that. We already prohibit explicitly any funds being used in China by the U.N. Population Fund.

His amendment says we should put funds for the U.N. Population Fund in a separate account and not commingle them with other sums. We already do that. Again, there is no need for it.

His amendment prohibits funds to the U.N. Population Fund unless it does not fund abortion. Well, the bill already says that. For the RECORD, the U.N. Population Fund has always had a policy of not supporting abortion. In fact, there is not a shred of evidence that it ever did. It supports the same voluntary family planning and health programs the United States Agency for International Development does, but it does it in about 97 more countries than the United States Agency for International Development does.

The amendment by the Senator from Mississippi would deduct, dollar for dollar, from the U.N. Population Fund for a program it spends in China. The bill already does that. So for all practical purposes, the amendment of the junior Senator from Mississippi does nothing that the bill already does not do, with one exception.

His amendment would also strike the six limited purposes that are specified in the bill for which funds are made available to the U.N. Population Fund. For example, he would strike the funds that are provided "to promote the abandonment of female genital mutilation and child marriage." Why would we want to cut programs to help encourage an end to child marriage? Is there anybody in the Senate in favor of child marriage? Is there anyone in the Senate in favor of female genital mutilation? I find it amazing I have to even come to the floor to talk about this. Yet his amendment would remove the funds we provide to try to stop child marriage and female genital mutilation. Why should we vote for something like that?

Why should we prohibit funding to reduce the incidence of child marriage in countries where girls as young as 9 years old are forced to marry men they have never met, sometimes five times their age, who then abuse them?

The bill also provides funds to prevent and treat obstetric fistula. For those who are not familiar with this, it is a terrible, debilitating condition that can destroy the life of any woman who suffers from it. But it can be treated with surgery.

I ask unanimous consent that a February 24 article in the New York Times

on obstetric fistula be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Why we would want to prohibit funds to save the lives of women who otherwise could die or be painfully debilitated for the rest of their lives, I cannot understand. None of us would hesitate for a moment to provide funds to help someone in our family who might be in this condition. I see the Senator from Mississippi on the floor. His amendment prohibits funds to the U.N. Population Fund for that.

The bill provides funds to reestablish maternal health care in areas where medical facilities and services have been destroyed or limited by natural disasters, armed conflict or other factors, such as in Pakistan after the earthquake that destroyed whole villages. Why would we not want to support maternal health care? Any one of us, be it our sisters and daughters, our wives, we would want them to access to these medical services. Or in Congo, where armed conflict has destroyed what limited health services existed and where thousands of women and girls have been raped, some barely old enough to walk. This bill provides funds for programs to help them. The amendment of the Senator from Mississippi would prohibit funding for the U.N. Population Fund for that.

Funds are provided to promote access to clean water, sanitation, food and health care for poor women and girls. His amendment would prohibit that. I have traveled to different parts of the world. I have seen the differences in the lives of women and young girls that are made with these programs. The Senator prohibits that.

The U.S. Agency for International Development has these types of programs in 53 countries, but the U.N. Population Fund works in about 150 countries. If you live in the Republic of the Congo or the Central African Republic, two of the poorest countries in Africa, and you are a 16-year-old girl with obstetric fistula, you are out of luck because USAID does not have programs there. That is why we fund the U.N. program. If you have a 7-year-old daughter who has been raped there, we don't have a program to help her. But we give funds to the U.N. to help her. The amendment of the Senator from Mississippi would stop that.

If you live in Niger or Mauritania, where genital mutilation is common, or in Sri Lanka where child marriage is common, we don't have funds there, but we give funds to the U.N. to help.

The Senator's amendment creates a problem where there is none. It denies funding to address the basic needs of poor women and girls who are subjected to practices that would be crimes in this country.

Our law already prohibits funds for abortion of any kind, whether coercive or voluntary. We already prohibit funds for involuntary sterilization. We prohibit funds for the U.N. Population Fund's program in China. We have already done all these things. But we do provide funds to help girls who are being forced into marriages at the age of 9. We do support care for women who suffer from these debilitating conditions. We do have funds for maternal care, clean water, and voluntary family planning. But if the amendment of the junior Senator from Mississippi is agreed to, we would prohibit those funds in many parts of the world.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

[From the New York Times, Feb. 24, 2009]

AFTER A DEVASTATING BIRTH INJURY, HOPE
(By Denise Grady)

DODOMA, TANZANIA.—Lying side by side on a narrow bed, talking and giggling and poking each other with skinny elbows, they looked like any pair of teenage girls trading jokes and secrets.

But the bed was in a crowded hospital ward, and between the moments of laughter, Sarah Jonas, 18, and Mwanaidi Swalehe, 17, had an inescapable air of sadness. Pregnant at 16, both had given birth in 2007 after labor that lasted for days. Their babies had died, and the prolonged labor had inflicted a dreadful injury on the mothers: an internal wound called a fistula, which left them incontinent and soaked in urine.

Last month at the regional hospital in Dodoma, they awaited expert surgeons who would try to repair the damage. For each, two previous, painful operations by other doctors had failed.

"It will be great if the doctors succeed," Ms. Jonas said softly in Swahili, through an interpreter.

Along with about 20 other girls and women ranging in age from teens to 50s, Ms. Jonas and Ms. Swalehe had taken long bus rides from their villages to this hot, dusty city for operations paid for by a charitable group, Amref, the African Medical and Research Foundation.

The foundation had brought in two surgeons who would operate and teach doctors and nurses from different parts of Tanzania how to repair fistulas and care for patients afterward.

"This is a vulnerable population," said one of the experts, Dr. Gileard Masenga, from the Kilimanjaro Christian Medical Center in Moshi, Tanzania. "These women are suffering."

The mission—to do 20 operations in four days—illustrates the challenges of providing medical care in one of the world's poorest countries, with a shortage of doctors and nurses, sweltering heat, limited equipment, unreliable electricity, a scant blood supply and two patients at a time in one operating room—patients with an array of injuries, from easily fixable to dauntingly complex.

The women filled most of Ward 2, a long, one-story building with a cement floor and two rows of closely spaced beds against opposite walls. All had suffered from obstructed labor, meaning that their babies were too big or in the wrong position to pass through the birth canal. If prolonged, obstructed labor often kills the baby, which may then soften enough to fit through the pelvis, so that the mother delivers a corpse.

Obstructed labor can kill the mother, too, or crush her bladder, uterus and vagina between her pelvic bones and the baby's skull. The injured tissue dies, leaving a fistula: a hole that lets urine stream out constantly through the vagina. In some cases, the rectum is damaged and stool leaks out. Some women also have nerve damage in the legs.

One of the most striking things about the women in Ward 2 was how small they were. Many stood barely five feet tall, with slight frames and narrow hips, which may have contributed to their problems. Girls not fully grown, or women stunted by *malnutrition*, often have small pelvises that make them prone to obstructed labor.

The women wore kangas, bolts of cloth wrapped into skirts, in bright prints that stood out against the ward's drab, chipping paint. Under the skirts, some had kangas bunched between their legs to absorb urine.

Not even a curtain separated the beds. An occasional hot breeze blew in through the screened windows. Flies buzzed, and a cat with one kitten loitered in the doorway. Outside, kangas that had been washed by patients or their families were draped over bushes and clotheslines and patches of grass, drying in the sun.

Speaking to doctors and nurses in a classroom at the hospital, Dr. Jeffrey P. Wilkinson, an expert on fistula repair from Duke University, noted that women with fistulas frequently became outcasts because of the odor. Since July, Dr. Wilkinson has been working at the Kilimanjaro Christian Medical Center, which is collaborating with Duke on a women's health project.

"I've met countless fistula patients who have been thrown off the bus," he said. "Or their family tells them to leave, or builds a separate hut."

For the women in Ward 2, the visiting doctors held out the best hope of regaining a normal life.

Fistulas are a scourge of the poor, affecting two million women and girls, mostly in sub-Saharan Africa and Asia—those who cannot get a *Caesarean section* or other medical help in time. Long neglected, fistulas have gained increasing attention in recent years, and nonprofit groups, *hospitals* and governments have created programs, like the one in Dodoma, to provide the surgery.

Cure rates of 90 percent or more are widely cited, but, Dr. Wilkinson said, "That's not a realistic number."

It may be true that the holes are closed in 90 percent of patients, but even so, women with extensive damage and scarring do not always regain the nerve and muscle control needed to stay dry, Dr. Wilkinson said.

Ideally, fistulas should be prevented, but prevention—which requires education, more hospitals, doctors and *midwives*, and better transportation—lags far behind treatment. Worldwide, there are still 100,000 new cases a year, and most experts think it will take decades to eliminate fistulas in Africa, even though they were wiped out in developed countries a century ago. Their continuing presence is a sign that medical care for pregnant women is desperately inadequate.

"Fistula is the thing to follow," Dr. Wilkinson said. "If you find patients with fistula, you'll also find that mothers and babies are dying right and left."

The day before her surgery, Ms. Jonas sat on her bed, anxiously eyeing the other women as they were wheeled back from the operating room. Some vomited from the anesthesia, and she found it a distressing sight.

Ms. Jonas said that when she was 16, she became intimate with a 19-year-old boy-

friend, without realizing that sex could make her pregnant. It quickly did. Her labor went on for three days. By the time a *Caesarean* was performed, it was too late. Her son survived for only an hour, and she developed a fistula, as well as nerve damage in one leg that left her with an awkward gait.

Her boyfriend denied paternity and married someone else, and some friends abandoned her because she was wet and smelled. She was living in a rural village in a two-room mud hut with her parents, two sisters and a brother. She had one year of education and could not read or write, but said that she hoped to go to school again someday.

The operating room in Dodoma had just enough room for two operating tables, separated by a green cloth screen. Two at a time, the patients, wearing bedsheets they had draped as gracefully as their kangas, walked in. Some were so short that they needed a set of portable steps to climb up onto the table.

The women had an anesthetic injected into their spines to numb them below the waist, and then their legs were lifted into stirrups. Awake, they lay in silence while the doctors worked. Dr. Masenga at one table and Dr. Wilkinson at the other, each surrounded by other doctors who had come to learn.

An air-conditioner put out more noise than air. Flies circled, sometimes lighting on the patients. A mouse scurried alongside the wall. There were none of the beeping monitors that dominate operating rooms in the United States. Periodically, a nurse would take a blood pressure reading.

Midway through the first operation the power failed, and the lights went out. Dr. Wilkinson put on a battery-powered headlamp and kept working, but Dr. Masenga had to depend on daylight. Their scrubs and gowns grew dark with sweat.

Most fistula surgery is performed through the vagina, and can take anywhere from 30 minutes to several hours. It involves more than simply sewing a hole shut: delicate dissection is needed to loosen nearby tissue so that there will not be too much tension on the stitches, and sometimes flaps of tissue must be cut and sculpted to patch or replace a missing or damaged area. It can take several weeks to tell how well the operation worked.

At the end of the week in Dodoma, the surgeons said that of the 20 operations, some were straightforward and easy, and a few seemed likely to fail. Three patients needed such complicated repairs that they were referred to the Kilimanjaro medical center.

At first, it seemed as if Ms. Jonas's operation had worked, while Ms. Swalehe's outlook was uncertain. Shortly after their surgeries, the two young women were violently ill. Ms. Swalehe wept from pain when the surgeons came in to check on her. But both women were smiling the next day, hoping for the best. (Ultimately, Ms. Jonas's surgery failed, and Ms. Swalehe's succeeded.)

One day after the last operation, the fistula surgeons moved on, already thinking about the countless new cases that awaited them.

THE PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from Mississippi.

MR. WICKER. Madam President, if I could understand the order, do I understand that the time is equally divided between the proponents and opponents of the amendment and that we are to

vote at approximately 10 after noon; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. If I may, let me begin the debate. I understand Senator BROWNBACK and others may be coming also. I had, frankly, understood the debate would begin later so I rushed over from a hearing.

The Senator from Vermont has questioned the necessity of this amendment. Actually, I will point out to my colleagues that what the Wicker amendment does is restore the Kemp-Kasten provision that has been a part of the foreign policy of this Nation for almost a quarter century. It has worked well under Republican and Democratic administrations. I submit it would be wrong to change that policy at this point.

What does Kemp-Kasten say? Kemp-Kasten says Federal funds, American taxpayer dollars, should not go to fund coercive abortion practices or involuntary sterilization practices. It prohibits the appropriation of American dollars to organizations involved in such activities. But it has always made provision that the President of the United States has the right to investigate and certify whether these organizations have been engaged in practices involving coercive family planning activities.

Should my amendment pass, President Obama would have the same authority President Reagan, President Bush 1, President Bush 2, and President Clinton had to make this certification. In other words, the Wicker amendment keeps the Federal policy as it has been, and the underlying bill would amount to a dramatic shift in foreign policy.

Why do we need the amendment to begin with? I quote from a letter, dated June 26, 2008, from John D. Negroponte, the Deputy Secretary of State, to Representative ILEANA ROS-LEHTINEN on this question, wherein he writes:

As reflected in the law and as a matter of longstanding policy, the United States opposes coercive abortion and involuntary sterilization.

Let me interject at this point. Certainly, that should still be the policy of the United States. That should always be the policy of this Federal Government, that we oppose coercive abortion and involuntary sterilization.

The letter goes on:

I have determined that by providing financial and technical resources through its sixth cycle China Country Program to the National Population and Family Planning Commission and related entities, UNFPA provides support for and participates in management of the Chinese government's program of coercive abortion and involuntary sterilization. If that is true, this Senate, this Congress has no business taking hard-earned tax dollars from taxpayers and sending them to UNFPA, if it, indeed, is true that they participate in the management of this coercive Chinese program.

If it is not true, the President will be able to make a determination. But if he investigates the question and finds that such coercion is still being practiced in China and if American dollars, through UNFPA, are being used to assist the program, then I would hope he would truthfully make the determination and, once again, it would not be a matter of the U.S. taxpayer funding such awful practices.

Now, let me read, then, from the Analysis of Determination that Kemp-Kasten Amendment Precludes Funding to UNFPA, which was attached to Secretary Negroponte's letter.

The analysis says:

China's birth limitation program retains harshly coercive elements in law and practice, including coercive abortion and involuntary sterilization.

That is what this debate is about. Do we want tax dollars of American workers to go for coercive abortion and involuntary sterilization?

The analysis goes on to say:

These measures include the implementation of birth limitation regulations, the provision of obligatory contraception services, and the use of incentives and penalties to induce compliance.

Further quoting:

[I]t is the provinces that establish detailed birth limitation policies by regulation, enforce their compliance and punish non-compliance.

Quoting from the second page of this analysis:

China's birth limitation program relies on harshly coercive measures, such as so-called "social maintenance" fees . . . the threat of job loss or demotion, loss of access to education—

If Chinese citizens do not comply with these harsh measures—

extreme social pressure, and economic incentives.

In families that already have two children, one parent is often pressured to undergo sterilization.

On the third page:

Since fiscal year 2002, the Administration has reviewed annually UNFPA's program in China and determined that the U.S. cannot fund UNFPA in light of its support or participation in the management of China's program of coercive abortion or involuntary sterilization.

Let's be careful. I would say to my colleagues, let's be careful with American tax dollars. Let's keep the provision that allows the President of the United States to make this determination. If there is evidence to prove that American tax dollars would be used by the United Nations to fund these coercive practices, then, for God's sake, let's not allow the U.S. taxpayers to be a party to these abhorrent and coercive practices.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I rise to speak in favor of the Wicker amendment. I am very appreciative

Senator WICKER has brought up this amendment. This is an issue we have debated for some time, the Kemp-Kasten language, although it has been in since 1985. Our colleagues have put it in there. One of the prime authors of that language, then-Congressman Kemp, is struggling with illnesses himself right now, and I certainly wish him and his family well. They have been in my prayers.

I want to put a personal feel and touch on this issue. This is a story about a young couple in China.

Yang Zhongchen was a small-town businessman, and he wined and dined three Government officials for permission to become a father. It is a story for which I am paraphrasing some pieces and others I am taking directly out of an AP story that was filed in 2007, to give you a texture of what we are talking about.

Here is a young, small-town businessman. He goes to Government officials, and he says: Look, I want to be a dad. I want to be a father. He wines and dines the local officials. "But," as the AP writer writes, "the Peking duck and liquor weren't enough. One night, a couple of weeks before [his wife's] date for giving birth, Yang's wife was dragged from her bed in a north China town and taken to a clinic, where, she says, her baby was killed by injection while still inside her."

Quoting from her:

"Several people held me down, they ripped my clothes aside and the doctor pushed a large syringe into my stomach," says Jin Yan, a shy, petite woman with a long ponytail. "It was very painful. . . . It was all very rough."

Some 30 years after China decreed a general limit of one child per family, resentment still brews over the state's regular and sometimes brutal intrusion into intimate family matters. Not only are many second pregnancies aborted, but even to have one's first child requires a license.

Seven years after the dead baby was pulled from her body with forceps, Jin remains traumatized and, the couple and a doctor say, unable to bear children. Yang and Jin have made the rounds of government offices pleading for restitution—[all] to no avail.

This is a 2007 Associated Press story which I ask unanimous consent be printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. Madam President, there is no reason to change this Kemp-Kasten language we have had since 1985. There is every reason to keep it, to provide this Presidential discretion. I have held hearings in the Senate where we have had people come in who have gone undercover in investigating forced abortions and sterilizations in China who have come back with traumatic and dramatic stories about this continuing to take place. It should not continue to take place, and it certainly should not happen with any sort of support—tacit, implicit, or

actual, or financial—from the U.S. Government.

Clearly, the U.S. citizenry would be completely opposed to doing anything like this, and in tough budgetary times, this certainly does not help our economy grow. It is a policy people broadly oppose of any sort of support for forced abortions or sterilizations. It is something for which there would probably be 90 percent agreement in this country that we should not fund or support forced sterilizations or abortions anywhere—probably 95 percent. Maybe it is 98 percent.

So this policy that has stood since 1985 has broad bipartisan support. Why would we change it at this point in time, with the financial difficulties we have, the broad bipartisan support that it is not the right way to go, and the continued evidence that this continues to be the case today in places such as China and other countries around the world?

I do not see the reason why we would want to go a different way. It does not make any sense to me we would want to go a different way. I think this is not a good foreign policy for the United States to be engaged in. I do not think it is a policy the American taxpayers support.

I think if we would actually do some thorough digging throughout China—where many of these decisions are made and the actions are actually happening at the provincial level—we would find a lot more of this going on than we would care to know about because a number of these quota numbers are given to local officials who do not have much oversight on a national basis, and so they act on their own accord, and then a lot of bad things happen. We would not want to be anywhere near any of that. The American people do not want us anywhere near any of that.

For those reasons, I would urge my colleagues to look at this. This is a time-honored policy that has served us well. Support Senator WICKER's language that reinstates Kemp-Kasten, language that has stood us well in the test of time, and let's not go down a different road that is going to be harmful to a lot of people and is disagreed to by the American public.

I yield the floor.

EXHIBIT 1

[From the Associated Press, Aug. 30, 2007]

CHINESE VICTIMS OF FORCED LATE-TERM ABORTION FIGHT BACK (By Alexa Olesen)

QIAN'AN, CHINA.—Yang Zhongchen, a small-town businessman, wine and dined three government officials for permission to become a father.

But the Peking duck and liquor weren't enough. One night, a couple of weeks before her date for giving birth, Yang's wife was dragged from her bed in a north China town and taken to a clinic, where, she says, her baby was killed by injection while still inside her.

"Several people held me down, they ripped my clothes aside and the doctor pushed a large syringe into my stomach," says Jin Yani, a shy, petite woman with a long ponytail. "It was very painful. . . . It was all very rough."

Some 30 years after China decreed a general limit of one child per family, resentment still brews over the state's regular and sometimes brutal intrusion into intimate family matters. Not only are many second pregnancies aborted, but even to have one's first child requires a license.

Seven years after the dead baby was pulled from her body with forceps, Jin remains traumatized and, the couple and a doctor say, unable to bear children. Yang and Jin have made the rounds of government offices pleading for restitution—to no avail.

This year, they took the unusual step of suing the family planning agency. The judges ruled against them, saying Yang and Jin conceived out of wedlock. Local family planning officials said Jin consented to the abortion. The couple's appeal to a higher court is pending.

The one-child policy applies to most families in this nation of 1.3 billion people, and communist officials, often under pressure to meet birth quotas set by the government, can be coldly intolerant of violators.

But in the new China, economically powerful and more open to outside influences, ordinary citizens such as Yang and Jin increasingly are speaking out. Aiding them are social campaigners and lawyers who have documented cases of forced abortions in the seventh, eighth or ninth month.

Chen Guangcheng, a self-taught lawyer, prepared a lawsuit cataloguing 20 cases of forced abortions and sterilizations in rural parts of Shandong province in 2005, allegedly carried out because local officials had failed to reach population control targets.

Chen, who is blind, is serving a prison sentence of three years and four months which his supporters say was meted out in retaliation for his activism.

Many countries ban abortion after 12 or sometimes 24 weeks of pregnancy unless the mother's life is at risk. While China outlaws forced abortions, its laws do not expressly prohibit or even define late-term termination.

A FAMILY UNPLANNED

Jin, an 18-year-old high school dropout from a broken home, met 30-year-old Yang, a building materials supplier, in September 1998. They moved in together. A year and a half later, in January or February 2000, they discovered Jin was pregnant but couldn't get married right away because she had not reached 20, the marriage age.

After her birthday in April, Jin bought porcelain cups for the wedding and posed for studio photos. On May 5, they were married.

Now all that was missing was the piece of paper allowing them to have a child. So about a month before Jin's due date, her husband Yang set out to curry favor with Di Wenjun, head of the neighborhood family planning office in Anshan, the couple's home town about 190 miles east of Beijing.

He faced a fine of \$660 to \$1,330 for not having gotten a family planning permit in advance, so he treated Di to the Peking duck lunch on Aug. 15, 2000, hoping to escape with a lower fine since this was his first child.

The next day he paid for another meal with Di and the village's Communist Party secretary and accountant.

He said the mood was cordial and that the officials toasted him for finding a young wife and starting a family.

"They told me 'We'll talk to our superiors. We'll do our best. Wait for our news.' So I was put at ease," Yang said.

But three weeks later, on Sept. 7, when Yang was away opening a new building supplies store, Jin was taken from her mother-in-law's home and forced into having the abortion.

Why had the officials failed to make good on their assurances? One of Yang's two lawyers, Wang Chen, says he believes it was because no bribe was paid.

"Dinner is not enough," Wang said. "Nothing gets done without a bribe. This is the situation in China. Yang was too naive."

Di, who has since been promoted to head of family planning for all of Anshan township, could not be reached. Officials who answered his office phone refused to take a message and gave a cell phone number for him that was out of service.

LATE-TERM PROCEDURES DECLINE

Zhai Zhenwu, a sociology professor at the People's University Institute of Demographic Studies in Beijing, said that while forced, late-term abortions do still occur sporadically, they have fallen sharply.

In the late '80s and early '90s, he said, some family planning officials "were really radical and would do very inappropriate things like take your house, levy huge fines, force you into procedures."

Things have improved since a propaganda campaign in 1993 to make enforcement more humane and the enactment of the family planning law in 2001, he said. Controls have been relaxed, allowing couples in many rural areas to have two children under certain conditions.

Still, Radio Free Asia reported this year that dozens of women in Baise, a small city in the southern province of Guangxi, were forced to have abortions because local officials failed to meet their population targets.

In the province's Bobai county, thousands of farmers rioted in May after family planners levied huge fines against people with too many children. Those who didn't pay were told their homes would be demolished and their belongings seized.

Yang and Jin are suing the Family Planning Bureau in their county of Changli for \$38,000 in medical expenses and \$130,000 for psychological distress.

But it's not about the money, said Yang, a fast-talking chain-smoker. No longer able to afford to run his business, he now works as a day laborer in Qian'an, an iron mining town east of Beijing.

"What I want is my child and I want the court to acknowledge our suffering," he said.

A family planning official in Changli justified Jin's abortion on the grounds she lacked a birth permit. The woman, who would only give her surname, Fu, said no one in the clinic was punished for performing the procedure.

CONTRADICTORY EVIDENCE

The National Population and Family Planning Commission, the agency overseeing the one-child policy, says it is looking into Jin and Yang's case. Meanwhile, the evidence appears contradictory.

Jin's medical records include a doctor's certificate from 2001, the year after the abortion, confirming she could not have children. Doctors in Changli county say they examined her in 2001 and 2002 and found nothing wrong with her.

The court ruling says Jin agreed to have the operation. Jin says the signature on the consent form is not hers but that of Di, the official her husband courted.

Sun Maohang, another of the Yangs' lawyers, doubts the court will rule for the couple lest it encourage further lawsuits. But he hopes the case will stir debate and lead to clearer guidelines on abortion.

As she waits for the next round in court, Jin says she is too weak to work and has been celibate for years because sex is too painful.

Her husband prods her to tell her story, but during an interview she sits silent for a long time and finally says she doesn't want to talk about the past because it's too sad.

Then she quietly insists the lawsuit is something she has to do for Yang Ying, the baby girl she carried but never got to see or hold.

Mr. BROWNBACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Madam President, may I inquire of the Chair as to how the remainder of time will be divided?

The PRESIDING OFFICER. The Senator from Mississippi has 2½ minutes, and the Senator from Vermont has 10 minutes.

Mr. WICKER. I thank the Chair.

I would inquire of the Senator from Vermont if he has further speakers?

Mr. LEAHY. Madam President, responding on the time of the Senator from Mississippi, I believe there may be some, and we are trying to ascertain that right now. I know I am going to speak some more.

Mr. WICKER. Reclaiming my time, I await their remarks, and I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, how much time is left on both sides?

The PRESIDING OFFICER. There remains 1 minute 45 seconds for the Senator from Mississippi, and 10 minutes for the Senator from Vermont.

Mr. LEAHY. Madam President, it is hard to respond to all the things that have been misstated about the amendment before us.

For one thing, the bill before us does not change the Kemp-Kasten amendment. You can find it on page 763 of the bill. It is in the bill. In fact, let me read what it says:

Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization.

So there is no need to pass the amendment of the Senator from Mississippi to put that language in—I suppose we could just print it twice—it is already in there.

Mr. WICKER. Madam President, I wonder if the Senator from Vermont will yield on that point?

Mr. LEAHY. Madam President, I will yield on the time of the Senator from Mississippi.

Mr. WICKER. Well, I do not ask for that, Madam President. Now, I asked if the Senator will yield on his time. I yielded to him on my time just a moment ago.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. Madam President, I have heard it said several times that we should not spend U.S. taxpayer dollars on coercive abortion. I agree with the Senator from Mississippi. We should not. I have taken that position. I have been chairman or ranking member of the Foreign Operations Subcommittee several times. I have always taken that position. We should not, we don't, we never have. It is prohibited in the bill—Republicans and Democrats have always agreed about that. I don't know how many times we have to say it.

I am reminded of Senator Mark Hatfield, a revered member of the Republican Party and a former chairman of the Appropriations Committee. I know of no stronger pro-life opponent of abortion, but there is also no stronger pro-life proponent of family planning. He knows that if there are voluntary family planning services, you are most apt to avoid unwanted pregnancies and thus avoid abortion.

Now, we have heard Senators say: Well, we don't want to use taxpayer money for coerced abortions. You can't. There is no money in here with which it can be done. We specifically prohibit that.

But let me repeat for my colleagues what this amendment does do. The Wicker amendment removes funds we have in here for UNFPA to promote the abandonment of female genital mutilation and child marriage. The funds can be used in countries where we don't have USAID programs, to help prevent child marriage. The Senator from Mississippi would remove those funds. I have listened to some of the harrowing stories: 7, 8 or 9 year-old girls forced into marriage. We ought to all unite to try to stop that, but the Senator from Mississippi takes out the funds that can be used to try to stop that.

Obstetric fistula—anybody who is familiar with that knows how terrible it is, a debilitating condition that can destroy the life of any woman who suffers from it, but it can be cured by surgery. If any member of our family was faced with that, of course they would have the surgery to fix it. The funds are not there, not available in many countries. But there are funds in the bill so UNFPA can help women with that terrible condition. The amendment of the Senator from Mississippi takes that money out. I can't support something like that.

We have funds in the bill to reestablish maternal health care in areas where medical facilities and services have been destroyed or limited by natural disasters. We put in funds to rebuild those health services, but the amendment of the Senator from Mississippi takes that money out.

We are talking about countries where the average person doesn't earn even \$100 a year. We ought to think about it, as the wealthiest, most powerful Nation on Earth, where there is a certain God-given moral duty to help people less privileged, but the amendment of the Senator from Mississippi takes that money out.

Are we concerned with coercion and forced abortion in China, as the Senator from Mississippi and the Senator from Kansas said? Of course. I have no doubt that they find that morally repugnant. I totally agree with the Senator from Mississippi. I totally agree with him that forced abortions are wrong. I totally agree with the Senator from Kansas about that. That is why, when Senator GREGG and I brought this bill to the Appropriations Committee, we prohibited any funds going to China. We prohibit any funds for abortion. We prohibit those things. It is not correct to suggest otherwise.

I don't know what kind of political points are made by bringing up this kind of an amendment, but explain those political points to the mother of a 5-year-old who has been raped in the Congo. Explain those political points to a mother, herself a child, who is giving birth and now has the problem of obstetric fistula, and we can't do anything to help her. Explain it to those families in war-ravaged countries where the U.S. does not have programs. Explain to them when they ask: Why can't you help us—a wealthy nation like America—why can't you help us? And the answer is because we are making a political point.

I don't accept that. I oppose this amendment with every fiber of my body.

How much time is remaining?

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Vermont has 1 minute remaining.

Mr. LEAHY. How much time on the other side?

The PRESIDING OFFICER. There is 1 minute 45 seconds remaining.

The Senator from Mississippi is recognized.

Mr. WICKER. Madam President, I am prepared to close, and I assume the Senator from Vermont will do so also.

The Senator from Vermont says the money in this bill will go to sanitation, to protect against child marriage, to protect against female genital mutilation, to promote maternal health care. No one objects to that. If the President of the United States, under the Wicker amendment and under the 25-year-old Kemp-Kasten provision, can

certify that such organizations do not promote coercion in the name of family planning, then the money will go to these worthy causes. The question is, Why does the Senator from Vermont and the people who agree with him on this issue not trust the President of their own political party to make a determination?

Now, the Senator says that the Kemp-Kasten language is still in the bill. I would submit that, in fact, is not true. The bill purports to retain Kemp-Kasten, but it goes on to say that funds will be directed to the United Nations Population Fund "notwithstanding any other provision of law." I say to my friend from Vermont, that is the change in the law that guts Kemp-Kasten, that changes 23 years to 25 years of Federal policy and allows U.S. taxpayer dollars to be spent for coercive sterilization, for forced abortion, and that is the issue. Yes, Kemp-Kasten is purported to be in the bill, and then it is gutted in the next paragraph.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I believe women around the world should have access to safe health care that will help them plan their families and stay free of diseases.

These are basic rights. That is why I rise in opposition to the amendment being offered by Senator WICKER to block funding to the United Nations Population Fund.

In the developing world, "complications from pregnancy" is still one of the leading causes of death for women.

More than half a million women die each year—one every minute—from preventable complications of pregnancy and childbirth.

Madam President, 201 million women can not get access to safe, modern contraception even when they want it, and 6,800 new cases of HIV occur every day.

With its mission "to ensure that every pregnancy is wanted, every birth is safe, every young person is free of HIV/AIDS, and every girl and woman is treated with dignity and respect," the United Nations Population Fund is working every day to make things better.

For nearly 40 years, UNFPA has provided more than \$6 billion in aid to about 150 countries for voluntary family planning and maternal and child health care.

They are helping more women survive childbirth.

They are providing contraceptives to help women plan their families and stay free of HIV/AIDS.

They are promoting access to basic services, including clean water, sanitation facilities, food, and health care for poor women and girls.

Yet Senator WICKER and other supporters of this amendment would deny women around the world this basic

care because they believe misinformation that has been spread by antichoice lobbyists who say this fund would pay for coerced abortions.

The reality is that our government already prohibits any money from being used to fund coerced abortions. And, no U.S. money goes to China.

This bill actually continues that policy.

So all Senator WICKER's amendment would do is prevent women around the world from getting access to basic health care services—services that we take for granted here in the United States.

All of us would agree that we want to see fewer abortions in the world. I certainly do not condone funding coercive abortion practices in China or anywhere else.

And I cannot accept that we would deny women life-saving care because of a dishonest lobbying campaign.

Not only is contributing to UNFPA the right thing to do—it is in our best interest.

By helping to lift families out of poverty, and slow the spread of disease, we can reduce conflicts and bring stability and hope to some of the most troubled regions in the world.

I am proud that President Obama is pledging to refund UNFPA after the previous administration consistently canceled funding for the agency.

I urge my colleagues to vote down the Wicker amendment.

So let me simply say that I believe that women around the world should have access to safe health care that will help them plan their families and stay free of diseases. These are basic rights, and that is why I oppose the amendment that is being offered by Senator WICKER to block funding to the United Nations Population Fund.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 55, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—39

Alexander	Cornyn	Lugar
Barrasso	Crapo	Martinez
Bayh	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Casey	Hatch	Shelby
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Corker	Kyl	Wicker

NAYS—55

Akaka	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Snowe
Byrd	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	
Gillibrand	Nelson (FL)	

NOT VOTING—5

Conrad	Kennedy	Sessions
Johannes	Landrieu	

The amendment (No. 607), as modified, was rejected.

Mr. LIEBERMAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, at 1 o'clock today, Democrats and Republicans have been invited to the White House to work on health care. That is going to take 4 hours. There are Senators here who are going to be working. We have a number of Senators on our side who wish to speak on the five remaining amendments that have been offered. So we will continue to work on those.

What we are trying to work out with the minority staff is to have a series of votes starting at 5:30 this afternoon and then continue working through these amendments. I had a conversation with the Republican leader today, who suggested Senators SESSIONS and GRASSLEY had amendments. I have spoken with Senator GRASSLEY. Senator SESSIONS was not available. Senator GRASSLEY is trying to make a determination if he wants to offer the amendment. I had a conversation with him. So that is where we are.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, if I might add, if we could vote on all amendments that are now pending at 5:30 p.m., I think that would give us a better chance to figure out the way forward.

Mr. REID. Madam President, I say to my friend, if I didn't say that, that is

what I wanted to say. I have had a number of people on my side—for example, I just spoke with Chairman KERRY. He is going to come and speak on the Kyl amendment. He will finish lunch and do that. Anyone who has speeches they want to give on these five amendments must come before 5:30 p.m. because we are going to enter into that agreement as soon as we can, which will be very quickly. We will have all those votes at 5:30 p.m. and decide anything else we have to do. We understand that. A number of people contacted me about amendments on my side and on the Republican side.

Mr. MCCONNELL. Madam President, let me add, I think at that point, we will be able to determine what additional amendments Members on my side wish to offer and figure out where we go from there.

The PRESIDING OFFICER. The Senator from Illinois.

(The remarks of Mr. BURRIS are printed in today's RECORD under "Morning Business.")

Mr. BURRIS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I return to the floor to talk about this bill before us which includes 9,000 earmarks and a 1,844-page statement of managers that accompanies this 1,122 page bill. When the Congress establishes its funding priorities, it should do so decisively without cause for subjective interpretation or reference to material outside the bill passed by Congress and signed by the President. These funding priorities should have the binding force of law, subject only to the President's veto power.

Yet here we are with a statement of managers that totals 1,844 pages, including 775 pages identifying over 9,000 Members' earmark requests that are expected to be funded, although most of them are not contained in the bill text. Because they are conveniently not listed in the bill text, Members who question the merits of specific earmarks are unable to offer an amendment to specifically strike them.

They are wasteful. They should not be funded. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

\$1.7 million for pig odor research in Iowa; \$2 million for the promotion of astronomy in Hawaii; \$6.6 million for termite research in New Orleans; \$2.1 million for the Center for Grape Genetics in New York; \$650,000 for bea-

ver management in North Carolina and Mississippi; \$1 million for mormon cricket control in Utah; \$332,000 for the design and construction of a school sidewalk in Franklin, Texas; \$870,000 for wolf breeding facilities in North Carolina and Washington; \$300,000 for the Montana World Trade Center; \$1.7M "for a honey bee factory" in Weslaco, TX; \$951,500 for Sustainable Las Vegas; \$143,000 for Nevada Humanities to develop and expand an online encyclopedia; \$475,000 to build a parking garage in Provo City, Utah; \$200,000 for a tattoo removal violence outreach program in the LA area; \$238,000 for the Polynesian Voyaging Society in Honolulu, Hawaii; \$100,000 for the regional robotics training center in Union, SC; \$1,427,250 for genetic improvements of switchgrass; \$167,000 for the Autry National Center for the American West in Los Angeles, CA; \$143,000 to teach art energy; \$100,000 for the Central Nebraska World Trade Center; \$951,500 for the Oregon Solar Highway; \$819,000 for catfish genetics research in Alabama; \$190,000 for the Buffalo Bill Historical Center in Cody, WY; \$209,000 to improve blueberry production and efficiency in GA; and \$400,000 for copper wire theft prevention efforts.

\$250,000 to enhance research on Ice Seal populations; \$238,000 for the Alaska PTA; \$150,000 for a rodeo museum in South Dakota; \$47,500 to remodel and expand a playground in Ottawa, IL; \$285,000 for the Discovery Center of Idaho in Boise, ID; \$632,000 for the Hungry Horse Project; \$380,000 for a recreation and fairground area in Kotzebue, AK; \$118,750 for a building to house an aircraft display in Rantoul, IL; \$380,000 to revitalize downtown Aliceville, AL; \$380,000 for lighthouses in Maine; \$190,000 to build a Living Science Museum in New Orleans, LA; \$7,100,000 for the conservation and recovery of endangered Hawaiian sea turtle populations; \$900,000 for fish management; \$150,000 for lobster research; \$381,000 for Jazz at Lincoln Center, New York; \$1.9 million for the Pleasure Beach Water Taxi Service Project, CT; \$238,000 for Pittsburgh Symphony Orchestra for curriculum development; \$95,000 for Hawaii Public Radio; \$95,000 for the state of New Mexico to find a dental school location; \$143,000 for the Dayton Society of Natural History in Dayton, OH; \$190,000 for the Guam Public Library; \$143,000 for the Historic Jazz Foundation in Kansas City, MO; \$3,806,000 for a Sun Grant Initiative in SD; and \$950,000 for a Convention Center in Myrtle Beach, SC.

The Army Corps of Engineers has the distinction of having the largest number of individual earmarks imposed among all of the federal agencies funding in this legislation, with an amazing 1,849 individually identified earmarked projects as identified by the Appropriations Committee. Examples include:

\$670,000 for Abandoned Mine Restoration in California; \$59,000 for Dismal Swamp and Dismal Swamp Canal in Virginia; \$2 million for Chesapeake Bay Oyster Recovery in Maryland and Virginia; \$3 million for Joseph G. Minish Waterfront in New Jersey; \$18 million for Middle Rio Grande Restoration in New Mexico; \$10 million for North Dakota Environmental Infrastructure; \$5.56 million for Northern Wisconsin Environmental Assistance; \$546,000 for Surfside-Sunset-Newport Beach in California; \$3.8 million for Mississippi River Levees; and \$41.180 million for Yazoo Basin in Mississippi (this is a total for all of the Yazoo Basin projects listed under MRT—Construction).

We're giving billions of dollars to 1,849 projects—some which are authorized—but with no clear understanding of what our na-

tion's water infrastructure priorities actually are or should be. We witnessed how lives literally depend on these projects and yet we're just throwing money at them without the benefit of any realistic or transparent set of criteria. It is long overdue for Congress to take a hard look at how our Army Corps dollars are being spent and whether or not they're actually going to the most necessary projects.

While the Corps gets the distinction for the largest number of earmarks, every agency is chock full of earmarks:

Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies (52 pages of earmarks)

Total: 506 earmarks.

Agriculture Research Service, 94 earmarks. Animal and Plant Health Inspection Service, 46 earmarks.

Cooperative State Research and Extension Service, 265 earmarks.

FDA, 8 earmarks.

Earmarks in General Provisions, 6 earmarks.

Natural Resource Conservation Service, 86 earmarks.

Rural Business Cooperative Service, 1 earmark.

Division C—Energy and Water Development and Related Agencies Appropriations (164 pages of earmarks)

Total: 2,402 earmarks.

Corps of Engineers, 1,849 earmarks.

Bureau of Reclamation, 186 earmarks.

Dept of Energy, 367 earmarks.

Division D—Financial Services and General Government (16 pages of earmarks)

Total: 277 earmarks.

Small Business Administration, 245 earmarks.

District of Columbia, 13 earmarks.

General Services Administration, 14 earmarks.

National Archives Records Administration, 3 earmarks.

Office of National Drug Control Policy, 2 earmarks.

Division E—Department of Interior, Environment, and Related Agencies (47 pages of earmarks)

Total: 531 earmarks.

Bureau of Land Management, 13 earmarks.

Fish and Wildlife Service, 40 earmarks.

National Park Service, 111 earmarks.

USGS, 12 earmarks.

Minerals Management Service, 1 earmark.

Bureau of Indian Affairs, 6 earmarks.

Environmental Protection Agency, 288 earmarks.

US Forest Service, 60 earmarks.

Division F—Departments of Labor, Health and Human Services, and Education, and Related Agencies (211 pages of earmarks)

Total: 2125 earmarks.

Department of Education:

Elementary and Secondary Education Act, 357 earmarks.

Higher Education, 331 earmarks.

Rehabilitation Services and Disability Research, 12 earmarks.

Total: 700 earmarks.

Department of Health and Human Services:

Administration for Children and Families, 95 earmarks.

Administration on Aging, 26 earmarks.

Centers for Disease Control and Prevention, 83 earmarks.

Mine Safety and Health Administration, 1 earmark.

Centers for Medicare and Medicaid Services, 18 earmarks.

Health Resources and Services Administration, 924 earmarks.

HHS Office of the Secretary, 10 earmarks.
Substance Abuse and Mental Health Services Admin, 66 earmarks.

Total: 1223 earmarks.
Department of Labor:
Employment and Training Administration, 141 earmarks.

General provisions:
Museums & Libraries, 61 earmarks.

Division G—Legislative Branch Appropriations—1 page of earmarks (division G)

Total: 3 earmarks.
Architect of the Capitol, 1 earmark.
Library of Congress, 2 earmarks.

Division I—Transportation, Housing and Urban Development, and Related Agencies—114 pages of earmarks

Total: 1,858 earmarks.
Transportation:
Total: 1,321 earmarks.
Airport Improvement Program, 78 earmarks.

Alternatives Analysis, 26 earmarks.
Appalachian Highway Development System, 1 earmark (\$9.5 million).

Bus and Bus Facilities, 302 earmarks.
Capital Investment Grants, 64 earmarks.
Delta Regional Transportation Development Program, 9 earmarks.

Denali Commission, 1 earmark (\$5.7 million).
FAA Facilities and Equipment, 9 earmarks.

Federal Lands Highways, 68 earmarks.
Ferry Boats and Terminal Facilities, 30 earmarks.

Grade Crossings on Designated High Speed Rail Corridors, 8 earmarks.

Interstate Maintenance Discretionary, 93 earmarks.

Maritime Administration, 1 earmark.
FAA Operations, 2 earmarks.
NHTSA Operations and Research, 1 earmark.

Rail Line Relocations and Improvement Program, 23 earmarks.

FTA Research, 7 earmarks.
FRA Research and Development, 4 earmarks.

FAA Research Engineering and Development, 3 earmarks.

Surface Transportation Priorities, 194 earmarks.

Terminal Air Traffic Facilities, 18 earmarks.

Transportation, Community, and System Preservation, 343 earmarks.

FTA Priority Consideration, 20 earmarks.
Technical Corrections, 16 earmarks.

Housing and Urban Development:
Total: 537 earmarks.

Mr. McCAIN. Mr. President, examples of earmarks on this list include \$870,000 for wolf-breeding facilities in North Carolina and Washington—not anywhere else but North Carolina and Washington State; \$1,427,250 for genetic improvements of switchgrass; \$100,000 for the central Nebraska World Trade Center; \$819,000 for catfish genetics research in Alabama; \$250,000 to enhance research on ice seal populations; \$47,500 to remodel and expand a playground in Ottawa, IL; \$285,000 for the Discovery Center of Idaho in Boise; \$632,000 for the Hungry Horse Project; \$380,000 for a recreation and fairground area in Alaska; \$190,000 to build a living science museum in New Orleans, LA; \$7,100,000

for the conservation and recovery of endangered Hawaiian sea turtle populations; \$900,000 for fish management; \$381,000 for jazz at Lincoln Center, New York; \$238,000 for the Pittsburgh Symphony Orchestra for curriculum development; \$95,000 for the Hawaii Public Radio; \$143,000 for the Dayton Society of Natural History in Dayton, OH; \$193,000 for the Guam Public Library; \$143,000 for the Historic Jazz Foundation in Kansas City, MO; and \$950,000 for a convention center in Myrtle Beach, SC.

The list goes on and on.

The fact is, this has been stated by members of the administration, including, incredibly, the President's Budget Director as "last year's business." This is this year's business. This is funding that will be provided this year. This is 1,122 pages of a bill accompanied by 1,844 pages of porkbarrel earmark projects. It is not last year's business; it is this year's business. If it is last year's business, then if it is passed by the Senate and the House, send it down to Crawford, TX, and have it signed by last year's President. It won't be. It will be signed by this year's President, when it should be vetoed by this year's President.

I wish to remind my colleagues, again, that over the course of the last campaign I talked about earmarks. I have been fighting against them for years, and I was severely critical of Republicans who were in charge and frittered away our responsibilities as fiscal conservatives and paid a very heavy price for it. The then candidate and now President of the United States also stated repeatedly his opposition to earmarks, and he had stopped asking for earmarks, even though his first 2 years he had many millions of dollars in earmarks.

The President should veto this bill and send it back to Congress and tell them to clean it up.

Last week, President Obama commented on the fiscal 2010 budget blueprint after the Democratic-controlled Congress passed a \$1.2 trillion stimulus bill. He said he had inherited a \$1 trillion budget deficit from the prior administration. Again, I say, the Republican Party lost its way in recent years because we gave in to higher Government spending and porkbarrel spending and it bred corruption. We have former Members of Congress residing in Federal prison. As a result, the Republican Party paid a price for it at the polls.

That said, I think we have to be honest about the bill that is before us. It is a massive bill, here for our consideration because the House Democratic leadership—specifically, the Speaker and House Appropriations Committee chairman—made a calculated decision last year. They were faced with a threat from President Bush to veto each of these combined appropriations bills that exceeded his budget request.

As a result, they decided to put the Federal Government under a continuing resolution and wait for the outcome of the election in hopes that a new administration would be more willing to go along with the pork-laden projects that have been inserted into every aspect of this swollen, wasteful, egregious example of out-of-control spending. Their wish came true. Elections have consequences and this bill is one of them.

As I said earlier, a mere 6 months ago, Candidate Obama vowed he would not support earmarking business as usual when he said during the debate in Oxford, MS: "We need earmark reform and when I am President, I will go line by line to make sure that we are not spending money unwisely."

Let's start going line by line on this 1,122 pages. Let's start going line by line with this 1,844 pages. It is loaded with billions of dollars of unnecessary and wasteful spending. Sadly, based on recent comments by some of his top advisers, including the Chief of Staff and the Director of OMB, it doesn't sound as if he is willing to put his veto pen to use to back up his vow.

The majority party has presented us and the new President with an outrageous example of a massive spending bill of more than \$410 billion that, I repeat, includes over 9,000 wasteful earmarks. This bill is one of the first examples, among what will be many, of whether this Congress and this new President are serious about fiscal responsibility. I am not encouraged by this bill, to say the least.

If we can't reform earmarking, the best thing to do is to provide the President with a line-item veto authority. Yesterday, Senator FEINGOLD and I, along with Congressman PAUL RYAN, introduced legislation to grant the President specific authority to rescind or cancel congressional earmarks, including earmark spending, tax breaks, and tariff benefits. Granting the President the authority to propose rescissions which then must be approved by the Congress could go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork.

Yesterday, there were comments made by some of the leaders of Congress who basically said that if the President tries to eliminate wasteful and porkbarrel spending, that they can't do it. We hear the majority leader of the Senate who said:

Since we have been a country we have had the obligation as a Congress to direct spending . . .

Defending a new spending bill that is bursting with congressional earmarks.

We cannot let spending be done by a bunch of nameless, faceless bureaucrats buried in this town someplace.

I am asking that we authorize these programs the way this Congress did business for many, many, many, many

years—many years. We authorized programs. Then we appropriated. That is why we have the authorization committees we have today. Unfortunately, bills such as this completely bypass the authorizing committees and are put in quite often without any consideration, without any authorization, and are directly related to the influence of the Member of Congress. Somebody pays for all this. Somebody pays for all of it, and it is our kids and our grandkids. That is what is going on. The President of the United States should veto it.

I agree with the Senator from Indiana, EVAN BAYH, who had an op-ed piece in the Wall Street Journal saying:

The Senate should reject this bill. If we do not, President Obama should veto it.

I understand that Senator EVAN BAYH's op-ed in the Wall Street Journal of March 4 was printed in the RECORD yesterday.

So what has happened here? What has happened here, as I have watched over the years, is the system got more and more out of control. Yes, we have made a little progress. Now it is easier to identify who put the earmark in and who the lobbying group was, but if there is any testimonial to the fact that we have made no progress in the effort to reform, it was the vote yesterday on an amendment offered by Senator TOM COBURN that said we would eliminate 13 earmarks, worth about \$9 million, which were put in by a lobbying organization that is now shut down and under FBI investigation. Remarkable. Remarkable. We couldn't even take out porkbarrel projects that were inserted through the influence of a lobbying organization that has been raided and shut down by the Federal Bureau of Investigation. Remarkable. Remarkable.

So it is a fight worth having, my friends. I would imagine the Senate will vote and probably this legislation will pass, but it is a very bad signal to send to the American people, and it is a very bad precedent for this administration to begin its first 100 days with the President of the United States signing a bill that has 1,844 pages of pork on the one hand and 1,122 pages of pork on the other.

One of my colleagues from the other side of the aisle came to the floor yesterday and said Republicans were guilty as well as Democrats. I agree. I agree. I have always said there are three kinds of Members of Congress: The Democratic members, Republican members, and appropriators.

A number of my colleagues on this side of the aisle have voted consistently against eliminating these porkbarrel earmarks. So my prediction is, the American people will not stand for this much longer. The American people are beginning to figure out we are mortgaging their children's and their grandchildren's future. The

American people are fed up with this kind of a system that breeds corruption. The American people, I don't think, will stand for it, and I think sooner rather than later, you are going to see a rejection of this kind of practice, which does such damage to our credibility, to our ability to serve, and the ability of us to take care of future generations of Americans, as well as this one.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

The Senator from New Mexico.

(The remarks of Mr. UDALL of New Mexico are printed in today's RECORD under "Morning Business.")

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) Without objection, it is so ordered.

AMENDMENT NO. 635, AS MODIFIED

Mr. THUNE. Mr. President, I have made no secret of the fact that the appropriations bill we have in front of us today is one that I think is way too large relative to what we should be doing in light of the fact that 2 weeks ago we passed a \$1 trillion stimulus bill which will fund many of the same programs that are funded under this appropriations bill.

This appropriations bill creates an increase of 8.3 percent in funding over last year's appropriated level, which is the largest increased appropriation, year over year, that we have seen since the Carter administration. In fact, an 8.3-percent increase represents more than twice the rate of inflation.

Most Americans and families today are trying to survive and live at a time when they are dealing with diminishing revenue coming into their households and certainly are not getting an increase that is the same as the rate of inflation. We have an appropriations bill in front of us today that is more than twice the rate of inflation. So I would daresay the Federal Government is certainly not leading by example when it comes to tightening our belts. I think when American families are struggling to make ends meet and tightening their belts, it is important

that we also do the same thing, and this appropriations bill is anything but that. The 8.3-percent increase, as I said, is more than twice the rate of inflation and represents the largest year-over-year increase in appropriations since the Carter administration.

Having said that, I expect at the end of the day it is probably going to pass in the Senate. What we have tried to do as we have debated it is make improvements in it and address different priorities all of us bring to this debate.

I have one in particular that I think needs to be adopted, an amendment that needs to be adopted. It is filed, it is pending at the desk, and hopefully we will have a vote on it later today. What it does is reduce discretionary spending throughout the bill by \$400 million, which equals the fiscal year 2009 authorized amount from PEPFAR.

Now, PEPFAR was an emergency—well, the PEPFAR itself was the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act, which passed last year. But the Emergency Fund for Indian Safety and Health was established as part of that legislation. It was an authorization. And of the \$50 billion that was authorized in the so-called PEPFAR bill, \$2 billion of that was set aside to address what are very urgent needs on America's Indian reservations, the argument being that there are needs that are great abroad, other places around the world, but we have some very urgent and pressing needs right here at home. So the \$2 billion authorization was a 5-year authorization, which would represent \$400 million each year, and what my amendment would do is simply fund at \$400 million that first-year level of authorization that was created by the PEPFAR legislation we passed last fall.

In order to do that, because there wasn't any funding for the emergency fund for Indian safety and health in the underlying bill, we have to find the money somewhere else. What my amendment does, very simply, is reduce by one-tenth of 1 percent each program funded in the bill. So bear in mind, you have an 8.3-percent increase over last year's appropriated level in the base bill. With my amendment, what you would do is reduce the 8.3-percent increase each of these programs would receive in this bill to 8.2 percent and take that one-tenth of 1 percent and distribute it into this emergency fund for Indian safety and health, which was created as part of the PEPFAR legislation that we passed last fall. It is done in a very straightforward way. It distributes money where it is needed most.

Keep in mind it doesn't do anything to the significant funding that was included for many of these same programs that received a portion of the

stimulus bill funding we passed a couple of weeks ago.

Why is this important to people in Indian Country? There are a number of reasons because what that authorization did is, it allowed money, money that would come through appropriated funds later after it was authorized, to be used for three purposes: One is law enforcement, public safety; one is Indian Health Service and health care on reservations; the third one was water development. We separated those out in the bill and allocated a certain amount of funding to each of those particular categories.

The reason that is so important is because in many places, particularly on Indian reservations, these very basic needs many of us take for granted are not being met. Nationwide, 1 percent of the U.S. population doesn't have access to safe and adequate drinking water and sanitation needs. On Indian reservations, if you can believe this—I said 1 percent is the average across America. On the Nation's Indian reservations that number climbs to 11 percent, and in some parts of Indian Country, the worst parts in terms of not having access to some of these necessities that most people expect—water and sanitation services—that number climbs to 35 percent. Lack of reliable safe drinking water leads to high incidences of disease and infection. The Indian Health Service estimates for each \$1 it spends on safe drinking water and sewage systems, it receives a twentyfold return in the form of health benefits.

The Indian Health Service estimates in order to provide all Native Americans with safe drinking water and sewage systems, they would need—this is the backlog—over \$2.3 billion. What we are talking about represents a small amount of what the need is that exists out there, but that being said, we could go a long way, by enacting this amendment, toward meeting that need.

With respect to health care, nationally Native Americans are three times as likely to die from diabetes as compared to the rest of the population. An individual who is served by the Indian Health Service is 50 percent more likely to commit suicide than the general population. An individual who is served by the Indian Health Service is 6.5 times more likely to suffer an alcohol-related death than the general population.

On the Oglala Sioux Reservation in my State of South Dakota, the average life expectancy for males is 56 years old. I want you to compare that with some other countries around the world. In Iraq, the average life expectancy for a male is 58. In Haiti, it is 59 years. In Ghana, the average life expectancy for a male is 60 years old—all higher than right here in America. On the Oglala Sioux Reservation in my home State of South Dakota, the average life expectancy for males is 56.

In South Dakota, between 2000 and 2005, Native American infants were more than twice as likely to die as nonnative infants. In South Dakota, a recent survey found that 13 percent of Native Americans suffer from diabetes. This is twice the rate of the general population, where only about 6 percent suffer from the same disease.

With respect to public safety, one out of every three Native American women will be raped in their lifetimes. According to a recent Department of Interior report, tribal jails are so grossly insufficient when it comes to cell space that only half of the offenders who should be incarcerated are being put in jail. That same report found that constructing or rehabilitating only those detention centers that are the most in need would cost \$8.4 billion. Again, it is way more than what we are talking about here. But, certainly, what we could do today, in the form of this amendment, would be to put a downpayment on and begin to address what is a very serious need of adequate space for people who have committed crimes.

The South Dakota attorney general released a study at the end of last year on tribal criminal justice statistics. That study found that homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota. Forcible rapes on South Dakota reservations are seven times higher than those found in the rest of South Dakota. These are all things that statistically point to the very serious public safety needs that exist on America's Indian reservations today and point to the importance of us adopting the amendment I will put before the Senate and have a vote on later today.

These critical, unmet needs have consequences in the day-to-day operations for tribal courts and law enforcement. I talked about public safety, how that translates. You see all the statistics and data. That is stunning enough. But then you talk about how that actually impacts a lot of our reservations. I will give a couple examples.

At the Rosebud Sioux Tribal Court, a tribe that is a supporter of the amendment, on June 19, 2008, the tribal prosecutor scheduled to attend court proceedings that day did not appear at court. Alarmed, the tribal judge sent a court employee to the police department to ensure the prosecutor was not hurt in an accident. Once it was clear the prosecutor was not injured but instead did not show, all cases scheduled that day had to be dismissed because no replacement prosecutor was available. Cases that were dismissed that day included sexual assault, domestic violence, child abuse, and DUIs.

At Standing Rock Reservation, another example, another reservation that borders or crosses the line in South Dakota and North Dakota—in early 2008, the Standing Rock Sioux

Reservation had six police officers to patrol a reservation that is geographically the size of Connecticut.

This meant during any given shift there was only one officer on duty to cover that entire area. One day the only dispatcher on the reservation was out sick. This left only one police officer to act both as a first responder and also as the dispatcher. Not only did this directly impact the officer's ability to patrol and respond to emergencies, it also prevented him from appearing in tribal court to testify at a criminal trial.

Later in the year I was able to work with my Senate colleagues in the Bureau of Indian Affairs to bring additional police officers to the Standing Rock Sioux Reservation through Operation Dakota Peacekeeper. That operation, which was a success, was only possible because of the Bureau of Indian Affairs being able to dramatically increase the number of law enforcement officials on the reservation during what we referred to as the surge. This dramatic increase in officers was only possible because the Bureau had been given additional public safety and justice funds in 2008, something I would like to continue with my amendment.

The way these dollars would be used, if my amendment is accepted, also is spelled out in the amendment. It is actually spelled out in the statute, the authorization bill. But the \$400 million would be distributed as follows: \$200 million will go to congressionally approved water settlements; \$150 million will go to public safety and justice; \$74 million for detention facility construction, rehabilitation, and placement through the Department of Justice; \$62 million for the Bureau of Indian Affairs public safety and justice account which funds tribal police and tribal courts; \$6 million for investigations and prosecution of crimes in Indian Country by the FBI and the U.S. attorneys; \$6 million would go to the Department of Justice Office of Justice Program for Indian and Alaska Native Programs; \$2 million for cross-deputization or other cooperative agreements between State, local, and tribal governments; \$50 million to health care which would be divided as the Director of Indian Health Services determines between contract health services, construction and rehabilitation of Indian health facilities, and domestic and community sanitation facilities serving Indian tribes.

Passage of the original amendment to PEPFAR, which occurred last year, showed a commitment by the Senate on a bipartisan basis to address these domestic priorities that are faced by Native Americans in Indian Country. That was a bill that had, and the amendment I offered to that bill had, bipartisan cosponsorship. There were a number of people on both sides of the aisle who supported it. Vice President BIDEN was a supporter. Secretary of

State Clinton was a cosponsor of the amendment. A number of colleagues have supported the effort we made to demonstrate a commitment to addressing these very serious needs, which I have alluded to that exist today in Indian Country.

What my amendment to the Omnibus appropriations bill before us does is ensures the underlying bill, the bill that we authorized, actually gets funded, and the dollars we committed are actually appropriated for the purpose of addressing these very serious needs.

I ask that when this comes to a vote, amendment No. 635, my colleagues support it in the same sort of bipartisan way we were able to support the underlying authorization that was approved last year. There is no greater need. The statistics in Indian Country, both in South Dakota and other reservations in other States, are dire. We, as the Senate, have a responsibility to address those needs, particularly at a time when we are already funding or going to pass a bill which increases spending in this appropriations bill by as much as it does.

One-tenth of 1 percent is all we are saying would be necessary to provide the \$400 million that is necessary to fund this amendment and the important priorities it would serve.

I hope my colleagues will be able to support it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I understand Senator THUNE has modified his amendment to correct an earlier drafting error.

The original amendment proposed a \$400 million across-the-board cut against the programs funded in the interior division of the bill, as an offset to increase funding for various Indian health and safety programs in the interior division by \$400 million.

As it stands, the modified amendment proposes that the \$400 million across-the-board cut now applies to the entire omnibus appropriations bill, not just the interior subcommittee's division.

Nevertheless, I still oppose the Senator's amendment.

This amendment now makes cuts to all programs in the omnibus.

This means there will be cuts in job training, law enforcement, cancer research, highway funding, food inspection, energy research, and on, and on, and on.

I know that no single cut will be that great, but if we are going to go down this road, where will it end?

Who brings the next amendment, claiming that it only cuts 0.1 percent?

How many more of these will we have to accept before we say we have cut enough out of law enforcement or enough out of health care?

Mr. President, just to make the record clear, the interior division of

this bill contains \$2.376 billion for the Bureau of Indian Affairs and \$3.581 billion for the Indian health service.

Many of the programs run by those agencies and by the tribes themselves deal directly with health and safety issues.

We cannot start chipping away in this fashion and have any hope of ever finishing this bill.

Furthermore, the amendment, as modified, causes the interior bill to exceed its 302(b) allocation for budget authority. This makes it very troublesome.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, if I might respond to the remarks of the distinguished chairman, and I understand what I am doing here may create some technicality with regard to the budget rules, but we do this all the time, and we routinely waive the budget. The only reason it does is because it does take that one-tenth of 1 percent from across the entire nine appropriations bills as opposed to taking it out of one particular appropriations bill. What that does is attempts to distribute that reduction across the board so no one area is hurt in a significant way relative to the others.

But, again, I would simply point out—and I appreciate what the chairman said about these other areas in the budget, these programs being cut—bear in mind, this is an 8.3-percent increase, year over year, over last year's appropriated level in all these accounts. There is not any account in this appropriations bill that is receiving a cut. They are all receiving an increase.

The question is, Will it be an 8.3-percent increase or an 8.2-percent increase? What I am simply saying is, you make it an 8.2-percent increase and use that one-tenth of 1 percent to fund a program this Congress, this Senate voted to authorize last year, specifically, for Indian health care, for water development, and for public safety on our reservations. Of course, there is funding in the underlying bill for some of these things, but none of which is adequate to address the need, which is precisely why so many of the reservations in my State have the high incidents of crime, the data they have in terms of the many areas I mentioned. When it comes to prosecutions, when it comes to detention facilities, when it comes to law enforcement personnel and officers, we are deficient in the responsibility we have.

So, again, it is not a question of whether all the programs that are funded in the bill are going to get an increase. They are all going to get an increase, a substantial increase. Under my amendment, it is simply an 8.2-percent increase as opposed to an 8.3-percent increase.

It seems to me, at least, the least we can do to honor the commitment we

made by passing the emergency fund for Indian safety and health we passed last year is to provide funding for it.

So I appreciate the chairman's observations. I would simply ask my colleagues to look beyond whatever technicality may be raised with regard to where the one-tenth of 1 percent is coming from. It is coming from all nine appropriations bills across the board as opposed to from one particular area or account. But that, to me, seems to be the fair way in which to do this in a way that distributes that one-tenth of 1 percent reduction evenly. So I hope my colleagues will support the amendment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 635, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I come to the floor to, first of all, oppose the Thune amendment, and then to speak in opposition to the Murkowski amendment.

I rise as chairman of the Interior Appropriations Subcommittee. In its current form, the Interior portion of the omnibus is funded at \$27 billion. This section includes a substantial increase for the Bureau of Indian Affairs and the Indian Health Service. For fiscal year 2009, the bill provides \$5.957 billion. This is an increase of \$320 million over the fiscal year 2008 bill. It is a 5.7-percent increase. That is a great deal of money.

The Thune measure—well, let me make one other point first. In addition, the Recovery Act, which we enacted last month, contained \$1 billion for these two agencies. So taken together, the omnibus bill and the recovery act will provide \$6.957 billion. That is an increase over the 2008 level of \$1.320 billion, or 23 percent. Now, that is what the underlying bill and the recovery act, the stimulus bill, does—a 23-percent increase. That is a great deal of money.

Senator THUNE has proposed an across-the-board cut of 0.1 percent to the entire omnibus to pay for an increase of \$400 million for these two agencies in addition. That means every account in the entire omnibus bill must take a cut.

Now, if the Thune amendment were successful, it would increase my bill, the Interior bill, by \$372 million, which would put us over our allocation, which would make germane a point of order against our bill. I think that is wrong. I think when we do a substantial increase, I do not understand the need for this. I do not understand why a 23-percent increase, to the tune of \$6.957 billion—that is a huge increase, probably one of the greatest increases in any part of this omnibus, and that is the underlying omnibus bill.

So I am concerned. I would urge a “no” vote on the Thune amendment.

Mr. President, I would like to raise a point of order against the amendment

under section 302 of the Congressional Budget Act. The pending amendment would increase spending in the Interior Subcommittee by \$400 million, primarily by cutting spending in the jurisdiction of the eight other subcommittees funded in this act. The amendment, therefore, would result in spending exceeding the budget allocation of the Interior Subcommittee.

I make a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the Interior Subcommittee's 302(b) allocation under the fiscal year 2009 concurrent resolution on the budget.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I move to waive the point of order the Senator raised under the Budget Act.

The PRESIDING OFFICER. The motion to waive has been entered.

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senator concludes her remarks on the other amendment, I have a couple minutes to respond.

The PRESIDING OFFICER. Is there objection to recognizing the Senator from South Dakota after the Senator from California yields?

Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Thank you very much.

AMENDMENT NO. 599

Mr. President, I would now like to speak against amendment No. 599, offered by Senator MURKOWSKI, which would limit the Endangered Species Act protections for the polar bear and other fragile species.

The Interior portion of the omnibus bill as currently written allows the Obama administration to quickly undo two last-minute rules imposed by the Bush administration.

The first Bush administration rule, issued in December 2008, denies the protections of the Endangered Species Act to the polar bear, despite its threatened status. The omnibus bill language would allow the Obama administration to immediately lift this ruling. This is an important first step toward fully protecting the polar bear under the Endangered Species Act.

As I said, the amendment would undo the Obama administration's ability to quickly move to change two last-minute rules imposed by the Bush administration.

The first Bush administration rule, issued in December 2008, denies the protections of the Endangered Species Act to the polar bear, despite its threatened status.

The omnibus bill language would allow the Obama administration to immediately lift this ruling. This is an important first step toward fully protecting the polar bear under the Endangered Species Act.

The second Bush regulation, also issued in December of 2008, excludes independent wildlife experts from the decisionmaking process of the Endangered Species Act. This is major. I think it is wrongheaded because it would leave the decisionmaking up to the Department that handled whatever the project was without any input from scientists or biologists on the subject. So whichever Federal agency has proposed a project is given the full jurisdiction to determine whether there is an impact to an endangered or threatened species, and independent scientists are excluded from the consultation process.

The omnibus bill, as currently written, allows the Obama administration to quickly undo the Bush rule and return independent wildlife experts to this consultation process.

The amendment offered by Senator MURKOWSKI would further prolong these two Bush administration rules and require a public comment period of 60 days before the Bush rules can be lifted. I cannot support that.

In my view, right now the polar bear is not sufficiently protected. Here is why. Under the rule issued by the Bush administration, the polar bear is only protected under the Marine Mammal Protection Act. This Federal statute only protects polar bears from direct harm. It does not address the problem of the arctic habitat of the bears, which is literally melting away.

I read books. I have watched PBS nature shows, which have shadowed polar bears, which have shown the deteriorating ice pack.

Let me quote something Secretary Dirk Kempthorne, the former Secretary of the Interior, said in May of last year. Here is what he said. This is a Republican Secretary of the Interior:

Because polar bears are vulnerable to this loss of [sea ice] habitat, they are, in my judgment, likely to become endangered in the foreseeable future.

So we know the polar bear is being jeopardized by the deterioration of ice. Now, some people, perhaps, do not believe the ice is really deteriorating. But if you look here, this is the Arctic Sea ice loss. This whole thing, as shown on this chart—both the ochre color, the yellowish color, and the white—is the way it was in 2005. In 2005, this was the Arctic. In 2007, the Arctic ice mass is 39 percent below the long-term average from 1979 to 2000, and you can clearly see its deterioration in a 2-year period.

So what is happening in the Arctic is actually very dramatic. It is actually destroying polar bear habitat, and absent that habitat, the polar bear cannot feed himself or herself. The polar bear starves. The nature show on PBS actually tracked a female polar bear. It showed her starving. It showed her having two cubs. It showed one of the cubs dying of starvation. It showed her

struggling to find food floating out on individual pieces of ice.

In my view, there is no question that Secretary Kempthorne was correct, that the polar bear will very shortly meet the criteria of the Endangered Species Act and, therefore, I strongly believe if that is, in fact, the case, we should have the proper opportunity to assess it and move in that direction.

So I am fully supportive of what President Obama has done to move rapidly to set up the situation for that kind of consideration. The statute that is in the underlying bill would ensure that melting habitat of the Arctic is taken into consideration. So the omnibus bill will give the Obama administration strengthened authority to quickly undo the Bush rule on polar bears and open the door to the process of applying the Endangered Species Act to the threatened polar bear.

Anyone who looks at the beauty of these animals recognizes their significance not only to nature but to man and woman as well. This is an extraordinary animal. It deserves to be protected. So I am very proud we have language in the bill that is supportive of what the President of the United States is attempting to do. So I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, if I might briefly respond to the Senator from California regarding my amendment that deals with Indian health, public safety, and water development.

I think it is important to remind everybody, first of all, that this bill we have in front of us and the appropriations bills that have been passed so far—three of them passed last year—nine of them are bundled into this bill—this bill was written behind closed doors. There wasn't any participation by Members, at least that I know of, on our side when it came to putting this together and offering amendments at the committee level. The only opportunity we have to offer amendments is when a bill comes to the floor of the Senate.

Now, it shouldn't come as any surprise to anybody here in the Chamber or anybody who is tuning in to what is going on here that that is what we do. We offer amendments. We determine priorities. We move money around within appropriations bills. To suggest for a minute that we shouldn't be offering amendments to move money from one part of this bill to another part of the bill, the fact is that nine appropriations bills have been bundled together and we are being asked to vote on \$410 billion in spending at one time, and then we are being told we can't come down here and offer amendments. That is what we do. We have 100 Senators. All of them come to this Chamber with different priorities. I came down here

and said I wanted to offer an amendment that took a one-tenth of 1 percent haircut across all nine appropriations bills, evenly distributed, to take \$400 million and put it into a program that Congress authorized last fall but has not funded that would address the needs of Indian health care, public safety, and water development—critical needs on Indian reservations.

I urge any of my colleagues who haven't visited a reservation to come to South Dakota and see what I am talking about. I mentioned it earlier. The average life expectancy for males on the Oglala Sioux Reservation in my home State of South Dakota is 56 years. It is 58 in Iraq, 59 in Haiti, and 60 in Ghana, all higher than right here in America. Between 2000 and 2005, Native American infants were more than twice as likely to die as non-native infants. I already mentioned the public safety statistics and the crime data that exist on our reservations because we don't have adequate law enforcement personnel, we don't have cops, we don't have prosecutors, we don't have jails, we don't have all the things that are necessary to keep our people safe on our reservations in South Dakota.

Here may be a budget technicality, a point of order that can be raised against my amendment which will require that we have to have 60 votes for my amendment, but all that means is instead of getting 51, we need 60. I can't imagine that we would not have an opportunity—nine appropriations bills being bundled together, brought to the floor of the Senate, \$410 billion in spending—to come down here and offer amendments that move money around. That is what Senators do. That is what we do in the Senate.

I hope my colleagues will look past the point of order that is going to be raised and say: One-tenth of 1 percent in a bill that is being increased by 8.3 percent year over year; go for this important priority on Indian reservations across our country.

I hope my colleagues will vote for this amendment or vote to waive the point of order.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I would like the opportunity to simply say to the Senator from South Dakota that it is not correct there was no Republican input into this bill. This bill was put together last year. Senator Allard was the ranking member. Senator Allard and his staff participated in the committee deliberation of this bill. There is no question about it. I think we have to remember this is not a 2010 appropriations bill; it is a 2009 appropriations bill.

I wish to state that the reason we have a 23-percent increase in the bill for Indian services and Indian health care is that we recognize there is a

need. This is a substantial addition. So my objection to the amendment should not be construed that I do not want to support Indian health services or Indian health care. The amendment causes a point of order against the bill. We exceed our allocation. It forces every one of the nine bills to take a cut and then adds to my bill an additional \$372 million which forces us up over the limit.

This is a bill that has been discussed. It has been discussed with the Republican side. We had agreement on it last year. I believe the commitment should be kept and the bill should be passed. I believe there is an ample increase both for Indian health care and Indian services. So I wanted the opportunity to respond to the Senator from South Dakota in that regard.

Thank you. I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, in a moment I am going to ask unanimous consent that the pending amendment be set aside so I can offer an amendment dealing with the DC scholarship program for low-income children. I wish to talk about it first and give the other side fair warning, because I understand that the other side is going to object, which is very unfortunate.

We have had a wonderful program that recognized DC public schools are failing children of the District of Columbia. Most of those children are low income, minority children. A few years ago, under a Republican Congress and President Bush, we put together a program that initiated a little experiment. In DC schools, the dropout rates are high, kids aren't learning to read at the appropriate levels, they aren't learning math at the appropriate levels; across the board the crime levels are too high in the schools. Since the vast majority of the schools in the District of Columbia are failing the kids, Congress decided to experiment here and see if something works. So we selected 1,700 kids and we gave their parents a \$7,500 scholarship to be able to go to the school of their choosing in the area. The response by the parents was overwhelming. A lot more people wanted to sign up for this program than there were scholarships available, but we at least allowed 1,700 children to participate for the last five years, this being the sixth year now.

In this underlying bill, there is language that effectively kills this program, because it says that unless the bill is reauthorized and the DC City Council approves the program, no funding shall be allowed to go toward this DC scholarship fund.

Now, we know Head Start and the Higher Education Act both continued, even though they weren't reauthorized, for many years until we were able to come together to reauthorize. That is

not uncommon in this building because it is difficult to get legislation reauthorized. So we continued funding Head Start. We continued funding Higher Education. But the No. 1 issue for the National Education Association is to kill the DC scholarship program for poor children. I ask: What are they afraid of? Well, as was stated today in the Chicago Tribune, they are not afraid of this program because it is failing; they are afraid of this program because it is actually working. Let's ask a commonsense question: If this program weren't working, would the children who have received this scholarship continue in this program? The obvious answer is of course they wouldn't. They would go back into their other schools.

We had a press conference earlier today with some of the parents and teachers who are involved in this program. Three wonderful young men came together with us today. We had Fransoir, Richard, and Ronald. Two of them had written statements, and then there was little Richard who got up and spoke off the cuff. All three of them were incredibly articulate. They were talking about how important this scholarship program was to them and how they didn't want to go back to the other schools because in the schools they are in today, they are actually learning.

So do we put the interests of the National Education Association first, or do we put the interests of our children first? It isn't just these 1,700 kids whose future is at stake. We are trying to look for programs in education, reforms that actually work, because the No. 1 priority for our children should be about their education into the future. If they are going to compete in the 21st century, they have to have a good education. It is the new civil right of our day. It is not a civil right to stick them in failing schools that are unsafe, that are gang ridden, that are drug ridden, that have teachers who are not teaching our children in a constructive manner. It is not a civil right to say to them: I know other people have more money than you. They can go to a good school and can learn, but we are going to trap you in this poor performing school simply because you don't have enough money. Civil rights is supposed to be about giving people opportunities, not based on income, not based on race, not based on religion, but simply because they are Americans who can actually have a chance.

So this program is going to show, I believe, as the studies come out on it, that these kids did better because they had an opportunity. I think this is what the National Education Association is afraid of. They are afraid this program is going to work and it will then be tried in other areas. What are we afraid of? Are we afraid we are actually going to improve education in the

United States through an innovative program?

Even yesterday, the Secretary of Education under President Obama made this comment about the DC scholarship program. He said:

I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. I think those kids need to stay in their school.

He was talking about those 1,700 kids who are in the DC schools under this scholarship program today. Two of those children actually go to school with President Obama's children. Unfortunately, the majority party in Congress has written into this bill that we are going to take those kids out of these schools. We are going to effectively eliminate the scholarship that allows them to stay in their schools. One young man, Ronald, who was here today is a junior in high school. Ronald is also the Deputy Youth Mayor for Washington DC and has made education his number one priority. Next year Ronald will be a senior. They are going to take him out of a school he has attended the last 5 or 6 years and make him go to a different high school for his senior year. At this other high school, it's likely over half the kids aren't learning at the grade level they should be learning at and where about half of them drop out of that school. Instead, Ronald should remain at the school that gave him a future, hope, and opportunity. I wish all Americans could have heard him speaking today, and then I would like to see the other side of the aisle vote against this amendment and vote against allowing this amendment to even come to a vote.

It is very unfortunate that the other side is not allowing us to do but just a few amendments, amendments that they deem worthy to be voted on. That is not the way the Senate has worked the last several weeks. It has actually been working. As the minority, we realize we have fewer votes on this side. We understand that. We understand we are going to lose most of these votes. Occasionally, as last week, we did win one, but most of the time we are losing these votes. That is the way this body is at least supposed to work, you debate amendments and you have votes on the amendments.

Unfortunately, with regards to the bill before us, that is not the case. Normally, we vote on appropriations bills one at a time and somewhere around 15 amendments per bill are offered and voted on. We have eight or nine bills combined together and, so far, I think we have had six or seven amendments voted on. We will have a few more voted on tonight. That seems to be the total that the majority wants us to vote on. By the way, the Democrats have come to an agreement that they are going to defeat them, whether they are meritorious or not, because they

set a false deadline of tomorrow to finish the bill. They said tomorrow the funding runs out for our Government. In reality, all you have to do is pass a continuing resolution that will fund the Government for another week. We could do it on a voice vote, and then the House can do it on a voice vote. Then we can come back next week and debate amendments and have votes on them.

This is one of the amendments that needs to be voted on. If you want to throw 1,700 kids out of good schools and put them into nonperforming schools, I want you recorded on this vote. Some have said this isn't just going to poor children. The limit is 185 percent of poverty and below. That is the limit of the income to qualify for this scholarship program. The average income for families qualifying for this scholarship is \$23,000 a year.

The National Education Association said this is a threat to public education. Oh, really? First of all, \$7,500 is what we give as a scholarship. The average spent per student in Washington, DC, public schools is around \$15,000. So we are spending half that. We didn't give them the full \$15,000, just half that. This was in addition to the Washington, DC, School District money. But the benefit is, every child you take out of Washington, DC schools, allows money to be spent on other students.

I have a couple stories to tell you about. Sherine Robinson, the parent of an opportunity scholarship recipient, believes parents should not have to worry about violence in their schools. That is one of the reasons some of the parents are taking their children out. It is not just the educational opportunities, it is the violence they may have to experience while they are in school. She believes the parents should not have to fight for their kids to learn. She believes all parents should have a choice and "the DC Opportunity Scholarship Program gives us a chance to find the best school possible." Those are the words of a parent. She now feels her child is in a safe school and is doing well. Why do we want to deprive her of that opportunity?

Obviously, I believe strongly in this scholarship program. I believe this program is working. I believe we can prove it is working statically and spread this program across the country. Let's put our children first; let's not put special interests before our children and their education. That is what this argument comes down to.

Let's use common sense and put compassion back into this bill. Let's allow amendments so we can take care of our kids and educate them in the way they deserve to be educated.

I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up the Ensign amendment No. 615, which provides an opportunity scholarship for 1,700 poor children in the District of Columbia.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. Madam President, on behalf of the leadership, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. Madam President, this is most unfortunate. It is what I thought would happen. There was a rumor going around today that this would happen. I plead with the other side to give these 1,700 children a chance to learn, a chance to continue in the program that is working for them. I would love to expand the program, but I know that is not doable in this Congress. But let's at least keep these 1,700 schoolchildren in school with the ability to learn, in safe schools that are actually giving them hope and opportunity for the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 599

Ms. MURKOWSKI. Madam President, I rise to speak this afternoon in favor of an amendment I laid down yesterday, No. 599. I wish to respond to some comments that have been made on the floor by several colleagues.

The amendment I have introduced would modify section 429 of the Omnibus appropriations bill that allows the Secretary of the Interior and the Secretary of Commerce to withdraw the final rule relating to the "Interagency Cooperation under the Endangered Species Act," and the final rule that relates to the "Endangered and Threatened Wildlife and Plants: Special Rule for the Polar Bear." This is a special rule for the polar bear.

These provisions allow the Secretaries of Commerce and Interior, or both, to withdraw the two Endangered Species Act rules inserted under section 7 of the ESA within 60 days of adoption of the omnibus bill and then reissue the ESA rule without having to go through any notice or any public comment period, and without being subject to any judicial review as to whether their actions were responsible.

Neither of the ESA rules that are part of this amendment were promulgated in the dark of night. Nothing happened in the back room. The existing rules were the result of a public process that fully complied with all applicable laws. In fact, one of the rules is under judicial review now, as the Administrative Procedures Act allowed.

The polar bear 4(d) interim final rule was certainly not a "midnight rule." Look at the process it went through. It was announced and made available as a final special rule on May 15 of 2008, concurrent with the announcement of the decision to list the polar bear as threatened under the ESA. That announcement then triggered or opened a 60-day public comment period to all interested parties to submit comments

that might contribute to the development of a final rule. Then those comments come in throughout that period. After the comments are received, the U.S. Fish and Wildlife Service made several appropriate revisions to the final rule.

Nothing in this special rule changed the recovery planning provisions and the consultation requirements that exist under section 7 of the ESA. The 4(d) rules that are contained are not exclusions, and they are not exemptions. Under the ESA itself, section 4(d) says that for threatened species, the Secretary may promulgate such regulations as he deems necessary or advisable. So what happened was Secretary Kempthorne used this very strict authority to develop a rule that states if an activity is permissible under the stricter standards of the Marine Mammal Protection Act, it is also permissible under the Endangered Species Act with respect to the polar bear.

I wish to repeat a comment the Senator from California made yesterday. It is one I absolutely agreed with. I agree we must follow the process; we must follow the law. The problem is, the House rider circumvents the public process because it completely eliminates the law. Section 429 doesn't require public notice and doesn't allow public comment or judicial review, as is required by the law.

What my amendment does is maintain the public process. It not only requires that any withdrawal or repromulgation of either of these two rules follows the Administrative Procedures Act, with at least a 60-day comment period to allow for that adequate public comment. This is the same amount of time the public had to comment on the polar bear 4(d) interim final rule last year.

Without this amendment, this provision allows the Secretaries to make dramatic changes in rules and regulations, without having to comply with multiple, longstanding Federal laws that require public notice and comment by the American public and knowledgeable scientists. These challenges have the potential for far-reaching and truly unintended consequences in our country.

The House rider we are dealing with in this omnibus bill shortchanges the public process. It is certainly not my amendment that shortchanges anything or tries to go outside the process. What we are providing in this amendment is ensuring we follow that public process.

I ask Members of this body to vote in favor of my amendment to maintain this public process. That is what this amendment does. We owe it to ourselves to keep the integrity of the process intact. It is a dangerous precedent for this body to set. I ask Members to look very carefully at this amendment and truly attempt to understand the

full implications if we are not successful in removing this rider from the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I ask unanimous consent that at 5:30 p.m. the Senate proceed to vote in relation to the following amendments in the order listed; that prior to each vote, except as noted below, there be 2 minutes of debate equally divided and controlled in the usual form; that no amendments be in order to any of the amendments in this agreement; that after the first vote in the sequence, the remaining votes be limited to 10 minutes each; that prior to the vote in relation to the Kyl amendment No. 634, there be 10 minutes of debate, with 5 minutes each for Senators KYL and LAUTENBERG; Murkowski, No. 599; Inhofe, No. 613; Thune, No. 635, as modified; Kyl, No. 634; and Crapo, No. 638.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I will speak briefly about one of the amendments pending, but first I wish to express my support for the fiscal year 2009 Omnibus Appropriations Act. With all the debate here, we sometimes lose sight of the fact that this is a product of months of bipartisan negotiation and hard work. I serve on the Appropriations Committee and I watch the various subcommittees come together and meet. We had both the Republican leader and the Democratic leader of the committees join together and pass most of the bills that make up the omnibus. It is bipartisan. They passed almost unanimously.

Now, we find we are getting into debate on amendments and it is somewhat troubling.

We completed a budget process begun more than a year ago to fund the Federal Government and also to fund hundreds of critical programs in the Federal Government.

It is unfortunate we are now halfway through the fiscal year. I wish it could have been completed through regular order. But enacting this legislation means funding increases for programs that serve as a lifeline to many Americans.

I appreciate what Chairman INOUE has done, what President pro tempore BYRD has done, and what ranking member THAD COCHRAN has done. These are people with whom I have served for decades on the Appropriations Committee. They put together a piece of legislation that is going to take our country forward by investing in health care, law enforcement, the environment, and public schools.

Some have argued that because we passed the American Recovery and Re-

investment Act that this legislation is not needed. That is not correct. The economic recovery plan was crafted specifically to create and save millions of jobs through investments, infrastructure, education funding, and so forth. But the recovery plan was not intended to replace the regular order of the Federal budget. This is a comprehensive bill, not a targeted piece of legislation.

I have listened to the debate on this legislation throughout the week and heard the arguments that this bill is too expensive, it is unnecessary and we would save money by level funding the government for the rest of the year. Those making these arguments seem to ignore the fact that flat funding the government would mean no additional assistance through child nutrition programs for hungry children whose families struggle to put food on their tables. It would mean less funding is available to help rebuild our crumbling bridges and roads, fewer funds for ensuring Americans have clean and safe water to drink and reductions in critical health prevention programs. In short, not passing this bill would mean turning a blind eye to the millions of Americans who need their Government to extend a helping hand to pull them up off the ground.

Some members of this body have argued that because we passed the American Recovery and Reinvestment Act this legislation is not needed. That could not be further from the truth. The economic recovery plan was crafted specifically to create or save millions of jobs through significant investments in infrastructure, education funding, and public safety net programs. I voted for this plan and have confidence that it is a necessary step to protect and strengthen our economy and invest in America's future. But the recovery plan was not intended to replace the regular order for the Federal Budget.

While the recovery plan includes numerous important priorities, it was structured to be timely and targeted, not a comprehensive bill to fund the entire Government. Using the rationale of some on the other side of the aisle and passing a yearlong continuing resolution would mean we are less able to ensure our security both at home and abroad. Not passing this legislation means the FBI will not be able to hire new agents, intelligence analysts, and others who protect us from crime and terrorism. It would mean the FDA will not be able to protect us from unsafe food and medicine. Finally, it would mean fewer funds for critical activities such as nuclear nonproliferation, military assistance and peacekeeping operations and security operations for our embassies abroad.

Again, I thank my colleagues on the Appropriations Committee for their hard work in crafting this bill. It is not

an easy job to weigh the thousands of competing priorities of our country and produce a comprehensive bill that addresses these needs. I applaud Chairman INOUE for his work and offer my strong support for this legislation.

Madam President, the fiscal year 2009 Omnibus appropriations bill contains \$36.6 billion in discretionary budget authority for the Department of State and Foreign Operations, which is the same amount approved by the Appropriations Committee in July 2008.

This represents a \$1.6 billion decrease from former President Bush's budget request of \$38.2 billion. I repeat—this bill is \$1.6 billion below what former President Bush recommended in his budget.

It is a \$3.8 billion increase from the Fiscal Year 2008 enacted level, not counting supplemental funds, and \$968 million above the Fiscal Year 2008 level including Fiscal Year 2008 supplemental and Fiscal Year 2009 bridge funds.

The State and Foreign Operations portion of this omnibus bill does not contain any congressional earmarks. It does, as is customary and appropriate, specify funding levels for authorized programs, certain countries, and international organizations such as the United Nations and the World Bank.

I thank Chairman INOUE, President pro tempore BYRD, and Ranking Member COCHRAN for their support throughout this protracted process. And I thank Senator GREGG, who, as ranking member of the State and Foreign Operations Subcommittee, worked with me to produce this bipartisan legislation that was reported by the Appropriations Committee with only one dissenting vote.

It is imperative that we enact this bill. The alternative of a full year continuing resolution would be devastating to the operations of the State Department and our embassies, consulates, and missions around the world, and to programs that support a myriad of United States foreign policy interests and that protect the security of the American people. Many Senators on both sides of the aisle were encouraged that Senator Clinton was nominated for and confirmed to be Secretary of State. If we want her to succeed we must provide the tools to do so. This bill supports her highest priority of rebuilding the civilian capabilities of our Government.

The bill provides \$7.8 billion for Department of State operations, a decrease of \$274 million below former President's Bush's request and \$1.2 billion above the Fiscal Year 2008 enacted level, not including supplemental funds. Counting emergency funds provided in Fiscal Year 2008 for personnel, operations and security costs in Iraq and Afghanistan, the bill provides a 5.6 percent increase.

These increases are attributed to a major investment in personnel, pri-

marily to replace worldwide positions that were redirected to Iraq and invest particularly in countries of growing importance in South Asia. The bill supports the request of 500 additional positions, much of which will help posts left depleted, some by 25 percent, due to positions shifting to Iraq during the last 5 years. In addition, the bill recommends \$75 million for a new initiative to train and deploy personnel in post-conflict stabilization. These critical investments would be lost if we do not pass this bill.

The bill provides \$1.7 billion for construction of new secure embassies and to provide security upgrades to existing facilities, which is \$178 million below former President Bush's request. He had proposed a 41-percent increase which we did not have the funds to support. But an increase of \$99.5 million, or 13 percent, above the Fiscal Year 2008 enacted level is provided considering the significant threats our embassies faced last year alone, from Yemen to Belgrade. Even this lesser increase for embassy construction and security upgrades would be lost under a year-long continuing resolution.

Specifically, the bill provides \$4.24 billion for Diplomatic and Consular Programs, which funds State Department personnel. This is an increase of \$464 million, or 12 percent, above the Fiscal Year 2008 enacted level and \$42 million above the President's request. This funds a major investment in personnel to increase language training and expand the number of personnel in regions of growing importance. Senators on both sides of the aisle have strongly endorsed this investment, but it would not be funded under a continuing resolution.

In fact, under a continuing resolution, the State Department would not have the resources to fund the staff currently serving at 267 posts overseas, due to exchange rate losses and the increased cost of security overseas. That means the United States would have even less representation than we do now, which none of us here would find acceptable.

The bill provides \$1.1 billion for Worldwide Security Protection for non-capital security upgrades, an increase of \$355 million above the Fiscal Year 2008 enacted level and \$46 million below the request. This account funds all the Diplomatic Security agents at every post worldwide, armored vehicles, and training—all investments which, again, have bipartisan support. The increases would fund additional personnel for protection at high-threat embassies and oversight of security contractors in Iraq, Afghanistan and Israel-West Bank. This would not be possible under a continuing resolution.

Senators of both parties have expressed strong support for expanding international exchange programs, particularly in predominantly Muslim

countries. The bill provides \$538 million for education and cultural exchanges, which is \$15.5 million above the President's request and an increase of \$36.6 million above the Fiscal Year 2008 enacted level. Those additional funds would be lost under a continuing resolution at the moment when the United States has the greatest opportunity to reintroduce our country, our people, and our values to the rest of the world.

The same is true of public diplomacy. The bill provides \$394.8 million for the State Department's public diplomacy activities, including outreach, media, and programs in embassies to develop relationships with people in host countries. This is \$33.9 million above the fiscal year 2008 level, which would not be available under a continuing resolution.

The bill provides \$1.7 billion for construction of new secure embassies and maintenance of existing facilities, a \$280 million increase above the fiscal year 2008 enacted level and \$83 million below the President's request. Of this amount, \$801 million is for embassy maintenance, \$40 million less than the request and \$46 million above the fiscal year 2008 enacted level.

The bill provides \$770 million for planning, design, and construction of new embassies and office buildings worldwide, \$178 million below the request and \$99 million above the fiscal year 2008 enacted level. Any Senator who has traveled abroad has seen the need to replace insecure and old embassies. There is already a long waiting list, and it would be even longer under a continuing resolution.

Former President Bush's budget underfunded the U.S. assessed contribution to UN peacekeeping in fiscal year 2009 by assuming a reduction in every mission except Sudan. That was pie in the sky. The cost of most of these missions is increasing, not decreasing. The bill provides \$1.5 billion for UN peacekeeping, an increase of \$295 million above the fiscal year 2008 enacted level and \$20 million above the President's request. However, compared to the total amount enacted in fiscal year 2008, the bill is \$173 million below the operating level in fiscal year 2008 including supplemental funds. These are costs we are obligated to pay by treaty. They support the troops of other nations in Darfur, the Congo, Lebanon, Haiti, and a dozen other countries.

The bill provides \$1.5 billion for contributions to international organizations, the same as the President's request and \$186 million above the fiscal year 2008 enacted level. The account funds the U.S. assessed dues to 47 international organizations, including NATO, IAEA, OECD, the UN, and others for which, as a member of the organization, the United States is obligated by treaty to contribute. We either pay now or we pay later.

The bill provides \$709.5 million for the Broadcasting Board of Governors, an increase of \$39.5 million above the fiscal year 2008 enacted level and \$10 million above former President Bush's budget request. This includes funding for languages which the former administration proposed to eliminate in fiscal year 2009, such as Russian, Georgian, Kazak, Uzbek, Tibetan and the Balkans, where freedom of speech remains restricted and broadcasting programs are still necessary to provide unbiased news.

For USAID, the bill provides \$808.6 million for operating expenses, \$41.4 million above former President Bush's request and \$179 million above the fiscal year 2008 enacted level. This continues efforts begun last year to address the serious staff shortage at USAID, but under a continuing resolution USAID's staff problems would continue to worsen. It would not be able to hire additional staff for Afghanistan and Pakistan, or for other posts where there is not sufficient oversight of contracting and procurement. It is a crisis situation that I and Senator GREGG are determined to fix.

For bilateral economic assistance, the bill provides a total of \$17.1 billion, \$1.3 billion below former President Bush's request and \$623.3 million above the fiscal year 2008 level. We received requests from most Senators—Democrats and Republicans—for funding from within this account, totaling far more than we could afford. A continuing resolution would make it impossible to fund many, if not most, of those requests.

A good example is global health. The bill provides \$7.1 billion for global health and child survival, an increase of \$757 million above the request and \$737 million above the fiscal year 2008 enacted level. A continuing resolution would be devastating for these life-saving programs.

A total of \$495 million is provided for child survival and maternal health, an increase of \$125 million above former President Bush's request and \$49 million above the fiscal year 2008 enacted level. These funds are for programs that directly decrease child and maternal mortality from preventable diseases, such as malaria, polio and pneumonia. Under a continuing resolution, USAID would not be able to expand its malaria control programs to other countries in Africa with a high incidence of malaria, which kills a million people, mostly African children, every year.

The bill provides \$300 million for safe water programs, including increasing access to safe drinking water and sanitation, which is a key factor in improving public health.

Former President Bush proposed a steep cut in funding for family planning and reproductive health programs, even though they are the most effec-

tive means of reducing unwanted pregnancies and abortions. The bill, instead, provides a total of \$545 million from all accounts for family planning and reproductive health including \$50 million for the UN Population Fund, which is \$82 million above the fiscal year 2008 level. A continuing resolution would eliminate those additional funds, and the number of unintended pregnancies and abortions would increase.

The bill provides a total of \$5.5 billion for programs to combat HIV/AIDS, \$388 million above former President Bush's request and \$459 million above the fiscal year 2008 level. Of this amount, \$600 million is provided for the Global Fund to Fight HIV/AIDS, which is \$400 million above the request. Additionally within the total, \$350 million is provided for USAID programs to combat HIV/AIDS, which is \$8 million above the request.

These additional funds, which pay for life-sustaining antiretroviral drugs, prevention and care programs, would be lost under a continuing resolution, to the detriment of 1 million people who would receive lifesaving treatment this year. With this funding 2 million additional HIV infections would be prevented this year. Instead of 10 million lives we are saving today, we have the opportunity to save 12 million people. We have the opportunity with this bill to save 1 million more orphans or vulnerable children who are either infected with HIV or have been orphaned because a parent died from HIV/AIDS. Why would we not make this investment this year?

The development assistance account funds energy and environment programs, microcredit programs, private enterprise, rule of law, trade capacity, and many other activities that Senators on both sides of the aisle support. The bill provides \$1.8 billion for development assistance which is \$161 million above former President Bush's request and \$176 million above the fiscal year 2008 enacted level.

The bill provides \$350 million for international disaster assistance, \$52 million above the request and \$30 million above the fiscal year 2008 enacted level, excluding supplemental funds. These funds enable the United States to put its best face forward when disaster strikes, as it did with the tsunami, the earthquake in Pakistan, floods in Central America, and famine in Africa.

The bill provides \$875 million for the Millennium Challenge Corporation. This is \$1.3 billion below the request and \$669 million below the fiscal year 2008 enacted level. This reflects the view of the House and Senate that the Congress supports the MCC but wants to see a slowdown in new compacts, while \$7 billion in previously appropriated funds are disbursed, and while the new administration decides how it

wants to fund the MCC in the future. The agreement provides sufficient funds to continue current operations and to commence two new compacts of \$350 million each.

For the Peace Corps, the bill provides \$340 million, which is \$9 million above the fiscal year 2008 level. Those additional funds would be lost under a continuing resolution.

The bill provides \$875 million for international narcotics control and law enforcement, which is \$327 million below the request and \$321 million above the fiscal year 2008 enacted level. Those additional funds for programs in Latin America, Pakistan, Afghanistan, and many other countries would be lost under a continuing resolution.

There is a total of \$405 million for continued support of the Merida Initiative, including \$300 million for Mexico and \$105 million for the countries of Central America. The fiscal year 2008 supplemental included \$400 million and \$65 million, respectively. We are all increasingly alarmed by the spread of drug-related violence and criminal gangs in Mexico, but under a continuing resolution there would be nothing for the Merida Initiative.

Migration and refugee assistance is funded at \$931 million, which is \$167 million above former President Bush's request and \$108 million above the fiscal year 2008 enacted level. That \$108 million would be lost under a continuing resolution. This amount is already \$557 million below what was provided in fiscal year 2008 including supplemental and fiscal year 2009 bridge funds. These funds are used for basic care and protection of refugees and internally displaced persons, whose numbers are not expected to decrease this year.

The bill provides \$4.9 billion for military assistance and peacekeeping operations, \$173 million below former President Bush's request but \$212.6 million above the fiscal year 2008 enacted level. The bill assumes \$170 million provided in the fiscal year 2008 supplemental as fiscal year 2009 bridge funds for military assistance to Israel, making the total amount for Israel equal to the President's request, \$2.55 billion. The additional \$212.6 million for other important bilateral relationships would be lost under a continuing resolution.

For contributions to the multilateral development institutions, which we owe by treaty, the bill provides \$1.8 billion. That is \$503 million below the former President's request and \$251 million above the fiscal year 2008 enacted level. A continuing resolution would put us another \$251 million in arrears, in addition to the arrears we already owe.

The bill provides the amounts requested by the former president for the Export-Import Bank, an increase of \$26.5 million above fiscal year 2008. By not passing this bill, these additional

resources would not be available to make U.S. businesses competitive in the global marketplace. At this time of economic downturn at home we should be doing everything we can to support U.S. trade.

These are the highlights of the fiscal year 2009 State and Foreign Operations portion of the omnibus bill before us. It contains funding to meet critical operational costs and programmatic needs which support U.S. interests and protect U.S. security around the world.

A handful of our friends in the minority have criticized this omnibus because it contains earmarks. Apparently they would prefer that unnamed, unelected bureaucrats make all the decisions about the use of taxpayer dollars. In fact, the total amount of this bill that Members of Congress—Democrats and Republicans—have earmarked for schools, fire and police departments, roads, bridges, hospitals, scientific research, universities and other organizations and programs in their states and districts which would not otherwise receive funding is less than 1 percent. That is what the aggrieved speeches are about. A whopping 1 percent.

Some here complain that this omnibus—all but a small fraction of which would fund the budget requests of former President Bush—is more than we can afford. Those are the same Senators who, year after year, rubberstamped billions and billions of borrowed dollars to fund an unnecessary war and reconstruction programs in Iraq that were fraught with waste and abuse.

Some say that the intervention of the Economic Recovery and Reinvestment Act is the reason they oppose this omnibus bill. Regarding the Department of State and foreign operations, 99.6 percent of the omnibus has no correlation whatsoever to what was funded by the Recovery Act. This portion of the omnibus funds all of the United States' activities overseas. All of the key new investments I have described will not occur if this bill is not passed.

The funding for State and foreign operations in this omnibus bill amounts to about 1 percent of the total budget of this country. However one views the Economic Recovery Act, it would be the height of irresponsibility to oppose this bill. The damage that a continuing resolution would cause to the functions of our embassies, consulates and missions, and to the foreign service officers who serve the American people around the world, would be devastating. The damage to programs would be measured in lives.

We have seen the image of our country battered beyond recognition. The values our country was founded on were ignored, ridiculed, and diminished. Democrats and Republicans alike recognize that the United States

needs to reinvigorate its engagement in the world, particularly through rebuilding alliances and using diplomacy more effectively. This bill puts our money where our mouths are. The alternative is to retract and to invite others to fill the vacuum. That might save money in the short term, but it will cost us dearly in the future.

AMENDMENT NO. 613

Madam President, I will speak briefly in opposition to an amendment offered by Senator INHOFE. Before I do, I might note that I have served here for 35 years. Seeing the distinguished Presiding Officer, when I first came to the Senate, there were two Senators from Minnesota—Senator Hubert Humphrey, Senator Walter Mondale. Senator Humphrey had been Vice President of the United States; Senator Mondale was to become Vice President of the United States. I was helped immeasurably by the mentoring and the friendship of those two Senators.

The distinguished Presiding Officer and I had the opportunity to be present when the distinguished former Senator from Minnesota, Mr. Mondale, or Ambassador Mondale or Vice President Mondale—he had all those titles—was given one of the highest awards that the Japanese Government could give.

I mention this only because I still serve with the whole delegation from Minnesota, which is now presiding over the Senate.

The PRESIDING OFFICER. That would be correct.

Mr. LEAHY. Madam President, to go back to the subject at hand, I do wish to speak briefly in opposition to an amendment offered by Senator INHOFE. It is amendment No. 613. According to the unanimous consent agreement entered into by my dear friend, the senior Senator from Mississippi, we are going to vote on that amendment later today.

His amendment prohibits any United States funding to the United Nations if the United Nations imposes a tax on any United States person. It's like: My gosh, how did we ever overlook this situation? But this amendment is a textbook case of legislating when there is absolutely no rhyme or reason and shooting ourselves in the foot at the same time.

It is not a response to anything that has happened in the entire history of the United Nations. It is something that apparently the author of the amendment imagines maybe, some time, somehow, somewhere this could happen.

The United Nations has never levied a tax on anyone. It is not a taxing organization. This provision was originally put in many years ago when anti-United Nations sentiment was high. It was a feel-good, chest-thumping response to a totally imagined, non-existent problem.

I call it the Godzilla amendment. Let's pass a law that says if Godzilla

comes tromping down the National Mall, he is prohibited from coming within 100 yards of the Nation's Capitol Building.

The fact is, of course, there is no Godzilla and there never will be. The U.N. has no taxing authority. It does not impose taxes. There has never been a U.N. tax on Americans. There is no realistic possibility that there ever will be.

This would be like saying if the United Nations ever passes a law to rename the United States of America, we will cut off funding. It is not going to happen.

Every year each appropriations subcommittee receives requests from Senators for what they want included in the bill. Both the ranking Republican member and the Democratic chairman look at all these requests. No Senator requested the language proposed by the Senator from Oklahoma. The Bush administration never requested this language. Both I and Senator GREGG saw absolutely no reason to continue to include it. It has no practical effect.

The Senator from Oklahoma has had since last July, over half a year, to ask for its inclusion if he wanted. He never did. President Bush, Vice President Cheney, Secretary of State Rice—none of them saw any reason for it.

This sort of falls into the "we need to prohibit black helicopters from coming in the middle of the night from the United Nations." It is fantasy. But if we did adopt it, what an embarrassment for this country, the only country in the world to adopt such an amendment.

At a time when we are trying to reestablish the reputation and leadership of the United States, why would we put Congress on record threatening the United Nations not to do something that it is never going to do? We are not some two-bit country that wants to stand up and wave a flag and show how tough it is. We are not the mouse that roared. We are the United States of America. And doing something like this, the rest of the world is going to look at us and say: Why are you doing such silly things?

The Senator's amendment would cut off funding for U.N. peacekeeping, for the operations of the U.N. Security Council, for UNICEF, for all the things we are asking the United Nations to do in Iraq, Afghanistan, Darfur, the Middle East, and around the world. That is what the amendment says. It is an anachronism. It has no basis in fact.

Does anyone think that even if they wanted to the other members of the U.N. Security Council could do that over a United States veto? It's impossible.

We already pay our assessed dues to the United Nations. Is that a tax? We have to pay it. It comes out of the Federal budget, and the Federal budget is taxpayer money. Should we stop paying that?

Let's stop treating the United Nations as the enemy. Let's start showing maturity and leadership. The amendment was an unnecessary piece of legislation years ago when it was first offered by Senator Jesse Helms, and it is no less so today.

No President, even if the U.N. had the ability to, which it does not—even if it tried, whoever was President would simply instruct our Representative to the United Nations: Veto it.

It is a solution looking for a problem. I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 635

Mr. DORGAN. Madam President, I rise briefly to oppose the amendment offered by my colleague, Senator THUNE from South Dakota. I supported and worked with Senator THUNE and Senator KYL on Indian law enforcement issues and health care issues with respect to a very sizable authorization bill that was passed last year. It was actually an amendment to another bill. It was enacted into law. We now have an authorization for an Emergency Fund for Indian Safety and Health that is very important, and it needs to get funded.

I had not been aware of this amendment proposed by Senator THUNE. I don't know with whom Senator THUNE talked about it. He did not visit with me.

In any event, his amendment would provide funding for a range of Indian issues, which I think are very important issues, with an across-the-board reduction in other areas. His original amendment was drafted in a way that would have cut \$90 million out of current Indian programs to pay for this Emergency Fund. He has since modified that amendment so that it is now an across-the-board cut on a much broader array of programs.

He makes the point that it is not a significant cut. I do not disagree with that. It is, however, a cut in Indian health care programs, a cut in Indian housing programs, a cut in programs that are so desperately in need of funding. I would be anxious to work with my colleague. I think those of us who have worked so hard together, including Senator THUNE and others, need to collaborate on these issues and determine how we can come up with some additional funding for the authorization we worked together to complete last Congress.

As I indicated, I was surprised by this amendment, as I am sure the Senator from California, Mrs. FEINSTEIN, was as well. We have so many problems. For example, contract health care on Indian reservations. You know the word on reservations: Don't get sick after June because they are out of contract health care funds and you are not going to get admitted to a hospital.

We have people with bone-on-bone health conditions, and bad knees so

painful they cannot walk. But, it is not considered life or limb, which means they will not get funding for it.

In the past, I held up on the floor of the Senate a photograph of a woman who showed up lying on a gurney at a hospital having a heart attack with an 8-by-10 piece of paper Scotch taped to her leg that said to the hospital: If you admit this person, understand you may not be paid for it because we are out of contract health care funds.

We are so desperately short of funds in these areas, I don't think we ought to be cutting an account like that, even for something of great merit such as adding law enforcement funding to this Emergency Fund.

I support law enforcement funding initiatives. We need to find funding for them. We have reservations where the level of violence is 5 times, 10 times, 12 times the rate of violent crimes in the rest of the country. I have held hearings on it in Washington and on an Indian reservation. I fully believe we need to fund these initiatives. But should we do that by taking funding out of contract health care funds? I don't think so. Contract health care where people cannot show up at the hospital door after June, when they have run out of funds, in very serious trouble with something taped to their leg that says: By the way, you ought not admit this person because you are not going to get paid.

Full scale health care rationing is going on. Forty percent of the health care needs of American Indians are not getting met. Little kids are dying and elders are dying. We are desperately short of money in these accounts. To cut any of these health care accounts in any amount, in my judgment, is wrong.

I am sorry I am not able to support that amendment. It is the wrong amendment. I am anxious to work with my colleague from South Dakota. My colleague has a record of working with us on the Indian Affairs Committee, and he has a record of working on Indian reservations on important issues. I am anxious to work with him and my other colleagues, including Senator BARRASSO from Wyoming, who take a big interest in this issue.

I hope as we move forward that we will be able to provide the funding for the crisis that exists in health care, housing, and education on Indian reservations in this country. At the same time, we need to provide the funding for adequate law enforcement, which we have signed treaties to do and which we have a trust responsibility to do, but which we have systematically over a long period of time failed to do.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 634

Mr. KERRY. Madam President, I wish to talk about the amendment of

the Senator from Arizona, Senator KYL, amendment No. 634, which is a well-intentioned amendment fundamentally but I think a misdirected amendment. The purpose of the amendment is to prohibit the expenditure of amounts of money made available under this act in a contract with any company that has a business presence in Iran's energy sector.

Effectively, what Senator KYL is seeking to do on this appropriations bill—on the fly, without hearings within the appropriate committees of jurisdiction, and without any appropriate input by the administration—a new administration, 1 month into office, and an administration that already has announced it has a new policy with respect to Iran—is to walk in here and apply a unilateral sanction by the United States.

Now, all of us share a very deep and real concern about the course Iran is on. We have just concluded 3 days of hearings in the Foreign Relations Committee on this very subject in order to get a better understanding of exactly what is happening in Iran, exactly what the possibilities may be, how we might avoid making the mistakes that were made in the last administration by rushing to judgment, and how we can proceed in a deliberative, thoughtful way. To simply attach to this appropriations bill this amendment in this way would be to contradict every single one of those legitimate interests of trying to approach a policy with regard to Iran in a thoughtful way.

First, let us make it very clear. We all know the effect of adopting this amendment, because of the procedural situation we are in, is very simple. It keeps us from enacting this bill before the current continuing resolution expires. And given what we have heard from the House of Representatives, that means a vote for this amendment is effectively a vote against the Omnibus appropriations bill and it is a vote for a year-long continuing resolution at last year's funding levels. Given the state of our economy, given all of the initiatives contained in bills we should have passed last year and that we are only now getting to, it would be irresponsible in the context of the current economic situation of this country to deny some of these funds to flow and to put people back to work and to help create the future jobs for this country that we need.

On another level—and this is important—this amendment, if it passed, would actually have a very negative impact on the very office the Treasury Department—the Office of Terrorism and Financial Intelligence—would require to enforce the amendment. Why is that? Because in this omnibus bill that we want to pass is over \$5 million, or about 10 percent over last year's budget, to help them be able to do the very job this amendment seeks to have

them do. So the result of passing the amendment would be to take away the needed resources from the very people at the Treasury Department who right now are trying to track down and root out the Iranian banking and financial transactions that contribute directly to Iran's nuclear missile programs.

I think for the first reason alone you should not vote for this amendment, but the second reason not to vote for it is that it doesn't make sense to take money away from the people who are already doing the job we want them to do. That doesn't make sense. But more broadly—and I hope colleagues will think about this—this is not the time for this kind of an amendment.

We had a secret briefing yesterday afternoon with all of the DNI and CIA and other folks who are doing a lot of hard work with respect to Iran, and we spent a number of hours analyzing this. We are trying to come up with a multilateral approach that reaches out to the Europeans, to the Russians, to the Chinese and others, and we are trying to put together an Iran policy that makes sense. Developing a more effective Iran strategy is one of President Obama's top priorities, and getting it right is challenging. That is why the administration is undertaking the comprehensive review of its policy options even as it works to get its team in place. It doesn't make sense to come careening in here in the course of an afternoon, without hearings, without melding it into that larger strategy, to think about putting in place something that not only works against your interests but actually may wind up making it more difficult for our allies to be able to work with us, and without understanding how it fits into a broader strategy.

The President is right to open the door to direct engagement with Iran. And a lot of us are hoping—all of us hope, I think—that a more productive relationship is going to emerge, whereby we can explore areas of mutual interest. Believe it or not—a lot of people don't realize it at first blush—when you begin to look at the region and understand the dynamics of what is happening in Afghanistan and Pakistan and even Iraq, the fact is that Iran has the potential to be a constructive partner with respect to a number of different mutual interests. They do not like the Taliban, they have an interest in not having drugs come from Afghanistan across the border, they have other interests with respect to the stability of Afghanistan and other parts of that world.

The fact is they helped us—a lot of people don't realize this—recently, in 2001 and 2002, when the Senate made almost a unanimous decision that we needed to respond to the 9/11 attacks by dealing with Afghanistan and a safe haven. Iran was enormously helpful to us in that effort. And in fact much of

what we were able to accomplish with the northern alliance, with the placement of our personnel on the ground, and other things through other components of that relationship wound up being very constructive in helping us to achieve what we did. So there are possibilities of a different relationship.

Nobody is believing that mere talking is going to produce them, but you don't know until you talk what the possibilities are. And you certainly, if you ultimately are going to wind up going down a much tougher road, want to build your bona fides with other countries to show that you have made every effort to be able to find out whether there are alternatives. So I have long advocated that we take a different approach with respect to Iran, and I think this kind of measure gets flat bang immediately plunked down right in the way of being able to take those kinds of additional new initiatives.

The challenge for the Obama administration now is going to be to choose a series of red lines with respect to Iran's potential nuclear program. And to do that, everybody has learned we need to build coalitions with the Europeans, the Russians, the Chinese, and nations within the Middle East in order to be able to pull the full weight of the international community against Iran, should they defy common sense and the requirements of the nonproliferation treaty and the United Nations and the IAEA. So I think for diplomacy to proceed, we don't want to engage in unthought out, ad hoc efforts such as this particular amendment, which can get in the way of our ability to put together a strong multilateral coalition.

Here is another reality. This amendment would wind up actually making it more difficult to achieve that coalition, because it would indirectly sanction companies in some of the very countries we hope to enlist. That is going to be made more difficult if this amendment were to pass. So again, it is unwise to target unilateral sanctions at allies and other influential countries we need in order to help appropriately build a coalition to deal with Iran.

I mentioned earlier that the Foreign Relations Committee has been doing 3 days of hearings on this very topic. Today, we heard from two of the most distinguished and thoughtful individuals in America with respect to national security issues. They have both served as national security advisers to Presidents of the United States—Democratic and Republican. I am talking about Dr. Zbigniew Brzezinski and GEN Brent Scowcroft. Both of them made perfectly clear that this kind of approach—the kind of approach in this amendment—is counterproductive to our overall strategy of bringing tough pressure to bear on Iran in order to change its direction.

So I say to my colleagues, going it alone on Iran may make you feel good,

but it ain't smart, it is not playing to our strengths, and it is not permitting the current President of the United States, as Commander in Chief and as the initiator of our foreign policy, to be able to take the initiatives he wants. What is more, it is not even clear how the Treasury Department's Office of Foreign Asset Control would even be able to implement this amendment, and we haven't had any hearings to determine how they would implement this amendment.

This amendment would bar any funds provided by the bill for any new Federal contract with any company that has a "business practice" in Iran's energy sector. Well, nobody here even knows fully what the definition of a business practice is. Does that mean CIA? What does that mean in terms of anybody's understanding of what in fact is going to be banned? Moreover, the Office of Foreign Asset Control doesn't even catalogue those kinds of companies right now. So all of a sudden you pass the money and you are going to ask them to start tracking, no matter how small that company. It is going to distract them, frankly, from the serious work they are doing now to root out and shut down Iran's nuclear missile-related procurement transactions around the world. That is more important than diverting to this sub-effort.

The bottom line is our challenges with Iran are plain too serious to be making foreign policy on the fly in an amendment to an appropriations bill without hearing and without even adequately understanding fully the terms within it. The committees of jurisdiction have not debated this approach. They haven't had any votes on this approach. There may well be a time and place for this kind of a provision. Maybe this provision will fit into a series of escalating sanctions which we have already been talking about within the Foreign Relations Committee. But we ought to do that not in this ad hoc way but in a thoughtful and disciplined way, and I think we will have a much stronger policy if we do that.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, what brings me to the floor is the Kyl amendment that is presently before us. I have listened to some of my colleagues say how this is the wrong

amendment at the wrong time. I would simply say that, in fact, this is. I happen to agree. I happen to agree that it is at the wrong time.

I might very well agree with Senator KYL on the underpinnings of the amendment. I think we need to do what we must in order to ensure that Iran does not achieve the possibility of a nuclear weapon, and whatever we need to do in pursuing a two-track parallel as we engage them, at the same time have them understand that if engagement is not going to achieve them stopping obtaining a nuclear weapon, that there are consequences. But this is the wrong way to do foreign policy—in an omnibus bill—just as it is the wrong way to do foreign policy on the Cuba provisions in this bill.

I am compelled to come to the floor because I will oppose the Kyl amendment particularly because I think it is wrong to include it in an omnibus bill without going through the process—the Senate Foreign Relations Committee and others—to consider in fact whether this is the best policy, to have an open and free debate about it, to be able to vote on it either way after such rigorous debate. But we are being asked to vote for an omnibus bill that has provisions that change a significant foreign policy as it relates to the United States and Cuba. So there is a duality.

Finally, I have been reading a lot from our friends in the blogosphere and others, who talk about this issue on Cuba, and the press. What is incredible to me is that they still cannot cite one human rights activist in Cuba, one democracy activist in Cuba, they do not have the name of one prisoner of conscience inside of Cuba. They lose track. They talk about policy, but if it were any other part of the world—if we were talking about Burma, if we were talking about what happens in the Sudan—if we were talking about any other part of the world, we would see the same attention being given to the human rights activists, the democracy activists, the political prisoners inside of Cuba who languish each and every day, and their crime is simply to try to create a civil society with the benefits of the freedoms we enjoy here in the United States—to be able to come to a body like this and be able to debate; to be able to choose our elected representatives; to worship at the altar at which we choose to worship; to be able to enjoy the benefits of the sweat of our labor, whether by brawn or by brain. But there is silence.

I am a little tired that we keep reading about those who will spend hours listening to Castro's soliloquies but not spend 1 minute with human rights activists, with political dissidents, with independent journalists. There was a time when we used to help human rights activists and democracy activists in the world; when we put an inter-

national spotlight on people such as Lech Walesa in Poland; when we did it with Vaclav Havel in the Czech Republic; when we did it with Aleksandr Solzhenitsyn in the former Soviet Union. By creating that spotlight on those individuals, we gave them the opportunity not to be harassed on a daily basis, as Cuba's democracy activists are, in jail and in prison and sentenced, sometimes for a quarter of a century for some minor act that, in fact, we would enjoy here as one of our fundamental freedoms, such as wearing a simple white bracelet that says "cambio"—change. Change in the last election in the United States would get you elected President.

Say "change" in Cuba, it sends you to jail. Yet there is silence. There is silence. It is deafening. It is deafening. So I will vote against the Kyl amendment because I think it is the wrong process in an omnibus bill. But, by the same token, you cannot have it one way and say it is wrong to have major foreign policy changes in an omnibus bill and then be silent about the other.

It is wrong to say our policies should be changed but not have one word about democracy, human rights, political prisoners. It is amazing to me that people do not know who Oscar Elias Biscetis is, an Afro-Cuban doctor who ultimately was sent to jail for 25 years simply because he refused to perform the abortions the regime called upon him to do. He protested it and he was sent to jail for 25 years; or Marta Beatrice Roque, who, in fact, languishes with health issues, and every time she goes out, most recently to visit a U.S. diplomat, gets beaten along the way; or Antunes, who is on a hunger strike trying to create limited openings in a civil society and protesting the beating and incarceration of another human rights activist.

I hope people will get to know their names, such as they did Vaclav Havel and Lech Walesa and Aleksandr Solzhenitsyn and others in the world whose voices we hear from our colleagues who come here and talk about them. I am proud of them for doing that. They need to start speaking out about the voices of those who languish in Castro's jails and stop losing the romanticism of the regime and start talking about those human rights activists, democracy activists, those who are suffering simply to create an opening in civil society within their country. Then there will be some balance. Then there would be some equity. Then we would have an opportunity to move on broader in the context of policy.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 599

Mrs. BOXER. Mr. President, we have a series of votes. I believe the first one will be the Murkowski amendment. I rise to speak against it. I think if you vote for the Murkowski amendment, what you are endorsing is a process that is something that should not be encouraged, which is a President in the waning hours doing a midnight regulation to overturn a law.

Let me repeat that. What Senator MURKOWSKI is doing is she is removing language in this bill that reversed two midnight regulations the Bush administration put into place, without proper hearing, without going through the comment period the way they should, ignoring the public, ignoring the science, and, in essence, doing a backdoor repeal of the Endangered Species Act.

Now, that is not right. It happens to be that one of these dealt with the polar bear, which, as you probably know, was listed as a threatened species by the Bush administration. But then people looked at the Endangered Species Act and said: My goodness, we do not know what can happen if we now declare that the polar bear is not only threatened but endangered. We better take away the protection of the Endangered Species Act from the polar bear.

Whether you care about the survival of the polar bear, as do I, or whether you do not, it seems to me what the Murkowski amendment does is to say that we approve of the President of any party, acting in a capricious way, overturning a law that was passed by Republicans and Democrats.

She not only deals with the polar bear, but she also deals with another very important rule that says, before there is a major development, Federal agencies have to check with the Fish and Wildlife Service to make sure we are not destroying God's creation.

I do not understand the thinking behind it. We have laws in place to protect endangered species. If we do not like the Endangered Species Act, if we have decided we do not care about polar bears or we do not care about bald eagles or we do not care about any of this, we want to do away with it, let LISA MURKOWSKI and any of my colleagues come and move to overturn and overrule and abolish the Endangered Species Act.

But let's not send a signal tonight that Presidents of either party can, at the waning hours of their Presidency—and I do not care if it is a Democrat or Republican—can willy-nilly, with the stroke of a pen, decide to do away with the protections of an act that was a landmark environmental law.

If you do not like the law, come here, tell me why, let's talk. Maybe we can fix parts of it, maybe we cannot. Maybe we can rework parts of it, maybe we

cannot. But let's not allow Presidents to simply do away with these laws when they may prove to be inconvenient.

I hope we will vote against the Murkowski amendment, whether we want to protect the polar bear or we do not, whether we care about the bald eagle or we do not. That is up to us to decide. But let's not say tonight in this vote that we approve of an Executive doing away with the protections of Federal law with the stroke of a pen without a hearing, without the comments, without the scientists, without working with Members of Congress on both sides of the aisle.

I hope we will have a strong vote against the Murkowski amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I am sorry to take back the time so quickly, but I want to place in the RECORD a number of editorials from around the country that have come out against the Murkowski amendment. One is from the Miami Herald entitled "Who needs those pesky scientists?" Another is entitled "Endangered Process, Proposed rule changes to the Endangered Species Act could do lasting harm in the natural world." "Unnecessary ESA Rewrite," that is from the Bangor Daily News. "Gutting the law" is from St. Louis Today. "Endangered law: Bush rule change ignores science—again." That is from the Salt Lake Tribune. Here is one from the Seattle Post-Intelligencer: "Endangered species: A 9-second rewrite." "A complete sham, Public comments given curt review in rush to dilute the Endangered Species Act." That is from the Las Vegas Sun. "Shredder is overheating in Bush's final months." That is from the Virginian Pilot. These editorials were written when George Bush issued the executive orders.

Senator MURKOWSKI's amendment would say: Fine, let it stand. The underlying bill reverses these midnight regulations and goes back to the status quo ante and back to the regular order.

I ask unanimous consent the editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Aug. 13, 2008]

WHO NEEDS THOSE PESKY SCIENTISTS?

The Bush administration continued its assault on the Endangered Species Act this week with a last-minute proposal that would speed up approval of construction projects that could cause harm to endangered plants

and animals. Maybe it comes out of desperation, but whatever the motivation for the change, the administration misses the mark and should reconsider. If it doesn't and the change is approved, whoever is in the White House next year should immediately rescind the new rule.

COMPLETE PROJECTS FIRST

Interior Secretary Dirk Kempthorne said the change is necessary to keep the Act from being used as a "back door" means of regulating greenhouse gases that are believed to cause global warming. The change would allow federal agencies that are responsible for building highways, bridges, dams and other projects to decide if their projects create a risk to endangered species. This would drastically limit the requirement for mandatory, independent reviews by the Fish and Wildlife Service and other agencies that employ scientists and experts to conduct the studies. It would be like letting the proverbial fox guard the henhouse. Those agencies' first priority is to get projects completed, not protect at-risk species.

If the problem truly were about the time involved in the review process, the solution would be to streamline the process—not change the reviewer. But the administration has used this gambit before. In 2003, it adopted rules to let agencies approve new pesticides without hearing from government scientists about the impact on endangered species. The rule was overturned in court.

The administration's antipathy to the idea that human activities contribute to global warming has been well documented. In announcing the proposed change, Secretary Kempthorne said, "It is not possible to draw a link between greenhouse gas emissions and distant observations of the impacts on species."

PUBLIC'S INPUT

If approved, the administration would accomplish with a change in the rules what it has not been able to achieve in Congress. The House passed a bill in 2005 that would have made similar changes to the Endangered Species Act, but the measure failed in the Senate. The proposed change is subject to a 30-day public comment period after which it can be finalized by the Interior Department.

Thus, it is possible that the change could take effect before the next president is sworn into office, and could be in place for months before a decision on rescinding is made. The Bush administration showed its animus toward scientific data by rejecting stem-cell research that could help people with chronic diseases. Now it eschews research that protects the bald eagle, grizzly bear and Florida panther.

[From the Washington Post, Aug. 19, 2008]

ENDANGERED PROCESS

In May, the Bush administration reluctantly listed the polar bear as "threatened" under the Endangered Species Act. The facts left it with little choice: the bear's Arctic Sea ice habitat is melting because of global warming. But the administration wasn't happy, because the Endangered Species Act was never intended to be an instrument for coping with climate change. Our sympathy was limited, since President Bush spent his entire time in office resisting the adoption of laws that would have been better suited to combating greenhouse gas emissions. But we agreed that the Endangered Species Act was the wrong tool for the problem.

Now, however, in what is ostensibly an attempt to deal with this polar bear mismatch, Interior Secretary Dirk Kempthorne has pro-

posed a rules change that would undermine the law's fundamental work. Mr. Kempthorne suggests far-reaching changes to the consultation process between the Fish and Wildlife Service or the National Marine Fisheries Service and other agencies. The changes would render the process meaningless and put all protected species at risk. Currently, an agency building a highway has to consult with the Fish and Wildlife Service to determine whether the project is "likely to adversely affect" a listed species. If a determination is made that such harm is likely, the service conducts a more rigorous review of the project and issues a detailed opinion on its effects. It is in this give-and-take between the various agencies and services that modifications are made that allow projects to go forward while minimizing the harm to animals and to trees and other plants.

Under Mr. Kempthorne's plan, agencies would be able to decide for themselves whether a project is likely to harm a species, and not just polar bears. If an agency decided to consult on the possible impact, the Fish and Wildlife Service would have 60 days (with the possibility of a 60-day extension) to issue an opinion. If it didn't meet that deadline, the other agency could end the consultation and proceed. The Fish and Wildlife Service already can't meet the deadlines established in the Endangered Species Act and is practically being run by judges and lawyers because of litigation stemming from blown deadlines. So we don't hold out much hope that Mr. Kempthorne's new deadlines would be met, either. The impact could be devastating.

The department contends that other government agencies have had years of experience with the law and know as much as the Fish and Wildlife Service and the National Marine Fisheries Service about how to protect listed species. This is doubtful. The services are there for a reason—to safeguard threatened and endangered species and to act as a check against the ambitions of agencies that want to complete projects. The rigor that the current consultation process fosters would be lost.

A 30-day comment period on the new rules has begun. So, here's our comment: Reissue the proposed regulations with a specific, targeted policy on how greenhouse gas emissions should be taken into account on federal projects under the Endangered Species Act. Gutting the consultation process, with all the unintended consequences of such an action, could be avoided.

[From the Bangor Daily News, Aug. 21, 2008]

UNNECESSARY ESA REWRITE

The Endangered Species Act has rightly been criticized for being slow and cumbersome. Eliminating a key provision of the act—which requires agencies that promote development, such as the Department of Transportation and the Bureau of Reclamation, to consult with agencies charged with protecting wildlife is not the solution.

The Bush administration, through the Departments of Commerce and Interior, proposed such a change last week under the guises of "narrow" updates to the act. Far from narrow, this is a fundamental shift of responsibility. "The fox guarding the henhouse," was the favorite clichéd description from environmental groups. Cliche or not, they are right.

The Office of Surface Mining has more interest in allowing ore to be mined than in protecting animals. The Army Corps of Engineers is more concerned with seeing dredging

projects completed than ensuring fish habitat isn't destroyed. That's why consultation with the U.S. Fish and Wildlife Service, for projects on land, and the National Marine Fisheries Service, for marine projects, has long been required for work on federal land, paid for with federal funds or requiring federal permits.

Proposed new rules, published last Monday, would eliminate all formal consultation, instead allowing the federal agencies to decide whether proposed projects pose a threat to species protected by the ESA. Informal consultations would still be allowed if the federal agencies overseeing the projects wanted advice or review by the wildlife or fisheries service.

A major shortcoming of this proposal is that it aims to correct a problem that is more perception than reality.

Between 1987 and 1996, the U.S. Fish and Wildlife Service reviewed approximately 186,000 projects for possible impact on listed species. In only 5046 cases—less than 3 percent—were the projects deemed to adversely affect those species, requiring formal consultation. Of these, 607 concluded that a listed species would be jeopardized, but most could go forward if modified. During this time, only 100—0.0005 percent of the total reviewed by the service—were blocked due to endangered species concerns.

In Maine, between 1990 and 2005, the service reviewed more than 1,100 projects. In only eight was a formal consultation warranted. In each of these cases, the service found that the work could be done without harming the species in question, most often bald eagles, and the projects were allowed to proceed.

In another major overreach, the proposed rules eliminate climate change as a consideration when reviewing projects and their potential to harm threatened and endangered species. This follows last year's Supreme Court ruling that the Environmental Protection Agency had the authority to regulate the emission of carbon dioxide and other greenhouse gases from cars. The agency had argued that carbon dioxide was not a pollutant so the federal government could not regulate it.

Just as the EPA has refused to follow the court's ruling, now the wildlife and fisheries services are saying greenhouse gas emissions are beyond their reach. The proposed rule basically says that because the consequences of global warming are difficult to quantify and pinpoint, they shouldn't be considered at all. By this rationale, no agency in the U.S. is responsible for reducing America's contribution to a growing global problem.

These changes will likely go into effect unless Congress stops them, or a court does later. Congress must step in now.

[From St. Louis Today, Aug. 19, 2008]

GUTTING THE LAW

Let's face it, the Endangered Species Act can create quite a burden. If your goal is to build dams or open federal land to mining, logging and oil drilling, all those threatened animals and plants just get in the way.

Congress gets in the way, too, stubbornly insisting that the Endangered Species Act be obeyed. In part, that means that independent experts have to review any project proposed for federal lands for its impact on endangered species.

So now comes the Bush administration with a parting gift to its many friends in the timber, development and extraction industries: An end-run around Congress.

In what Interior Secretary Dirk Kempthorne described last week as a "narrow reg-

ulatory change," the administration has proposed changing that picky requirement that independent botanists and biologists get involved in reviewing new projects.

Instead, the projects will be reviewed by the very people proposing them: Federal agencies like the U.S. Army Corps of Engineers or the Office of Surface Mining, whose expertise lies elsewhere.

In May, White House Chief of Staff Joshua Bolten wrote a memo to federal agencies outlining what he called a "principled approach to regulation as we sprint to the finish" of Mr. Bush's final term. Except under "extraordinary circumstances," any new regulations had to be proposed—issued in draft form by publication in the Federal Register—by June 1.

Apparently, new rules gutting an important protection in the Endangered Species Act qualify as an "extraordinary circumstance." But Mr. Kempthorne said the new rules he proposed last week are very limited in scope.

His new rules will "provide clarity and certainty" to the Endangered Species Act. In fact, the law's purpose and process already are clear. The administration's changes would weaken it significantly.

This is hardly the first time the administration, having failed to convince Congress to change environmental laws it dislikes, has tried to recast the law by issuing new regulations.

It took that route in 2005 to weaken parts of the Clean Air Act. With a chilling Orwellian flourish, the administration dubbed its new plan the "Clear Skies Initiative." In 2006, federal courts struck down a similar effort that would have given the Environmental Protection Agency authority to approve pesticides without input from Fish and Wildlife Service scientists.

The Endangered Species Act has helped rescue the bald eagle, other animals and plants from the brink of extinction over the past three decades. This latest assault is certain to face the same legal challenges that derailed the pesticide regulations. It should suffer the same fate, too.

Regulations written in haste by an administration headed for the exits—no matter which administration makes them—make lovely parting gifts for special interests. But they make for terrible government.

[From the Salt Lake Tribune, Aug. 12, 2008]

ENDANGERED LAW: BUSH RULE CHANGE IGNORES SCIENCE—AGAIN

It should come as no surprise.

The Bush administration has single-mindedly worked for years to undo this country's landmark environmental conservation measures. So a rule change to emasculate the 35-year-old Endangered Species Act probably was to be expected. After all, efforts by conservative members of Congress have been thwarted for years by thoughtful senators and representatives with more concern for the environment than for developers, private contractors and the oil industry.

As his presidency grinds to a close, Bush and his appointees are working overtime on roadblocks to prevent the United States from taking any steps to reduce the use of fossil fuels that might shrink Big Oil's bottom line. The changes they're proposing would block regulation of the greenhouse-gas emissions that are endangering plant and animal species by eliminating science as a consideration.

Under the new rules, for example, the Bureau of Reclamation could decide for itself

whether a new dam posed a threat to fish, and the Transportation Department alone could determine whether a major highway threatened wildlife habitat. No longer would those agencies have to consult with scientists at the Fish and Wildlife Service or the National Marine Fisheries Service who have expertise in this complex area of biology.

Bush has never let science get in the way of cronyism. On the critical issues of global warming, in particular, Bush's cohorts have soft-pedaled, ignored or simply edited out scientists' conclusions.

When the polar bear became the first species threatened by the effects of human-caused climate change, Interior Secretary Dirk Kempthorne took the unprecedented step of declaring the bear threatened, but also forbidding any requirements to reduce greenhouse-gas emissions, the primary cause of climate change, in order to protect the animal.

Besides eliminating all basic scientific recommendations, the rule change would extend the polar bear ruling to all species, barring federal agencies from even considering how CO₂ emissions and their contribution to global warming impact species and habitat.

These execrable rule changes threaten the ESA, but they don't have to make it extinct. If the changes are approved by the agencies before Bush leaves office, a new president and Congress should act immediately to reverse them.

[From the Seattle Post-Intelligencer]

ENDANGERED SPECIES: A 9-SECOND REWRITE

It's a time of maximum danger for the environment. The clock is winding down on the Bush administration, leaving little time to fulfill its long-cherished dreams of weakening endangered species protections.

Not known for worrying about manipulating the rules, facts or common sense, the administration appears ready to go to absurd lengths to rush through damaging changes. Consider how the Department of the Interior is hurrying to cement into federal policy the administration's highhanded disdain for scientific advice, with a proposed rule that would exclude greenhouse gases and the advice of federal biologists from decisions about whether dams, power plants and other federal projects could harm endangered species. According to an Associated Press report, agency officials will review—so to speak—the 200,000 comments on the policy at a pace of one every nine seconds.

Somewhat similarly, the National Marine Fisheries Service is working on a rule to expedite all environmental reviews of fisheries decisions. After scheduling only three public hearings around the country, the agency then cut short a July hearing in Seattle, the only West Coast opportunity to comment. U.S. Rep. Jim McDermott last month requested an extension of the comment period.

The National Resources Defense Council questions whether Interior's policy will even meet legal requirements. It's particularly disappointing to see blatant politicization in Interior, where we have admired Secretary Dirk Kempthorne and thought of him as someone who could serve well in a McCain administration.

Kempthorne's aim apparently is to finish work early enough so the devastation of environmental protections can't be undone by the next administration without a years long formal review. There is an alternative that doesn't require waiting for a new administration. If Congress returns to work for an economic fix, it also should put an immediate stop to this nonsense.

[From the Las Vegas Sun, Oct. 23, 2008]

A COMPLETE SHAM

The Bush administration is making a mockery of a long-standing practice in the federal government—to set aside substantial time for reviewing public comments about major rule changes.

Since midsummer the Interior Department has been rushing to implement a high priority of President Bush's regarding the Endangered Species Act. The White House is seeking rule changes that would significantly dilute the act's effectiveness.

The administration tried to get the rule changes through Congress in 2005, but failed. Now it wants to make the changes administratively, which it claims it has the power to do once public comments have been received and reviewed.

A 60-day comment period expired last week. Online responses and letters numbered at least 200,000 (not counting 100,000 form letters).

Normally, it would take months to review that many comments. But the Associated Press reported that a team of 15 was ordered to have the reviews completed this week. They were given 32 hours, from Tuesday through Friday.

An analysis by the House Natural Resources Committee, led by Rep. Nick Rahall, D-W.Va., concluded that each member of the team would have to review seven comments each minute. Many of the comments are long and technical, including one submitted by a University of California law professor that numbers 70 pages.

The rule changes would give federal agencies the power to decide for themselves whether any project they were planning to build, fund or authorize, including highways, dams and mines, would harm endangered species. Since the Endangered Species Act was passed in 1973, such projects have undergone independent review by government scientists.

The new rules would also prohibit federal agencies from assessing whether emissions from a project would intensify global warming, thus harming endangered species or their habitats.

Obviously, the administration is so hell-bent on getting these developer-friendly changes made that it is turning the comment review process into a total sham. If the rules indeed get changed, the next president should immediately work to reverse them—this time after giving appropriate thought to public comments.

[From the Virginian-Pilot, Aug. 18, 2008]

SHREDDER IS OVERHEATING IN BUSH'S FINAL MONTHS

Generally speaking, it is a very bad idea to enlist hungry foxes to guard the chickens, since they rarely have the birds' best interests at heart. In the waning days of this White House, doing so is called "streamlining," presumably because it gets food into the foxes faster.

The administration is hard at work in its last months gutting decades of environmental and wildlife regulation. That the moves defy both the legislative and judicial branches of the government is just a bonus.

According to the draft regulations, obtained by the Associated Press, the White House intends to allow federal agencies to skip an independent review designed to determine whether a project threatens animals or wildlife. Instead, the agencies would do the assessments themselves.

The whole reason that agencies were required to submit to such tests was because

they weren't able to see beyond their own narrow interests—in building a dam, in locating a military base, in expanding a highway—to the larger public interest in protecting species.

The regulations, which don't require congressional approval, would amount to the biggest changes in endangered species law in decades.

The new rules would also forbid the federal government from considering the greenhouse gas emissions of a project in determining the effects on threatened species. That's nothing more than a backdoor attempt to circumvent the administration's own conclusion that global warming is killing polar bears.

The Endangered Species Act isn't the only environmental regulation the administration seems determined to leave in tatters.

According to Pilot writer Catherine Kozak, the National Marine Fisheries Service has proposed replacing environmental impact analyses and shortening public comment periods when developing or changing rules for fisheries management. The goal is to shut citizens out, or at least to mute their voices.

"They're throwing out 40 years of case law," said Sera Harold Drevenak, South Atlantic representative with the Marine Fish Conservation Network. "I don't see how it's making anything any simpler. To start over from scratch is ridiculous."

Or sublime, depending on your perspective.

Nobody advocates unnecessary regulation that masks a political agenda. But the administration seems bent on doing away with environmental regulation simply because it doesn't like the result, or the interpretation by regulators, Congress or the courts.

For eight years now, there have been plenty of hints that the Bush administration had no qualms about entrusting foxes with keys to the White House, as when the vice president encouraged oil companies to craft the nation's energy policy, or when politicians were encouraged to use the Justice Department to settle scores.

The effect of the White House push on the environment is likely to be measured largely by the time opponents will waste fighting them.

The resulting uncertainty will also paralyze precisely the projects the revisions were designed to speed, because whoever is elected next to guard the nation's henhouse will almost certainly change the rules yet again.

Mr. LEVIN. Mr. President, Congress has a right to override a regulation, and in fact Congress should use this authority more often. Exercising the right of legislative review of regulations is a key responsibility of Congress. Should Congress deem a regulation deficient, members should exercise their legislative authority to change or override that rule. The Omnibus appropriations bill for fiscal year 2009 includes a provision in section 429 effectively doing that by giving the Secretary of the Interior the authority to withdraw or reissue two rules of the Bush administration related to the Endangered Species Act.

One rule, relating to Interagency Cooperation under the Endangered Species Act, weakens the requirement that Federal agencies consult with either the Fish and Wildlife Service or the National Marine Fisheries Service, the agencies that have expertise in matters

related to endangered and threatened species. Giving Federal agencies the permission to bypass the consultation with these expert agencies harms the purpose of the Endangered Species Act.

The other rule includes a special provision that would prohibit the use of the Endangered Species Act from activities that occur outside of the current range of the species. I agree that it is better that greenhouse gas emissions should be controlled through a national economy-wide scheme rather than through the Endangered Species Act. However, the language isn't mandatory and I also understand that even if the Secretary of the Interior rescinds this rule, an interim final rule protecting the polar bear would still be in effect and would also include the reasonable limitations provided in section 4(d) of this rule.

Finally, we are in a unique procedural situation where the passage of any amendment will push us to a year-long continuing resolution instead of appropriations. That outcome needs to be avoided.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I understood that under the order previously entered today, the Senate was to begin voting at 5:30 on amendments to the pending legislation.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the Murkowski amendment No. 599.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 52, as follows:

(Rollcall Vote No. 82 Leg.)

YEAS—42

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Begich	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Collins	Kyl	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Wicker

NAYS—52

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The amendment (No. 599) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 613

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 613, offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, since 1996, we have had a provision in law that was put in and passed with a very strong majority and signed into law by President Clinton. It is a provision that states the United Nations is attempting to have a global funding, so we would not have anything to do with what they do with this funding. If they consider this, it would allow them to do something contrary to the—

The PRESIDING OFFICER. The Senator will suspend.

The Senate is not in order. Senators please take their conversations out of the Senate.

Mr. INHOFE. Mr. President, it might be easier to read the two sentences in the law that were there before:

None of the funds appropriated or otherwise made available under any title of this Act may be made available to make any assessed contribution or voluntary payment of the United States to the United Nations if the United Nations implements or imposes any taxation on any United States persons.

It has been there since 1996. It had broad support. Nobody knows why it

was taken out, but in this law that language was taken out that has been there for 13 years. So I encourage us to support this amendment to put that language back.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, this is an unnecessary amendment. The Senator from Oklahoma asked an obvious question: Why is this language not in there? Nobody wanted it. No Republican asked for it. No Democrat asked for it. The Bush administration didn't ask for it. We constantly remove outdated, unnecessary language from these bills to clean them up.

The United Nations has no power to tax the United States or any person in the United States. It would be like saying we want to pass a law that says that if the U.N. were to launch several divisions of soldiers against us, we will cut off their funding. They can't do that any more than they can impose a tax against us. They are not a taxing organization.

So we deleted provisions like this that serve no purpose, and which no senator requested. It has no practical effect. The Bush administration didn't want it. No Republican asked for it. No Democrat asked for it. Let's focus on the real problems such as Darfur, the Middle East, and Afghanistan where we are asking United Nations peacekeepers and aid workers to risk their lives to support our goals.

I oppose this amendment.

Mr. INHOFE. Mr. President, I think I have 30 seconds left.

The PRESIDING OFFICER. There is no time remaining.

The question is on agreeing to the amendment.

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 51, as follows:

(Rollcall Vote No. 83 Leg.)

YEAS—43

Alexander	Bond	Chambliss
Barrasso	Brownback	Coburn
Bayh	Bunning	Cochran
Bennett	Burr	Collins

Corker	Hatch	Risch
Cornyn	Hutchison	Roberts
Crapo	Inhofe	Shelby
DeMint	Isakson	Snowe
Dorgan	Kyl	Specter
Ensign	Lugar	Thune
Enzi	Martinez	Vitter
Feingold	McCain	Voinovich
Graham	McConnell	Wicker
Grassley	Murkowski	
Gregg	Nelson (NE)	

NAYS—51

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burris	Kohl	Schumer
Byrd	Lautenberg	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NOT VOTING—5

Conrad	Kennedy	Sessions
Johanns	Landrieu	

The amendment (No. 613) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 635

The PRESIDING OFFICER. There is now 2 minutes of debate, equally divided, prior to a vote on the motion to waive the point of order relating to amendment No. 635, as modified, offered by Senator THUNE.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, lest there be any confusion, I filed this amendment on Monday and made it pending on Tuesday, and I spoke to it then. It is simple. Last July, the Senate, in the debate on the PEPFAR bill, voice voted an amendment to that bill that created a \$2 billion, 5-year authorization for an emergency fund for Indian health and safety. All my amendment does is fund it, \$400 million. It wasn't funded in the bill. I paid for it by taking a one-tenth of 1 percent across-the-board reduction in the entire bill to put the \$400 million into this fund, which is necessary to fund this important program for Indian health and safety. That means the increase in the bill won't be 8.3 percent, it will be 8.2 percent. Contrary to what was stated, it increases Indian health care by \$23 million. It was stated that it would reduce the health care account by a little over a million dollars. Congress authorized it last summer.

I hope my colleagues will vote to waive the budget.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I oppose the Thune amendment and ask this body to vote against it.

Last year's Interior appropriations bill provided \$5.6 billion for Native American programs. This year, the regular appropriations bill and the recently enacted Recovery Act will provide \$6.9 billion for Indian health. That is an increase of 23 percent over the 2008 level. The Thune amendment would increase the funding an additional 6 percent, or \$400 million, paid for by an across-the-board cut in every account in this omnibus bill. That would cause the Interior bill to exceed its allocation; consequently, a point of order would rest against the entire Interior bill and it would be dead.

I urge a "no" vote.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 26, nays 68, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—26

Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cornyn	Johnson	Wicker
Crapo	Kyl	

NAYS—68

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Gillibrand	Nelson (NE)
Bayh	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Hutchison	Rockefeller
Boxer	Inouye	Sanders
Brown	Kaufman	Schumer
Bunning	Kerry	Shaheen
Burr	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Cochran	Lincoln	Vitter
Collins	Lugar	Voinovich
Corker	Martinez	Warner
DeMint	McCaskey	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NOT VOTING—5

Conrad	Kennedy	Sessions
Johannes	Landrieu	

The PRESIDING OFFICER. On this vote, the yeas are 26, the nays are 68.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The amendment falls.

Mr. COCHRAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 634

The PRESIDING OFFICER. There will now be 10 minutes of debate equally divided prior to a vote in relation to amendment No. 634 offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona.

Mr. KYL. Mr. President, if my colleagues on the other side are willing, I am willing to cut this time in half.

My amendment is actually very simple. If my colleagues would give me a moment to explain, all this amendment says is that none of the money that is spent in this bill can go to companies that are helping Iran; that is to say, they are doing business with Iran in the export or import business.

In the campaign, the President noted that the kind of sanction we need to impose is on the companies, for example, that are providing refined gasoline to Iran. One of the first reports to the President by nonproliferation expert, David Albright, said:

At a first step, the Obama administration should ask all of Iran's gasoline suppliers to stop their sales to Iran, followed by an initiative to seek agreement among supplier nations not to provide Iran gasoline.

The President has all of the authorities he needs to engage in this. The one thing that Congress can do that we have not done yet is with the power of the purse; that is, to make sure none of the money in the omnibus bill would go to any of the companies that are doing business with Iran.

One quick example of why it is necessary: Senator LIEBERMAN and I sent a letter to the Eximbank. Eximbank gets money. That money can go to companies. Once they got the letter, those companies stopped sending refined gas to Iran. I don't know if that is because of our letter. That is the kind of stuff we need to stop with this amendment.

I hope my colleagues agree we do not need to send this money to companies that do business with Iran.

The PRESIDING OFFICER. Who yields time?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to express my strenuous objection to the amendment that is being offered by the Senator from Arizona. The amendment has a purpose, no doubt, but it is particularly and solely political.

Let there be no doubt, we have to stop companies from doing business with Iran. Iran's nuclear technology program grows stronger every day, and it represents a serious threat to our

country, to Israel, and to mankind. It is known that Iran also funds terrorist organizations, such as Hamas and Hezbollah. That is why we have to deal with this threat seriously whenever we can do so.

Over the last few years, I have offered three amendments to block American companies from helping Iran to develop its nuclear technology and promote terrorist actions. But when the chips were down, my Republican colleagues voted against three amendments.

My amendment would have closed the loophole in our laws that allows American-owned companies to use sham offshore subsidiaries to do business with Iran. Three times I brought amendments for a vote on the Senate floor to shut down this loophole. But each and every time, the Republican Members of the Senate voted against commonsense legislation. They voted to keep Iran open for business. They voted to allow American companies to help the regime in Tehran, as the Senator said, to produce oil, to produce revenues they sent to Iraq to help those guys kill our troops.

So I ask, why now are these Members so interested in stopping companies from doing business with Iran? We know why. Raw political showmanship. But we have to stop Iran's serious nuclear threat from continuing to try to wipe Israel off the map and to attack the United States and other democratic nations. Our national security is at stake, and we should have a serious debate on how to block Iran's nuclear program. That is why we have to object to Senator KYL's amendment.

There is another problem with his amendment. My legislation would have closed the "business with terrorists" loophole, and this amendment does not. I checked with the Congressional Research Service. CRS says this amendment will not have any effect on present sanctions. It will have little or no influence on the mad stream of threats and the ugly hatred that comes from Iran.

If the Senator wants us to work together to get a decent approach to get at this problem, I would be happy to work with him on it in the days ahead. But this amendment before us does nothing to stop their mad dash to build a nuclear threat to humankind. I hope we can work together to come up with a strong piece of legislation to end this practice once and for all.

The amendment simply is a gimmick to attack the omnibus bill, and I urge my colleagues to vote no on this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a little over a minute.

Mr. LAUTENBERG. I yield a minute to my friend from Connecticut, Senator DODD.

Mr. DODD. Mr. President, very briefly—and I say this because I happen to agree with, and I think most of our colleagues agree with, the intent of the Senator from Arizona—this has been a matter before the Banking Committee. In fact, in the last session of Congress, by a vote of 19 to 2, the Banking Committee—with Senator SHELBY as ranking member—approved Comprehensive Iran sanctions legislation, that went far beyond the scope of the amendment proposed by the Senator from Arizona. But when the legislation was sent to the Senate floor, it was blocked by the Senate minority. I thank my colleagues on the committee who supported it.

Right now, however, the administration is conducting a policy review on Iran at the very time we are gathering here to engage in this debate. I think before considering new legislation, it would be wise to have some hearings, after the administration completes its review and decide the appropriate course of action, in consultation with the appropriate federal agencies.

Clearly, sanctions dealing with Iran's energy sector, as Senator KYL pointed out, have great merit, as Congress has determined in years past. But I think there is a time and a place for deciding major changes in our sanctions policy—probably not this evening at 7 o'clock, at the end of a long debate on this omnibus bill, when so much is at stake. Such changes should not be added to this underlying bill. Speaker PELOSI has made clear she would pursue a year-long Continuing Resolution if this bill is changed in any way the day before funds for the government expire. If that happens, the amendment would essentially kill or potentially delay critical funding, including an additional \$5 million slated for the Department of the Treasury's Terrorism and Financial Intelligence unit to enforce our sanctions against Iran.

I say respectfully, while there is no disagreement that something must be done to stop Iran's efforts to promote terrorism and proliferate weapons of mass destruction, we must do so in close coordination with the new Administration, much as we worked with the Bush administration in fashioning our sanctions bill last year. Let the Obama Administration's Iran review be completed. Once we have an opportunity to examine it, we may then consider a new approach to our Iran policy. At that time, I look forward to working with my colleagues, on both sides of the aisle to address these critical matters. I therefore, urge my colleagues to vote against this amendment.

Ms. MIKULSKI. Mr. President, I support the aim and intent of the Kyl amendment that prohibits any omnibus funding being spent on new contracts with companies that do business with Iran's energy sector. Iran's energy

resources provide massive amounts of petro-dollars to this regime.

In 2008 alone, Iran made over \$65 billion in profits from exporting oil. Make no mistake where these dollars are spent—these profits directly contribute to Iran's ability to arm, train, and fund Hezbollah, Hamas, and other terrorist groups that seek to do Israel, the United States, and our allies harm.

Although I support the intent of the Kyl amendment, I oppose it today because it is legislating in an appropriations bill and it would further delay the delivery of \$2.48 billion in urgently needed security assistance to Israel which is contained in the bill.

Tough, targeted, and enforceable sanctions against Iran must be implemented. I look forward to working on a comprehensive Iran sanctions policy with the Obama administration this Congress.

The PRESIDING OFFICER. The time has expired.

Mr. KYL. Mr. President, actually, I am not proposing a new regime of sanctions or anything that needs to be studied. My amendment simply goes to this Omnibus appropriations bill and says what I think all of us intend, which is none of the money shall be spent or shall go to companies that are doing this kind of business with Iran, the kind of business that is already subject to sanctions. That is already the law.

All we are saying is, nothing in this bill can get money to those companies. It is the kind of thing we had to do with the Eximbank because as they, in their letter back to us said, we do not allow political considerations to determine whether we make a loan to a country. That is why they were able to make the loan to Iran and why we could do nothing to stop that. Once we wrote the letter, however, and pointed out this was a violation of our sanctions, then mysteriously, the effort of the company ceased.

All we want to make sure is that nothing in this bill, none of the money in this particular bill goes to those companies. So it is not a new sanctions regime or anything new that I think has to be studied.

With all due respect, this is not for political showmanship. Had this bill gone through a little different process, we could have worked this out. But under the circumstances, that wasn't possible. As a result, I thought it was important to make sure none of the money in this bill is spent on these companies.

Mr. KERRY. Does the Senator have time left?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KERRY. Will the Senator yield for a question?

Mr. KYL. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Massachusetts.

The majority leader.

Mr. REID. Mr. President, I think there is time here, if there is more time needed for everybody on this amendment. If there is more time needed, why don't we extend the time for a little bit.

Mr. KYL. I am happy to yield to my colleague from Massachusetts for a question.

Mr. KERRY. I appreciate the Senator doing that.

I wish to point out a couple things to the audience. First of all, we have had 3 days of hearings in the Foreign Relations Committee on Iran. Today, GEN Brent Scowcroft and Dr. Zbigniew Brzezinski made it clear this is the not an advisable way to approach the current situation in Iran; that we need to think carefully about the overall record of the type of sanctions we develop or that will be interpreted, as a result, as taking an effort unilaterally by the Senate outside the administration's review process and outside its foreign policy.

Moreover, the Foreign Assets Control Office, which is responsible now for rooting out Iran's program, actually loses money under this amendment and would, therefore, not be able to do the job it is doing today with respect to it.

Thirdly, there is no definition here of what a business presence is. The fact is, the administration right now is working with a bunch of moderate Arab countries, as well as some of our allies in Europe, in order to put together a sanctions regime that has bite, if we need it. This, in fact, could prevent some of those countries from feeling good about joining in that effort or ultimately joining in it.

I would ask my colleague if he would be willing to come together with us. There isn't anybody in this body who doesn't understand the seriousness of what Iran is doing. We had classified briefings on it yesterday. But we owe the administration the opportunity to decide what it believes is the proper regime for sanctions, and so I ask my colleague if he would consider that it might be better, rather than even having a vote, to give us the opportunity to do that, and we will work together and see if we can't come up with a sensible, unified bipartisan approach to Iran.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Given the fact that I think my remaining 2 minutes have expired, I ask unanimous consent for an additional minute of time to respond to my colleague's question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, if I were proposing some new sanctions regime, that would be an entirely appropriate request, and of course I would accede to it. I am not asking for any new sanctions or any new law. All this amendment does is to say that the money in

this appropriations bill doesn't go to a country that is doing these kinds of exports or imports to Iran. That is all. We have the power of the purse, and surely we can restrict our own expenditure of money to countries that are co-operating with us in dealing with Iran, rather than dealing with Iran.

I urge my colleagues to support this. It is a very limited amendment. It is not a new policy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KERRY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The majority leader.

Mr. REID. I ask unanimous consent that the Republican leader and I be allowed to offer a unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the pending amendments, no further amendments be in order this evening; that the vote on the motion to invoke cloture occur at 8:15 p.m. tonight, and that the time until then be equally divided and controlled between the leaders or their designees; that if cloture is invoked, then all postcloture time be considered yielded back, the bill be read a third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 53, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—41

Alexander	Collins	Hutchison
Barrasso	Cornyn	Inhofe
Bayh	Crapo	Isakson
Bennett	DeMint	Kyl
Bond	Ensign	Lieberman
Brownback	Enzi	Martinez
Bunning	Feingold	McCain
Burr	Graham	McConnell
Chambliss	Graessley	Nelson (FL)
Coburn	Gregg	Nelson (NE)
Cochran	Hatch	Risch

Roberts
Shelby
Snowe

Specter
Thune
Vitter

Voinovich
Wicker

NAYS—53

Akaka
Baucus
Begich
Bennet
Bingaman
Boxer
Brown
Burris
Byrd
Cantwell
Cardin
Carper
Casey
Corker
Dodd
Dorgan
Durbin
Feinstein

Gillibrand
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCaskill
Menendez
Merkley
Mikulski

Murkowski
Murray
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Conrad
Johanns

Kennedy
Landrieu

Sessions

The amendment (No. 634) was rejected.

Mr. LAUTENBERG. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 638, WITHDRAWN

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided, prior to a vote in relation to amendment No. 638, offered by the Senator from Idaho, Mr. CRAPO.

The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, this amendment would strike section 626 from the bill. This is a section that gives the Federal Trade Commission authority to expedite rulemaking over mortgage loans that are now overseen by not only the FTC but Federal banking and credit union regulators. This grant of increased authority to the FTC is not appropriate because we already have Federal regulators over both the banking and credit union industries. I think everyone agrees we do not want to see this extended regulatory authority changed. I have been working with our Banking Committee chairman, Senator DODD, and with Senator DORGAN and Senator INOUE, to see if we can address this.

It is my understanding we have an agreement and Senator DODD will discuss that agreement and enter into a colloquy for the RECORD that will establish that we do not want to change the regulatory authority and the jurisdictional structures we now have for our Federal regulators over our depository institutions, and that we will, in a very expedited manner in the next available option for a legislative vehicle, make statutory changes to correct that. In the meantime we will make it clear the intent of this legislation is not to have the FTC engage in rulemaking that would seek to assert jurisdiction over any of the institutions over which it does not now have authority.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I seek time of my own time. My colleague is exactly right and I thank him immensely for his involvement. We thank Senator INOUE as well as others who were part of this exchange, a colloquy which we will submit for the RECORD, which explains exactly what the Senator from Idaho has described. He has it exactly right. This is an expanded removal of jurisdiction from one area to another. There are a lot of very serious questions raised by it.

Our intent is at the earliest possible time we will have legislation to correct what is in this bill and change that. I thank him for his cooperation on this. I thank Senator INOUE and the staff and other people who could have objected to this. Senator DORGAN and others have had some strong views on this and I am very grateful to him as well, understanding our concerns on this matter. We will have a chance to come back to it. I again thank my colleague who helped us craft this colloquy which allowed us to move beyond this particular point. There may be others who want to object to what we want to do, but we feel strongly about the language of the amendment that Senator CRAPO has crafted here and we will hopefully get to that quickly.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me thank my colleague from Idaho and my colleague from Connecticut. The Federal Trade Commission does not have jurisdiction over FDIC-insured banks. There was no intention in any legislation drafted here to give them that jurisdiction and I think this colloquy clarifies that. If there is any lack of clarity going forward, I certainly want to work with my colleagues from Idaho and Connecticut to make certain there is no confusion at all about what this applies to. This does not apply to FDIC-insured banks.

Mr. DODD. Mr. President, I seek clarification from the Senator from North Dakota and the Chairman of the Appropriations Committee about the intent and effect of section 626 of Division D of the bill. Will the Senators confirm that section 626 was designed to enhance the FTC's ability to impose new standards only on those mortgage industry participants that are currently subject to the FTC's rulemaking jurisdiction?

Mr. DORGAN. Yes, that is correct. Section 626 is not intended to alter the allocation of responsibility for the Federal oversight of lenders under current law. The FTC is currently authorized, under the Federal Trade Commission Act, to issue regulations defining unfair and deceptive acts and practices by mortgage industry participants that are regulated at the Federal level by the FTC, such as nonbank mortgage

brokers. Section 626 directs the FTC to initiate such a rulemaking within 90 days, using procedures widely used by all agencies under the Administrative Procedure Act, instead of more protracted procedures specified for FTC unfair and deceptive practices rulemaking under section 18 of the FTC Act. Section 626 is not intended to apply to institutions including banks, thrifts and credit unions that are outside the FTC's jurisdiction.

Mr. INOUE. I concur with Senator DORGAN.

Mr. DODD. With respect to the provisions granting the states authority to take enforcement action, is it your intent the states limit their enforcement actions under the new mortgage standards promulgated by the FTC, or under TILA, only to those mortgage industry participants that are not currently supervised by the federal banking agencies or are not Federal credit unions?

Mr. DORGAN. Yes, the Senator from Connecticut is correct. Our intention was to permit state attorneys general to bring civil actions only against mortgage industry participants that are not supervised by the Federal banking agencies or are not Federal credit unions.

Mr. INOUE. Yes, I concur with Senator DODD and Senator DORGAN.

Mr. DODD. I ask the Senators to work with me to add an amendment to the next appropriate legislative vehicle that clarifies the scope of this provision to reflect the gentlemen's intent and that provides appropriate participation by state attorneys general in enforcement of federal mortgage standards.

Mr. DORGAN. I agree, and commit to work with the Senator from Connecticut to clarify this provision as expeditiously as possible on the next appropriate vehicle.

Mr. INOUE. I, too, will work with the Senator to clarify this provision.

Mr. CRAPO. Mr. President, I appreciate the fact that there is consensus that section 626 goes too far and that it is not the intention of the chairman of the Banking Committee and the chairman of the Appropriations Committee to provide the Federal Trade Commission authority in its rulemaking over mortgage loans overseen by the Federal banking and credit union regulators. However, if the intention is merely to expedite the FTC rulemaking process over nonbanks then the language should be clear on that account. Unfortunately, that is not the case.

It is important to remember that once this legislation is signed into law, the FTC is directed to initiate rulemaking within 90 days. Rather than agreeing to clarify this issue at a later point, it is my strong preference that the Senate would have deleted this section and agreed to working out compromise language at a later point. That

is what my amendment would have accomplished by striking the section.

Per the colloquy of Senators DODD, INOUE, and DORGAN, I will follow up with the FTC that it is the clear intent of the Senate that the provision does not expand the FTC's regulatory jurisdiction and that the required FTC rulemaking will not attempt to include insured depository institutions. I will also note that there is a bi-partisan agreement that the Senate will shortly take up legislation to clarify the scope of the legislation to that effect. Additionally, in light of the focus by the Federal Reserve Board on mortgage lending, the FTC should be required to consult with the Federal Reserve Board in developing their rule. I would encourage my colleagues to send similar letters to the FTC.

If the initial FTC proposed rule attempts to go beyond this scope, it is my understanding that there is agreement that the Senate would immediately take up legislation and stop that from occurring. It would be a terrible mistake to add another patchwork of conflicting authorities and interpretations of Federal laws for insured depository institutions as it relates to home loans and other types of consumer finance transactions. This type of regulatory uncertainty and complexity will only further complicate the resurrection of our mortgage market, harming consumers who are having a difficult enough time obtaining appropriate mortgage loans.

I intend to closely monitor how the FTC proceeds and work with my colleagues to craft a narrow legislative clarification. If we cannot shortly come to agreement on this front, then I will push for a vote to eliminate this authority in the next appropriate vehicle before the Senate.

With that clarification and explanation, the FTC rulemaking that will be able to proceed under this legislation will not seek to extend to the FDIC depository institutions and credit union regulated institutions, then I—and our agreement that we would on an expeditious basis statutorily seek to correct that and make that clear in the CONGRESSIONAL RECORD, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

RESTORING NOMINAL DRUG PRICES

Ms. STABENOW. I would like to engage in a colloquy with the chairman of the Committee on Finance, Senator MAX BAUCUS. Senator BAUCUS, I am very pleased to see that the fiscal year 2009 Omnibus appropriations bill corrects an unintended consequence of a provision in the Deficit Reduction Act of 2005, DRA. Section 6001(d) of the DRA, which is Public Law 109-171, caused family planning clinics that do not receive Federal funding and univer-

sity-based clinics to sustain increases in the price of oral contraceptives as much as tenfold over the past 2 years. This is because drug manufacturers stopped offering discounts to these clinics in response to changes to the Medicaid drug rebate program made by the DRA. While discounts remained perfectly legal, drug companies were concerned about the impact of their Medicaid rebate liability for the continued offering of discounts to certain family planning and college- or university-based clinics. The price increases have put a terrible strain on our country's first line of defense against unintended pregnancies. We have the highest unintended pregnancy rate of any advanced industrial country.

With enactment of this critical legislation, these clinics will once again have access to nominally priced drugs, should private sector manufacturers choose to provide these discounts. This access should begin immediately upon enactment, and manufacturers should feel confident that they can extend discounts to family planning clinics such as Planned Parenthood and college and university clinics without it affecting the rebates they must provide under Federal law to State Medicaid programs.

Mr. BAUCUS. I thank the Senator. I share the Senator's views on this matter. It has taken too long to correct what all parties agree was an unintended outcome of the DRA. I had asked the previous administration to use the discretion provided in the DRA to designate additional health providers as entities to whom the sale of nominally priced drugs is appropriate. The Bush administration chose not to make these designations when it promulgated final regulations on July 17, 2007, and so Congress is acting now to correct this error. The Senate included this provision in last year's Iraq supplemental appropriations bill, but the administration objected to its inclusion so it did not become law.

It is my understanding that, once this provision is enacted into law, drug manufacturers will immediately be able to restore the nominal drug prices they provided to these types of clinics—family planning clinics and college and university health centers—for decades.

This provision simply restores the original policy in place since the enactment of the Medicaid rebate program in the Omnibus Reconciliation Act of 1990. Then, as now, no administrative action is necessary for manufacturers to commence offering deep discounts to the entities described in this provision.

Ms. STABENOW. I thank the Senator. I hope that the manufacturers will do this and that women will have access to affordable birth control and other critical health services.

TRANSPORTATION FUNDING

Mr. KOHL. Mr. President, I wish today to engage in a colloquy with my

colleague, the Senator from Washington and the chairman of the Transportation Appropriations Subcommittee. As the chairman is aware, language was included in the explanatory statement accompanying the bill before us to help address an issue that has plagued the Milwaukee area for several years.

Due to a longstanding dispute between city and county officials, unobligated transportation dollars have lost value with each passing year. In an effort to spend down those funds on much needed transit projects, the report resolves this dispute by dividing the funding. I have spoken with Congressman OBEY, the chairman of the House Appropriations Committee, to confirm the intent of the language included in the explanatory statement. I would ask the Senator from Washington, is it your understanding that it is the expectation of both the House and Senate committees that 60 percent of the funding in question should be made available to the city of Milwaukee for a downtown fixed-rail corridor while 40 percent of the funding should be made available to the county of Milwaukee for energy efficient buses?

Mrs. MURRAY. To the Senator from Wisconsin I would say, yes, that is our expectation.

Mr. KOHL. I thank the chairman of the Transportation Appropriations Subcommittee for her help and for engaging in this colloquy.

Mrs. MURRAY. Mr. President, as chairman of the Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, I rise to clarify an error that we have found in the explanatory materials accompanying H.R. 1105, the Omnibus Appropriations Act. Included within the Transportation-Housing Division of the bill is an appropriation of \$570,000 within the TCSP program for transportation improvement in the Antelope Valley in Lincoln, NE. The attribution table that accompanies the explanatory statement to the bill inadvertently omits the name of the Senate sponsor of that appropriation. Mr. President, the Senate sponsor of the project is my colleague, Senator BEN NELSON.

Mrs. BOXER. Mr. President, the fiscal year 2009 Omnibus appropriations bill would provide \$5 million for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant and for activities associated with the Theodore Roosevelt National Wildlife Refuge. I want to clarify that nothing in the language is intended to: (1) override or otherwise affect the final determination that was effective August 31, 2008, and published in the Federal Register on September 19, 2008, of the U.S. Environmental Protection Agency under section 404(c) of the Clean Water Act that prohibits the use of wetlands

and other waters of the United States in Issaquena County, MS, as a disposal site for the discharge of dredged or fill material for the construction of the proposed Yazoo Backwater Area Pumps Project, (2) create or imply any exception with respect to the project to the requirements of the Clean Water Act, including any exceptions from the prohibitions and regulatory requirements of the Clean Water Act under section 404(r); or (3) affect the application of any other environmental laws with respect to the project.

As chairman of the committee with jurisdiction over the Clean Water Act and authorizations for the civil works program of the Corps of Engineers, I believe it is critical that our environmental laws be adhered to in the planning, construction, and operation and maintenance of all Corps of Engineers' projects.

Mr. ENZI. Mr. President, I wish briefly to discuss an amendment that I filed related to the royalty collection of coal and other leasable minerals. I want to be clear that I am in favor of having coal companies and other mining companies pay the royalties they are required to pay. I believe that they should pay them on time and I believe that they should face the consequences if they do not pay them on time.

The provision in the omnibus bill is arbitrary. It attempts to apply the penalty sections of the Federal Oil and Gas Royalty Management Act to coal leases. The provision comes out of nowhere and, to my knowledge, has not been studied by the Senate Energy Committee nor the House Natural Resources Committee. This is a policy change, not a funding matter, and therefore, it should be considered in the normal legislative process—not slipped into an omnibus appropriations bill.

I have put forth this amendment to take a more considerate approach. My amendment would strike this provision and replace it with a study by the Minerals Management Service, MMS, the Government's royalty collection agency. The MMS would examine the current royalty system and provide a report back to Congress within 180 days that includes any recommendations with ways that royalty collection process can be improved. Doing so would then give the Senate the appropriate amount of background to consider making these changes and would ensure that we do not make a change that has unintended consequences.

Again, I want to reiterate that I fully support companies making royalty payments on time and if they don't, I support them being punished. I do not, however, support the process by which the majority has stuck this legislative provision in an appropriations bill. Rather than shooting from the hip, the Senate should give it proper consideration.

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies, I rise today to clarify for the Senate the sponsorship of three congressionally designated projects, recipient name of one congressionally directed project, and locations of three congressionally designated projects included in the Joint Explanatory Statement to accompany H.R. 1105, the fiscal year 2009 Omnibus Appropriations Act. Specifically:

Senator BILL NELSON should be listed as having requested funding for the Rape, Abuse and Incest National Network, RAINN, Washington, DC, for national anti-sexual assault programs funded through the Department of Justice;

Senator BEN NELSON should not be listed as having requested funding for the Rape, Abuse and Incest National Network, RAINN, Washington, DC, for national anti-sexual assault programs funded through the Department of Justice;

Senators BEN NELSON and CRAPO should not be listed as having requested funding for the National Police Athletic League, Jupiter, FL, for National Police Athletic League Programs funded through the Department of Justice;

"Union Springs YMCA" should be listed as "Union Springs Recreation Program", Union Springs, AL, for youth mentoring and juvenile justice programs funded through the Department of Justice;

Location of the Citizenship Trust at American Village should be listed as Montevallo, AL, for youth mentoring and juvenile justice programs funded through the Department of Justice;

Location of the Scottsboro Police Department should be listed as Florence, AL, for the Scottsboro Police Department funded through the Department of Justice; and

Location of the Alabama 4-H Foundation should be listed as Columbiana, AL, for juvenile justice prevention programs funded through the Department of Justice.

Mr. LEAHY. Mr. President, as a longtime advocate of greater transparency in our government, I am pleased that the Omnibus appropriations bill includes several key provisions to strengthen the Freedom of Information Act—FOIA—and to protect Americans' privacy and civil liberties.

The Omnibus appropriations bill provides \$1 million in funding to establish the new Office of Government Information Services—OGIS—in the National Archives and Records Administration. When Congress enacted the Leahy-Cornyn OPEN Government Act of 2007, which made the first major reforms to FOIA in more than a decade, a key component of that bill was the creation of the OGIS to mediate FOIA disputes,

review agency compliance with FOIA, and house a newly created FOIA ombudsman. Establishing this new FOIA office within the National Archives is essential to reversing the troubling trend of lax FOIA compliance and excessive government secrecy during the past 8 years. The OGIS will also play a critical role in meeting the goals of President Obama's new directive on FOIA. I thank Senators CORNYN, INOUE and COCHRAN for their support of funding for this critical new office. I also thank the many FOIA and open government groups, including OpenTheGovernment.org, the Sunshine in Government Initiative and the National Security Archive, who have advocated tirelessly for a fully operational OGIS.

The bill also includes much-needed funding to reconstitute the Privacy and Civil Liberties Oversight Board. When Congress enacted the Intelligence Reform and Terrorism Prevention Act in 2004, it implemented a 9/11 Commission recommendation to establish an independent board to help protect Americans' privacy and civil liberties. Since then, I have worked hard to make sure that the Privacy and Civil Liberties Oversight Board has the resources and personnel to fulfill this important mission.

During the last Congress, I worked with Senators LIEBERMAN and DURBIN to further strengthen this Board in the 9/11 reform bill. Unfortunately, the last administration left the Privacy and Civil Liberties Oversight Board with no members or staff. The Board is too important for us to let it fall by the wayside. The funding in the omnibus bill will help to reconstitute the Board so it can get back to work. Now that this initial funding is in place, I hope the President will promptly name qualified nominees so that the Board can carry out its important work.

Both of these provisions will help to make our government more open and accountable to the American people. That is something that Democrats, Republicans and Independents alike can—and should—celebrate. Again, I commend the bill's lead sponsors and the President for their demonstrated commitment to open and transparent government.

Ms. SNOWE. Mr. President, today I filed an amendment that would help millions of small businesses that receive valuable technical assistance and support through the Small Business Administration's, SBA's, technical assistance and business development programs. The challenges facing America's small businesses are real. In today's economic climate, small businesses are fighting for survival. A December 2008 CNN survey found that 49 percent of small business owners expressed serious concerns about going out of business.

To that end, I humbly request my colleagues on both sides of the aisle to

support the measure I am offering to provide essential resources to the Small Business Administration's crucial technical assistance and business development programs. This effort will help ensure that small businesses—our Nation's true job generators—will not be shortchanged at a time when the economy is struggling to grow and create jobs.

My amendment would direct that a small fraction, \$16.8 million of the existing funding provided in the omnibus appropriations bill for the SBA, be used to increase funding levels for vital SBA programs, including Veterans Business Outreach Centers, VBOCs, Small Business Development Centers, SBDCs, Women Business Centers, WBCs, SCORE, the Historically Underutilized Business Zone, HUBZone, program, and the Agency's international trade programs. These programs are some of the most successful job creators within the Federal Government, but they were woefully underfunded under the previous administration. Now is the time to reverse that trend, by ensuring that SBA devotes sufficient resources to support small business technical assistance and business development.

The SBA's programs are proven job creators—just look at the statistics! In 2006, clients of the SBDC program generated a total of approximately \$7.2 billion in sales and 73,377 new full time jobs as a result of the assistance received. The average cost of generating each job was a paltry \$2,658. Moreover, based on SBDC client assessments, an additional \$8.8 billion in sales and 93,449 jobs were saved due to SBDC counseling in that same year. My amendment would direct that \$6.5 million in SBA funding be used to fund SBDC veterans and energy grants, in addition to the \$110 million for core funding provided in the bill to support SBDCs nationwide.

Furthermore, the SCORE program has proven time and again to be one of the most cost-effective programs within the Federal Government. In fiscal year 2008 SCORE received \$4.95 million from the Federal Government and provided 357,637 clients with free technical assistance. Entrepreneurs assisted by SCORE created 25,000 new jobs in 2006, and one in seven new clients created a job. SCORE also provides American taxpayers with a great buy, as it is operated by volunteers—all of which are retired business experts. In fact, in fiscal year 2008 these volunteers donated 1.3 million hours valued at \$195 million when using a standard hourly consulting fee of \$150. My amendment would direct that an additional \$2 million be directed to the SCORE program for a total of \$7 million.

Additionally, my amendment would direct an additional \$1.1 million to SBA's Veterans Business Outreach Centers, a modest increase to account for additional responsibilities taken on

from the Vets Corps Centers, which no longer receive Federal funding. An additional \$3.35 million would be directed to the WBC program, one of SBA's most diverse, far-reaching entrepreneurial development efforts. In 2007, WBCs trained and counseled 148,123 clients who reported 8,751 new jobs and 3,304 new businesses.

My amendment also would direct additional funds to two programs, which I consider to be important business development programs, the SBA's International Trade programs and the HUBZone Program. With exports being one of the few bright spots in our economy last year, exporting by small firms has considerable room for growth. The amendment would direct that \$8 million in SBA funds be used for these export assistance programs, an increase of \$2 million over the current omnibus level. For the HUBZone program, which provides contracting preferences to small firms in economically disadvantaged areas, the amendment provides an additional \$1.85 million for urban and rural development under this program.

To reiterate, under my amendment, the increased funding for these programs comes from amounts already provided in the omnibus appropriations bill for the SBA. No additional funding is required; it simply directs the SBA to allocate adequate resources to these programs. For more than 50 years, the SBA has been a vital resource to small businesses, helping millions of Americans start, grow, and expand their businesses. I respectfully ask my colleagues to support this amendment to provide the SBA's technical assistance and business development programs with the resources to expand their proven success and economic value during this economic crisis.

Mr. FEINGOLD. Mr. President, I will vote against this Omnibus appropriations bill, which contains thousands and thousands of unjustified, unexamined earmarked spending provisions, and which is being rushed through the Senate. By one estimate, the total cost of those items is nearly \$8 billion. Even under ordinary circumstances it would be hard to defend those earmarks but there is certainly no defense for them at a time when the Nation is contending with this deep recession and millions of families are struggling to make ends meet.

The hundreds of pages of tables in the report accompanying the bill, each listing multiple earmarks, is probably the best rationale I have seen for earmark reform. I have been pleased to work with a number of my colleagues on a proposal to establish a new point of order against unauthorized earmarks, and on another proposal to provide the President with authority similar to a line item veto to cancel earmark spending. We certainly need to enact something like those reforms because we cannot afford to continue this

abusive process. After all the talk of reform last year, and after the promising beginning made by keeping the stimulus legislation free of earmarks, we have quickly slid back to business as usual. We are considering a bill that has nearly \$8 billion in earmarks. And that is just one bill. We haven't even begun the appropriations process for fiscal year 2010.

The President deserves great credit for keeping the stimulus bill free of earmarks. He should build on that achievement by insisting this omnibus appropriations bill be stripped of the earmarks currently in it. If that means vetoing the bill and sending it back to Congress for further work, then that is exactly what he should do.

I strongly prefer that Congress address this issue and clean up its own earmark mess. But right now there is little indication that Congress act without some tough leadership from the President.

Mr. President, I was pleased to support amendments offered by the Senator from Oklahoma, Mr. COBURN, that sought to eliminate some of the earmarks in the bill. I did not, however, support other efforts to cut overall funding levels in the bill. While I believe that Congress needs to be extra vigilant in ensuring that taxpayer dollars are well-spent, those efforts failed to specify where the funding would be cut. We should be making those tough decisions ourselves, and ensuring that any cuts are targeted and appropriate.

Mr. REID. Mr. President, I know everyone is anxiously awaiting the 8:15 time to arrive. I have had a number of conversations with Senator MCCONNELL, Senator KYL, and Senators on my side of the aisle. It appears at this time that we are going to have to continue to work on this bill. I have had calls from a number of my friends on the other side of the aisle, including conversations with my colleague from Nevada, and there are a number of amendments they feel strongly about, that they want the opportunity to offer. I wish that were not the case. We have had a significant number of amendments. But "enough" is in the eye of the beholder. As a result of that, we would probably be a vote short of being able to invoke cloture on this bill. My being a vote counter for a long time, discretion is the better part of valor.

I have not only heard from my friend from Nevada but other Senators. They have certain amendments they want to offer, and others have no amendments to offer but they want to be part of the team on the other side of the aisle, and if some of their colleagues want certain things done, they are going to go along with that. I don't criticize that. I am not happy about it, but that is the way things work.

I have worked with Senators KYL and MCCONNELL, and by 11 o'clock tomor-

row we will have a finite list of amendments, hopefully 10. There could be as many as 12. I doubt if we will need votes on all those. Senator KYL, who is the mechanic working through this process, is going to try to squeeze that down as much as he can.

With that brief statement, it would be wasted time to have a cloture vote tonight. We are not going to have a cloture vote tonight. We would just go back into a quorum and spend the rest of the night looking at each other.

We have had pleasant conversations with each other. No one is trying to game the system. I wish we could finish this bill. The House is going to send us a CR that will take us to midnight Tuesday, as I understand it.

If we get that finite list of amendments, the Senate certainly could be open tomorrow for people to offer amendments. We could have votes on some of these Monday night when we come back. I could schedule votes on Monday, but that would really make for an unhappy group of people. So I think we would be better off starting the votes at 5 or 5:30 Monday night if, in fact, people lay these amendments down.

Mr. MCCONNELL. Will the majority leader yield for an observation.

Mr. REID. Of course.

Mr. MCCONNELL. Let me underscore what the majority leader has indicated. The votes would not have been there tonight. We would be more than happy to have the vote, but since the majority leader and I concur that 60 votes are not there tonight, I think the way forward as he outlines is going to be widely acceptable on our side because we want amendments. There are additional amendments, probably, as he indicated, 10 or 12, which, as he indicates, I think would make sense to vote on on Monday.

I want to say to my Republican colleagues, we appreciate their accommodation, their requests of others of our Members to have a reasonable number of amendments on a bill of this magnitude. This is a huge appropriations bill. At the end of the day, we will not have had an unusual number of amendments voted on on a bill of this magnitude.

Mr. REID. Mr. President, I say in response to my friend, at quarter to 8 tonight, we had 59½ votes. If we can have consent, I could round that off—I don't think I could get that.

I ask unanimous consent to vitiate the cloture vote now pending.

Mr. VITTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, if I could simply inquire of the majority leader through the Chair, I would be happy to offer consent if I had assurance that my amendment that I have been trying to call up, that I have been trying to

get a vote on all week, which heretofore has been blocked, if I can have absolute assurance that will be on the list of amendments offered and voted on.

Mr. REID. Mr. President, I think he should direct that to his assistant leader, Senator KYL.

Is his amendment going to be on the list?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it seems to me if the Senator from Louisiana has indicated he will object to the unanimous consent unless his amendment—No. 621, I gather?

Mr. VITTER. Yes.

Mr. KYL. Is on the list, that is a question, then, for the leader to address.

I wanted to indicate that we have a number of Members who have amendments they want to offer, and we are going to work hard to make sure all our Members who want to offer amendments can do so. At the same time, we are going to do our best to ensure that is not an unreasonable list of amendments. Obviously, Members who insist on having an amendment as a condition to the unanimous consent request can make that point clear.

Mr. REID. Mr. President, I think it is clear from my friend—the conversations, plural, that we have had—that the list we are talking about is a list of 10 or 12 amendments; is that right?

Mr. KYL. Mr. President, I would say to the leader that I think that is correct. That is going to require a lot of effort on this side to reduce the number of amendments that are pending, as the leader is well aware.

Mr. REID. You think you are going to have to work hard, think how hard I am going to have to work to defeat those amendments. I have more work than you have.

Mr. KYL. In response to my friend, the leader, he has worked very hard, and he has been very successful. But I do, in all seriousness, want to note that in order to try to limit the number of amendments—because there is a list of 36—it is going to require a lot of work on our side. We are going to, in good faith, do the best we can, but I just want to reiterate as far as I am concerned the Senator from Louisiana will have to be on the list because otherwise he will object to the vitiation of the cloture vote. As far as I am concerned, his amendment is on the list, but at some point the majority leader will have to agree to the list that we offer.

Mr. REID. Mr. President, I think it is fair that we have a finite list. We are now up to 35 amendments?

Mr. KYL. Mr. President, as I told the leader, we had a list of 36 amendments filed. I told the majority leader that I thought we could get that list down to 10 or 12, and that is still my intention.

Mr. REID. What I think would be fair, Mr. President—I know the Senator from Arizona is going to act in good faith to cut the number down to as small a number as he can, but we can still come back with another cloture vote if there is a lot of unnecessary amendments in that number, if you can't get people to work reasonably with you.

So I ask unanimous consent to vitiate the cloture vote, and that a subsequent cloture vote occur—

Mr. VITTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I didn't mean to cut off the majority leader, if he wants to finish. I just wanted to reiterate—having spent the week trying to get this one amendment up—that my top priority is my amendment will be recognized, and I get a vote on that. And having heard speeches on the floor that the floor was open to amendments, yet having been blocked consistently in my attempts to get this amendment up, I have not yet heard any guarantee that will happen.

So given that, I regretfully will object to the unanimous consent request.

Mr. REID. We are familiar with his amendment. Basically, as I understand the amendment, Members would never get a COLA again. So we are willing to debate that. That basically is what it is; is that right?

Mr. VITTER. That is not correct. If I could advise the Chair, the amendment would be to require votes for any future pay raises or COLAs. It would require Member votes to not have that be on autopilot and to happen automatically, particularly given the state of the economy and the income losses and the job losses that are being suffered around the country.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend from Louisiana, we will make sure that Senator McCONNELL has a vote in relation to the amendment.

Mr. VITTER. With that assurance, Mr. President, I lift my objection.

Mr. REID. I renew my unanimous consent request to vitiate the pending cloture vote; that we not have the vote tonight.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Mr. President, for the benefit of all Members, we apologize for having Senators from all sides leave. I hope those Senators who are working

with Senator KYL and want to offer these amendments will do so tomorrow or, if not, on Monday. We want to have some of these votes Monday night. We can have a series of votes Monday night and work toward completing this stuff.

So I think that is about all I have to say, except that I appreciate everyone's cooperation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 615

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be allowed to call up amendment No. 615.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. VOINOVICH, Mr. KYL, Mr. DEMINT, Mr. BROWNBACK, and Mr. CORNYN, proposes an amendment numbered 615.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the restrictions on the District of Columbia Opportunity Scholarship Program)

On page 308, line 2, strike beginning with "Provided" through line 8 and insert a period.

Mr. ENSIGN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair clarifies that the cloture motion on H.R. 1105 has been withdrawn.

MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT OBAMA'S 2010 BUDGET

Mr. BURRIS. Madam President, as we contemplate this 2009 Omnibus Ap-

propriations Act before us this week, I wish to look ahead to President Obama's proposed 2010 budget.

As a proud member of the Veterans' Affairs Committee, I am particularly pleased by the significant increase in funding that the administration is seeking for the Department of Veterans Affairs, led by its Secretary, GEN Eric Shinseki.

In the proposed 2010 budget, the Department of Veterans Affairs will see a \$25 billion increase over the next 5 years. This additional funding will be directed toward a major expansion of benefits for those who serve our Nation in uniform.

The 2010 budget will directly assist veterans by expanding access to high-quality care for approximately 5½ million veteran patients and ensuring that care is delivered in a timely manner. More remarkable, this funding establishes VA Centers of Excellence to provide veteran-oriented care in specialized areas, such as prosthetics, vision, spinal cord injury, aging, and women's health.

The President's budget also reaches out to veterans with moderate incomes, bringing an additional half million veterans into the VA system by 2013, while maintaining or expanding existing care for low-income and disabled veterans.

At the same time, the new budget enhances services related to mental health care and broadens access and treatment areas throughout rural America. America's veterans have earned through their service the very best care we can offer, and the 2010 VA budget is a promising start.

During a recent tour through Illinois, I had the remarkable opportunity to visit with both veterans of past service, as well as meeting the young recruits training to wear the American uniform in the years ahead.

During that trip, I visited the 1082nd Airlift Wing of the Illinois Air National Guard located in Peoria, IL, and spoke with many fine airmen from this wing, including MSG Warren McCray. Master Sergeant McCray is an air guardsman who trained as a joint terminal attack controller. He deploys with Army troops on the ground ensuring that airpower can be employed against enemy positions when needed.

This courageous young man has recently returned from a tour of duty in Afghanistan and was awarded a Bronze Star with Valor. While speaking with Master Sergeant McCray, he told me of the multiple tours he had served as an air guardsman mobilized in support of Operation Enduring Freedom in Afghanistan. I was deeply impressed by his professionalism and dedicated service to this country. Even more so by his dedication to his fellow service men and women of the 1082nd Airlift Wing.

As we consider our mission abroad and weigh the cost in terms of troops

and treasure, it is our duty to also consider the capacity at which these young men and women are serving us.

It doesn't matter whether they are a soldier, sailor, airman, marine or Coast Guard, or whether they are Active Duty, Guard, or Reserve. We must never forget the personal toll and sacrifice of these brave Americans and the effects made on their lives, their future, their spouses, and their children.

We must ensure that our veterans receive superior accessible care in return for their service and sacrifice, and we have an obligation to honor our veterans by serving them in the same way they have served us so selflessly.

The administration's 2010 budget for the Department of Veterans Affairs recognizes this. And in addition to expanding health benefits and high quality of care, the budget provides for comprehensive educational benefits, particularly the post-9/11 GI bill so that following their service, veterans can have access to unprecedented levels of educational support to complete their schooling.

In the same week, I visited the Naval Station Great Lakes and the North Chicago VA Medical Center. During my visit to these sites, I learned about plans for the Naval Health Clinic Great Lakes, the North Chicago VA Medical Center to merge and expand over the next couple of years. This merger will be extensive and costly, but also essential for sailors and veterans of Illinois, many of whom spend much of their lives at these facilities.

At the North Chicago VA Medical Center, I met with veterans of all ages and backgrounds. I heard their stories, their hopes, and their needs. At the Recruiting Training Command, I met with both naval officers and naval recruits and was given a tour of the barracks by LT Ellen McElligott.

I was particularly impressed with Lieutenant McElligott, a Chicago native, who serves as the ship's officer for the USS Arizona. Her professionalism, discipline, and enthusiasm for her work are qualities she shares with countless young service men and women across this great country of ours.

While touring the facility with Lieutenant McElligott, I saw the faces of hundreds of young sailors training so that they may one day serve this country.

It is so very important that LT Ellen McElligott and the young men and women like her receive adequate care and compensation while on Active Duty, Guard, or Reserve, and, most importantly, that they receive the care and resources they deserve when they return from serving their country.

As a nation, we have a moral obligation to serve and care for those brave individuals as they work so hard to serve us.

HONORING OUR ARMED FORCES

SERGEANT DANIEL TALLOUZI

Mr. UDALL of New Mexico. Mr. President, today I rise to honor two American heroes. The first is Army SGT Daniel Tallouzi. Sergeant Tallouzi was the kind of soldier who hated getting injured—not because of the pain, but because it stopped him from doing his job. A fellow soldier describes meeting Dan when Dan was recovering from an injury at Fort Hood. The soldier recalls:

Another person might have been seriously injured, but Big Dan Tallouzi shook it off, refused any pain meds, and only wanted to get back to his crew and back to the job that he loved.

On September 25, 2006, Dan Tallouzi had just gotten off duty at Camp Taji in Baghdad when a mortar exploded nearby. A single piece of shrapnel—roughly the size of a quarter—reached the spot where he stood. It hit him behind his right ear and entered his brain.

Big Dan Tallouzi would never be the same. He returned to the United States in an "eyes open" coma, unable to speak, walk, or even eat on his own. Last week, he died in Albuquerque, NM, the town where he was raised.

The other hero I want to honor today is Mary Tallouzi, Dan's mother. When our soldiers serve in harm's way, the burden is borne by families, not just individuals. Dan Tallouzi understood this as well as anyone. He adored his family, and they adored him. Mary remembers Dan coming home on leave with flowers for his sister and hugs for the whole family. Home videos show him clowning for his cousins, infecting those around him with his warmth and his joy.

When Dan returned from Iraq after his injury, his mom quit her job to follow him through his treatment. First, she left New Mexico for a hospital in Germany. When Dan was transferred to Walter Reed, Mary followed. Then in search of a miracle, she had Dan transferred to the Kessler Institute in New Jersey.

At Kessler, Mary spent 12-hour days by her son's bed. In the morning, she would shave Dan's face, brush his teeth, and put on his favorite cologne. Nurses knew that Mary was watching her son's care like a hawk.

When I met Mary last May, she was back in New Mexico with Dan. After traveling for more than a year, Mary had lost her home and was struggling to find a place that could accommodate her son's needs.

What struck me about Mary was the satisfaction she felt in Dan's achievements. After all she had experienced, all she had suffered, Mary Tallouzi would still light up when she talked about her son. You could see her picturing the old Dan, and you could feel how proud she was.

Mary should be proud of Dan, and she should be proud of herself. She raised a

good soldier, a good son, a good man. She bore the sacrifice that war brings, and she bore it well.

Please join me in recognizing the sacrifice of Dan, Mary, and the entire Tallouzi family.

Mr. President, I yield the floor.

APPROPRIATIONS COMMITTEE SUBCOMMITTEE MEMBERSHIPS

Mr. INOUE. Mr. President, I ask unanimous consent to have the attached subcommittee memberships for the 111th Congress printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBCOMMITTEES

Senator INOUE, as chairman of the Committee, and Senator COCHRAN, as ranking minority member of the Committee, are ex officio members of all subcommittees of which they are not regular members.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

Senators Kohl, Harkin, Dorgan, Feinstein, Durbin, Johnson, Nelson, Reed, Pryor, Brownback, Bennett, Cochran, Specter, Bond, McConnell, Collins. (9-7)

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

Senators Mikulski, Inouye, Leahy, Kohl, Dorgan, Feinstein, Reed, Lautenberg, Nelson, Pryor, Shelby, Gregg, McConnell, Hutchison, Brownback, Alexander, Voinovich, Murkowski. (10-8)

DEPARTMENT OF DEFENSE

Senators Inouye, Byrd, Leahy, Harkin, Dorgan, Durbin, Feinstein, Mikulski, Kohl, Murray, Cochran, Specter, Bond, McConnell, Shelby, Gregg, Hutchison, Bennett. (10-8)

ENERGY AND WATER DEVELOPMENT

Senators Dorgan, Byrd, Murray, Feinstein, Johnson, Landrieu, Reed, Lautenberg, Harkin, Tester, Bennett, Cochran, McConnell, Bond, Hutchison, Shelby, Alexander, Voinovich. (10-8)

FINANCIAL SERVICES AND GENERAL GOVERNMENT

Senators Durbin, Landrieu, Lautenberg, Nelson, Tester, Collins, Bond, Murkowski. (5-3)

DEPARTMENT OF HOMELAND SECURITY

Senators Byrd, Inouye, Leahy, Mikulski, Murray, Landrieu, Lautenberg, Tester, Voinovich, Cochran, Gregg, Specter, Shelby, Brownback. (8-6)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Senators Feinstein, Byrd, Leahy, Dorgan, Mikulski, Kohl, Johnson, Reed, Nelson, Tester, Alexander, Cochran, Bennett, Gregg, Murkowski, Collins, Voinovich. (10-7)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Pryor, Specter, Cochran, Gregg, Hutchison, Shelby, Alexander. (8-6)

LEGISLATIVE BRANCH

Senators Nelson, Pryor, Tester, Murkowski. (3-1)

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

Senators Johnson, Inouye, Landrieu, Byrd, Murray, Reed, Nelson, Pryor, Hutchison,

Brownback, McConnell, Collins, Alexander, Murkowski. (8-6)

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Senators Leahy, Inouye, Harkin, Mikulski, Durbin, Johnson, Landrieu, Lautenberg, Gregg, McConnell, Specter, Bennett, Bond, Brownback. (8-6)

TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Senators Murray, Byrd, Mikulski, Kohl, Durbin, Dorgan, Leahy, Harkin, Feinstein, Johnson, Lautenberg, Bond, Shelby, Specter, Bennett, Hutchison, Brownback, Alexander, Collins, Voinovich. (11-9)

PROTECTING INDONESIA'S FORESTS

Mr. LEAHY. Mr. President, at a time when the world seems to finally be speaking in one voice about the need for dramatic action to stop global warming, an article in the Jakarta Post on February 13 reminds us that many difficult obstacles lie ahead.

It is well known that Indonesia's forests, and particularly its peat swamps, store huge amounts of carbon. When the trees from these areas are cut and burned, which is happening due to illegal logging and to make way for the cultivation of oil palm, they emit even larger amounts of carbon into the atmosphere.

These forests are also home to one of the world's four species of endangered great apes, the orangutan, whose survival in the wild is far from certain.

President Yudhoyono has spoken of the importance of protecting the habitat of the orangutan. The U.S. Agency for International Development has been supporting this effort for years, and it is finally beginning to show results. It is focused on improving law enforcement and addressing the economic needs of the people living in areas of Borneo and Sumatra where the orangutans live, so they do not cut down the forests.

While illegal logging remains a problem in Indonesia, it is less of one than it was not long ago thanks to President Yudhoyono's government. What looms as potentially an even greater threat to the orangutan, and to climate change, is the expansion of oil palm plantations.

The Jakarta Post article says Indonesia's Minister of Agriculture plans to permit the cultivation of oil palm in millions of hectares of peat swamps. The article indicates that the Minister appears to believe that this would not contribute to global warming because while cutting the peat forests would result in emissions of greenhouse gases, oil palm trees would absorb carbon.

As convenient as that might sound, it defies both logic and science. Indonesia is already among the largest emitters of carbon in the world and the peat swamps are the primary cause. Any significant expansion of cutting and burning of peat forests would con-

tribute to climate change. It would put Indonesia on the wrong side of an issue of critical, global importance at a time when it should be setting an example for responsible forest management. It would put Indonesia on the wrong side of history.

The United States deserves its share of criticism for consuming, and wasting, vast amounts of fossil fuels and being a major contributor to global warming. Many years have been squandered debating whether human development is a significant cause of climate change, even though the overwhelming view of scientists is that it is.

Fortunately, we are past that point. Today there is almost universal recognition that we must act together, and urgently, to stop the destruction of forests and the wasteful use of energy that contribute to climate change. President Obama has made clear that he intends to make this issue a priority and invest in alternative energy technologies that do not emit greenhouse gases.

Indonesia, like Brazil and Central Africa, is fortunate to possess among the last significant expanses of tropical forests on Earth. The example set by President Yudhoyono and his government will profoundly affect the lives of people everywhere, as well as future generations. I join those in the environmental and scientific communities in urging the Minister of Agriculture to reconsider his position.

Finally, it is important to note that American companies are among those that import Indonesian palm oil. China and Singapore are other major importers. They should consider the consequences of using a product that is produced in a manner that causes serious harm to the environment. It is time for corporate America to review its manufacturing and marketing practices to ensure they are consistent with our collective responsibility to stop global warming.

I ask unanimous consent to have the Jakarta Post article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jakarta Post, Feb. 13, 2009]

GOVT TO ALLOW PEATLAND PLANTATIONS

(By Adiando P. Simamora)

The Agriculture Ministry will issue a decree to allow businesses to dig up the country's millions of hectares of peatland for oil palm plantations.

Gatot Irianto, the ministry's head of research and development, said his office was currently drafting a ministerial decree that would explain in detail the mechanism to turn the peatland areas into oil palm plantations, a move that many say will further damage the country's environment.

"We still need land for oil palm plantations. We must be honest: the sector has been the main driver for the people's economy," he said Thursday on the sidelines of a

discussion about adaptation in agriculture, organized by the National Commission on Climate Change.

The draft decree is expected to go into force this year.

"We've discussed the draft with stakeholders, including hard-line activists, to convince them that converting peatland is safe," he said.

"We promise to promote eco-friendly management to ward off complaints from overseas buyers and international communities."

Indonesia is currently the world's largest crude palm oil (CPO) producer, and is expected to produce about 19.5 million tons this year.

Overseas buyers, however, have complained about Indonesia's CPO products, saying they are produced at the expense of the environment.

Activists point to the massive expansions of plantations, including in peatlands, for the deaths of large numbers of orangutans in Kalimantan and Sumatra and for releasing huge amounts of carbon emissions into the atmosphere.

Indonesia has about 20 million hectares of dense, black tropical peat swamps—formed when vegetation rots—that are natural carbon storage sinks.

A hectare of peatland can store between 3,400 and 4,000 tons of carbon dioxide (CO₂), but emits a much larger amount when burned.

Asked about the contribution to global warming, Gatot said trees planted in peatlands would absorb greenhouse gas emissions.

"The peatland will produce emissions only in the opening of the land, but this will be reabsorbed after new trees are planted," he said.

However, a World Bank report from 2007 showed Indonesia was the world's third biggest carbon emitter after the US and China, thanks mainly to the burning of peatlands.

A Wetlands International report from 2006 said Indonesia's peatlands emitted around 2 billion tons of CO₂ a year, far higher than the country's emissions from energy, agriculture and waste, which together amount to only 451 million tons.

The country would have ranked 20th in the global carbon emitter list if emissions from peatlands were not counted.

The ministerial decree is being drafted at a time when President Susilo Bambang Yudhoyono is still preparing a decree on peatland management in an effort to help combat global warming.

The draft of the presidential decree, drawn up in 2007, calls for tightened supervision on the use of peatlands across the country.

COLOMBIA

Mr. LEAHY. Mr. President, the abuses perpetrated against civilians by the Revolutionary Armed Forces of Colombia, popularly known as the FARC, are too numerous to list. From kidnappings to bombings, torture and summary executions, the FARC have lost whatever credibility and popular support they may once have had. They are a criminal enterprise, despised by the vast majority of Colombians, funded with proceeds from the production and sale of cocaine, who show no respect for the laws of armed conflict.

The FARC have kidnapped hundreds of people, many of whom remain in

their custody, their health and welfare unknown. From what we have learned from the few who have escaped or been released, they suffer severe hardship and deprivation.

The FARC have also targeted Colombia's vulnerable indigenous people, whose traditional lands are often located in conflict zones. They have also been victimized by other armed groups, including the Colombian army.

Two recent incidents illustrate the dangers these people face. According to the National Indigenous Organization of Colombia, on February 11, 2009, the FARC killed 10 members of the Awá tribe in Nariño department. This followed the killing of 17 Awá on February 4, also in Nariño, and also reportedly carried out by the FARC. There are reports that an unknown number of Awá have been abducted.

The killing of defenseless indigenous civilians can best be described as a crime against humanity. It is utterly without justification, and those who engage in such atrocities should pay for their crimes.

For years I have worked to help improve respect for human rights in Colombia and to strengthen Colombia's judicial system. I have also supported efforts to protect the rights of Colombia's indigenous people. When we get reports of the FARC attacking and summarily executing members of the Awá, including women and children, we are reminded how much remains to be done to protect these vulnerable groups and before real justice and peace can come to Colombia.

In recent years there have been notable improvements in security in some parts of Colombia, particularly Bogota, Medellin, and other cities. There has also been progress in expanding the presence of the state into areas which previously had been ungoverned. We are seeing some promising results from projects that provide coca farmers with titles to land, technical assistance to grow licit crops like coffee and cacao, and access to markets, in return for voluntarily stopping growing coca. These projects deserve our continued support.

But many rural areas remain conflicted or controlled by the FARC or other armed groups, some of whose members are demobilized paramilitaries. After more than \$7 billion in U.S. aid and 8 years since the beginning of Plan Colombia, the amount of coca under cultivation is close to what it was before. It is now grown in smaller, more isolated plots, in many more parts of the country. More than 200,000 rural Colombians were displaced from their homes as a result of drug-related violence last year alone.

Another issue that requires the attention of the Colombian Government is reparations for victims of the conflict. There are tens of thousands of

people who had members of their families killed or injured by paramilitaries, the FARC, or the army. Many had land or other property stolen by paramilitaries who often had the active or tacit support of the army. The Colombian Government established mechanisms for returning stolen assets, but for the most part it has not yet happened. Very little of the land has been returned to its previous occupants. This process needs to be urgently invigorated if reconciliation is to succeed in Colombia.

Whether a family member was killed or their property stolen by the FARC, paramilitaries, or members of the army, the loss is the same. The judicial process in Colombia is wholly incapable of adjudicating the large number of cases or claims. It is critical that, as was finally done in the United States when Congress appropriated funds to compensate victims of the Japanese internment camps during World War II, the Colombian Government take the necessary steps to provide reparations for the victims so they can rebuild their lives.

The issue of extra judicial killings, or "false positives" as they have been called, is another major concern. Human rights groups warned repeatedly that Colombian soldiers were luring poor young men with the promise of jobs, summarily executing them, and then dressing the bodies to appear as FARC combatants in order to obtain higher pay, time off, promotions, or other benefits. I also expressed concern about this. Instead of investigating, top Colombian officials, including the President, responded by accusing the human rights groups of being FARC sympathizers. After the U.N. High Commissioner for Human Rights confirmed these crimes and it was revealed that they were the result of official army policy, the government acknowledged the problem, but the verbal attacks against human rights defenders and journalists who wrote articles about the issue have continued.

To his credit, the Minister of Defense has taken some steps to address it, including issuing decrees disavowing the policy of rewarding body counts and dismissing army officers who were implicated in some cases. But few if any have been prosecuted and punished, and there are reportedly hundreds of these cases.

Throughout this period, despite report after report that these atrocities were occurring, former Secretary of State Rice continued to certify that the Colombian army was meeting the human rights conditions in U.S. law. That was as shameful as the Colombian Government blaming human rights defenders. The Congress had no responsible alternative to withholding a portion of the military aid for Colombia. Whether or when those funds are released will depend, in part, on how

thoroughly the government addresses the problem of false positives, whether the officers involved are held accountable, and whether those who had the courage to report these crimes continue to be the target of government attacks.

I also want to mention the recently appointed Army Chief of Staff, GEN González Peña, who replaced General Montoya. General Montoya resigned under pressure due to the false positives scandal and was "punished," as too often occurs in Colombia, by being appointed an ambassador. Not long ago, General González Peña commanded the 4th Brigade in Antioquia which has one of the worst rates of reported extra judicial killings. It is difficult to believe that he was unaware of what his troops were reportedly doing, and it raises a concern about his qualifications for such an important position.

This year, the Appropriations Committee will again review our aid programs in Colombia. We want to continue helping Colombia because we share many interests—in addition to stopping the traffic in illegal drugs to the United States which has not succeeded to the extent some had predicted. We need to determine what has worked and deserves continued U.S. support, whether the Colombian Government is meeting the conditions in U.S. law and what costs should be shifted to the Colombian Government as U.S. aid is ratcheted down in the coming years.

CENTENNIAL OF THE RUSSELL SENATE OFFICE BUILDING

Mr. SCHUMER. Mr. President, I wish today to pay tribute not to a person, or an agency, or an institution, but to a building. That building, the Russell Senate Office Building, turns 100 years old today.

The Russell Building has graced Capitol Hill for a century. Some of us have been fortunate to have our Senate office located in Russell. But all of us have had an occasion to attend a hearing, a meeting, or gathering in one of the building's rooms. If we take the time to stop and consider what is before us, we are struck by the beauty of an earlier era in American history. Step into the Russell Rotunda, the Caucus Room, the Rules Committee hearing room, or any of other committee hearing rooms or special function rooms in the building. You can't help but feel that you are stepping back in time when you gaze at the high ceilings, the columns, the marble, the crystal chandeliers, and the mahogany and walnut furniture.

Architects refer to its style as beaux arts, a design popular in America in the early 20th century. Many Government buildings constructed during the late 1800s through the 1920s were of this

design, and the Russell Building stands today as an excellent example of this style of architecture.

To commemorate this centennial, the curatorial staff of the Secretary of the Senate's office has created an outstanding exhibit in the Russell Building and a booklet about its history. I urge you to visit the display of original Russell furniture in the Russell rotunda basement or stop by the information kiosks in the rotunda basement, the second floor of the Rotunda area outside the Caucus Room, SR-318, the Rules Committee hearing room, SR-301, the Veterans Affairs' Committee hearing room, SR-418, the basement visitors entrance on Delaware Avenue, and the 2nd floor visitors entrance on Constitution Avenue. Along the way, you'll learn about the naming of the building, the old subway, and the hearings held in the committee rooms.

As a New Yorker, I am especially pleased that there are so many connections between the Russell Building and my home State. New York architects, Carrere & Hastings, designed the building; New York cabinetmaker Thomas Wadelon manufactured full-scale models of "very American" furniture in his studio located in Tuckahoe, NY; New Yorker George W. Cobb, Jr., was awarded the furniture contract for the building; and much of the original mahogany furniture was manufactured by the Standard Furniture Company of Herkimer, NY. The New York association continued when in 1933 the last wing of the building opened, equipped with walnut furniture manufactured by three New York firms—the W.H. Gunlocke Chair Company, the Company of Master Craftsmen, Inc., and the Sikes-Cutler Desk Corporation.

New York is not alone in being represented in the design, construction, and furnishing of the building. From the Vermont marble to the Indiana limestone, to the Pennsylvania steelwork, to the Kansas cement, and to the elevators manufactured in Ohio, many states contributed their natural resources and the industry of their people to this historic place. It's a testament to the skills of these early 20th century architects and craftsmen that the building and its furniture and furnishings are still in use today.

The Russell Building was constructed because of the growing challenge in the early 1900s to find suitable office space to accommodate the needs of Senators. Prior to the opening of the Russell Building in 1909, Senators and their staffs conducted the business of the Nation in whatever space was available—the aisles of the Senate Chamber, the Capitol's marble hallways, nearby hotel lobbies, and local boarding houses. Constituents waited in the corridors of the Capitol when they came to meet their Senators and Congressman. As more States joined the Union, the number of lawmakers working in

Washington grew. By the turn of the century, the Capitol was literally overflowing with people. The need for space to house Senators and their growing staffs was finally recognized in 1903, when the sites for the first congressional office buildings were acquired and construction of the buildings were authorized. One of these buildings so authorized would later become the Russell Senate Office Building. Once construction was complete, it was considered to be one of the grandest and most impressive buildings in all of Washington. It would later be named in honor of a former colleague from Georgia, the Honorable Richard Russell, who served in the Senate for 38 years.

There is an old saying there is nothing new under the Sun. And when it comes to the Senate and space, how true the saying is. As one of its areas of jurisdiction, the Rules Committee, on which I have the honor of serving as chairman, continues to search for space to meet the needs of Senators, committees, and support offices to this day—an administrative task not unlike the struggle to find space for the Senate in 1909.

During the past century, much has happened to us as a country. We added four States to the United States of America. We have experienced world wars, international conflicts, and tough economic times again and again. We have landed a man on the Moon and saw the beginning of the information age. Through all this time, the American people have persevered and thrived.

Like its occupants and visitors over the past century, the building has adapted itself for the 21st century. The Russell Senate Office Building on its 100th birthday is a working building, alive with Senators and staff doing the business of our Nation, well equipped and ready to face the challenges of the future.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and rec-

ommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for soliciting our opinions regarding the energy crisis. I truly value this opportunity to communicate my concerns to you.

Gas prices have certainly been on the rise and like most Idahoans, I have been affected by this increase. I also remember the words of President Bush when he stated that we as a nation are "addicted" to oil. I am a psychologist and I know that when an addict is feeling the pain of their addiction (as we are with gas prices), it is not helpful to find them a cheaper way to get a drink.

What I am saying by that analogy is that I do not think increasing exploration for oil in Alaska or off the coast of Florida will help us in the long term. Fossil fuels are a limited resource and we'll feel the pain of those limitations sooner or later. I do not support further exploration to temporarily fix this problem. I do support the idea that we invest heavily in renewable, environmentally sustainable, energies.

For example, rather than giving huge tax breaks to oil companies to promote more gas production, let us give those tax cuts to the car manufacturers to produce cars that run on less gas or better yet, run on non-fossil based fuels. American companies are way too far behind Japanese companies in this effort and to remain competitive, I think we'll have to invest in the technologies of the future rather than scraping the bottom of the barrel for what oil remains.

Thank you.

RICK, Pocatello.

Why are we saving the oil in the United States? The oil fields in the lower 48 could alone make us self-sufficient; that is without the biggest oil field in the world which is in Alaska. Why are we being so dependent on foreign oil when there is no need to be? Our economy is going the wrong way and can be fixed by getting the price of gas back down where it should be. My wife and I are retired and live in the country outside of Midvale, Idaho. It is a long ways to the grocery store and department stores. I hope you can get something started in the Senate that will open some eyes. Most of the members of the Congress and Senate are financially set so the price of gas does not affect them. However, they have a lot of constituents that are hurting. Thanks for your time.

God Bless America.

BRENT and PEGGY, Midvale.

I have a very sincere feeling that the Congress has been waffling on the oil and gasoline price rise. It is my hope that they will soon begin to realize they are hurting the complete economy. We are all hurting because of the higher gasoline price but it trickles down to everything we buy. It burns me up to hear people complain about President Bush and how he has started the whole thing. Just yesterday he explained to the public that the Congress has not given him a bill to sign.

I certainly wish Congress could stick its neck out and demand that all new electricity generation plants be nuclear plants. We are wasting our natural gas on firing electricity generation and coal is causing emissions

which I believe are not good for the world. Nuclear plants are so efficient and I wish we had not allowed France and Germany to outdo us with the technology to make safe atomic plants.

Next, I would wish that Congress would mandate a term of time that would allow us to get weaned from oil and give us a good alternative engine for automobiles, for example. We are a wide ranging country and traveling from one area to another is necessary. We do not have anything but busses to move us in most areas. I do not like the fact that corn is getting so high priced because of the ethanol push. I know that I cannot use ethanol because it will ruin all the components in my autos I presently own. I do not think enough thought has gone into ethanol use and I feel it is going to ruin our food product prices. I have been associated with agriculture all my life and I cannot believe the prices some of these crops were bringing last year.

Right now we need to be drilling off shore and ANWR for oil. I believe an oil company or two needs to build a new refinery or two to help out in the meantime. I think the oil companies have held us hostage all my life and they still are!

God Bless you and your good work.

GORDON, *Twin Falls.*

Thank you for the opportunity to let you know how energy prices are affecting me. I was forwarded your email from a friend who is on your mailing list.

I am a 56-year-old widow. My husband has been gone for 6 years. We lived a middle-class lifestyle, but now that he is gone, I am struggling to make ends meet and be able to remain in the home that my husband built for our family. Even though all my children are gone from home, I still have one child in college that I need to help. I live 7 miles west of Rigby, and 10 miles north of Idaho Falls, so I have to do a lot of driving just to get anywhere. I have drastically reduced my driving, and I still pay way more than I used to for gas.

One of the biggest areas I have been affected is with my heating costs. Natural gas is not available where my home is, so 10 years ago we put in a propane furnace, thinking it would be fairly inexpensive to operate. At the time propane was 65 cents a gallon. Last fall I filled my tank for \$1.69 a gallon. When I went to refill it in February, the price had jumped to \$2.40 a gallon in just a few months. I cannot afford that price to heat my home. I decided to turn my heat down to 62 degrees on my thermostat, and just wear a sweater. If I want to work in one room I run a small electric heater to stay warm. I never thought I would have to be cold in my own house because I cannot afford to run my furnace.

I think it is time to drastically increase our own production of oil. We need to drill in Alaska, and wherever else it is feasible. Is the environment more important than people's well being? I do not think so. It is time we told the environmentalists to be quiet. I think the oil companies need to be putting their huge profits into finding more sources of oil. And let us get busy and find alternatives to oil. It is about time.

Thanks for letting me express my views.

PHYLLIS, *Rigby.*

First of all, I am glad to see that your head is screwed on correctly. I am sick and tired of our Congress saying that oil companies must pay "wind-fall profit" taxes. As if this will fix the problem. Why are so many of our

lawmakers ignorant of how economy really works? Why is supply and demand so hard to grasp for some?

Now, how is the current price of gas hitting me and my family. Rather hard, I must say. Now, I grew up in a rural area and, for that reason, I live outside of Boise. I do not care for crowds and I like to have space (though, honestly, where I live still does not have enough space). For this reason, I spend a good deal on gas. This is not the fault of the government, nor am I looking for the government to solve my problems. (They have not solved any yet, and now they're talking about universal health care, HA! do not make laugh. But I digress.)

In an effort to curb the fuel pain, last year I purchased a gas-sipping 4-banger that gets 45 mpg (I bought that when I anticipated gas @ \$3/gal.). However, my wife and I have a large family and a large vehicle is a must. We have a Suburban to carry our family of 7 (including my wife and I). A large vehicle is simply a must, and given where we live, a vehicle with 4wd capability is a must too. This Suburban gets 17 mpg, and with a 42 gallon tank, it is getting rather painful to fill this beast. Assuming an empty tank, it would take \$168 to fill that behemoth, but I need it and we keep the driving on that to a minimum.

Some of our circumstances are due to where we live and we chose to live there. I do not seek empathy for this. However, compassion for our people would be good. Congress could make significant strides forward if they would stop catering to special interest groups and drill in our oil reserves. There is no reason not to. Drilling in ANWR is not going to make extinct the animals that live there.

Also, there is no reason we cannot make more refineries. We cannot refine the oil we import fast enough, to say nothing about the oil that we could be drilling from our own soil and water. We should make more nuclear power, or cut our thirst for energy. It is one or the other, and since we are not cutting energy, we have got to produce more.

ANDY.

I am the Service Coordinator at Community Action Partnership in Clearwater County. We are the agency that distributes the Energy Assistance Funds (LIHEAP) for North Central Idaho. I must tell you that I am extremely concerned about our low income people this coming winter, especially the ones on fixed incomes, such as the elderly. If congress does not increase the benefit amount of LIHEAP considerably, I am seriously afraid that some people will literally freeze to death.

Of the 500 or so LIHEAP applications I do, about 300 of them are elderly (60+). Of that 300, probably more than half heat with oil or propane. Many of them were talked into converting to an oil stove (such as TOYO) several years ago, because they were considered very energy efficient, however no one could have predicted that the price of oil would quadruple in a few years time. To make matters worse, many oil and propane company's require a minimum delivery of 100 gallons, that is over \$400, and in many cases that could be half or more of their monthly income!

I intend to work with Clearwater County Social Services, and our local churches to see what can be done at the local level. I am hoping to be raise funds to purchase the most efficient electric heaters I can find to give out to our most vulnerable citizens. It certainly does not solve the overall energy

problem facing this country, but at least it might keep a few people from freezing this winter.

Thank you for your interest and concern in this matter, and good luck!

BARBARA.

The American public is lazy! We should be holding all our elected officials responsible for OPEC and Big Oil's price gouging of the country through its outrageous fuel prices. We all should be continuously writing, emailing, and faxing our city councilpersons, county supervisors, state legislators, congressmen, and presidential candidates to make them support a comprehensive, alternative energy program.

It is OPEC and the Big Oil companies that are preventing the development of ethanol. And they will continue to not allow the development of ethanol unless they can monopolize that, too. It is common knowledge that they contribute thousands of dollars to congressmen so that our elected officials will drag their feet and not push through a comprehensive plan.

Brazil became energy self-sufficient within five years by converting sugar cane into ethanol. Sweden is also developing plants to turn grass and hay into ethanol. There should be laws enacted here, too, requiring every gas station to offer at least one pump for ethanol. The construction of ethanol plants should be subsidized by the government, and job tax credits should be given to those plants for hiring new workers. Our country should be ambitiously working to wean itself off gasoline so we can tell OPEC where to stick its oil.

Auto manufacturers should be mandated to sell an increasing percentage of flex fuel cars each year. Of course, it will not do you any good to buy a flex fuel car if you cannot find a station in your town that sells ethanol (I am told that there is only one station in all of San Diego that sells ethanol). And, forget it if you are traveling anywhere out of town!

You would think that with the internet, everyone would come together, pool their ideas and resources, and actually get something done. Instead, we just sit back and take whatever is dished out to us. The American public has clout it does not even realize! If this nation's work force banded together and refused to go to work until the price of gasoline went down, you can bet we would bring this country to its knees in a week or less! I am tired of working for nothing! I am tired of seeing my children not be able to make ends meet.

When the working public goes bankrupt from channeling its hard-earned money into fuel, we will be ripe for another country to come in and take us over.

Legislate ambitiously for off-shore drilling! Stop the export of oil from Alaska. Enough is enough! Do something about it!

JOSIE, *Nampa.*

I do not have much of a different story than many other Idahoans. I work hard each day 11 to 12 hrs. I live in a rural area of Canyon County so ride sharing or car pooling is not a viable option for me. I have to drive 18 miles to work so riding a bike is not an option especially after putting in a 12 hr day. I drive a small pickup Chevy S-10 to help reduce my gas usage (as I mow lawns and do small pruning jobs on the weekends to make a few extra dollars), my wife in I traded in our ford tarsus for a KIA Spectra last November to help save money and protect our budget of the current (Nov 07) high gas prices.

What I can say is that the only way out of our current situation is for our congress needs to show OPEC, that we are willing to take back control of our oil dependence.

1. Congress must do something positive about drilling oil in the U.S., no arguing, no debating, no pork added to the bills, just action.

2. We need to open up oil drilling anywhere that will have minimal environmental impact, there is no place to drill that will have no environmental impact, but we have the technology to reduce any impact to the environment that will not cause permanent damage. It is off the east coast, west coast, Gulf of Mexico or Alaska we need to start drilling.

3. We need to build refineries through the country, but especially on the west coast. The west coast refineries need to be able to process the high sulfur oil from Alaska. These actions should put a halt to the escalating oil prices from OPEC, but they are only the first steps.

4. Big Oil Tax breaks for exploration and research, I do not believe that these tax cuts are ever going to go away, but I heard a news report over the weekend the Exxon Mobil was exploring off the coast of the Philippines. This is totally insane they are spending our money in tax cuts outside the U.S.? If we are going to allow large profits and tax breaks for exploration and research then they can do in the U.S.

5. One of the biggest projects big oil could be spending our money on is research for liquefying oil shale to minimize any environmental effects of this process, but again there is no way not to have some impact on the environment, but as a country we must give a little to survive in this world situation.

6. To reduce using our oil, coal and natural gas reserves to generate electricity, we need to build Nuclear Power Plants where the need is and where it will cause minimal impact on the environment.

7. Long term measures would be to develop wind, water and solar and other alternative power strategies, it is too late right now to impact the strategies hold OPEC has on our country, and in the long term these struggles could play an important role in our overall energy policy.

8. Please relay to your fellow Congressmen that if #1 and #2 are not acted on immediately there will be a lot of incumbents who will lose their seats in November. As the American public and trucking industry can afford the daily gas price increases. If the trucking industry falters then our whole economy will collapse. This is not a idle threat by one voter but a culmination of our elected officials doing nothing about our energy policy for the last 30 years, and within the last 6 years ignoring all the signs that OPEC now has us by the neck in a strangle hold. The big oil companies really do not care as they make money either way.

ROBERT.

Thanks for the opportunity to respond to your newsletter on energy costs. My view, as expressed even before 9/11, was that we were subconsciously willing to sacrifice our children due to our selfishness, NIMBY mentality, and uncompromising positions regarding siting of energy facilities and development of energy resources. Our inability to develop a unified, effective energy policy is reflected in our addiction to oil, and just like a drug addict, we are selling out our country to those who least care about the future and security of our children. Like street

drugs, the demand driven by our oil addiction is pushing up the price that further enhances the wealth of many rouge nations that support terrorism against us and would like nothing more than to see our demise. I attribute the deaths of our beloved service members on the battlefields in the Middle East to this issue. The cost to me in terms of high gas prices lowering my standard of living is nothing compared to the sacrifice of their lives caused by our ineptness to come together as a nation with a program for energy independence with an urgency akin to President Kennedy's national commitment to put a man on the moon in a decade. Anything short of that is treating a symptom and not the disease.

There are no quick fixes. It took several decades of selfishness to get us into this predicament, and it will take at least a decade of committed effort to fix it. We, as a nation, have the intellect and the resources to achieve energy independence if we unleash our federal and private institutions from excessive regulation. Decisions of such national importance must be based on sound technical and economic evaluation, not on how we can siphon more tax dollars to benefit our constituents and enrich our political standing or how we can enhance our personal wealth. The future of our nation and our children is in our hands.

NOEL, Idaho Falls.

ADDITIONAL STATEMENTS

TRIBUTE TO MILLARD FULLER

• Mr. SHELBY. Mr. President, today I pay tribute to Millard Fuller, a great American entrepreneur who dedicated his life to sheltering the poor. Millard passed away on February 3, 2009. He leaves behind a great legacy of leadership and of service to the world's most vulnerable residents.

Millard was born in 1935 in Lanett, AL. It was in this town that Millard, at only 6 years old, earned his first profit by selling pigs and chickens. His entrepreneurial spirit would certainly carry him far. After some time working as a door-to-door salesman selling silk hosiery and underwear, Millard attended Auburn University to study economics. Following his graduation, Millard attended my alma mater, the University of Alabama School of Law, and it was there that he married his wife Linda.

While a law student at the University of Alabama, Millard expanded his entrepreneurial horizons and began selling Christmas trees and mistletoe with our fellow student, Morris Dees. Together, they would go on to form a lucrative direct marketing business selling cookbooks and other items. This business would make Millard a millionaire by the time he reached the young age of 29. When his work and devotion to monetary success began to threaten his personal relationships, however, Millard and Linda made the decision to simplify their lives by selling their possessions and dedicating their lives to their Christian values.

In 1965, Millard and Linda moved to Koinonia Farm in south Georgia. It

was there that Millard and Linda met and became close friends with the farm's founder, Clarence Jordan. Clarence and Millard had much in common and together they developed the concept of a housing program that would provide no-interest loans to people to build modest homes. This idea eventually grew into Habitat for Humanity.

In 1976, from a tiny house in Americus, GA, Millard and Linda established Habitat for Humanity. Today, the organization has built more than 300,000 houses around the world, providing more than 1.5 million people in more than 3,000 communities with safe, decent, affordable shelter. In April 2009, Habitat for Humanity's Alabama State Support Organization will celebrate the completion of its 1,500th house.

Millard is loved and will be missed by his wife Linda and their four children. He will also be missed by the thousands of volunteers who found inspiration through his dedication. It is because of Millard that thousands of people across the world have a place to call home. I ask this entire Senate to join me in recognizing and honoring the life of Millard Fuller.●

HONORING MAINE OXY

• Ms. SNOWE. Mr. President, at a time when our Nation is involved in a global war on terrorism, thousands of lives are disrupted as members of our armed services head off to war. One aspect that is often overlooked is the profound impact a deployment can have on a servicemember's civilian career. I wish today to commend a small business from my home State of Maine that has made a veritable commitment to ensuring that those serving our country are seamlessly reintegrated into the workforce upon their return from Active Duty, and their families taken care of while they are gone.

Maine Oxy is an Auburn-based company that specializes in welding, as well as industrial and specialty gases. A third generation family managed firm, Maine Oxy was founded in 1929 by Joseph W. Albiston as Maine Gas Service, which at that time provided sales and service to home propane customers. Six years later, Maine Oxy began providing welding supplies and industrial gases for customers throughout Androscoggin County, in central Maine. Since that time, Maine Oxy has expanded to serve three States in eight locations, including a state-of-the-art acetylene production facility. It has also established a cutting-edge Spec Air gas manufacturing laboratory, as well as the New England School of Metalwork, with programs in welding and blacksmithing, as part of its sustained growth.

As a company that truly looks after its own, Maine Oxy has excelled in assisting its employees who serve in the military. Three such members from

Maine Oxy's Auburn facility—Robert Smith, Kirby Touchette, and Scott St. Pierre—were all recently called up to Active Duty as combat engineers. During their deployment, Maine Oxy assisted the servicemembers by sending them care packages, and also aided their families by helping them with various chores, including chopping firewood for one the families that needed it. Even now, Maine Oxy continues to send dozens of care packages to troops in Iraq.

Upon their return, the three deployed employees were encouraged to make use of their maximum allocated 90-day entitlement of time off before returning to work. Moreover, the company was flexible in allowing for follow-up medical appointments. Finally, the firm rehired the employees and promoted them to new positions, thereby allowing their replacement workers to maintain employment as well.

Maine has one of the highest percentages of veterans in the country at roughly 16 percent of the State's population. Our State is seeing hundreds of new veterans each year returning from combat in Iraq and Afghanistan. As such, it is heartening to see companies like Maine Oxy standing ready to assist its veteran employees in such a broad and altruistic manner. Thank you to Bruce Albiston, Maine Oxy's Chief Executive Officer, and everyone at Maine Oxy for their selfless support of their colleagues, and best wishes for their future success.●

MESSAGE FROM THE HOUSE

At 10:30 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1127. An act to extend certain immigration programs.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Energy and Natural Resources by unanimous consent, and referred as indicated:

H.R. 44. An act to implement the recommendations of the Guam War Claims Review Commission; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 146. An act to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David S. Kris, of Maryland, to be an Assistant Attorney General.

Elena Kagan, of Massachusetts, to be Solicitor General of the United States.

Thomas John Perrelli, of Virginia, to be Associate Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Mr. SCHUMER):

S. 527. A bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. KERRY, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. BROWN, and Ms. KLOBUCHAR):

S. 528. A bill to prevent voter caging; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. CARDIN, Mr. SANDERS, Mr. KERRY, and Ms. SNOWE):

S. 529. A bill to assist in the conservation of rare fields and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida (for himself and Mr. MARTINEZ):

S. 530. A bill to extend Federal recognition to the Muscogee Nation of Florida; to the Committee on Indian Affairs.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 531. A bill to provide for the conduct of an in-depth analysis of the impact of energy development and production on the water resources of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself and Mr. KENNEDY):

S. 532. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. KENNEDY, and Ms. SNOWE):

S. 533. A bill to amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. COLLINS, and Mr. BINGAMAN):

S. 534. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. LINCOLN, Ms. MIKULSKI, Ms. SNOWE, Mr. VITTER, and Mr. INHOFE):

S. 535. A bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN:

S. 536. A bill to amend the Clean Air Act to modify the definition of the term "renewable biomass"; to the Committee on Environment and Public Works.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 537. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. LINCOLN (for herself, Mr. COCHRAN, Mr. LEAHY, Mr. MENENDEZ, and Mr. PRYOR):

S. 538. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 539. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mrs. HAGAN, Mr. MERKLEY, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. JOHNSON, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mrs. BOXER):

S. 540. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. CRAPO, Mr. AKAKA, Mr. BROWN, Mr. CORKER, Mr. BOND, and Mr. ISAKSON):

S. 541. A bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KOHL:

S. Res. 65. A resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin; to the Committee on Armed Services.

By Mr. BOND:

S. Res. 66. A resolution designating 2009 as the "Year of the Noncommissioned Officer Corps of the United States Army"; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. SANDERS, Mr. DURBIN, Mr. CASEY, Mr. BURRIS, Mrs. GILLIBRAND, Mr. CHAMBLISS, Mr. KERRY, Mr. BENNETT, Mr. BEGICH, Mr. BAYH, and Mr. DODD):

S. Res. 67. A resolution expressing the sense of the Senate that providing breakfast in schools through the national school breakfast program has a positive impact on the lives and classroom performance of low-income children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 182

At the request of Mr. CASEY, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 378

At the request of Mr. BAYH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 378, a bill to correct the interpretation of the term proceeds under RICO.

S. 386

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans

to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 513

At the request of Mr. SANDERS, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 513, a bill to require the Board of Governors of the Federal Reserve System to publish information on financial assistance provided to various entities, and for other purposes.

S. 524

At the request of Mr. FEINGOLD, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. DURBIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Con. Res. 4, a concurrent resolution calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. CON. RES. 6

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution expressing the sense of Congress that national health care reform should ensure that the health care needs of women and of all individuals in the United States are met.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 60

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

AMENDMENT NO. 615

At the request of Mr. ENSIGN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of amendment No. 615 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. NELSON, of Florida, Mr. KERRY, Mr. SCHUMER, Mr. HARKIN, Mr. DODD, Mr. BROWN, and Ms. KLOBUCHAR):

528. A bill to prevent voter caging; to the Committee on Rules and Administration.

Mr. LEAHY. Mr. President, this week, the Nation commemorates the 49th anniversary of "Bloody Sunday," a day which marked a crucial turning point in securing the right to vote for all Americans. On March 7, 1965, in Selma, Alabama, JOHN LEWIS and his fellow civil rights activists marched for their right to vote but were brutally attacked by state troopers on the Edmund Pettus Bridge. We remember the acts of courageous Americans who fought through the years for equality. We honor their legacy by reaffirming our commitment to protect the right to vote for all Americans.

On the week of this important anniversary, I am pleased to join Sen. WHITEHOUSE in introducing the Caging Prohibition Act of 2009. This legislation contains commonsense reforms to strengthen the Nation's ability to combat organized efforts to suppress the right to vote and better protect the voting rights of countless Americans.

Senator WHITEHOUSE and I introduced a similar bill two years ago in an effort to bring urgent election reform to protect voters during the 2008 presidential

election. Although the Rules Committee held a hearing on the measure, the bill was not reported out of Committee before the Senate adjourned last year. I hope the Senate will do its part to prevent shenanigans from disenfranchising voters during the next Federal election, by promptly passing this bill.

During my three decades in the Senate, I have devoted a considerable portion of my work to improving democratic participation and make our government more accessible to all Americans. For the past two years, I have been delighted to have Senator WHITEHOUSE as a partner on this important issue. I thank him for his leadership on preserving and strengthening our voting rights.

In recent years, we have seen a surge in a particularly alarming form of voter suppression known as voter caging. In voter caging, a political organization sends mail to addresses on voter rolls, compiles a list of returned mail, and uses that list as grounds for partisan and unjustified purges or challenges of voters' eligibility. During the last two presidential election cycles, we have seen evidence of voter caging efforts emerge in numerous States, including Ohio, Florida, Michigan, and Pennsylvania.

Chief among the problems with voter caging is that it threatens to disenfranchise voters in an unreliable manner. Rather than preventing votes cast by ineligible voters, far too often the practice prevents legitimate voters from casting their ballots. According to a recent report from the nonpartisan Brennan Center for Justice, "[V]oter caging lists are highly likely to include the names of many voters who are in fact eligible to vote." Of course, since government databases are often riddled with typos and clerical errors, these findings are hardly surprising.

Even more troubling, voter caging often aims to disenfranchise minority voters. I recall during a Senate race in Louisiana, in 1986, a memorandum from the Republican National Committee concluded that hiring a consultant to distribute 350,000 mailings marked "do not forward" to mostly African-American districts would "eliminate at least 60-80,000 folks from the rolls . . . [and] could keep the black vote down considerably." That is unacceptable. That is wrong. No one's right to vote should be abridged, suppressed, or denied in the United States of America.

The practice of voter caging chips away at core protections in our democracy. The right to vote, and have your vote count, is a foundational right because it secures the effectiveness of all other protections. Indeed, the very legitimacy of our government is dependent on the access all Americans have to the political process. That is why voting is the cornerstone of our democ-

racy. Any infringement on this right harms the fabric of America.

All too often, voter caging efforts have partisan goals. For example, the Judiciary Committee's investigation last Congress into the mass firings of U.S. Attorneys for political reasons shed light on how Tim Griffin, a former Bush White House aide, participated in a voter caging scheme aimed at disenfranchising African-American voters in Florida. He was later appointed interim U.S. Attorney for the Eastern District of Arkansas.

Rooting out partisan voter caging tactics requires us to give Federal officials the tools and resources they need to investigate and prosecute organized efforts to suppress the right to vote. This bill will do exactly that.

This legislation would prohibit challenging a person's eligibility to vote—or register to vote—based on a voter caging list, an unverified match list, or foreclosure status. A challenged voter may feel intimidated or discouraged, and may leave a polling site and not vote. In America, a person should not lose their fundamental right to vote, nor have that vote challenged, on the sole basis of a mistake, error, or because their mail failed to reach them. Similarly, as the current economic crisis reminds us, Americans should not have their fundamental right to vote jeopardized simply because they lose their jobs to layoffs or their homes to foreclosure.

The bill would also require any private party who challenges the right of another citizen to vote—or register to vote—to set forth in writing, under penalty of perjury, the specific grounds for the alleged ineligibility. This provision deters illegitimate challenges to voters by requiring, at a minimum, a showing of good cause. It properly balances legitimate efforts to clean voting rolls with forbidding unreliable voter purges.

I am pleased that this bill has the support of civil rights and voting rights organizations such as the Leadership Conference on Civil Rights, the Lawyers Community for Civil Rights under Law, the Brennan Center for Justice, and the People for the American Way. They understand that voter caging is a modern-day barrier to the ballot box that has created unique problems for legitimate voters for many years, and that a Federal ban on these undemocratic practices is necessary.

I hope that this year all Senators will support this important legislation and take firm action to stamp out this intolerable voter suppression tactic.

By Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. UDALL, of New Mexico, Mr. WHITEHOUSE, Mr. CARDIN, Mr. SANDERS, Mr. KERRY, and Ms. SNOWE):

S. 529. A bill to assist in the Conservation of rare fields and rare canids

by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise to speak about the Great Cats and Rare Canids Act, which I am introducing today along with my friends Senators SAM BROWNBACK and TOM UDALL. This bipartisan legislation continues our tradition of protecting threatened and endangered species around the world and comes at a critical time in the survival of these animals.

Of the 37 wild felid species worldwide, all are currently recognized as species in need of protection under the World Conservation Union, IUCN, Red List, the lists of species in CITES appendices I, II, and III, or the Endangered Species Act of 1973. Of the 35 wild canid species worldwide, nearly 50 percent are recognized as in need of such protection in one of these categories.

This legislation would create the Great Cats and Rare Canids Conservation Fund and builds on the success of the Multinational Species Conservation Fund, NSCF, which presently provides funding to protect tigers, rhinoceroses, elephants, great apes, and marine turtles. The Great Cats and Rare Canids Conservation Fund would support the conservation of wild felid and canid populations outside the United States by providing financial resources to conserve 15 such species that are vital for their ecological value and are listed as endangered or threatened on the IUCN Red List of Endangered Species. The great cats and rare canids included in this bill are umbrella species that, if conserved appropriately, protect their corresponding landscapes and other species dependent on those ecosystems.

Among the species protected under this act are the majestic jaguar of South and Central America, the elusive snow leopard, the cheetah, the African wild dog, and other rare carnivore species. These species are threatened by habitat loss, poaching, disease, and pollution.

The struggle of the African wild dog is one example of the plight these large carnivores face. The less than 2,500 adults that remain not only have to combat the widespread misconception that they are livestock killers, but are extremely susceptible to diseases common in domesticated animals. They have lost 89 percent their habitat and are now found in only 14 of the 39 countries that comprise their historic range.

The snow leopard is another example. Like all great cats, the snow leopard needs a large tract of uninterrupted

land in which to live, but the snow leopard's habitat in China has been fragmented due to human encroachment. The cats are also under extreme poaching pressures as their fur is sold on the black market.

In addition to protecting the species already listed in the Act, the U.S. Fish and Wildlife Service has been mandated to complete a study within two years of the bill's enactment to determine what other critically endangered species could become eligible for conservation assistance. The findings of this study will enable the United States to provide conservation assistance to protect additional great cat and rare canid species that are determined to need conservation assistance in the future.

Our bill would authorize \$5 million in annual spending for the conservation of more than a dozen species of great cats and rare canines. The Great Cats and Rare Canids Conservation Fund would leverage private conservation dollars from corporate and non-government sources in order to address the critical need to conserve these threatened large carnivores. Historically, for every \$1 invested by the Federal Government in the programs that are part of the Multinational Species Conservation Fund, there is at least a \$3 match by private donations.

These funds enable the U.S. Fish and Wildlife Service to partner with non-profit groups and foreign entities to undertake a range of conservation programs where threatened and endangered species live. Typical activities to protect the different species in the Multinational Species Conservation Fund include new educational programs for local populations to increase awareness of these species and prevent interactions that could be harmful to people and animals, as well as increased monitoring and law enforcement activities to prevent poaching and illegal animal trafficking. Great cats are particularly at risk from hunting for trade purposes while rare canids are susceptible to disease, and this bill will allow the establishment of programs to address these species-specific threats.

The genesis of the Great Cats and Rare Canids program is nearly a decade old, and the bill under consideration today was also introduced in the past two Congresses. In that time, these species have continued to decline in numbers. I do not think our children and grandchildren will forgive us if we stand by and let these magnificent animals drift into extinction. With a relatively small investment, we can invigorate ongoing conservation efforts around the world.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 531. A bill to provide for the conduct of an in-depth analysis of the im-

pact of energy development and production on the water resources of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am introducing a bill, with Senator MURKOWSKI's support, that will improve our understanding of the interdependence of energy and water and begin integrating decision-making for both resources. The relationship between energy and water is an often overlooked but serious issue that is growing in importance.

Energy and water are crucial components of modern life. Production of energy and freshwater are inextricably linked. Each is required for the production of the other, and neither resource is routinely considered in developing management policies for the other. As population density continues to increase in already water-stressed regions, it is crucial that the United States develop new policies that integrate energy and water solutions so that one resource does not undermine the use of the other.

Thermal power generation, coal, natural gas, oil, and nuclear, accounts for 39 percent of freshwater withdrawals in the U.S., second only to agriculture-related withdrawals. Water use can range from 7,500 gallons of water per megawatt-hour produced, gal/MWhr, for natural gas plants, to 60,000 gal/MWhr for some nuclear facilities. Petroleum refineries also use a significant amount of water, and the water demands of the transportation sector will only increase as the U.S. seeks to reduce its reliance on foreign oil. The two primary options for reducing gasoline use—plug-in hybrids and biofuels—are both more water intensive than gasoline. By some estimates, plug-in hybrids consume three times more water per mile traveled than conventional gasoline vehicles. If the entire production cycle is considered, some biofuels can consume as much as 20 times more water per mile traveled. Three provisions of the bill attempt to highlight and further analyze these issues: a National Academies study of water use in transportation fuel production and electricity generation; the development of power plant water use guidelines by the Department of Energy; and a directive to the Secretary of Energy to finalize an energy-water research and development roadmap to guide policy efforts in the future. Better data will lead to integration of water considerations in the development of energy policy.

Just as our energy consumption uses large amounts of water, the acquisition, treatment, and delivery of water supplies consumes massive amounts of energy. For example, 19 percent of California's electricity consumption is for water-related energy uses. Overall, treatment and delivery of municipal

water supplies consume 3 percent of the nation's electricity. The bill addresses the issue of water-related energy consumption by directing the Bureau of Reclamation to evaluate energy use in Reclamation projects and identify ways to reduce such use. The bill also directs the Energy Information Administration to gather data and report on the energy consumed by water treatment and delivery activities. Once again, better data will lead to improved decision-making by State, local, and Federal water managers. Furthermore, the bill establishes research priorities for the Bureau of Reclamation's Brackish Groundwater Desalination Facility, including renewable energy integration with desalination technologies. To the extent that renewable energy can be integrated with water treatment and delivery facilities, public acceptance of new water supply proposals is likely to increase.

The bill being introduced today is a good first step towards integrating energy and water policy. Such efforts will become increasingly necessary as growing populations, environmental needs, and a changing climate continue to affect both energy and water resources. I look forward to this legislation increasing the dialogue on these issues and hope that we can incorporate additional ideas as the legislative process proceeds.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy and Water Integration Act of 2009".

SEC. 2. ENERGY WATER NEXUS STUDY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Energy (referred to in this Act as the "Secretary"), in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct an in-depth analysis of the impact of energy development and production on the water resources of the United States.

(b) SCOPE OF STUDY.—

(1) IN GENERAL.—The study described in subsection (a) shall be comprised of each assessment described in paragraphs (2) through (4).

(2) TRANSPORTATION SECTOR ASSESSMENT.—

(A) IN GENERAL.—The study shall include a lifecycle assessment of the quantity of water withdrawn and consumed in the production of transportation fuels, or electricity, to evaluate the ratio that—

(i) the quantity of water withdrawn and consumed in the production of transportation fuels (measured in gallons), or electricity (measured in kilowatts); bears to

(ii) the total distance (measured in miles) that may be traveled as a result of the consumption of transportation fuels, or electricity.

(B) SCOPE OF ASSESSMENT.—

(i) IN GENERAL.—The assessment shall include, as applicable—

(I) the exploration for, and extraction or growing of, energy feedstock;

(II) the processing of energy feedstock into transportation fuel;

(III) the generation, transportation, and storage of electricity for transportation; and

(IV) the conduct of an analysis of the efficiency with which the transportation fuel is consumed.

(ii) FUELS.—The assessment shall contain an analysis of transportation fuel sources, including—

(I) domestically produced crude oil (including products derived from domestically produced crude oil);

(II) imported crude oil (including products derived from imported crude oil);

(III) domestically produced natural gas (including liquid fuels derived from natural gas);

(IV) imported natural gas (including liquid fuels derived from natural gas);

(V) oil shale;

(VI) tar sands;

(VII) domestically produced corn-based ethanol;

(VIII) imported corn-based ethanol;

(IX) advanced biofuels (including cellulosic- and algae-based biofuels);

(X) coal to liquids (including aviation fuel, diesel, and gasoline products);

(XI) electricity consumed in—

(aa) fully electric drive vehicles; and

(bb) plug-in hybrid vehicles;

(XII) hydrogen; and

(XIII) any reasonably foreseeable combination of any transportation fuel source described in subclauses (I) through (XII).

(3) ELECTRICITY SECTOR ASSESSMENT.—

(A) IN GENERAL.—The study shall include a lifecycle assessment of the quantity of water withdrawn and consumed in the production of electricity to evaluate the ratio that—

(i) the quantity of water used and consumed in the production of electricity (measured in gallons); bears to

(ii) the quantity of electricity that is produced (measured in kilowatt-hours).

(B) SCOPE OF ASSESSMENT.—The assessment shall include, as applicable—

(i) the exploration for, or extraction or growing of, energy feedstock;

(ii) the processing of energy feedstock for electricity production; and

(iii) the production of electricity.

(C) GENERATION TYPES.—The assessment shall contain an evaluation and analysis of electricity generation facilities that are constructed in accordance with different plant designs (including different cooling technologies such as water, air, and hybrid systems, and technologies designed to minimize carbon dioxide releases) based on the fuel used by the facility, including—

(i) coal;

(ii) natural gas;

(iii) oil;

(iv) nuclear energy;

(v) solar energy;

(vi) wind energy;

(vii) geothermal energy;

(viii) biomass;

(ix) the beneficial use of waste heat; and

(x) any reasonably foreseeable combination of any fuel described in clauses (i) through (ix).

(4) ASSESSMENT OF ADDITIONAL IMPACTS.—In addition to the impacts associated with the

direct use and consumption of water resources in the transportation and electricity sectors described in paragraphs (2) and (3), the study shall contain an identification and analysis of any unique water impact associated with a specific fuel source, including an impact resulting from—

(A) any extraction or mining practice;

(B) the transportation of feedstocks from the point of extraction to the point of processing;

(C) the transportation of fuel and power from the point of processing to the point of consumption; and

(D) the location of a specific fuel source that is limited to 1 or more specific geographical regions.

(c) REPORT TO SECRETARY.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report that contains a summary of the results of the study conducted under this section.

(d) AVAILABILITY OF RESULTS OF STUDY.—On the date on which the National Academy of Sciences completes the study under this section, the National Academy of Sciences shall make available to the public the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

SEC. 3. POWER PLANT WATER AND ENERGY EFFICIENCY.

(a) IN GENERAL.—To protect water supplies and promote the efficient use of water in the electricity production sector, the Secretary, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to identify the best available technologies and related strategies to maximize water and energy efficiency in the production of electricity by each type of generation.

(b) GENERATION TYPES.—The study shall include an evaluation of different types of generation facilities, including—

(1) coal facilities, under which the evaluation shall account for—

(A) different types of coal and associated generating technologies; and

(B) the use of technologies designed to minimize and sequester carbon dioxide releases;

(2) oil and natural gas facilities, under which the evaluation shall account for the use of technologies designed to minimize and sequester carbon dioxide releases;

(3) hydropower, including turbine upgrades, incremental hydropower, in-stream hydropower, and pump-storage projects;

(4) thermal solar facilities; and

(5) nuclear facilities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

SEC. 4. WATER CONSERVATION AND ENERGY SAVINGS STUDY.

(a) DEFINITIONS.—In this section:

(1) MAJOR RECLAMATION PROJECT.—The term “major Reclamation project” means a multipurpose project authorized by the Federal Government and carried out by the Bureau of Reclamation.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraph (2), to promote the efficient use of energy in water distribution systems, the Secretary shall conduct a study to evaluate the quantities of energy used in water storage and delivery operations in major Reclamation projects.

(2) ELEMENTS.—In conducting the study, the Secretary shall—

(A) with respect to each major Reclamation project—

(i) assess and estimate the annual energy consumption associated with the major Reclamation project; and

(ii) identify—

(I) each major Reclamation project that consumes the greatest quantity of energy; and

(II) the aspect of the operation of each major Reclamation project described in subclause (I) that is the most energy intensive (including water storage and releases, water delivery, and administrative operations); and

(B) identify opportunities to significantly reduce current energy consumption and costs with respect to each major Reclamation project described in subparagraph (A), including, as applicable, through—

(i) reduced groundwater pumping;

(ii) improved reservoir operations;

(iii) infrastructure rehabilitation;

(iv) water reuse; and

(v) the integration of renewable energy generation with project operations.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains a description of the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

SEC. 5. BRACKISH GROUNDWATER NATIONAL DESALINATION RESEARCH FACILITY.

(a) DEFINITIONS.—In this section:

(1) FACILITY.—The term “facility” means the Brackish Groundwater National Desalination Research Facility, located in Otero County, New Mexico.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) DUTY OF SECRETARY.—The Secretary shall operate, manage, and maintain the facility to carry out research, development, and demonstration activities to develop technologies and methods that promote brackish groundwater desalination as a viable method to increase water supply in a cost-effective manner.

(c) OBJECTIVES; ACTIVITIES.—

(1) OBJECTIVES.—The Secretary shall operate and manage the facility as a state-of-the-art desalination research center—

(A) to develop new water and energy technologies with widespread applicability; and

(B) to create new supplies of usable water for municipal, agricultural, industrial, or environmental purposes.

(2) ACTIVITIES.—In operating, managing, and maintaining the facility under subsection (b), the Secretary shall carry out—

(A) as a priority, the development of renewable energy technologies for integration with desalination technologies—

(i) to reduce the capital and operational costs of desalination;

(ii) to minimize the environmental impacts of desalination; and

(iii) to increase public acceptance of desalination as a viable water supply process;

(B) research regarding various desalination processes, including improvements in reverse and forward osmosis technologies;

(C) the development of innovative methods and technologies to reduce the volume and cost of desalination concentrated wastes in an environmentally sound manner;

(D) an outreach program to create partnerships with States, academic institutions, private entities, and other appropriate organizations to conduct research, development, and demonstration activities, including the establishment of rental and other charges to provide revenue to help offset the costs of operating and maintaining the facility; and

(E) an outreach program to educate the public on—

(i) desalination and renewable energy technologies; and

(ii) the benefits of using water in an efficient manner.

(d) **AUTHORITY OF SECRETARY.**—The Secretary may enter into contracts or other agreements with, or make grants to, appropriate entities to carry out this section, including an agreement with an academic institution to manage research activities at the facility.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 6. ENHANCED INFORMATION ON WATER-RELATED ENERGY CONSUMPTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

“(n) **WATER-RELATED ENERGY CONSUMPTION.**—

“(1) **IN GENERAL.**—Not less than once during each 3-year period, to aid in the understanding and reduction of the quantity of energy consumed in association with the use of water, the Administrator shall conduct an assessment under which the Administrator shall collect information on energy consumption in various sectors of the economy that are associated with the acquisition, treatment, or delivery of water.

“(2) **REQUIRED SECTORS.**—An assessment described in paragraph (1) shall contain an analysis of water-related energy consumption for all relevant sectors of the economy, including water used for—

“(A) agricultural purposes;

“(B) municipal purposes;

“(C) industrial purposes; and

“(D) domestic purposes.

“(3) **EFFECT.**—Nothing in this subsection affects the authority of the Administrator to collect data under section 52 of the Federal Energy Administration Act of 1974 (15 U.S.C. 790a).”.

SEC. 7. ENERGY-WATER RESEARCH AND DEVELOPMENT ROADMAP.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall develop a document to be known as the “Energy-Water Research and Development Roadmap” to define the future research, development, demonstration, and commercialization efforts that are required to address emerging water-related challenges to future, cost-effective, reliable, and sustainable energy generation and production.

(b) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the document described in subsection (a), including recommendations for any future action with respect to the document.

By Ms. COLLINS (for herself, Mr. KENNEDY, and Ms. SNOWE):

S. 533. A bill to amend the Coastal Zone Management Act of 1972 to establish a grant program to ensure waterfront access for commercial fisherman, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce two bills that will improve the lives of our Nation's fishermen who are struggling to make a living at sea.

The fishing industry in New England is an important part of our heritage. From our nation's earliest days, fishing has served as an economic driver that has allowed our nation to prosper. Maine's proud fishing heritage is woven deeply into the cultural fabric of our state. Sadly, the global economic downturn and heavy-handed federal regulations threaten the economic stability of this venerable industry. To attempt to assist our fishing families, I am pleased to be joined by my colleague from Massachusetts, Senator KENNEDY, in introducing the Working Waterfront Preservation Act and the Commercial Fishermen Safety Act.

All along our Nation's coasts there are harbors that were once full of the hustle and bustle associated with the fishing industry. Unfortunately, there is an erosion of the vital infrastructure known as our working waterfronts that is so critical to our commercial fishing industries. I have drafted legislation that will help combat the loss of commercial access to our waterfronts and support the fishing industry's role in our maritime heritage.

When constituents first called asking me to help them in their efforts to stop the loss of their fishing businesses and the communities built around this industry, I learned that no Federal program exists that supports preserving or increasing waterfront access for the commercial fishing industry. This is especially disheartening because every week we are losing more of our working waterfronts in this country. Quite simply, once lost, these vital economic and community hubs of commercial fishing activity cannot be replaced.

That is why I am introducing the Working Waterfront Preservation Act. This legislation would create a program to support our Nation's commercial fisherman and the coastal communities that are at risk of losing their fishing businesses.

The need for such a program is demonstrated by the loss of commercial waterfront access occurring in Maine. Only 25 of Maine's 3,500 miles of coastline are devoted to commercial access. We are continually seeing portions of Maine's working waterfront being sold off to the highest bidder—with large vacation homes and condominiums rising in places that our fishing industry used to call home.

The reasons for the loss of Maine's working waterfront are complex. In

some cases, burdensome fishing regulations have led to a decrease in landings, hindering the profitability of shore-side infrastructure, like the Portland Fish Exchange. In other cases, soaring land values and rising taxes have made the current use of commercial land unprofitable. Property is being sold and quickly converted into private spaces and second homes that are no longer the center of economic activity. With each conversion of commercial waterfront access to private development, a piece of Maine's proud maritime tradition is irretrievably lost.

Maine's lack of commercial waterfront prompted the formation of a “Working Waterfront Coalition.” This coalition was comprised of an impressive number of industry associations, nonprofit groups, and State agencies, who came together to preserve Maine's working waterfront.

I am pleased to note that the Working Waterfront Coalition was successful in contributing to the creation of two programs in Maine. The first is a tax incentive for property owners to keep their land in its current working waterfront state. The second is a pilot program for grant funding to secure and preserve working waterfront areas. Since 2006, the Working Waterfront Access Pilot Program has secured 11 properties totaling more than 25 acres of land that supports more than 300 boats, 400 fishing industry jobs, and more than \$26 million in income directly associated with our working waterfronts. The State of Maine has taken positive action to save its waterfronts and is a model for other States in the country facing this problem.

This work is not, however, finished. The loss of commercial waterfront access affects the fishing industry throughout all coastal states. And a modest Federal investment could do so much to save these areas. Preservation of the working waterfront is essential to protect a way of life that is unique to our coastal States and is vital to economic development along the coast. Fishermen are being pushed out of the waterfront as their profitability shrinks and land values soar. Our legislation targeting this exact problem, as no Federal program exists to assist States like Maine, Florida, Washington, and Louisiana.

The Working Waterfront Preservation Act would assist by providing Federal grant funding to municipal and State governments, non-profit organizations, and fishermen's cooperatives for the purchase of property or easements or for the maintenance of working waterfront facilities. The bill contains a \$50 million authorization for grants that would require a 25 percent local match. Applications for grants would be considered by both the Department of Commerce and State fisheries agencies, which have the local expertise to understand the needs of each

coastal State. Grant recipients would agree not to convert coastal properties to noncommercial uses, as a condition of receiving Federal assistance.

This legislation also includes a tax component. When properties or easements are purchased, sellers would only be taxed on half of the gain they receive from this sale. This is a vital aspect of my bill because it would diminish the pressure to quickly sell waterfront property that would then, most likely, be converted to noncommercial uses, and would increase the incentives for sellers to take part in this grant program. This is especially important given that the application process for Federal grants does not keep pace with the coastal real estate market.

This legislation is crucial for our Nation's commercial fisheries, which are coming under increasing pressures from many fronts. This new grant program would preserve important commercial infrastructure and promote economic development along our coast.

Second, I am introducing the Commercial Fishermen Safety Act of 2009, a bill to help fishermen purchase the life-saving safety equipment they need to survive when disaster strikes.

Every day, members of our fishing communities struggle to cope with the pressures of running a small business, complying with burdensome regulations, and maintaining their vessels and equipment. These challenges have been made worse by the growing economic crisis, which only adds to the dangers associated with fishing.

Year-in and year-out, commercial fishing ranks among the nation's most dangerous occupations. Fatality rate data compiled by the Census of Fatal Occupational Injuries program for 2007 has, once again, listed fishing as having the highest fatality rate among selected occupations. While I am encouraged that 2007 saw a drop in the number of occupational-related fatalities in the fishing industry, we must be doing more to save lives at sea.

The New England fishing community is no stranger to tragedy. Just this year, the *Patriot*, a 54-foot fishing boat out of Gloucester, MA, sunk off the coast of Massachusetts without warning. The ship's captain Matteo Russo and crew member John Orlando, who were lost in the incident, were unable to send a mayday call in the early morning of January 3, 2009. The unexplained circumstance of their deaths offers little solace to the families and communities that loved them. What is clear is that preventing further loss of life requires that we do all we can to promote safety at sea.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels

from shore to fish. Required equipment can include a liferaft that automatically inflates and floats free, should the vessel sink. Other life-saving equipment includes: personal flotation devices or immersion suits which help protect fishermen from exposure and increase buoyancy; EPIRBs, which relay a downed vessel's position to Coast Guard Search and Rescue Personnel; visual distress signals; and fire extinguishers.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance.

The Commercial Fishermen Safety Act of 2007 provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at \$1500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while liferafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the federal tax code.

We have seen far too many tragedies in this occupation. Please, let us support fishermen who are trying to prepare in case disaster strikes. Safety equipment saves lives. By providing a tax credit for the purchase of safety equipment, Congress can help ensure that fishermen have a better chance of returning home each and every time they head out to sea.

By Mr. WYDEN:

S. 536. A bill to amend the Clean Air Act to modify the definition of the term "renewable biomass"; to the Committee on Environment and Public Works.

Mr. WYDEN. Mr. President, there is an old saying about "not seeing the forest for the trees" that applies to the current myopic policies on biomass from Federal lands. Right now, instead of helping to provide part of the solution to our Nation's dependence on foreign oil, biomass from Federal lands allowed to build up in the woods or worse become fuel for catastrophic fires. Instead of being part of the solution for energy independence, it is creating a problem for forest management and communities that border on Federal forests.

I rise today to introduce a bill that would allow woody debris and plant material—or "biomass"—from Federal lands to become part of the solution to America's energy problems and to create new economic opportunities to help sustain our rural communities. This legislation would amend the Clean Air Act to modify the definition of the term "renewable biomass" contained in the Federal Renewable Fuel Stand-

ard so that biomass from Federal lands is eligible as a fuel source under this standard.

Today, biomass from Federal lands cannot be counted as a renewable transportation fuel. The change I am proposing would help tackle a number of critical problems—expanding the universe of biomass that can be used for fuel, helping pay for programs to reduce dangerous levels of dead and dying trees that fuel wildfires, thinning unhealthy, second growth forests, providing low-carbon fuels to address climate change, and create jobs in increasingly difficult economic times.

The reason we need this legislation goes back to the 2007 energy bill—the Energy Independence and Security Act of 2007. In that legislation, the Congress dramatically expanded the Federal mandate for the use of renewable biofuels, such as ethanol from corn and cellulose, and biodiesel. Unfortunately, this legislation included a definition of renewable biomass that is now part of the Clean Air Act which excluded slash and thinning byproducts from Federal lands—all Federal lands. This occurred despite the bipartisan work we had undertaken here in the Senate and in the Energy and Natural Resources Committee to come up with a more commonsense definition. The result is that biomass from millions of acres of Federal lands are arbitrarily excluded from serving as feedstock for the very renewable biofuels that the mandate requires.

Changing the definition of "renewable biomass" for the renewable fuels standard is very important to states like Oregon, where the Federal Government owns much of the land and where our forests are choked and overstocked. Critical work needs to take place in these forests and utilizing the excess biomass—small diameter trees, limbs and debris—for energy will help us get that work accomplished while getting us the added benefit of green energy. These byproducts are often a critical energy source for rural Americans, who use them in environmentally-friendly wood pellet stoves. But more importantly, they are part of the future of clean, renewable fuels—as further development of cellulosic ethanol will allow us to use these waste materials reclaimed literally from the forest and mill floors. Conversely, by excluding biomass from Federal lands, the existing mandate places ever more weight on the use of biomass from other sources, including the use of food-based corn and grains and private forests.

My bill seeks to utilize biomass from Federal lands in an environmentally responsible way. It will protect those natural resources that need to be protected, while allowing renewable biomass from Federal lands to contribute to our Nation's energy mix. First, my

bill would allow biomass from National Forests and Bureau of Land Management forests to qualify as renewable biomass under the Federal Renewable Fuels Standard, but it would continue to exclude old growth and biomass from National Parks, Wilderness Areas and other environmentally protected areas. Second, the bill would require Federal land managers to ensure that the quantities of biomass harvested even from these eligible National Forest and BLM lands are sustainable. While biomass holds great potential as a clean source of energy, I want to ensure that it gets harvested at levels that are truly sustainable and that biofuels and bioenergy projects dependent on renewable biomass are sized appropriately so that we protect our forests and natural resources and ensure that biofuels production facilities will not wither and die because of inadequate feedstock supplies.

I want to be clear that my legislation only addresses the question of how the Renewable Fuel Standard treats biomass from Federal lands. It does not and it is not intended to reopen or overhaul the Renewable Fuels Standard as a whole. It is simply a targeted fix for our Federal public lands.

As we move forward with new energy legislation and work on developing additional green energy solutions, I want to ensure that renewable biomass is genuinely one of those solutions, including biomass from Federal lands. It is my hope that beyond fixing the definition in the Clean Air Act for the Renewable Fuels Standard, Congress will include a comparable definition in legislation addressing climate change and renewable electricity production requirements.

I look forward to working with my colleagues here in the Senate and in the House of Representatives to advance a biomass definition that balances sound energy policy with practical and sensible use of our forests.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEWABLE BIOMASS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that Congress should seek to establish a consistent definition for the term “renewable biomass”.

(b) RENEWABLE BIOMASS.—Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended—

(1) by redesignating clauses (v) through (vii) as clauses (vi) through (viii), respectively;

(2) by inserting after clause (iv) the following:

“(v) Slash and precommercial sized thinnings harvested—

“(I) in environmentally sustainable quantities, as determined by the appropriate Federal land manager; and

“(II) from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), other than—

“(aa) components of the National Wilderness Preservation System;

“(bb) wilderness study areas;

“(cc) inventoried roadless areas and all unroaded areas of at least 5,000 acres;

“(dd) old growth stands;

“(ee) components of the National Landscape Conservation System; and

“(ff) national monuments.”; and

(3) by striking clause (vi) (as redesignated by paragraph (1)) and inserting the following:

“(vi) Biomass obtained on land in any ownership from the immediate vicinity of any building, camp, or public infrastructure facility (including roads), at risk from wildfire.”.

By Mr. KOHL (for himself and Mr. GRAHAM):

S. 537. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2009, a bill that will curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information hidden from the public.

This problem has been recurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend a virtually unlimited amount of money defending the lawsuit, prolonging the time it takes to reach resolution. Facing a formidable opponent and mounting medical bills, a plaintiff often has no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

This concern about excessive secrecy is warranted by the fact that tobacco companies, automobile manufacturers, and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American people from future harms. Surely, there are appropriate uses for such orders, like protecting trade secrets and

other truly confidential company information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public, to protect a company's reputation or profit margin.

One of the most famous cases of abuse of secrecy orders involved Bridgestone/Firestone tires. From 1992–2000, tread separations of various Bridgestone and Firestone tires caused accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It was not until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, one might argue that there is no urgent need for legislation. But, unfortunately, the list of abuses goes on. There is the case of General Motors. Although an internal memo demonstrated that GM was aware of the risk of fire deaths from crashes of pickup trucks with “side saddle” fuel tanks, an estimated 750 people were killed in fires involving trucks with these fuel tanks. When victims sued, GM disclosed documents only under protective orders, and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

Evidence suggests that the dangers posed by protective orders and secret settlements continue. On December 11, 2007, at a hearing before the Senate Judiciary Committee Subcommittee on Antitrust, Competition Policy and Consumer Rights, Johnny Bradley Jr. described his tragic personal story that demonstrates the implications of court endorsed secrecy. In 2002, Mr. Bradley's wife was killed in a rollover accident allegedly caused by tread separation in his Cooper tires. While litigating the case, his attorney uncovered documented evidence of Cooper tire design defects. Through aggressive litigation of protective orders and confidential settlements in cases prior to the Bradleys' accident, Cooper had managed to keep the design defect documents confidential. Prior to the end of Mr. Bradley's trial, Cooper Tires settled with him on the condition that almost all litigation documents would be kept confidential under a broad protective order. With no access to documented evidence of design defects, consumers will continue to remain in the dark about this life-threatening defect.

In 2005, the drug company Eli Lilly settled 8,000 cases related to harmful side effects of its drug Zyprexa. All of those settlements required plaintiffs to agree "not to communicate, publish or cause to be published . . . any statement . . . concerning the specific events, facts or circumstances giving rise to [their] claims." In those cases, the plaintiffs uncovered documents which showed that, through its own research, Lilly knew about the harmful side effects as early as 1999. While the plaintiffs kept quiet, Lilly continued to sell Zyprexa and generated \$4.2 billion in sales in 2005. More than a year later, information about the case was leaked to the New York Times and another 18,000 cases settled. Had the first settlement not included a secrecy agreement, consumers would have been able to make informed choices and avoid the harmful side effects, including enormous weight gain, dangerously elevated blood sugar levels, and diabetes.

This very issue is currently before a Federal judge in Orlando, FL. There, the court is faced with deciding whether AstraZeneca can keep under seal clinical studies about the harmful side effects of an antipsychotic drug, Seroquel. Plaintiffs' lawyers and Bloomberg News sued to force AstraZeneca to make public documents discovered in dismissed lawsuits. Late last month, the court unsealed some of the documents at question, and is still deciding whether to unseal the remainder of the documents. This is exactly the sort of case where we need judges to consider public health and safety when deciding whether to allow a secrecy order.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone, Cooper Tire, Zyprexa and Seroquel, secrecy agreements have also had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products and drugs to remain in the market. And those are only the ones we know about.

While some states have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require federal judges to perform a simple balancing test to ensure that in any proposed secrecy order, the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety.

Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine—by

making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunshine in Litigation Act of 2009".

SEC. 2. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

"§ 1660. Restrictions on protective orders and sealing of cases and settlements

"(a)(1) A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court has made findings of fact that—

"(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

"(B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

"(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

"(2) No order entered in accordance with paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) have been met.

"(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

"(4) This section shall apply even if an order under paragraph (1) is requested—

"(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

"(B) by application pursuant to the stipulation of the parties.

"(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise

discoverable under rule 26 of the Federal Rules of Civil Procedure.

"(B) No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

"(b)(1) A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

"(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement described under subsection (a)(1) between or among parties that prohibits 1 or more parties from—

"(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

"(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

"(2) Paragraph (1) does not apply if the court has made findings of fact that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.

"(d) When weighing the interest in maintaining confidentiality under this section, there shall be a rebuttable presumption that the interest in protecting personally identifiable information relating to financial, health or other similar information of an individual outweighs the public interest in disclosure.

"(e) Nothing in this section shall be construed to permit, require, or authorize the disclosure of classified information (as defined under section 1 of the Classified Information Procedures Act (18 U.S.C. App.))."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

"1660. Restrictions on protective orders and sealing of cases and settlements."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

By Mrs. LINCOLN (for herself,
Mr. COCHRAN, Mr. LEAHY, Mr.
MENENDEZ, and Mr. PRYOR):

S. 538. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mrs. LINCOLN. Mr. President, on behalf of children in lower-income schools across our nation, I rise today to introduce the Increased Student Achievement through Increased Student Support Act.

Each day, teachers in our schools are tasked not only with addressing the academic needs of students, but also with the behavioral, social, and emotional needs of the children in their classrooms. When they are left to address these emotional and behavioral issues, they have less time to deliver high quality academic instruction to the rest of the students in their class. Additionally, teachers often do not have the training or expertise to deal with many of the emotional issues their students face. Children overcoming mental illness or family issues such as the deployment of a parent to a war zone, homelessness, or domestic abuse, need the assistance of a trained professional, such as a school psychologist, school counselor, or school social worker.

While student support services provided by these support personnel are readily available in many school districts, other low-income schools often lack access to these support personnel. Too many schools in low-income rural and urban areas have to share school counselors, social workers, and psychologists with many schools in the area, limiting their students' access to these services and placing an unnecessary burden on our teachers and our students.

That is why I rise today along with my colleagues Senators COCHRAN, LEAHY, MENENDEZ, and PRYOR to enthusiastically offer the Increased Student Achievement through Increased Student Support Act. This bill will authorize grant funding to form partnerships between higher education institutions that train school guidance counselors, social workers, and psychologists and qualified rural and urban low-income Local Education Agencies to train and place these important school support professionals in under-served schools across the country.

This bipartisan bill also authorizes grant funding to universities to recruit and hire faculty to train graduate students to become school counselors, school social workers, and school psychologists. Additionally, it provides tuition credits to such graduate students, and offers student loan forgiveness to program graduates employed as school counselors, social workers, or psychologists by rural or urban low-income Local Education Agencies for a minimum of five years.

By increasing the number of student support personnel in our country's under-served schools, we will provide students with the social and emotional support they need to succeed in the classroom. We will also provide teachers the assistance they need so they can concentrate on providing the academic instruction our children need.

By taking these steps to improve student access to school counselors, school social workers, and school psychologists, I am confident we can make

strides in raising academic achievement in schools across the country.

As we move forward, I want to encourage my colleagues to support America's children by supporting this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Increased Student Achievement Through Increased Student Support Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Research shows that socioeconomic status and family background characteristics are highly correlated with educational outcomes, with a concentration of low-performing schools in low-income and under-served communities.

(2) Teachers cite poor working conditions, student behavior, lack of student motivation, and lack of administrative support as key reasons why they choose to leave the teaching profession.

(3) Teachers and principals working for low-income local educational agencies are increasingly tasked with addressing not only the academic needs of a child, but also the social, emotional, and behavioral needs of a child that require the services of a school counselor, school social worker, and school psychologist, and these needs often interfere with delivering quality instruction and raising student achievement.

(4) Rates of abuse and neglect of young children in military families have doubled with the increased military involvement of the United States abroad since October 2002; likewise, adolescents with deployed parents report increased perceptions of uncertainty and loss, role ambiguity, negative changes in mental and behavioral health, and increased relationship conflict, raising concerns about the impact of deployment on military personnel and their families and whether schools that serve a large number of children with deployed parents have sufficient staff and expertise to meet these challenges.

(5) Children of military families in rural communities are often geographically isolated, and schools that were already experiencing understaffing of school counselors, school social workers, and school psychologists face even greater challenges meeting the increased needs of students enduring the stress that comes along with having a deployed parent or parents.

(6) Schools served by low-income local educational agencies suffer disproportionately from a lack of services, with many schools sharing a single school counselor, school social worker, or school psychologist with neighboring schools.

(7) Too few school counselors, school social workers, and school psychologists per student means that such personnel are often unable to effectively address the needs of students.

(8) The American School Counselor Association and American Counseling Association recommend having at least 1 school counselor for every 250 students.

(9) The School Social Work Association of America recommends having at least 1 school social worker for every 400 students.

(10) The National Association of School Psychologists recommends having at least 1 school psychologist for every 1,000 students.

(11) Recent research of victimization of children ages 2 to 17 suggests that more than one-half of the children experienced a physical assault in the study year. More than 1 in 4 experienced a property offense, more than 1 in 8 experienced a form of child maltreatment, 1 in 12 experienced a sexual victimization, and more than 1 in 3 had been a witness to violence or experienced another form of indirect victimization. Only 29 percent of the children had no direct or indirect victimization.

(12) Principals and teachers see signs of trauma-related stress in many students including hostile outbursts, sliding grades, poor test performance, and the inability to pay attention.

(13) It is estimated, based on recent data on the number of children in foster care, that more than 500,000 children are in the foster care system each year, with 289,000 exiting the system each year due to aging out or adoption.

SEC. 3. PURPOSE.

The purpose of this Act is to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies in order to—

(1) support all students who are at risk of negative educational outcomes;

(2) improve student achievement, which may be measured by growth in academic achievement on tests required by the applicable State educational agency, persistence rates, graduation rates, and other appropriate measures;

(3) improve retention of teachers who are highly qualified;

(4) increase and improve outreach and collaboration between school counselors, school social workers, and school psychologists and parents and families served by low-income local educational agencies;

(5) increase and improve collaboration among teachers, principals, school counselors, school social workers, and school psychologists and improve professional development opportunities for teachers and principals in the area of strategies related to improving classroom climate and classroom management; and

(6) improve working conditions for all school personnel.

SEC. 4. GRANT PROGRAM TO INCREASE THE NUMBER OF SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS, AND SCHOOL PSYCHOLOGISTS EMPLOYED BY LOW-INCOME LOCAL EDUCATIONAL AGENCIES.

(a) GRANT PROGRAM AUTHORIZED.—The Secretary of Education shall award grants on a competitive basis to eligible partnerships that receive recommendations from the peer review panel established under subsection (d), to enable such partnerships to carry out pipeline programs to increase the number of school counselors, school social workers, and school psychologists employed by low-income local educational agencies by carrying out any of the activities described by subsection (g).

(b) GRANT PERIOD.—A grant awarded under this section shall be for a 5-year period and may be renewed for additional 5-year periods upon a showing of adequate progress, as the Secretary determines appropriate.

(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible graduate institution, on behalf of an eligible partnership, shall submit to the Secretary a grant application, including—

(1) an assessment of the existing ratios of school counselors, school social workers, and school psychologists to students enrolled in schools in each low-income local educational agency that is part of the eligible partnership; and

(2) a detailed description of—

(A) a plan to carry out a pipeline program to train, place, and retain school counselors, school social workers, or school psychologists, or any combination thereof, as applicable, in low-income local educational agencies; and

(B) the proposed allocation and use of grant funds to carry out activities described by subsection (g).

(d) PEER REVIEW PANEL.—

(1) ESTABLISHMENT OF PANEL.—The Secretary shall establish a peer review panel to evaluate applications for grants under subsection (c) and make recommendations to the Secretary regarding such applications.

(2) EVALUATION OF APPLICATIONS.—In making its recommendations, the peer review panel shall take into account the purpose of this Act and the application requirements under subsection (c), including the quality of the proposed pipeline program.

(3) RECOMMENDATION OF PANEL.—The Secretary may award grants under this section only to eligible partnerships whose applications receive a recommendation from the peer review panel.

(4) MEMBERSHIP OF PANEL.—

(A) The peer review panel shall include at a minimum the following members:

(i) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of school counselor education.

(ii) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of school social worker education.

(iii) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of school psychology education.

(iv) One clinical, tenured, or tenure track faculty member at an institution of higher education with a current appointment to teach courses in the subject area of teacher education.

(v) One individual with expertise in school counseling who works or has worked in public schools.

(vi) One individual with expertise in school social work who works or has worked in public schools.

(vii) One individual with expertise in school psychology who works or has worked in public schools.

(viii) One administrator who works or has worked for a low-income local educational agency.

(ix) One highly qualified teacher who has substantial experience working for a low-income local educational agency.

(B) At least one of the members described in subparagraph (A) shall be a clinical faculty member.

(e) DISTRIBUTION OF GRANTS.—From among the applications receiving a recommendation by the peer review panel, the Secretary shall—

(1) award the first 5 grants to eligible partnerships from 5 different States;

(2) to the extent practicable, distribute grants equitably among eligible partnerships that propose to train graduate students in each of the three professions of school counseling, school social work, and school psychology; and

(3) to the extent practicable, equitably distribute the grants among eligible partnerships that include an urban low-income local educational agency and partnerships that include a rural low-income local educational agency, with a minimum of 16.3 percent of the funds (representing the percent of low-income children served by rural local educational agencies according to the United States Bureau of Census Small Area Income Poverty Estimates, 2006) awarded to eligible partnerships that include a rural low-income local educational agency.

(f) PRIORITY.—The Secretary shall give priority to eligible partnerships that—

(1) propose to use the grant funds to carry out the activities described under paragraphs (1) through (3) of subsection (g) in schools that have higher numbers or percentages of low-income students and students not meeting the proficient level of achievement (as described by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311)) in comparison to other schools that are served by the low-income local educational agency that is part of the eligible partnership;

(2) include a low-income local educational agency that has fewer school counselors, school social workers, and school psychologists per student than other eligible partnerships;

(3) include one or more eligible graduate institutions that offer graduate programs in the greatest number of the following areas:

(A) school counseling;

(B) school social work; and

(C) school psychology; and

(4) propose to collaborate with other institutions of higher education with similar programs, including sharing facilities, faculty members, and administrative costs.

(g) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used—

(1) to pay the administrative costs (including supplies, office and classroom space, supervision, mentoring, and transportation stipends as necessary and appropriate) related to—

(A) having graduate students of school counseling, school social work, and school psychology placed in schools served by participating low-income local educational agencies to complete required field work, credit hours, internships, or related training as applicable for the degree, license, or credential program of each such student; and

(B) offering required graduate course work for graduate students of school counseling, school social work, and school psychology on the site of a participating low-income local educational agency;

(2) for not more than the first 3 years after participating graduates receive a masters or other graduate degree or obtain a State license or credential in school counseling, school social work, or school psychology, to hire and pay all or part of the salaries of such participating graduates to work as school counselors, school social workers, and school psychologists in schools served by participating low-income local educational agencies;

(3) to increase the number of school counselors, school social workers, and school psychologists per student in schools served by participating low-income local educational agencies to work towards the student support personnel target ratios;

(4) to recruit, hire, and retain culturally or linguistically under-represented graduate students in school counseling, school social work, and school psychology for placement in schools served by participating low-income educational agencies;

(5) to recruit, hire, and pay faculty as necessary to increase the capacity of a participating eligible graduate institution to train graduate students in the fields of school counseling, school social work, and school psychology;

(6) to develop coursework that will—

(A) encourage a commitment by graduate students in school counseling, school social work, or school psychology to work for low-income local educational agencies;

(B) give participating graduates the knowledge and skill sets necessary to meet the needs of—

(i) students and families served by low-income local educational agencies; and

(ii) teachers, administrators, and other staff who work for low-income local educational agencies;

(C) enable participating graduates to meet the unique needs of students at-risk of negative educational outcomes, including students who—

(i) are English language learners;

(ii) have a parent or caregiver who is a migrant worker;

(iii) have a parent or caregiver who is a member of the Armed Forces or National Guard who has been deployed or returned from deployment;

(iv) are homeless, including unaccompanied youth;

(v) have come into contact with the juvenile justice system or adult criminal justice system, including students currently or previously held in juvenile detention facilities or adult jails and students currently or previously held in juvenile correctional facilities or adult prisons;

(vi) have been identified as eligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(vii) have been a victim to or witnessed domestic violence or violence in their community; and

(viii) are foster care youth, youth aging out of foster care, or former foster youth; and

(D) utilize best practices determined by the American School Counselor Association, National Association of Social Workers, School Social Work Association of America, and National Association of School Psychologists;

(7) to provide tuition credits to graduate students participating in the program;

(8) for student loan forgiveness for participating graduates who are employed as school counselors, school social workers, or school psychologists by participating low-income local educational agencies for a minimum of 5 consecutive years; and

(9) for similar activities to fulfill the purpose of this Act, as the Secretary determines appropriate.

(h) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement, not supplant, other Federal, State, or local funds for the activities described in subsection (g).

(i) REPORTING REQUIREMENTS.—Each eligible partnership that receives a grant under this section shall submit an annual report to the Secretary on the progress of such partnership in carrying out the purpose of this Act. Such report shall include a description of—

(1) actual service delivery provided through grant funds, including—

(A) characteristics of the participating eligible graduate institution, including descriptive information on the model used and actual program performance;

(B) characteristics of graduate students participating in the program, including performance on any tests required by the State educational agency for credentialing or licensing, demographic characteristics, and graduate student retention rates;

(C) characteristics of students of the participating low-income local educational agency, including performance on any tests required by the State educational agency, demographic characteristics, and promotion, persistence, and graduation rates, as appropriate;

(D) an estimate of the annual implementation costs of the program; and

(E) the numbers of students, schools, and graduate students participating in the program;

(2) outcomes that are consistent with the purpose of the grant program, including—

(A) internship and post-graduation placement;

(B) graduation and professional career readiness indicators; and

(C) characteristics of the participating low-income local educational agency, including changes in hiring and retention of highly qualified teachers and school counselors, school psychologists, and school social workers;

(3) the instruction, materials, and activities being funded under the grant program; and

(4) the effectiveness of any training and ongoing professional development provided—

(A) to students and faculty in the appropriate departments or schools of the participating eligible graduate institution;

(B) to the faculty, administration, and staff of the participating low-income local educational agency; and

(C) to the broader community of providers of social, emotional, behavioral, and related support to students and to those who train such providers.

(j) EVALUATIONS.—

(1) INTERIM EVALUATIONS.—The Secretary may conduct interim evaluations to determine whether each eligible partnership receiving a grant is making adequate progress as the Secretary considers appropriate. The contents of the annual report submitted to the Secretary under subsection (i) may be used by the Secretary to determine whether an eligible partnership receiving a grant is demonstrating adequate progress.

(2) FINAL EVALUATION.—The Secretary shall conduct a final evaluation to—

(A) determine the effectiveness of the grant program in carrying out the purpose of this Act; and

(B) compare the relative effectiveness of each of the various activities described by subsection (g) for which grant funds may be used.

(k) REPORT.—Not sooner than 5 years nor later than 6 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the evaluation conducted under subsection (j)(2), and such recommendations as the Secretary considers appropriate.

(1) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to carry out this section \$30,000,000 for each of the fiscal years 2010 to 2020.

(2) From the total amount appropriated to carry out this section each fiscal year, the

Secretary shall reserve not more than 3 percent of that appropriation for evaluations under subsection (j).

SEC. 5. STUDENT LOAN FORGIVENESS FOR INDIVIDUALS WHO ARE EMPLOYED FOR 5 OR MORE CONSECUTIVE SCHOOL YEARS AS SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS, SCHOOL PSYCHOLOGISTS, OR OTHER QUALIFIED PSYCHOLOGISTS OR PSYCHIATRISTS BY LOW-INCOME LOCAL EDUCATIONAL AGENCIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide student loan forgiveness to individuals who are not and have never been participants in the grant program established under section 4 and who have been employed for 5 or more consecutive school years as school counselors, school social workers, school psychologists, other qualified psychologists, or child and adolescent psychiatrists by low-income local educational agencies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the program under this section.

SEC. 6. FUTURE DESIGNATION STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to identify a formula for future designation of regions with a shortage of school counselors, school social workers, and school psychologists to use in implementing grant programs and other programs such as the programs established under this Act or for other purposes related to any such designation, based on the latest available data on—

(1) the number of residents under the age of 18 in an area served by a low-income local educational agency;

(2) the percentage of the population of an area served by a low-income local educational agency with incomes below the poverty line;

(3) the percentage of residents age 18 or older in an area served by a low-income local educational agency with secondary school diplomas;

(4) the percentage of students identified as eligible for special education services in an area served by a low-income local educational agency;

(5) the youth crime rate in an area served by a low-income local educational agency;

(6) the current number of full-time-equivalent and active school counselors, school social workers, and school psychologists employed by a low-income local educational agency;

(7) the number of students in an area served by a low-income local educational agency in military families (active duty and reserve duty) with parents who have been alerted for deployment, are currently deployed, or have returned from a deployment in the previous school year; and

(8) such other criteria as the Secretary considers appropriate.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the findings of the study conducted under subsection (a).

SEC. 7. DEFINITIONS.

In this Act:

(1) SCHOOL COUNSELING PROGRAM DEFINITIONS.—The terms “child and adolescent psychiatrist”, “school counselor”, “school psychologist”, “school social worker”, and “other qualified psychologist” have the meaning given the terms in section 5421 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7245).

(2) ESEA GENERAL DEFINITIONS.—The terms “State educational agency”, “local educational agency”, and “highly qualified” have the meaning given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) BEST PRACTICES.—The term “best practices” means a technique or methodology that, through experience and research related to the practice of school counseling, school psychology, or school social work, has proven to reliably lead to a desired result.

(4) ELIGIBLE GRADUATE INSTITUTION.—The term “eligible graduate institution” means an institution of higher education that offers a program of study that leads to a masters or other graduate degree—

(A) in school psychology that is accredited or nationally recognized by the National Association of School Psychologists Program Approval Board and that prepares students in such program for the State licensing or certification exam in school psychology;

(B) in school counseling that prepares students in such program for the State licensing or certification exam in school counseling;

(C) in school social work that is accredited by the Council on Social Work Education and that prepares students in such program for the State licensing or certification exam in school social work; or

(D) any combination of (A), (B), and (C).

(5) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means—

(A) a partnership between 1 or more low-income local educational agencies and 1 or more eligible graduate institutions; or

(B) in regions in which local educational agencies may not have a sufficient elementary and secondary school student population to support the placement of all participating graduate students, a partnership between a State educational agency, on behalf of 1 or more low-income local educational agencies, and 1 or more eligible graduate institutions.

By Mr. REID:

S. 539. A bill to amend the Federal Power Act to require the President to designate certain geographical areas as national renewable energy zones, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, as John F. Kennedy said about 50 years ago, “The Chinese use two brush strokes to write the word ‘crisis.’ One brush stroke stands for danger; the other for opportunity. In a crisis, be aware of the danger—but recognize the opportunity.”

America has not one crisis, but at least three crises that loom large before us. The economy is in obvious turmoil, pollution is causing the climate to change, and we are far too dependent on oil, particularly oil from unfriendly places around the world. These challenges hamper our security in profound ways.

Fortunately, with a new President and a bipartisan mandate in Congress, the opportunities to change direction and turn crisis into opportunity have never been more abundant. Now is the time to focus our resources on investments that will create jobs today and sustainable economic growth into the future.

I know that we have the technology to use less oil tomorrow than we used

today, and even less the day after. We can move quickly toward greater energy independence, but only if we make major investments now in clean energy, like natural gas and electric vehicles and much more efficient fleets, and all produced right here in America and with American jobs.

President Obama's economic recovery plan is a giant step in the right direction. It provides \$11 billion for smart grid technology and expanding transmission to renewable rich areas, as well as hundreds of millions of dollars to promote greater use of alternative fuel vehicles, including plug-in hybrids and fueling infrastructure. That plan is a massive infusion to help Americans become more energy efficient, including \$300 million for energy efficient appliance rebates.

But even if we stopped wasting nearly one-third of the country's annual current energy consumption unnecessarily spending trillions of dollars and sending billions of tons of pollution up into the air we would still need new supplies of clean energy for sustainable economic growth.

Fortunately, Nevada and other parts of the desert southwest have enough solar energy potential to power our country seven times over. If that potential is combined with the wind energy from the Great Plains and the hundreds of thousands of megawatts of geothermal energy deep beneath the earth, the whole country could have cost-free fuel for many generations to come.

Innovators and entrepreneurs in every state have already begun to harness this power. But the field is in its infancy and it will only mature with significant and sustained support and attention at the Federal level.

But we must also focus our attention and investments on planning and siting new electricity transmission and breaking down barriers to a truly national approach. Otherwise, the vast clean renewable power in the sun, wind and geothermal resources of Nevada, off the country's coasts in the oceans, in the biomass on our lands, forests and in our cities, and in the remote and rural areas of the country, will never get to consumers.

Our transmission system and its regulations have been built up over many decades with the main target of assuring reliability and availability. Yet the grid is still fragile and not well equipped to meet the demands of this century's smart technologies or our environmental or national security challenges.

These issues were the topic of focused discussion last week at a genuinely important event a National Clean Energy Summit hosted by the Center for American Progress, CAP. This followed up on a similar gathering that I hosted in Las Vegas last August with John Podesta and the CAP Action Fund and the University of Nevada Las Vegas.

Last week's event was no ordinary meeting. It was admirably moderated by former Senator Tim Wirth and included President William Jefferson Clinton, Vice President Al Gore, Energy Secretary Steven Chu, Interior Secretary Ken Salazar, House Speaker NANCY PELOSI, Senator JEFF BINGAMAN, Representative ED MARKEY, energy executive T. BOONE PICKENS, and leaders from government, business, labor, and the non-profit communities.

In particular, I would like to note the very constructive participation of the country's State regulatory commissions and authorities, ably represented by Fred Butler of New Jersey, President of the National Association of Regulatory Utility Commissioners. They have extremely difficult jobs maintaining reliability, keeping costs down, and being held responsible for the utilities' every move.

The outcome of our discussion was clear—reforming our energy policies to build a cleaner, greener national transmission system—an electric super-highway—must be a top national priority. However, equally clear was the sense that it will not be easy and will require everyone to work together with common purpose and through a strong public-private partnership to be effective in addressing our grave national challenges.

The need for reform is very clear. That is why I am introducing a bill today that charts a course to a cleaner, greener, and smarter national energy transmission system without sacrificing reliability or affordability. This will ensure a more secure and sustainable energy future for America.

Though this bill is loosely based on my legislation from the last Congress, this new and broader version is the product of input and a shared vision from many important stakeholders. In particular, the Center for American Progress and the Energy Future Coalition must be congratulated for their hard work and leadership in this complicated policy area. They have helped make it understandable to many in Washington, D.C.

But no one can beat T. Boone Pickens in explaining to the American people how critically important it is to transform the nation's electricity grid to accelerate the use of renewable energy. He is a source of immense renewable energy and really helping to drive this issue home.

My legislation will require the President to designate renewable energy zones with significant clean energy generating potential. Then, a massive planning effort will begin in all the interconnection areas of the country to maximize the use of that renewable potential by building new transmission capacity. The states would propose cost allocation means to fund the new lines in the green transmission grid plans. If either process falters, then the

federal government would be given clear authority to keep things moving and get the new transmission built on schedule and funded equitably.

This bill is not perfect and has ample room for improvement. But as the bill works its way through the legislative process, I am hopeful that people will come together in good faith and propose revisions that will help solve the problems that we tried to identify at the Summit. There has already been a great deal of non-partisan, thoughtful work that Congress can draw upon in legislating and I look forward to the hearing that Chairman BINGAMAN has scheduled on this topic for next week.

Here are just a few of the organizations that provided valuable input in the drafting process for this bill: The Energy Future Coalition; the Center for American Progress; the Pickens Plan; Energy Foundation; Sierra Club; Natural Resources Defense Council; National Wildlife Federation; Audubon Society; The Wilderness Society; Bonneville Power Administration; Western Area Power Administration; Tennessee Valley Authority; Bureau of Land Management; Federal Energy Regulatory Commission; Department of Energy; North American Electric Reliability Corporation; National Association of Regulatory Utility Commissioners; California PUC; Working Group for Investment in Reliable and Economic Electric Systems; Florida Power & Light; Midwest Independent System Operator; PJM Interconnection; ITC Transmission; Trans-Elect Transmission; Pacific Gas & Electric; American Electric Power; American Public Power Association; Large Public Power Council; Salt River Project; National Rural Electric Cooperative Association; Solar Energy Industries Association; Bright Source Energy; RES-Americas; American Wind Energy Association; Iberdrola Renewables; Colorado River Energy Distributors Association; Electric Power Supply Association; National Electrical Manufacturers Association; and many more.

Mr. President, I ask unanimous consent that the text of the bill and support material be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Renewable Energy and Economic Development Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) electricity produced from renewable resources—

(A) helps to reduce emissions of greenhouse gases and other air pollutants;

(B) enhances national energy security;

(C) conserves water and finite resources; and

(D) provides substantial economic benefits, including job creation and technology development;

(2) the potential exists for a far greater percentage of electricity generation in the United States to be achieved through the use of renewable resources, as compared to the percentage of electricity generation using renewable resources in existence as of the date of enactment of this Act;

(3) the President has set out a goal that at least 25 percent of the electricity used in the United States by 2025 come from renewable sources;

(4) many of the best potential renewable energy resources are located in rural areas far from population centers;

(5) the lack of adequate electric transmission capacity is a primary obstacle to the development of electric generation facilities fueled by renewable energy resources;

(6) the economies of many rural areas would substantially benefit from the increased development of water-efficient electric generation facilities fueled by renewable energy resources;

(7) more efficient use of existing transmission capacity, better integration of resources, and greater investments in distributed renewable generation and off-grid solutions may increase the availability of transmission and distribution capacity for adding renewable resources and help keep ratepayer costs low;

(8) the Federal Government has not adequately supported or implemented an integrated approach to accelerating the development, commercialization, and deployment of renewable energy technologies, renewable electricity generation, and transmission to bring renewable energy to market, including through enhancing distributed renewable generation or through vehicle and transportation sector use;

(9) it is in the national interest for the Federal Government to implement policies that would enhance the quantity of electric transmission capacity available to take full advantage of the renewable energy resources available to generate electricity, and to more fully integrate renewable energy into the energy policies of the United States, and to address the tremendous national security and global warming challenges of the United States; and

(10) existing transmission planning processes are fragmented across many jurisdictions, which results in difficult coordination between jurisdictions, delays in implementation of plans, and complex negotiations on sharing of costs.

SEC. 3. NATIONAL RENEWABLE ENERGY ZONES AND GREEN TRANSMISSION.

(a) IN GENERAL.—The Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

"PART IV—NATIONAL RENEWABLE ENERGY ZONES AND GREEN TRANSMISSION

"SEC. 401. DEFINITIONS.

"In this part:

"(1) **BIOMASS.**—

"(A) IN GENERAL.—The term 'biomass' means—

"(i) any lignin waste material that is segregated from other waste materials and is determined to be nonhazardous by the Administrator of the Environmental Protection Agency; and

"(ii) any solid, nonhazardous, cellulosic material that is derived from—

"(I) mill residue, precommercial thinnings, slash, brush, or nonmerchantable material;

"(II) solid wood waste materials, including a waste pallet, a crate, dunnage, manufacturing and construction wood wastes, and landscape or right-of-way tree trimmings;

"(III) agriculture waste, including an orchard tree crop, a vineyard, a grain, a legume, sugar, other crop byproducts or residues, and livestock waste nutrients; or

"(IV) a plant that is grown exclusively as a fuel for the production of electric energy.

"(B) **INCLUSIONS.**—The term 'biomass' includes animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

"(C) **EXCLUSIONS.**—The term 'biomass' does not include—

"(i) municipal solid waste from which hazardous and recyclable materials have not been separated;

"(ii) paper that is commonly recycled; or

"(iii) pressure-treated, chemically-treated, or painted wood waste.

"(2) **DISTRIBUTED RENEWABLE GENERATION.**—The term 'distributed renewable generation' means—

"(A) reduced electric energy consumption from the electric grid because of use by a customer of renewable energy generated at or near a customer site; and

"(B) electric energy or thermal energy production from a renewable energy resource for a customer that is not connected to an electric grid or thermal energy source pipeline.

"(3) **ELECTRICITY-CONSUMING AREA.**—The term 'electricity-consuming area' means an area of significant electrical load.

"(4) **ELECTRICITY FROM RENEWABLE ENERGY.**—The term 'electricity from renewable energy' means electric energy generated from—

"(A) solar energy, wind, biomass, landfill gas, renewable biogas, or geothermal energy;

"(B) new hydroelectric generation capacity achieved from increased efficiency, or an addition of new capacity, at an existing hydroelectric project; or

"(C) hydrokinetic energy, including—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas;

"(ii) free flowing water in rivers, lakes, and streams;

"(iii) free flowing water in man-made channels, including projects that use non-mechanical structures to accelerate the flow of water for electric power production purposes; or

"(iv) differentials in ocean temperature through ocean thermal energy conversion.

"(5) **ERCOT.**—The term 'ERCOT' means the Electric Reliability Council of Texas.

"(6) **FEDERAL LAND MANAGEMENT AGENCY.**—The term 'Federal land management agency' means—

"(A) the Department of the Interior and the bureaus of the Department that manage Federal land and water, including—

"(i) the Bureau of Land Management;

"(ii) the Bureau of Reclamation;

"(iii) the United States Fish and Wildlife Service; and

"(iv) the National Park Service;

"(B) the Forest Service of the Department of Agriculture; and

"(C) if applicable and appropriate, the Department of Defense.

"(7) **FEDERAL TRANSMITTING UTILITY.**—The term 'Federal transmitting utility' means—

"(A) a Federal power marketing agency that owns or operates an electric transmission facility; and

"(B) the Tennessee Valley Authority.

"(8) **GREEN TRANSMISSION GRID PROJECT.**—

"(A) IN GENERAL.—The term 'green transmission grid project' means a project for—

"(i) a new transmission facility rated at or above 345 kilovolts that is part of an interconnection-wide plan developed pursuant to section 403 for an extra high voltage transmission grid to enable transmission of electricity from renewable energy (including existing or projected renewable generation) to electricity-consuming areas; or

"(ii) a new renewable feeder line that an interconnection-wide plan or the Commission determines is needed to connect renewable generation to the extra high voltage transmission grid.

"(B) **INCLUSIONS.**—The term 'green transmission grid project' includes any network upgrades associated with a facility described in clause (i) or (ii) of subparagraph (A) that are required to ensure the reliability or efficiency of the underlying transmission network, including inverters, substations, transformers, switching units, storage units, and related facilities necessary for the development, siting, transmission, storage, and integration of electricity generated from renewable energy sources.

"(9) **GRID-ENABLED VEHICLE.**—The term 'grid-enabled vehicle' means an electric drive vehicle or fuel cell vehicle that has the ability to communicate electronically with an electric power provider or with a localized energy storage system with respect to charging or discharging an onboard energy storage device, such as a battery.

"(10) **INDIAN LAND.**—The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo, or rancharia;

"(B) any land not within the limits of any Indian reservation, pueblo, or rancharia title to which was, on the date of enactment of this part—

"(i) held in trust by the United States for the benefit of any Indian tribe or individual; or

"(ii) held by any Indian tribe or individual subject to restriction by the United States against alienation;

"(C) any dependent Indian community; and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.).

"(11) **INTERCONNECTION.**—The term 'interconnection' has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

"(12) **LOAD-SERVING ENTITY.**—The term 'load-serving entity' means any person, Federal, State, or local agency or instrumentality, or electric cooperative that delivers electric energy to end-use customers.

"(13) **REGIONAL PLANNING ENTITY.**—The term 'regional planning entity' means an entity certified by the Commission to coordinate regional planning for an interconnection.

"(14) **RENEWABLE FEEDER LINE.**—

"(A) IN GENERAL.—The term 'renewable feeder line' means all transmission facilities and equipment within a national renewable energy zone owned, controlled, or operated by a transmission provider that are capable of being used to deliver electricity from multiple renewable energy resources to the point at which the transmission provider connects to a high-voltage transmission facility.

"(B) **INCLUSIONS.**—The term 'renewable feeder line' includes any associated modifications, additions, or upgrades to or associated with the facilities and equipment described in subparagraph (A).

"(C) **EXCLUSIONS.**—The term 'renewable feeder line' does not include—

"(i) a generator lead line capable of connecting only 1 generator; or

“(ii) equipment owned by a generator.

“(15) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(16) TRANSMISSION PROVIDER.—The term ‘transmission provider’ means an entity that owns, controls, or operates a transmission facility.

“SEC. 402. DESIGNATION OF NATIONAL RENEWABLE ENERGY ZONES.

“(a) DESIGNATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of enactment of this part for the Western Interconnection and not later than 270 days after the date of enactment of this part for the Eastern Interconnection, the President shall designate as a national renewable energy zone each geographical area that, as determined by the President—

“(A) has the potential to generate in excess of 1 gigawatt of electricity (or a lower quantity of electricity determined by the President) from renewable energy, a significant portion of which could be generated in a rural area or on Federal land within the geographical area;

“(B) has an insufficient level of electric transmission capacity to achieve the potential described in subparagraph (A); and

“(C) has the capability to contain additional renewable energy electric generating facilities that would generate electric energy consumed in 1 or more electricity-consuming areas if there were a sufficient level of transmission capacity.

“(2) INCLUSION.—The President may include in any national renewable energy zone designated under paragraph (1) a military installation.

“(3) EXCLUSIONS.—The President shall not include in any national renewable energy zone designated under paragraph (1) any of the following areas:

“(A) National parks, national marine sanctuaries, reserves, recreation areas, and other similar units of the National Park System.

“(B) Designated wilderness, designated wilderness study areas, and other areas managed for wilderness characteristics.

“(C) National historic sites and historic parks.

“(D) Inventoried roadless areas and significant noninventoried roadless areas within the National Forest System.

“(E) National monuments.

“(F) National conservation areas.

“(G) National wildlife refuges and areas of critical environmental concern.

“(H) National historic and national scenic trails.

“(I) Areas designated as critical habitat.

“(J) National wild, scenic, and recreational rivers.

“(K) Any area in which Federal law prohibits energy development, or that the Federal agency or official exercising authority over the area exempts from inclusion in a national renewable energy zone through land use, planning, or other public process.

“(L) Any area in which applicable State law enacted prior to the date of enactment of this section prohibits energy development.

“(b) RENEWABLE ENERGY REQUIREMENTS.—In making the designations required by subsection (a), the President shall take into account Federal and State requirements for utilities to incorporate renewable energy as part of meeting the load of load-serving entities.

“(c) CONSULTATION.—Before making any designation under subsection (a) or (e), the President shall consult with—

“(1) the Governors of affected States;

“(2) the public;

“(3) Federal transmitting utilities, public utilities and transmission providers, and cooperatives;

“(4) State regulatory authorities and regional electricity planning organizations;

“(5) Federal land management agencies, Federal energy and environmental agencies, and State land management, energy, and environmental agencies;

“(6) renewable energy companies;

“(7) local government officials;

“(8) renewable energy and energy efficiency interest groups;

“(9) Indian tribes; and

“(10) environmental protection and land, water, and wildlife conservation groups.

“(d) RECOMMENDATIONS.—Not earlier than 3 years after the date of enactment of this part, and triennially thereafter, the Secretary and the Secretary of the Interior shall, after consultation with the Federal transmitting utilities, the Commission, the Chief of the Forest Service, the Secretary of Commerce, the Secretary of Defense, the Council on Environmental Quality, and the Governors of the States, shall recommend to the President and Congress—

“(1) specific areas with the greatest potential for environmentally acceptable renewable energy resource development that the President could designate as renewable energy zones, considering such factors as the impact on sensitive wildlife species, the impact on sensitive resource areas, and the presence of already disturbed or developed land; and

“(2) any modifications of laws (including regulations) and resource management plans necessary to fully achieve that potential, including identifying improvements to permit application processes involving military and civilian agencies.

“(e) EXISTING PROCESSES.—In carrying out this section, the President may use existing processes that designate renewable energy zones.

“(f) REVISION OF DESIGNATIONS.—The President may modify the designation of renewable energy zones, including modification based on the recommendations received under subsection (d).

“(g) ELECTION.—The ERCOT Interconnection may elect to participate in the process described in this section.

“(h) ADMINISTRATION.—The designation of a renewable energy zone shall not be considered a major Federal action under Federal law.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section (including renewable energy resource assessments) \$25,000,000 for each of fiscal years 2009 through 2019.

“SEC. 403. INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANNING.

“(a) IN GENERAL.—To achieve Interconnection-wide coordination of planning to integrate renewable energy resources from renewable energy zones into the interstate electric transmission grid and make the renewable energy resources fully deliverable to electricity consuming areas, not later than 60 days after the date of enactment of this part, the Commission shall, by regulation or order, issue a request for 1 or more organizations to be certified as the regional planning entity for each Interconnection.

“(b) CONTENTS OF APPLICATION.—The application shall include proposals for provisions for an open, inclusive, transparent, and non-discriminatory planning process that—

“(1) includes consultation with affected Federal land management agencies and States within the Interconnection;

“(2) builds on planning undertaken by States, Federal transmitting utilities, regional transmission organizations, independent system operators, utilities, and other interested parties;

“(3) takes account of corridor designation work and other planning carried out by Federal land management agencies, the Department of Energy, and other interested parties;

“(4) solicits input from transmission owners, regional transmission organizations, independent system operators, States, generator owners, prospective developers of new transmission and generation resources, regional entities, Federal land management agencies, environmental protection and land, water, and wildlife conservation groups, and other interested parties; and

“(5) includes an interim process to expeditiously evaluate whether new renewable feeder lines should be added to the green transmission grid project plan.

“(c) DESIGNATION.—Not later than 120 days after the date of enactment of this part, the Commission shall designate 1 or more appropriate organizations to serve as the regional planning entity to represent the Interconnection under this part.

“(d) INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLAN.—Not later than 1 year after the date of the deadline for designations under section 402(a), the regional planning entity in each Interconnection shall produce and submit to the Commission an Interconnection-wide green transmission grid project plan.

“(e) TERM; REQUIREMENTS.—An Interconnection-wide green transmission grid project plan shall—

“(1) enhance transmission access for electricity from renewable energy in renewable energy zones;

“(2) include identification of green transmission grid projects (both high-voltage and renewable feeder lines) needed to interconnect renewable energy zones with electricity-consuming areas;

“(3) fully consider national reliability, economic, environmental, and security needs;

“(4) take into account transmission infrastructure required for efficient and reliable delivery of the output of new renewable generation resources needed to meet established and projected Federal and State renewable energy policies and targets;

“(5) provide a plan for a period of at least 10 years into the future;

“(6) consider alternatives to new transmission, including energy efficiency, demand response, energy storage, and distributed renewable generation;

“(7) include a timeline for construction of projects; and

“(8) be filed with the Commission annually for approval consistent with this section.

“(f) PARTICIPATION OF SECRETARY.—The Secretary shall provide technical expertise to States and regional planning entities in development of Interconnection-wide plans through—

“(1) analysis for the green transmission grid project planning process; and

“(2) demonstration and commercial application activities of new technologies in the green transmission grid project plan.

“(g) PARTICIPATION OF FEDERAL TRANSMITTING UTILITIES.—

“(1) IN GENERAL.—A Federal transmitting utility shall participate in the planning process in the applicable Interconnection.

“(2) GREEN TRANSMISSION GRID PROJECT FACILITIES.—Not later than 1 year after the date a regional planning entity files a plan, a Federal transmitting utility that owns or

operates 1 or more electric transmission facilities in a State with a national renewable energy zone shall identify specific green transmission grid project facilities that are required to substantially increase the generation of electricity from renewable energy in the national renewable energy zone.

“(h) FAILURE TO SUBMIT PLAN.—

“(1) IN GENERAL.—If a State in an interconnection does not participate in a timely manner in an interconnection-wide green transmission grid project planning process in accordance with this section, or if such a planning process is established but fails to result in the submission by the regional planning entity of the requisite components of the interconnection-wide green transmission grid project plan by the date specified in subsection (d), the Commission shall develop through a rulemaking, after consultation with the Secretary, Federal transmitting utilities, the Secretary of the Interior, regional transmission organizations, the electric reliability organization, regional entities, and municipal and cooperative entities, an interconnection-wide green transmission grid project plan on behalf of the 1 or more nonsubmitting States or regional planning entity in the interconnection.

“(2) DEADLINE.—Any final rule required under paragraph (1) shall be completed not later than 1 year after the date on which the Commission determines that—

“(A) the regional planning entity has failed to submit an interconnection-wide green transmission project plan on a timely basis; or

“(B) a State has failed to participate in a timely manner in the planning process.

“(i) EVALUATION AND RECOMMENDATIONS.—The Commission shall—

“(1) periodically evaluate whether green transmission grid projects to enable the delivery of renewable energy are being constructed in accordance with the interconnection-wide green transmission grid project plan for both the Western and Eastern interconnections;

“(2) take any necessary actions to address any identified obstacles to investment, siting, and construction of projects identified as needed under an interconnection-wide plan; and

“(3) not later than 2 years after the date of enactment of this part, submit to Congress recommendations for any further actions or authority needed to ensure the effective and timely development of transmission infrastructure necessary to ensure the integration and deliverability of renewable energy from renewable energy zones to electricity-consuming areas in the United States.

“(j) RECOVERY OF COSTS ASSOCIATED WITH INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANNING.—

“(1) IN GENERAL.—A regional planning entity and a State shall be permitted to recover prudently incurred costs to carry out interconnection-wide planning activities required under this section pursuant to a Federal transmission surcharge that will be established by the Commission for the purposes of carrying out this section.

“(2) SURCHARGE.—A regional planning entity, in consultation with States in an interconnection, shall—

“(A) recommend the Federal transmission surcharge based on a formula rate that is submitted to the Commission for approval; and

“(B) adjust the formula and surcharge on an annual basis.

“(3) COST RESPONSIBILITY.—Cost responsibility under the surcharge shall be assigned

based on energy usage to all load-serving entities within the United States portion of the Eastern and Western Interconnections.

“(4) LIMITATION.—The total amount of surcharges that may be imposed or collected nationally under this subsection shall not exceed \$80,000,000 in any calendar year.

“(5) DISTRIBUTION.—The Secretary shall, in accordance with the regulations promulgated under paragraph (1), distribute on an equitable basis funds received under that paragraph among States and planning entities, if the Governor of the receiving State—

“(A) in the case of the first year of distribution, certifies to the Secretary that the State will participate in an interconnection-wide green transmission grid project planning process; and

“(B) in the case of the second and subsequent years of distribution—

“(i) is part of an interconnection-wide planning process that submits to the Commission timely interconnection-wide green transmission grid project plans under this section; and

“(ii) certifies annually to the Secretary that all load-serving entities in the State—

“(I) offer a fairly-priced renewable power purchase option to all the customers of the entities; or

“(II) have demonstrated an increase in the number of customers above the previous year participating in a demand-side management program that reduces peak demand, increases reliability, and reduces consumer costs.

“(6) APPLICABILITY.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), this subsection applies to all users, owners, and operators of the bulk-power system within the United States portion of the Eastern and Western Interconnections.

“(B) EXCLUSIONS.—This subsection does not apply to the State of Alaska or Hawaii or to the ERCOT, unless the State or ERCOT voluntarily elects to participate in the planning process, and to be responsible for a pro rata portion of the Federal transmission surcharge imposed under this subsection.

“(C) PROJECT DEVELOPERS.—Nothing in this section or part prevents a project developer from carrying out a transmission project to enable renewable development if the project developer assumes all of the risk and cost of the proposed project.

“SEC. 404. FEDERAL SITING OF GREEN TRANSMISSION GRID PROJECT FACILITIES.

“(a) IN GENERAL.—The Commission, after consultation with affected States, may issue 1 or more permits for the construction or modification of an electric transmission facility if the Commission finds that—

“(1) the transmission facility—

“(A) is included in an interconnection-wide green transmission grid project plan submitted under section 403; or

“(B) is proposed by a project developer to integrate renewable energy resources from renewable energy zones or to integrate renewable resources from other geographic areas, if the project developer assumes all of the risk and cost of the proposed facilities;

“(2) the transmission facility optimizes transmission capability based on the assessment by the Commission of technical constraints, project economics, land use limitations, and the potential generation capacity of renewable energy zones interconnected to the project; and

“(3) the owner or operator of the transmission facility has failed to make reasonable progress in siting the facility based on timelines in the plan.

“(b) EVIDENCE OF NEED.—Inclusion of a project in an interconnection-wide green transmission grid project plan submitted under section 403 shall be considered to be sufficient evidence of need for the project to warrant the granting of a construction permit under subsection (a).

“(c) PERMIT APPLICATION.—

“(1) IN GENERAL.—A permit application under subsection (a) shall be made in writing to the Commission.

“(2) ADMINISTRATION.—The Commission shall promulgate regulations specifying—

“(A) the form of the application;

“(B) the information to be contained in the application; and

“(C) the manner of service of notice of the permit application on interested persons.

“(d) GRANTING OF CONSTRUCTION PERMIT.—

“(1) IN GENERAL.—A construction permit may be issued to any applicant described in subsection (a)(1)(B) if the Commission finds that—

“(A) the applicant is able and willing to take actions and perform the services proposed in accordance with this part (including the requirements, rules, and regulations of the Commission under this part); and

“(B) the proposed operation, construction, or expansion is or will be required by the present or future public convenience and necessity.

“(2) ADMINISTRATION.—The Commission shall have the power to attach to the issuance of the construction permit, and to the exercise of rights granted under the permit, such reasonable terms and conditions as the public convenience and necessity may require.

“(e) CONSTRUCTION PERMIT FOR AN AREA ALREADY BEING SERVED.—Nothing in this section limits the power of the Commission to grant construction permits for service of an area already being served by another transmission provider.

“(f) RIGHTS-OF-WAY.—

“(1) IN GENERAL.—In the case of a permit under subsection (a) for an electric transmission facility to be located on property other than property owned by the United States, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify the transmission facility, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the United States district court for the district in which the property concerned is located, or in the appropriate court for the State in which the property is located.

“(2) USE.—Any right-of-way acquired under paragraph (1) shall be used exclusively for the construction, modification, operation, or maintenance of an electric transmission facility, and any appropriate mitigation measures or other uses approved by the Commission, within a reasonable period of time after acquisition of the right-of-way.

“(3) PRACTICE AND PROCEDURE.—The practice and procedure in any action or proceeding under this subsection in the United States district court shall conform, to the maximum extent practicable, to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located.

“(4) LIMITATIONS.—

“(A) IN GENERAL.—Nothing in this subsection authorizes the use of eminent domain to acquire a right-of-way for any purpose other than the construction, modification, operation, or maintenance of an electric transmission facility included in a green

transmission grid project plan or related facility.

“(B) ADMINISTRATION.—The right-of-way—

“(i) shall not be used for any purpose not described in subparagraph (A) or paragraph (2); and

“(ii) shall terminate on the termination of the use for which the right-of-way is acquired.

“(g) STATE AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (3), in granting a construction permit under subsection (a), the Commission shall—

“(A) permit State regulatory agencies to identify siting constraints and mitigation measures, based on habitat protection, environmental considerations, or cultural site protection; and

“(B)(i) incorporate those identified constraints or measures in the construction permit; or

“(ii) if the Commission determines that such a constraint or measure is inconsistent with the purposes of this part, infeasible, or not cost-effective—

“(I) consult with State regulatory agencies to seek to resolve the issue; and

“(II) incorporate into the construction permit such siting constraints and mitigation measures as are determined to be appropriate by the Commission, based on consultation by the Commission with State regulatory agencies, the purposes of this part, and the record before the Commission.

“(2) NONADOPTION OF RECOMMENDATIONS.—If, after taking the actions required under paragraph (1), the Commission does not adopt in whole or in part a recommendation of an agency, the Commission shall publish a statement of a finding that the adoption of the recommendation is infeasible, not cost-effective, or inconsistent with this part or other applicable provisions of law.

“(3) INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANNING PROCESS.—The Commission shall not be required to include constraints or measures described in paragraph (1) that are identified by a State that does not participate in an Interconnection-wide green transmission grid project planning process under section 403.

“(h) ENVIRONMENTAL REVIEWS.—

“(1) IN GENERAL.—With respect to any project or group of projects for which a construction permit is granted under subsection (a), the Commission shall—

“(A) serve as the lead agency for purposes of coordinating any Federal authorizations and environmental reviews or analyses required for the project, including those required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(B) in consultation with other affected agencies, prepare a single environmental review document that would be used as the basis for all decisions under Federal law relating to the proposed project, in accordance with section 216(h) of this Act, including siting constraints and mitigation measures;

“(C) not later than 90 days after the date of filing of an application for a permit under this section, enter into a memorandum of understanding with affected Federal agencies to carry out this subsection, including—

“(i) a schedule for environmental review and a budget necessary to comply with the schedule for each project or group of projects; and

“(ii) the budget resources necessary to carry out the memorandum; and

“(D) ensure that, once an application has been submitted with such data as the Commission considers to be necessary, all permit

decisions and related environmental reviews under applicable Federal laws shall be completed not later than 1 year after the date of submission of a complete application.

“(2) APPEAL.—If any Federal agency has denied a Federal authorization required for a certified project under this part or has failed to determine whether to issue the authorization not later than 1 year after the date of submission of a complete application, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

“(i) RESTRICTED AREAS.—In granting a construction permit under subsection (a), the Commission shall consider and, to the maximum extent practicable, select alternative routes to avoid areas described in section 402(a)(3).

“(j) ACCESS TO TRANSMISSION.—

“(1) IN GENERAL.—Subject to paragraph (2), the owner or operator of any project described in subsection (a) that traverses multiple States that participate in an Interconnection-wide green transmission grid project planning process under section 403 shall ensure that each State in which the green transmission grid project traverses shall have access to transmission under the project, unless the access would make the project technically or economically impractical.

“(2) ADDITIONAL FUNDS.—If a project owner or operator described in paragraph (1) cannot make the assurances described in that paragraph for a State, the State shall be eligible for additional funds under section 405.

“(k) MINIMUM RENEWABLE REQUIREMENT.—

“(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the transmission provider for a green transmission grid project sited through the granting of a construction permit under subsection (a) shall certify annually to the Commission, in accordance with regulations promulgated by the Commission, that at least 75 percent of the transmission capacity of the project is available to renewable resources.

“(2) APPLICATION.—The requirements shall be applicable only to generators directly interconnecting to the project.

“(3) ADJUSTMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Commission may reduce the minimum percentage specified in paragraph (1) in any case in which the Commission determines that it is necessary for a specific renewable feeder line to have less than 75 percent of generation resources interconnecting to the renewable feeder line be renewable resources in order to maintain compliance with Commission-approved reliability standards.

“(B) COST-EFFECTIVE ENERGY STORAGE OPTIONS.—In making a determination on a reduction for a proposed project under subparagraph (A), the Commission shall consider cost-effective energy storage options in the area covered by the project, including detailed reports developed by the project developer or interconnecting generators at the direction of the Commission.

“(1) FIRM TRANSMISSION RIGHTS.—The Commission shall adopt, by rule, regulations requiring transmission providers to offer, on a priority basis, firm or equivalent financial transmission rights for any green transmission grid project sited under this section for transmission of energy from renewable resources to a load-serving entity that contracts to purchase renewable resources, or to renewable energy generation owners.

“(m) ADMINISTRATION.—Nothing in this section waives the application of any applicable Federal environmental law.

“(n) STATE SITING AUTHORITY.—Nothing in this section precludes a transmission project developer from seeking siting authority from a State.

“SEC. 405. GRANTS FOR INTERCONNECTION-WIDE GREEN TRANSMISSION GRID PROJECT PLANS.

“(a) IN GENERAL.—The Secretary, in consultation with the Commission, shall make grants to States and planning entities that submit or implement Interconnection-wide green transmission grid project plans required to be developed pursuant to this part in a timely manner for (as appropriate)—

“(1) implementation of sections 403 and 404;

“(2) transmission improvements (including smart grid investments) for States and planning entities that meet deadlines in implementing those plans;

“(3) training for State regulatory authority staff and local workforces relating to renewable generation resources, smart grid, or new transmission technologies;

“(4) mitigation of landowner concerns and impacts;

“(5) habitat and wildlife conservation;

“(6) security upgrades to the transmission system and authorized uses under title XIII of the Energy Independence and Security Act of 2007 (15 U.S.C. 17381 et seq.);

“(7) energy storage, reliability, or distributed renewable generation projects; and

“(8) other programs and projects that are consistent with the purposes of this part.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$500,000,000, including amounts made available—

“(1) under the American Recovery and Reinvestment Act of 2009; or

“(2) through the sale of carbon allowances in a law enacted after the date of enactment of this Act that imposes a limitation on greenhouse gas emissions.

“SEC. 406. COST ALLOCATION.

“(a) IN GENERAL.—As part of an Interconnection-wide green transmission grid project plan submitted under section 403, the regional planning entity, after consultation with affected State regulatory authorities, shall file with the Commission under this section a cost allocation plan for sharing the costs of developing and operating green transmission grid projects that are identified and built pursuant to an Interconnection-wide green transmission project plan to enable delivery of electric energy from renewable energy resources in renewable energy zones.

“(b) APPROVAL.—Not later than 90 days after the date of filing, the Commission shall approve a cost allocation plan proposed under subsection (a) unless the Commission determines that—

“(1) taking into account the users of the transmission facilities, the plan will result in rates that are unduly discriminatory or preferential or are not just and reasonable;

“(2) the plan would unduly inhibit the development of renewable energy electric generation projects; or

“(3) the plan would not allow the transmission provider providing service over the facilities or the entity constructing or financing the project, as appropriate, the opportunity to recover prudently incurred costs, including a reasonable return on investment, associated with the transmission facilities the transmission provider has committed to build pursuant to the Interconnection-wide green transmission plan.

“(c) FAILURE TO SUBMIT A COST ALLOCATION PLAN.—

“(1) IN GENERAL.—If a regional planning entity is unable, for whatever reason, to develop and propose an acceptable cost allocation plan at the time the regional planning entity files an Interconnection-wide green transmission grid project plan, the Commission shall institute, on the motion of the Commission, a proceeding to initially allocate the costs of new transmission facilities built pursuant to an Interconnection-wide green transmission project plan.

“(2) COST ALLOCATION.—The Commission shall allocate the costs of green transmission grid projects—

“(A) broadly to all load-serving entities in the Interconnection; or

“(B) to load-serving entities within a part of the Interconnection.

“(3) RENEWABLE FEEDER LINES.—

“(A) IN GENERAL.—A renewable feeder line may be included in a broad cost allocation if the Commission finds that the renewable feeder line—

“(i) would be used by renewable energy resources remote from existing transmission and load centers;

“(ii) will likely result in multiple individual renewable energy electric generation projects being developed by multiple competing developers; and

“(iii) has at least 1 project subscribed through an executed generator Interconnection agreement with the transmission provider and has tangible demonstration of additional interest.

“(B) NEW RENEWABLE GENERATION PROJECTS.—

“(i) IN GENERAL.—As new renewable generation projects are constructed and interconnected to a renewable feeder line under subparagraph (A), the 1 or more new transmission services contract holders shall be liable for a pro rata share of the facility costs of the transmission grid project.

“(ii) TRANSMISSION REVENUES.—The transmission revenues shall be applied as a credit to the initial allocation of project costs.

“(d) COST ALLOCATION RATE FILINGS.—If a cost allocation plan is approved by the Commission in accordance with this section—

“(1) any public utility that has rates that are affected by the approved cost allocation plan shall file the allocation plan with the Commission pursuant to section 205; and

“(2) the cost allocation plan shall be presumed lawful under section 205 on filing, without notice or further opportunity for comment or hearing.

“(e) APPLICABILITY.—

“(1) IN GENERAL.—Except as provided in paragraph (3), the authority of the Commission under this section and section 403 to approve transmission plans and to allocate costs incurred pursuant to the plans applies to all transmission providers, generators, and users, owners, and operators of the power system within the Eastern and Western Interconnections of the United States, including entities described in section 201(f).

“(2) REGIONAL PLANNING ENTITIES.—The Commission shall have authority over regional planning entities to the extent necessary to carry out this section and section 403.

“(3) EXCLUSIONS.—

“(A) IN GENERAL.—This section does not apply in the State of Alaska or Hawaii or to the ERCOT, unless the State or ERCOT voluntarily elects to participate in a cost allocation plan under this section.

“(B) EXISTING COST ALLOCATION AGREEMENTS.—A project for which a cost allocation

or cost recovery agreement was accepted by the Commission before the date of enactment of this part shall not be included in cost allocation under this section.

“SEC. 407. FEDERAL TRANSMITTING UTILITIES ENCOURAGING CLEAN ENERGY DEVELOPMENT IN NATIONAL RENEWABLE ENERGY ZONES.

“(a) LACK OF PRIVATE FUNDS.—If, by the date that is 3 years after the date of enactment of this part, no privately-funded entity has committed to financing (through self-financing or through a third-party financing arrangement with a Federal transmitting utility) to ensure the construction and operation of a green transmission grid project (which the Commission has identified as an essential part of an Interconnection-wide green transmission project plan) by a specified date, the Federal transmitting utility shall finance such a transmission facility if the Federal transmitting utility has sufficient bonding authority under subsection (b).

“(b) BONDING AUTHORITY.—

“(1) IN GENERAL.—In addition to any other authority to issue and sell bonds, notes, and other evidence of indebtedness, a Federal transmitting utility may issue and sell bonds, notes, and other evidence of indebtedness in an amount not to exceed, at any 1 time, an aggregate outstanding balance of \$10,000,000,000, to finance the construction of transmission facilities described in subsection (a) for the principal purposes of—

“(A) increasing the generation of electricity from renewable energy; and

“(B) conveying that electric energy to an electricity-consuming area.

“(2) RECOVERY OF COSTS.—A Federal transmitting utility shall recover the costs of green transmission grid project facilities financed pursuant to subsection (a) from entities using the transmission facilities over a period of 50 years.

“(3) NONLIABILITY OF CERTAIN CUSTOMERS.—Individuals and entities that, as of the date of enactment of this part, are customers of a Federal transmitting utility shall not be liable for the costs, in the form of increased rates charged for electric energy or transmission, of green transmission grid project facilities constructed pursuant to this section, except to the extent the customers are treated in a manner similar to all other users of the green transmission grid project facilities.

“SEC. 408. FEDERAL POWER MARKETING AGENCIES.

“(a) PROMOTION OF RENEWABLE ENERGY AND ENERGY EFFICIENCY.—Each Federal transmitting utility shall—

“(1) identify and take steps to promote energy conservation and renewable energy electric resource development in the regions served by the Federal transmitting utility; and

“(2) identify opportunities to promote the development of facilities generating electricity from renewable energy on Indian land within the service territory of the Federal transmitting utility.

“(b) WIND INTEGRATION PROGRAMS.—The Bonneville Power Administration and the Western Area Power Administration shall each establish a program focusing on the improvement of the integration of wind energy into the transmission grids of those Administrations through the development of transmission products, including through the use of Federal hydropower resources, that—

“(1) take into account the intermittent nature of wind electric generation; and

“(2) do not impair electric reliability.

“(c) SOLAR INTEGRATION PROGRAM.—Each of the Federal Power Marketing Administrations and the Tennessee Valley Authority shall establish a program to carry out projects focusing on the integration of solar energy, through photovoltaic, concentrating solar power systems and other forms and systems, into the respective transmission grids and into remote and distributed applications in the respective service territories of the Federal Power Marketing Administrations and Tennessee Valley Authority, that—

“(1) take into account the solar energy cycle;

“(2) consider the appropriate use of Federal land for generation or energy storage, where appropriate; and

“(3) do not impair electric reliability.

“(d) GEOTHERMAL INTEGRATION PROGRAM.—The Bonneville Power Administration and the Western Area Power Administration shall establish a joint program to carry out projects focusing on the development and integration of geothermal energy and enhanced geothermal system resources into the respective transmission grids of the Bonneville Power Administration and the Western Area Power Administration, as well as non-grid, distributed applications in those service territories, including projects combining geothermal energy resources with biofuels production or other industrial or commercial uses requiring process heat inputs, that—

“(1) consider the appropriate use of Federal land for the projects and activities;

“(2) displace fossil fuel baseload generation or petroleum imports; and

“(3) do not impair electric reliability.

“(e) RENEWABLE ELECTRICITY AND ENERGY SECURITY PROJECTS.—

“(1) IN GENERAL.—The Federal transmitting utilities, shall, in consultation with the Commission, the Secretary, the States, and such other individuals and entities as are necessary, undertake geographically diverse projects within the respective service territories of the Federal transmitting utilities to acquire and demonstrate grid-enabled and non-grid-enabled plug-in electric and plug-in hybrid electric vehicles and related technologies as part of their fleets of vehicles.

“(2) INCREASE IN RENEWABLE ENERGY USE.—To the maximum extent practicable, each project conducted pursuant to any of subsections (b) through (d) shall include a component to develop vehicle technology, utility systems, batteries, power electronics, or such other related devices as are able to substitute, as the main fuel source for vehicles, transportation-sector petroleum consumption with electricity from renewable energy sources.

“(f) REREGULATING DAMS AND PUMPED STORAGE STUDY.—The Secretary of the Interior and the Secretary of the Army (acting through Chief of Engineers), in consultation with the Secretary of Energy, shall—

“(1) study the potential for reregulating facilities and pumped storage units at Federal dams to identify the facilities and units that are most worthy of further evaluation; and

“(2) submit to Congress a report on the results of the study, including recommendations on the next steps that should be taken.

“(g) WIND OR SOLAR-HYDRO INTEGRATION DEMONSTRATION PROJECT.—

“(1) IN GENERAL.—The Western Area Power Administration may fund the construction of wind or solar generation to supply firming energy to Western Area Power Administration to test the economic feasibility of wind-hydro or solar-hydro integration.

“(2) TRIBAL LAND.—In carrying out this subsection, the Western Area Power Administration shall consider locating the wind or solar generation facilities on tribal land.

“(3) NONREIMBURSABLE COSTS.—All costs associated with a demonstration under this subsection shall be considered nonreimbursable to electric energy customers of the Western Area Power Administration.

“SEC. 409. SOLAR ENERGY RESERVE PILOT PROJECT.

“(a) PURPOSE.—The purpose of this section is to establish a solar energy reserve pilot program on Federal land for the advancement, development, assessment, and installation of commercial utility-scale solar electric energy systems that will function as a potential model for the future development of renewable energy zones identified under this Act.

“(b) SITE SELECTION.—The Secretary of Energy and the Secretary of the Interior, in consultation with the Secretary of Defense, the Commission, States, and tribal and local units of government (as appropriate), shall—

“(1) identify 1 or more areas of Federal land under the jurisdiction of the Bureau of Land Management or land withdrawn by the Secretary of Energy for other purposes that is feasible and suitable for the installation of solar electric energy systems that are sufficient to generate not less than 4 gigawatts and not more than 25 gigawatts;

“(2) not later than 180 days after the date of enactment of this part, initiate the process for withdrawal of 1 or more tracts of land to the Secretary of Energy pursuant to section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) for the purpose of creating solar energy reserves or the designation of land withdrawn to the Secretary of Energy for other purposes as a solar energy reserve; and

“(3) identify the needed transmission upgrades to connect the solar energy reserves to the transmission grid.

“(c) INELIGIBLE FEDERAL LAND.—A solar energy reserve shall not be established under this section on any land excluded for designation under section 402(a)(2).

“(d) DEVELOPMENT WITHIN RESERVES.—The Secretary of Energy shall—

“(1) have the sole authority to issue land use authorizations for land withdrawn under subsection (b);

“(2) establish criteria for approving applications and developing infrastructure for solar reserves;

“(3) not later than 2 years after the date of enactment of this part, work with Federal agencies, States, and other interested persons to ensure, to the maximum extent practicable, that adequate infrastructure is available for operation of the first solar energy reserve;

“(4) provide, to the maximum extent practicable, for a variety of utility-scale solar electric energy technologies; and

“(5) ensure, to the maximum extent practicable, that all solar energy reserves pursuant to this section are permitted using an expedited permitting process.

“(e) DEVELOPING SOLAR ENERGY RESERVES.—

“(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Secretary may—

“(A) install appropriate infrastructure, including—

“(i) roads;

“(ii) renewable feeder lines that connect to transmission lines; and

“(iii) equipment to access public or private utility systems;

“(B) recover reasonable costs to pay for the management of the solar energy reserves and maintenance of the infrastructure relating to the use of the land, except that the Secretary shall not recover costs to pay for infrastructure if the costs have or will be paid for by Federal funds, to remain available until expended; and

“(C) negotiate agreements on behalf of all solar electricity systems within the solar energy reserve for—

“(i) the purchase of materials and equipment;

“(ii) the provision of public utility services and other services; and

“(iii) access to electric transmission facilities.

“(2) OPTING OUT.—A developer of a solar electricity system shall have the option, prior to the effective date of the agreement, to opt out of any agreement negotiated by the Secretary under paragraph (1)(C).

“(f) ROYALTIES AND FEES.—

“(1) IN GENERAL.—In lieu of rental fees, each solar electricity system developer shall pay to the Secretary a royalty on the sale of electricity produced from a solar electricity system placed into service on a solar energy reserve established under this section.

“(2) AMOUNT OF ROYALTY.—The amount of the royalty payable for a solar electricity system placed into service on a solar energy reserve under this subsection shall be equal to 1.0 mil per kilowatt-hour of electricity generated by the facility.

“(3) DEPOSIT IN TREASURY.—All royalties received by the United States from royalties under this subsection shall be deposited in the Treasury.

“(4) USE OF ROYALTIES.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the amount of royalties deposited in the Treasury from a solar energy reserve for a fiscal year under paragraph (3)—

“(i) 20 percent shall be paid to the 1 or more States within the boundaries of which the solar energy reserve is located;

“(ii) 30 percent shall be paid to the 1 or more counties within the boundaries of which the solar energy reserve is located;

“(iii) 20 percent shall be deposited in a separate account in the Treasury, to be known as the ‘BLM Solar Energy Permit Processing Improvement Fund’, except that if the Fund equals \$10,000,000 or more, no additional royalties under this subsection shall be deposited in the Fund; and

“(iv) 5 percent shall be deposited into a separate account in the Treasury, to be known as the ‘Solar Energy Land Reclamation, Remediation, and Restoration Fund’.

“(B) BLM SOLAR ENERGY PERMIT PROCESSING IMPROVEMENT FUND.—Amounts deposited under subparagraph (A)(iii) shall be available to the Secretary of the Interior for expenditure, without further appropriation and without fiscal year limitation, for the purpose of paying for the coordination and processing of solar energy right-of-way permit and land use applications and planning for solar energy development on land under the jurisdiction of the Bureau of Land Management.

“(C) SOLAR ENERGY LAND RECLAMATION, REMEDIATION, AND RESTORATION FUND.—Amounts deposited under subparagraph (A)(iv) shall be available to the Secretary of Energy for expenditure, without further appropriation and without fiscal year limitation, for the purpose of reclaiming, remediating, and restoring land within a solar energy reserve on which a solar electricity facility has permanently ceased operation be-

fore disposal or for withdrawn land that is returned to the Department of the Interior.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy and the Secretary of the Interior such sums as are necessary to carry out this section.

“SEC. 410. RELATIONSHIP TO OTHER LAWS.

“Nothing in this part supersedes or affects any Federal environmental, public health or public land protection, or historic preservation law, including—

“(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

“(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

“SEC. 411. REGULATIONS.

“Except as otherwise provided in this part, not later than 1 year after the date of enactment of this part, the Commission shall promulgate such regulations as are necessary to carry out this part.”.

(b) GREEN TRANSMISSION INFRASTRUCTURE INCENTIVE RATES.—Section 219(a) of the Federal Power Act (16 U.S.C. 824s(a)) is amended by striking “purpose of” and all that follows through the end of the subsection and inserting “purpose of—

“(1) benefitting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion; or

“(2) integrating renewable energy resources into the transmission system.”.

(c) MAXIMUM FUNDING AMOUNT FOR THIRD-PARTY FINANCE.—Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by striking subsection (g) and inserting the following:

“(g) MAXIMUM FUNDING AMOUNT.—The Secretary shall not accept and use more than \$2,500,000,000 under subsection (c)(1) for the period of fiscal years 2009 through 2018.”.

(d) ENFORCEMENT.—Section 316A of the Federal Power Act (16 U.S.C. 825o-1) is amended by striking “part II” each place it appears and inserting “part II or IV”.

SEC. 4. RENEWABLE ENERGY PILOT PROJECT OFFICES.

(a) IN GENERAL.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by adding at the end the following:

“(k) PILOT PROJECT OFFICE TO IMPROVE FEDERAL PERMIT COORDINATION FOR RENEWABLE ENERGY.—

“(1) DEFINITION OF RENEWABLE ENERGY.—In this subsection, the term ‘renewable energy’ means energy derived from a wind, solar, geothermal, or biomass source.

“(2) FIELD PROJECT OFFICES.—As part of the Pilot Project, the Secretary shall designate 1 or more field offices of the Bureau of Land Management in each of the following States to serve as Renewable Energy Pilot Project Offices for coordination of Federal permits for renewable energy projects and renewable energy transmission involving Federal land (other than permits issued by the Federal Energy Regulatory Commission):

“(A) Arizona.

“(B) California.

“(C) Colorado.

“(D) Oregon or Washington.

“(E) New Mexico.

“(F) Nevada.

“(G) Montana.

“(H) Wyoming.

“(3) MEMORANDUM OF UNDERSTANDING.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into an amended memorandum of understanding

under subsection (b) to provide for the inclusion of the additional Renewable Energy Pilot Project Offices in the Pilot Project.

“(B) SIGNATURES BY GOVERNORS.—The Secretary may request that the Governors of each of the States described in paragraph (2) be signatories to the amended memorandum of understanding.

“(C) DESIGNATION OF QUALIFIED STAFF.—Not later than 30 days after the date of the signing of the amended memorandum of understanding, all Federal signatory parties shall, if appropriate, assign to each Renewable Energy Pilot Project Offices designated under paragraph (2) an employee described in subsection (c) to carry out duties described in that subsection.

“(D) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Renewable Energy Pilot Project Office additional personnel under subsection (f).”.

(b) PERMIT PROCESSING IMPROVEMENT FUND.—Section 35(c)(3) of the Mineral Leasing Act (30 U.S.C. 191(c)(3)) is amended—

(1) by striking “use authorizations” and inserting “and renewable energy use authorizations”; and

(2) by striking “section 365(d)” and inserting “subsections (d) and (k)(2) of section 365”.

THE CLEAN RENEWABLE ENERGY AND ECONOMIC DEVELOPMENT ACT OF 2009—SUMMARY

Sec. 402. Renewable Energy Zones: This bill directs the President to designate renewable energy zones, which are areas that can generate in excess of 1 gigawatt of electricity from renewable energy, include rural areas or Federal land, and have insufficient transmission capacity to achieve their renewable energy generation potential. This bill excludes environmentally sensitive and culturally significant areas from renewable energy zones.

Electricity from renewable energy is defined to include solar, wind, geothermal, biomass, biogas, incremental hydroelectric capacity and hydrokinetic resources.

Some areas, especially the Western U.S., already have processes in place to identify renewable energy zones. Recognizing the ongoing efforts in the Western U.S., this bill allows the President to use zones designated through existing processes, and sets deadlines on designating renewable energy zones for the Western Interconnection of 90 days after enactment of the bill and 270 days after enactment of the bill for the Eastern Interconnection.

Sec. 403. Interconnection-Wide Green Transmission Grid Planning: Transmission planning today is a geographically fragmented, lengthy process that does not address the types of projects needed to integrate renewable energy into the transmission grid. The U.S. electric transmission network is divided into three interconnections, the West, the East, and Texas. This bill requires participatory and transparent transmission planning on an interconnection-wide basis for green transmission projects to integrate renewable electricity resources from renewable energy zones into the transmission grid. The objective of the planning process is to enhance transmission access for electricity from renewable energy in renewable energy zones, while recognizing national economic, reliability, and security goals. The planning process established in this bill must be based on established and projected Federal and State renewable energy policies and targets. This bill requires the planning process to solicit input from all stakeholders, including transmission owners,

regional transmission organizations, independent system operators, State commissions, electricity generators, prospective developers of new transmission and generation resources, regional reliability organizations, and environmental protection and land, water, and wildlife conservation groups.

This bill requires the plan to consider alternatives to new transmission, including energy efficiency, demand response, distributed generation, and cost-effective energy storage.

To expedite building transmission to meet the President's renewable energy goal, this bill requires the interconnection-wide green transmission plans to be submitted to the Commission within 1 year of the deadline for designation of renewable energy zones.

If a regional planning entity does not organize a planning process, or does not complete a plan by the deadlines established by FERC, this bill gives FERC backstop planning authority to establish a planning process and conduct planning, in consultation with DOE, federal power marketing authorities, the electric reliability organization and regional reliability organizations. This bill also gives FERC backstop planning authority for any state that does not participate in an interconnection-wide planning process.

To cover costs of regional planning entities and states participating in interconnection-wide planning, this bill establishes a surcharge on all transmission customers. The funds from the surcharge will be distributed to regional planning entities and to states whose governors certify that they are participating in green transmission planning for the first year, and subject to timely submission of a green transmission grid plan in subsequent years. State Governors are also required to demonstrate that planning entities are able to effectively represent a wide spectrum of stakeholders, including the protection and conservation of land, consumer protection, and fish and wildlife protection.

Sec. 404. Federal Siting of Green Transmission Grid Project Facilities: Transmission line siting is currently conducted through a separate process in each state, which can cause lengthy delays for multi-state transmission lines. This bill allows transmission project developers to apply to FERC for federal backstop siting for green transmission projects that are part of the green transmission grid plan and integrate renewable energy resources from renewable energy zones, or for transmission projects that FERC determines are needed to integrate renewable generation resources. For states that participate in interconnection-wide planning, this bill requires FERC to consider state recommendations in siting the line, and to work with states to resolve differences. This bill gives FERC the authority to issue a construction permit, including the right of eminent domain, for green transmission projects that meet specific conditions, including a minimum renewable requirement, optimizing transmission capacity, and providing transmission access to states the project passes through. To coordinate the process of siting transmission on Federal lands, this bill sets FERC as the lead agency for environmental reviews, with a single environmental review document, and directs affected agencies to develop a memorandum of understanding, including a schedule for environmental review and a budget necessary to carry out the schedule.

This bill ensures that green transmission projects are truly green by requiring transmission line siting to consider and use alternative routes where possible to avoid envi-

ronmentally sensitive or culturally significant areas. In addition, this bill requires transmission projects that use federal siting authority to ensure that at least 75% of the capacity of transmission project is available to renewable generation, or the maximum possible amount of renewable generation that can be reliably interconnected. In addition, to ensure that renewable generation resources have access to transmission, transmission providers for green transmission projects that use federal siting must give priority to load-serving entities contracting with renewable generators, or to renewable generation developers, when offering firm transmission rights.

As a condition for federal siting, each transmission project developer must demonstrate that it has sufficient capacity to connect multiple renewable generation resources in the renewable energy zone(s) to which it connects, based on reliability criteria, land use limitations, economic considerations and the potential generation capacity of the renewable energy zones interconnected to the project. This will allow future renewable generators to connect to the transmission system without building multiple transmission lines through an area.

Large transmission lines may pass through states without providing any benefit to the state. This bill requires green transmission projects that use federal siting authority to provide transmission access to load or generation in each state they pass through. If a project cannot provide interconnection to a state, that state will be eligible for additional funds through DOE grants.

Sec. 405. Grants for green transmission grid project plans: This bill authorizes the DOE, in consultation with FERC, to make grants to states and planning entities to implement the planning and siting described in this bill, for transmission improvements including smart grid investments, for training for state public utility commission staff, for mitigation of landowner concerns, for habitat and wildlife conservation, for security upgrades to the transmission system, for energy storage, for reliability projects, transmission business development, and for distributed generation projects. These grants are funded through the American Recovery and Reinvestment Act of 2009, and in the future through sale of carbon allowances if a carbon allowance system is implemented. These grants are available only to states that participate in green transmission grid planning and implement green transmission grid projects in a timely fashion.

Sec. 406. Cost Allocation: This bill encourages the States and participants in a green transmission plan to agree on and propose a cost allocation to FERC. If no cost allocation is filed, this bill allows FERC to determine a just and reasonable cost allocation that takes account of the widely distributed impacts of the transmission project. This bill allows FERC to allocate costs to all users, owners, and operators of the bulk power system in a region of an interconnection or throughout an interconnection.

This bill provides that costs of a green transmission project initially built with extra transmission capacity to multiple renewable generators can initially be allocated with the cost allocation. As new generation projects interconnect, they will pay their share of the transmission grid project, reducing the effect on rates of the transmission provider's customers.

Sec. 407. Encouraging Clean Energy Development in Renewable Energy Zones: To ensure that transmission projects needed to integrate renewable energy resources get built

in a timely manner, this bill allows federal transmitting utilities to construct projects if no privately-funded entity commits to financing them within 3 years. This bill extends bonding authority of federal transmitting utilities to finance construction of transmission.

Sec. 408. Federal power marketing agencies: This bill directs federal power marketing agencies to promote renewable energy and energy efficiency, by developing wind, solar and geothermal integration programs, and directs the federal transmitting utilities to undertake renewable electricity and energy security projects. It also directs WAPA to study reregulating hydroelectric dams and allows WAPA to fund a wind-hydro or solar-hydro integration demonstration project.

Sec. 409. Solar Energy Reserve Pilot Project: This bill establishes a pilot program on Federal land for commercial utility-scale solar electric energy systems on lands identified by the Secretary of Interior and the Secretary of Energy.

Sec. 410. Investment incentives: To encourage investment in green transmission projects, this bill extends infrastructure investment incentives from the Energy Policy Act of 2005 to include transmission projects that integrate renewable energy resources into the transmission system. The limit on third-party financing of transmission investments in the Western Area and Southwestern Area Power Administration territories is raised to \$2.5 billion.

By Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DURBIN, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mrs. HAGAN, Mr. MERKLEY, Mr. WHITEHOUSE, Mrs. MCCASKILL, Mr. JOHNSON, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mrs. BOXER):

S. 540. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEAHY. Mr. President, I am pleased to join Senator KENNEDY once again in the introduction of this important legislation. The bill that we introduce today will correct the Supreme Court's decision in *Riegel v. Medtronic*, which misconstrued the intent of Congress and cut off access to our Nation's courts for citizens injured or killed by defective medical devices.

Last year, the Senate Judiciary Committee held a series of hearings to examine the way in which the Supreme Court's decisions in the areas of retirement benefits, consumer product safety, workplace discrimination, and personal finance have consistently trended against the rights of consumers and in favor of big business. In many cases that have profound effects on the lives of ordinary Americans, the Court has either ignored the intent of Congress, deferred to corporate interests, or sided with a Federal agency's flawed interpretation of a congressional statute's preemptive force to disadvantage con-

sumers. The impact of the decisions that were the focus of those hearings continues to be felt by Americans today, whether they are prohibited from seeking redress in the courts for an injury caused by a defective product, paying exorbitant credit card interest rates and fees with no relief from the laws of their own State, or subjected to the unscrupulous practices of some in the mortgage lending industry.

These hearings raised awareness in Congress, and among Americans, about the impact the Supreme Court has on our everyday lives. And I am especially proud that following on these hearings, and through the efforts of a determined and principled congressional majority, we witnessed our constitutional democracy at work when President Obama signed the Lilly Ledbetter Fair Pay Act. I am heartened that Congress reclaimed the intent of its original legislation and overrode the Supreme Court to restore the rights of Americans to be free from discrimination in the workplace.

Just yesterday in the case of *Wyeth v. Levine* the Supreme Court foreclosed the need for Congress to act in another important area when it validated the views of many by rejecting the Bush administration and the Food and Drug Administration's extravagant views of a regulatory agency's ability to preempt State law. I am glad the Court spoke clearly and decisively on this issue. The Court's decision was not only a vindication of Congress's primary authority to preempt State law, but a victory for every American who relies upon pharmaceutical drugs and entrusts the manufacturers of those drugs with insuring their safety. The Court's decision also vindicated the laws and courts of the State of Vermont, and I am proud to have expressed my views to the Court as to Congress's intent in this area and on behalf of Diana Levine.

The bill we introduce today is another important step to correct an erroneous reading by the Court of Congress's intent in enacting the medical device amendments of 1976. This legislation will make explicit that the preemption clause in the medical device amendments upon which the Court relied does not, and never was intended to preempt the common law claims of consumers injured by a federally approved medical device.

The extraordinary power to preempt State law and regulation lies with Congress alone. Where the Court reaches to the extent it did in the *Riegel* decision to find Federal preemption contrary to what Congress intended, Congress is compelled to act, just as it was in the case of *Lilly Ledbetter*. I hope all Senators will join us in this effort.

Mr. HARKIN. Mr. President, I am proud to join my colleagues in reintroducing the Medical Device Safety Act.

This legislation reverses the Supreme Court's erroneous decision in *Riegel v. Medtronic*. There, the Court misread a statute designed to protect consumers by giving the Food and Drug Administration, FDA, the authority to approve medical devices as preempting State tort claims when a medical device causes harm. *Riegel* prevents consumers from receiving fair compensation for injuries sustained, medical expenses incurred and lost wages, and it must be reversed.

Congressional action should be unnecessary. When Congress passed the Medical Device Amendments, or MDA, in 1976, it did so "[t]o provide for the safety and effectiveness of medical devices intended for human use." In other words, Congress passed the MDA precisely to protect consumers from dangerous medical devices. Towards that end, Congress gave the FDA the authority to approve, prior to a product entering the market, certain medical devices. For over 30 years the MDA has been in effect, and over that period FDA regulation and tort liability have complimented each other in protecting consumers.

Given the MDA's purpose, and the fact it has operated successfully for 30 years, I was disheartened to find the Court twist the meaning of the statute to strip from consumers all remedies when a medical device fails. In contorted logic, the Court found that the FDA's requirements in approving a medical device preempted State laws designed to ensure that manufacturers marketed safe devices. In other words, the Court believes that a company's responsibility to its patients ends when it receives FDA approval. I strenuously disagree.

In fact, there is absolutely no evidence that Congress intended that under the MDA consumers would lose their only avenue for receiving compensation for injuries caused by negligent or inadequately labeled devices. Not a single Member or committee report articulated the view that the statute would preempt State tort law.

Nevertheless, because of the Court's decision, it is imperative that Congress act to ensure that those harmed by flawed medical devices can seek compensation. The bill introduced today addresses the Court's action by explicitly stating that actions for damages under State law are preserved. Specifically, it amends section 521 of the Federal Food, Drug, and Cosmetic Act to state that the section shall not be construed to modify or otherwise affect any action for damages or the liability of any person under the law of any State. And the bill applies retroactively to the date of the enactment of the MDA, consistent with Congress's intent when it passed that act over 30 years ago. Practically, that means that it applies to cases pending on the date of enactment of this legislation or

claims for injuries sustained prior to enactment.

The harm from Riegel, unless Congress acts, cannot be more real. In the year since Riegel was decided alone, courts across the country have dismissed product liability claims. Take Charles Riegel. During an angioplasty, a catheter burst and caused him serious injuries and disabilities, and a State jury found Medtronic negligent. Because of the Supreme Court's decision, however, Mr. Riegel's wife will receive no compensation for the defective design and inadequate warning. Take Gary Despain. A defective hearing aid caused severe damage to his right ear, and he became disabled and unemployed. Because of the Supreme Court's decision, Mr. Despain has no ability to see remedies for his injuries.

Recently, a court dismissed the claims of almost 1,500 patients who brought suit arising from Medtronic's Sprint Fidelis defibrillator—specific models of thin wires that connect an implantable cardiac-defibrillator directly to the heart. In October 2007, the product was recalled after lead fractured in several cases and was thought to contribute to deaths and serious injuries. Again, because of the Court's ruling, injured plaintiffs have no recourse against the company that caused the harm.

While FDA approval of medical devices, moreover, is important, it cannot be the sole protection for consumers. FDA approval is simply inadequate to replace the longstanding safety incentives and consumer protections State tort law provides.

As a senior member of the Health, Education, Labor and Pension Committee, which has oversight over FDA, I have worked hard to ensure that the FDA performs its job. No matter how effective the FDA is, however, the FDA simply cannot guarantee that no defective, dangerous, and deadly medical device will reach consumers. As the former Director of the FDA's Center for Devices and Radiological Health acknowledged, the FDA's "system of approving devices isn't perfect, and that unexpected problems [with approved devices] do arise." In 1993, a House report identified a "number of cases in which the FDA [had] approved devices that proved unsafe in use."

The fact is, the FDA conducts the approval process with minimal resources and simply does not have adequate funds to genuinely ensure that devices are safe or to properly and effectively reevaluate approvals as new information is available.

Further, the FDA approval process is based on partial information. A principal shortcoming is that the device's manufacturer compiles the studies and data supporting an application, and the data is often unreliable. And the FDA does not conduct independent investigations into a device's safety. A man-

ufacturer, moreover, is not required to submit information about development of the device, including alternative designs, manufacturing methods, and labeling possibilities that the manufacturer considered but rejected.

In 1993, an FDA committee found flaws in the design, conduct, and analysis of the clinical studies used to support applications that were "sufficiently serious to impede the agency's ability to make the necessary judgments about [device] safety and effectiveness." It added, "[o]ne of the main reasons [problems arise after approval] is that the data upon which we base our safety and effectiveness decisions isn't perfect." Likewise, in 1996, the inspector general of the Department of Health and Human Services reported "serious deficiencies . . . in the clinical data submitted as part of pre-market applications."

Moreover, there is very little FDA oversight once a device reaches doctors and patients. In fact, even the best designed and most reliable clinical studies by their very nature cannot duplicate all aspects and hazards of everyday use. Moreover, while manufacturers are supposed to report defects and injuries, the FDA has admitted that there is "severe underreporting" of defects and injuries.

Given the FDA's limitations, it is crucial that an individual have a right to seek redress. When defective medical devices reach the market, whether or not approved by the FDA, patients are often injured. Those injured are often left temporarily unable to work or to enjoy normal lives, and in many cases never fully recover. State tort law provides the only relief for patients injured by defective medical devices and should not be foreclosed.

Not only does access to State court mean that a person injured can receive fair compensation, but there are other advantages. Such suits aid in exposing dangers and serve as a catalyst to address their consequences. Through discovery, litigation can help uncover previously unavailable information on adverse effects of products that might not have been caught during the regulatory system. Litigants can demand documents and information on product risks that might not have been shared with the FDA. In this way, the public as a whole is alerted to dangers in medical products.

Finally, providing the ability to sue when injured provides an important incentive to manufacturers to use the utmost care. Additionally, threat of product liability suits creates continuing incentives for product manufacturers to improve the safety of their device, even after FDA approval.

As the Supreme Court recognized this week, in *Wyeth v. Levine*, in holding that failure to warn claims involving FDA approved drugs are not preempted, "[s]tate tort suits uncover un-

known drug hazards and provide incentives for drug manufacturers to disclose safety risks promptly. They also serve a distinct compensatory function that may motivate injured persons to come forward with information." The Court continued, "the FDA has long maintained that state law offers an additional, and important, layer of consumer protection that complements FDA regulation."

The same consumer protection that State courts provide which the Court recognized as important in the context of faulty drug warnings is equally important for those consumers harmed by faulty medical devices.

In conclusion, sadly the Court fundamentally misread Congress's intent in passing the Medical Device Amendments in 1976, and Riegel appears to represent yet another victory by big business over consumers. That is not, however, the final say on the matter. To quote Chief Justice Roberts, "every area involving an interpretation of a statute, the final say is not with the Supreme Court, the final say is with Congress. And if they don't like the Supreme Court's interpretation of it, they can change it."

Make no mistake, moreover, it can be done. Last year, Congress passed and the President signed the ADA Amendments Act, reversing decisions in which the Court consistently misconstrued the will of Congress and held that the ADA does not protect many people with serious disabilities from discrimination. This year, we were successful in reversing the Court's draconian *Lilly Ledbetter* decision, making clear that those discriminated against do have a recourse in law.

Those injured by faulty medical devices deserve to have their day in court and are entitled to compensation when they are injured by faulty medical devices, have medical expenses to pay and lost wages, regardless of whether the FDA approved a device. We must reverse this erroneous decision and ensure that those who have suffered serious injury at the hands of others receive justice.

By Mr. DODD (for himself, Mr. CRAPO, Mr. AKAKA, Mr. BROWN, Mr. CORKER, Mr. BOND, and Mr. ISAKSON):

S. 541. A bill to increase the borrowing authority of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I have been approached, along with my colleague Senator SHELBY and leaders of the House Financial Services Committee, by the Chairman of the Federal Deposit Insurance Corporation, Sheila Bair, with a request to increase substantially the FDIC's borrowing authority from Treasury from the current \$30 billion to \$100 billion, for use

by the FDIC's Deposit Insurance Fund and for temporary additional borrowing authority to help weather the economic crisis. In response to her request, I am introducing the Depositor Protection Act of 2009, which provides this authority. We are taking this step out of an abundance of caution and to meet any contingencies that the fund may face in the coming months.

The FDIC's Deposit Insurance Fund DIF absorbs losses that result from the corporation's obligation to protect insured deposits when FDIC-insured financial institutions fail. Insured financial institutions pay premiums that support the DIF and under current law those premiums can be increased to cover any losses to the fund.

Today, the House passed legislation to substantially and permanently increase this borrowing authority as part of H.R. 1106, the Helping Families Save Their Homes Act of 2009. Last month, Treasury Secretary Geithner and Chairman Bernanke of the Federal Reserve Board wrote to me to underscore their support for the FDIC's increased borrowing authority.

Since the FDIC's borrowing authority was last increased in 1991, the asset size of banks has tripled. Even more important, the financial system is under considerable stress, and the level of thrift and bank failures has been rising. This line of credit is designed strictly to serve as a backstop to cover potential losses to the DIF.

Though this statutory borrowing authority has historically never been tapped, and Chairman Bair has made clear she does not anticipate doing so, I agree with Chairman Bair, Secretary Geithner, and Chairman Bernanke that under current economic circumstances such an increase in borrowing authority is both prudent and necessary. It is important that we increase this line of borrowing authority so that the FDIC has the funds available which might be needed to meet its obligations to protect insured depositors and to reassure the public that the Government continues to stand firmly behind the FDIC's insurance guarantee.

Additionally, on Friday, February 27, the FDIC Board voted to impose a one-time special assessment of 20 basis points on insured depository institutions because of concern about the level of the DIF. This special assessment is in addition to the regular premiums, which were increased on February 27 to a range of 12 to 16 basis points. The DIF is significantly below the statutory minimum reserve ratio of 1.15. As of December 31, 2008, the DIF ratio stood at .4. The FDIC has informed us that with the increased borrowing authority provided in this legislation, it believes it can reduce the size of the special assessment while still maintaining appropriate assessments at a level that supports the DIF with funding from the banking industry.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Depositor Protection Act of 2009".

SEC. 2. INCREASED BORROWING AUTHORITY OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(1) by striking "\$30,000,000,000" and inserting "\$100,000,000,000";

(2) by striking "The Corporation is authorized" and inserting the following:

"(1) IN GENERAL.—The Corporation is authorized";

(3) by striking "There are hereby" and inserting the following:

"(2) FUNDING.—There are hereby"; and

(4) by adding at the end the following:

"(3) TEMPORARY INCREASES AUTHORIZED.—

"(A) RECOMMENDATIONS FOR INCREASE.—

During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the \$100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed \$500,000,000,000.

"(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above \$100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses."

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, March 5, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Wash-
ington, DC.

1DEAR MR. CHAIRMAN: I am writing to express my support for the Depositor Protection Act of 2009, legislation to increase the Federal Deposit Insurance Corporation's borrowing authority with the Treasury Department if losses from failed financial institutions exceed the industry funded resources of the Deposit Insurance Fund (DIF).

As you know, the FDIC's borrowing authority was set in 1991 at \$30 billion and has not been raised since that date. Assets in the banking industry have tripled since 1991, from \$4.5 trillion to \$13.6 trillion. As I indicated in my previous letter of January 26, 2009, the FDIC believes it is prudent to adjust the statutory line of credit proportionately to leave no doubt that the FDIC can immediately access the necessary resources

to resolve failing banks and provide timely protection to insured depositors.

The legislation would include important additional authority for the FDIC and would rationalize the FDIC's current borrowing authority. Under current law, the FDIC has the authority to borrow up to \$30 billion from Treasury to cover losses incurred in insuring deposits up to \$100,000. In addition, when Congress temporarily increased deposit insurance coverage to \$250,000, it temporarily lifted all limits on the FDIC's borrowing authority to implement the new deposit insurance obligation.

The bill would permanently increase the FDIC's authority to borrow from Treasury from \$30 billion to \$100 billion. In addition the bill also would temporarily authorize an increase in that borrowing authority above \$100 billion (but not to exceed \$500 billion) based on a process that would require the concurrence of the FDIC, the Federal Reserve Board, and the Treasury Department, in consultation with the President.

Because the existing borrowing authority for losses from bank failures provides a thin margin of error, it was necessary for the FDIC recently to impose increased assessments on the banking industry. These assessments will have a significant impact on insured financial institutions, particularly during a financial crisis and recession when banks must be a critical source of credit to the economy.

The size of the special assessment reflected the FDIC's responsibility to maintain adequate resources to cover unforeseen losses. Increased borrowing authority, however, would give the FDIC flexibility to reduce the size of the recent special assessment, while still maintaining assessments at a level that supports the DIF with industry funding. While the industry would still pay assessments to the DIF to cover projected losses and rebuild the Fund over time, a lower special assessment would mitigate the impact on banks at a time when they need to serve their communities and revitalize the economy.

In conclusion, the Depositor Protection Act would leave no doubt that the FDIC will have the resources necessary to address future contingencies and seamlessly fulfill the government's commitment to protect insured depositors against loss. I strongly support this legislation and look forward to working with you to enact it into law.

Sincerely,

SHEILA C. BAIR,
Chairman.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM,
Washington, DC, February 2, 2009.
Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing,
and Urban Affairs, U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: I am writing to join the Secretary of the Treasury in expressing my agreement that the authority of the Federal Deposit Insurance Corporation (FDIC) to borrow from the Treasury Department should be increased to \$100 billion from its current level of \$30 billion. While the FDIC has substantial resources in the Deposit Insurance Fund, the line of credit with the Treasury Department provides an important back-stop to the fund and has not been adjusted since 1991. An increase in the line of credit is a reasonable and prudent step to ensure that the FDIC can effectively meet potential future obligations during periods such as the difficult and uncertain economic climate that we are currently experiencing.

I also support legislation that would allow the Secretary of the Treasury, in consultation with the Chairman of the Board of Governors of the Federal Reserve System if Congress believes that to be appropriate, to increase the FDIC's line of credit with the Treasury in exigent circumstances. This mechanism would allow the FDIC to respond expeditiously to emergency situations that may involve substantial risk to the financial system.

The Federal Reserve would be happy to work with your staff on this matter, as well as on the other amendments under consideration that would allow the FDIC more flexibility in the timing and scope of assessments that it charges to recover costs to the Deposit Insurance Fund in the event that the systemic risk exception in the Federal Deposit Insurance Act has been invoked.

Sincerely,

BEN S. BERNANKE,
Chairman.

DEPARTMENT OF THE TREASURY,
Washington, DC, February 2, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing & Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the Federal Deposit Insurance Corporation's (FDIC) current request to increase its permanent statutory borrowing authority under its line of credit with the Treasury Department from \$30 billion to \$100 billion. Since the last increase in that authority in 1991, the banking industry's assets have tripled. More importantly, the financial and credit markets continue to be under acute stress, and the level of thrift and bank failures has been rising. Although the FDIC's Deposit Insurance Fund remains substantial at \$35 billion, and the FDIC has never needed to tap the existing line of credit with the Treasury Department in the past, the proposed increase in the limit is a reasonable and prudent step to ensure that the FDIC can effectively meet any potential future obligations.

The Treasury Department also supports the FDIC's request to make future adjustments to the line of credit based on exigent circumstances, but recommends that such future adjustments require the concurrence of both the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System. This future adjustment mechanism would provide an additional layer of protection for insured depositors and enhance the confidence of financial markets during this turbulent period.

The Treasury Department also supports the FDIC having authority to determine the time period for recovering any loss to the insurance fund resulting from actions taken after a systemic risk determination by the Secretary of the Treasury.

I hope that you find our views useful in the Committee's consideration of the FDIC's request. Thank you for the opportunity to share these views.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 65—HONORING THE 100TH ANNIVERSARY OF FORT MCCOY IN SPARTA, WISCONSIN

Mr. KOHL submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 65

Whereas 2009 is the 100th anniversary of the Army operating a military installation in Sparta, Wisconsin;

Whereas the Army began training in Monroe County, Wisconsin on the 4,000-acre family farm of Robert Bruce McCoy in September 1905;

Whereas the Army purchased the McCoy farm and established the Sparta Maneuver Tract on June 8, 1909;

Whereas the Sparta Maneuver Tract was officially designated Camp McCoy on November 19, 1926, in honor of Major General Robert Bruce McCoy;

Whereas Camp McCoy served as one of the largest and most modern artillery camps in the Nation, training field artillery units for deployment in World War I;

Whereas Camp McCoy served as a supply base for the Civilian Conservation Corps during the Great Depression, supplying uniforms, lodging, and food to thousands of young men;

Whereas Camp McCoy was modernized and expanded to help prepare military units for deployment in World War II, resulting in the construction of 1,500 buildings capable of training and supporting 35,000 troops;

Whereas Camp McCoy was temporarily an internment camp during the Japanese American internment, a period of grave injustice to individuals of Japanese ancestry;

Whereas Camp McCoy served as a prisoner of war camp for 4 years, housing Japanese, German, and Korean prisoners of war;

Whereas Camp McCoy served as a major training center for the Fifth Army preparing for the Korean War;

Whereas Camp McCoy was officially renamed Fort McCoy on September 30, 1974, recognizing Fort McCoy's status as a year-round Army training facility;

Whereas Fort McCoy was designated as a Resettlement Center for Cuban refugees, housing approximately 15,000 Cubans in 1980;

Whereas Fort McCoy served as a major mobilization site during Operations Desert Shield and Desert Storm, preparing more than 18,000 soldiers for deployment; and

Whereas Fort McCoy continues to support our Nation's defense, training more than 100,000 soldiers per year and preparing 85,000 military personnel from 49 States and 2 territories for mobilization since September 11, 2001: Now, therefore, be it

Resolved, That the Senate honors Fort McCoy in Sparta, Wisconsin, on its 100th anniversary and commends the men and women who have worked and trained at the fort.

Mr. KOHL. Mr. President, today I honor the 100 year legacy of Fort McCoy and the men and women who have worked and trained at the fort.

On June 8th, 1909, the United States Army began training on a tract of land that would eventually become Fort McCoy. Named for Major General Robert McCoy, the fort has embodied his commitment to military service for 100 years. Providing training to more than

100,000 reserve and active duty soldiers per year, Fort McCoy is the only facility focused on supporting total force training. As a pioneer for field artillery and maneuver training, the fort has developed into one of the largest and most modern artillery camps in the nation. Fort McCoy has supported and trained our troops through every major military action of the twentieth and twenty-first centuries and has truly remained an unwavering presence for the United States Armed Services.

I am proud to recognize the 100 year anniversary of Fort McCoy and the enduring commitment that its troops have given to the United States of America.

SENATE RESOLUTION 66—DESIGNATING 2009 AS THE "YEAR OF THE NONCOMMISSIONED OFFICER CORPS OF THE UNITED STATES ARMY"

Mr. BOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 66

Whereas the Secretary of the Army has designated 2009 as the Year of the United States Army Noncommissioned Officer (NCO) to honor more than 200 years of service by the noncommissioned officers of the Army to the Army and the American people;

Whereas the modern noncommissioned officer of the Army operates autonomously, and always with confidence and competence;

Whereas the Noncommissioned Officer Corps of the Army has distinguished itself as the most accomplished group of military professionals in the world, with noncommissioned officers of the Army leading the way in education, training, and discipline, empowered and trusted like no other noncommissioned officers, and serving as role models to the most advanced armies in the world; and

Whereas the noncommissioned officers of the Army share their strength of character and values with every soldier, officer, and civilian they support across the regular and reserve components of the Army, and take the lead and are the keepers of Army standards: Now, therefore, be it

Resolved, That the Senate—

(1) designates 2009 as the "Year of the Noncommissioned Officer Corps of the United States Army"; and

(2) encourages the people of the United States to recognize the "Year of the Noncommissioned Officer Corps of the United States Army" with appropriate ceremonies and activities.

SENATE RESOLUTION 67—EXPRESSING THE SENSE OF THE SENATE THAT PROVIDING BREAKFAST IN SCHOOLS THROUGH THE NATIONAL SCHOOL BREAKFAST PROGRAM HAS A POSITIVE IMPACT ON THE LIVES AND CLASSROOM PERFORMANCE OF LOW-INCOME CHILDREN

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. SANDERS, Mr. DURBIN, Mr.

CASEY, Mr. BURRIS, Mrs. GILLIBRAND, Mr. CHAMBLISS, Mr. KERRY, Mr. BENNET, Mr. BEGICH, Mr. BAYH, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 67

Whereas participants in the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as schools in rural, suburban, and urban areas;

Whereas access to nutrition programs such as the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the national school breakfast program helps to create a stronger learning environment for children and improves children's concentration in the classroom;

Whereas missing breakfast and the resulting hunger has been shown to harm the ability of children to learn and to hinder academic performance;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and to work faster in math exercises than those who eat a partial breakfast;

Whereas implementing or improving classroom breakfast programs has been shown to increase breakfast consumption among eligible students dramatically, doubling, and in some cases, tripling numbers of participants in school breakfast programs, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing absences, tardiness, and disciplinary referrals;

Whereas studies suggest that eating breakfast closer to the time students arrive in the classroom and take tests improves the students' performance on standardized tests;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger are likely to have lower math scores, receive more special education services, and face an increased likelihood of repeating a grade;

Whereas making breakfast widely available in different venues or in a combination of venues, such as by providing breakfast in the classroom, in the hallways outside classrooms, or to students as they exit their school buses, has been shown to lessen the stigma of receiving free or reduced-price school breakfasts, which stigma sometimes prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas in fiscal year 2008, 8,520,000 students in the United States consumed free or reduced-price school breakfasts provided under the national school breakfast program;

Whereas less than half of the low-income students who participate in the national school lunch program also participate in the national school breakfast program;

Whereas at least 16,000 schools that participate in the national school lunch program do not participate in the national school breakfast program;

Whereas in fiscal year 2008, 60 percent of school lunches served, and 80 percent of school breakfasts served, were served to stu-

dents who qualified for free or reduced-priced meals;

Whereas the current economic situation, including the increase of nearly 3 percent in the national unemployment rate in 2008, is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast;

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthful breakfast on a daily basis; and

Whereas March 2 through March 6, 2009 is National School Breakfast Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served;

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week helps draw attention to the need for, and success of, the national school breakfast program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 665. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 666. Mr. ENZI (for himself, Mr. CRAPO, Mr. BARRASSO, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 667. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 668. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 669. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 670. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 671. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 672. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1105, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 665. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

INVESTMENTS IN ENERGY SECTOR OF IRAN

SEC. 7093. (a) None of the amounts appropriated or otherwise made available by this Act may be made available for the Department of State until the Secretary of State, in consultation with the Secretary of the Treasury, submits to Congress a report on investments by foreign companies in the energy sector of Iran since the date of the enactment of the Iran Sanctions Act (Public Law 104-172; 50 U.S.C. 1701 note), including information compiled from credible media reports. The report shall include the status of any United States investigations of companies that may have violated the Iran Sanctions Act, including explanations of why the Department of State has not made a determination of whether any such investment constitutes a violation of such Act.

(b) In this section, the term "investment" has the meaning given the term in section 14 of the Iran Sanctions Act (Public Law 104-172; 50 U.S.C. 1701 note).

SA 666. Mr. ENZI (for himself, Mr. CRAPO, Mr. BARRASSO, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 115 of division E and insert the following:

SEC. 115. ROYALTY COLLECTION PROCESS STUDY.

(a) STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this section as the "Secretary") shall conduct a study of the royalty collection process for coal, other solid minerals, and geothermal resources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives a report that—

(1) describes the results of the study conducted under subsection (a); and

(2) includes any recommendations of the Secretary with respect to ways in which the royalty collection process may be improved.

SA 667. Mr. GRASSLEY submitted an amendment intended to be proposed by

him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 602, beginning on line 16, strike “*Provided,*” and all that follows through “fiscal year:” on line 22.

SA 668. Mr. ENZI submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division F, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

SA 669. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

After section 430 of title IV of division E, insert the following:

SEC. 431. NATIONAL FOREST FOUNDATION.

(a) MEMBERSHIP OF BOARD OF DIRECTORS.—Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking “fifteen Directors” and inserting “not more than 30 Directors”.

(b) ADMINISTRATIVE SERVICES AND SUPPORT.—Section 405 of the National Forest Foundation Act (16 U.S.C. 583j-3) is amended—

(1) in subsection (a), by striking “section 410(a)” and inserting “section 410”; and

(2) in subsection (b), by striking “section 410(b)” and inserting “section 410”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 410 of the National Forest Foundation Act (16 U.S.C. 583j-8) is amended to read as follows:

“SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to the Secretary of Agriculture to carry out this title \$3,000,000 for fiscal year 2009 and each fiscal year thereafter, to be made available to the Foundation to match, on a 1-for-1 basis, private contributions that are made to the Foundation.”.

SA 670. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 942, between lines 14 and 15, insert the following:

CIVILIAN STABILIZATION INITIATIVE

SEC. 7093. (a) The amount appropriated or otherwise made available by title I for the Department of State under the heading “CIVILIAN STABILIZATION INITIATIVE” is hereby increased by \$30,000,000.

(b) The amount appropriated or otherwise made available by title II for the United States Agency for International Develop-

ment under the heading “CIVILIAN STABILIZATION INITIATIVE” is hereby reduced by \$30,000,000.

(c)(1) Of the amount appropriated or otherwise made available by title I for the Department of State under the heading “CIVILIAN STABILIZATION INITIATIVE”, as increased by subsection (a), \$30,000,000 may be made available to the United States Agency for International Development for the Agency’s portion of the Civilian Stabilization Initiative.

(2) Of the amount made available to the United States Agency for International Development pursuant to paragraph (1), up to \$6,000,000 may be made available to the Office of Surge Administration.

SA 671. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 760, strike lines 1 through 16.

SA 672. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 351, lines 2 and 3, strike “*Provided further,*” and all that follows through “110-140:” on line 11 and insert the following: “*Provided further,* That \$2,300,000 is for the Veterans Assistance and Services Program authorized under section 21(n) of the Small Business Act (15 U.S.C. 648(n)): *Provided further,* That \$110,000,000 shall be available to fund grants to small business development centers for performance in fiscal year 2009 or fiscal year 2010 as authorized: *Provided further,* That \$3,250,000 is for the Small Business Energy Efficiency Program authorized under section 1203(c) of the Energy Independence and Security Act of 2007 (15 U.S.C. 657h(c)): *Provided further,* That \$3,250,000 is for small business development center grant programs for veterans: *Provided further,* That \$7,000,000 is for the Service Corps of Retired Executives program authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)): *Provided further,* That \$17,100,000 is for the women’s business center program under section 29 of the Small Business Act (15 U.S.C. 656): *Provided further,* That \$8,000,000 is for the Office of Trade of the Small Business Administration: *Provided further,* That \$4,000,000 is for the HUBZone program under section 31 of the Small Business Act (15 U.S.C. 657a):”.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 12, 2009, at 2:45 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of David Hayes to be Deputy Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 5, 2009 at 10 a.m., to conduct a hearing entitled “American International Group: Examining What Went Wrong, Government Intervention, and Implications for Future Regulation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 9:30 a.m., in room SH-216 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 10 a.m. to conduct a hearing entitled “Follow the Money: Transparency and Accountability for Recovery and Reinvestment Spending.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, March 5, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 5, 2009 at 9:30 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 5, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, March 5, 2009, at 2:30 p.m. to conduct a hearing entitled, "Lessons Learned: How the New Administration Can Achieve an Accurate and Cost-Effective 2010 Census."

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ASBESTOS AWARENESS WEEK

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 57 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 57) designating the first week of April 2009 as "National Asbestos Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 57) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 57

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2009 as "National Asbestos Awareness Week";

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

NATIONAL SCHOOL BREAKFAST PROGRAM

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 67, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 67) expressing the sense of the Senate that providing breakfast in schools through the national school breakfast program has a positive impact on the lives and classroom performance of low-income children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 67) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 67

Whereas participants in the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) include public, private, elementary, middle, and high schools, as well as schools in rural, suburban, and urban areas;

Whereas access to nutrition programs such as the school lunch program, established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the national school breakfast program helps to create a stronger learning environment for children and improves children's concentration in the classroom;

Whereas missing breakfast and the resulting hunger has been shown to harm the ability of children to learn and to hinder academic performance;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and to work faster in math exercises than those who eat a partial breakfast;

Whereas implementing or improving classroom breakfast programs has been shown to increase breakfast consumption among eligible students dramatically, doubling, and in some cases, tripling numbers of participants in school breakfast programs, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing absences, tardiness, and disciplinary referrals;

Whereas studies suggest that eating breakfast closer to the time students arrive in the classroom and take tests improves the students' performance on standardized tests;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger are likely to have lower math scores, receive more special education services, and face an increased likelihood of repeating a grade;

Whereas making breakfast widely available in different venues or in a combination of venues, such as by providing breakfast in the classroom, in the hallways outside classrooms, or to students as they exit their school buses, has been shown to lessen the stigma of receiving free or reduced-price school breakfasts, which stigma sometimes prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas in fiscal year 2008, 8,520,000 students in the United States consumed free or reduced-price school breakfasts provided under the national school breakfast program;

Whereas less than half of the low-income students who participate in the national school lunch program also participate in the national school breakfast program;

Whereas at least 16,000 schools that participate in the national school lunch program do not participate in the national school breakfast program;

Whereas in fiscal year 2008, 60 percent of school lunches served, and 80 percent of school breakfasts served, were served to students who qualified for free or reduced-priced meals;

Whereas the current economic situation, including the increase of nearly 3 percent in the national unemployment rate in 2008, is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas studies suggest that children who eat breakfast take in more nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast;

Whereas children who do not eat breakfast, either in school or at home, are more likely to be overweight than children who eat a healthful breakfast on a daily basis; and

Whereas March 2 through March 6, 2009 is National School Breakfast Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) and the positive impact of the program on the lives of low-income children and families and on children's overall classroom performance;

(2) expresses strong support for States that have successfully implemented school breakfast programs in order to alleviate hunger and improve the test scores and grades of participating students;

(3) encourages all States to strengthen their school breakfast programs, provide incentives for the expansion of school breakfast programs, and promote improvements in the nutritional quality of breakfasts served;

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week helps draw attention to the need for, and success of, the national school breakfast program.

DISCHARGE AND REFERRAL—H.R.

44

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of H.R. 44 and the bill referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 6, 2009

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Friday, March 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired; the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Mr. President, there will be no rollcall votes on Friday. The next votes are expected to begin after 5 p.m. Monday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:18 p.m., adjourned until Friday, March 6, 2009, at 10 a.m.

HOUSE OF REPRESENTATIVES—Thursday, March 5, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 5, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As people of faith, Lord God Eternal, we believe that Your Spirit fills the whole world. Moved by this faith, we try to discern authentic signs of Your presence and purpose in the events, the needs, and the longings which we share with other people all the time.

Lord, thank You for faith, because faith throws a new light on all things and makes known the full ideal to which You have called each Member of Congress and each citizen of this great Nation.

Guide minds into great collaboration and move hearts toward true solutions which transcend ideology and reach the fullest depths of human potential, bringing us into a greater union with others and with You. Then, as Your free children, we will conquer the problems which confront us, and give You glory, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

TAPPING INTO THE POTENTIAL OF FUTURE GENERATIONS OF WOMEN

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, in 1987 the United States Congress officially designated March as Women's History Month in an effort to not only increase public knowledge of women's history, but also to raise the public consciousness of the impact that women have on our country.

Over the last century, we have made considerable progress. However, our work to ensure that women have equal rights and protection from assault and abuse are not over. Today, women continue to bring home smaller paychecks than men do for doing the same job. However, I am proud that this Congress passed and President Obama recently signed the Lilly Ledbetter Fair Pay Act of 2009 to help end pay discrimination against women.

Currently, there are an estimated 198,000 women serving on active duty in our military, and still we are unable to provide them with a safe environment, free of sexual assault and violence. In addition, approximately 800,000 individuals are trafficked across international borders each year, and, sadly, 80 percent of those are women and girls.

While we recognize the progress we have made, we must not be complacent, but instead work together to tap into the potential of future generations of women.

LESS IS MORE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, under the new tax proposal, those that make over \$250,000 are going to have a massive tax increase so the government can redistribute that money to special groups. Those in this high tax group already pay most of the taxes and create most of the new jobs in small businesses.

But we have got a problem. These same folks are considering cutting back their work productivity so they make less than \$250,000. According to ABC News, some individuals who own business also are going to downsize because of the tax increase.

A lawyer in Louisiana says, "Why kill yourself working if it is given away to people who aren't working as hard?"

A dentist in Colorado said she is going to work fewer days, see fewer patients and eliminate employees so she can be underneath the tax increase. She says, "If I am going to be working just to give it back to the government, it is demoralizing."

Mr. Speaker, this cannot be. What are we to do if all these small business owners start following this downsizing plan, lay off employees and don't send more money to Washington? Don't they know they can't do that? Don't they know that they need to pay more taxes to take care of the rest of us?

Mr. Speaker, all citizens pay enough income tax already. It is absurd to raise taxes on anybody during this recession.

And that's just the way it is.

WORKING TOWARDS COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, President Obama has said "our patchwork heritage is a strength, not a weakness." Yet there are those that are full of hate and anti-immigration rhetoric that cannot see the rich contributions immigrants have made to this country.

Racial profiling in my district alone is alarming and the controversy of enforcement practices must be investigated. We will not stand for enforcement-only approaches that create a mistrust of law enforcement amongst the public. We need comprehensive immigration reform that addresses the real issues, respects families and includes enforcement and security of our Nation.

Congress needs to be proactive on this issue, instead of reactive to the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

negative few who preach enforcement-only failed approaches.

I urge my colleagues with the help of the CHC to have President Obama and Speaker PELOSI work towards comprehensive immigration reform.

HONORING THE LIFE AND SERVICE OF FRED PIERNO, JR.

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor the life and service of Martin County Fire Medic Fred Pierno, Jr. Freddy is the only member of the Martin County Fire Rescue to ever die in the line of duty. He lived a life of service to his community and country. He was a Navy veteran during the Vietnam War and served for 20 years with Martin County Fire Rescue. His fellow firefighters enjoyed working by his side and he always put others first.

It was in 2006 while trying to save the life of a patient that he contracted hepatitis C. Firefighters and medics like Freddy put their lives on the line day in and day out and face dangers that can't always be seen. Freddy is only the 13th firefighter in the United States to die in the line of duty from this virus.

We honor Fred Pierno's sacrifice to the people of Martin County. He will truly be missed.

FIXING THE BROKEN HEALTH CARE SYSTEM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Today, the President will convene a health summit as he continues to engage experts, Members of Congress, health providers and consumer advocates in what is one of many discussions on how to best fix our broken health care system and ensure access to quality health care for every American more efficiently and effectively.

We have already made a great down payment with the expanded SCHIP, the Medicaid and other provisions in the American Recovery and Reinvestment Act. We in this body continue to work with our President through our omnibus bill; and as we prepare to develop a 2010 budget, we do so in a holistic way, also addressing the social determinants of our health, which is critical in order for us to meet our obligation to close the gaps in health that cause premature preventive illness and death in the poor and people of color and those in our rural areas.

We must remember that health care is a right.

PUTTING COMPETITIVENESS AND GROWTH FIRST

(Mrs. BLACKBURN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, it is so interesting to go home on the weekends and visit with all of my constituents. This past weekend, some of them said, I feel like everything that I am hearing from the leadership in D.C. is focused on fear and envy to push their agenda.

The President's budget is just big government reinvented. Here it is, the era of enormous big government. It expands government spending past the traditional no more than 20 percent of GDP that we have always expected, and it is going into the stratosphere. Programs are piled on top of each other to give us what is now a \$3.55 trillion budget that has come from this Democrat administration. And the deficits? \$1 trillion as far as the eye can see. And this is on top of the stimulus, the omnibus, the "Housing-us" bills, that are just ripping through this Chamber at speeds that would make my NASCAR drivers dizzy.

You know, some of my constituents suspect that the leadership in this House actually is choosing to confuse the issues. They know you cannot spend your way to recovery.

GARDEN STREET LOFTS IN HOBOKEN, NEW JERSEY, HONORED BY SUSTAINABLE BUILDING INDUSTRY COUNCIL

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Mr. Speaker, last week, the Sustainable Building Industry Council honored the Garden Street Lofts in Hoboken, New Jersey, at their Beyond Green High Performance Buildings Awards. I am proud of the accomplishments of MAST Construction and all those involved in the project. I am pleased that their important work has been recognized.

The Garden Street Lofts project, completed last November, successfully converted an 80-year-old warehouse into a "Leadership in Energy and Environmental Design" silver-certified building with 30 loft-style residences and over 7,000 square feet of retail space. The building also is located within reach of multiple forms of public transportation, further increasing its appeal and environmental benefits.

I commend this sustainable project, and I thank the Sustainable Building Industry Council for including it in its Beyond Green Awards program. MAST Construction continues to provide the 13th Congressional District of New Jersey with exceptional facilities. It is my hope that the Garden Street Lofts will serve as a successful example for other developers.

ENDING NO-BID CONTRACTS IN THE FEDERAL PROCUREMENT PROCESS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, President Obama announced an initiative yesterday to fix the Federal procurement process. He wants to make sure that there are no more no-bid contracts.

Now, this is a welcome move. But if the President really wants to get serious about ending no-bid contracts, he should veto the omnibus spending bill we are just about to send him. It contains thousands of no-bid contracts for private companies. If the President can't see fit to veto the omnibus, he should at a minimum commit to veto future legislation that contains no-bid contracts.

Again, a congressional earmark for a private company is nothing more than a no-bid contract. What is worse, many of these congressionally directed no-bid contracts go to companies whose executives and their lobbyists turn around and make campaign contributions to those who secured the earmark or no-bid contract.

This morning we will be voting on a privileged resolution to investigate earmarks and campaign contributions related to the PMA Group, an organization being investigated right now by the Department of Justice. I urge my colleagues to support this nonpartisan resolution.

HONORING SUSAN AXELROD AND CURE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, it is my honor today to rise to recognize two extraordinary people, Susan Axelrod and her daughter Lauren, for their work on issues concerning epilepsy. One of the very first meetings I had in the Congress was with Susan Axelrod, who came to visit me because she knew that I have a daughter with epilepsy. As parents of kids with chronic illnesses, and many people have family members who have chronic illnesses, it is a life-consuming endeavor to try to find a cure.

Susan founded the nonprofit organization called CURE, Citizens United for Research in Epilepsy, to educate the public, encourage research and raise funds for epilepsy. Susan's research through CURE revealed a new drug treatment which has stopped Lauren's seizures for the last 9 years.

In the decade since its inception, CURE has raised millions of dollars and has made great strides in the scientific community to develop research projects which one day may find a cure for other people with epilepsy like my daughter Alexis. Susan also assisted

me with a bill to help returning service men and women who have suffered brain injuries and now are having seizures. I applaud her commitment to increasing funding for epilepsy research, and I honor her today.

I will submit for the CONGRESSIONAL RECORD an article about Susan and Lauren's commitment to curing epilepsy published in Parade Magazine dated February 15, 2009, entitled "I Must Save My Child."

□ 1015

PROTECT THE SECRET BALLOT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to be an original cosponsor of the Secret Ballot Protection Act, a piece of commonsense legislation introduced last week. This bill preserves the right of every worker to a secret ballot election when deciding whether or not to join a union.

We can all agree that intimidation and coercion have no place in our working environment, and should not be a part of a worker's decision to join or not join a union. After all, Americans have the right to elect their representatives here in Washington by secret ballot. Why should the decision to elect representation in the workplace be any different?

The Secret Ballot Protection Act would guarantee the fundamental right of privacy, a vital part of our Nation's founding principles. It would protect American workers and American industry from the powerful special interests here in Washington. It would promote jobs in America.

In conclusion, God bless our troops, and we will never forget September the 11th.

HAVE FAITH IN AMERICA'S FUTURE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, yesterday, in this Chamber, Prime Minister Gordon Brown talked to us about having faith in the future, and that, in fact, is what America's always been about, having faith that the future will be better for all of us. But it's impossible for the American people to have faith in the future, faith in their future when the next illness or accident could drive them into bankruptcy or, in fact, could end their lives because they have insufficient access to quality, affordable health care.

This Congress and this administration is committed to changing that. We are committed to making sure that health care is a right that every Amer-

ican can exercise. And we have already taken the first steps in this Congress, by expanding SCHIP, by providing assistance to the States to provide more Medicaid, and finally, by developing the infrastructure, by investing in that health care infrastructure that will help make a system that can provide quality, accessible health care to everyone. That's what restoring faith in the future means to this Congress.

And this afternoon, when President Obama convenes his first health care summit, we will begin to take the steps, as a Nation, to develop the kind of health care system we all can be proud of and that will bring faith in the future to every American.

HEALTH CARE REFORM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, today the White House convenes a forum on health care, and we do need health care reform. We have the best health care available in the world, but it's just too expensive for too many. Why?

A brand new report from the New England Health Care Institute stated that in our \$2.3 trillion health care system, a full 30 percent of total spending could be eliminated without reducing health care quality. This is a savings of \$800 billion; savings that comes from improving the quality of care, savings from eliminating misuse of drugs and less effective treatments. And we can find even more savings from stopping Medicare and Medicaid fraud.

We can make quality health care affordable and accessible. Let us work together for true reform. Let's fix it and make it better, not finance a broken system. Reform is the best medicine.

HEALTH CARE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I was pleased to see my colleague from Pennsylvania, Mr. MURPHY, who serves on the Energy and Commerce Committee with me, to talk about the need for health care reform and the health summit that President Obama's calling today. It is a bipartisan summit. It is an effort to reach out to both parties to come up with solutions for health care reform.

And as Mr. MURPHY said, one of the biggest concerns is cost containment. We know that there's a lot of money in the system that we think can be saved and used to make health care available to more people. Basically, if you listen to President Obama, he said we need to expand coverage. We want to have universal coverage. Everyone should have health insurance.

But one way of achieving that and paying for it is to deal with the costs, because we know that they're out of hand. And increasingly, employers can't afford health insurance because of the costs. Individuals that go out and try to buy health insurance in the individual market find it hard to afford the cost. And also, we have existing government programs like Medicare, Medicaid and SCHIP that it's hard for them to continue to function because of the costs of those programs.

We need reform now on a bipartisan basis.

THE RIGHT TO KEEP AND BEAR ARMS IS PART OF AMERICA'S HERITAGE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Mr. Speaker, from hunting to protecting our families and property, the right to keep and bear arms is a part of America's heritage.

This weekend, as I traveled around Montana, I heard concern in my constituents' voices as we cussed and discussed House Resolution 45. This bill criminalizes gun ownership as we know it. It requires gun owners to register with the Federal Government after completing a list of government certifications. Gun owners and the firearms they own would be tracked in a government database, a database that would make eventual collection of guns by government agents an easy task. This is the first step, but it's one we must not take.

Gun owners are not criminals. They are patriots.

I will oppose this measure and others like it as an affront to our liberty and the Constitution.

PROCUREMENT PROCESS GONE AMOK

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, in today's Congressional Quarterly, it says the Presidential helicopter program is now \$6.5 billion over budget. This is double the Pentagon's original estimate. Even President Obama said this was "an example of the procurement process gone amok."

It seems that the Pentagon cannot complete any major program without huge cost overruns. Almost on every Federal program we are given low-ball estimates of the cost on the front end, and then costs just explode. This has nothing to do with the current President, but no President needs 28 helicopters.

The current estimate is that these helicopters will cost at least \$13 billion. But the way the Pentagon is operating these days, these helicopters will

end up costing several billion more unless the number is cut way back to something a little less ridiculous.

It makes you wonder, Mr. Speaker, if there are any fiscal conservatives in the Defense Department.

THE HYPOCRISY OF THE CURRENT ADMINISTRATION

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I come to the floor today to talk about the hypocrisy of this current administration. First they say they want to cut the deficit in half by their first term, but then they add, in 6 weeks, \$1.5 trillion to the national debt.

They attack earmarks as being bad, but they're soon to sign an omnibus bill that has 9,000 earmarks in it.

And last but not least, a promised tax cut to 95 percent of all Americans, while in their budget planning to raise \$646 billion by a carbon tax. What does that do?

This is Peabody Mine Number 10. The last clean air bill we passed, 1,000 mine workers lost their job. A carbon tax kills the fossil fuel industry in this country, raises the cost of energy, will destroy manufacturing. As the Detroit News said in its editorial yesterday, it's a job destroyer for the State of Michigan. Be aware of the carbon tax.

NO TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this administration's new budget torpedoed core values we Americans hold dear: hard work, fairness and the freedom to thrive.

Sadly, the new budget will raise taxes on anyone who works hard, plays by the rules and pays taxes. It will raise taxes on anyone who drives a car, turns on their lights or saves. It will raise taxes on people who donate to charity or own a home. It will raise taxes on anyone who plans, hopes or dreams of becoming successful.

That's just wrong. We must not raise taxes, but save America during this severe recession.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 205 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That during further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, pursuant to House Resolution 190, amendment number 1 printed in House Report 111-21 shall be considered as perfected by the modification printed in the report of the Committee on Rules accompanying this resolution.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentlelady, my friend from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 205 provides for further consideration of H.R. 1106, the Helping Families Save Their Homes Act of 2009. As I've previously stated, the Helping Families Save Their Homes Act takes a crucial step toward reviving our housing market, stemming the tide of home foreclosures, and putting our Nation's economy back on track.

This bill provides for a safe harbor from liability to mortgage servicers who engage in loan modifications to remove any impediments that may prevent them from partaking in voluntary modifications. It also makes much-needed changes to the HOPE for Homeowners Program in order to encourage more lenders to participate and ensure that the program meets its intended objective.

The bill further makes permanent the temporary increase in deposit insurance coverage for both the FDIC Deposit Insurance Fund and the National Credit Union Administration Share Insurance Fund, in order to both enhance the liquidity and stability of our banking institutions, and help restore confidence in our financial system.

The underlying legislation, Mr. Speaker, also makes several long overdue changes to our bankruptcy code. Now, some have understandably questioned these provisions which would allow bankruptcy judges the ability to modify loans on a homeowner's principal residence if the homeowner meets specified stringent criteria. It has been argued that allowing judicial modifications will lead to a sudden slew of bankruptcy filings, will cause massive

losses to financial institutions, and will increase the cost of borrowing for other homeowners. However, this will simply not be the case.

Bankruptcy will remain, as it always has been, a last resort. And modifications will be at the individual discretion of a bankruptcy judge who will determine if a borrower has acted responsibly and if a claim has any merit.

Most importantly, allowing judicial modifications will maximize, not lessen, the value of troubled mortgages for lenders, and will avoid the continuous decline in property values in neighborhoods with foreclosed properties.

Additionally, this rule provides for a revised manager's amendment that will make the bankruptcy provision and this legislation even more effective and efficient. The revised manager's amendment will allow a court to consider lowering the interest rate to reduce a homeowner's mortgage payments in lieu of reducing the mortgage principal.

□ 1030

It also gives mortgage holders a greater proportion of a home's appreciation should the home be sold during the bankruptcy plan, and it makes changes to the good faith requirement, further ensuring that judicial modifications are only used when borrowers have exhausted all other options.

The bankruptcy provisions in this legislation with the changes proposed in the revised manager's amendment will help thousands of American families stay in their homes. We must remember that bankruptcy is no walk in the park. It is a strict, demanding, and intrusive process in which every aspect of one's financial life is scrutinized and controlled, and that says nothing of the negative stigma and of the long-lasting effects of filing for bankruptcy.

In addition, to be eligible for such loan modifications, families must show that they will be able to repay their debts and that they have tried to obtain a loan modification outside of bankruptcy, but let's not kid ourselves. Under current law, similar loan modifications are available for every other type of secured loan except for loans securing primary residences.

If a millionaire or a billionaire can modify a loan on a private jet and if a housing speculator can modify loans on countless failed investment properties, why can't we allow struggling families to modify their mortgages so that they're not put out on the streets?

It's easy to stand up here and claim that this bill is simply a bailout for reckless homeowners; but as our Nation creeps deeper into this financial crisis, it is painfully clear that our housing market is having a rippling effect on the economy. Families who have acted responsibly and who have paid every single payment on time are

finding themselves, in one way or another, swept up by the foreclosure crisis, oftentimes through no fault of their own.

As foreclosures rise, surrounding home prices fall, funding for vital public services goes down, financial institutions are saddled with losses, access to credit shrinks, and our economy grinds to a halt. This legislation will put a stop to this deadly spiral. It will rebuild this economy from the bottom up, for our Nation simply cannot recover if we here in Congress turn our backs on the millions of Americans struggling to care for their families and to stay in their homes.

Mr. Speaker, this bill may not help every family. It will, however, help responsible individuals stay in their homes, and it will mitigate the destructive impact of this housing crisis by clearing legal impediments to loan modifications, by improving the HOPE for Homeowners Program, by ensuring confidence in our banking system, and by finally making commonsense reforms to our bankruptcy laws.

I reserve the balance of my time, Mr. Speaker.

Ms. FOXX. Mr. Speaker, I have great respect for my colleague, and I wish that just his saying something would make it so.

Unfortunately, my distinguished colleague who has a distinguished service not only in Congress but also as a judge, you simply cannot say something and make it so. This is not going to stop the problem that we have in the housing market. This is actually going to make it worse. Let me make a couple of comments about why that is the case.

We have talked over and over about the fact that this is going to drive up the cost of loans in the future and about why it's going to hurt people who have played by the rules.

You know, House Republicans support responsible homeowners who live within their means, who make honest representations on their loan applications, who pay their debts, and who work hard to achieve the American dream. But that's not what this bill does. What this bill does is it rewards bad behavior. It extends the welfare program in this country, and it's going to make home mortgages in the future much, much more expensive.

Why is that the case?

As my colleague has said, in the past, home mortgages have been left out of the bankruptcy law because they then become higher in risk. That has held down interest rates. By putting these home mortgages into the bankruptcy law, it is going to make the interest rates higher in the future. Even Justice Stevens said that taking the principal home out of the bankruptcy law was to encourage the flow of capital into the home lending market, but now we're going to increase the risk to lenders,

and this is going to drive up the cost of interest rates.

As for the comments about millionaires and billionaires, that's a straw dog, just a straw dog, and we don't need to be putting those things out.

This rule and the underlying bill are opposed by both the Heritage Foundation and the New York Times. That doesn't happen very often, Mr. Speaker. It very rarely happens that those two entities oppose something, but they do.

I want to say something about the fact that we were here a week ago today to deal with this rule, and we thought we were going to be voting on the underlying bill, so it was pulled off because it was going to be made better, but you know, this is just the bait-and-switch game. I want to say to my colleagues that this underlying bill was not made better. This rule was not made better as a result of this week that has passed by. In fact, it may have been made worse.

I challenge my colleagues who have hesitation about this bill and whether to vote for it to read the bill, to read the rule. See if you think that this has actually made it better.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the gentlewoman from California, a member of the Committee on the Judiciary, Ms. ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would like to yield to my colleague from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise to engage in a colloquy with my distinguished colleague from California (Ms. ZOE LOFGREN) regarding the Helping Families Save Their Homes Act of 2009.

Ms. ZOE LOFGREN of California. I am happy to engage in a colloquy.

Mrs. TAUSCHER. Thank you.

Mr. Speaker, I would like to take this opportunity to thank Ms. LOFGREN, Chairman CONYERS, Speaker PELOSI, Majority Leader HOYER, and Majority Whip CLYBURN for the collaborative and constructive discussions we have had during the past several weeks.

Our good-faith negotiations have resulted in positive changes to this bill by increasing uniformity in the Chapter 13 bankruptcy process and by making qualified loan modifications the centerpiece of our efforts to keep families in their homes.

In addition to other changes making the bill stronger, the legislation will ensure that a bankruptcy judge considers whether a borrower has been offered a qualifying loan modification before seeking a judicial modification. This is consistent with President Obama's plan. Additionally, changes were made to ensure that judges use

FHA appraisal guidelines in determining the fair market value of property. This will streamline and simplify the valuation process.

I am also pleased that we have included language to prevent wealthy people who can afford their loans from filing bankruptcy just to capitalize on falling real estate prices and to get a better deal when there are so many more who are truly in need.

This bill is not perfect, but the process has worked better than anyone expected. Over the last couple of weeks, we have worked together to make improvements that will ensure that bankruptcy is an option of last resort.

Accessible and sustainable loan modifications are essential to getting millions of families the tools they need to keep their homes. Along with President Obama's Making Home Affordable Plan, this bill will provide these tools, and it will offer a comprehensive plan to address our Nation's foreclosure crisis.

Ms. ZOE LOFGREN of California. To my friend, I want to also thank you for the good-faith discussions and negotiations we've had. I appreciate your support for this bill and your work toward a sustainable loan modification program.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. I yield the gentlewoman an additional 2 minutes.

Ms. ZOE LOFGREN of California. I agree with you that loan modifications are a key component to a comprehensive plan.

I thank my friend, Mrs. TAUSCHER, for her thoughtful work on this matter. It has made this bill a better bill and one that, I think, we can all be proud of. I appreciate your effort.

I would yield further.

Mrs. TAUSCHER. Thank you. I thank my good friend from California (Ms. ZOE LOFGREN) for her very intensive work to make this a better bill, and I appreciate the changes that have been made to this bill.

I urge my colleagues to support the significant engagement process to get a better bill by voting for the rule, and I will tell my colleagues that this is a better bill, that this is something that will help all Americans by making sure that the bankruptcy process through Chapter 13 is available to those who need it, but at the same time, that it is the option of last resort. Most significantly, it puts the President's loan modification plan as the centerpiece of opportunities to keep millions of Americans in their homes. I urge my colleagues to vote for the bill.

Ms. ZOE LOFGREN of California. Thank you.

I would just note further the participation of others in Congress who worked to make this a better bill: our colleague DENNIS CARDOZA, who is part of the second-degree Lofgren-Tauscher-

Cardoza amendment, as well as Congressman BRAD MILLER, Congressman JIM MARSHALL, and of course the chairman of the committee, Congressman JOHN CONYERS. Thanks to all who worked so hard on this.

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to the gentleman from Wisconsin, my distinguished colleague, Mr. SENSENBRENNER.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the rule and to the underlying bill.

What we have just heard is that the amendments that will modify the Conyers manager's amendment are going to solve the problems and concerns that were raised last week. This is not the case, and the modification that this rule makes in order still makes this modification of the bankruptcy law smoke and mirrors. The devil is really in the details, and let me point out three instances where the details make this amendment a sham.

First of all, it gives a defaulting homeowner two bites at the apple. Far from making bankruptcy a last resort, it allows it to guarantee abuse of the system. If the homeowner obtains a mortgage modification that is compliant with the President's terms, he still can file for bankruptcy, but the lender is bound by the modifications under the President's program should it be enacted into law. So the borrower and the bankruptcy attorneys can shop around and can find out which is the better deal for the homeowner. That's something that we deny the lender the opportunity to do, and this is a guarantee of abuse of the system.

Secondly, this amendment encourages happy-go-lucky borrowers. Nothing happens to a borrower who rejects the terms under the President's mortgage modification plan. The bankruptcy court can theoretically refuse to confirm a borrower's cramdown plan, but under the terms of the amendment, that will likely happen only when the lender is offered a modification anyhow.

What about borrowers who are within 30 days of a foreclosure sale? They don't even have to contact their lenders under this amendment about voluntary modifications, so none of this amendment's modifications and accommodations apply. The new manager's amendment does nothing to change this exception that swallows the bill, and as a result, cagey borrowers and their attorneys can game the system by simply waiting until the borrowers are within 30 days of a foreclosure sale to file for bankruptcy.

Finally, this bill allows free money to be offered. The amendment provides an alternative to cram down a principal, but astoundingly, the alternative is free money. If a judge doesn't want to give a cramdown, he can just rewrite the mortgage as a no-interest loan over the full terms of a new 30-year, fixed-

rate mortgage. Lenders can kiss their principal goodbye because the amendment seeks to resuscitate the earlier agreement to let lenders claw back and cram down principal if the borrower sells the house after a cramdown.

□ 1045

But the clawback is a sham. Once the borrower emerges from bankruptcy, the lender gets nothing back from the crammed-down principal, and since the point of the bill is to help the borrowers stay in the house during bankruptcy, sales aren't going to occur until after bankruptcy—when the lenders' clawback is worthless.

The bankruptcy law since 1898 has prohibited bankruptcy judges from rewriting the terms of mortgages that are placed on principal residences. There is a reason for that, and the reason is simple: it allows the mortgage industry to attract more capital to lend out to qualified borrowers at reasonable rates. If the capital isn't there, and the capital is not attracted, then what you will see is the cost of mortgages go up, whether it's in interest rates, points, fees or whatever.

It seems to me that Congress did the right thing during the depression in not changing this law. We should not change the law today.

Mr. HASTINGS of Florida. Mr. Speaker, I would advise the Chair and the gentlelady from North Carolina that I may have an additional speaker, but he or she has not arrived yet, and toward that end, I would reserve my time.

Ms. FOXX. Mr. Speaker, I thank my colleague. We do have several speakers, Mr. Speaker.

I would now like to recognize my colleague, the gentleman from New York, Mr. CHRIS LEE, for 2 minutes.

Mr. LEE of New York. I thank the gentlelady from North Carolina for yielding.

I rise today to oppose the rule and underlying "cramdown" bill, which will allow bankruptcy judges to arbitrarily rewrite the amount of principal owed on a home mortgage loan.

I recently received an e-mail from a constituent in Byron, New York, who said he lost \$50,000 on a previous home he had recently sold. He's a hard-working individual in my district who accepted that but ended his e-mail by asking, "Are we now going to be expected to pay for someone else's losses when I'm struggling to keep paying my own mortgage?"

I receive calls, faxes, e-mails like these every day from homeowners who work hard trying to make ends meet only to be asked to help those who either have made poor decisions or who acted purely for personal gain by speculating on the market.

Yet in this bill, part of Congress' response is to change the Nation's bankruptcy laws and to allow judges arbi-

trarily to rewrite the amount of principal on mortgages. This will open up a Pandora's box on government intervention and will have the exact opposite effect than what is needed during these very tough economic times.

When I talked to our community banks and ask how they have been able to prevent foreclosures, they point to a combination of sound lending practices and access to credit. It is in the banks' best interests to work with borrowers to help them stay in the homes. And, in fact, they are doing that now. Allowing bankruptcy judges to intervene would add additional risk to the market. It will help push that more mortgages won't be repaid and forcing lenders to tighten credit and raise borrowing costs for all homeowners at the worst possible time.

I ask my colleagues to vote down this rule so we can keep this Pandora's box closed and get back to work on truly sensible practices that will help keep the dream of homeownership within reach of middle-class families.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to Ms. LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just wanted to say a word about the manager's amendment to make sure that everyone is clear.

The second-degree amendment is going to make sure that fairness is restored to the bankruptcy laws to give needed relief to homeowners at a time when there is a truly historic crisis in the housing market.

The manager's amendment strengthens the good faith provisions of the bill to ensure that borrowers who can't afford to pay their debts do so. The good faith provision also requires the court to take into consideration an offer of a qualified loan modification. And when an affordable loan modification is available, we want homeowners to take that route.

The manager's amendment also advises courts to consider the Treasury's guidelines in crafting modifications, and in doing so, it works seamlessly with the Obama administration's Making Homes Affordable Plan. In both instances, fairness and affordability are the touchstones.

It doesn't make any kind of sense that relief in Chapter 13 is denied to homeowners while it is provided to speculators and investors, which is what the current law provides. By changing the law, we've restored basic fairness to the system.

In addition to the heightened good faith requirement, the amendment would extend the pre-filing notice from 15 to 30 days and require the debtor to submit financial documentation to the lender so a meaningful negotiation could take place. It also enhances the clawback provision to increase the amount of appreciation returning to the lender if a home should be sold for profit after judicial modification.

I really, as I said earlier, want to thank my colleagues, Mrs. TAUSCHER, Mr. CARDOZA, Mr. MARSHALL, and Mr. MILLER for their efforts.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. Bankruptcy should be a last resort. And I'll tell you, bankruptcy is no picnic. For an extended period of time, all of the debtor's personal financial life is in public. You can't spend anything without permission of the court. You can't tithe to your church unless the bankruptcy judge says "okay." Santa can't come to your house on Christmas unless the court permits expenditures for a toy. It is a permanent mark on your record.

And so to think that someone would go into that proceeding frivolously with that kind of stain, that burden and that kind of a stigma, is just not realistic. And I hope the people understand this is not something that people do in a frivolous way or an unthoughtful way.

Ms. FOXX. Mr. Speaker, I would like to ask that my colleagues on the other side of the aisle put the microphones close to their mouths because there are times we can't understand the words over here because the volume is not coming through.

I would like to say that I understand my colleague is very concerned about the issue of fairness, but I think that we need to think about those people who played by the rules and not those who tried to go around the rules. We're not being fair to those people.

I would now like to yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I'd like to thank the gentlelady from North Carolina for yielding.

I rise in opposition to this rule. And I rise, of course, in opposition to the underlying bill as well.

But speaking to the rule, my argument's about process. There's a tremendous amount of fraud that's taking place in the mortgages in this country, and people that have relief under this should have clean hands. And in recognizing that, I introduced an amendment in the Judiciary Committee that would exclude those who have misrepresented or, under false pretenses or actual fraud, achieved an extension of their mortgage and then brought this to the bankruptcy court. We've got to have people with clean hands, not those that are taking advantage of this situation. The door has already been opened. This opens the door more.

My amendment, Mr. Speaker, passed the Judiciary Committee by a vote of 21-3. It was a prudent decision on the part of the members of the committee. It's the judgment of the Judiciary Committee. The problem with it was

that it was stripped out after the committee approved it and sent it to Rules as part of a change in a manager's amendment.

I took my amendment back to Rules to try to get back the process. The process ought to respect the will of the Judiciary Committee. The Rules refused to even allow me to offer my amendment here on the floor to try to get another recorded vote even when I'd been successful in Judiciary Committee. And now there's another manager's amendment before this committee that amends the amendment that was amended by the previous manager's amendment after it passed the Judiciary Committee. The will of the Judiciary Committee means nothing in this bill. It's the will of the manager's amendment that will be voted on here on the floor of this Congress.

I argue for the process. I argue we have to have a clean process. I also think that we have to maintain the covenant of the contract between the mortgager and the mortgagee. This amendment doesn't do that. This amendment tears that contract asunder and says to lenders that their capital's at risk and their interest rate is at risk. Why would anyone loan anybody money unless they could calculate in the risk that some judge would change the rules after the fact, just like the rules of the Judiciary Committee on a successful 21-3 vote have been changed after the fact?

Mr. Speaker, I oppose the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to my friend when he asked the question, why would anybody offer money for people if they knew that a bankruptcy judge was going to modify it—but what about those private jets? They tend to loan money for them. And I know a whole lot of rich people that went into bankruptcy for the express purpose of avoiding paying bills. So I don't buy into that argument. We're about trying to help people here.

Mr. Speaker, I yield 2 minutes to the distinguished lady from Texas.

Ms. FOXX. Mr. Speaker, I would like to ask the gentleman if he would yield for a question.

Mr. HASTINGS of Florida. At this time, I will not.

I will yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I came to the floor, Mr. Speaker, because I wanted to make sure that this was the day that the United States Congress addressed the question of responsible, hardworking Americans.

I came to the floor with my BlackBerry because there's a message about one of our renowned mortgagers, Countrywide, that is in the process of evicting one of my constituents—a hardworking, long-standing, if you will, working American trying to save their home. Long message as to what has

been going on in this instance and the insensitivity of the mortgager.

So today is a day for being responsible. It is not a day for those who have, in essence, been irresponsible. It is a day to allow them, as every American has a right, their day in court with a judge with a fine-tooth comb who will review all of the documents and even including the responsibility of that particular petitioner to include all of the information on income, expenses and debts to the holder of the mortgage, with the second amendment including a particular clawback provision that increases the amount of money that the lender might get if the particular house was sold.

In addition, I am supporting this rule, but I do look forward to the conference, which I hope that I will be a participant, because, in fact, if these individuals are victims of predatory lending, which many of them have been—meaning that they would go to a servicer who would masquerade their documents and say they can get into a house—this particular action of bankruptcy should not be part of the credit score which then dumbs down the opportunity for this individual to restore themselves, get back into the economic market, be able to get credit, be able to buy things and turn this economy.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HASTINGS of Florida. Mr. Speaker, I yield an additional minute to the gentlewoman.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

This is a fair and reasonable bill, along with the manager's amendment that, in fact, allows this particular homeowner, the person that is in this BlackBerry that is in the midst of an eviction having purchased a house in honesty with the lights on, putting forward the documentation but yet being subjected to that well-known mortgager, Countrywide, that gave vast numbers of, if you will, mortgages in the context that might not have been the most appropriate.

Today we are allowing the courts of law, the established bankruptcy court—established statutorily and protected by the Constitution—to allow someone due process. That's all we're saying, Mr. Speaker.

And all of this about irresponsible persons offends me because there are thousands, and now millions, of families who are simply trying to say, Keep the tax base for my struggling city, allow my neighbors to not have their homes depreciated because I have had the unfortunate mistake of being misrepresented to. Some of these people are still working.

I close by saying 3,500 people are in line for a job. Today is the little person's opportunity.

Mr. Speaker, thank you for your leadership on this very important question. Chairman

CONYERS and Chairman FRANK, I would like to also thank you for your leadership. Lastly, I would like to thank my able Legislative Director, Arthur Sidney, for his hard work on this issue.

The bill before us today is very important and will help Americans during this difficult economic time. As you know, home foreclosures are at an all-time high and they are poised to accelerate as the recession deepens. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities.

During this time, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

Subprime lending did not always have a bad name; however, within the last five to seven years, unscrupulous lenders have preyed upon buyers in a predatory fashion. The amendment that I offered before the Rules Committee was intended to address this issue. Specifically, my amendment would preclude a foreclosure and bankruptcy that resulted from subprime and predatory lending from being included in the determination of a debtor's creditor score. Certainly, a debtor's declaration of foreclosure or bankruptcy has a deleterious effect on one's credit score.

This makes a bad situation, worse. If a debtor has poor credit to begin with and is forced to declare bankruptcy or is forced into foreclosure, this combination would make it almost impossible for a debtor to secure credit in the future. A lowered credit score results in a downward spiral for the debtor and ultimately leads to an economic quagmire for the debtor.

MY AMENDMENT

I offered the following amendment to be included in the bill:

SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

“(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES.—

“(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

“(2) SUBPRIME DEFINED.—The term ‘subprime mortgage’ means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.”.

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at

the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure:

My amendment would have prevented homeowners and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would have prevented homeowners who have declared mortgage foreclosure as a result of subprime mortgage lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment strengthens this already much needed and well thought out bill.

I am delighted that the Judiciary Committee has indicated that my language will be included in the Conference language. I look forward to having my staff work with the Committee to achieve this end.

There were four amendments that were made in order by the Rules Committee. I will address my support or non-support for each amendment.

CONYERS AMENDMENT

I support the Manager's Amendment offered by Chairman CONYERS. The amendment makes sense and makes clear that H.R. 1106 is intended to help those that cannot afford to repay their mortgage without intervention. Indeed it is strength to the underlying bill by providing finality to the decisions worked out by the bankruptcy courts. These decisions would provide finality between lenders and borrowers. Moreover, the debtors are afforded certain protections by the Second Degree Amendment. The Second Degree Amendment provides that the lender could receive additional funding from the sale of the foreclosed home.

The Manager's Amendment would do the following:

(1) require courts to use FHA appraisal guidelines where the fair market value of a home is in dispute;

(2) deny relief to individuals who can afford to repay their mortgages without judicial mortgage modification; and

(3) extend the negotiation period from 15 to 30 days, requiring the debtor to certify that he or she contacted the lender, provided the lender with income, expense and debt statements, and that there was a process for the borrower and lender to seek to reach agreement on a qualified loan modification.

The Conyers Amendment would require a GAO study regarding the effectiveness of mortgage modifications outside of bankruptcy and judicial modifications, whether there should be a sunset, the impact of the amendment on bankruptcy courts, whether relief should be limited to certain types of home-

owners. The GAO must analyze how bankruptcy judges restructure mortgages, including the number of judges disciplined as a result of actions taken to restore mortgages.

The Conyers Amendment would clarify that loan modifications, workout plans or other loss mitigation plans are eligible for the servicer safe harbor. Further, it would require HUD to receive public input before implementing certain FHA approval provisions.

With respect to the HOPE for Homeowners Program: recasts the prohibition against having committed fraud over the last 10 years from a freestanding prohibition to a borrower certification. The Conyers Amendment would amend the National Housing Act to broaden eligibility for Home Equity Conversion Mortgage (HECM) or “reverse mortgage.”

Provides that the GAO must submit to Congress a review of the effects of the judicial modification program.

Requires the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to submit reports to Congress on the volume of mortgage modifications and issue modification data collection and reporting requirements.

Expresses the Sense of Congress that the Treasury Secretary should use amounts made available under the Act to purchase mortgage revenue bonds for single-family housing.

Expresses the Sense of Congress that financial institutions should not foreclose on any principal homeowner until the loan modification programs included in H.R. 1106 and the President's foreclosure plan are implemented and deemed operational by the Treasury and HUD Secretaries.

Establishes a Justice Department Nationwide Mortgage Fraud Task Force to coordinate anti-mortgage fraud efforts. Would provide that the Treasury Secretary shall provide that the limit on the maximum original principal obligation of a mortgage that may be modified using EESA funds shall not be less than the dollar limit on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect at the time the mortgage is modified.

PRICE, TOM AMENDMENT

I oppose the Price Amendment. The Price Amendment provides that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender can recapture the amount of principal lost in the modification.

I oppose the Price Amendment for the following reasons.

First, the Price amendment would make homeowners into renters for life. It will lead to poorly maintained homes and lower property values for all of us. It takes away any incentive for homeowners to maintain their homes or insist on competitive sale prices.

Second, the Manager's Amendment already allows lenders to get back a substantial portion of any amount a home appreciates after bankruptcy. But it leaves in place incentives for homeowners to maintain and improve homes.

Third, the Price Amendment is opposed by the Center for Responsible Lending, Consumers Union, Leadership Conference on Civil Rights, National Association of Consumer Advocates, National Association of Consumer

Bankruptcy Attorneys, National Community Reinvestment Coalition, National Consumer Law Center, National Legal Aid and Defender Association, National Policy and Advocacy Council on Homelessness, and USPIRG.

For the foregoing reasons, I oppose the Price Amendment and I urge my colleagues to vote "no" on this amendment.

PETERS, GARY AMENDMENT

I support this amendment. This amendment is straightforward and is intended to help the borrower by providing a last clear chance to garner much needed information. It is my hope that this information would be used to provide financial assistance and education to the consumer.

In many cases, proper education about the use of credit and mortgages could have made all the difference in the consumers choices. Simply put, if the consumers made wise and informed credit decisions in the first instance, they might not have been in bankruptcy or facing foreclosure. I find this amendment incredibly prudent and helpful to debtors and consumers. I urge my colleagues to support this amendment.

TITUS AMENDMENT

The Titus Amendment would require a servicer that receives an incentive payment under the HOPE for homeowners to notify all mortgagors under mortgages they service who are "at-risk homeowners" (as such term is defined by the Secretary), in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the HOPE for Homeowners Program and how to obtain information regarding the program.

The HOPE for Homeowners (H₂H) program was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans. H₂H is an additional mortgage option designed to keep borrowers in their homes. The program is effective from October 1, 2008 to September 30, 2011.

HOW THE PROGRAM WORKS

There are four ways that a distressed homeowner could pursue participation in the HOPE for Homeowners program:

1. Homeowners may contact their existing lender and/or a new lender to discuss how to qualify and their eligibility for this program.

2. Servicers working with troubled homeowners may determine that the best solution for avoiding foreclosure is to refinance the homeowner into a HOPE for Homeowners loan.

3. Originating lenders who are looking for ways to refinance potential customers out from under their high-cost loans and/or who are willing to work with servicers to assist distressed homeowners.

4. Counselors who are working with troubled homeowners and their lenders to reach a mutually agreeable solution for avoiding foreclosure.

It is envisioned that the primary way homeowners will initially participate in this program is through the servicing lender on their existing mortgage. Servicers that do not have an underwriting component to their mortgage operations will partner with an FHA-approved lender that does.

Because I am committed to helping Americans obtain homes and remain in their homes,

I support the HOPE for Homeowners Program and I support this amendment. I urge my colleagues to support this bill. Indeed, I feel personally vindicated that Congress has set aside \$100 billion to address the issue of mortgage foreclosure, an issue that I have long championed in the 110th Congress.

All in all, the rule makes sense. The amendments that I support will make this bill much stronger and will benefit more Americans. I urge my colleagues to support the Conyers, Peters, and Titus Amendments.

□ 1100

Ms. FOXX. Mr. Speaker, I now am pleased to yield 2 minutes to my colleague from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I thank the gentlewoman for yielding.

With our current economic situation, I think it's vital that we encourage responsibility. Congress is spending all of its time and energy rewarding those who have acted irresponsibly. We must not ignore those who have played by the rules and lived within their means.

Responsible homeowners are being left out of the equation, and that must change. We must recognize responsibility. For just that reason, last night I introduced legislation to give responsible homeowners who have paid and continue to pay their mortgages on time a \$5,000 tax credit. This isn't another bailout or a taxpayer-backed debt obligation. It's a way for hard-working American families to keep more of the money that they earn so they can keep acting responsibly and help our economy grow. Just because responsible homeowners are paying their mortgages on time does not mean that they don't need help. The administration claims their plan will help one in nine homeowners. My commonsense plan helps the other eight of nine homeowners the administration and the Democrats ignore.

Mr. Speaker, this is simple. We cannot continue the policies pursued by the administration and my Democratic colleagues that reward irresponsibility and dependency. To pull ourselves out of this crisis we need real change. We must pursue policies that foster a culture of responsibility. So I urge my colleagues to take a look at my legislation and support it, because my plan does do just that.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Missouri, a member of the Financial Services Committee, Representative CLEAVER.

Mr. CLEAVER. Mr. Speaker, I'd like to share a letter that I received from an attorney in my district. The attorney, Sidney Willens, wrote me this letter, and it is, in essence, a letter that supports this rule.

He says, "Dear Congressman CLEAVER, let me tell you a story of Mrs. Sherita Richardson, a 37-year-old

African American mother of four, a bus driver for 9 years. Four years ago, Mrs. Richardson acquired a house in your district at 3413 East 60th Street with an inflated appraisal of \$93,000, requiring a 10 percent down payment she didn't have. Yet, virtually penniless, Mrs. Richardson acquired title to a house for \$93,000. A mortgage broker purchased a \$9,300 cashier's check payable to the seller, made a copy to show the 10 percent down payment was made, then redeemed the \$9,300 check 24 hours later."

He goes on to say, "The need for bankruptcy judges to reduce mortgage balances consistent with current fair market values is absolutely essential if we're to get out of this economic mess."

For those who give hope to "mortgage modification," let me say one thing; mortgages have been modified by crooks using the adjustable rate mortgage—they modified mortgages, they did it as hoodlums. And there is no reason for the Congress of the United States of America not to step in and try to help people who've been ripped off in the name of good business.

Ms. FOXX. Mr. Speaker, I now yield 3 minutes to my colleague from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, many of us have read the Peruvian economist book, Hernando de Soto's book, "The Mystery of Capital: Why Capitalism Succeeds in the West and Fails Everywhere Else." It's a best seller in the developing world.

The importance of that book in a lot of the world is it explains to people why it is that interest rates are so low here, why it is that we're so successful in the percentages of mortgages that we're able to grant in the United States. And it is the sanctity of that contract, it is the certainty of that mortgage contract. And the great fear I think many of us have here is that if we start down the road to writing down the principal in that contract, we are going to end up moving in the direction, as de Soto would say, of the difference between the First World and the Third World. We are not going to be able to have interest rates that are around 6 or 7 percent.

Is there a way that Treasury has developed as an alternative to this scheme? Yes, they have. They have developed a way to have mortgage servicers work out these Alt-A loans that we're talking about today, these ARMs that might go to 8%, and to work that out into 30 years at 6 percent that's affordable for people. And we've had 2.3 million of those workouts by the end of last year.

But now, here we are, instead of doing the voluntary arrangement and putting resources in to do that—which is what we intended to do, I think, as we started this process—we're, instead, listening to the bankruptcy attorneys

with an alternative approach. And that approach is to set this up so that it can be gamed in a way that knocks down the amount of the principal. And if we do that, we're right back to where Chief Justice of the Supreme Court John Paul Stevens said we would be in the case of *Nobleman v. American Savings Bank*. He said, you do this—there's a reason why that mortgage contract is held in the law the way it is. If you manage to reduce that principal, then the consequence is going to be that capital is not going to come in and drive down interest rates.

My concern here is that the difference between what people pay on the market for credit card rates or auto loan rates and interest rates on their home mortgage is a huge sum of money. And in order to empower these bankruptcy judges to go forward and take advantage of this and open this up, then the investors on the other side of the—let me throw one other thought out there besides the impact it's going to have on interest rates.

Think now about what happens with the HOPE NOW Alliance, where people at the table are trying to get that 30-year loan at 6 percent. Are either the borrower or the lender going to stay at that table when they think, oh, no, here's an alternative: we go to bankruptcy court, we write down the amount of that principal? No, my friends. We're headed down a road here that is very, very ill-advised.

If you want to do workouts in terms of lowering the interest rate, that's one thing, and there is a way we can do it. We can put more resources in there that the mortgage servicers can use to do that. But this is the wrong road.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the Member from Florida for yielding the time. I am honored to be associated with this piece of legislation.

Mr. Speaker, the words that come to mind, as we debate this issue, the words that comes to mind are, "at last." At last we are now embracing help for homeowners. We have worked for Wall Street, we have worked to do something for Main Street; it is now time to do something for "Home Street," the street where people live, the street where people have their greatest investment.

Let's talk for just a moment about the concerns with reference to allowing bankruptcy to become a part of this process. My dear friends, bankruptcy is already a part of the process. If you own two, three, four or five homes, you may modify those homes in bankruptcy. If you only own one home as your principal home, that home is excluded from bankruptcy. The bankruptcy process ought to embrace people who have not been as fortunate as

those who have five homes to the same extent that it embraces people who have but one place to call home. It is time to bring some equity into the process.

This equity is not prospective, it is retrospective. It only applies to homes that were closed on prior to the bill being enacted. It does not go forward. So this argument that it embraces interest rates into the future is not a correct argument. It only embraces the past, not the future.

And finally, I would say to you, as this is done, the homeowner has to attempt a workout before there can be judicial modification.

The safeguards are there. The opportunity is before us. The question is, do we want to protect Home Street to the same extent that we want to protect Main Street and Wall Street? There are people who are suffering, this is the opportunity to help them.

Ms. FOXX. Mr. Speaker, I am very pleased to yield 5 minutes to the ranking member of the Judiciary Committee, Mr. SMITH from Texas.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding.

Mr. Speaker, our country has fallen into a serious economic recession, a recession that is worsened by the foreclosure crisis.

Until we address the rising number of foreclosures, it will be difficult for the economy to recover. Some of what is in this bill we consider today will be helpful, such as providing loan officers a safe harbor from the threat of litigation if they offer borrowers meaningful loan modifications. But the bill also includes many counterproductive components, especially the bankruptcy provision. This bankruptcy provision not only will fail to solve the foreclosure crisis, but also will make the crisis deeper, longer and wider. Allowing bankruptcy judges to rewrite mortgages will increase the overall cost of loaning. Lenders and investors will hesitate to put up capital in the future if they fear that judges will rewrite the terms of their mortgage contracts. Less available capital and increased risk means that borrowers will pay higher interest rates in the future.

Allowing bankruptcy judges to rewrite mortgages will also encourage borrowers who owe more money on their mortgage than their house is worth to file for bankruptcy. Under this bill, a borrower will be able to reduce, for example, a \$300,000 mortgage to \$200,000. When housing prices rise in the future, that borrower has no obligation to pay back the \$100,000, which of course amounts to a windfall.

Experts predict that this will provide an incentive for borrowers to file for bankruptcy so that they can avoid repaying the entire amount they owe. Also, if bankruptcy filings increase as a result of this legislation—which is

virtually predicted by everyone—it is unlikely that the country's only 368 bankruptcy judges could handle perhaps millions of cases. This will prolong the crisis as borrowers wait years for their bankruptcy plan to be court approved.

In fact, even Senator DURBIN, the primary sponsor of this legislation in the Senate, stated that he is "willing to restrict" this legislation to subprime mortgages in an effort to make this proposal "reasonable."

Because it has been suggested that Senator DURBIN did not make these comments, I would like to submit the transcript of Senator DURBIN's remarks to be made part of the RECORD.

Mr. Speaker, the legislation we are considering today in the Housing Affordability and Stability Plan really amounts to another entitlement program, a program that comes at the expense of the 92 percent of homeowners who are making their payments on time. And it is a program that benefits lenders who wrote irresponsible loans and borrowers who borrowed more than they could afford. In other words, this legislation will punish the successful, tax the responsible, and hold no one accountable.

If we pass this legislation, what message does it send to responsible borrowers who are making their payments on time? How can we ask them to foot the bill for their neighbors' mortgages? What do homeowners think as they pay back the full amount of principal they owe while others receive a government-granted reduction in principal?

Mr. Speaker, we need to do everything we can to help solve the foreclosure crisis, but we need to do so in a manner that doesn't bankrupt the taxpayers or our financial system and that is fair to all. Unfortunately, this bill does not do that.

[From American Banker, Feb. 27, 2009]

TRANSCRIPT OF REMARKS BY SEN. DURBIN

The following is a transcript of remarks between Sen. Richard Durbin and an American Banker reporter, Tuesday evening after President Obama's speech to Congress.

AB Reporter: "Sen. Durbin, do you have a moment today on bankruptcy reform?"

Sen. Durbin: "Sure."

AB Reporter: "I know that in the House, at least regarding this week, the lenders are still trying to make the restrictions so that you have to exhaust all other recourses before bankruptcy pretty tough, even today I heard about making HUD or one of the regulators certify that you had a modification or something that didn't work before you could go through bankruptcy. What are your thoughts on what the standard ought to be?"

Sen. Durbin: "I think that it is reasonable to require the borrower to be in communication for a reasonable time before they file for bankruptcy. You know if a borrower will not talk to a bank they should not be able to avail themselves but it's really difficult to write into law a measurement of good faith so the best you can do is give them an opportunity to meet. Remember 99% of foreclosed homes end up owned by the bank so it isn't as if they are going to end up coming out

ahead if the person's losing their home. They get stuck with \$50,000 in costs and a house to maintain; to protect from vandalism, and to show and try to sell, so the banks ought to be much more forthcoming. Every attempt we've tried, every voluntary attempt we've tried has failed. You have to have this bankruptcy provision as the last resort if there is a failure to negotiate the mortgage."

AB Reporter: "Do you know when the Senate might be taking this up?"

Sen. Durbin: "After the House and we might change it of course. There are variations we're looking at. But I'm willing to restrict this to homeowners to eliminate speculators; to subprime mortgages, only those currently in existence. I want to make this a reasonable limited—

AB Reporter: "You're willing to limit it to subprime mortgages?"

Sen. Durbin: "We've talked about that as a possibility. But I am willing to negotiate. I want this to be a reasonable approach, but we have to include it. If we don't include it we'll be stuck in the same mess we're in today."

AB Reporter: "What about the time limitation as far as when the loans were originated. I understand there are some who would like to see it limited to loan underwritten in the last few years?"

Sen. Durbin: "My version will not be prospective. So it has to be existing loans."

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished chairperson of the Committee on the Judiciary, my good friend, Mr. CONYERS.

Mr. CONYERS. I thank the floor manager, Judge HASTINGS, for his kindness.

And I only rise to thank Dr. FOXX for her appreciation and pointing out to me one thing that we have added now to the manager's amendment, and that is the requirement of studies by the Government Accountability Office and other agencies, including the Office of Comptroller of Currency and the Office of Thrift Supervision. She appreciated that in the Rules Committee, I'm sure she does now, and I thank her for that important contribution.

And I would yield to her.

Ms. FOXX. If I could engage in a very short colloquy with the chairman of the Judiciary Committee.

Mr. CONYERS. Absolutely.

Ms. FOXX. I do thank you again for including my suggestions in the bill. As I said last week on the floor, and as I have indicated to you personally, I thank you very much. I wish we could have made the bill even better, but thank you.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. CONYERS. She is giving me further instructions, so I'll see what I can do between now and the time we introduce the manager's amendment.

□ 1115

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentlewoman for yielding.

Mr. Speaker, I come from the State of California, which has been hit about as badly as any State in the Union with the burst of the housing bubble, and particularly my part of the State of California. So I know, and I am earnestly hopeful that we will enact legislation that will be a benefit to that phenomena that has occurred throughout this country.

However, I rise in opposition to this rule and rise in opposition to this bill precisely because of the inclusion of the bankruptcy cramdown provision. It is a classic example of the law of unintended consequences.

The gentleman came to the floor, the gentleman from Texas, just a moment ago, and said, look, we should treat this the way we do with other homes and other investment properties. That is an inept analogy in that if you look at chapter 13 right now and you do have a cramdown on a vacation home, for instance, from \$550,000 to \$500,000, that plan would require the entire thing to be paid back within 3 to 5 years.

That's not the proposal we have here on the floor with respect to the primary residence. This would be extended over 30 years. This would create an additional uncertainty in the marketplace so that the accessibility, the eligibility and the low rates that are now given in the arena of primary homes, as opposed to other homes or other investments, would be in jeopardy.

That's the thing that we have to understand. We are treated precisely, differently in bankruptcy court because we want to promote homeownership, we want to promote eligibility. We want to promote accessibility, and we want to promote low rates.

When you introduce an uncertainty like this, and we have in our minority report from the Judiciary Committee extensive reference to experts who say this is the case, when you introduce additional reduced risk, as you do here, you are going to jeopardize the accessibility and eligibility of these mortgages in the future to everybody, particularly those who are of the medium and low-income groups.

So sometimes we have got to learn on this floor that best intentions don't conclude with the best results. What we are doing here is working against the interests of the very people we claim to be helping.

Mr. HASTINGS of Florida. Mr. Speaker, I would inquire of the gentlelady from North Carolina if she has any remaining speakers?

Ms. FOXX. Yes, Mr. Speaker, I have several remaining speakers.

Mr. HASTINGS of Florida. Then I would reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now would like to yield 2 minutes to my colleague from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentlelady from North Carolina.

Mr. Speaker, when a bank forecloses in a neighborhood, it certainly affects the values of the surrounding homes. But when a bankruptcy judge arbitrarily breaks the mortgage contract, it will lower values on houses everywhere. I rise today in opposition to the rule and also to the well intended but tragically flawed bill.

The Helping Families Save Their Homes Act of 2009 may live up to its name for a few people and for a very short time, but it does not stop home prices from falling. That, Mr. Speaker, is exactly what must happen for the economy to recover.

Nobody here wants to see his or her constituents lose their homes to foreclosure, but it is our responsibility, as leaders, as Members of Congress, to make sure that the laws we passed don't have severe, unintended consequences. As most economists agree, two things are causing housing prices to fall, first home builders overbuilt and there was a glut on the market, and the demand did not keep up with the supply.

Second, as long as perspective buyers expect prices to fall, they will continue to hold out buying. In doing so, there is a self-fulfilling prophecy here.

And like the two clauses of this crisis, this bill will have two consequences. Banks will most certainly require much higher down payments for future borrowers. Instead of 5 percent, borrowers will have to come up with, perhaps, 20 percent. Why, because of the uncertainty of is this amount of the mortgage going to hold?

Second, banks will certainly charge a higher interest rate than they do today. Under normal circumstances, some might consider that a good thing. But if this bill becomes law, the House prices will fall further, faster, and the economy will certainly follow.

As we have seen, many more people will lose their livelihoods and find themselves in a foreclosure. And, tragically, the families this legislation was supposed to help will find themselves underwater again. This is incredible danger here, and I urge my colleagues to vote against the rule.

Mr. HASTINGS of Florida. I continue to reserve.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank the gentlelady for yielding.

This rule and this bill are both blatantly unfair.

They are unfair to the working poor. They are unfair to the middle class. They are unfair to the community banks that have no blame in this housing crisis, for the most part. What it's going to do is it's going to hurt the people who have been responsible, and

it's going to help those who have been irresponsible.

We have solutions. We, on our side, have offered many solutions that would stop this steamroll of socialism. This is another turn of the wheel of that steamroll of socialism that's being forced down the throats of the American people.

We have got to stop this. We have got to stop messing in people's business and hurting the people that this bill is intended to help. It's going to reward those who have been irresponsible. It's going to reward those who have been involved in greed, and it's going to hurt those people who are trying their best to have a home, to have a good value in their home.

We need to vote down this rule, we need to stop this bill. We need to stop this gross infringement on people's rights and privacy and lives that this Federal Government is doing.

We have to stop this steamroll of socialism, and I call upon my colleagues to vote down this rule and to vote down this bill.

Mr. HASTINGS of Florida. I continue to reserve, Mr. Speaker.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule and to the Helping Families Save Their Homes Act.

It's legislation that really will punish those who played by the rules, lived within their means, by forcing them to subsidize Americans who made irresponsible choices. This bill also throws good money after bad.

If the HOPE for Homeowners Program was intended to help 400,000 borrowers, the American people deserve to know that to date the program has assisted 43 borrowers, not 43,000, not 430, 43. The President said it was his goal to, quote, eliminate government programs that are not performing. We could start with the HOPE for Homeowners Program.

More than anything else, Mr. Speaker, we are witnessing a disturbing pattern here in Washington, one that rewards bad decisions at the expense of people that have made right choices. We saw it in the bailout of Wall Street under a prior administration and continued under the new one.

We saw this with the so-called stimulus bill that was designed to stem the rising tide in this economic crisis but was nothing more than a wish list of spending priorities put on the backs of our children and grandchildren. But today we should note more than 90 percent of Americans are paying their mortgages on time and meeting their financial obligations, even in these difficult days, let me say with authority as we consider this bill.

People back in Indiana don't want a handout. They don't want to turn a blind eye to people who, through no

fault of their own, found themselves in loans in which they should not have been engaged, but Hoosiers don't want to be put on the hook for a handout for people who knowingly made bad choices.

These are tough times. We should all be willing to make the sacrifices necessary to weather this economic storm, but we to begin by reaffirming the principle of personal responsibility.

The bill before us fails this essential standard. Rewarding bad behavior will not solve our problems, it will only worsen them. We should reject this bill. We should pursue the kinds of policies that put personal responsibility first and ultimately create the incentive for Americans who have invested in their homes and in their lives to continue to expand and prosper.

Mr. HASTINGS of Florida. I continue to reserve.

Ms. FOXX. Mr. Speaker, I want to thank all of my colleagues who have come today to speak on this rule. They have been extremely eloquent in explaining why we are opposed to this rule and the underlying bill.

We are in a terrible situation in this country in terms of our economic situation. And what this bill is going to do is it's going to have the effect of making the current situation even worse, and let me explain a little bit why that is the case.

This bill is going to require that banks have increased capital reserves, which is going to mean we are going to have decreased lending of all types. Every day I hear from people across the country, particularly developers, who say they cannot get loans, there is no capital out there, and it is hurting our economy. Some of us wonder if our colleagues understand this and understand that the effect of this bill is to make the economy worse and wonder if that is an intention for this bill.

I think that we have to say that we had hoped that the bill that was pulled last week was going to come back as a better bill, and yet it has not. It's made this underlying bill either worse or it's simply window dressing.

The new rule that has come in is basically not doing anything to help our situation and it's not helping the underlying bill. There was a promise that this was going to be better. We knew there were moderates on the other side who were having problems voting for this rule and voting for this bill. They have now, I think, been fooled into thinking that this is a better bill. It is not.

As my colleagues have so eloquently said, there is a reward for irresponsibility and punishment for responsibility. We have heard the President say over and over and over, we need a new era of responsibility and accountability. This does just the opposite. This rule and this bill deserve the emperor's new clothes award because it

doesn't do anything that they pretend it is going to do.

I urge my colleagues to vote "no" on the rule and vote "no" on the bill when it comes up.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remainder of our time.

This is a good rule, Mr. Speaker, that not only addresses our current housing crisis but it also more precisely targets relief to those who need it most.

In January of this year alone, in St. Lucie County that I am privileged to serve, there was 1,372 home foreclosures, according to RealtyTrac. This was the second highest foreclosure rate in my State of Florida, up 44 percent from the previous year.

This legislation is not a giveaway, it is not welfare, it is a collective bill that will help those who have played by the rules. We must lay the foundation in this country to help us get out of this crisis, and we must make every effort to rebuild this country. We can't turn a blind eye to the nearly 6 million households in America that are possibly facing foreclosure.

Therefore, I urge my colleagues to support this rule that will put this great Nation back on track and will give millions of Americans the opportunity to continue living in their homes.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 205 will be followed by 5-minute votes on the motion to suspend the rules on House Resolution 146, if ordered, and the motion to suspend the rules on House Concurrent Resolution 14, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 181, answered "present" 1, not voting 10, as follows:

[Roll No. 97]

YEAS—239

Abercrombie	Becerra	Brady (PA)
Ackerman	Berkley	Braley (IA)
Adler (NJ)	Berman	Bright
Altmire	Bishop (GA)	Brown, Corrine
Andrews	Bishop (NY)	Butterfield
Arcuri	Blumenauer	Capps
Baca	Bocchieri	Capuano
Baird	Boren	Cardoza
Baldwin	Boswell	Carnahan
Barrow	Boucher	Carney
Bean	Boyd	Carson (IN)

Castor (FL) Jackson (IL)
 Chandler Jackson-Lee
 Clarke (TX)
 Clay Johnson (GA)
 Cleaver Johnson, E. B.
 Clyburn Kagen
 Cohen Kanjorski
 Connolly (VA) Kennedy
 Conyers Kildee
 Cooper Kilpatrick (MI)
 Costa Kilroy
 Costello Kind
 Courtney Kirkpatrick (AZ)
 Crowley Kissell
 Cuellar Klein (FL)
 Cummings Kosmas
 Dahlkemper Kratovil
 Davis (AL) Langevin
 Davis (CA) Larsen (WA)
 Davis (TN) Larson (CT)
 DeFazio Lee (CA)
 DeGette Levin
 Delahunt Lewis (GA)
 DeLauro Lipinski
 Dicks Loeb sack
 Dingell Lofgren, Zoe
 Doggett Lowey
 Donnelly (IN) Lujan
 Doyle Lynch
 Driehaus Maffei
 Edwards (MD) Maloney
 Edwards (TX) Markey (CO)
 Ellison Markey (MA)
 Ellsworth Marshall
 Engel Massa
 Eshoo Matsui
 Etheridge McCarthy (NY)
 Farr McCollum
 Fattah McDermott
 Filner McGovern
 Foster McIntyre
 Frank (MA) McMahon
 Fudge McNerney
 Giffords Meek (FL)
 Gonzalez Meeks (NY)
 Gordon (TN) Michaud
 Grayson Miller (NC)
 Green, Al Miller, George
 Green, Gene Mitchell
 Griffith Mollohan
 Grijalva Moore (KS)
 Gutierrez Moore (WI)
 Hall (NY) Moran (VA)
 Halvorson Murphy (CT)
 Hare Murphy, Patrick
 Harman Murtha
 Hastings (FL) Nadler (NY)
 Heinrich Napolitano
 Herseeth Sandlin Neal (MA)
 Higgins Nye
 Himes Oberstar
 Hinchey Obey
 Hirono Oliver
 Hodes Ortiz
 Holden Pallone
 Holt Pascrell
 Honda Pastor (AZ)
 Hoyer Payne
 Inslee Perlmutter
 Israel Peters

NAYS—181

Aderholt Brown (SC)
 Akin Brown-Waite,
 Alexander Ginny
 Austria Buchanan
 Bachmann Burgess
 Bachus Burton (IN)
 Barrett (SC) Buyer
 Bartlett Calvert
 Barton (TX) Camp
 Berry Campbell
 Biggert Cantor
 Bilbray Capito
 Bilirakis Carter
 Bishop (UT) Cassidy
 Blackburn Castle
 Blunt Chaffetz
 Boehner Childers
 Bonner Coble
 Bono Mack Coffman (CO)
 Boozman Cole
 Boustany Conaway
 Brady (TX) Crenshaw
 Broun (GA) Culberson

Peterson Pingree (ME)
 Poliss (CO)
 Pomeroy Price (NC)
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Space
 Spratt
 Stupak
 Sutton
 Tanner
 Tauscher
 Taylor
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

Graves
 Guthrie
 Hall (TX)
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Hill
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Kucinich
 Lamborn
 Lance
 Latham
 LaTourette
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—10

Cao Melancon
 Davis (IL) Miller, Gary
 Ehlers Perriello
 Hinojosa Schock

□ 1155

Messrs. BOUSTANY and MILLER of Florida changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SCHOCK. Mr. Speaker, on rollcall No. 97, Rule for H.R. 1106, had I been present, I would have voted "nay."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

READ ACROSS AMERICA DAY

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 146.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 146.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 14, as follows:

[Roll No. 98]

YEAS—417

Abercrombie
 Ackerman
 Aderholt
 Adler (NJ)
 Akin
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachmann
 Bachus
 Baird
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boccieri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boswell
 Boucher
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Capito
 Carter
 Cassidy
 Castle
 Chaffetz
 Childers
 Coble
 Coffman (CO)
 Cole
 Conaway
 Crenshaw
 Culberson

Camp
 Campbell
 Cantor
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Clarke
 Clay
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Duncan
 Edwards (MD)

Edwards (TX)
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Fallon
 Farr
 Fattah
 Filner
 Flake
 Fleming
 Forbes
 Fortenberry
 Foster
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Granger
 Graves
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Heller
 Hensarling
 Herger
 Herseeth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hirono
 Hodes
 Hoekstra

Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry

McHugh
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Rehberg
Reichert
Rohrabacher
Rooney
Roskam
Ross
Sánchez, Linda
T.
Sanchez, Loretta

Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Cao
Cleaver
Davis (IL)
Ehlers
Hall (NY)

Hinojosa
McKeon
Melancon
Miller, Gary
Miller, George

Perriello
Rush
Speier
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF MULTIPLE SCLE-ROSIS AWARENESS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 14.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 14.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. SCHAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 15, as follows:

[Roll No. 99]

AYES—416

Abercrombie	Bonner	Castle	Dent	King (NY)	Paulsen
Ackerman	Bono Mack	Castor (FL)	Diaz-Balart, L.	Kingston	Payne
Aderholt	Boozman	Chaffetz	Diaz-Balart, M.	Kirk	Pence
Adler (NJ)	Boren	Chandler	Dicks	Kirkpatrick (AZ)	Perlmutter
Akin	Boswell	Childers	Dingell	Kissell	Peters
Alexander	Boucher	Clarke	Doggett	Klein (FL)	Peterson
Altmire	Boustany	Clay	Donnelly (IN)	Kline (MN)	Petri
Andrews	Boyd	Cleaver	Doyle	Kosmas	Pingree (ME)
Arcuri	Brady (PA)	Clyburn	Dreier	Kratovil	Pitts
Austria	Brady (TX)	Coble	Driehaus	Kucinich	Platts
Baca	Braley (IA)	Coffman (CO)	Duncan	Lamborn	Poe (TX)
Bachmann	Bright	Cohen	Edwards (MD)	Lance	Polis
Bachus	Brown (GA)	Cole	Edwards (TX)	Langevin	Pomeroy
Baird	Brown (SC)	Conaway	Ellison	Larsen (WA)	Posey
Baldwin	Brown, Corrine	Connolly (VA)	Ellsworth	Larson (CT)	Price (GA)
Barrett (SC)	Brown-Waite,	Conyers	Emerson	Latham	Price (NC)
Barrow	Ginny	Cooper	Engel	LaTourette	Putnam
Bartlett	Buchanan	Costa	Eshoo	Latta	Radanovich
Barton (TX)	Burgess	Costello	Etheridge	Lee (CA)	Rahall
Bean	Burton (IN)	Courtney	Fallin	Lee (NY)	Rangel
Becerra	Butterfield	Crenshaw	Farr	Levin	Rehberg
Berkley	Buyer	Crowley	Fattah	Lewis (CA)	Reichert
Berman	Calvert	Cuellar	Filner	Lewis (GA)	Reyes
Berry	Camp	Culberson	Flake	Linder	Richardson
Biggert	Campbell	Cummings	Fleming	Lipinski	Roe (TN)
Bilbray	Cantor	Dahlkemper	Forbes	LoBiondo	Rogers (AL)
Bilirakis	Capito	Davis (AL)	Fortenberry	Loeb sack	Rogers (KY)
Bishop (GA)	Capps	Davis (KY)	Foster	Lofgren, Zoe	Rogers (MI)
Bishop (NY)	Capuano	Davis (TN)	Fox	Lowey	Rohrabacher
Bishop (UT)	Cardoza	Deal (GA)	Frank (MA)	Lucas	Rooney
Blackburn	Carnahan	DeFazio	Franks (AZ)	Luetkemeyer	Ros-Lehtinen
Blumenauer	Carney	DeGette	Frelinghuysen	Luján	Roskam
Blunt	Carson (IN)	Delahunt	Fudge	Lummis	Ross
Boccheri	Carter	DeLauro	Gallegly	Lungren, Daniel	Rothman (NJ)
Boehner	Cassidy		Garrett (NJ)	E.	Roybal-Allard
			Gerlach	Lynch	Royce
			Giffords	Mack	Ruppersberger
			Gingrey (GA)	Maffei	Rush
			Gohmert	Maloney	Ryan (OH)
			Gonzalez	Manzullo	Ryan (WI)
			Goodlatte	Marchant	Salazar
			Gordon (TN)	Markey (CO)	Sánchez, Linda
			Granger	Markey (MA)	T.
			Graves	Marshall	Sanchez, Loretta
			Grayson	Massa	Sarbanes
			Green, Al	Matheson	Scalise
			Griffith	Matsui	Schakowsky
			Grijalva	McCarthy (CA)	Schauer
			Guthrie	McCarthy (NY)	Schiff
			Hall (TX)	McCaul	Schmidt
			Halvorson	McClintock	Schock
			Hare	McCollum	Schrader
			Harman	McCotter	Schwartz
			Harper	McDermott	Scott (GA)
			Hastings (FL)	McGovern	Scott (VA)
			Hastings (WA)	McHenry	Sensenbrenner
			Heinrich	McHugh	Serrano
			Heller	McIntyre	Sessions
			Hensarling	McMahon	Sestak
			Hergert	McMorris	Shadegg
			Herseth Sandlin	Rodgers	Shea-Porter
			Higgins	McNerney	Sherman
			Hill	Meek (FL)	Shimkus
			Himes	Meeks (NY)	Shuler
			Hinchey	Mica	Shuster
			Hirono	Michaud	Simpson
			Hodes	Miller (FL)	Sires
			Hoekstra	Miller (MI)	Skelton
			Holden	Miller (NC)	Slaughter
			Holt	Minnick	Smith (NE)
			Honda	Mitchell	Smith (NJ)
			Hoyer	Mollohan	Smith (TX)
			Hunter	Moore (KS)	Smith (WA)
			Inglis	Moore (WI)	Snyder
			Inslee	Moran (KS)	Souder
			Israel	Moran (VA)	Space
			Issa	Murphy (CT)	Spratt
			Jackson (IL)	Murphy, Patrick	Stearns
			Jackson-Lee	Murphy, Tim	Stupak
			(TX)	Murtha	Sullivan
			Jenkins	Myrick	Sutton
			Johnson (GA)	Nadler (NY)	Tanner
			Johnson (IL)	Napolitano	Tauscher
			Johnson, E. B.	Neal (MA)	Taylor
			Johnson, Sam	Neugebauer	Teague
			Jones	Nunes	Terry
			Jordan (OH)	Nye	Thompson (CA)
			Kagen	Oberstar	Thompson (MS)
			Kanjorski	Obey	Thompson (PA)
			Kaptur	Olson	Thornberry
			Kennedy	Oliver	Tiahrt
			Kildee	Ortiz	Tiberi
			Kilpatrick (MI)	Pallone	Tierney
			Kilroy	Pascrell	Titus
			Kind	Pastor (AZ)	Tonko
			King (IA)	Paul	Towns

Tsongas	Wasserman	Whitfield
Turner	Schultz	Wilson (OH)
Upton	Waters	Wilson (SC)
Van Hollen	Watson	Wittman
Velázquez	Watt	Wolf
Visclosky	Waxman	Woolsey
Walden	Weiner	Wu
Walz	Welch	Yarmuth
Wamp	Westmoreland	Young (AK)
	Wexler	Young (FL)

NOT VOTING—15

Cao	Hall (NY)	Miller, George
Davis (IL)	Hinojosa	Perriello
Ehlers	McKeon	Rodriguez
Green, Gene	Melancon	Speier
Gutierrez	Miller, Gary	Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1213

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 99, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Mr. Speaker, as Chairman of the Committee on Education and Labor, I was called to the White House for a series of meetings with the President on health care reform. Accordingly, I missed two votes, that on H. Res. 146 (rollcall vote No. 98) and H. Con. Res. 14 (rollcall vote No. 99). Had I been present, I would have voted in favor of both resolutions.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members be granted 5 legislative days to revise and extend their remarks on H.R. 1106, as well as to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1106.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit avail-

ability, with Mr. SALAZAR (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, February 26, 2009, all time for general debate pursuant to House Resolution 190 had expired.

Pursuant to House Resolution 205, amendment No. 1, printed in House Report 111-21, shall be considered as perfected by the modification printed in House Report 111-23.

Pursuant to House Resolution 190, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as "Helping Families Save Their Homes Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

Sec. 101. Eligibility for relief.

Sec. 102. Prohibiting claims arising from violations of the Truth in Lending Act.

Sec. 103. Authority to modify certain mortgages.

Sec. 104. Combating excessive fees.

Sec. 105. Confirmation of plan.

Sec. 106. Discharge.

Sec. 107. Standing trustee fees.

Sec. 108. Effective date; application of amendments.

Subtitle B—Related Mortgage Modification Provisions

Sec. 121. Adjustments as a result of modification in bankruptcy of housing loans guaranteed by the department of veterans affairs.

Sec. 122. Payment of FHA mortgage insurance benefits.

Sec. 123. Adjustments as result of modification of rural single family housing loans in bankruptcy.

Sec. 124. Unenforceability of certain provision as being contrary to public policy.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.

Sec. 202. Changes to HOPE for Homeowners Program.

Sec. 203. Requirements for FHA-approved mortgagees.

Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 101. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) by adding at the end of subsection (e) the following: "For purposes of this sub-

section, the computation of debts shall not include the secured or unsecured portions of—

"(1) debts secured by the debtor's principal residence if the value of such residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection; or

"(2) debts secured or formerly secured by what was the debtor's principal residence that was sold in foreclosure or that the debtor surrendered to the creditor if the value of such real property as of the date of the order for relief under chapter 13 was less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection.", and

(2) by adding at the end of subsection (h) the following:

"(5) The requirements of paragraph (1) shall not apply in a case under chapter 13 with respect to a debtor who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence."

SEC. 102. PROHIBITING CLAIMS ARISING FROM VIOLATIONS OF THE TRUTH IN LENDING ACT.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking "or" at the end,

(2) in paragraph (9) by striking the period at the end and inserting "; or", and

(3) by adding at the end the following:

"(10) the claim for a loan secured by a security interest in the debtor's principal residence is subject to a remedy for rescission under the Truth in Lending Act notwithstanding the prior entry of a foreclosure judgment, except that nothing in this paragraph shall be construed to modify, impair, or supersede any other right of the debtor."

SEC. 103. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (11) as paragraph (12),

(B) in paragraph (10) by striking "and" at the end, and

(C) by inserting after paragraph (10) the following:

"(11) notwithstanding paragraph (2), with respect to a claim for a loan originated before the effective date of this paragraph and secured by a security interest in the debtor's principal residence that is the subject of a notice that a foreclosure may be commenced with respect to such loan, modify the rights of the holder of such claim (and the rights of the holder of any claim secured by a subordinate security interest in such residence)—

"(A) by providing for payment of the amount of the allowed secured claim as determined under section 506(a)(1);

"(B) if any applicable rate of interest is adjustable under the terms of such loan by prohibiting, reducing, or delaying adjustments to such rate of interest applicable on and after the date of filing of the plan;

"(C) by modifying the terms and conditions of such loan—

"(i) to extend the repayment period for a period that is no longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

"(ii) to provide for the payment of interest accruing after the date of the order for relief

under this chapter at a fixed annual rate equal to the currently applicable average prime offer rate as of the date of the order for relief under this chapter, corresponding to the repayment term determined under the preceding paragraph, as published by the Federal Financial Institutions Examination Council in its table entitled 'Average Prime Offer Rates—Fixed', plus a reasonable premium for risk; and

“(D) by providing for payments of such modified loan directly to the holder of the claim or, at the discretion of the court, through the trustee during the term of the plan; and”, and

(2) by adding at the end the following:

“(g) A claim may be reduced under subsection (b)(11)(A) only on the condition that if the debtor sells the principal residence securing such claim, before completing all payments under the plan (or, if applicable, before receiving a discharge under section 1328(b)) and receives net proceeds from the sale of such residence, then the debtor agrees to pay to such holder not later than 15 days after receiving such proceeds—

“(1) if such residence is sold in the 1st year occurring after the effective date of the plan, 80 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(2) if such residence is sold in the 2d year occurring after the effective date of the plan, 60 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(3) if such residence is sold in the 3d year occurring after the effective date of the plan, 40 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection; and

“(4) if such residence is sold in the 4th year occurring after the effective date of the plan, 20 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.

“(h) With respect to a claim of the kind described in subsection (b)(11), the plan may not contain a modification under the authority of subsection (b)(11)—

“(1) in a case commenced under this chapter after the expiration of the 15-day period beginning on the effective date of this subsection, unless—

“(A) the debtor certifies that the debtor attempted, not less than 15 days before the commencement of the case, to contact the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim; or

“(B) a foreclosure sale is scheduled to occur on a date in the 30-day period beginning on the date the case is commenced; and

“(2) in any other case pending under this chapter, unless the debtor certifies that the debtor attempted to contact the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim, before—

“(A) filing a plan under section 1321 that contains a modification under the authority of subsection (b)(11); or

“(B) modifying a plan under section 1323 or 1329 to contain a modification under the authority of subsection (b)(11).

“(i) In determining the holder's allowed secured claim under section 506(a)(1) for purposes of subsection (b)(11)(A), the value of the debtor's principal residence shall be the fair market value of such residence on the date such value is determined.”.

SEC. 104. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, United States Code, is amended—

(1) in paragraph (1) by striking “and” at the end,

(2) in paragraph (2) by striking the period at the end and inserting a semicolon, and

(3) by adding at the end the following:

“(3) the debtor, the debtor's property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case is pending and arises from a debt that is secured by the debtor's principal residence except to the extent that—

“(A) the holder of the claim for such debt files with the court and serves on the trustee, the debtor, and the debtor's attorney (annually or, in order to permit filing consistent with clause (ii), at such more frequent periodicity as the court determines necessary) notice of such fee, cost, or charge before the earlier of—

“(i) 1 year after such fee, cost, or charge is incurred; or

“(ii) 60 days before the closing of the case; and

“(B) such fee, cost, or charge—

“(i) is lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement; and

“(ii) is secured by property the value of which is greater than the amount of such claim, including such fee, cost, or charge;

“(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) or, if the violation occurs before the date of discharge, of section 362(a); and

“(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the debtor's principal residence.”.

SEC. 105. CONFIRMATION OF PLAN.

Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5) by inserting “except as otherwise provided in section 1322(b)(11),” after “(5)”,

(2) in paragraph (8) by striking “and” at the end,

(3) in paragraph (9) by striking the period at the end and inserting a semicolon, and

(4) by inserting after paragraph (9) the following:

“(10) notwithstanding subclause (I) of paragraph (5)(B)(i), whenever the plan modifies a claim in accordance with section 1322(b)(11), the holder of a claim whose rights are modified pursuant to section 1322(b)(11) shall retain the lien until the later of—

“(A) the payment of such holder's allowed secured claim; or

“(B) completion of all payments under the plan (or, if applicable, receipt of a discharge under section 1328(b)); and

“(11) whenever the plan modifies a claim in accordance with section 1322(b)(11), the court finds that such modification is in good faith and does not find that the debtor has been convicted of obtaining by actual fraud the extension, renewal, or refinancing of credit that gives rise to a modified claim.”.

SEC. 106. DISCHARGE.

Section 1328(a) of title 11, United States Code, is amended—

(1) by inserting “(other than payments to holders of claims whose rights are modified under section 1322(b)(11))” after “paid”, and

(2) in paragraph (1) by inserting “or, to the extent of the unpaid portion of an allowed secured claim, provided for in section 1322(b)(11)” after “1322(b)(5)”.

SEC. 107. STANDING TRUSTEE FEES.

(a) AMENDMENT TO TITLE 28.—Section 586(e)(1)(B)(i) of title 28, United States Code, is amended—

(1) by inserting “(I) except as provided in subparagraph (II)” after “(i)”,

(2) by striking “or” at the end and inserting “and”, and

(3) by adding at the end the following:

“(II) 4 percent with respect to payments received under section 1322(b)(11) of title 11 by the individual as a result of the operation of section 1322(b)(11)(D) of title 11, unless the bankruptcy court waives all fees with respect to such payments based on a determination that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and payment of such fees would render the debtor's plan infeasible.”.

(b) CONFORMING PROVISION.—The amendments made by this section shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554; 100 Stat. 3121) apply.

SEC. 108. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subtitle shall apply with respect to cases commenced under title 11 of the United States Code before, on, or after the date of the enactment of this Act.

(2) LIMITATION.—Paragraph (1) shall not apply with respect to cases closed under title 11 of the United States Code as of the date of the enactment of this Act that are neither pending on appeal in, nor appealable to, any court of the United States.

Subtitle B—Related Mortgage Modification Provisions

SEC. 121. ADJUSTMENTS AS A RESULT OF MODIFICATION IN BANKRUPTCY OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subsection (a) of section 3732 of title 38, United States Code is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as subparagraph (A) of paragraph (2), and

(2) by inserting after subparagraph (A) the following new subparagraph:

“(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b) of title 11, United States Code, the Secretary may pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11, United States Code, plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.”.

(b) MATURITY OF HOUSING LOANS.—Paragraph (1) of section (d) of section 3703 of title 38, United States Code, is amended by inserting “at the time of origination” after “loan”.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 122. PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (a) of section 2074 of the National Housing Act (12 U.S.C. 1710(a)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(E) MODIFICATION OF MORTGAGE IN BANKRUPTCY.—

“(i) AUTHORITY.—If an order is entered under the authority provided under section 1322(b) of title 11, United States Code, that (a) determines the amount of an allowed secured claim under a mortgage in accordance with section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (b) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, the Secretary may pay insurance benefits for the mortgage as follows:

“(I) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the insurance benefits for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A). The insurance benefits shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing of by the mortgagor of the petition under title 11 of the United States Code. Nothing in this Act may be construed to prevent the Secretary from providing insurance under this title for a mortgage that has previously been assigned to the Secretary under this subclause. The decision of whether to utilize the authority under this subclause for payment and assignment shall be at the election of the mortgagee, subject to such terms and conditions as the Secretary may establish.

“(II) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the insurance benefits for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The insurance benefits shall be paid in the amount specified in subclause (I) of this clause, as such amount is reduced by the amount of the allowed se-

cured claim. Such allowed secured claim shall continue to be insured under section 203.

“(III) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of insurance benefits for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

“(ii) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this paragraph, no insurance benefits may be paid pursuant to this subparagraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.”;

(2) in paragraph (5), in the matter preceding subparagraph (A), by inserting after “section 520, and” the following: “, except as provided in paragraph (1)(E),”; and

(3) by adding at the end the following new paragraph:

“(10) LOAN MODIFICATION PROGRAM.—

“(A) AUTHORITY.—The Secretary may carry out a program solely to encourage loan modifications for eligible delinquent mortgages through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

“(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—Under the program under this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with paragraph (5)(A), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A).

“(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

“(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

“(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

“(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

“(D) LOAN SERVICING.—In carrying out the program under this section, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.”.

(b) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Paragraph (1) of section 230(b) of the

National Housing Act (12 U.S.C. 1715u(b)(1)) is amended by striking “12 of the monthly mortgage payments” and inserting “30 percent of the unpaid principal balance of the mortgage”.

(c) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this section through notice or mortgagee letter.

SEC. 123. ADJUSTMENTS AS RESULT OF MODIFICATION OF RURAL SINGLE FAMILY HOUSING LOANS IN BANKRUPTCY.

(a) GUARANTEED RURAL HOUSING LOANS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (A), by inserting before the period at the end the following: “, unless the maturity date of the loan is modified in a bankruptcy proceeding or at the discretion of the Secretary”; and

(B) in subparagraph (B), by inserting before the semicolon the following: “, unless such rate is modified in a bankruptcy proceeding”;

(2) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the following new paragraph:

“(13) PAYMENT OF GUARANTEE.—In addition to all other authorities to pay a guarantee claim, the Secretary may also pay the guaranteed portion of any losses incurred by the holder of a note or the servicer resulting from a modification of a note by a bankruptcy proceeding.”.

(b) INSURED RURAL HOUSING LOANS.—Subsection (j) of section 517 of the Housing Act of 1949 (42 U.S.C. 1487(j)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) to pay for losses incurred by holders or servicers in the event of a modification pursuant to a bankruptcy proceeding.”.

(c) IMPLEMENTATION.—The Secretary of Agriculture may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 124. UNENFORCEABILITY OF CERTAIN PROVISION AS BEING CONTRARY TO PUBLIC POLICY.

No provision in any investment contract between a servicer and a securitization vehicle or investor in effect as of the date of enactment of this Act that requires excess bankruptcy losses that exceed a certain dollar amount on residential mortgages to be borne by classes of certificates on a pro rata basis that refers to types of bankruptcy losses that could not have been incurred under the law in effect at the time such contract was entered into shall be enforceable, as such provision shall be contrary to public policy. Notwithstanding this section, such reference to types of bankruptcy losses that could have been incurred under the law in effect at the time such contract was entered into shall be enforceable.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) SAFE HARBOR.—

(1) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act

(15 U.S.C. 1639a) shall not be liable for entering into a loan modification, workout, or other loss mitigation plan, including, but not limited to, disposition with respect to any such mortgage that meets all of the criteria set forth in paragraph (2)(B) to—

(A) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(B) any person who is obligated pursuant to a derivatives instrument to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) any person that insures any loan or any interest referred to in subparagraph (A) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(2) ABILITY TO MODIFY MORTGAGES.—

(A) **ABILITY.**—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer—

(i) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications; and

(ii) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle,

if any mortgage so modified meets all of the criteria set forth in subparagraph (B).

(B) **CRITERIA.**—The criteria under this subparagraph with respect to a mortgage are as follows:

(i) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

(ii) The property securing such mortgage is occupied by the mortgagor of such mortgage.

(iii) The servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(3) **APPLICABILITY.**—This subsection shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before January 1, 2012.

(b) **REPORTING.**—Each servicer that engages in loan modifications or workout plans subject to the safe harbor in subsection (a) shall report to the Secretary on a regular basis regarding the extent, scope and results of the servicer's modification activities. The Secretary shall prescribe regulations specifying the form, content, and timing of such reports.

(c) **DEFINITION OF SECURITIZATION VEHICLES.**—For purposes of this section, the term "securitization vehicle" means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) **PROGRAM CHANGES.**—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking "THE BOARD" and inserting "SECRETARY";

(B) in paragraph (1), by striking "Board" inserting "Secretary, after consultation with the Board,"; and

(C) by adding after paragraph (2) the following:

"(3) **DUTIES OF BOARD.**—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program."

(2) by striking "Board" each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting "Secretary";

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) **BORROWER CERTIFICATION.**—

"(A) **NO INTENTIONAL DEFAULT OR FALSE INFORMATION.**—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured.

"(B) **LIABILITY FOR REPAYMENT.**—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary."

(B) in paragraph (7), by striking the semicolon and all that follows through "new second lien";

(C) in paragraph (9)—

(i) by striking "by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)" and inserting "in accordance with procedures and standards that the Secretary shall establish, which may include requiring the mortgagee to procure"; and

(ii) by striking "and by any other method, in accordance with procedures and standards that the Board shall establish"; and

(D) by adding after paragraph (11) the following new paragraph:

"(12) **BAN ON MILLIONAIRES.**—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds \$1,000,000."

(4) in subsection (h)(2)—

(A) by striking "The Board shall prohibit the Secretary from paying" and inserting "The Secretary shall not pay"; and

(B) by inserting after the period at the end the following: "In implementing this provision with respect to a failure by a mortgagor to make a first payment, the Secretary shall establish policies and timing of endorsements as consistent as is possible with endorsement policies established with respect to mortgages insured under section 203(b)";

(5) in subsection (i)—

(A) by inserting "after weighing maximization of participation with consideration of collection of premiums," after "Secretary shall";

(B) in paragraph (1), by striking "equal to 3 percent" and inserting "not more than 2 percent"; and

(C) in paragraph (2), by striking "equal to 1.5 percent" and inserting "not more than 1 percent";

(6) in subsection (k)—

(A) by striking the subsection heading and inserting "EXIT FEE";

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking "such sale or refinancing" and inserting "the mortgage being insured under this section"; and

(C) in paragraph (2), by striking "and the mortgagor" and all that follows through the end and inserting "may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the eligible mortgage refinanced under this section."

(7) in the heading for subsection (n), by striking "THE BOARD" and inserting "SECRETARY";

(8) in subsection (p), by striking "Under the direction of the Board, the" and inserting "The";

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking "Board of Directors of" and inserting "Advisory Board for"; and

(B) in paragraph (3)(A)(ii), by striking "subsection (e)(1)(B) and such other" and inserting "such";

(10) in subsection (v), by inserting after the period at the end the following: "The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section."; and

(11) by adding at the end the following new subsections:

"(x) **PAYMENT TO EXISTING LOAN SERVICER.**—The Secretary may establish a payment to the servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program in an amount, for each such loan, that does not exceed \$1,000.

"(y) **AUCTIONS.**—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis."

(b) **REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.**—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting "as such amount is reduced by \$2,316,000,000," after "\$700,000,000,000".

SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) **MORTGAGEE REVIEW BOARD.**—Paragraph (2) of section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(1) in subparagraph (E), by inserting "and" after the semicolon;

(2) in subparagraph (F), by striking "and" and inserting a period; and

(3) by striking subparagraph (G).

(b) **LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.**—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

“(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

“(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

“(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, or employee of the applicant mortgagee who is—

“(A) currently suspended, debarred, under a limited denial of participation (LDP), or otherwise restricted under part 24 or 25 of title 24 of the Code of Federal Regulations, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

“(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant’s integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

“(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

“(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

“(E) convicted of, or who has pled guilty or nolo contendere to, a felony related to participation in the real estate or mortgage loan industry—

“(i) during the 7-year period preceding the date of the application for licensing and registration; or

“(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

“(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

“(G) in violation of any other requirement as established by the Secretary.”; and

(3) by adding at the end the following new subsection:

“(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

“(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

“(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.”.

(c) **CHANGE OF STATUS.—**The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f-10) and inserting the following new section:

“SEC. 532. CHANGE OF MORTGAGEE STATUS.

“(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

“(b) ACTIONS.—The actions described in this subsection are as follows:

“(1) The debarment, suspension of a Limited Denial of Participation (LDP), or appli-

cation of other sanctions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

“(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.”.

(d) **CIVIL MONEY PENALTIES.—**Section 536 of the National Housing Act (12 U.S.C. 1735f-14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or any of its owners, officers, or directors” after “mortgagee or lender”;

(ii) in subparagraph (H), by striking “title I” and all that follows through “Act of 1989” and inserting “title I or II”; and

(iii) by inserting after subparagraph (J) the following:

“(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking “or” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.”; and

(2) in subsection (g), by striking “The term” and all that follows through the end of the sentence and inserting “For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.”.

(e) **EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—**Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgagees approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) **PERMANENT INCREASE IN DEPOSIT INSURANCE.—**

(1) **AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—**Effective upon the date of the enactment of this Act, section 11(a) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(A) in paragraph (1)(E), by striking “\$100,000” and inserting “\$250,000”;

(B) in paragraph (1)(F)(i), by striking “2010” and inserting “2015”;

(C) in subclause (I) of paragraph (1)(F)(i), by striking “\$100,000” and inserting “\$250,000”;

(D) in subclause (II) of paragraph (1)(F)(i), by striking “the calendar year preceding the date this subparagraph takes effect under the Federal Deposit Insurance Reform Act of 2005” and inserting “calendar year 2008”; and

(E) in paragraph (3)(A), by striking “, except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such paragraph”.

(2) **AMENDMENT TO FEDERAL CREDIT UNION ACT.—**Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(A) in paragraph (3)—

(i) by striking the opening quotation mark before “\$250,000”;

(ii) by striking “, except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such section”; and

(iii) by striking the closing quotation mark after the closing parenthesis; and

(B) in paragraph (5), by striking “\$100,000” and inserting “\$250,000”.

(3) **REPEAL OF EESA PROVISION.—**Section 136 of the Emergency Economic Stabilization Act (12 U.S.C. 5241) is hereby repealed.

(b) **EXTENSION OF RESTORATION PLAN PERIOD.—**Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking “5-year period” and inserting “8-year period”.

(c) **FDIC AND NCUA BORROWING AUTHORITY.—**

(1) **FDIC.—**Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended by striking “\$30,000,000,000” and inserting “\$100,000,000,000”.

(2) **NCUA.—**Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended by striking “\$100,000,000” and inserting “\$6,000,000,000”.

(d) **EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—**Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

“(ii) REPAYMENT OF LOSS.—

“(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

“(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

“(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.”.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

“(D) FUND RESTORATION PLANS.—

“(i) IN GENERAL.—Whenever—

“(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C) for the designated equity ratio; or

“(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) for the equity ratio without any determination under sub-clause (I) having been made,

the Board shall establish and implement a Share Insurance Fund restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

“(ii) REQUIREMENTS OF RESTORATION PLAN.—A Share Insurance Fund restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) for the designated equity ratio before the end of the 5-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

“(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.”.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111-21. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA, AS MODIFIED

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-21, as perfected by the modification printed in House Report 111-23.

Ms. ZOE LOFGREN of California. I have this amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. ZOE LOFGREN of California, as modified:

In the table of contents of the bill, in the item relating to section 121, strike “department of veterans affairs” and insert “Department of Veterans Affairs”.

Page 2, after line 6, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 100. DEFINITION.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following (and make such technical and conforming changes as may be appropriate):

“(43A) The term ‘qualified loan modification’ means a loan modification agreement made in accordance with the guidelines of the Obama Administration’s Homeowner Affordability and Stability Plan as implemented March 4, 2009, that—

“(A) reduces the debtor’s payment (including principal and interest, and payments for real estate taxes, hazard insurance, mortgage insurance premium, homeowners’ association dues, ground rent, and special assessments) on a loan secured by a senior security interest in the principal residence of the debtor, to a percentage of the debtor’s income in accordance with such guidelines, without any period of negative amortization or under which the aggregate amount of the regular periodic payments would not fully amortize the outstanding principal amount of such loan;

“(B) requires no fees or charges to be paid by the debtor in order to obtain such modification; and

“(C) permits the debtor to continue to make payments under the modification agreement notwithstanding the filing of a case under this title, as if such case had not been filed.”.

Beginning on page 7, strike line 6 and all that follows through line 16 on page 8, and insert the following:

“(1) if such residence is sold in the 1st year occurring after the effective date of the plan, 90 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(2) if such residence is sold in the 2d year occurring after the effective date of the plan, 70 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(3) if such residence is sold in the 3d year occurring after the effective date of the plan, 50 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

“(4) if such residence is sold in the 4th year occurring after the effective date of the plan, 30 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection; and

“(5) if such residence is sold in the 5th year occurring after the effective date of the plan, 10 percent of the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.”.

Beginning on page 8, strike line 17 and all that follows through line 7 on page 9, and insert the following (and make such technical

and conforming changes as may be appropriate):

“(h) With respect to a claim of the kind described in subsection (b)(11), the plan may not contain a modification under the authority of subsection (b)(11)—

“(1) in a case commenced under this chapter after the expiration of the 30-day period beginning on the effective date of this subsection, unless—

“(A) the debtor certifies that the debtor—

“(i) not less than 30 days before the commencement of the case, contacted the holder of such claim (or the entity collecting payments on behalf of such holder) regarding modification of the loan that is the subject of such claim;

“(ii) provided the holder of the claim (or the entity collecting payments on behalf of such holder) a written statement of the debtor’s current income, expenses, and debt substantially conforming with the schedules required under section 521(a) or such other form as is promulgated by the Judicial Conference of the United States for such purpose; and

“(iii) considered any qualified loan modification offered to the debtor by the holder of the claim (or the entity collecting payments on behalf of such holder); or

“(B) a foreclosure sale is scheduled to occur on a date in the 30-day period beginning on the date of case is commenced;.”.

Page 9, line 24, insert “and, if the issue of value is contested, the court shall determine such value in accordance with the appraisal rules used by the Federal Housing Administration” after “determined”.

Page 11, strike lines 23 through 25, insert the following (and make such technical and conforming changes as may be appropriate):

(1) in the matter preceding paragraph (1) strike “subsection (b)” and insert “subsections (b) and (d)”.

(2) in paragraph (5)—

(A) by inserting “except as otherwise provided in section 1322(b)(11),” after “(5)”, and

(B) in subparagraph (B)(iii)(I) by inserting “(including payments of a claim modified under section 1322(b)(11))” after “payments” the 1st place it appears,

Page 12, line 20, insert the following after “faith”:

(Lack of good faith exists if the debtor has no need for relief under this paragraph because the debtor can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt. In determining whether a reduction of the principal amount of loan resulting from a modification made under the authority of section 1322(b)(11) is made in good faith, the court shall consider whether the holder of such claim (or the entity collecting payments on behalf of such holder) has offered to the debtor a qualified loan modification that would enable the debtor to pay such debts and such loan without reducing such principal amount.”.

Page 12, after line 24, insert the following (and make such technical and conforming changes as may be appropriate):

(b) Section 1325 of title 11, United States Code, is amended by adding at the end the following (and make such technical and conforming changes as may be appropriate):

“(d) Notwithstanding section 1322(b)(11)(C)(ii), the court, on request of the debtor or the holder of a claim secured by a senior security interest in the debtor’s principal residence, may confirm a plan proposing a reduction in the interest rate on the loan secured by such security interest and

that does not reduce the principal, provided the total monthly mortgage payment is reduced to a percentage of the debtor's income in accordance with the guidelines of the Obama Administration's Homeowner Affordability and Stability Plan as implemented March 4, 2009, if, taking into account the debtor's financial situation, after allowance of expenses that would be permitted for a debtor under this chapter subject to paragraph (3) of subsection (b), regardless of whether the debtor is otherwise subject to such paragraph, and taking into account additional debts and fees that are to be paid in this chapter and thereafter, the debtor would be able to prevent foreclosure and pay a fully amortizing 30-year loan at such reduced interest rate without such reduction in principal."

Page 15, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 109. GAO STUDY.

The Comptroller General shall carry out a study, and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, not later than 2 years after the date of the enactment of this Act a report containing—

- (1) the results of such study of—
 - (A) the number of debtors who filed, during the 1-year period beginning on the date of the enactment of this Act, cases under chapter 13 of title 11 of the United States Code for the purpose of restructuring their principal residence mortgages,
 - (B) the number of mortgages restructured under the amendments made by this subtitle that subsequently resulted in default and foreclosure,
 - (C) a comparison between the effectiveness of mortgages restructured under programs outside of bankruptcy, such as Hope Now and Help for Homeowners, and mortgages restructured under the amendments made by this subtitle,
 - (D) the number of cases presented to the bankruptcy courts where mortgages were restructured under the amendments made by this subtitle that were appealed,
 - (E) the number of cases presented to the bankruptcy courts where mortgages were restructured under the amendments made by the subtitle that were overturned on appeal, and
 - (F) the number of bankruptcy judges disciplined as a result of actions taken to restructure mortgages under the amendments made by this subtitle, and
- (2) a recommendation as to whether such amendments should be amended to include a sunset clause.

SEC. 110. REPORT TO CONGRESS.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Housing Administration, shall submit to the Congress, a report containing—

- (1) a comprehensive review of the effects of the amendments made by this subtitle on bankruptcy court,
 - (2) a survey of whether the program should limit the types of homeowners eligible for the program, and
 - (3) a recommendation on whether such amendments should remain in effect.
- Page 15, line 15, strike "Subsection (a) of section" and insert "Section".
- Page 25, after line 9, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 125. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency, in coordination with the Director of the Office of Thrift Supervision, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Joint Economic Committee on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

- (A) Additions of delinquent payments and fees to loan balances.
- (B) Interest rate reductions and freezes.
- (C) Term extensions.
- (D) Reductions of principal.
- (E) Deferrals of principal.
- (F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

- (A) An increase.
- (B) Remained the same.
- (C) Decreased less than 10 percent.
- (D) Decreased between 10 percent and 20 percent.
- (E) Decreased 20 percent or more.
- (4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—
 - (A) higher monthly payments by the homeowner;
 - (B) equivalent monthly payments by the homeowner;
 - (C) lower monthly payments by the homeowner of up to 10 percent;
 - (D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or
 - (E) lower monthly payments by the homeowner of more than 20 percent.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

Page 25, line 24, after "disposition" insert the following: ", including any modification or refinancing undertaken pursuant to standard loan modification, sale, or disposition guidelines issued by the Secretary of

the Treasury or his designee under the Emergency Economic Stabilization Act of 2008."

Page 28, strike lines 18 and 19 and insert the following:

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(2) SECURITIZATION VEHICLE.—The term "securitization vehicle"

Page 28, strike line 22 and insert the following:

(A) is the issuer, or is created by the issuer, of

Page 29, strike line 3 and insert the following:

(B) holds such mortgages.

Page 30, line 12, before the period insert the following: "and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section".

Page 30, after line 23, insert the following:

(B) in paragraph (4)(A), by striking "; subject to standards established by the Board under subparagraph (B).";

Page 31, line 1, strike lines 1 through 3 and insert the following:

(C) in paragraph (7), by striking "and provided that" and all that follows through "new second lien" and inserting "and except that the Secretary may, under such terms and conditions as the Secretary may establish, permit the establishment of a second lien on a property under an eligible mortgage to be insured, for the purpose of facilitating payment of closing or refinancing costs by a State or locality using funds provided under the HOME Investment Partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) or the community development block grants program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) or by a State or local housing finance agency";

Page 31, line 4, strike "(C)" and insert "(D)".

Page 31, line 15, strike "and".

Page 31, after line 15, insert the following:

(E) by striking subparagraph (10);

(F) in paragraph (11), by inserting before the period at the end the following: ", except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property or for any mortgagor who has relocated to a new jurisdiction, and is in the process of trying to sell such property or has been unable to sell such property due to adverse market conditions";

(G) by redesignating paragraph (11) as paragraph (10); and

Page 31, line 16, strike "(D) by adding after paragraph (11)" and insert "(H) by adding at the end".

Page 31, line 18, strike "(12)" and insert "(11)".

Page 36, line 6, strike "or employee" and insert "manager, supervisor, loan processor, loan underwriter, or loan originator".

Page 37, strike the quotation marks in line 19 and all that follows through the end of the line.

Page 37, after line 19, insert the following:

"(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance."; and

Page 47, after line 13, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z-20(b)(4)) is amended by striking subparagraph (B) and inserting:

“(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.”.

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

Page 47, at the end of title II, add the following (and conform the table of contents accordingly):

TITLE III—MORTGAGE FRAUD

SEC. 301. SHORT TITLE.

This title may be cited as the “Nationwide Mortgage Fraud Task Force Act of 2009”.

SEC. 302. NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) **ESTABLISHMENT.**—There is established in the Department of Justice the Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the “Task Force”) to address mortgage fraud in the United States.

(b) **SUPPORT.**—The Attorney General shall provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) **EXECUTIVE DIRECTOR.**—The Attorney General shall appoint one staff member provided to the Task Force to be the Executive Director of the Task Force and such Executive Director shall ensure that the duties of the Task Force are carried out.

(d) **BRANCHES.**—The Task Force shall establish, oversee, and direct branches in each of the 10 States determined by the Attorney General to have the highest concentration of mortgage fraud.

(e) **MANDATORY FUNCTIONS.**—The Task Force, including the branches of the Task Force established under subsection (d), shall—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(f) **OPTIONAL FUNCTIONS.**—The Task Force, including the branches of the Task Force established under subsection (d), may—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities established under subsection (e), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

(g) **DEFINITION.**—In this section, the term “mortgage fraud” means a material misstatement, misrepresentation, or omission relating to the property or potential mortgage relied on by an underwriter or lender to fund, purchase, or insure a loan.

Page 47, at the end of the bill, add the following (and conform the table of contents accordingly):

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) **IN GENERAL.**—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President’s “Homeowner Affordability and Stability Plan” have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) **SCOPE OF MORATORIUM.**—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner’s principal dwelling.

(c) **FHA-REGULATED LOAN MODIFICATION AGREEMENTS.**—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) **DUTY OF CONSUMER TO MAINTAIN PROPERTY.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) **DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.**—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

The Acting CHAIR. Pursuant to House Resolution 190, the gentlewoman from California (Ms. ZOE LOFGREN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this important bill gives families whose home mortgages are in distress a better opportunity to come to terms with their lender, to bring their mortgage payments in line with prevailing lending rates in the lending market and with prevailing values in the housing market. This is the same opportunity that owners of vacation homes, investment properties, private jets, and luxury yachts have long enjoyed. I think it’s only fair that we offer it now to average families as well. The economic crisis engulfing this country and the world had its start in the housing foreclosure crisis. The Helping Families Save Their Homes Act will begin to address this underlying cause, and it will provide meaningful relief to struggling homeowners.

In developing this legislation, we have benefited at every step of the way from constructive engagement from members on and off the Judiciary Committee, from lenders and brokers, from consumer groups, from bankruptcy judges and trustees. With their help, we’ve reached consensus on a series of significant changes culminating in the manager’s amendment before us today. I should note that the amendment is the Lofgren-Tauscher-Cardoza amendment, and the changes that it encompasses make this a much better bill.

Under the manager’s amendment, the homeowner must notify the lender,

submit financial records and work in good faith for at least 30 days to try to modify a mortgage outside of the bankruptcy using the Obama mortgage modification plan outlined yesterday. We provide also that, should those efforts not prove fruitful and as a last resort an individual ends up in Chapter 13 proceedings, the court should utilize the Obama mortgage modification plan as a guideline for the court in reviewing and in helping a homeowner to meet obligations.

We also have required that bankruptcy courts will use the FHA appraisal guidelines, repayment plans, and for equal monthly mortgage payments. If a homeowner sells a home while still under a Chapter 13 payment plan, the lender is going to share in the profit, and that's only fair. The closer in time of the mortgage modification, the greater the lender's share, and the manager's amendment actually further increases the lender's share at each point over the period.

Homeowners who engage in bad faith, such as filing for bankruptcy when they could really afford to pay their mortgages, will be disqualified for assistance in chapter 13, and a special Justice Department task force is set up to investigate reports of possible mortgage fraud. These are in addition to improvements already made at earlier stages. The changes are all described in greater detail in a summary that was sent to all of your offices today. I have brought copies of a summary with me today.

In short, we have sought to respond in a reasonable manner to every single concern brought to our attention. We've achieved a balanced reform that will bring meaningful help to families in genuine need without costing taxpayers a dime.

The bill is not going to usher in a rash of bankruptcy filings. In fact, by setting up a homeowner-lender negotiating process that begins well before bankruptcy, it is designed to keep more families out of bankruptcy and out of foreclosure. The number of new chapter 13 mortgage modifications that may result will be far less than the number of foreclosures that will be prevented, and preventing foreclosures is the key. That will benefit not only homeowners and their families but also neighborhoods, their communities, their lenders, and the entire American economy.

It's worth noting that any time there is a foreclosure, the average decline of property values for neighboring property is 9 percent, so this is important to every American to avert these foreclosures.

I thank Mrs. TAUSCHER, Mr. CARDOZA, Mr. MARSHALL, BRAD MILLER, JOHN CONYERS, and all of the other Members who have worked so hard to improve this bill through the manager's amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment, and I will yield myself such time as I may consume.

Unfortunately, this amendment does little to change the fact that the bankruptcy provisions in this legislation will fail to solve the foreclosure crisis. Some claim the manager's amendment will narrow the bill's bankruptcy provisions, but there is nothing in this amendment that meaningfully changes the underlying bill. Meaningful change would have meant a true requirement for bankruptcy petitioners to exhaust other options before going to bankruptcy court.

As Speaker PELOSI observed just this week, "Bankruptcy, by its nature, should require a judge to see that other remedies had been exhausted and that good faith overtures from the lender had not been dismissed by the borrower."

The manager's amendment does not do that. Rather, it merely requires that judges consider whether the lender offered the borrower a loan modification when determining whether to approve the borrower's bankruptcy plan. So a judge is free to consider a loan modification the lender offered and then approve a cramdown despite the lender's offer. The judge can approve a cramdown even if the borrower signed a pre-bankruptcy modification with the lender and then went shopping for a sweeter deal in bankruptcy.

The manager's amendment also contains a major loophole that will allow borrowers to avoid any requirement that they contact their lender about a loan modification prior to filing for bankruptcy. Under the manager's amendment, a borrower can do nothing, fail to seek a qualifying loan modification and still be entitled to get a bankruptcy cramdown once a foreclosure sale was scheduled. In other words, bankruptcy relief is available to those who fail to seek a loan modification under the Obama plan.

Meaningful change also would have meant substantially narrowing the class of loans eligible for bankruptcy modification. Senator DURBIN, the principal sponsor of the companion legislation in the Senate, has acknowledged the merit and proposals to limit the bill to subprime loans.

[From American Banker, Feb. 27, 2009]

TRANSCRIPT OF REMARKS BY SEN. DURBIN

The following is a transcript of remarks between Sen. Richard Durbin and an American Banker reporter, Tuesday evening after President Obama's speech to Congress.

AB Reporter: "Sen. Durbin, do you have a moment today on bankruptcy reform?"

Sen. Durbin: "Sure."

AB Reporter: "I know that in the House, at least regarding this week, the lenders are still trying to make the restrictions so that you have to exhaust all other recourses before bankruptcy pretty tough, even today I heard about making HUD or one of the regu-

lators certify that you had a modification or something that didn't work before you could go through bankruptcy. What are your thoughts on what the standard ought to be?"

Sen. Durbin: "I think that it is reasonable to require the borrower to be in communication for a reasonable time before they file for bankruptcy. You know if a borrower will not talk to a bank they should not be able to avail themselves but it's really difficult to write into law a measurement of good faith so the best you can do is give them an opportunity to meet. Remember 99% of foreclosed homes end up owned by the bank so it isn't as if they are going to end up coming out ahead if the person's losing their home. They get stuck with \$50,000 in costs and a house to maintain; to protect from vandalism, and to show and try to sell, so the banks ought to be much more forthcoming. Every attempt we've tried, every voluntary attempt we've tried has failed. You have to have this bankruptcy provision as the last resort if there is a failure to negotiate the mortgage."

AB Reporter: "Do you know when the Senate might be taking this up?"

Sen. Durbin: "After the House and we might change it of course. There are variations we're looking at. But I'm willing to restrict this to homeowners to eliminate speculators; to subprime mortgages, only those currently in existence. I want to make this a reasonable limited—"

AB Reporter: "You're willing to limit it to subprime mortgages?"

Sen. Durbin: "We've talked about that as a possibility. But I am willing to negotiate. I want this to be a reasonable approach, but we have to include it. If we don't include it we'll be stuck in the same mess we're in today."

AB Reporter: "What about the time limitation as far as when the loans were originated. I understand there are some who would like to see it limited to loan underwritten in the last few years?"

Sen. Durbin: "My version will not be prospective. So it has to be existing loans."

Mr. Chairman, the manager's amendment makes no attempt to narrow the class of eligible loans. That class is as wide as it ever was. Finally, rather than narrowing the bill, the manager's amendment actually provides that, if the judge doesn't want to give a cramdown, he can just rewrite the mortgage as a no-interest loan over the full term of a new 30-year mortgage. What a gift and what an insult to those who pay their mortgages on time. The only borrower the manager's amendment suggests should be denied relief is the borrower who "can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future," but that person will never need to be in bankruptcy court, by definition.

Mr. Chairman, the manager's amendment continues the majority's policy of punishing the successful, taxing the responsible and holding no one accountable. It is unfair for Congress to bail out mortgage lenders and borrowers on the backs of responsible homeowners who continue to pay their mortgages even in these troubled economic times. Clearly, the American people are not willing to pay for their neighbors' irresponsible actions. The

manager's amendment hardly narrows the scope of the underlying bill. In some areas, it actually makes it worse. Members should oppose both this amendment and the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would now like to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Chairman, it is important to understand that Citigroup supports this bill. Why? They're a huge lender. It's because they understand that we have to stabilize home values in order to begin the recovery, and they need a tool to accomplish it.

So this is about lenders as much as it is about borrowers. Why? Because these mortgages that have been sliced and diced into 40 or 50 different sections make it impossible even for a mortgage company and a borrower, homeowner or a family to come together to resolve the problem that they share together. So this bankruptcy provision, written narrowly so that it is a last resort, is not only fair, but is necessary to lenders as well as to borrowers.

I applaud both committees for the work that they have done.

The Acting CHAIR. Without objection, the gentleman from Virginia (Mr. GOODLATTE) will control the remainder of the time of the gentleman from Texas (Mr. SMITH).

There was no objection.

Mr. GOODLATTE. Mr. Chairman, at this time, I am pleased to yield 1 minute to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Chairman, of the foundational policies of American exceptionalism, the concepts that have inspired our great Nation are the sanctity of private contracts and upholding the rule of law. This cramdown bill crassly undercuts both of these pillars of American exceptionalism.

Why would a lender make a 30-year loan if they fear the powers of the Federal Government will violate the very terms of that loan? They will only make those loans at a great cost both to the borrower and to our society. Surely as day follows night, we will witness yet another nail in the coffin of home developers who already are reeling under the burden of poisonous government policies.

Experts currently estimate that the additional cost due to this risk of the cramdown bill would raise mortgage rates as much as two full percentage points or would substantially increase required down payments. This is the last thing homeowners need, the last thing our economy needs. There are responsible homeowners all across America who are living within their means, who are making honest representations on their loan applications, who are paying their debts, and who are work-

ing hard to achieve the American dream. Let's not disadvantage them.

Ms. ZOE LOFGREN of California. I would just note that yesterday was the anniversary of our Constitution's going into effect, March 4, 1789. In that Constitution was article I, section 8 that provides for bankruptcy.

I would yield 40 seconds to Mr. MARSHALL.

Mr. MARSHALL. Mr. Chairman, there are a number of misconceptions about this bill because it only affects existing mortgages, not home loans in the future. It will have no impact on the cost of borrowing into the future. For all of those homeowners like me who haven't been part of this latest credit crisis, I see my property values declining dramatically, in part, because there are foreclosures and vacancies occurring all over the country.

In essence, what this bill would do is force the parties—the lender and the borrower—without putting any taxpayer dollars in it, to deal with their circumstances without adding more properties vacant on the market, declining home prices that are affecting all Americans. It's good for lenders. It's good for homeowners. It does not pose a risk of an increased cost of credit.

□ 1230

Ms. ZOE LOFGREN of California. Mr. Chairman, I would further yield 1 minute to a member of the committee, Ms. SHEILA JACKSON-LEE of Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the manager for all of her hard work.

I want to pay tribute to Chairman CONYERS for standing up in early January and insisting that we complete our tasks, and I always come to the floor to say, this is the little guy's day.

I came earlier today to speak of an individual who had foreclosure issues, but as I proceeded to read her case, she actually went into loan modification with her mortgager, her lender, Countrywide. And isn't it interesting that as her fees were paid and the loan was supposed to be modified, that some days later, here comes the mortgager with the foreclosure notice or a foreclosure person at her door taking pictures trying to decide what the situation was. Interestingly enough, the house had gone into sale.

These are the unscrupulous types of activities that have come about when there is no binding, if you will, judgment that can come about through the bankruptcy court.

Again, this bill forces no one to pay anything. It takes no money out of the government. All it does is it allows us to treat those fairly who are going into foreclosure.

Mr. Chairman, I rise in strong support of H.R. 1106, "Helping Families Save Their Homes in Bankruptcy Act of 2009." I would like to thank Chairman CONYERS of the House

Judiciary Committee and Chairman BARNEY FRANK of the Financial Services Committee for their leadership on this issue. I also would like to thank Arthur D. Sidney of my staff who serves as my able Legislative Director.

Mr. Chairman, I urge my colleagues to support this bill because it provides a viable medium for bankruptcy judges to modify the terms of mortgages held by homeowners who have little recourse but to declare bankruptcy.

This bill could not have come at a more timely moment. This bill is on the floor of the House within weeks after the President's address before the Joint Session of Congress where President Obama outlined his economic plan for America and discussed the current economic situation that this country is facing.

To be sure, there are many economic woes that saddle this country. The statistics are staggering.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight have affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth which raises the possibility of default. Home values have fallen nationwide from an average of 19% from their peak in 2006, and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

I am glad that this legislation is finally on the floor of the United States House of Representatives. I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that \$100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP today has included language and we here today are continuing to engage in the dialogue to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

Because of the pervasive home foreclosures, federal legislation is necessary to curb the fallout from the subprime mortgage crisis. For consumers facing a foreclosure sale who want to retain their homes, Chapter 13 of

the Bankruptcy Code provides some modicum of protection. The Supreme Court has held that the exception to a Chapter 13's ability to modify the rights of creditors applies even if the mortgage is under-secured. Thus, if a Chapter 13 debtor owes \$300,000 on a mortgage for a home that is worth less than \$200,000, he or she must repay the entire amount in order to keep his or her home, even though the maximum that the mortgage would receive upon foreclosure is the home's value, i.e., \$200,000, less the costs of foreclosure.

Importantly, H.R. 1106 provides for a relaxation of the bankruptcy provisions and waives the mandatory requirement that a debtor must receive credit counseling prior to the filing for bankruptcy relief, under certain circumstances. The waiver applies in a Chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This bill also prohibits claims arising from violations of consumer protection laws. Specifically, this bill amends the Bankruptcy Code to disallow a claim that is subject to any remedy for damages or rescission as a result of the claimant's failure to comply with any applicable requirement under the Truth in Lending Act or other applicable state or federal consumer protection law in effect when the non-compliance took place, notwithstanding the prior entry of a foreclosure judgment.

H.R. 1106 also amends the Bankruptcy Code to permit modification of certain mortgages that are secured by the debtor's principal residence in specified respects. Lastly, the bill provides that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge incurred while the Chapter 13 case is pending and that arises from a debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements.

I have long championed the rights of homeowners, especially those facing mortgage foreclosure. I have worked with the Chairman of the House Judiciary Committee to include language that would relax the bankruptcy provisions to allow those facing mortgage foreclosure to restructure their debt to avoid foreclosure.

Manager's Amendment

Because I have long championed the rights of homeowners facing mortgage foreclosure in the recent TARP bill and before the Judiciary Committee, I have worked with Chairman CONYERS and his staff to add language that would make the bill stronger and that would help more Americans. I co-sponsored sections of the Manager's Amendment and I urge my colleagues to support the bill.

Specifically, I worked with Chairman CONYERS to ensure that in section 2 of the amendment, section 109(h) of the Bankruptcy Code would be amended to waive the mandatory requirement, under current law, that a debtor receive credit counseling prior to filing for bankruptcy relief. Under the amended language there is now a waiver that will apply where the debtor submits to the court a certification that the debtor has received notice that the holder

of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This is important because it affords the debtor the maximum relief without having to undergo a slow credit counseling process. This will help prevent the debtor's credit situation from worsening, potentially spiraling out of control, and result in the eventual loss of his or her home.

Section 4 of the Manager's Amendment relaxes certain Bankruptcy requirements under Chapter 13 so that the debtor can modify the terms of the mortgage secured by his or her primary residence. This is an idea that I have long championed in the TARP legislation—the ability of debtors to modify their existing primary mortgages. Section 4 allows for a modification of the mortgage for a period of up to 40 years. Such modification cannot occur if the debtor fails to certify that it contacted the creditor before filing for bankruptcy. In this way, the language in the Manager's Amendment allows for the creditor to demonstrate that it undertook its “last clear” chance to work out the restructuring of the debt with its creditor before filing bankruptcy.

Importantly, the Manager's Amendment amends the bankruptcy code to provide that a debtor, the debtor's property, and property of the bankruptcy estate are not liable for fees and costs incurred while the Chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence.

Lastly, I worked to get language in the Manager's Amendment that would allow the debtors and creditors to negotiate before a declaration of bankruptcy is made. I made sure that the bill addresses present situations at the time of enactment where homeowners are in the process of mortgage foreclosure. This is done with a view toward consistency, predictability, and a hope that things will improve.

Rules Committee

During this time, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

I have worked with my colleagues to strengthen the housing market and the economy, expand affordable mortgage loan opportunities for families at risk of foreclosure, and strengthen consumer protections against risky loans in the future. Unfortunately, problems in the subprime mortgage markets have helped push the housing market into its worst slump in 16 years.

Before the Rules Committee, I offered an amendment that would prevent homeowners and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would prevent homeowners who have declared mortgage foreclosure as a result of subprime mortgage

lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

Specifically, my amendment language was the following:

SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

“(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES.—

“(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

“(2) SUBPRIME DEFINED.—The term ‘subprime mortgage’ means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.”

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment would have strengthened this already much needed and well thought out bill.

I intend to offer a bill later this Congress to address this issue. I am delighted, however, that the Judiciary Committee has expressed their willingness to incorporate my language in the Conference language for this bill. Without a doubt, this issue is important to me and it is critical to Americans who are facing mortgage foreclosure and bankruptcy.

Other Amendments

There were four amendments that were made in order by the Rules Committee. I will address my support or non-support for each amendment.

CONYERS AMENDMENT

I support the Manager's Amendment offered by Chairman CONYERS. The amendment makes sense and makes clear that H.R. 1106 is intended to help those that cannot afford to repay their mortgage without intervention. Indeed it is strength to the underlying bill by providing finality to the decisions worked out by the bankruptcy courts. These decisions would provide finality between lenders and borrowers. Moreover, the debtors are afforded certain protections by the Second Degree Amendment. The Second Degree Amendment provides that the lender could receive additional funding from the sale of the foreclosed home.

The Manager's Amendment would do the following:

(1) require courts to use FHA appraisal guidelines where the fair market value of a home is in dispute;

(2) deny relief to individuals who can afford to repay their mortgages without judicial mortgage modification; and

(3) extend the negotiation period from 15 to 30 days, requiring the debtor to certify that he or she contacted the lender, provided the lender with income, expense and debt statements, and that there was a process for the borrower and lender to seek to reach agreement on a qualified loan modification.

The Conyers Amendment would require a GAO study regarding the effectiveness of mortgage modifications outside of bankruptcy and judicial modifications, whether there should be a sunset, the impact of the amendment on bankruptcy courts, whether relief should be limited to certain types of homeowners. The GAO must analyze how bankruptcy judges restructure mortgages, including the number of judges disciplined as a result of actions taken to restore mortgages.

The Conyers Amendment would clarify that loan modifications, workout plans or other loss mitigation plans are eligible for the servicer safe harbor. Further, it would require HUD to receive public input before implementing certain FHA approval provisions.

With respect to the HOPE for Homeowners Program: recasts the prohibition against having committed fraud over the last 10 years from a freestanding prohibition to a borrower certification. The Conyers Amendment would amend the National Housing Act to broaden eligibility for Home Equity Conversion Mortgage (HECM) or "reverse mortgage."

Provides that the GAO must submit to Congress a review of the effects of the judicial modification program.

Requires the Comptroller of Currency, in coordination with the Director of Thrift Supervision, to submit reports to Congress on the volume of mortgage modifications and issue modification data collection and reporting requirements.

Expresses the Sense of Congress that the Treasury Secretary should use amounts made available under the Act to purchase mortgage revenue bonds for single-family housing.

Expresses the Sense of Congress that financial institutions should not foreclose on any principal homeowner until the loan modification programs included in H.R. 1106 and the President's foreclosure plan are implemented and deemed operational by the Treasury and HUD Secretaries.

Establishes a Justice Department Nationwide Mortgage Fraud Task Force to coordinate anti-mortgage fraud efforts. Would provide that the Treasury Secretary shall provide that the limit on the maximum original principal obligation of a mortgage that may be modified using EESA funds shall not be less than the dollar limit on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect at the time the mortgage is modified.

PRICE, TOM AMENDMENT

I oppose the Price Amendment. The Price Amendment provides that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender can recapture the amount of principal lost in the modification.

I oppose the Price Amendment for the following reasons.

First, the Price amendment would make homeowners into renters for life. It will lead to poorly maintained homes and lower property values for all of us. It takes away any incentive for homeowners to maintain their homes or insist on competitive sale prices.

Second, the Manager's Amendment already allows lenders to get back a substantial portion of any amount a home appreciates after bankruptcy. But it leaves in place incentives for homeowners to maintain and improve homes.

Third, the Price Amendment is opposed by the Center for Responsible Lending, Consumers Union, Leadership Conference on Civil Rights, National Association of Consumer Advocates, National Association of Consumer Bankruptcy Attorneys, National Community Reinvestment Coalition, National Consumer Law Center, National Legal Aid and Defender Association, National Policy and Advocacy Council on Homelessness, and USPIRG.

For the foregoing reasons, I oppose the Price Amendment and I urge my colleagues to vote "no" on this amendment.

PETERS, GARY AMENDMENT

I support this amendment. This amendment is straightforward and is intended to help the borrower by providing a last clear chance to garner much needed information. It is my hope that this information would be used to provide financial assistance and education to the consumer.

In many cases, proper education about the use of credit and mortgages could have made all the difference in the consumers choices. Simply put, if the consumers made wise and informed credit decisions in the first instance, they might not have been in bankruptcy or facing foreclosure. I find this amendment incredibly prudent and helpful to debtors and consumers. I urge my colleagues to support this amendment.

TITUS AMENDMENT

The Titus Amendment would require a servicer that receives an incentive payment under the HOPE for homeowners to notify all mortgagors under mortgages they service who are "at-risk homeowners" (as such term is defined by the Secretary), in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the HOPE for Homeowners Program and how to obtain information regarding the program.

The HOPE for Homeowners (H4H) program was created by Congress to help those at risk of default and foreclosure refinance into more affordable, sustainable loans. H4H is an additional mortgage option designed to keep borrowers in their homes.

The program is effective from October 1, 2008 to September 30, 2011.

How the program works

There are four ways that a distressed homeowner could pursue participation in the HOPE for Homeowners program:

1. Homeowners may contact their existing lender and/or a new lender to discuss how to qualify and their eligibility for this program.

2. Servicers working with troubled homeowners may determine that the best solution for avoiding foreclosure is to refinance the homeowner into a HOPE for Homeowners loan.

3. Originating lenders who are looking for ways to refinance potential customers out from under their high-cost loans and/or who are willing to work with servicers to assist distressed homeowners.

4. Counselors who are working with troubled homeowners and their lenders to reach a mutually agreeable solution for avoiding foreclosure.

It is envisioned that the primary way homeowners will initially participate in this program is through the servicing lender on their existing mortgage. Servicers that do not have an underwriting component to their mortgage operations will partner with an FHA-approved lender that does.

Because I am committed to helping Americans obtain homes and remain in their homes, I support the HOPE for Homeowners Program and I support this amendment. I urge my colleagues to support this bill. Indeed, I feel personally vindicated that Congress has set aside a bill to address the issue of mortgage foreclosure, an issue that I have long championed in the 110th Congress.

Housing, Foreclosures, and Texas

Texas ranks 17th in foreclosures. Texas would have fared far worse but for the fact that homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3% cap on lender's fees, 80% loan-to-value ratio (compared to many other states that allow borrowers to obtain 125% of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, American's Personal income decreased \$20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased \$11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased \$56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping \$400 billion worth of defaults and \$100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight has affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent.

One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default. Home values have fallen

nationwide from an average of 19% from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than \$34,000.

Recently, the Congress set aside \$100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

Bankruptcy

We have come full circle in our discussion today. The bill before us today is on bankruptcy and mortgage foreclosures.

I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that \$100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP that was voted upon this week has included language that would give \$100 billion to address the issue of mortgage foreclosure. I am continuing to engage in the dialogue with Leadership to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure.

I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures. Again, I feel a sense of vindication on this point, because this bill, H.R. 1106 addresses this point.

Credit Crunch

A record amount of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately \$27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that \$530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly \$9 billion in commercial debt maturing in that time frame.

Most of Texas' \$27 billion in loans maturing through 2011—\$18 billion—is held by financial institutions. Texas also has \$9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

Mr. Chairman, my amendment would have helped alleviate these problems. Although my amendment language was not included in the bill, I am confident that it will be included in the Conference language.

All in all, I believe that this bill is important and will do yeoman's work helping America

get back on the right track with respect to the economy and the mortgage foreclosure crisis. I wholeheartedly urge my colleagues to support this bill.

Mr. GOODLATTE. Mr. Chairman, I yield myself 3 minutes.

First, I'd like to respond to the gentleman from Vermont who said that Citigroup endorsed this legislation. Well, I must tell you the American Banking Association doesn't support this, nor do the community bankers, the bankers who still have their heads above water all across my congressional district and many other districts across the country that are making mortgage loans day in and day out. They don't support this legislation. But a bank that is receiving already tens of billions of dollars in government assistance supports it. That should convince us that this legislation leads us in the right direction?

Then to the gentleman from Georgia, I would point out that the Congress, a number of years ago, created a special Chapter 12 bankruptcy proceeding for farmers, and that was a temporary change in the law as well, as this one is. The gentleman is correct; it only applies to existing mortgages. But that law, created many, many years ago, still exists because it's been extended and extended, and we are at risk of having the same thing happen here, particularly when the mindset is that we should turn to the advice of banks that are failing to tell us a good way to handle a problem that banks that are succeeding say it is a bad, bad practice.

And I also want to speak against this amendment. Far from making bankruptcy a last resort, this gives homeowners two bites at the apple. Even if they obtain the Obama compliant loan modification from their lenders, i.e., workouts that meet the terms of President Obama's mortgage program, they can still go into bankruptcy. Once there, they can shop for a better deal from the bankruptcy court. Lenders, meanwhile, have to honor the already-cut voluntary deals all the way through bankruptcy.

At the end of the case, the homeowner keeps whichever deal is sweeter. That's not making bankruptcy a last resort. That's guaranteeing abuse of both voluntary modification and bankruptcy. We're going to see a run on the bankruptcy courts if this legislation is adopted.

Meanwhile, what happens to the borrower who rejects an offer meeting President Obama's terms? Nothing. The bankruptcy court can theoretically refuse to confirm a borrower's cramdown plan, but under the terms of the amendment, that will likely happen only when the lender offered a modification without a voluntary cramdown and the borrower has no need for bankruptcy relief anyway.

And what about borrowers who are within 30 days of foreclosure sales?

They don't even have to contact their lenders about voluntary modifications. So none of the amendment modifications do not apply.

The new manager's amendment does nothing to change this exception that swallows the whole bill. As a result, borrowers who may have entered into mortgages that they shouldn't have in the first place, and bankruptcy attorneys can game the system by simply waiting until borrowers are within the 30 days of a foreclosure sale to file for bankruptcy.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just note that the National Association of Community Development Credit Unions has announced their support of this measure as altered.

I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), who's worked so hard on this measure, who was the author of the underlying bill in the last Congress.

Mr. MILLER of North Carolina. Mr. Chairman, this has been a pretty remarkable debate. We've heard we're now going down a dangerous road, and we'll begin the modification or altering contracts in court. Mr. Chairman, that is what bankruptcy does. That is the rule of law. We do enforce contracts. Except when people get hopelessly in debt, we allow them to draw a line to pay what they can, and then to get a fresh start in life. That's what bankruptcy does.

In fact, home mortgages is the only kind of debt that can't be modified, and it is not because that was brought down on stone tablets from Mount Sinai. That exception is just a special-interest give which we see around here all the time. In 1978, the mortgage industry got that exception as a special-interest provision.

We've heard that this will result in arbitrary modifications. No. There are more than a million bankruptcy cases a year. We have a pretty good idea what bankruptcy judges are going to do. They're going to do the same thing with this kind of interest that they do with every other, including family farms, and this is exactly like the treatment of family farms.

We've heard it will help speculators. No. Speculators already can be helped. Investors already can modify their mortgage in bankruptcy. It is only people who live in their homes who can't get relief. We've heard it will help people who bought too much house. No. If you can't afford a 100-percent mortgage at higher than the prime rate, it doesn't help you.

The most infuriating argument is that the opposition is really not about helping the banking industry and the securities industry. It's all about helping the little people that's going to increase interest rates on the little people. Mr. Chairman, I have been hearing

that the whole time I have been in Congress. It's never been about helping the banks get rich, according to the banks. It's always been about helping the little people. No matter how crooked their business practices may seem on their face, it's always something they need to do to help the little people.

Here's a reality. Two years ago, just a couple years ago, 40 percent of all corporate profits were for the financial services' sector, 40 percent. That's after all of their salaries and their bonuses and their \$50 million corporate jets and their golf tournaments and everything else.

The Acting CHAIR. The time of the gentleman has expired.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would yield the gentleman an additional 15 seconds.

Mr. MILLER of North Carolina. This amendment simply gives lenders one last chance to make a voluntary modification. That is undoubtedly better for a borrower to get a voluntary modification rather than having to go through bankruptcy.

I support this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield myself 30 seconds.

First, I say to the gentlewoman from California that the largest credit union association in the world, Credit Union National Association, a member-owned collection of credit unions around the United States, strongly opposes this legislation. When we talk about the "little people" and the organizations that reach out and help people day-to-day with loans, they know the impact that this will have.

And secondly, to the gentleman from North Carolina, the fact of the matter is cramdowns were entirely prohibited going back to the 1898 law. So for more than 100 years, when they liberalized in other areas, they simply continued in this area. It's not true that they have only prohibited cramdowns since 1978.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Virginia for yielding.

Mr. Chairman, this amendment before us allows for actual fraud, misrepresentation or obtaining a loan or refinancing by false pretenses. It's specific. We passed an amendment in the Judiciary Committee that prohibited such things, but the language has been changed after the fact. The language has been changed now so that it reads that the court does not find that the debtor has been convicted of obtaining—by actual fraud—the extension, renewal or refinancing of credit that gives rise to a modification claim.

In other words, whatever kind of fraud and misrepresentation or false pretenses might be used, it's not going to be considered by a cramdown court unless there is an actual conviction. That's a breathtaking position to take in print here in the United States Congress.

I think this cramdown, when you break the contract, you allow a judge—a judge perhaps yet to be appointed, a judge with a different idea on what a contract is—to break that contract, sever it apart, and readjust the principal and the interest to meet what the judge believes is convenient to the borrower and give them two bites at the apple and let them pick whatever is the best deal for them?

I can tell you what happens, Mr. Chairman, and that is this: The degree of risk must be proportional to the potential for profit. That's the business equation. Lenders will not loan money unless they have a prospective profit on the other side of this.

So that means that they're going to ask for more down money, and they're going to ask for more interest, and there will be fewer people owning homes, not more. There may be some temporary relief over this window over the next couple of years, and maybe this economy comes back around. But the long run is this: We'll have fewer homeowners, not more. The price for that will end up being more public housing, not less, to replace the homeowners that aren't able to own their own home.

This is the public housing promotion bill in the end. That's where it takes us. It was misplaced thinking to pass the Community Reinvestment Act, it's misplaced thinking not to hold Fannie and Freddie, and it's misplaced thinking to push this cramdown.

Ms. ZOE LOFGREN of California. Mr. Chairman, may I inquire as to the time remaining on each side?

The Acting CHAIR. The gentlelady from California has 5¾ minutes, and the gentleman from Virginia has 4½ minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield to the gentleman from Florida (Mr. MEEK) 1 minute.

Mr. MEEK of Florida. Mr. Chairman, I just want to let the Members know on this great piece of legislation and this amendment that we're debating now that we have a mortgage fraud task force to be created in the Department of Justice.

This same language passed this House 350–23 in the last Congress. I think it's important, with this Nationwide task force, we have a number of communities and a number of victims of those individuals that have obtained loans and tried to get even second loans to be able to save their homes, they find themselves falling to these predators that are out there now.

This task force will be a voluntary participation between Federal, State and local law enforcement officials to be able to close down on these individuals. In my State of Florida, we came in first in 2006, 2007, 2008 of having these mortgage fraud individuals carrying out their acts against Floridians. I think it's also important that the in-

crease was 168 percent in Florida. And as we look at making sure that we protect not only the borrower but also making sure that lenders can be trusted in this process, that we do have bad apples amongst the lending community.

I thank you for allowing me this minute.

Mr. GOODLATTE. Mr. Chairman, at this time I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. I thank the gentleman for yielding. I want to thank him for his leadership on this issue.

Mr. Chairman, I rise to just point out a couple fallacies on the arguments on the other side.

I think it's important that everybody appreciate why this law is in place in the first place, why isn't cramdown allowed in a bankruptcy on a primary residence. And the reason, Mr. Chairman, as you well know, is that it's to encourage primary residence ownership. If lenders don't know what amount of principal they are going to be able to get back on any loan, then they will not be encouraged to loan men and women across this Nation money to purchase a primary reason. That's why. It's very simple.

So what this will do is make it so there will be less money available for homeowner purchasers, there will be less money available for individuals to gain their primary residence.

Higher interest rates will certainly occur. The gentleman from Vermont, I chuckled when he said that Citigroup was supporting this. Well, as has been said in the past, Mr. Chairman, "Surprise, surprise, surprise." Citigroup is supporting it because it gets billions of dollars from the Federal Government. What can it do? In this political economy, under this leadership and this administration, in this political economy, politicians are directing who the winners and losers are, who gets money; and consequently, Citigroup can do nothing but support what this majority and this administration wants.

It's a political economy. It's not a market economy. We need to return to a market economy so that the American people can realize their hopes and dreams and make it so that more individuals are able to purchase their primary residence without the imposition of the Federal Government.

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Ms. ZOE LOFGREN of California. Mr. Chairman, I would like to yield 15 seconds to Mr. MARSHALL.

Mr. MARSHALL. To the gentlemen from Georgia and Virginia, again, this only applies to existing debt. Even if the bill is extended, its terms only apply to existing debt now. You would have to change that for it to apply to future loans.

The argument, if it's valid at all—and there is, frankly, scholarship to the contrary—but the argument that the price of a home mortgage has gone up just doesn't hold water.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to a member of the committee, Mr. MAFFEI.

Mr. MAFFEI. I thank the gentleman for yielding and for her leadership on this bill.

I, too, had some hesitation about broadening the bankruptcy judges' jurisdiction on this. But what I did was I listened to the other side and I worked with the gentlewoman from California and the distinguished chairman from Michigan, and we were able to get a lot of changes in this bill—and particularly in this manager's amendment—that would make sure that the lender and the borrower would get together, that there would be a safe haven to protect banks and make sure that they could, in fact, renegotiate these loans, and to keep anyone from using this for anything but an absolute last resort. However, as a last resort, it's a necessity, because if we don't have this, then whatever the borrower does, they may not have recourse.

In my district, this is not the biggest problem, foreclosures are not the biggest thing. But yet, even if one family comes to me and says, we're desperate, we have to declare bankruptcy, and if we had a second home, it would be covered, if we had a yacht, it would be covered, but our first home would not be covered, that's a very difficult thing to explain. So I support the manager's amendment.

Ms. ZOE LOFGREN of California. Let me mention one point that has been discussed, which is the potential that enacting this legislation would somehow impact future interest rates for principal mortgages.

I would like to mention that Mark Zandi, who was Senator John McCain's economic adviser during his campaign for President, said this: "Given that the total cost of foreclosure to lenders is much greater than that associated with Chapter 13 bankruptcy, there is no reason to believe that the cost of mortgage credit across all mortgage loan products should rise."

I think that this is a bogus argument. And I think that if we don't act to provide fairness to this system, we will be letting down our constituents, and once again, the little guy will lose.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute.

Some of the other issues raised in this manager's amendment that need to be pointed out are that the amendment provides an alternative to cramdown of principal, but astoundingly the alternative is free money. If the judge does not want to give a cramdown, he can just rewrite the

mortgage as a no-interest loan over the full term of a new 30-year deal. Now, just like there's no such thing as a free lunch, there's no such thing as free money for banks or credit unions to lend to the people who come to them.

So while the gentleman—in fact, several have made the point that this only applies to existing mortgages. The fact of the matter is the money to pay for the modifications that are made here has got to come from someplace. And while I remain concerned that all you would have to do in the future would be to advance the enactment date—everything else in the law would be the same—so you could continue this policy and make it permanent, even if you didn't, money from future borrowers is what's going to be used to fund these changes in current mortgages. It's wrong.

Ms. ZOE LOFGREN of California. Mr. Chairman, may I inquire as to how much time remains on each side.

The Acting CHAIR. The gentlelady from California has 3 minutes remaining and the gentleman from Virginia has 2 minutes remaining.

Ms. ZOE LOFGREN of California. I would like to yield 1 minute to the gentleman from Georgia (Mr. MARSHALL) at this point.

Mr. MARSHALL. In reply to my friend from Virginia, in his observation that, in fact, there are going to be losses and those losses that might be incurred as a result of foreclosures for less than the amount of the loan, all the expenses that are involved in attempting a foreclosure, the expenses associated with maintaining vacant properties—which are huge, by the way—all of those losses could wind up causing credit to increase in the future. Obviously, I described those losses the way I did because, frankly, having a bankruptcy write down is similar to the other kinds of losses that are associated with a foreclosure setting, a setting in which there is a distressed property. And in most instances, the result for the creditor in a bankruptcy process is less expensive than in other processes available to creditors in circumstances like these.

Bottom line, if we can limit these vacancies, we limit the falling home values, which helps the portfolios of most of the lenders that I know.

Mr. GOODLATTE. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, the bottom line, in response to the gentleman from Georgia's argument, is that his case is the strongest one for leaving the bankruptcy laws the way they are because the incentives already exist for them to avoid the cost that he described. So somebody who is struggling right now with their mortgage payments, the incentive exists for them to work with the financial institution and for the financial institution to work with them so they don't face the uncertainties that occur in bankruptcy court.

So, the bottom line is that what this is going to do is it's going to pass along to future people who want to buy homes, whether the law is extended in the future or not, the cost that will be borne by credit unions and community banks and others who are making these mortgages today—they have to cover costs that are unanticipated when they made the mortgages—they're going to have to pass them along in the future. To the extent that they can voluntarily work that out with the existing homeowner, that is the best solution. But that occurs right now and that incentive exists right now under the law. To change the law in the manner that's provided for here, even with the changes in this amendment, simply does not work. And it does not give the assurance to those who said that there needs to be a second chance, a second opportunity to negotiate between the lender and the homeowner voluntarily because, as I pointed out earlier, any clever bankruptcy attorney will advise his client to simply wait until they're within 30 days of foreclosure, then they don't have to engage in that, they can go straight to the bankruptcy court, bypass exactly what he was calling for happening, and go to the court and see what they can accomplish there under this very, very harmful law from the standpoint of the health of currently healthy banking institutions.

So I urge my colleagues to oppose this amendment and to oppose the underlying bill. This is not the way to keep a healthy system by allowing people to continue to borrow and buy homes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia, who, I would like to point out, was actually, in his prior life before Congress, an expert in this area of the law.

Mr. MARSHALL. Again, to my friend from Virginia, the bankruptcy process is set up so that the creditor receives, essentially in fair value, the treatment that the creditor otherwise would have received.

And the reality is, in most instances—almost all instances—debtors who default on their mortgages have already got huge problems with other creditors and other debt, and lenders typically know that it's just throwing good money after bad to spend an awful lot of time on workouts. And that's why we've seen the programs that we've put in place thus far in an attempt to stem the foreclosures and the vacancies that are hurting all of us, those programs aren't working, and it's in large part because these debtors need relief from bankruptcy. Outside bankruptcy, for the most part it is just not going to work.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself the remaining time.

Nearly six million households are facing the possibility of foreclosure in

our country. And as a result, responsible families who did everything right, who have a traditional mortgage, are facing foreclosure or their neighborhoods are struggling. It's estimated that each foreclosed home reduces the price of the surrounding property—people who did nothing wrong—by 9 percent, or sometimes more. That's when the meth dealers move that is the "sometimes more."

This bill takes a number of steps. We've talked about bankruptcy, but that's just a small part of it. It provides a safe harbor for servicers to modify loans. It increases the FDIC insured rate for banks. It makes improvements to the HOPE for Homeowners Program. But it also narrowly affects the exemption for primary residences under Chapter 13.

As has been pointed out, speculators can go into Chapter 13 and get complete relief; it's only the individual homeowner who is not able to get that relief. That's just not fair. There's no way you can possibly defend how that is fair, that the big guys and the speculators get their way, but the individual struggling homeowner does not.

We have worked very hard in these last few weeks to narrow this provision, to listen to every objection that was honestly made, that was credible, and to accommodate it. This amendment is a consensus measure that makes the bill better. I urge its passage.

Mr. CONYERS. Mr. Chair, Title I of H.R. 1106, the Helping Families Save Their Homes Act of 2009, is based in part on H.R. 200, legislation approved by the Judiciary Committee last month to give families whose home mortgage is in distress a better opportunity to come to terms with their lender on workable payment terms—more realistically based on current market interest rates and current home market values.

Because the provisions in title I of this bill differ in a number of respects from H.R. 200 as reported, and differ further with the adoption of the manager's amendment, I am inserting in the RECORD a section-by-section analysis of this bill, as a further supplement to the legislative history in the floor debate today and last week, and in the hearings and committee report for H.R. 200.

H.R. 1106, THE "HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009," SECTION-BY-SECTION EXPLANATION (AS AMENDED BY THE REVISED MANAGER'S AMENDMENT)

Section 1. Short Title; Table of Contents. Subsection (a) sets forth the short title of this Act as the "Helping Families Save Their Homes Act of 2009." Subsection (b) consists of the table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of residential mortgages

Section 100. Bankruptcy Code section 101 defines various terms. Section 100 amends this provision to add a definition of "qualified loan modification," which is defined as a loan modification agreement made in accordance with the guidelines of the Obama

Administration's Homeowner Affordability and Stability Plan, as implemented on March 4, 2009 with respect to a loan secured by a senior security interest in the debtor's principal residence. To qualify as such, the agreement must reduce the debtor's mortgage payment (including principal and interest) and payments for various other specified expenses (i.e., real estate taxes, hazard insurance, mortgage insurance premium, homeowners' association dues, ground rent, and special assessments) to a percentage of the debtor's income in accordance with such guidelines. The payment may not include any period of negative amortization and it must fully amortize the outstanding mortgage principal. In addition, the agreement must not require the debtor to pay any fees or charges to obtain the modification. And, the agreement must permit the debtor to continue to make these payments notwithstanding the debtor having filed a bankruptcy case as if he or she had not filed for such relief.

Section 101. Eligibility for Relief. Bankruptcy Code section 109(e) sets forth secured and unsecured debt limits to establish a debtor's eligibility for relief under chapter 13. Section 101 of the Act amends this provision to provide that the computation of debts does not include the secured or unsecured portions of debts secured by the debtor's principal residence, under certain circumstances. The exception applies if the value of the debtor's principal residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of the secured debt limit specified in section 109(e). Alternatively, the exception applies if the debtor's principal residence was sold in foreclosure or the debtor surrendered such residence to the creditor and the value of such residence as of the date of the order for relief under chapter 13 is less than the secured debt limit specified in section 109(e). This amendment is not intended to create personal liability on a debt if there would not otherwise be personal liability on such debt.

In addition, section 101 amends Bankruptcy Code section 109(h) to waive the mandatory requirement that a debtor receive credit counseling prior to filing for bankruptcy relief, under certain circumstances. The waiver applies in a chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence (or has commenced) a foreclosure proceeding against such residence.

Section 102. Prohibiting Claims Arising from Violations of the Truth in Lending Act. Under the Truth in Lending Act, a mortgagor has a right of rescission with respect to a mortgage secured by his or her residence, under certain circumstances. Bankruptcy Code section 502(b) enumerates various claims of creditors that are not entitled to payment in a bankruptcy case, subject to certain exceptions. Section 102 amends Bankruptcy Code section 502(b) to provide that a claim for a loan secured by a security interest in the debtor's principal residence is not entitled to payment in a bankruptcy case to the extent that such claim is subject to a remedy for rescission under the Truth in Lending Act, notwithstanding the prior entry of a foreclosure judgment. In addition, section 102 specifies that nothing in this provision may be construed to modify, impair, or supersede any other right of the debtor.

Section 103. Authority to Modify Certain Mortgages. Under Bankruptcy Code section

1322(b)(2), a chapter 13 plan may not modify the terms of a mortgage secured solely by real property that is the debtor's principal residence. Section 103 amends Bankruptcy Code section 1322(b) to create a limited exception to this prohibition. The exception only applies to a mortgage that: (1) originated before the effective date of this provision; and (2) is the subject of a notice that a foreclosure may be (or has been) commenced with respect to such mortgage.

In addition, the debtor must certify pursuant to new section 1322(h) that he or she contacted—not less than 30 days before filing for bankruptcy relief—the mortgagee (or the entity collecting payments on behalf of such mortgagee) regarding modification of the mortgage. The debtor must also certify that he or she provided the mortgagee (or the entity collecting payments on behalf of such mortgagee) a written statement of the debtor's current income, expenses, and debt in a format that substantially conforms with the schedules required under Bankruptcy Code section 521 or with such other form as promulgated by the Judicial Conference of the United States. Further, the certification must include a statement that the debtor considered any qualified loan modification offered to the debtor by the mortgagee (or the entity collecting payments on behalf of such holder). This requirement does not apply if the foreclosure sale is scheduled to occur within 30 days of the date on which the debtor files for bankruptcy relief. If the chapter 13 case is pending at the time new section 1322(h) becomes effective, then the debtor must certify that he or she attempted to contact the mortgagee (or the entity collecting payments on behalf of such mortgagee) regarding modification of the mortgage before either: (1) filing a plan under Bankruptcy Code section 1321 that contains a modification pursuant to new section 1322(b)(11); or (2) modifying a plan under Bankruptcy Code section 1323 or section 1329 to contain a modification pursuant to new section 1322(b)(11).

Under new section 1322(b)(11), the debtor may propose a plan modifying the rights of the mortgagee (and the rights of the holder of any claim secured by a subordinate security interest in such residence) in several respects. It is important to note that the intent of new section 1322(b)(11) is permissive. Accordingly, a chapter 13 may propose a plan that proposes any or all types of modification authorized under section 1322(b)(11).

First, the plan may provide for payment of the amount of the allowed secured claim as determined under section 506(a)(1). In making such determination, the court, pursuant to new section 1322(i), must use the fair market value of the property as of when the value is determined. If the issue of value is contested, the court must determine such value in accordance with the appraisal rules used by the Federal Housing Administration.

Second, the plan may prohibit, reduce, or delay any adjustable interest rate applicable on and after the date of the filing of the plan.

Third, it may extend the repayment period of the mortgage for a period that is not longer than the longer of 40 years (reduced by the period for which the mortgage has been outstanding) or the remaining term of the mortgage beginning on the date of the order for relief under chapter 13.

Fourth, the plan may provide for the payment of interest at a fixed annual rate equal to the currently applicable average prime offer rate as of the date of the order for relief under chapter 13, as determined pursuant to

certain specified criteria. The rate must correspond to the repayment term determined under new section 1322(b)(11)(C)(i) as published by the Federal Financial Institutions Examination Council in its table entitled, "Average Prime Offer Rates—Fixed." In addition, the rate must include a reasonable premium for risk.

Fifth, the plan, pursuant to new section 1322(b)(11)(D), may provide for payments of such modified mortgage directly to the holder of the claim or, at the discretion of the court, through the chapter 13 trustee during the term of the plan. The reference in new section 1322(b)(11)(D) to "holder of the claim" is intended to include a servicer of such mortgage for such holder. It is anticipated that the court, in exercising its discretion with respect to allowing the debtor to make payments directly to the mortgagee or by requiring payments to be made through the chapter 13 trustee, will take into consideration the debtor's ability to pay the trustee's fees on payments disbursed through the trustee.

New section 1322(g) provides that a claim may be reduced under new section 1322(b)(11)(A) only on the condition that the debtor agrees to pay the mortgagee a stated portion of the net proceeds of sale should the home be sold before the completion of all payments under the chapter 13 plan or before the debtor receives a discharge under section 1328(b). The debtor must pay these proceeds to the mortgagee within 15 days of when the debtor receives the net sales proceeds. If the residence is sold in the first year following the effective date of the chapter 13 plan, the mortgagee is to receive 90 percent of the difference between the sales price and the amount of the claim as originally determined under section 1322(b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under new section 1322(b)(11)(A). If the residence is sold in the second year following the effective date of the chapter 13 plan, then the applicable percentage is 70 percent. If the residence is sold in the third year following the effective date of the chapter 13 plan, then the applicable percentage is 50 percent. If the residence is sold in the fourth year following the effective date of the chapter 13 plan, then the applicable percentage is 30 percent. If the residence is sold in the fifth year following the effective date of the chapter 13 plan, then the applicable percentage is ten percent. It is the intent of this provision that if the unsecured portion of the mortgagee's claim is partially paid under this provision it should be reconsidered under 502(j) and reduced accordingly.

Section 104. Combating Excessive Fees. Section 104 amends Bankruptcy Code section 1322(c) to provide that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge that is incurred while the chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements. It is the intent of this provision that its reference to a fee, cost, or charge includes an increase in any applicable rate of interest for such claim. It also applies to a change in escrow account payments.

To ensure such fee, cost, or charge is allowed, the claimant must comply with certain requirements. First, the claimant must file with the court and serve on the chapter 13 trustee, the debtor, and the debtor's attorney an annual notice of such fee, cost, or

charge (or on a more frequent basis as the court determines) before the earlier of one year of when such fee, cost, or charge was incurred or 60 days before the case is closed.

Second, the fee, cost, or charge must be lawful under applicable nonbankruptcy law, reasonable, and provided for in the applicable security agreement.

Third, the value of the debtor's principal residence must be greater than the amount of such claim, including such fee, cost or charge.

If the holder fails to give the required notice, such failure is deemed to be a waiver of any claim for such fees, costs, or charges for all purposes. Any attempt to collect such fees, costs, or charges constitutes a violation of the Bankruptcy Code's discharge injunction under section 524(a)(2) and the automatic stay under section 362(a), whichever is applicable.

Section 104 further provides that a chapter 13 plan may waive any prepayment penalty on a claim secured by the debtor's principal residence.

Section 105. Confirmation of Plan. Bankruptcy Code section 1325 sets forth the criteria for confirmation of a chapter 13 plan. Section 105 amends section 1325(a)(5) (which specifies the mandatory treatment that an allowed secured claim provided for under the plan must receive) to provide an exception for a claim modified under new section 1322(b)(11). The amendment also clarifies that payments under a plan that includes a modification of a claim under new section 1322(b)(11) must be in equal monthly amounts pursuant to section 1325(a)(5)(B)(iii)(I).

In addition, section 105 specifies certain protections for a creditor whose rights are modified under new section 1322(b)(11). As a condition of confirmation, new section 1325(a)(10) requires a plan to provide that the creditor must retain its lien until the later of when: (1) the holder's allowed secured claim (as modified) is paid; (2) the debtor completes all payments under the chapter 13 plan; or (3) if applicable, the debtor receives a discharge under section 1328(b).

Section 105 also provides standards for confirming a chapter 13 plan that modifies a claim pursuant to new section 1322(b)(11). First, the debtor cannot have been convicted of obtaining by actual fraud the extension, renewal, or refinancing of credit that gives rise to such modified claim. Second, the modification must be in good faith. Lack of good faith exists if the debtor has no need for relief under this provision because the debtor can pay all of his or her debts and any future payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt. In determining whether a modification under section 1322(b)(11) that reduces the principal amount of the loan is made in good faith, the court must consider whether the holder of the claim (or the entity collecting payments on behalf of such holder) has offered the debtor a qualified loan modification that would enable the debtor to pay such debts and such loan without reducing the principal amount of the mortgage.

Section 105 further amends section 1325 to add a new provision. New section 1325(d) authorizes the court, on request of the debtor or the mortgage holder, to confirm a plan proposing to reduce the interest rate lower than that specified in new section 1322(b)(11)(C)(ii), provided: (1) the modification does not reduce the mortgage principal; (2) the total mortgage payment is reduced through interest rate reduction to the per-

centage of the debtor's income that is the standard for a modification in accordance with the Obama Administration's Homeowner Affordability and Stability Plan, as implemented on March 4, 2009; (3) the court determines that the debtor can afford such modification in light of the debtor's financial situation, after allowance of expense amounts that would be permitted for a debtor subject to section 1325(b)(3), regardless of whether the debtor is otherwise subject to such paragraph, and taking into account additional debts and fees that are to be paid in chapter 13 and thereafter; and (4) the debtor is able to prevent foreclosure and pay a fully amortizing 30-year loan at such reduced interest rate without such reduction in principal. If the mortgage holder accepts a debtor's proposed modification under this provision, the plan's treatment is deemed to satisfy the requirements of section 1325(a)(5)(A) and the proposal should not be rejected by the court.

Section 106. Discharge. Bankruptcy Code section 1328 sets forth the requirements by which a chapter 13 debtor may obtain a discharge and the scope of such discharge. Section 106 amends section 1328(a) to clarify that the unpaid portion of an allowed secured claim modified under new section 1322(b)(11) is not discharged. This provision is not intended to create a claim for a deficiency where such a claim would not otherwise exist.

Section 107. Standing Trustee Fees. Section 108(a) amends 28 U.S.C. § 586(e)(1)(B)(i) to provide that a chapter 13 trustee may receive a commission set by the Attorney General of no more than four percent on payments made under a chapter 13 plan and disbursed by the chapter 13 trustee to a creditor whose claim was modified under Bankruptcy Code section 1322(b)(11), unless the bankruptcy court waives such fees based on a determination that the debtor has income less than 150 percent of the official poverty line applicable to the size of the debtor's family and payment of such fees would render the debtor's plan infeasible.

With respect to districts not under the United States trustee system, section 108(b) makes a conforming revision to section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986.

Section 108. Effective Date; Application of Amendments. Section 108(a) provides that this measure and the amendments made by it, except as provided in subsection (b), take effect on the Act's date of enactment.

Section 108(b)(1) provides, except as provided in paragraph (2), that the amendments made by this measure apply to cases commenced under title 11 of the United States Code before, on, or after the Act's date of enactment.

Section 108(b)(2) specifies that paragraph (1) does not apply with respect to cases that are closed under the Bankruptcy Code as of the date of the enactment of this Act.

Section 109. GAO Study. Section 109 requires the Government Accountability Office to complete a study and to submit a report to the House and Senate Judiciary Committees within two years from the enactment of this Act a report. The report must contain the results of the study of: (1) the number of debtors who filed cases under chapter 13, during the one-year period beginning on the date of the enactment of this Act for the purpose of restructuring their principal residence mortgages; (2) the number of mortgages restructured under this Act that subsequently resulted in default and foreclosure;

(3) a comparison between the effectiveness of mortgages restructured under programs outside of bankruptcy, such as Hope Now and Hope for Homeowners, and mortgages restructured under this Act; (4) the number of appeals in cases where mortgages were restructured under this Act; (5) the number of such appeals where the bankruptcy court's decision was overturned; and (6) the number of bankruptcy judges disciplined as a result of actions taken to restructure mortgages under this Act. In addition, the report must include a recommendation as to whether such amendments should be amended to include a sunset clause.

Section 110. Report to Congress. Not later than 18 months after the date of enactment of this Act, the Government Accountability Office, in consultation with the Federal Housing Administration, must submit to Congress a report containing: (1) a comprehensive review of the effects of the Act's amendments on bankruptcy courts; (2) a survey of whether the types of homeowners eligible for the program should be limited; and (3) a recommendation on whether such amendments should remain in effect.

TITLE III—MORTGAGE FRAUD

Section 301. Short Title. Section 301 sets forth the short title of title III as the Nationwide Mortgage Fraud Task Force Act of 2009.

Section 302. Nationwide Mortgage Fraud Task Force. Subsection (a) establishes a nationwide mortgage fraud task force within the Justice Department to address mortgage fraud in the United States. Subsection (b) mandates that the Attorney General must provide the task force with appropriate staff, administrative support, and other resources necessary so that the task force can carry out its duties. Subsection (c) requires the Attorney General to appoint one staff member to be the executive director of the task force who, in turn, will ensure that the task force carries out its duties. Subsection (d) requires the task force to establish, oversee, and direct branches in each of the ten states determined by the Attorney General to have the highest concentration of mortgage fraud. Subsection (e) requires the task force to coordinate with federal, state and local law enforcement to establish mortgage fraud initiatives; provide training; and collect and disseminate data. Subsection (f), among other matters, authorizes the task force to establish a toll-free hotline for reporting mortgage fraud; provide the public with access to information and resources with respect to mortgage fraud; establish a data base; and make legislative proposals. Subsection (g), for purposes of this provision, defines mortgage fraud as a material misstatement, misrepresentation or omission relating to the property or potential mortgage relied on by an underwriter or lender to fund, purchase, or insure a loan.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Section 401. Sense of the Congress on Foreclosures. Subsection (a) expresses a sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or sale until the foreclosure mitigation provisions, such as Hope for Homeowners Program and the President's Homeowner Affordability and Stability Plan, have been implemented and determined to be operational by the Secretary of the Treasury and the Secretary of Housing and Urban Development. Subsection (b) states that the foreclosure moratorium should apply only for first mortgages secured

by the owner's principal dwelling. Subsection (c) provides that if a mortgage holder, institution, or mortgage servicer (to which subsection (a) applies) reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement. Subsection (d) states that any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued or consummated with respect to any homeowner mortgage should not destroy, damage, or impair such property, allow it to deteriorate, or commit waste on the property. Subsection (e) provides that any homeowner for whose benefit any foreclosure proceeding is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

Mrs. MALONEY. Mr. Chair, I rise today in strong support of H.R. 1106, the "Helping Families Save Their Homes Act." This legislation is needed now more than ever, and I want to commend Chairman FRANK, Chairman CONYERS, and the Leadership for working together to bring this bill to the Floor.

It is important to remember that behind the economic and housing statistics are real people—the hard-working Americans and their families who are facing difficulties paying their bills every day. H.R. 1106 contains several key provisions to ensure that homeowners will have more options available to them to stay in their homes.

The bill before us would make necessary improvements to the Hope for Homeowners program including reducing current fees that have discouraged lenders from voluntarily participating and offering a \$1,000 incentive payment to servicers for each successful refinancing of existing loans. H.R. 1106 will ensure that predatory lenders, who bear some of the responsibility for today's housing situation, will not be approved as lenders under FHA programs. The legislation also provides a safe harbor from liability to mortgage servicers who engage in certain loan modifications, and it makes permanent an increase, from \$100,000 to \$250,000, in the amount of bank or credit union deposits insured by Federal banks and credit union regulators. H.R. 1106 establishes a 5-year restoration plan for the National Credit Union Administration (NCUA) which is currently required to restore the equity ratio of the Share Insurance Fund within one year.

I think most of us agree that bankruptcy should be the option of last resort. However, for those homeowners facing bankruptcy, H.R. 1106 will allow bankruptcy judges to reduce the principal, extend the repayment period, or authorize the reduction of an exorbitant interest rate to a level that helps make a mortgage more affordable. I am glad that we have been able to make changes to this legislation that will enable homeowners to stay in their homes, while at the same time providing greater certainty to lenders and to the secondary market.

I am hopeful that this bill will help to stem the tide of foreclosures and ensure that our neighborhoods do not experience a cascade

of increased vacant lots and decreased property values.

The President has proposed a plan to help make it easier for homeowners, including those who are still in repayment but at risk for default, to refinance their mortgages at around the current market rate, or modify their loans. H.R. 1106 is an important step in moving forward with that plan. We must act now. The American people deserve no less than our full commitment to helping them through these troubled times.

I urge my colleagues to support this legislation.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. ZOE LOFGREN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-21.

Mr. PRICE of Georgia. Mr. Chairman, I have an amendment made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PRICE of Georgia:

Beginning on page 7, strike line 5 and all that follows through line 16 on page 8, insert the following (and make such technical and conforming changes as may be appropriate): days after receiving such proceeds, if such residence is sold after the effective date of the plan, the amount of the difference between the sales price and the amount of such claim as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection.

The Acting CHAIR. Pursuant to House Resolution 190, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, at a time when the government is going to unprecedented lengths to stabilize the banking system, this legislation is short-sighted, untimely, unfair, and counterproductive.

Now, while some might see cramdown as a quick fix, in reality the legislation will have a costly impact on generations to come. Ranking Member

SMITH of the Judiciary Committee sent a thoughtful letter to the administration raising concerns about the bill, saying that it would lead to, one, significant taxpayer liability for Federal mortgage guarantees by redistributing wealth from responsible taxpayers to irresponsible borrowers and lenders; two, the hoarding by banks of hundreds of billions of dollars in capital, undermining the efforts that have been undertaken by the government since September to stabilize the financial market; and three, additional constriction in the home lending market. This bill punishes those who have lived within their means and acted prudently by forcing them to subsidize those who made irresponsible choices.

One of the many problems with this bill is that it doesn't have any safeguards to prevent the very people who profited from risky behavior and irresponsible choices from further benefiting at taxpayer expense. The text of the underlying legislation will allow for a partial payback of the cramdown amount if the house is sold within 4 years of the modification. The manager's amendment barely changes the language already in the bill by extending by 1 year and 10 percent the possible partial recapture.

If a mortgagee sells his or her home 6 years after going through a cramdown at a profit, he or she can pocket all of the difference. Mr. Chairman, no one should be able to profit off of a bankruptcy proceeding. Bankruptcy should not be an opportunity to game the system. Hence my amendment.

The amendment would prevent this from happening by simply saying that if a homeowner who has had a mortgage modified in a bankruptcy proceeding sells the home at a profit, the lender—the individuals originally at risk for the money—may recapture the amount of principal lost in the modification or cramdown.

By putting lenders in a position of hedging against cramdown losses, this legislation will raise interest rates for the very individual whose tax dollars are paying all of these government bailouts. Some suggest that the cramdown may raise interest rates as much as 2 percentage points. The 92 percent of homeowners who are working to pay off their mortgages should not be forced to subsidize the mistakes of irresponsible borrowing or lending. By restoring the lender the money that is owed them, we will mitigate the amount to which the industry will need to raise interest rates on responsible homeowners.

This bill is yet another "Joe the plumber" moment here in this Congress, providing for the redistribution of wealth from responsible, accountable taxpayers to borrowers and lenders who will not be held accountable.

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President Obama has spoken repeatedly of the importance of fairness and personal responsibility. This amendment is an important step in that direction.

I urge my colleagues to adopt the amendment, a responsible and simple amendment, and reserve the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, I must oppose this amendment, and I yield myself such time as I may consume.

The issue it addresses is already addressed in the bill and, again, in the manager's amendment. This would take the issue another step further, and I will say it's a step too far.

This would have the effect of making it practically impossible for a family to move to pursue another job. Families would not only keep their homes, they would be trapped there.

The bill also leaves no room for a homeowner to reap a windfall, either calculated or happenstance, so this amendment is unrequired.

I would note that the Price amendment would turn homeowners really into renters for life. It would remove any incentive for a homeowner who needed to sell a house to seek top value in the sale of that house or even to keep up appearances on that house.

It's a mistake, and it's not what the American Dream is all about.

I reserve the balance of my time.

Mr. PRICE of Georgia. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from Georgia has 2 minutes and the gentlelady from California has 4 minutes.

Mr. PRICE of Georgia. I am pleased to yield to my friend from Virginia (Mr. GOODLATTE) 1 minute.

Mr. GOODLATTE. I thank the gentleman for yielding me the time, and I am pleased to support his amendment, which addresses a serious problem that's in the underlying bill that is not corrected by the manager's amendment, and that is that the cramdown bill will reduce the incentive for many solvent borrowers to keep making payments on their mortgages.

While there are 3 million borrowers who are 60 days or more delinquent on their mortgages, 52 million borrowers remain current in their payments. The cramdown bill gives struggling, but still solvent, borrowers a powerful incentive to stop paying off their mortgages, trigger foreclosure notices and go into bankruptcy to cramdown their mortgage principal and restructure or eliminate all of their other debts.

We will have an outright catastrophe on our hands if most borrowers get the idea that they can successfully game the bankruptcy system in this way. The gentleman's amendment would correct this problem and make sure that we don't have a run on the bank-

ruptcy courts of great magnitude by creating what is currently in the bill now, an incentive to file bankruptcy if the value of your mortgage is greater than the value of your home.

THE FOUR WORST THINGS ABOUT THE MORTGAGE CRAMDOWN BILL (H.R. 200)

No. 1: Back to the Financial Meltdown—The cramdown bill seriously threatens to send us through a time warp straight back to the September financial meltdown. Writedowns of mortgages in bankruptcy will inexorably force downgrades of mortgage-backed securities based on those mortgages. The downgrades will in turn force banks and insurance companies on the hook for the securities to boost their capital reserves. (For example, if a AAA-rated security is downgraded to a BB rating, a bank or insurance company will have to hold 10-times the capital reserves.) The resulting hoarding of capital could total hundreds of billions of dollars, freeze lending, kill many already wounded banks, and send us straight back to the brink we faced in September 2008. This could precipitate another bank bailout to the tune of hundreds of billions of dollars, and it will undermine everything we yet have done to stem the financial crisis.

No. 2: Moral Hazard—The cramdown bill will reduce the incentive for many solvent borrowers to keep making payments on their mortgages. While 3 million borrowers are 60 days or more delinquent on their mortgages, 52 million borrowers remain current in their payments. The cramdown bill gives struggling but still solvent borrowers a powerful incentive to stop paying off their mortgages, trigger foreclosure notices, and go into bankruptcy to cram down their mortgage principal and restructure or eliminate all of their other debts. We will have an outright catastrophe on our hands if most borrowers get the idea that they can successfully game the bankruptcy system in this way.

No. 3: Higher Interest Rates and Down Payment Requirements—Including for the Innocent and the Risky Borrowers Most in Need—The cramdown bill is not the last step. It is the key step in the Democratic Congress' walk-up to its long-sought repeal of the primary residence mortgage exception from the Bankruptcy Code. Once the primary residence exception is gone, lenders' greatly increased risk will surely lead to higher interest rates, higher down payment requirements, and other, tighter terms of principal residence mortgages. This will especially hurt already risky, lower-income borrowers, anyone who needs to refinance out of a challenging mortgage, and everyone who responsibly waited on the home-buying sidelines until the housing bubble burst. In fact, once the first, very big step is taken through the cramdown bill, lenders would be foolish not to begin pricing in their likely increased risk right away. So what's the result of the cramdown bill? Nothing more than swapping the victims.

No. 4: We Still Have Better Options We Can Try—Backers of the cramdown bill say we've tried everything else to stem the foreclosure crisis, and nothing else has worked. That's nonsense. The most recent voluntary programs are working better, and top-flight academics have proposed a terrific solution to get at the mortgages we still haven't been able to reach—mortgages served by third-party servicers that don't own the loans. These servicers lack sufficient incentive to seek loan modifications rather than to foreclose. What is more, if they do modify loans, they can be sued by mortgage-backed securities investors. Still on the table is a proposal

to fix this problem by giving third-party servicers a small, per-loan incentive out of TARP funds, and cutting off litigation risk by overriding problem contract clauses and affording a litigation safe-harbor. This proposal appears to be the best possible solution for the critical mass of the remaining problem loans. It will cost little more than \$10 billion in TARP funds. Why on earth would we risk the parade of horrors and hundreds of billions of dollars of downside risk threatened by the cramdown bill, when we still haven't tried other, better options.

Ms. ZOE LOFGREN of California. I would yield to the gentleman from Georgia (Mr. MARSHALL) 1 minute.

Mr. MARSHALL. Mr. Chairman, in response to the motion, I understand that the gentleman from Georgia is opposed to the bill. In effect, the gentleman's amendment, proposed amendment, would simply gut the bill. People would not take advantage of this relief.

I am not somebody who is interested in taking taxpayer dollars and injecting the taxpayer dollars into a bad deal, either to help out the lender or help out the borrower. I am somebody who is interested, for the sake of our lenders, and all of our homeowners, in seeing the number of vacancies diminish, not increase, in finding some sort of bottom to home values. Now, this bill does that.

It also, and I was largely the author of this, it also provides that there is a claw-back provision where equity is concerned. The borrower has incentives to take care of the property to improve the property because, gradually, the borrower acquires equity in the property. But initially the borrower does not have equity in the property following cramdown.

What this bill provides is that if a borrower defaults hard on the heels of cramdown, 100 percent of the value, upside value, goes to the lender.

The Acting CHAIR. The time of the gentleman has expired.

Ms. ZOE LOFGREN of California. I would yield the gentleman an additional 15 seconds.

Mr. MARSHALL. One hundred percent of the upside goes to the lender, and then gradually the borrower, by performing appropriately, obtains equity in the property.

It's a reasonable balance here. The balance could have been struck some other way. In effect, the lender continues to have an interest and the balance is appropriate—does not go so far as the gentleman's suggestion goes, because the gentleman's suggestion would essentially kill the bill and continue these vacancies that are hurting all of us.

Mr. PRICE of Georgia. I will continue to reserve.

Ms. ZOE LOFGREN of California. I believe I have the right to close, do I not? Does the gentleman have additional speakers?

Mr. PRICE of Georgia. I don't; do you?

Ms. ZOE LOFGREN of California. No, we don't.

Mr. PRICE of Georgia. Mr. Chairman, this is a very simple amendment. What it says is that if a bank loans an individual \$150,000 to purchase a home, and that is subject to a bankruptcy provision and a cramdown, and a judge says that principal will only be \$100,000, and that individual who owns the home then sells it at a future date, more than 5 years, for somewhere between \$100,000 and \$150,000, then that amount of money goes to the lender, the individuals that were individually at risk for the money, loaned the money. If it was over \$150,000, then the old homeowner is able to pocket that profit appropriately.

It's a very simple provision. It's a provision, an amendment of fairness, of simplicity. It doesn't gut the bill. In fact, what it does is actually makes the system fair and responsible and rewards responsible activity.

I urge my colleagues to support a commonsense, responsible amendment and yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Chairman, this amendment would enrich lenders and really gut the bill, damage communities and damage home values. In the bill there is a responsible provision for lenders who have had their mortgages adjusted in chapter 13 to recover on a graduated basis, should property values appreciate at sale. What this amendment would do would be to turn homeowners into renters for life.

I will just point out something else. In bankruptcy law, if you are a speculator, you go in and you buy three condominiums on spec, and you hope you are going to make a fortune on it. But, instead, the market turns. You go into chapter 13, you can get the principal written down, you can get the interest written down but the homeowner in a condo cannot.

I would point out that if condo values rise, the speculator under the Price amendment gets all the value, the lender gets none. Only the homeowner would be made a renter for life. Now, how is that fair in America, a country that's looking for fairness?

I would like to note that currently, if a lender forecloses on a home, it receives none of the home's appreciation. So what is in the manager's amendment, the balanced amendment—I want to credit Mr. MARSHALL for his excellent work in putting this in—is a vast improvement over current bankruptcy law as it relates to homeowners.

Now, why is this important? Lenders benefit by getting part of their appreciated value and by savings on foreclosure costs. Homeowners share in the value of their home's increasing value, and that's the American Dream.

I would note also that it provides incentives for homeowners who have gone through the tragic circumstance

of losing so much and reorganizing in chapter 13 and the stigma that that entails. It provides them incentive to continue to keep up their properties, to paint their houses and to keep up appearances because they have a stake in the future as well, it's not just some remote bank.

Finally, communities benefit because homeowners have this incentive to maintain their properties. So it's important that this measure proceed. As I mentioned earlier, the Price amendment would basically gut this bill and that would be a mistake.

With 6 million homeowners facing foreclosure, that is a disaster not just for those 6 million but for their neighbors. I have seen areas in our country where half the houses are in foreclosure, and I will tell you, it's a nightmare for everyone in that community. The meth dealers move in, the property values decline.

Reject the Price amendment.

Mr. SHERMAN. Mr. Chair, the Price amendment to H.R. 1106 fails to deal appropriately with post-bankruptcy improvements made by the homeowner.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-21.

Mr. PETERS. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PETERS:

Beginning on page 3, strike line 21 and all that follows through line 2 on page 4, insert the following:

“(5) Notwithstanding the 180-day period specified in paragraph (1), with respect to a debtor in a case under chapter 13 who submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence, the requirements of paragraph (1) shall be considered to be satisfied if the debtor satisfies such requirements not later than the expiration of the 30-day period beginning on the date of the filing of the petition.”

The Acting CHAIR. Pursuant to House Resolution 190, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I would like to yield myself such time as I may consume.

Today we are considering some important legislation that is going to provide borrowers, lenders and the government with a number of very important tools to address the housing and foreclosure crisis in this country. Much of the focus of this debate has been on the bankruptcy reform portion, which is also the focus of the amendment on the floor right now.

Under current law, those filing for bankruptcy must receive counseling services from an improved credit counseling agency during the 180-day period before the bankruptcy filing. H.R. 1106 eliminates the counseling requirement for those who have already received a foreclosure notice because of a concern that the requirement would be a procedural burden for those who file for bankruptcy quickly in order to save their homes.

The Peters' amendment would preserve the requirement for credit counseling but would allow those who have received a foreclosure notice to file for bankruptcy so long as they obtained the required credit counseling within 30 days after the bankruptcy filing.

This will ensure that everyone who enters the bankruptcy process will continue to receive this very important service, but it also makes clear that no one will lose their home because they could not get access to counseling on time.

Credit counseling is an incredibly important service. In some cases the independent credit counselors can review a debtor's finances and recommend options other than bankruptcy that may be appropriate. It should always be our goal to keep people out of bankruptcy whenever possible.

In every case, however, credit counselors can provide important tools for budgeting that will help the debtor adjust to living under the kinds of financial restrictions that bankruptcy requires.

Mr. Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim the time in opposition to the amendment, even though I am not opposed to the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

The amendment seeks partially to reinstate a credit counseling requirement for chapter 13 bankruptcy petitioners that H.R. 1106 will strip entirely away. There is no good reason to wipe out the credit counseling requirement for debtors facing foreclosure.

Bankruptcy credit counseling benefits consumers by providing the financial education needed to emerge successfully from bankruptcy. Homeowners facing foreclosure are ideal candidates for credit counseling. This is not always because they can avoid bankruptcy.

It is often so that they can get help to increase their prospects of being successful after bankruptcy. The vast majority of Americans who receive credit counseling believe strongly that it benefits them.

Finally, credit counseling offers one last real opportunity for a homeowner to reach out to a lender and determine whether a loan modification is possible. A majority claims that many borrowers were hoodwinked into obtaining their loans. That's largely why the majority wants homeowners to be able to take their loans into bankruptcy.

But if credit counseling might show homeowners a better option than bankruptcy, why not let them try counseling. The amendment we are considering does not go far enough. It does not fully restore the requirement for counseling that is in current law.

The Rules Committee should have made Mr. FORBES' credit counseling amendment in order. That amendment would fully restore the counseling requirement and ensure that borrowers receive counseling before they file for bankruptcy.

However, because the amendment before us does restore at least a limited requirement for counseling, I support it.

I reserve the balance of my time.

Mr. PETERS. I would like to yield to the gentlewoman from California (Ms. ZOE LOFGREN) for 1 minute.

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to support this amendment offered by my colleague from Michigan (Mr. PETERS).

It was a pleasure to work with him to reach agreement on his amendment, and I appreciate his commitment to ensuring that Americans have credit counseling under the Bankruptcy Code, especially in these difficult economic times.

His amendment, Mr. PETERS' amendment, ensures that homeowners will be able to meet their obligations, to obtain credit counseling without risking foreclosure. It strikes the right balance, and it shows real foresight, judgment and skill on Mr. PETERS' part, and I appreciate supporting his amendment, and I appreciate his presence here in our body.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining on each side?

The Acting CHAIR. There are 3½ minutes for the gentleman from Virginia and 2 minutes for the gentleman from Michigan.

□ 1315

Mr. GOODLATTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, the crisis that we're in right now had a number of factors that helped create it. One, we had investment bankers on Wall Street that got a little too greedy. Congress forced banks to make some loans that they shouldn't have made.

But throughout all this process, community banks, generally speaking, by and large, have done a great job of staying stable even through the toughest of times. But we keep rewarding greed and improper conduct and then keep hurting the people who have done the most good.

Now, I understand the hearts of those on the other side that are pushing this, and I understand that my colleagues feel like it's going to help. But the fact is you talk to the community banks who have really been hurt, starting with Paulson's screaming that we'll take care of dollar for dollar of every dime in money market accounts but banks are only covered to \$100,000. People withdrew their money from the banks. They still survived and they're doing well.

But you've got to look at what banks are required to do. They're required to be solvent. And that means on the asset side, they have to show a net plus. And if we pass this, then that net plus will be an uncertainty. They will not know what they have because we'll have a bankruptcy judge who can come in and just at his whim change the principal on a mortgage. And I see my colleague shaking her head. A bankruptcy judge will be able to lower the principal. That's what this is about, and that is going to be creating such uncertainty in the banks.

And here at a time when we have just in 2 months added what will ultimately be more taxes to the next generation and the generation after that than they could possibly pay, now if this passes, those banks will have to be so sure that people will not file bankruptcy, they're going to need to have a good credit history for 10, 15 years, 20 years. So not only are we adding all this tax burden to them, we're also telling them, and, by the way, you're not going to be able to get a home loan for years to come until you have such a great track record that a bank can be certain you won't file bankruptcy because otherwise their bank financial statement will be uncertain.

We've done enough damage to the next generations. It's time to stop hurting the next generations. Let's take care of this with our generation. Let's not reward problem activity. Let's let the community banks survive this process without hurting them any worse.

Mr. PETERS. Mr. Chairman, I do not have any further requests for time, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining?

The Acting CHAIR. The gentleman from Virginia has 30 seconds remaining.

Mr. GOODLATTE. Mr. Chairman, let me take the 30 seconds to say that while I think this is a good amendment and I support it, it doesn't go as far as it should have. We should have had the opportunity to vote today and debate today the amendment offered by Congressman FORBES from Virginia. But nonetheless, that not being the case, I support this amendment.

But I still strongly oppose this underlying legislation, which is going to cause hardships for future homeowners who are going to wind up paying higher mortgage rates and larger down payments for the problems that exist today. That's wrong. We should not pass that and spread that risk to those people, and we should not jeopardize legitimate credit unions and community banks that have been doing so much to help extend credit in this country.

Mr. PETERS. Mr. Chairman, my amendment is a commonsense compromise that ensures that everyone who enters into the bankruptcy process will continue to get important credit counseling services, while at the same time giving those who do not have the time to complete the counseling and are in danger of losing their home the opportunity to do so after they have filed for bankruptcy. The amendment is supported by the Financial Counseling Research Roundtable, which is comprised of the Nation's leading non-profit organizations providing Americans with bankruptcy, housing, consumer credit, and financial counseling.

I'd also like to take this opportunity to thank Chairman CONYERS for working with me on this amendment and for his leadership in helping to put together this package.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. TITUS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-21.

Ms. TITUS. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. TITUS:

Page 34, strike line 13, and insert the following:

“(x) PAYMENT TO EXISTING LOAN SERVICERS.—

“(1) PAYMENT.—The”.

Page 34, after line 17, insert the following:

“(2) NOTIFICATION REQUIREMENT.—The Secretary shall require each servicer that receives a payment under this paragraph to notify all mortgagors under mortgages serviced by such servicer who are at-risk homeowners (as such term is defined by the Secretary), in a form and manner as shall be prescribed by the Secretary, that they may be eligible for the HOPE for Homeowners Program under this section and how to obtain information regarding the program.”.

The Acting CHAIR. Pursuant to House Resolution 190, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I rise today with an amendment to H.R. 1106, the Helping Families Save Their Homes Act.

As you know, the foreclosure crisis is wreaking havoc across the entire Nation, but my district in Southern Nevada is particularly hard hit. Nevada has the highest foreclosure rate in the country. Home prices have dropped significantly. Thousands of families are upside-down on their mortgages, and foreclosures are extending into the prime market. In fact, there was a report that was issued today by the First American CoreLogic group that stated there were 58.2 percent of Las Vegas houses upside-down and another 3.5 percent that are fast approaching that for a total of 61.7 percent of all outstanding mortgages. Compounding the problem even further, the unemployment rate in Nevada is over 9 percent, well above the national average. Families who are responsible and bought a home within their means are now facing foreclosure due to loss of a job or reduction of hours at work.

Foreclosure prevention, I believe, is a critical part of any strategy to get us back on track. I strongly believe that aggressive outreach to borrowers can help prevent unnecessary foreclosures, and that is exactly what my amendment seeks to address.

The amendment is simple and straightforward. In short, it would require that servicers who participate in the HOPE for Homeowners Program and receive government incentives paid for by taxpayer dollars notify at-risk homeowners that they may be eligible for the program and tell them how to obtain information regarding the program. It also requires that the HUD Secretary define who are at-risk homeowners and prescribe a form and manner of notifying them of their potential eligibility for assistance.

By requiring HUD to define what is meant by “at risk” and to prescribe

the method of notification of eligible homeowners, my amendment attempts to limit the administrative burden on the servicers. At the same time, it ensures that homeowners who are in danger of losing their homes and may be eligible for help will receive as much information as possible about the HOPE for Homeowners Program. Many people in trouble do not even know what help is available to them, and this amendment will help resolve that problem so they can find out about HOPE for Homeowners in a timely fashion before it's too late. I cannot tell you how many calls I have received from constituents in my district office who are facing foreclosure and don't know where to turn. This amendment will provide them with the information and help they need under this very important legislation.

Mr. Chairman, I have discussed this issue with Chairman FRANK of the Financial Services Committee and understand that he has some reservations regarding the scope of the amendment. He intended to be here but was delayed by a press conference. Although I intend to withdraw the amendment, I think it's important that we have the discussion on this issue today, and I appreciate your indulgence. I also look forward to working with Chairman FRANK as we move forward to improve notification requirements and address the foreclosure crisis in our country.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPITO. Mr. Chairman, I rise to claim the time in opposition; although I'm not opposed to the gentlewoman's amendment.

The Acting CHAIR. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not in opposition to the gentlewoman's amendment, but I do want to talk about my opposition to the underlying package before the House today.

Our Nation is facing significant challenges, especially in the mortgage market. We once had a flowing market providing the funds critical to the origination of mortgages to our home buyers.

One of the proposals before us today is to allow judges to alter the terms of a mortgage product in bankruptcy. I really understand the desire to help families avoid foreclosure and agree that we should do everything we can to help them. However, this solution to helping should not adversely affect the overwhelming majority of the population that are tightening their family budgets to continue paying their mortgages on time. Passage of this legislation in its current form could send mortgage rate fees higher for our regular homeowners as creditors pass on the risk of bankruptcy procedures.

This is a question of fairness, in my mind. We must be certain that in the pursuit of helping those who deserve help and need help that we do not unduly burden those who have worked hard to keep their heads above water.

I also have concerns about the state of the HOPE for Homeowners Program. During a recent hearing in our Financial Services Committee, one of the witnesses from the Department of Housing and Urban Development agreed with me when I posited the question: Should we just scrap this and start over? Realizing that as of today, HOPE for Homeowners, which has been in effect for several months now, has only helped 50 homeowners in their current situation. I offered an amendment, and I feel that we should give the FHA new authority to reshape this program where it can really work quickly and is targeted to the population who desperately need this help. I offered an amendment to the Rules Committee to achieve this goal, but I was prevented from offering it on the floor and am, therefore, prevented from discussing it on the floor in a fuller manner. So later today I will be introducing that proposal as stand-alone legislation, the REFI for Homeowners Act.

There are some provisions in this bill that I do support, like the safe harbor provisions that will encourage more modifications, the increasing of deposit insurance for FDIC and NCUA, and the ultimate goal of this bill, which is to help homeowners. However, the cramdown of mortgages and the continuation of the HOPE for Homeowners Program that is not working is not in the best interest of our taxpayers. I think we can do better than what this bill offers.

Mr. Chair, I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, I yield such time as he may consume to Chairman FRANK.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

Mr. Chair, I think her amendment is a very important one. I would ask her if we could withhold further action to do a little work on it because the notion that we should put a requirement on these servicers to get funding is a valid one. There are some interconnections here, and I think we could actually make it apply to more people. But, also, if a servicer is only doing two or three of these, the requirement that they notify everybody might become a deterrent to doing some. So I would like to sharpen it and broaden it at the same time. And if the gentlewoman would agree, we could work on this, and I think by the time this gets through the Senate, never known for breakneck speed, we would have a version that would improve it. So I would suggest that to the gentlewoman.

Mrs. CAPITO. Mr. Chairman, I yield 45 seconds to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chair, we fiscal conservatives are in the minority, unfortunately, and have been working hard to lay out alternatives to stimulate the economy with immediate tax cuts, with spending cuts.

The new majority in Congress, with this new President, has spent more money in less time than any Congress in history. In fact, that's all borrowed money. About \$1.3 trillion in borrowed money has already been spent by this Congress.

I would like to ask the Congresswoman from Nevada (Ms. TITUS), who ran on a record of being fiscally responsible, Ms. TITUS, how is it fiscally responsible that you voted for \$1.2 trillion in new spending, borrowed money, which is going to be paid for by our children and grandchildren? How is that fiscally responsible?

□ 1330

Ms. ZOE LOFGREN of California. Mr. Chairman, that is not a germane point. I would raise a point of order.

The Acting CHAIR. The gentleman's time has expired.

Ms. TITUS. Mr. Chairman, I would just like to comment on Chairman FRANK's offer to help work on this amendment in terms of both its scope and depth. I appreciate that offer of assistance. I think we can improve the amendment. I think it is very important that we have an aggressive borrower outreach program so people who are in trouble can find out about the help that is available to them and find that out before it is too late.

Mr. Chairman, I would ask unanimous consent that the amendment be withdrawn.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

Mrs. CAPITO. Mr. Chairman, I have time remaining; is that correct?

I reserve the right to object.

The Acting CHAIR. The gentlewoman could have reserved the right to object before the amendment was withdrawn, but the amendment has been withdrawn.

Mr. FRANK of Massachusetts. Mr. Chairman, it was not our intention to shut off the gentlewoman from West Virginia. Is it in order to ask unanimous consent that she be allowed the remaining time as if it had not been withdrawn?

The Acting CHAIR. Yes, it is.

Mr. FRANK of Massachusetts. Then I would make a unanimous consent request that the gentlewoman from West Virginia be able to conclude her remarks as if the amendment had not been withdrawn.

The Acting CHAIR. Without objection, the gentlewoman from West Virginia reclaims the balance of her time.

There was no objection.

Mrs. CAPITO. I thank the chairman for the unanimous consent request.

I yield the time I have remaining to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. You know, one of the things that concerns me is that we have spent trillions of dollars in the last few weeks, trillions. The people of this country were very concerned about the money they had in the banks so the Federal Deposit Insurance Corporation raised the amount of money from \$100,000 to \$250,000 so people will feel secure, they will know their money is safe in the banks. Yet today, the head of the FDIC, Sheila Bair, said the fund could become insolvent this year.

That is the craziest thing this woman could possibly say. If she wants to avoid a run on the banks and scaring the American people to death, she shouldn't be making these kinds of comments. To say that the FDIC is not going to insure the deposits of the people of this country is insane, especially at a time when everybody in this country is scared to death.

Ms. ZOE LOFGREN of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. TITUS) having assumed the chair, Mr. SALAZAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1641

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SERRANO) at 4 o'clock and 41 minutes p.m.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1106.

□ 1641

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. HOLDEN (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 3, printed in House Report 111-21, offered by the gentleman from Michigan (Mr. PETERS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-21 on which further proceedings were postponed, in the following order:

Amendment No. 1, as modified, by Ms. ZOE LOFGREN of California.

Amendment No. 2 by Mr. PRICE of Georgia.

Amendment No. 3 by Mr. PETERS of Michigan.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. ZOE LOFGREN OF CALIFORNIA, AS MODIFIED

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Ms. ZOE LOFGREN), as modified, on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 263, noes 164, not voting 10, as follows:

[Roll No. 100]

AYES—263

Abercrombie	Boyd	Cooper
Ackerman	Brady (PA)	Costa
Adler (NJ)	Braley (IA)	Costello
Altmire	Bright	Courtney
Andrews	Brown, Corrine	Crowley
Arcuri	Butterfield	Cuellar
Baca	Capps	Cummings
Baird	Capuano	Dahlkemper
Baldwin	Cardoza	Davis (AL)
Barrow	Carnahan	Davis (CA)
Bean	Carney	Davis (IL)
Becerra	Carson (IN)	Davis (TN)
Berkley	Castle	DeFazio
Berman	Castor (FL)	DeGette
Berry	Chandler	Delahunt
Bishop (GA)	Childers	DeLauro
Bishop (NY)	Christensen	Diaz-Balart, L.
Blumenauer	Clarke	Diaz-Balart, M.
Boccheri	Clay	Dicks
Bordallo	Cleaver	Doggett
Boren	Clyburn	Donnelly (IN)
Boswell	Cohen	Doyle
Boucher	Connolly (VA)	Driehaus

Edwards (MD)	Larson (CT)	Ros-Lehtinen
Edwards (TX)	Lee (CA)	Ross
Ellison	Levin	Rothman (NJ)
Ellsworth	Lewis (GA)	Roybal-Allard
Engel	Lipinski	Ruppersberger
Eshoo	Loeb	Rush
Etheridge	Lofgren, Zoe	Ryan (OH)
Farr	Lowey	Sablan
Fattah	Lujan	Salazar
Filner	Lynch	Sanchez, Linda T.
Foster	Maffei	Sanchez, Loretta
Fox	Maloney	Sarbanes
Frank (MA)	Markey (CO)	Schakowsky
Fudge	Markey (MA)	Schauer
Giffords	Marshall	Schiff
Gonzalez	Massa	Schrader
Gordon (TN)	Matheson	Schwartz
Grayson	Matsui	Scott (GA)
Green, Al	McCarthy (NY)	Scott (VA)
Green, Gene	McCollum	Serrano
Griffith	McDermott	Sestak
Grijalva	McGovern	Shea-Porter
Gutierrez	McHugh	Sherman
Hall (NY)	McIntyre	Shuler
Halvorson	McMahon	Sires
Hare	McNerney	Skelton
Harman	Meek (FL)	Slaughter
Hastings (FL)	Meeks (NY)	Smith (WA)
Heinrich	Michaud	Snyder
Herseth Sandlin	Miller (NC)	Space
Higgins	Miller, George	Speier
Hill	Minnick	Spratt
Himes	Mitchell	Stupak
Hinche	Mollohan	Sutton
Hinojosa	Moore (KS)	Tanner
Hirono	Moore (WI)	Tauscher
Hodes	Moran (VA)	Taylor
Holden	Murphy (CT)	Teague
Holt	Murphy, Patrick	Thompson (CA)
Honda	Murtha	Thompson (MS)
Hoyer	Nadler (NY)	Tierney
Inslee	Napolitano	Titus
Israel	Neal (MA)	Tonko
Jackson (IL)	Norton	Towns
Jackson-Lee (TX)	Nye	Tsongas
Johnson (GA)	Oberstar	Turner
Johnson, E. B.	Obey	Upton
Jones	Oliver	Van Hollen
Kagen	Ortiz	Velázquez
Kanjorski	Pallone	Visclosky
Kaptur	Pascrell	Walz
Kennedy	Pastor (AZ)	Wasserman
Kildee	Payne	Schultz
Kilpatrick (MI)	Perlmutter	Waters
Kilroy	Peters	Watson
Kind	Peterson	Watt
Kirkpatrick (AZ)	Pierluisi	Waxman
Kissell	Pingree (ME)	Weiner
Klein (FL)	Polis (CO)	Welch
Kosmas	Pomeroy	Wexler
Kratovil	Price (NC)	Wilson (OH)
Kucinich	Rahall	Woolsey
Lance	Rangel	Wu
Langevin	Reyes	Yarmuth
Larsen (WA)	Richardson	
	Rodriguez	

NOES—164

Aderholt	Burton (IN)	Frelinghuysen
Akin	Buyer	Gallegly
Alexander	Calvert	Garrett (NJ)
Austria	Camp	Gerlach
Bachmann	Campbell	Gingrey (GA)
Bachus	Cantor	Gohmert
Barrett (SC)	Capito	Goodlatte
Bartlett	Carter	Granger
Barton (TX)	Cassidy	Graves
Biggart	Chaffetz	Guthrie
Bilbray	Coble	Hall (TX)
Bilirakis	Cole	Harper
Bishop (UT)	Conaway	Hastings (WA)
Blackburn	Crenshaw	Heller
Blunt	Culberson	Hensarling
Boehner	Davis (KY)	Herger
Bonner	Deal (GA)	Hoekstra
Bono Mack	Dent	Hunter
Boozman	Dreier	Inglis
Boustany	Duncan	Issa
Brady (TX)	Emerson	Jenkins
Brown (GA)	Fallin	Johnson (IL)
Brown (SC)	Flake	Johnson, Sam
Brown-Waite,	Fleming	Jordan (OH)
Ginny	Forbes	King (IA)
Buchanan	Fortenberry	King (NY)
Burgess	Franks (AZ)	Kingston

Kirk	Moran (KS)	Schmidt
Kline (MN)	Murphy, Tim	Schock
Lamborn	Myrick	Sensenbrenner
Latham	Neugebauer	Sessions
LaTourette	Nunes	Shadegg
Latta	Olson	Shimkus
Lee (NY)	Paul	Shuster
Lewis (CA)	Paulsen	Simpson
Linder	Pence	Smith (NE)
LoBiondo	Petri	Smith (NJ)
Lucas	Pitts	Smith (TX)
Luetkemeyer	Platts	Souder
Lummis	Poe (TX)	Stearns
Lungren, Daniel E.	Posey	Sullivan
Mack	Price (GA)	Terry
Manzullo	Putnam	Thompson (PA)
Marchant	Radanovich	Thornberry
McCarthy (CA)	Rehberg	Tiahrt
McCaul	Reichert	Tiberi
McClintock	Roe (TN)	Walden
McCotter	Rogers (AL)	Wamp
McHenry	Rogers (KY)	Westmoreland
McKeon	Rogers (MI)	Whitfield
McMorris	Rohrabacher	Wilson (SC)
Rodgers	Rooney	Wittman
Mica	Roskam	Wolf
Miller (FL)	Royce	Young (AK)
Miller (MI)	Ryan (WI)	Young (FL)
	Scalise	

NOT VOTING—10

Cao	Ehlers	Perriello
Coffman (CO)	Faleomavaega	Stark
Conyers	Melancon	
Dingell	Miller, Gary	

□ 1649

Mr. FORTENBERRY changed his vote from “aye” to “no.”

Ms. MARKEY of Colorado and Mr. RANGEL changed their vote from “no” to “aye.”

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 211, noes 218, not voting 8, as follows:

[Roll No. 101]

AYES—211

Aderholt	Biggart	Brown (GA)
Akin	Bilbray	Brown (SC)
Alexander	Bilirakis	Brown-Waite,
Altmire	Bishop (UT)	Ginny
Arcuri	Blackburn	Buchanan
Austria	Blunt	Burgess
Bachmann	Boehner	Burton (IN)
Bachus	Bonner	Buyer
Barrett (SC)	Bono Mack	Calvert
Barrow	Boozman	Camp
Bartlett	Boren	Campbell
Barton (TX)	Boucher	Cantor
Bean	Boustany	Capito
Berry	Brady (TX)	Carter

Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Lowe
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsumi

Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Loftgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungrén, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Molloy
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Peters
Peterson
Petri

Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseeth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)

Pierluisi	Scalise	Terry
Pingree (ME)	Schakowsky	Thompson (CA)
Pitts	Schauer	Thompson (MS)
Platts	Schiff	Thompson (PA)
Poe (TX)	Schmitt	Thornberry
Polis (CO)	Schock	Tiahrt
Pomeroy	Schrader	Tiberi
Posey	Schwartz	Tierney
Price (GA)	Scott (GA)	Titus
Price (NC)	Scott (VA)	Tonko
Putnam	Sensenbrenner	Towns
Radanovich	Serrano	Tsongas
Rahall	Sessions	Turner
Rangel	Sestak	Upton
Rehberg	Shadegg	Van Hollen
Reichert	Shea-Porter	Velázquez
Reyes	Sherman	Visclosky
Richardson	Shimkus	Walden
Rodriguez	Shuler	Walz
Roe (TN)	Shuster	Wamp
Rogers (AL)	Simpson	Wasserman
Rogers (KY)	Sires	Schultz
Rogers (MI)	Skelton	Waters
Rohrabacher	Slaughter	Watson
Rooney	Smith (NE)	Watt
Ros-Lehtinen	Smith (NJ)	Waxman
Roskam	Smith (TX)	Weiner
Ross	Smith (WA)	Welch
Rothman (NJ)	Snyder	Westmoreland
Roybal-Allard	Souder	Wexler
Royce	Space	Whitfield
Ruppersberger	Speier	Wilson (OH)
Rush	Spratt	Wilson (SC)
Ryan (OH)	Stearns	Wittman
Ryan (WI)	Stupak	Wolf
Sablan	Sullivan	Woolsey
Salazar	Sutton	Wu
Sánchez, Linda	Tanner	Yarmuth
T.	Tauscher	Young (AK)
Sanchez, Loretta	Taylor	Young (FL)
Sarbanes	Teague	

NOES—2

Flake Lewis (CA)

NOT VOTING—12

Akin	Faleomavaega	Miller, Gary
Billray	Kaptur	Perriello
Cao	McMorris	Stark
Coffman (CO)	Rodgers	
Ehlers	Melancon	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1738

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, pursuant to House Resolution 190, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

Mr. LUCAS. Mr. Chair, I rise today in strong opposition to this legislation.

Many of my colleagues today have made excellent points about the real effect of this legislation. This legislation will most certainly not help those who it is designed to help. It will drive up the cost of loans, limit the number of loans that can be made, raise interest rates, and increase opportunities for abuse in the bankruptcy system.

I want to focus the House today on another important problem that has not been discussed: how the bankruptcy laws and the accounting rules and treatments combine to do potentially substantial and lasting damage to the financial system.

Under existing accounting rules, any bankruptcy loss may be considered an indication of impairment. The term that is used by accountants is "other than temporarily impaired", or "OTTI". I want to make sure that the House understands the consequences of this problem in the real world. Even if a company took a small bankruptcy loss on one of the residential mortgage-backed securities (RMBS) that it owns, the amount of loss that would be recognized in that company's income statement is a full writedown to deeply depressed market values, not just the amount deemed to be a bankruptcy. Any loss of principal, current or future, requires this treatment no matter what term is used to describe the loss. If a judge can adjust principal, then a significant detrimental impact to the company will automatically follow.

The House must clearly understand that the losses which would be recognized by financial institutions in this situation are far greater than the amount of the bankruptcy losses. Any RMBS holder will have to record these losses in the same manner, and so the threat of bankruptcy "cramdowns" casts a huge shadow across the entire financial services industry. For example, if a company owns five million dollars (\$5,000,000) in RMBS with a current market value of \$2,500,000, and there is a bankruptcy loss per the judge of fifty thousand dollars (\$50,000 economic loss) to the preferred RMBS tranche, the required financial statement loss under existing accounting rules would be two million five hundred thousand dollars (\$2,500,000). In this example, accounting rules require booking the financial statement loss at fifty times the actual economic loss.

This is a stark, but true, statement of the horrific impact that existing accounting rules are likely to have on the financial services industry in the event this legislation becomes law. It would only take a few of these kinds of losses to destroy the current year operating positions of any company and greatly impact its overall capital position.

This means that the cramdown legislation the House considers today carries with it a virus that threatens to consume significant parts of the financial services industry, particularly any company that is a significant holder of RMBS. The Majority either does not understand, or has chosen not to deal with, this significant and looming problem. Likewise, there is a lack of understanding about the major role that accounting rules and treatments play in it. I earnestly hope that our colleagues in the other body will address this issue squarely, and understand that cramdown without accounting reform and strict limitations on the

discretion of bankruptcy judges has the potential to create significant and unanticipated collateral damage to our financial system, as well as loss of credibility with financial services industry customers and widespread negative ratings from all rating agencies.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PRICE of Georgia. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PRICE of Georgia. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Price of Georgia moves to recommit the bill, H.R. 1106, to the Committee on the Judiciary and the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE III—LIMITATIONS ON USE OF FUNDS FOR PREVENTION AND MITIGATION OF MORTGAGE FORECLOSURES

SEC. 301. LIMITATIONS ON USE OF FUNDS FOR PREVENTION AND MITIGATION OF MORTGAGE FORECLOSURES.

(a) PROHIBITIONS ON USE OF TARP AND OTHER FORECLOSURE MITIGATION ASSISTANCE.—

(1) TARP FUNDS.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, no funds made available to the Secretary of the Treasury pursuant to section 115(a)(3) of such Act and used by the Secretary in any manner for the prevention or mitigation of foreclosures on mortgages on residential properties, may be used for any assistance or relief in violation of the prohibitions under paragraph (3).

(2) ASSISTANCE UNDER THIS ACT.—Notwithstanding any other provision of this Act or any amendment made by this Act, no relief or assistance may be provided under this Act, the amendments made by this Act, or any authority or program established or amended by this Act, in violation of the prohibitions under paragraph (3).

(3) PROHIBITIONS.—Relief or assistance in violation of the prohibitions under this paragraph is relief or assistance as follows:

(A) MISREPRESENTATION.—Relief or assistance to, for, or on behalf of any mortgagor who obtained the mortgage with respect to which the assistance or relief is provided by material misrepresentation, false pretenses, or actual fraud.

(B) FAILURE TO FOLLOW UNDERWRITING STANDARDS.—Relief or assistance to, for, or on behalf of any lender or mortgagee that failed to comply with underwriting standards for residential mortgages applicable to such lender or mortgagee.

(C) INCENTIVE PAYMENTS FOR BORROWERS OR SERVICERS.—Relief or assistance in the form of providing any payment, discount, reduction, or other thing of value to any mortgagor, mortgagee, or servicer of a mortgage as an incentive to engage or participate in

any activity or program for the prevention or mitigation of foreclosure on the mortgage, or other mortgage modification or workout, including any of the following incentive payments under the Homeowner Affordability and Stability Plan of the Secretary of the Treasury:

(i) The incentives under such Plan referred to as the "Pay for Success Incentives to Servicers", which provide servicers with an up-front fee of \$1,000 for each eligible modification meeting guidelines under the Plan and monthly payments in an amount up to \$1,000 each year for three years, as long as the borrower stays current on the mortgage.

(ii) The incentives under such Plan referred to as "Incentives to Help Borrowers Stay Current", which provide a monthly balance reduction payment that goes toward reducing the principal balance of the mortgage loan, in an amount of up to \$1,000 for each year for five years, as long as a borrower stays current on the mortgage.

(iii) The incentives under such Plan referred to as "Reaching Borrowers Early", which provide a payment of \$500 to servicers, and a payment of \$1,500 to mortgage holders, if they modify at-risk loans before the borrower falls behind.

(b) REQUIREMENT FOR SUBMISSION OF TARP FORECLOSURE MITIGATION PLAN TO CONGRESS.—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury pursuant to section 115(a)(3) of such Act may be used by the Secretary for the prevention or mitigation of foreclosures on mortgages on residential properties, unless—

(1) a comprehensive plan for the use of the funds has been submitted to the Congress by the Secretary and the 90-day period that begins upon such submission has expired; and

(2) the plan provides for equitable treatment of all mortgagors, and does not limit assistance only to mortgagors that are delinquent, or in danger of defaulting, on their mortgages.

Mr. PRICE of Georgia (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion to recommit be suspended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, at a time when the government is going to unprecedented lengths to stabilize the banking system, this legislation—the underlying legislation—is shortsighted, untimely, unfair, and counterproductive. While some might see cramdown as a quick fix, in reality, this legislation will have a costly impact on generations to come.

Ranking Member SMITH of the Judiciary Committee sent a thoughtful letter to the administration, raising concerns that this bill will lead to significant taxpayer liability for Federal mortgage guaranties by redistributing wealth from responsible taxpayers.

The letter that Ranking Member SMITH sent to the administration raised concerns about the underlying bill leading to significant taxpayer li-

ability for Federal mortgage guaranties by redistributing wealth from responsible taxpayers to irresponsible borrowers and lenders by the hoarding by banks of hundreds of billions of dollars in capital while undermining the efforts that had been undertaken by the government in September to stabilize the financial markets.

Finally, additional constriction in the home lending market: Markets are very stressed right now. The homeownership market is leading the way. There is more uncertainty than confidence. Many in America are having real financial problems, and we understand that. This bill only increases that uncertainty. If any Member truly desires fairness in the system of homeownership, then this motion to recommit will give them that assurance.

The underlying bill leaves the door open to reward irresponsible actors, and our motion to recommit ensures that that doesn't happen. It would prohibit taxpayer assistance to any borrowers who misrepresented or lied about their income on their mortgage applications. It would prohibit taxpayer assistance to any lender who failed to follow proper underwriting standards. It would prohibit taxpayer funds from being used as incentives to lenders to rework loans for irresponsible borrowers, in essence, bribes from the taxpayer to pay mortgages. It would prohibit taxpayer funds from being used unless the President submits a new plan that provides equitable treatment of all mortgages.

□ 1745

His current plan does not do that. Contrary to the words from President Obama, his plan rewards irresponsible behavior and continues a reckless course.

What we're asking for instead is a plan that's fair to everyone, a plan that provides equitable treatment for everyone. All homeowners are struggling right now, and this plan in the underlying bill rewards bad behavior.

The key aspects of the Obama administration's housing bailout proposal rewards irresponsible borrowers and lenders at the expense of the more than 90 percent of American families still making their mortgage payments on time. This is fundamentally unfair, and the American people know it.

Mr. Speaker, our motion to recommit will ensure that unscrupulous and irresponsible actors will not be bailed out by the overwhelming majority of working families that have lived responsibly and within their means.

I urge adoption of the motion to recommit.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise to oppose the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, before turning to this motion to recommit, I have a serious subject I want to address.

A number of Members have been concerned about the increased assessment that's hit community banks from the FDIC, in part because of failures to which they did not contribute. Today, the Chair of the FDIC, Sheila Bair, has written to our Senate counterparts to say that in effect, if we go ahead with the increase in FDIC borrowing authority—some of that is in this bill; it would be improved on in the Senate in ways that we agree with—but if she gets the increased borrowing authority, a process that begins in this bill, she will substantially reduce that assessment on the community banks.

So voting for this bill will be an important step towards reducing the assessment of the community banks.

I insert this letter into the RECORD at this point.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, March 5, 2009.

Hon. CHRISTOPHER J. DODD,
Chairman, Committee on Banking, Housing,
and Urban Affairs U.S. Senate, Wash-
ington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for the Depositor Protection Act of 2009, legislation to increase the Federal Deposit Insurance Corporation's borrowing authority with the Treasury Department if losses from failed financial institutions exceed the industry funded resources of the Deposit Insurance Fund (DIF).

As you know, the FDIC's borrowing authority was set in 1991 at \$30 billion and has not been raised since that date. Assets in the banking industry have tripled since 1991, from \$4.5 trillion to \$13.6 trillion. As I indicated in my previous letter of January 26, 2009, the FDIC believes it is prudent to adjust the statutory line of credit proportionately to leave no doubt that the FDIC can immediately access the necessary resources to resolve failing banks and provide timely protection to insured depositors.

The legislation would include important additional authority for the FDIC and would rationalize the FDIC's current borrowing authority. Under current law, the FDIC has the authority to borrow up to \$30 billion from Treasury to cover losses incurred in insuring deposits up to \$100,000. In addition, when Congress temporarily increased deposit insurance coverage to \$250,000, it temporarily lifted all limits on the FDIC's borrowing authority to implement the new deposit insurance obligation.

The bill would permanently increase the FDIC's authority to borrow from Treasury from \$30 billion to \$100 billion. In addition the bill also would temporarily authorize an increase in that borrowing authority above \$100 billion (but not to exceed \$500 billion) based on a process that would require the concurrence of the FDIC, the Federal Reserve Board, and the Treasury Department, in consultation with the President.

Because the existing borrowing authority for losses from bank failures provides a thin margin of error, it was necessary for the FDIC recently to impose increased assessments on the banking industry. These assessments will have a significant impact on insured financial institutions, particularly

during a financial crisis and recession when banks must be a critical source of credit to the economy.

The size of the special assessment reflected the FDIC's responsibility to maintain adequate resources to cover unforeseen losses. Increased borrowing authority, however, would give the FDIC flexibility to reduce the size of the recent special assessment, while still maintaining assessments at a level that supports the DIF with industry funding. While the industry would still pay assessments to the DIF to cover projected losses and rebuild the Fund over time, a lower special assessment would mitigate the impact on banks at a time when they need to serve their communities and revitalize the economy.

In conclusion, the Depositor Protection Act would leave no doubt that the FDIC will have the resources necessary to address future contingencies and seamlessly fulfill the government's commitment to protect insured depositors against loss. I strongly support this legislation and look forward to working with you to enact it into law.

Sincerely,

SHEILA C. BAIR.

Now, as to the motion to recommit, the gentleman from Georgia slightly under-described his amendment. Understatement is not his usual metier, but he alluded to it today. He said it would prevent, as I recall page 3, section C, help for any irresponsible borrower. No. It prevents mortgage assistance to any borrower, responsible or not, no matter what the cause. This proposal simply makes it impossible to carry out any mortgage relief.

One of the things that the President said was we would go to the servicers who now can get a payment for foreclosure. And we would say under this bill, we would authorize a payment if they did a modification instead of a foreclosure. This amendment says no, that can't happen.

We say here that we will work with the borrowers to reduce the amount that they are entitled to receive under the contract on the grounds that they would be better off avoiding foreclosure. It would have the Federal Government work with them in this. This would make it impossible.

The gentleman from Georgia kind of made clear his general position when he began by denouncing the part of this bill that deals with bankruptcy. Now, of course, this amendment, as he's offered it, doesn't deal with bankruptcy. That's why I'm here instead of my colleague from Michigan. But the purpose is clear. His view is that there should not be a Federal program to try to diminish mortgage foreclosures.

Here is the point. Diminution of mortgage foreclosures currently has a compassionate aspect. Not surprisingly, that has less appeal in some parts of this House than others. But there is also an enlightened self-interest to it. Irresponsible subprime mortgage lending and borrowing and underwriting and securitizing a whole lot of guilty parties was the biggest single cause of the financial crisis we are in.

The continued cascade of foreclosures and consequent deterioration of asset prices is the major reason why we have continued economic deterioration.

There is broad agreement that until we begin to stem the tide of foreclosures—we can't stop it all, and we're not trying to stop it all; not everybody who's being foreclosed upon can be helped or should be helped—but until we do a great deal to reduce this, you will not get an end to the current crisis.

So this is a direct shot. Now, I know I do not attribute this to the gentleman from Georgia, but there is, for instance, a noted commentator on public affairs, Mr. Limbaugh, who has a certain number of fans on that side—and if they aren't fans, they're afraid to say so. He has asked that the President fail. Well, the effect of this amendment would be giving Mr. Limbaugh his wish because if you cripple the effort to reduce mortgage foreclosure, you cripple the effort to get out of the economic slump we are in.

So I understand what some people would like to see happen. They do not want President Obama and a Democratic Congress to get any credit for helping to reduce our economic situation. I understand that, but they're taking a lot of innocent people hostage. They have a right to be very partisan and go after us. But don't do it at the expense of an awful lot of Americans who would lose their homes and of an economic situation that is deteriorating.

So I reiterate that defeating this motion and passing this bill will be an important step towards, among other things, reducing those FDIC assessments—and we have the word of Sheila Bair—and it will be a responsible way of trying to reduce mortgage foreclosure. It's to the benefit of the individual, to the benefit of the communities that are suffering from this, it's to the benefit of other homeowners whose property values have deteriorated by foreclosure; and at last, I must concede to my Republican friends, it might help the President in his effort to improve the economy. I apologize for that, but I hope you can put up with it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 182, noes 242, not voting 7, as follows:

[Roll No. 103]

AYES—182

Aderholt	Frelinghuysen	Moran (KS)
Akin	Gallegly	Murphy, Tim
Alexander	Garrett (NJ)	Myrick
Austria	Gerlach	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Olson
Barrett (SC)	Goodlatte	Paul
Barrow	Granger	Paulsen
Bartlett	Graves	Pence
Barton (TX)	Guthrie	Petri
Biggert	Hall (TX)	Pitts
Bluney	Harper	Platts
Bilirakis	Hastings (WA)	Poe (TX)
Bishop (UT)	Heller	Posey
Blackburn	Hensarling	Price (GA)
Blunt	Herger	Putnam
Boehner	Hoekstra	Radanovich
Bonner	Hunter	Rehberg
Bono Mack	Inglis	Reichert
Boozman	Issa	Roe (TN)
Boustany	Jenkins	Rogers (AL)
Brady (TX)	Johnson (IL)	Rogers (KY)
Bright	Johnson, Sam	Rogers (MI)
Brown (GA)	Jones	Rohrabacher
Brown (SC)	Jordan (OH)	Rooney
Brown-Waite,	King (IA)	Ros-Lehtinen
Ginny	King (NY)	Roskam
Buchanan	Kingston	Royce
Burgess	Kirk	Ryan (WI)
Burton (IN)	Kline (MN)	Scalise
Buyer	Lamborn	Schmidt
Calvert	Lance	Schock
Camp	Latham	Sensenbrenner
Campbell	LaTourette	Sessions
Cantor	Latta	Shadegg
Capito	Lee (NY)	Shimkus
Carter	Lewis (CA)	Shuster
Cassidy	Linder	Simpson
Castle	LoBiondo	Smith (NE)
Chaffetz	Lucas	Smith (NJ)
Childers	Luetkemeyer	Smith (TX)
Coble	Lummis	Souder
Cole	Lungren, Daniel	Stearns
Conaway	E.	Sullivan
Crenshaw	Mack	Teague
Culberson	Manzullo	Terry
Davis (KY)	Marchant	Thompson (PA)
Deal (GA)	Marshall	Thornberry
Dent	McCarthy (CA)	Tiahrt
Diaz-Balart, L.	McCaul	Tiberti
Diaz-Balart, M.	McClintock	Turner
Donnelly (IN)	McCotter	Upton
Dreier	McHenry	Walden
Duncan	McHugh	Wamp
Emerson	McIntyre	Westmoreland
Fallin	McKeon	Whitfield
Flake	McMorris	Wilson (SC)
Fleming	Rodgers	Wittman
Forbes	Mica	Wolf
Fortenberry	Miller (FL)	Young (AK)
Fox	Miller (MI)	Young (FL)
Franks (AZ)	Minnick	

NOES—242

Abercrombie	Brown, Corrine	Dahlkemper
Ackerman	Butterfield	Davis (AL)
Adler (NJ)	Capps	Davis (CA)
Altmire	Capuano	Davis (IL)
Andrews	Cardoza	Davis (TN)
Arcuri	Carnahan	DeFazio
Baca	Carney	DeGette
Baird	Carson (IN)	Delahunt
Baldwin	Castor (FL)	DeLauro
Bean	Chandler	Dicks
Becerra	Clarke	Dingell
Berkley	Clay	Doggett
Berman	Cleaver	Doyle
Berry	Clyburn	Driehaus
Bishop (GA)	Cohen	Edwards (MD)
Bishop (NY)	Connolly (VA)	Edwards (TX)
Blumenauer	Conyers	Ellison
Bocchieri	Cooper	Ellsworth
Boren	Costa	Engel
Boswell	Costello	Eshoo
Boucher	Courtney	Etheridge
Boyd	Crowley	Farr
Brady (PA)	Cuellar	Fattah
Braley (IA)	Cummings	Filner

Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslée
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kirkpatrick (MI)
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Shea-Porter
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skeltion
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—7

Cao
Coffman (CO)
Ehlers
Melancon
Miller, Gary
Perriello

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1808

Ms. HARMAN, Ms. LORETTA SANCHEZ of California and Mr. GUTIERREZ changed their vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 191, not voting 7, as follows:

[Roll No. 104]

YEAS—234

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Boswell
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslée
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Shea-Porter
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skeltion
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—191

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bishop (UT)

Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Chaffetz
Childers
Coble
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Dreier
Duncan
Edwards (TX)
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourrette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Massa
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Cao
Coffman (CO)
Ehlers
Melancon
Miller, Gary
Perriello

□ 1817

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 104, had I been present, I would have voted “yea.”

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 212

Whereas The Hill reported on February 10, 2009, that “a top defense-lobbying firm” that “specializes in obtaining earmarks in the defense budget for a long list of clients” was “recently raided by the FBI.”;

Whereas Roll Call reported on February 11, 2009, that “the defense-appropriations-focused lobbying shop” had in recent years “spread million of dollars of campaign contributions to lawmakers.”;

Whereas Politico reported on February 13, 2009, that “federal investigators are asking about thousands of dollars in campaign contributions to lawmakers as part of an effort to determine whether they were illegal ‘straw man’ donations.”;

Whereas Roll Call reported on February 20, 2009, that they have “located tens of thousands of dollars worth of [the raided firm]-linked donations that are improperly reported in the FEC database.”;

Whereas Roll Call also reported that “tracking Federal Election Commission records of campaign donations attributed to [the firm] is a comedy of errors, misinformation and mysteries, providing more questions than answers about how much money the lobbying firm actually raised for Congressional campaigns.”;

Whereas CQ Today reported on February 19, 2009, that “104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills,” and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas The Hill reported on February 10, 2009, that in 2008 clients of this firm had “received \$299 million worth of earmarks, according to Taxpayers for Common Sense.”;

Whereas The Hill reported on February 23, 2009, that “clients of a defense lobby shop under investigation are continuing to score earmarks from their patrons in Congress, despite the firm being on the verge of shutting its doors permanently” and that several of the firm’s clients “are slated to receive earmarks worth at least \$8 million in the omnibus spending bill funding the federal government through the rest of fiscal 2009 . . .”;

Whereas the Washington Post reported on June 13, 2008, in a story describing increased earmark spending in the House version of the fiscal year 2009 defense authorization bill that “many of the earmarks serve as no-bid contracts for the recipients.”;

Whereas the Associated Press reported on February 25, 2009, that “the Justice Department’s fraud section is overseeing an investigation into whether [the firm] reimbursed some employees for campaign contributions to members of Congress who requested the projects.”;

Whereas Politico reported on February 12, 2009, that “several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.”;

Whereas the reportedly fraudulent nature of campaign contributions originating from the raided firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of the institution; and

Whereas the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards of Official Conduct from taking investigative steps: Now, therefore, be it

Resolved, That (a) the Committee on Standards of Official Conduct, or an investigative subcommittee of the committee established jointly by the chair and ranking minority member shall immediately begin an investigation into the relationship between earmark requests on behalf of clients of the

raided firm already made by Members and the source and timing of past campaign contributions related to such requests.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CLYBURN. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FLAKE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the motion to suspend the rules on House Resolution 153, if ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 181, answered “present” 14, not voting 14, as follows:

[Roll No. 105]

AYES—222

Abercrombie	DeLauro	Kilroy
Adler (NJ)	Dicks	Klein (FL)
Altmire	Dingell	Kratovil
Andrews	Doggett	Kucinich
Arcuri	Doyle	Langevin
Baca	Driehaus	Larsen (WA)
Baird	Edwards (MD)	Larson (CT)
Baldwin	Edwards (TX)	Lee (CA)
Barrow	Ellison	Levin
Becerra	Engel	Lewis (GA)
Berkley	Eshoo	Lipinski
Berman	Etheridge	Lowey
Berry	Farr	Lujan
Bishop (GA)	Fattah	Lynch
Bishop (NY)	Filner	Maffei
Blumenauer	Frank (MA)	Maloney
Boren	Fudge	Markey (CO)
Bowell	Gonzalez	Markey (MA)
Boucher	Gordon (TN)	Marshall
Boyd	Grayson	Massa
Brady (PA)	Green, Al	Matheson
Braley (IA)	Green, Gene	Matsui
Brown, Corrine	Griffith	McCarthy (NY)
Capps	Grijalva	McCollum
Capuano	Gutierrez	McDermott
Cardoza	Hare	McGovern
Carnahan	Harman	McIntyre
Carney	Hastings (FL)	McMahon
Carson (IN)	Heinrich	Meek (FL)
Childers	Herseth Sandlin	Meeks (NY)
Clarke	Higgins	Michaud
Clay	Hill	Miller (NC)
Cleaver	Hinchee	Miller, George
Clyburn	Hinojosa	Mollohan
Cohen	Hirono	Moore (KS)
Connolly (VA)	Holden	Moore (WI)
Conyers	Holt	Murphy (CT)
Cooper	Honda	Murphy, Patrick
Costa	Hoyer	Murphy, Tim
Costello	Inslee	Murtha
Courtney	Israel	Nadler (NY)
Crowley	Jackson (IL)	Napolitano
Cuellar	Jackson-Lee	Neal (MA)
Cummings	(TX)	Nye
Dahlkemper	Johnson (GA)	Oberstar
Davis (CA)	Johnson, E. B.	Obey
Davis (IL)	Jones	Olver
Davis (TN)	Kagen	Ortiz
DeFazio	Kaptur	Pallone
DeGette	Kildee	Pascarella
Delahunt	Kilpatrick (MI)	Pastor (AZ)

Payne	Sarbanes	Tauscher
Perlmutter	Schakowsky	Taylor
Peters	Schauer	Thompson (CA)
Peterson	Schiff	Thompson (MS)
Pingree (ME)	Schrader	Tierney
Polis (CO)	Schwartz	Titus
Pomeroy	Scott (GA)	Tonko
Price (NC)	Scott (VA)	Towns
Rahall	Serrano	Tsongas
Rangel	Sestak	Van Hollen
Reyes	Shea-Porter	Velázquez
Richardson	Sherman	Wasserman
Rodriguez	Shuler	Schultz
Rohrabacher	Sires	Waters
Ross	Skelton	Watson
Rothman (NJ)	Slaughter	Watt
Roybal-Allard	Smith (WA)	Waxman
Ruppersberger	Snyder	Weiner
Rush	Space	Wexler
Ryan (OH)	Speier	Wilson (OH)
Salazar	Spratt	Woolsey
Sánchez, Linda	Stupak	Wu
T.	Sutton	Yarmuth
Sanchez, Loretta	Tanner	Young (AK)

NOES—181

Aderholt	Gerlach	Minnick
Akin	Giffords	Mitchell
Alexander	Gingrey (GA)	Moran (KS)
Austria	Gohmert	Neugebauer
Bachmann	Goodlatte	Nunes
Bachus	Granger	Olson
Bartlett	Graves	Paul
Barton (TX)	Guthrie	Paulsen
Bean	Hall (TX)	Pence
Biggart	Halvorson	Petri
Bilbray	Harper	Pitts
Bilirakis	Heller	Platts
Bishop (UT)	Hensarling	Poe (TX)
Blackburn	Herger	Posey
Blunt	Himes	Price (GA)
Bocchieri	Hodes	Putnam
Boehner	Hoekstra	Radanovich
Bono Mack	Hunter	Rehberg
Boozman	Inglis	Reichert
Boustany	Issa	Roe (TN)
Brady (TX)	Jenkins	Rogers (AL)
Bright	Johnson (IL)	Rogers (KY)
Broun (GA)	Johnson, Sam	Rogers (MI)
Brown (SC)	Jordan (OH)	Rooney
Brown-Waite,	Kind	Ros-Lehtinen
Ginny	King (IA)	Roskam
Buchanan	King (NY)	Royce
Burgess	Kingston	Ryan (WI)
Burton (IN)	Kirk	Scalise
Buyer	Kirkpatrick (AZ)	Schmidt
Camp	Kissell	Schock
Campbell	Kosmas	Sensenbrenner
Cantor	Lamborn	Sessions
Capito	Lance	Shadegg
Carter	LaTourette	Shimkus
Cassidy	Latta	Shuster
Castle	Lee (NY)	Simpson
Chaffetz	Lewis (CA)	Smith (NE)
Coble	Linder	Smith (NJ)
Cole	LoBiondo	Smith (TX)
Crenshaw	Loebach	Souder
Culberson	Lucas	Stearns
Davis (KY)	Luetkemeyer	Sullivan
Deal (GA)	Lummis	Teague
Diaz-Balart, L.	Lungren, Daniel	Terry
Diaz-Balart, M.	E.	Thompson (PA)
Donnelly (IN)	Mack	Thornberry
Dreier	Manzullo	Tiahrt
Duncan	Marchant	Turner
Ellsworth	McCarthy (CA)	Upton
Emerson	McCaul	Visclosky
Fallin	McClintock	Walz
Flake	McCotter	Wamp
Fleming	McHenry	Westmoreland
Forbes	McHugh	Whitfield
Fortenberry	McKeon	Wilson (SC)
Foster	McMorris	Wittman
Fox	Rodgers	Wolf
Franks (AZ)	McNerney	Young (FL)
Frelinghuysen	Mica	
Gallegly	Miller (FL)	
Garrett (NJ)	Miller (MI)	

ANSWERED “PRESENT”—14

Barrett (SC)	Conaway	Lofgren, Zoe
Bonner	Dent	Myrick
Butterfield	Hastings (WA)	Walden
Castor (FL)	Kline (MN)	Welch
Chandler	Latham	

NOT VOTING—14

Ackerman	Ehlers	Miller, Gary
Calvert	Hall (NY)	Moran (VA)
Cao	Kanjorski	Perriello
Coffman (CO)	Kennedy	Stark
Davis (AL)	Melancon	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in this vote.

□ 1840

Messrs. MITCHELL, McNERNEY, and KISSELL changed their vote from "aye" to "no."

Mr. WELCH changed his vote from "aye" to "present."

Mr. LATHAM changed his vote from "no" to "present."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, ladies and gentlemen of the House, as you know, the continuing resolution expires at midnight tomorrow. As you also know, the other body is still in the process of considering the omnibus appropriation that we sent to them some days ago.

They are currently in the process of voting on five amendments. That will take probably another half hour. At the conclusion of that, they will be discussing whether or not they can get to two more votes to conclude their consideration of the omnibus appropriation.

There have been no amendments adopted in the Senate to the omnibus appropriation. As a result, if there are no amendments adopted and the Senate can come to a vote sometime this evening and that is assured, then it will not be necessary for us to return tomorrow. But I cannot tell you at this point in time. I'm hopeful that by 8:30 I will be able to give you a pretty definitive word on whether or not we will need to be here tomorrow.

So I wanted to bring you up to date. We will try to have it, as I say, by 8:30. If we get it earlier, we will give you that notice earlier. But I'm hopeful that by 8:30 we will be able to inform you.

We have one more vote now; but, again, if they proceed, as has been the case, and they can get an agreement on voting tonight, then it would not be necessary for us to be here tomorrow. If not, obviously we will have to be here tomorrow to assure that we do not shut down the government.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA ON ITS 2009 ROSE BOWL VICTORY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 153.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. POLIS) that the House suspend the rules and agree to the resolution, H. Res. 153.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 15, answered "present" 4, not voting 50, as follows:

[Roll No. 106]

AYES—362

Abercrombie	Cardoza	Fattah	Johnson (GA)	Meeks (NY)	Sarbanes
Aderholt	Carnahan	Filmer	Johnson (IL)	Mica	Scalise
Adler (NJ)	Carson (IN)	Flake	Johnson, E. B.	Michaud	Schauer
Akin	Carter	Fleming	Johnson, Sam	Miller (FL)	Schiff
Andrews	Castle	Forbes	Jones	Miller (MI)	Schmidt
Arcuri	Castor (FL)	Fortenberry	Jordan (OH)	Miller (NC)	Schock
Austria	Chaffetz	Foster	Kaptur	Miller, George	Schrader
Baca	Chandler	Fox	Kennedy	Minnick	Schwartz
Bachmann	Childers	Frank (MA)	Kildee	Mitchell	Scott (GA)
Bachus	Clarke	Franks (AZ)	Kilpatrick (MI)	Mollohan	Scott (VA)
Baldwin	Clay	Frelinghuysen	Kilroy	Moore (KS)	Serrano
Barrow	Cleaver	Fudge	King (IA)	Moore (WI)	Sessions
Bartlett	Clyburn	Garrett (NJ)	Kingston	Moran (KS)	Sestak
Barton (TX)	Coble	Gerlach	Kirk	Murphy (CT)	Shadegg
Bean	Cohen	Giffords	Kirkpatrick (AZ)	Murphy, Tim	Shea-Porter
Becerra	Cole	Gingrey (GA)	Kissell	Murtha	Sherman
Berkley	Conaway	Gonzalez	Klein (FL)	Myrick	Shimkus
Berman	Connolly (VA)	Goodlatte	Kline (MN)	Nadler (NY)	Shuster
Biggert	Cooper	Gordon (TN)	Kosmas	Napolitano	Simpson
Bilbray	Costa	Granger	Kratovil	Neal (MA)	Sires
Bilirakis	Costello	Graves	Kucinich	Neugebauer	Skelton
Bishop (GA)	Courtney	Grayson	Lamborn	Nunes	Smith (NE)
Bishop (NY)	Crenshaw	Green, Al	Lance	Nye	Smith (NJ)
Bishop (UT)	Crowley	Griffith	Langevin	Oberstar	Smith (TX)
Blackburn	Cuellar	Guthrie	Larson (CT)	Olson	Smith (WA)
Blumenauer	Culberson	Hall (TX)	Latham	Oliver	Snyder
Blunt	Cummings	Halvorson	LaTourette	Ortiz	Space
Bonner	Davis (IL)	Harper	Latta	Pallone	Speier
Bono Mack	Davis (KY)	Hastings (WA)	Lee (CA)	Pastor (AZ)	Spratt
Boozman	Davis (TN)	Heinrich	Lee (NY)	Paul	Stearns
Boren	Deal (GA)	Heller	Levin	Paulsen	Stupak
Boswell	DeFazio	Hensarling	Lewis (CA)	Payne	Sutton
Boucher	Delahunt	Herger	Lewis (GA)	Pence	Tanner
Boustany	DeLauro	Hereth Sandlin	Lipinski	Perlmuter	Tauscher
Boyd	Dent	Higgins	LoBiondo	Peters	Taylor
Brady (PA)	Diaz-Balart, L.	Hill	Loebuck	Peterson	Teague
Brady (TX)	Diaz-Balart, M.	Himes	Lowey	Petri	Thompson (CA)
Braley (IA)	Dingell	Hinojosa	Lucas	Pingree (ME)	Thompson (MS)
Bright	Doggett	Hirono	Luetkemeyer	Pitts	Thompson (PA)
Brown (GA)	Dreier	Hodes	Lujan	Platts	Thornberry
Brown (SC)	Driehaus	Hoekstra	Lummis	Poe (TX)	Tiahrt
Brown, Corrine	Duncan	Holt	Lungren, Daniel	Polis (CO)	Tiberi
Buchanan	Edwards (MD)	Honda	E.	Pomeroy	Tierney
Burton (IN)	Ellison	Issa	Lynch	Posey	Titus
Butterfield	Ellsworth	Jackson (IL)	Mack	Price (GA)	Tonko
Camp	Emerson	Jenkins	Maffei	Radanovich	Towns
Campbell	Engel		Maloney	Rangel	Tsongas
Cantor	Eshoo		Manzullo	Rehberg	Upton
Capito	Etheridge		Marchant	Reichert	Van Hollen
Capps	Fallin		Markey (CO)	Reyes	Velázquez
Capuano	Farr		Markey (MA)	Richardson	Visclosky
			Marshall	Rodriguez	Walden
			Massa	Roe (TX)	Walz
			Matheson	Rogers (AL)	Wamp
			Matsui	Rogers (KY)	Wasserman
			McCarthy (CA)	Rogers (MI)	Schultz
			McCaul	Rohrabacher	Waters
			McClintock	Rooney	Watson
			McCollum	Ros-Lehtinen	Watt
			McCotter	Roskam	Waxman
			McDermott	Ross	Weiner
			McGovern	Rothman (NJ)	Welch
			McHenry	Roybal-Allard	Westmoreland
			McHugh	Royce	Wexler
			McIntyre	Ruppersberger	Wilson (OH)
			McKeon	Rush	Wilson (SC)
			McMahon	Ryan (OH)	Wittman
			McMorris	Salazar	Wolf
			Rodgers	Sánchez, Linda	Woolsey
			McNerney	T.	Young (AK)
			Meek (FL)	Sanchez, Loretta	Young (FL)

NOES—15

Altmire	Doyle	Rahall
Berry	Kagen	Ryan (WI)
Boccieri	Kanjorski	Sensenbrenner
Carney	King (NY)	Souder
Dahlkemper	Murphy, Patrick	Terry

ANSWERED "PRESENT"—4

Baird	Donnelly (IN)
Cassidy	Hare

NOT VOTING—50

Ackerman	Conyers	Gutierrez
Alexander	Davis (AL)	Hall (NY)
Barrett (SC)	Davis (CA)	Harman
Boehner	DeGette	Hastings (FL)
Brown-Waite,	Dicks	Hinchee
Ginny	Edwards (TX)	Holden
Burgess	Ehlers	Jackson-Lee
Buyer	Gallegly	(TX)
Calvert	Gohmert	Kind
Cao	Green, Gene	Larsen (WA)
Coffman (CO)	Grijalva	Linder

Lofgren, Zoe	Perriello	Sullivan
McCarthy (NY)	Price (NC)	Turner
Melancon	Putnam	Whitfield
Miller, Gary	Schakowsky	Wu
Moran (VA)	Shuler	Yarmuth
Obey	Slaughter	
Pascarell	Stark	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1851

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business.

On Tuesday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, no votes are expected.

We will consider several bills under suspension of the rules. A complete list of suspensions will be announced by the close of business tomorrow, as is usual.

In addition, we will consider H.R. 1262, the Water Quality Investment Act of 2009. We also possibly will consider H.R. 157, the District of Columbia House Voting Rights Act of 2009.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would ask the gentleman regarding the schedule going forward if he could tell the House what the timing would be on bringing the so-called card-check bill to the floor.

Mr. HOYER. With respect to the card-check bill, as the gentleman knows, we have already passed that bill with a very handy vote. We believe that that is an appropriate bill to be passed and are supportive of it. However, we have passed that bill. The Senate has indicated that they are going to consider that bill, and my expectation is that they will be doing so in the relatively near future and we will see what action they take.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would say to the gentleman that we have in this House passed in prior Congresses that bill. As the gentleman knows, there are plenty of new Members here that have not had

a chance to vote on that bill. So if I hear the gentleman correctly, we will await Senate action prior to any House action.

Mr. HOYER. I want to make it clear, if the gentleman will yield, that it is our intention to move this bill, but we are expecting the Senate to move and we will see what they have done and we will take that up in good time.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I would also like to ask the gentleman for the anticipated timing on the public lands bill and when the gentleman thinks that he will bring that to the floor.

Mr. HOYER. As you know, there is a lot of interest on both sides of the aisle on this bill and very significant interest in the Senate to see this bill completed and sent to the President. We will continue to work together with the Republican leadership and the Senate leadership to get this bill to the President's desk as soon as possible. I have discussed this, as you know, with you and the leader, so we are hoping to bring this forward soon, possibly next week.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, I would also point out to the gentleman from Maryland, there has been a lot of discussion lately, certainly on the part of the White House, the President, about his plans for making sure of the security of our troops in Iraq and his announcement of the withdrawal timeline. I know that the Speaker has also spoken out on this issue, seeming to have somewhat of a different position than the White House on this. I know the gentleman himself, I believe, has said that he is in agreement with the President. We support the President, Mr. Speaker, in his decision to listen to the commanders on the ground.

I would note that in Congresses past we certainly have had a number of resolutions based on a timeline for withdrawal of our troops, and would ask the gentleman, is he anticipating any type of resolution of disapproval of the President's announcement?

Mr. HOYER. If the gentleman will yield, as you have stated, the President announced a plan last Friday at a meeting in the White House and then announced it publicly down at Camp Lejeune. It calls for withdrawal of our troops, to be out of Iraq in terms of a military role within 18 months. This is, I think personally, a responsible plan.

The gentleman asked me whether or not I think there will be a resolution of disapproval. I don't think there will be a resolution of disapproval. Clearly, as the gentleman well knows, there will be an authorizing bill that will come forward later this spring, there will be an appropriations bill appropriating money for the Defense Department, and obviously those two opportunities will present themselves to Members who may want to express themselves on this issue.

But as to the gentleman's question, do I expect a resolution of disapproval, I do not.

Mr. CANTOR. I thank the gentleman on that.

Mr. Speaker, I would ask the gentleman just in the context of the budget discussion that is ongoing obviously here on Capitol Hill in Congress and at the White House, there are some unanswered questions as far as the Republican Conference is concerned as to the direction of this budget that the leader sees coming through the House.

Obviously there have been some discussions about charitable giving that the gentleman himself has raised concerns regarding and that I have extraordinary concerns about taking away incentives to help support our charities in such a tough economic period, and was wondering if the gentleman could comment on whether he felt that the House budget that he will bring to the floor would reflect our concern that perhaps we shouldn't be throttling back on people's giving to charities.

Mr. HOYER. If the gentleman will yield, I thank the gentleman for his question and I understand his concern. As he says, I have expressed a concern with respect to that issue. However, having said that, I am not going to anticipate at this point in time what the Budget Committee is going to do. Clearly the Budget Committee is having hearings and the Budget Committee will be, some weeks from now, marking up a budget and bringing it to the floor.

As you know, we are very committed on this side of the aisle to PAYGO, paying our bills and trying to reduce our deficit. Clearly we have added very substantially to the deficit because of the economic crisis that confronts us, but we still feel a great responsibility to move ahead on making sure that we move towards reducing that deficit in the long term.

Clearly the President has proposed from our perspective one of the most honest budgets that we have received in the sense that it includes costs of the war, it includes costs for adjusting the alternative minimum tax, it includes the costs within its budget contemplation of fixing the doctors payments for Medicare. So in all those ways and more, this budget sets forth a responsible alternative for us to pursue. In addition, as the gentleman knows, it provides for the continuation of a tax cut for 95 percent of American families and individuals. So we think those are all very important proposals. We know that the Budget Committee will be considering that.

As the gentleman knows, both your side of the aisle and my side of the aisle will be discussing and debating that and we will be adopting a budget. I do not want to at this point in time anticipate each and every item that

they may or may not include in that budget, however.

Mr. CANTOR. I thank the gentleman for that answer and just would like to underscore our concern that as he knows and we have discussed as late as today at the President's summit on health care at the White House, these are extraordinary times. We have tough choices to make.

□ 1900

Families are out there struggling to make ends meet. And the President has continued to say that we will provide tax relief for working Americans. We will provide tax relief to 95 percent of the American people.

The trouble, Mr. Speaker, that we're having is when we hear members of the President's administration talk about the President's desire to see cap-and-trade legislation pass through this House, and the admission on the part of officials in the administration that that legislation would produce \$1,300 worth of additional tax to every household in this country, if we do the math, with the Make Work Pay Program, and even if one was able to get the maximum relief under that program, that's an \$800 relief for a household. You do the math, we still are at a point where you have a \$500 deficit in each household, if every one of those were to be able to receive the maximum relief.

So I would ask the gentleman, as far as the overall sense of the budget that he will bring to the floor, are we really going to deliver on this tax relief? Or are we going to try and address this cap-and-trade program, which has now been admitted to be an extra tax that will outweigh any tax relief under the Make Work Pay Program?

I yield.

Mr. HOYER. I thank the gentleman for his question.

Let me first observe that, quite obviously, we are going to provide for tax relief, as the President said in his campaign, as he's reiterated in his speech to the joint session, tax relief for 95 percent of taxpayers. We have every intention of pursuing that.

We also have every intention of having a fiscally responsible budget. We also, as the President also indicated in his speech to the joint session, will pursue vigorously energy independence and the issue of global warming.

The gentleman speaks of one of the alternatives, an alternative proposed by the President to deal with that issue in terms of cap-and-trade. The Energy and Commerce Committee will be considering that, as the gentleman knows, and I'm not going to anticipate their specific action. But I am going to say that we are committed on this side of the aisle, as I hope your side of the aisle will be as well, to very, very substantially reducing the carbon footprint that we are making in this country, and indeed, that's being made

around the world, which we believe that science is pretty clear on this. And very frankly, the previous administration, which did not express that view early in its tenure, during its last year, changed somewhat its view. In any event, we want to deal with that.

And the gentleman has mentioned an alternative the President has proposed. It's an alternative supported by a large number of people, and that is before the committee. And we'll see what the committee does with it.

Mr. CANTOR. Mr. Speaker, I thank the gentleman again, and would say that, again, our priority must be on, as he has said in the past as well, must be on this economy. It must be on maintaining, protecting and creating jobs. And we believe, as the gentleman knows, on this side of the aisle, that the way to do that is to focus on small businesses, to ensure that we're not adding burdens to the real job generators, which are our small businesses.

So if we're talking about bringing this budget forward and talking about PAYGO, as the gentleman has referred to, I know last year we passed the stimulus bill, and the gentleman indicated that we waived PAYGO back then for tax relief. I know that Members on our side of the aisle would certainly be supportive of any bit of relief we could give to those small businesses.

But, Mr. Speaker, I'd ask the gentleman again, in the context of where we're operating now, and the fact that the Dow Jones dropped another 280 points today, and the fact we've not gotten from the White House and the administration a plan for the bank fix. We don't know the direction that the TARP funding is going. We have a sense from some of the statements made in the Budget Committee and others this last several days, that the TARP money has been all committed. And if so, is there any indication, do we know how much more money will be impacting this budget?

Because, Mr. Speaker, I'd ask the gentleman how he expects this House to produce an honest budget if we do not know the plans of this administration, which will occur, I'm sure, imminently in their request for more assistance and more money towards the banking problem.

And I yield.

Mr. HOYER. I thank the gentleman for his question. Of course, at the center of that question is the crisis that we confront in the economy. As the gentleman knows, he talked about, in a bipartisan way, supporting the President's policy on Iraq. As the gentleman knows, in a bipartisan way, we supported the Bush administration's request, both in January of 2008, in September of 2008, and again in December of 2008, when the President made a request for the second tranche of the TARP. I think every Member of this

Congress believes that the first tranche did not work as well as we had hoped it would work.

We also, in these past 2 weeks, have passed extraordinarily quickly and robustly, consistent with the advice of the last administration and this administration, an attempt to do what the gentleman says we want to do, create jobs.

The gentleman also knows that we passed a recovery and reinvestment bill that had over \$250 billion of tax relief, some for individuals and some for small businesses, some for businesses generally. About 35 percent of that bill was tax relief for our citizens. The other percentage of that bill was for investment, was for dealing with those who have been put at deepest risk by the economic crisis, in terms of losing jobs, in terms of not being able to feed their families and not having health care available to them.

So I say to my friend that, as we move forward on the budget, and as we look to the administration for the clarification that the gentleman seeks, appropriately, in my opinion, and in our opinion, a more specific outline of how the administration's going to proceed, we will have that in consideration when we produce a budget. And as I say, we intend to produce a responsible budget that looks towards deficit reduction. That obviously won't be until some time from now. We've got to turn this economy around, start creating jobs which, hopefully, will have the effect of the stock market going up, not down, which is to the interest of all of us.

Mr. CANTOR. Mr. Speaker, I thank the gentleman. I yield back my time.

VOTING RIGHTS FOR THE DISTRICT OF COLUMBIA

(Mr. TONKO asked and was given permission to address the House for 1 minute.)

Mr. TONKO. Two and a third centuries ago, before our United States Capitol had even been imagined, the Founders were asking a question we hear in the District of Columbia to this day, and that is, how can we cut out a city from its home State and put it under the direct rule of Congress without violating the principles that the Revolutionary War fought to secure?

James Madison argued that there was only one way around that hypocrisy, "to provide for the rights and the consent of the citizens inhabiting it." And further, its people "will have had their voice in the election of the government which is to exercise authority over them."

That was the intent of our Founders. Those were the conditions for this District to exist, but they have not been upheld. 233 years later, of all the world's democracies, there is only one national capital without full voting

rights. Washington, D.C., this city full of monuments to democracy, holds that distinction. At last, that's on the verge of changing.

Soon this House will vote on a bill to give the District of Columbia a voting Member of the House of Representatives. I urge my colleagues in this Chamber to finally give the people of Washington, D.C. a vote in this great body.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KRATOVL). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STAFF-LED TOURS OF THE CAPITOL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to express my deep concern about the difficulties Member offices are experiencing offering staff-led tours of the Capitol.

As Chair of the Legislative Branch Appropriations Subcommittee, I am fully committed to making sure Member offices can continue providing this important service to their constituents.

The Capitol is not a museum. It is a living, breathing institution at the core of our representative democracy. Staff-led tours give our constituents a chance to experience the work that goes on here on a personalized level.

When there was talk last year about eliminating staff-led tours, we made clear at our oversight hearings that preserving those tours should be one of the highest priorities for the Capitol Visitor Center. Reflecting that priority, we included a provision in last year's Legislative Branch Appropriations bill prohibiting the elimination of staff-led tours.

However, preserving the existence of the tours and putting a button on the CVC Web site is simply not enough. We also need to make sure that the system in place doesn't diminish Member offices' ability to offer staff-led tours. Mr. BRADY and I intend to work aggressively over the next few weeks to ensure that improvements to the system arrive before the peak visitor season hits.

Staff who give tours should receive training, but we need to make sure that the time requirements make sense, that the training is consistent and effective, and that classes are offered frequently enough to meet Member office needs. We also need to make sure that we don't homogenize the Capitol tour and turn this beautiful institution into a museum.

Staff-led tours offer something that guide-led tours cannot, a personalized experience that incorporates items of State and local interest. We need to make sure that we don't take that personal touch out of the tour process.

We also need to make sure that Member offices are given clear information about how to accommodate their constituents if the on-line reservation system shows all the slots for a given day are taken.

The CVC Web site and reservation system also could stand improvement, particularly standardizing the on-line process for booking staff-led tours so that you don't have to hunt and peck to figure out how to book one.

I look forward to working with Mr. BRADY and the authorizing committees on these issues so we can make the existing system more user-friendly, without compromising security or overloading the Capitol building.

And I encourage and ask all Members if they have suggestions to please offer them to us.

□ 1915

DEFENDERS OF THE ALAMO THAT DIED MARCH 6, 1836 BY MARY ANN NOONON GUERRA—HISTORIAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, 163 years ago this night, on March the 5th, 1836, would be the last night for a group of individuals who came from all over the United States. They were from most of the States. They were from numerous foreign countries. They were odd sorts of individuals. They were frontiersmen, landowners, lawyers, unemployed. They were of all races—black, white and brown—but they were all volunteers, and most of them knew that this would be their last night after spending 12 days defending an old, beat-up Spanish fort that had already been over 100 years old. It was now a mission but also a fortress, what we call the Alamo.

You see, this odd bunch of individuals ended up there because all of them had ended up and had come to Texas from different parts of the country—from Mexico, from Europe—to seek a new life.

Backing up in history a little bit, the country of Spain had claimed most of Central America and Mexico, which included Texas at the time. Mexico decided to revolt against Spain. That revolution was successful, and in 1824, the country of Mexico adopted a constitution drafted very similarly to ours, which gave civil liberties to all people in Mexico, which included Texas.

But Mexico had a problem with a dictator. His name was Santa Anna, and

when he became dictator of Mexico, he abolished the Constitution of 1824. He eliminated civil rights. He abolished the right to be tried by a jury, and he imposed dictator powers on Mexico. That offended people who lived in what is now Texas. It offended people of all races. So, in 1835, a revolution started in Texas.

Then on March the 6th, 1836, which would be tomorrow morning, 13 days after defending the Alamo, these individuals were sieged by a force of military Mexican soldiers several times the size of the 187 defenders. Most of them knew that that would be their last night on Earth and that tomorrow they would see their fate because they were outnumbered.

You have heard all of their names throughout history. Probably the most famous are a Tennessee Congressman by the name of Davy Crockett and Jim Bowie, famous from Louisiana, but there were others—Juan Sequin from Mexico, who was a scout, or William Barret Travis, the commander of the Alamo. Jim Bonham was a scout who was also a boyhood friend of William Barret Travis. In all, there were 187. William Barret Travis was a 27-year-old lawyer from South Carolina, then Alabama, and then he came to what is now Texas.

All of these individuals called themselves, not Texans, but Texians. Even Hispanic defenders of the Alamo referred to themselves as Tehanos, or Texians.

No one came to the help of the individuals who were at the Alamo, even though Travis had sent out numerous requests for aid, except for 32 men from the small town of Gonzales. They marched their way into the Alamo walls, and when they arrived, Travis made the comment, "These men came to die."

We all have heard about his famous letter that he has written, that is now in history, about how he had asked for aid and about how he was determined to sustain himself for as long as possible, which he did.

Some historians say and tradition says that, before the last day took place on March the 5th, in the evening, William Barret Travis drew a line in the sand with his sword, and he told those individuals who wanted to fight, and yet die for the Republic of Texas, to cross the line.

Historians say the first person to cross the line was a 26-year-old kid from Ohio. All walked over except an individual by the name of Moses Rose. Moses Rose was an individual from France, and he decided not to stay at the Alamo, and left over the Alamo wall. He later became one of the biggest sources for what took place at the Alamo.

That next morning, Santa Anna assaulted the troops, assaulted the fort, and after several hours of fighting, the

fort was taken. What few defenders were captured after they surrendered were summarily executed, and the bodies were burned. William Barret Travis made the comment that victory would be more costly to the enemy than defeat. He was right. Ten times the number of Santa Anna's military and army were defeated and killed at that battle.

Mr. Speaker, it's important that we remember the men of the Alamo who fought for victory in the Republic of Texas. It's important that we always remember anybody anywhere in the world who fights for liberty, and we honor those people tonight.

And that's just the way it is.

DEFENDERS OF THE ALAMO THAT DIED MARCH 6, 1836, BY MARY ANN NOONON GUERRA, HISTORIAN

Abamillo, Juan, San Antonio (Mexico); Allen, Robert, Virginia; Andross, Miles DeForest, 21, Vermont; Autry, Micajah, 42, North Carolina; Badillo, Juan Antonio, San Antonio (Mexico); Bailey, Peter James III, Kentucky; Baker, Isaac G., 22, Arkansas; Baker, William Charles M., Missouri; Ballentine, John J., Pennsylvania; Ballentine, Richard W., 22, Scotland; Baugh, John J., 33, Virginia; Bayliss, Joseph, 28, Tennessee; Blair, John, Tennessee; Blair, Samuel C., 33, Tennessee; Blazeby, William, 41, England; Bonham, James Butler, 29, South Carolina; Bourne, Daniel, 26, England; Bowie, James, 40, Kentucky; Bowman, Jesse B., 51, Tennessee; Brown, George, 35, England; Brown, James Murry, 36, Pennsylvania; Brown, Robert, 18, Unknown; Buchanan, James, 23, Alabama; Burns, Samuel E., 26, Ireland; Butler, George D., 23, Missouri; Cain (Cane), John, 34, Pennsylvania; Campbell, James (Robert), 26, Tennessee; Carey, William R., 30, Virginia; Clark, Charles Henry, Missouri; Clark, M.B., Mississippi; Cloud, Daniel William, 24, Kentucky; Cochran, Robert E., 26, New Hampshire; Cottle, George Washington, 27, Missouri; Courtman, Henry, 28, Germany; Crawford, Lemuel, 22, South Carolina; Crockett, David, 50, Tennessee; Crossman, Robert, 26, Pennsylvania; Cummings, David P., 29, Pennsylvania; Cunningham, Robert W., 34, New York; Darst, Jacob C., Kentucky; Davis, John, Kentucky; Day, Freeman H.K., Unknown; Day, Jerry C., Missouri; Daymon, Squire, Tennessee; Dearduff, William, Tennessee; Dennison, Stephen (or Ireland), England; Despalier, Charles, Louisiana; Dickerson (Dickinson), Almeron, 36, Tennessee; Dimpkins, James R., England; Duvalt, Andrew, Ireland; Espalier, Carlos, San Antonio (Mexico); Esparza, Gregorio (Jose Maria), San Antonio (Mexico); Evans, Robert, Ireland; Evans, Samuel B., New York; Ewing, James L., Tennessee; Fishbaugh, William, Alabama; Flanders, John, Massachusetts; Floyd, Dolphin Ward, North Carolina; Forsyth, John Hubbard, 39, New York; Fuentes, Antonio, San Antonio (Mexico); Fuqua, Galba, Alabama; Garnett, William, Virginia; Garrand, James W., Louisiana; Garrett, James Girard, Tennessee; Garvin, John E., Unknown; Gaston, John E., 17, Kentucky; George, James, Unknown; Goodrich, John Camp, Virginia; Grimes, Albert (Alfred) Calvin, Georgia; Gwynne, James C., England; Hannum, James, Pennsylvania; Harris, John, Kentucky; Harrison, Andrew Jackson, Tennessee; Harrison, William B., Ohio; Haskell, Charles M., Tennessee; Hawkins, Joseph M., Ireland; Hays, John M., Tennessee; Herndon, Patrick Henry, Virginia; Hersee, William

Daniel, England; Holland, Tapely, 26, Ohio; Holloway, Samuel, Pennsylvania; Howell, William D., Massachusetts; Jackson, Thomas, Ireland; Jackson, William Daniel, Kentucky; Jameson, Green B., Kentucky; Jennings, Gordon C., Connecticut; Jimenez, Damacio, San Antonio (Mexico);

Johnson, Lewis, Wales; Jones, John, New York; Kellogg, John Benjamin, Kentucky; Kenny, James, Virginia; Kent, Andrew, Kentucky; Kerr, Joseph, Louisiana; Kimble (Kimbell), George C., Pennsylvania; King, William Phillip, 15, San Antonio (Mexico); Lewis, William Irvine, San Antonio (Mexico); Lightfoot, William J., San Antonio (Mexico); Lindley, Jonathan L., Illinois; Linn, William, Massachusetts; Losoya, Jose Toribio, San Antonio (Mexico); Main, George Washington, Virginia; Malone, William T., Virginia; Marshall, William, Tennessee; Martin, Albert, Rhode Island; McCafferty, Edward, Unknown; McCoy, Jesse, Tennessee; McDowell, William, Pennsylvania; McGee, James, Ireland; McGregor, John, Scotland;

McKinney, Robert, Tennessee; Melton, Elice (Eliel), 38, Georgia; Miller, Thomas R., Tennessee; Millsaps, Isaac, 41, Mississippi; Mills, William, Tennessee; Mitchasson, Edward F., Virginia; Mitchell, Napoleon B., Unknown; Moore, Robert B., Virginia; Moore, Willis A., Mississippi; Musselman, Robert, 31, Ohio; Nava, Andres, San Antonio (Mexico); Negan, George, South Carolina; Nelson, Andrew M., Tennessee; Nelson, Edward, South Carolina; Nelson, George, South Carolina; Northcross, James, Virginia; Nowlan, James, England; Pagan, George, Mississippi; Parker, Christopher Adams, Mississippi; Parks, William, North Carolina; Perry, Richardson, San Antonio (Mexico); Pollard, Amos, 33, Massachusetts;

Reynolds, John Purdy, Pennsylvania; Robertson, James Waters, Tennessee; Roberts, Thomas H., Unknown; Robinson, Isaac, Scotland; Rose, James M., Ohio; Rusk, Jackson J., Ireland; Rutherford, Joseph, Kentucky; Ryan, Isaac, Louisiana; Scurlock, Mial; North Carolina; Sewell, Marcus L., England; Shied, Manson, Georgia; Simmons, Cleveland Kinloch, 21, South Carolina; Smith, Andrew H., Tennessee; Smith, Charles S., Maryland; Smith, Joshua G., North Carolina; Smith, William H., Unknown; Starr, Richard, England; Stewart James E., England; Stockton, Richard Lucius, New Jersey; Summerlin, A. Spain, Tennessee; Summers, William E., Tennessee; Sutherland, William Depriest, 18, Alabama;

Taylor, Edward, Tennessee; Taylor, George, Tennessee; Taylor, James, Tennessee; Taylor, William, Tennessee; Thomas, B. Archer M., Kentucky; Thomas, Henry, Germany; Thompson, Jesse G., Arkansas; Thomson, John W., North Carolina; Thurston, John M., Pennsylvania; Trammel Burke, Ireland; Travis, William Barret, 27, South Carolina; Tumlinson, George W., Missouri; Tylee, James, New York; Walker, Asa, Tennessee; Walker, Jacob, 37, Tennessee; Ward, William B., 30, Ireland; Warnell, Henry, 24, Arkansas; Washington, Joseph G., Kentucky; Waters, Thomas, England; Wells, William, Georgia; White, Isaac, Alabama; White, Robert, Unknown;

Williamson, Hiram James, Pennsylvania; Wills, William, Georgia; Wilson, David L., Scotland; Wilson, John, 32, Pennsylvania; Wolfe, Anthony (Avram), England; Wright, Claiborne, North Carolina; Zanco, Charles, Denmark; and John (last name unknown), Unknown.

IMPLEMENTING THE PRESIDENT'S PLAN: AN OUTLINE FOR ACTION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Center for Arms Control and Non-proliferation has released a report. It's called "Implementing the President's Plan: An Outline for Action in Iraq."

This report, based on the Obama plan to redeploy U.S. troops and military contractors in 16 months, was written by retired military leaders Colonel Richard L. Klass, Lieutenant General Robert G. Gard, Jr., and Brigadier General John Johns.

In a town full of reports, theirs is unique because it gives a clear outline of just how to execute the administration's original plan for a responsible and orderly redeployment from Iraq. Anyone who questioned the original proposal just needs to listen to those who know what it really means to carry out a military plan.

About the 16-month timeline, retired Army Lieutenant General Robert Gard says, "President Obama's plan to remove combat forces from Iraq is militarily workable and can be executed responsibly."

Echoing what many of us in Congress have been saying for years, retired Air Force Colonel Richard Klass said, "Redeployment of U.S. combat forces should be coupled with a diplomatic surge to help stabilize Iraq."

Mr. Speaker, instead of a residual force of up to 50,000 troops, this plan proposes a workable U.S. redeployment schedule that would result in, first, 100,000 total U.S. troops remaining in Iraq by the end of 2009 and 35,000 to 65,000 support troops remaining in Iraq up until 2010 when the President's 16-month timetable would end, if it is initiated by April 2009, and less than 1,000 troops remaining by December 2011 when the U.S.-Iraqi security agreement mandates that all U.S. forces be out of Iraq.

Not only would this plan redeploy troops and military contractors, but it would ensure that the United States will not have any permanent bases in Iraq. Even though the report comes from former military brass, they readily acknowledge that there is no military solution to the situation in Iraq.

The report calls for a strong diplomatic surge. It goes on to say, "The United States needs to undertake an all-fronts diplomatic initiative to engage the nations of the region to help stabilize Iraq."

The evidence keeps mounting up, Mr. Speaker, and the extended occupation of Iraq is not in the interest of the United States, of the international community or of the Iraqi people. I encourage our military and foreign policy leaders to look closely at this report

and to heed the American people. We must redeploy all troops and military contractors from Iraq, and we must do it as soon as possible.

**TAKING CARE OF OUR NATION'S
VETERANS—LCPL JEREMY
SMERUD**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, our Nation has asked many of its military personnel to serve in Iraq and in Afghanistan to fight for freedom and for the protection of the American people. Unfortunately, many of these servicemembers are returning home with symptoms of post-traumatic stress disorder—PTSD—and other mental health challenges.

A 2008 study by the RAND Corporation found that nearly 20 percent of Iraq and Afghanistan veterans have symptoms of PTSD or major depression. This study also found that many servicemembers say they do not seek treatment for psychological illnesses because they fear it will harm their careers. If our government and the military fail to address problems associated with PTSD, the situation will only grow worse in future years.

One disturbing example involves Lance Corporal Jeremy Smerud, a marine who is stationed in my district at Camp Lejeune.

Last month, I received a letter from his mother, who is very concerned about how the Marine Corps is treating her son. Mr. Speaker, for the second time, I would like to read the letter from Jeremy's mother:

"My son joined the Marine Corps while still in high school. I remember him as a little boy, looking in awe of his grandfather in his Marine Corps uniform and telling me that was what he was going to be when he grew up.

"Growing up, Jeremy was the son every parent could be proud of. He never got into any trouble in school. He was always there to help with his younger siblings, held a job after school, and was extremely active in the Boy Scouts. He earned his rank of Eagle Scout at the age of 16. Because of his Eagle Scout status, he entered the Marine Corps as a PFC and quickly rose to the rank of sergeant within his first 3 years in the Marines. He was an exemplary marine and an exemplary young man.

"If you review his military records, you can plainly see that Jeremy had no problems with behavior or performance prior to his deployment to Iraq and Afghanistan. He has had a very difficult time readjusting to life after the conflict. He came home to a 'Dear John' letter, has had several friends injured and killed, and has seen more destruction than most of us will in a lifetime.

Having no one to turn to for help because of the stigma and the fear of losing his career, he started drinking to self-medicate and to be able to sleep.

"Congressman, do you know what it is like to listen to your once strong son cry like a baby at 3:30 in the morning 3 or 4 times a week because he cannot handle what he has been through? Wanting to kill himself because he doesn't feel he is worthy to live because his brothers were shot? Do you know what it's like to be 1,500 miles away and not have the ability to help him through this, all the while wondering and asking why the Corps he so proudly served and willingly has written him off as worthless and weak and has offered no help to prevent him from faltering further?

"I am so desperately disappointed in the way the Corps has treated my son. My son left the Marine Corps 100 percent intact. He will be leaving the Marine Corps with two feet that are fractured, back and knee problems, decreased hearing, decreased vision, and PTSD that will carry a life-long burden for him.

"Yet, according to the Corps, he has disgraced them by his behavior and is no longer worthy. The way I see this, they used him, abused him, now will discard him and find some fresh, young man who isn't tainted, and they will mold him and ask him to sacrifice himself for their cause, and when he is no longer of use to them, they will discard him as well.

"I hope with all my heart the Marine Corps will find the moral courage to do the right thing when it comes to not only Jeremy but all other young men and women who need their help and guidance."

Mr. Speaker, I along with Congressman TOM LATHAM have written the Commandant of the Marine Corps about this marine who is pending Involuntary Administrative Separation due to misconduct. Lance Corporal Smerud's fitness report proved that he was an outstanding marine prior to his deployments. His medical board report states, "His service in the Marine Corps caused his PTSD and indirectly his incidents/legal problems. The Marine Corps' failure to treat him in the past and treat him appropriately has done nothing but worsen the problem."

Mr. Speaker, it will be difficult for this marine to succeed in life if he is administratively separated from the Service. He will not be eligible for TRICARE benefits; he will have difficulty obtaining a job, and it is unlikely that a university will accept him as a student. This is a story of one marine, but this is not an isolated problem. The culture within all branches of Service must change to recognize that PTSD is a real concern that must be addressed.

Mr. Speaker, as I close, I want to say that I have great faith in the Marine

Corps and in all of our Services. I ask the Marine Corps to please look into this case and all cases of those who have PTSD. They deserve the love, and they deserve the treatment of this Nation. With that, Mr. Speaker, I ask God to continue to bless our men and women in uniform, to bless the families who have given their loved one in Afghanistan and in Iraq—those who have died—and to bless the wounded, and I ask God to continue to bless America.

□ 1930

THREE CUPS OF TEA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I just returned from a codel to Iraq and Afghanistan. There's a lot to reflect on after a trip, especially the wisdom in a book entitled "Three Cups of Tea." It relates to our military involvement and misjudgments—first in Iraq and, potentially now, in Afghanistan.

Before I go further, let me say that we cannot do enough to recognize and honor our soldiers and their bravery and dedication and love for our country.

For a few brief moments, we got a taste of what they endure every day. Every member of the codel was equipped with body armor and helmets, and you quickly realize the dangers and stresses our soldiers endure every day. We owe them our gratitude, our support when they return, and the confidence in knowing that our government will only place them in harm's way as a last resort. We failed that responsibility in Iraq, and many are asking whether we may fail again in Afghanistan. We are the most powerful Nation on Earth, but our bullets and bombs cannot penetrate the corridors of history. And the book "Three Cups of Tea" provides a powerful reminder that we must silence the guns if we are to hear the voices of truth coming from history.

Greg Mortenson, who wrote the book, was in Afghanistan and Pakistan on the border. And he there met an Elder who said, "These mountains have been here a long time and so have we. You can't tell the mountains what to do. You must listen to them. So now I'm asking you to listen to me. By the mercy of Almighty Allah, you have done much for our people, and we appreciate it. But now you must do one more thing for me."

Mortenson said, "Anything."

He said, "Sit down. And shut your mouth. You're making everyone crazy."

Then he began to make tea. When the porcelain bowls of hot butter tea were in our hands, Mortenson said the Elder

spoke and said, "If you want to thrive in Baltistan, you must respect our ways. The first time you share tea with a Balti, you are a stranger. The second time you take tea, you are an honored guest. The third time you share a cup of tea, you become family, and for our family, we are prepared to do anything, even die."

"Doctor Greg, you must make time to share three cups of tea. We may be uneducated. But we are not stupid. We have lived and survived here for a long time."

"That day, the Elder taught me," says Mortenson, "the most important lesson I've ever learned in my life. We Americans think you have to accomplish everything quickly. We're the country of the thirty-minute power lunch and the two-minute football drills. Our leaders thought their 'shock and awe' campaign would end the war in Iraq before it even started. The elder taught me to share three cups of tea to slow down and make building relationships as important as building projects."

"He taught me that I had more to learn from the people I work with than I could ever hope to teach them."

There are many nations and languages and religions in the world today, but there is one thing true in all this diversity. Those who do not learn the lessons of history are doomed to repeat them.

After Vietnam, many Americans said it will never happen again. But it has. We were misled into waging a false war in Iraq, and now we are beginning to transfer soldiers from Iraq to Afghanistan. When will we learn?

Russia once and Britain twice believed that the tread of their tanks and the velocity of their shells could flatten the mountains of history in Afghanistan and pave the way for outside control. But the mountains are still standing and history has recorded new chapters which recount and reflect on the folly of nations that believe military power is all powerful. History tells us otherwise. The Iraq war was a mistake, and I fear we may be heading for another quagmire in Afghanistan.

"Three Cups of Tea" is now required reading for everyone in the CIA. It should be required reading for every Member of Congress.

We need to listen to the mountains.

SPENDING IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, things are happening so fast in this body and the other body and down on 1600 Pennsylvania Avenue at the White House, I don't see how Members of Congress—let alone the American people—can keep up with it.

Let us just take a quick look at what happened in the last 7, 8, 9 weeks. We

got the second tranche of the TARP bill. That TARP spending was \$700 billion. People can't get their arms around what \$700 billion is, but \$700 billion to save our economy.

And then the automobile industry had problems. And so we had an auto bailout, first tranche, of \$14 billion. And then we had to have an economic stimulus package because the economy wasn't responding as we wanted it to. So we passed an economic stimulus that was \$787 billion more; and with interest, that was well over a trillion dollars.

And we have an omnibus spending bill that's pending in the Senate right now tonight for \$410 billion. And the President has a budget he's proposing to the Congress for \$3.9 trillion, and \$635 billion of that is the first down payment on a national health care of a socialized medicine approach for helping us with our health care problems in this country.

Now, yesterday, Senator DODD and Senator SHELBY were talking to the Fed and said, "We want to know where this money's been going." And the Fed said, "We're not going to tell you."

Now, can you imagine the Senate Banking Committee or the House Banking Committee being stonewalled by the Fed saying, "We're not going to tell you where we're spending these trillions of dollars"? And Geithner over at Treasury said he may have to put another \$2 or \$3 trillion into the financial institutions to keep the economy moving.

Now, you go past that and you say, What about taxes on the American people: \$1.6 trillion increase in the budget, and the 2001-2003 tax cuts that we've put in place are going to expire. When those tax cuts expire, that, in essence, is a tax increase. And this is no time for a tax increase.

And the death tax, which we were trying to do away with so we could pass businesses onto the next generation without a huge tax liability that would run them out of business, they're going to do away with the death tax cut.

Now, in addition to that, we have what's called a carbon tax or an energy tax. That's going to be \$646 billion in new taxes that's going to be passed on to the consumer every time they turn on their lights or buy a gallon of gas or use a lump of coal.

Now, they're going to reduce the mortgage deduction. If you've got a house and you've been deducting the mortgage interest on it, they're going to reduce. The administration and the Democrats in this body are going to reduce or try to reduce the amount of tax deductibility on your mortgage interest. And I'm sure that's going to be a reason to buy new houses when you do away with one of the incentives for people by doing away with part of their mortgage deduction interest on interest.

And then for charitable institutions—and this is happening so fast, you can't keep up with it. Charitable institutions—your church, the Salvation Army, the Boy Scouts of America, all of those whom you support and give money to—they want to reduce the tax deductibility for those contributions. Every charitable institution in this country ought to be marching on this Capitol saying, "Hey. Enough. We need those tax deductions so we can encourage people to help us so the burden of helping people in this country doesn't fall completely on the Federal Government."

But sometimes I wonder if this White House and this administration and the Democrats don't want the government to take over everything in a socialistic approach to government.

Now, the 2010 budget would increase the national debt by \$12.3 trillion over the next 10 years, \$12.3 trillion more. And that is more of the debt that's been accumulated since the beginning of the Republic in 1789 until today. That's how fast we're spending this money.

And in 2007, when my colleagues on the other side of the aisle took control of the Congress, CBO said we would have an \$800 billion surplus in 10 years; and after 2 years of their leadership, instead of an \$800 billion surplus in the next 10 years, we're going to have a \$7.8 trillion deficit. Now, they'll try to blame that all on the White House, but they were in charge of the spending because they had control of both Houses of Congress.

Now, there was an article written just yesterday saying the money supply in this country has been increased by three times almost, 271 percent. What does that mean? That means we have almost three times as much money in circulation. It's being hoarded by a lot of people because they're scared to death. But when that money gets into circulation, we're going to have very high inflation. You're going to see the cost of bread and milk and gas and everything go through the roof.

Well, Mr. Speaker, there is so much more to tell and so little time. I will be back, and I hope the American people are paying attention, Mr. Speaker.

HONORING THE LIFE OF STAFF SERGEANT DANIEL TALLOUZI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. HEINRICH) is recognized for 5 minutes.

Mr. HEINRICH. Mr. Speaker, today I rise to honor the life of Staff Sergeant Daniel Tallouzi of New Mexico's First Congressional District.

Staff Sergeant Tallouzi was a vibrant young Son of Albuquerque and a graduate of Valley High School. He loved to make his family laugh and followed in

the honorable footsteps of his three uncles and older brother, Christopher, to serve in the United States military.

Daniel Tallouzi served in the rank of staff sergeant at the young age of 22 until his post at Camp Taji in Baghdad was hit by a mortar explosion in September of 2006. Staff Sergeant Tallouzi suffered a traumatic brain injury as a result of that attack, and sadly, he succumbed to that injury this past Saturday. My heart goes out to Staff Sergeant Tallouzi's mother Mary, a single parent who left her job to spend every waking minute at her son's side during his rehabilitation.

Staff Sergeant Tallouzi's death is a tragic reminder that we must do all we can to provide our veterans returning from combat with the very best treatment, counseling and care.

Ms. Tallouzi, on behalf of the people of Daniel's congressional district, I express my heartfelt condolence to you for the loss of your son and my deepest gratitude for his sacrifice to our country.

Thank you.

INHUMANE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Mr. Speaker, we live amid an inhumane economy. We need to look no further for proof than the unemployment figures released today from my home State of Michigan, an unemployment number that has climbed to 11.6 percent and has seen tens of thousands of my friends and neighbors lose their jobs.

As people know, Michigan is an automotive and manufacturing State. We get sicker quicker, and we heal more slowly in difficult times. But I encourage them to make no mistake, what happens in Michigan will happen in the rest of America. And we cannot let that continue.

One of the things that has caused the current crisis we are in is a theory. Many of us have heard it. Namely, it is the theory that some institutions are too big to fail. And yet, after the loss of millions of jobs and the expenditure of hundreds of billions of taxpayer dollars, we find out that these institutions were, in fact, not too big to fail; they were too big to succeed.

Over the decades, this problem has arisen, and yet, if we look back over those same decades, there were voices of reason warning us that we should seek a more humane economy. And I quote one of those individuals:

"Even as the drive toward bigness (and) concentration . . . has reached heights never before dreamt of in the past, we have come suddenly to realize how heavy a price we have paid: in overcrowding and pollution of the atmosphere, and impersonality; in

growth of organizations, particularly government, so large and powerful that individual effort and importance seem lost; and in loss of the values of nature and community and local diversity that found their nurture in the smaller towns and rural areas of America. And we can see . . . that the price has been too high. Bigness, loss of community, organizations and society grown far past the human scale—these are the besetting sins which threaten to paralyze our very capacity to act, or our ability to preserve the traditions and values of our past in a time of swirling, constant change.

□ 1945

"Therefore, the time has come when we must actively fight bigness and overconcentration, and seek instead to bring the engines of government, of technology, of the economy, fully under the control of our citizens, to recapture and reinforce the values of a more human time and place.

"It is not more bigness that should be our goal. We must attempt, rather, to bring people back to the warmth of community, to the worth of individual effort and responsibility, and of individuals working together as a community to better their lives and their children's future. It is the lesson that government can follow the leadership of private citizens; that men who are citizens in the full sense of the word need not belong to the government in order to benefit their community. And it is the lesson that if this country is to move ahead, it will not be by making everything bigger, not by piling all our people further on top of one another in huge cities, not by reducing the citizen to the role of passive consumer and recipient of the official vision, the official product." These were the words spoken on September 17, 1966 of the junior Senator from New York, Robert Francis Kennedy.

Today, as we seek a better world and a more humane economy, we should remember his words. For after trillions of dollars in potential government expenditures, the amassing and concentration of power in Washington, we can see that we are no better off, as the unemployment figures in Michigan portend. What we really have to do is realize that as the dot-com bubble was replaced by the housing bubble, we must not attempt to replace the housing bubble with a government bubble. For when that bubble bursts, what will be left?

What we need to do is seek a way to free the entrepreneurial spirit of the American people, to allow them, with their own hands and genius, to rebuild their lives, to rebuild and restore order, opportunity, and prosperity to our chaotic economy, and to preserve the cherished America we all call home. We will.

PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Here we are for yet another Progressive Caucus, progressive message coming to the American people to articulate a progressive vision for the society that we live in.

I'm so happy to be talking about the progressive message today. And I'm going to be joined by our chairwoman, who is none other than Congresswoman LYNN WOOLSEY, and I look forward to having a very robust dialogue today.

Well, it's budget time, time to discuss the budget. And what better time than budget time to talk about how we're going to reshape our budget in a progressive and effective way that will reflect the needs and wants of the American people. Budget time, where we look at things, where we set our priorities, and where we really examine where we're going.

Tonight we're going to focus on a particular part of the budget. We're going to talk about the defense budget and the need for reform, to review what we've been spending our money on, to make sure that while we absolutely protect the American people, that we do not spend so much money that the American people really can't afford it, and that we try to get that peace dividend that after the fall of the Soviet Union we all thought we would be realizing. This is what we're going to talk about tonight with the progressive message, which we come to you with every single week.

The progressive message tonight: The budget. Tonight: The defense appropriation and how this particular end of the budget needs to be cut so that we, as Americans, can have the money we need to not only keep America safe, but also to keep America in the black and not in the red. Very important dialogue tonight.

Let me invite our chairwoman, LYNN WOOLSEY, to have some open remarks. I yield to the gentlelady from the great State of California.

Ms. WOOLSEY. Mr. Speaker, as co-Chair of the Congressional Progressive Caucus, it is my honor to be here again tonight with Congressman ELLISON and other members of the Progressive Caucus who will come down to talk about the Federal budget and our progressive priorities.

When we talk about the budget, it's easy for people to have their eyes just glaze over because they automatically think we're going to be talking about a bunch of numbers on a page. But, you know, this budget and every budget is so much more than that. While you will hear a bunch of numbers being thrown around here for the next hour, the important thing that must be remembered is that all of these figures

represent what we believe. They represent what we, as a Nation, have as our priorities, what that says to every citizen of this country and every nation around the world.

The funding decisions that are included in the budget are the choices that every Member of Congress must make on what our priorities as a country should be for the next—not 1 year, but 10 years. These are choices that affect the lives of every single American. It is choices like whether or not we ensure that everyone will receive adequate health care, or whether or not we build yet another weapons system that we don't need. And these choices speak as loudly as anything on who we are as a Nation. That's why it's so important to talk about this and to understand what the numbers in the budget mean for our constituents, and to let them know that all this isn't set in stone, but that there are real choices to be made.

For the past 2 years, and again this year, the Progressive Caucus will be offering a full budget alternative, an alternative that will bring defense spending under control, that will balance our tax code to ensure that everyone is paying their fair share, and invests in renewable energy, in education, transportation, housing, veterans benefits, and health care for all.

These are our priorities; they're priorities that we, as progressives, have laid out. And I look forward to discussing all this with my progressive colleague, Mr. ELLISON, and others who are here tonight.

Mr. ELLISON. All right. Well, it's good to be here again. Thanks for getting us started.

Let me invite Congressman POLIS from the great State of—

Mr. POLIS. Colorado.

Mr. ELLISON. Colorado. Congressman POLIS, forgive my lack of sharpness on that point. But you're a welcomed friend tonight, and we want to thank you.

Would you like to make some opening comments as we begin to talk about the progressive message, the progressive budget, and we're going to be focusing on responsible defense spending tonight?

Mr. POLIS. Yes, I do. Thank you so much to my colleague from Minnesota. I'm a new member of the Progressive Caucus.

Mr. ELLISON. And we're honored to have you.

Mr. POLIS. I am pleased to inform my colleagues that we have joined as of yesterday. And I'm particularly thrilled that we're willing to look at defense spending as part of the overall picture. It's hard to have a real route to fiscal responsibility and balancing our budget without looking at defense spending. And whether we're looking at 3 years or 5 years or 10 years out, this is going to be a critical component of

the return to fiscal responsibility. I look forward to being a voice for that within the Progressive Caucus.

Mr. ELLISON. Well, Congressman POLIS, you are a very welcomed voice. We agree wholeheartedly.

You know, the American people may be under the mistaken impression that the more money you spend on defense, the more secure you're going to be. Well, tonight we're going to talk about how that isn't true.

What I want to do is start out by quoting our President, Barack Obama, in his first address to Congress last Tuesday. He said, "We will eliminate the no-bid contracts that have wasted billions in Iraq and reform our defense budget so that we're not paying for Cold War era weapons systems we don't use. At the risk of repetition let me just say, "We will eliminate the no-bid contracts that we have wasted billions in Iraq and reform our defense budget so that we are not paying for Cold War era weapons systems we don't use."

When I quote that statement of our President, Congresswoman WOOLSEY, what sort of thoughts come to mind for you?

Ms. WOOLSEY. Well, the first thought that comes to my mind is, the Cold War is over, it's been over for a long time, and why are we still investing in weapons systems and equipment to fight the second generation of Russian weapons that aren't even being produced in Russia? Why are we doing that? What is it costing us? And what can we do with that money instead of wasting it?

Mr. ELLISON. Well, Congresswoman WOOLSEY, you know every dollar spent is a dollar earned by somebody. And I imagine that these weapons systems may be quite a pretty penny for some people.

Congressman POLIS, when I read that quote from our President—you were here last Tuesday night—what sort of thoughts come to you right away?

Mr. POLIS. Well, you know, there comes a point when more spending equals less security. And you need to look at the whole picture, including the diplomatic picture with regard to foreign aid, with regard to helping developing nations, with regard to promoting peace in the Middle East and elsewhere.

Mr. ELLISON. Well, I think that's dead on the mark.

I want to say that, just yesterday, President Obama began by making good on his promise by signing the Presidential memorandum that will reform government by contracting. What this memorandum talks about is strengthening oversight and management of taxpayer dollars, ending unnecessary no-bid, cost-plus contracts, and maximizing the use of competitive procurement processes and clarifying the rules prescribing when outsourcing is and is not appropriate.

The Office of Management and Budget will be tasked with giving guidance to every agency on making sure contracts serve taxpayers, not contractors. It's important to focus on who really matters here; this is taxpayer and American citizens, not contractors. That's the focus that we need to have. So I'm very happy to see the President taking the focus and really drilling down on getting the most for the American taxpayer.

I think we've also been joined by the gentleman from the State of Washington who has been pitching hard for so long, speaking so eloquently for so long about issues of peace, issues of security, and important issues on the welfare of the American people. I am speaking of none other than JIM McDERMOTT of the State of Washington.

I would yield to the gentleman for any comments you might make on this important topic tonight.

Mr. McDERMOTT. Well, I have to commend you for coming out here and talking about the defense budget.

There's a lot of talk in Congress about entitlements. When we talk about entitlements, people think, oh, you mean Medicare and you mean welfare and you mean Social Security and all these things, but there is, in fact, a defense entitlement in this country. It's as though the Defense Department is entitled to get more and more money every year. And anything anybody can think up for a new defense system, we wind it up, whether it makes any sense or not.

Now, if you look at the wars that we've been involved in or the military actions that we've been involved in, they have not been standard wars where tanks are facing tanks or machine guns; it has been mostly counter-insurgency, guerrilla-type events. And we continue to spend huge amounts of money on a variety of weapons that simply don't deal with what the country is facing today. And I think that the most egregious example of this was when the last administration decided that Iran was a problem; therefore, we have to have a missile defense system in Europe against Iran. So we went to the Czech Government, we leaned on them. They said, okay, you can have a tracking station here. And we went to the Poles and said, we're going to put missiles right on the border with Russia.

Now, first of all, they've made Iran into a boogymon. And they began to create a defense, and suddenly we're selling and we're putting all this stuff out there, and lo and behold, the Russians don't like it. Now, is that any surprise? If you were a sovereign country and somebody came and put missiles right on your border, how can you possibly think that that wouldn't be responded to by the Russians?

The next thing we know, they go into Georgia. And everybody's all up in

arms and saying, oh, my goodness, my goodness, what are they doing going into Georgia? Well, if you go on a pretext to go into Iraq and attack Iraq, the Russians say, look, we went into a next-door neighbor that asked for our help. You went 9,000 miles to a place that wasn't asking for it.

□ 2000

So the military use of our power, in my view, has been greatly exaggerated in its real importance. What we need today is soft power.

I was just in Iraq, and I think that President Obama, one of the things that will be his toughest jobs is to get back control of reconstruction from the military. We fill the military budget with all this money and expect them to go out and build sewer systems and water systems and all these other things.

That's not what the military's job is. That should be the job of USAID and the State Department, and it shouldn't be done by soldiers.

Now, as long as we inflate the military budget and don't put the money over into the areas where it's really needed, we are not going to change the political climate in these countries. Whether you are talking about Iraq or whether you are talking about Afghanistan or a lot of places, you can talk about Pakistan, what we do is we give them a lot of money from the military budget to buy military equipment from the United States.

And, in my view, in the long run, we are not safer. The question is, are we developing a system that makes us secure? And just having tanks everywhere and Humvees and all this kind of stuff does not make us safer.

What should be done with our money is to look at what's happening to these countries who are economically being destroyed by this world economic situation and dealing with helping them reconstruct their country. Now, the irony of being in Iraq this weekend was realizing that we were rebuilding things that we bombed and destroyed. The question comes to your mind, well, what did we get out of that except a lot of destruction and a lot of ways to spend money in this country?

The Inspector General was out there on the trip with us, and here we have military colonels, you have got a colonel that was just sentenced to 9 years in a Federal penitentiary for taking a \$7 million bribe in Iraq. Another colonel and his wife and his sister-in-law were taking bribes and running them through their church, trying to hide them by washing them through the church that they belonged to.

This is what is needed in oversight and a clear plan for what we are trying to do with our money. We have thrown money away endlessly. Talk about waste, fraud and abuse, the military, in my view, is as ripe for an investigation

as any part of government. Before we expand the budget, we ought to look at and have investigations, as Harry Truman did, after the Second World War. He made his reputation on looking at the misexpenditure of money in the Second World War, and that's what ought to be going on now.

We are simply bloating the budget around issues that do not make us more secure and make us, actually, more enemies in the world. For that reason I think your examination, the Progressive Caucus examination of the budget is extremely important.

I think that this is an issue, obviously, people, as you point out, have jobs. People make a living making war machinery. But there have to be other things they can make, maybe things related to green energy, or there's a lot of other places that the workers in this country, with all their creativity, could be put to work rather than simply building more and more arms to sell around the world and for us to use in various situations.

We are talking about leaving Iraq. But one of the soldiers said to me, if we are getting ready to leave Iraq, why are we still building buildings like that one over there, what are we building for?

It is a really good question. I mean, if you listen to the soldiers, they can see that lots of money is being spent wastefully. There is a tower, a control tower for an airport in Iraq. We spent \$14 billion building a control tower for a field where there are two helicopters, two helicopters.

Now, you ask yourself, what was that tower built for and why was it built there? And these kinds of questions aren't being asked, and I think that's why it's important that the budget that the Progressive Caucus is putting out is really raising a whole series of issues, and I think that the members of the caucus, of the larger Democratic Caucus, should think long and hard about how much money is put into the military budget.

At a time when we need things all across this country in terms of health and infrastructure and education, all these issues are going to be sacrificed to the defense entitlement. And Members have to ask themselves are we going to continue to feed the military monster or are we going to take some of it away and deal with the domestic problems of Americans today. So I thank you for the opportunity to talk about it, and I think the American people should be listening and thinking about what makes sense, what makes us safer?

I served in the military, so I am not against war. I am not some kind of a crazy peacenik that thinks you never go to war.

I served during the Vietnam era. I took care of casualties, so I know there is no glory in war, and I know what

happens to those casualties when they come back to the United States. We are creating, by this war, a lot of costs in the future that no one is willing really to talk about. They said today in the newspaper that there may be as many as 300,000 brain injuries from this war.

And you think about what that's going to mean as we try to deal with those veterans over the next 30 or 40 years. These kids are 20, 30 years old. They are going to live to 70, so we are looking at least to 40 years, and that is a cost that's built into this kind of behavior.

I think it really has to be carefully examined, and I think that Barack Obama is correct in bringing as many of those troops home. I think he should bring them all home, but he is talking about bringing 100,000 home and leaving 50,000 over there. I don't know what for. Is that just kind of for them to sit around and if something happens somewhere they will go jump out and do something?

They said they are going to be for training police and training the Army, 50,000 advisers? It doesn't make sense. So thank you for raising this issue. I think it's important that you take an hour tonight and talk about it.

Mr. ELLISON. Well, I just want to say that I think it's critical that we discuss this issue. I believe that a budget is a statement of values. And if we value human life, and if we value peace, then we should have that reflected in our budget. That's why tonight we are talking about taking a look at the defense budget.

I just want to tell you, draw your attention to this chart up here, Mr. Speaker, Cold War-era weapons systems. Things that were mentioned, the anti-ballistic missile system, this is a pretty big-ticket item. If you could look at what we could save by cutting the Bush's fiscal year 2008 request, and then there is a task force that proposed a reduction, these would not result in any reductions in safety and security for the American people, and this chart was generated by the task force on the united security budget.

I just want to talk about it a little bit. Let me frame it this way.

Mr. McDERMOTT. If I could ask a question?

Mr. ELLISON. Yes, sir.

Mr. McDERMOTT. I can't quite read that bottom figure. Is that \$60 billion?

Mr. ELLISON. That's \$60 billion, with a "B."

Ms. WOOLSEY. Over 10 years.

Mr. ELLISON. Yes, and that's quite a pretty pity, quite a bit of money there.

As a matter of fact, let me just say that Congressman FRANK, like yourself, Congresswoman WOOLSEY and many others, Congresswoman LEE, have been working with the Center for American Progress and have adopted one of their proposals for reducing defense spending. That proposal, coupled

with ending the war in Iraq, will be at the center of this plan to reduce military spending.

First, a timely withdrawal from Iraq could create \$105 billion of savings in 1 year if the recommendation for the Center for American Progress report, "Building a Military for the 21st Century," is followed. That's where this chart actually comes from.

If we were to take these proposals and reduce the Virginia Class Submarine and this destroyer, if we were to deal in a very sensible way with offensive space weapons. What do we need to be fighting in space for? I have no idea.

To reduce our nuclear arsenal which, you know, under the nuclear non-proliferation treaty, countries that don't have nuclear weapons shouldn't get them, but countries that do have them should be reducing them. This could be a significant savings. Then waste procurement and business operations, a 7 percent reduction.

We could save \$60 billion. How many college educations is that? How many teachers, how many cops? Could we afford a universal single pair health care system?

Ms. WOOLSEY. Yes.

Mr. ELLISON. Could we afford the things that will make our country ready for this new age, this green economy.

Let me ask you, Congresswoman WOOLSEY, what are your views on this subject?

Ms. WOOLSEY. Well, I have some.

Mr. ELLISON. I had a feeling you did.

Ms. WOOLSEY. Probably because I am a peacenik, I just am, have been, I think I was born that way.

But, you know, before we talk about the savings, I think we should, first of all, know that this is the third Progressive Caucus alternative budget in the last three budget cycles that we have introduced, and all of our budgets have been around what our President said in his speech, reforming our defense budget so that we are not paying for Cold War-era weapons systems that we don't use. You said that, I am going to emphasize that.

Now we are working with Congressman BARNEY FRANK. This budget is going to be wrapped around cutting 25 percent of the defense budget so that our colleagues will have an option. They will have an alternative. They will be able to vote their conscience if they want to cut the defense budget. I am not saying they won't vote for the base budget, but they will have a chance to vote for a budget that cuts defense and invests in our national priorities.

But here is why we know we can do this. The United States doesn't just lead the world in defense spending, we almost outspend the rest of the entire world combined.

Mr. ELLISON. Wait a minute, do you mean to tell me that if you take every country in the world from Palau to Brazil, Russia to Israel, from Argentina to Brunei, you add them all up, you mean we still spend more?

Ms. WOOLSEY. That's right, and a full 43 percent of the world defense spending comes from the United States alone. When we add NATO allies into it, it's over 50 percent.

So our annual defense budget dwarfs that of all our biggest rivals, and we spend four times as much as China and eight times as much as Russia. Why? That's what I ask you, we don't need to do that.

And if you want to put this in perspective, every single person spent, when we add up our Pentagon budget, that's 40 percent of the taxes that every single person pays, 40 percent of their taxes go to the Pentagon. Why, I ask you? It does not make it safer and, in the end, you are less safe.

So what kinds of weapons are we cutting? You have got your chart up there, we are saving \$15 billion a year by reducing the number of nuclear warheads that we have in our arsenal. We are going from 10,000 to a thousand. We don't think we need 10,000 warheads. We need 1,000 to keep us safe, even with the rest of the world. Over time, we should be working to have a non-nuclear world because it's nuclear weapons that can actually do all of humanity in, and shame on us for not knowing enough to stop that.

So we also, in this budget, get rid of the F-22 Raptor. We save \$4 billion because this fighter jet was designed to fight, as I said, the next generation of Soviet planes, which were never even built.

It makes sense to build a plane that fights ghosts? I ask you, no, it doesn't.

There is the Virginia Class Submarine that, like the F-22, was built to fight the Soviets. It's more expensive than the submarines we currently have, and it doesn't have any new capacity or capability.

So there is so much about this that makes no sense.

□ 2015

And the other thing that we have to know is an investment in defense spending on weapons does not nearly enough for our economy. If you want to invest in the economy, invest in jobs and infrastructure and education.

Mr. ELLISON. Early childhood, health care.

Ms. WOOLSEY. Right. Health care. Invest in what gives back to the people of this country.

Mr. ELLISON. Mr. McDERMOTT, a great American whose birthday we celebrate every January 15, actually on April 4, 1967, said these words: "A Nation that continues year after year to spend more money on military defense than on programs of social uplift is ap-

proaching spiritual death." Those words were spoken by Martin Luther King.

What do you think about that quote?

Mr. McDERMOTT. Well, I think it's obvious that one of the things that President Obama faces is the fact that this country has used its military might all over the world for the last 7 years and lost its moral authority by issues like Guantanamo and Abu Ghraib and a variety of other things. And it is clear, and it was Hubert Humphrey, from your home State and actually was mayor of your city, who said that a country will be judged by how it deals with those in the twilight of life and those at the dawn of life, the children and the old people.

Mr. ELLISON. In the shadows of life.

Mr. McDERMOTT. Right. You know the quote.

Mr. ELLISON. Yes, I do.

Mr. McDERMOTT. A guy from Minnesota should know it.

Mr. ELLISON. Absolutely.

Mr. McDERMOTT. But the fact is that that is the essence of what the government is about. The Constitution and the Declaration of Independence are basic documents that say it is our responsibility to protect the life and liberty of the American people and allow them to develop themselves to the fullest extent possible. And there is a point at which when we don't educate our children and when we don't take care of their health care, when we're the only industrialized country on the face of the Earth that doesn't have universal access to health care, you have to ask yourself how many guns do we need? How many bombers? I mean I would like to take a few of those off there and use them as financing for extending the health care system to everybody in this country. It wouldn't take very much out of this budget. But it would, in fact, make us a safer country and make us a morally responsible government to deal with the problems of our people.

For us not to do that, for us not to do in energy what needs to be done, in the long run it doesn't make any difference how many nuclear weapons we have. If global warming causes the oceans to rise and all these other things begin to happen, nuclear weapons aren't any good to shoot at polar bears or at whatever. I don't know. We'll have this stockpile of weapons, and some day people will come along a thousand years from now and say, I wonder what they were planning to do with all those weapons? They built them and they sat here and rotted. And that's really what's happening.

I really think that making a sensible and reasonable defense system is important. But we have gone way over the top, as has been suggested by some of these weapons systems that people were imagining something. I mean this whole business of Star Wars, it started

with Reagan. I mean he said, well, you know, suppose they get up there in the sky and they start shooting rockets down on us. We've got to have this missile defense. And we are spending money even today on that stuff, and it makes no sense whatsoever.

If you look around the world and ask yourself are we really threatened by the Iranians? Are we really threatened by the Pakistanis? Are we really threatened by the Chinese? The Chinese have got so many problems of their own. But we continue to build weapons as though they were sitting over there just about to launch off into attacking us, and it could be nothing further from the truth. Chinese families want food and housing and an education for their kids and a health care system and a government that makes peace and makes a decent life for the people. They're not looking to attack us. But yet we continue to build weapons systems.

In fact, I think in some cases the military industrial complex was sad when the Berlin Wall fell because they had nothing to justify this stuff. And they've been scrambling around to justify it ever since, trying to find somebody to be afraid of. When, in fact, what we ought to be doing is building a peaceful world and dealing with our own problems at home and the problems of AIDS and hunger and disease around the rest of the world. If we would spend our money on those things, we would have much more peace than we will have building these weapons that are on the chart next to you. There's no security in that kind of continued—

Ms. WOOLSEY. Will the gentleman yield?

Mr. ELLISON. I was going to ask you to react to the quote, if you would, ma'am. Would you react to the Martin Luther King quote, or should I read it again?

Ms. WOOLSEY. Read it again. That would be beautiful.

Mr. ELLISON. "A Nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death."

How do you react to that? And then add on what other thoughts you may have.

Ms. WOOLSEY. Well, I believe it with all my heart. That's why I have introduced every year for the last 5 years SMART Security, which has war as the very last option when countries aren't getting along, if we even need that option, and it cuts military spending and invests in soft power and in diplomacy and international relations.

I want to read something out of an article that Barney Frank has in *The Nation*.

Mr. ELLISON. Please do.

Ms. WOOLSEY. The March 2 edition of *The Nation*. And I would like to

enter this article into the RECORD. It's a great article, and it supports his and our 25 percent cut in defense spending in our budget. And he says, in the middle of this article, "Spending on military hardware does produce some jobs, but it is one of the most inefficient ways to deploy public funds to stimulate the economy."

Then he went on to talk about when he was talking with Alan Greenspan. He said, "When I asked" Alan Greenspan "what he thought about military spending as stimulus, to his credit, he said that from an economic standpoint military spending was like insurance: If necessary to meet its primary need, it had to be done, but it was not good for the economy, and to the extent that it could be reduced, the economy would benefit."

There is no question. President Eisenhower, before he left office, said beware of the military industrial complex, Americans, because it's got us going in the wrong direction. And we have a chance now to turn it around. We have a new President who does believe in diplomacy. We have a majority in the House and the Senate and we have our President in the White House, and now it is time for us to stand up and put together plans that will meet Martin Luther King's promise to us, and that's that we would have a world of peace as the world we want to live in.

[From the Nation, Mar. 2, 2009]

CUT THE MILITARY BUDGET—II

(By Barney Frank)

I am a great believer in freedom of expression and am proud of those times when I have been one of a few members of Congress to oppose censorship. I still hold close to an absolutist position, but I have been tempted recently to make an exception, not by banning speech but by requiring it. I would be very happy if there was some way to make it a misdemeanor for people to talk about reducing the budget deficit without including a recommendation that we substantially cut military spending.

Sadly, self-described centrist and even liberal organizations often talk about the need to curtail deficits by cutting Social Security, Medicare, Medicaid and other programs that have a benign social purpose, but they fail to talk about one area where substantial budget reductions would have the doubly beneficial effect of cutting the deficit and diminishing expenditures that often do more harm than good. Obviously people should be concerned about the \$700 billion Congress voted for this past fall to deal with the credit crisis. But even if none of that money were to be paid back—and most of it will be—it would involve a smaller drain on taxpayer dollars than the Iraq War will have cost us by the time it is concluded, and it is roughly equivalent to the \$651 billion we will spend on all defense in this fiscal year.

When I am challenged by people—not all of them conservative—who tell me that they agree, for example, that we should enact comprehensive universal healthcare but wonder how to pay for it, my answer is that I do not know immediately where to get the funding but I know whom I should ask. I was in Congress on September 10, 2001, and I

know there was no money in the budget at that time for a war in Iraq. So my answer is that I will go to the people who found the money for that war and ask them if they could find some for healthcare.

It is particularly inexplicable that so many self-styled moderates ignore the extraordinary increase in military spending. After all, George W. Bush himself has acknowledged its importance. As the December 20 Wall Street Journal notes, "The president remains adamant his budget troubles were the result of a ramp-up in defense spending." Bush then ends this rare burst of intellectual honesty by blaming all this "ramp-up" on the need to fight the war in Iraq.

Current plans call for us not only to spend hundreds of billions more in Iraq but to continue to spend even more over the next few years producing new weapons that might have been useful against the Soviet Union. Many of these weapons are technological marvels, but they have a central flaw: no conceivable enemy. It ought to be a requirement in spending all this money for a weapon that there be some need for it. In some cases we are developing weapons—in part because of nothing more than momentum—that lack not only a current military need but even a plausible use in any foreseeable future.

It is possible to debate how strong America should be militarily in relation to the rest of the world. But that is not a debate that needs to be entered into to reduce the military budget by a large amount. If, beginning one year from now, we were to cut military spending by 25 percent from its projected levels, we would still be immeasurably stronger than any combination of nations with whom we might be engaged.

Implicitly, some advocates of continued largesse for the Pentagon concede that the case cannot be made fully in terms of our need to be safe from physical attack. Ironically—even hypocritically, since many of those who make the case are in other contexts anti-government spending conservatives—they argue for a kind of weaponized Keynesianism that says military spending is important because it provides jobs and boosts the economy. Spending on military hardware does produce some jobs, but it is one of the most inefficient ways to deploy public funds to stimulate the economy. When I asked him years ago what he thought about military spending as stimulus, Alan Greenspan, to his credit, noted that from an economic standpoint military spending was like insurance: if necessary to meet its primary need, it had to be done, but it was not good for the economy; and to the extent that it could be reduced, the economy would benefit.

The math is compelling: if we do not make reductions approximating 25 percent of the military budget starting fairly soon, it will be impossible to continue to fund an adequate level of domestic activity even with a repeal of Bush's tax cuts for the very wealthy.

I am working with a variety of thoughtful analysts to show how we can make very substantial cuts in the military budget without in any way diminishing the security we need. I do not think it will be hard to make it clear to Americans that their well being is far more endangered by a proposal for substantial reductions in Medicare, Social Security or other important domestic areas than it would be by canceling weapons systems that have no justification from any threat we are likely to face.

So those organizations, editorial boards and individuals who talk about the need for

fiscal responsibility should be challenged to begin with the area where our spending has been the most irresponsible and has produced the least good for the dollars expended—our military budget. Both parties have for too long indulged the implicit notion that military spending is somehow irrelevant to reducing the deficit and have resisted applying to military spending the standards of efficiency that are applied to other programs. If we do not reduce the military budget, either we accustom ourselves to unending and increasing budget deficits, or we do severe harm to our ability to improve the quality of our lives through sensible public policy.

Mr. ELLISON. Congressman, you've been reflecting quite a bit on issues of military reductions and focusing on our country's security, not sacrificing that, but on how we might save more money. But what do you think about this idea of military expenditures not being a good economic investment, not stimulating a lot of jobs? Any thoughts occur to you about that?

Mr. McDERMOTT. If you spend a dollar in a school educating a kid who then does better in the world and gets a job and makes money and pays taxes and contributes to the society, you've created something. When you build a nuclear weapon and put it on a shelf somewhere, you have developed nothing. It just sits there. Or you build a tank or you build a Humvee.

Ms. WOOLSEY. And it kills somebody.

Mr. McDERMOTT. You have to ask yourself why do we keep building more and more and more? And, in fact, there's a curious thing about Iraq. Having been over there, it reminds me, we have 150,000 soldiers over there and we also have 150,000 contractors. Now, if a soldier is paid \$50,000 and a contractor is paid \$100,000, why isn't it more sensible to hire another soldier than to hire a contractor for twice the money? And that's going on all over Iraq, in fact, all over the world. We are contracting things out that ought to be done by our own soldiers and would be done in a much more reasonable and cost-efficient way. So if you look at this budget, there are a million places where you can find places to save money if you care about that.

Mr. ELLISON. Talking about soldiers as opposed to contractors, I will never forget the hearing in which General Petraeus was asked how much he makes, and I think he makes about \$170,000 a year for managing a whole lot of people and a whole lot of equipment. And then somebody asked Erik Prince, who is the head of Blackwater, how much he makes, and he makes quite a bit more than that, definitely millions. And I mean he runs an operation quite a bit smaller than the United States military and a comparable force. So even when it comes to the leadership in the military arena, we're contracting military leadership and we are paying them a whole lot more than we are those soldiers who are at the head of our military and who

are really doing the real hard work and can't just walk away, and it's not just about a dollar and cents for them. When you made your observation about contractor versus soldier pay, that was another image that stuck in my mind.

I yield back to you.

Mr. McDERMOTT. I think that is the whole thing that we have not seriously looked at for the last 7 years. We have been spending, spending, spending. We've had budget after budget, supplemental budgets. They come in and say we need another \$30 billion. We need another \$70 billion. We're going to use \$50 billion for reconstruction. We're going to use this. But no oversight. They've been putting that money out there, but nobody has been actually looking. And that's why you get control towers, as I said, built out in the desert for \$14 million and nobody says to themselves, gee, what's that about? Who did that? Well, it was a contractor. You know, I don't know if it was KBR or which one of the contractors, but we let a contract to somebody to build a very sophisticated control tower. And we talk about the "bridge to nowhere" in our infrastructure. We complain if somebody puts a piece in the budget for a bridge somewhere. We put military things out like that and we don't even ask a question.

Mr. ELLISON. You've hit on something. Why has it been somewhat taboo to discuss the military budget? What is in operation that would make someone shy about asking tough questions about military expenditure?

Does the gentlewoman from California have any views on this?

Ms. WOOLSEY. Well, first of all, there's a big fear of looking like you're not patriotic around here. The second thing is it's very embarrassing when you ask the question and nobody has the answer and you're talking about billions of dollars. And that's why BARBARA LEE and I have been working with the GAO to have the DOD implement the over 2,000 recommendations that the GAO has made to the DOD to cut waste, fraud, and abuse. So they now know they have to do it, and we are counting on those cuts of those 2,000 wasteful expenditures in our Progressive Caucus budget.

Mr. ELLISON. Congresswoman, we have just been joined by Congressman SAM FARR, who is a member of the Progressive Caucus.

Congressman FARR, tonight we have been talking about the Progressive budget and how examining the defense budget in a tough way will allow us to save a whole lot of money which we can use for human need. And I just want to know do you have any comments on that, any reflections?

□ 2030

Mr. FARR. Well, without a doubt the way we have been spending and putting the war efforts into just an emergency

supplemental doesn't make any sense, because there has never been an accounting for it. The new administration has said they are bringing us in their budget the cost of Iraq and Afghanistan, so there is going to be some fiscal responsibility, and everyone knows there will be a day when we will not be spending that much money, which is a lot of money, and therefore those costs can be cut.

I think that there is no way that we cannot. As we try to balance this budget or get it into sense in the outyears, the largest increase over the years has been the Defense Department, and therefore they are going to be the one that is the most dramatically reduced. I think all of us feel that the plan is to have a smaller military, but without a doubt it has to be a smarter military, and the investment in smartness is not the kinds of things you see on that board.

I am very excited about upgrading the skills of American military, particularly because my background in the Peace Corps is that you find in Afghanistan and Iraq what is missing now is what we call soft power, which is that we have learned to kick down the doors anywhere in the world at any time, but we have not learned to win the hearts and minds of people. If indeed we are going to have peace and stability, we have got to do a lot more work on the soft power side, which is less expensive and probably more effective. So, obviously there is room for reductions. As we argue the cost of health care, we have to also argue the cost of defense.

Mr. ELLISON. Congressman FARR, one of the things that BARNEY FRANK says is that on September 10th, 2001, we had no idea how we were going to deal with the expenditures associated with an Iraq war. Somehow over the course of time we figured out how to come up with \$10 billion a month to fight the Iraq war. Yet people tell you and they tell me we can't afford universal health care. That is just too expensive. The prior President even told us that and vetoed the State Children's Health Insurance Program because it cost too much money.

But what does that mean to you when we think about reexamining our defense budget for waste, fraud and abuse, and dealing with some of these Cold War era weapons systems? In your view, what do we really need a ballistic missile defense for in this age and day? Do you have any thoughts on that topic?

Mr. FARR. You have the expert on health care here with Dr. McDERMOTT and the American leader on single payer plans, and certainly he can give a lot of that.

But I think what I see missing in the dialogue here is that a lot of people, conservatives who would not agree with us would argue that government

ought to run itself more like a business. You don't hear businesses talking about costs and expenditures. When they spend money, they talk about investments.

Indeed, if America is going to grow and strengthen itself, then it has got to talk about these things as investments. And if you really analyze the investment in education, the investment in health care, not costs in, but investments in, obviously you want to run them well, and if you really look at the military and talk about an investment in peace operations and stability, which is what it is all about, I think you come up with different numbers than just costs. You come up with different priorities.

Mr. ELLISON. Congresswoman WOOLSEY, do you want to reflect on this?

Ms. WOOLSEY. I just want to say you also should put the cost of not doing those things, the cost of not having a healthy community, not having an educated constituency, not having people ready for jobs for the 21st century. Those costs, we never look at that when we are doing our budgeting.

I have a question, if I may, to just throw out to the three of you. Sam, before you came down here we were talking about 150,000 contractors in Iraq and why our military, which is one-third of the cost, each one of our troops, why we just didn't have them doing it all.

My question is, wouldn't we have to have a draft in order to have that many troops available? I don't think we have volunteers that would be able to double the size of the troops in the units over in Iraq and Afghanistan, because I don't think people are that excited about going over there for \$50,000 a year, for one thing.

Mr. FARR. Well, the difficulty you have is, again back to that investment, if indeed the contracting purpose is to build infrastructure, it is nuts to think that a company from the United States has a vested interest in the outcome and survivability of that project. We learned that with the "ugly American," where we would go and build things in other countries and leave and they would fall apart, because in the process we never got the host country nationals involved in building it, in owning it, in wanting to run it and keep it up and learn how to, as we saw with generators in Iraq that we installed and nobody put oil in them and they all burned out, because they said it doesn't matter, they will wait until they come back and replace them.

So I think this dialogue is really important, because the first line of our national security is investment in a well-informed electorate or well-informed public. So the first line of our national security is investment in education. That is our biggest defense system, security system, and we have to

make that investment equal to or greater than obviously it has been historically if we want to build a stronger America.

Mr. McDERMOTT. One of the interesting things, I am standing here listening to this, and, I don't know, as people are sitting at home listening to this and wondering about all this, this is a sacred cow that we are never supposed to look at. That is why we don't discuss the defense budget, because people are afraid if you talk about it and talk about reducing it at all, you are not a patriot. That is the accusation that is made immediately.

But what happens in the Defense Department is they say, well, you know, we would like to build a submarine, so this year we will put \$1 million into the budget and sign a contract to build a submarine in the next 2 years. So the next budget comes along and here is a contract already signed, and the next \$10 billion goes into the budget, and the next year it is ten more. And that kind of sort of sneaking it in under the door without people actually seeing what is being committed to, that is how this missile defense stuff and all that is done, incrementally. Nobody ever sees the long-term cost of what we are doing and what it is going to mean in terms of what isn't available for the things that this society needs.

The minute anybody raises it and says, why are we doing this, somebody says, well, you don't care about the safety of this country. That couldn't be further from the truth for any one of the four of us. But in fact people will say it and they will think that somehow if you cut one dime out of the defense budget, the whole country suddenly is going to be cowering in the corner and the world is going to be threatening us. Nothing could be further from the truth.

Mr. ELLISON. Well, Congressman, the fact is that in all this exorbitant, precipitous expansion of the defense budget, you really haven't seen the average soldier getting a whole lot more money. We have had to increase the budget for the VA. When you talk about the human element in the military, this almost seems like the forgotten element.

When you think about a weapon like this ballistic missile defense over in Europe, agitating the Russians, the Iranians aren't threatening to bomb America. I haven't heard that one yet. The fact is that this thing in the Bush budget was \$10 billion. The fact is you have got this \$21 billion for nuclear weapons. We live in a time of asymmetrical warfare. What do we need \$21 billion for? Why do we need that?

The fact is that is one of the things that is so appalling. One of the things we are doing tonight is saying it is not unpatriotic to examine the military budget. It is not a sign that you are a coward and you don't want to face the

enemy if you want to cut the military budget. It doesn't mean that you don't care about the troops. Of course, we desperately care about the troops. Part of what we are arguing for is for the sake of the troops.

So the thing is that it is so important to be having this dialogue tonight, so critical that we do not shrink from this critical dialogue about cutting this budget. I am so happy that President Obama came right in this Chamber a little more than a week ago to say "we will eliminate the no-bid contract that have wasted billions in Iraq and reform our defense budget so that we are not paying for Cold War era weapons systems we don't use. Let it begin now."

Mr. FARR. You know what is interesting about your comment? I sit on the Military Construction Appropriations Committee. That is the military quality of life. We interview the soldiers, have them come in and ask them to prioritize what they want. Never in my 15 years have I ever heard them ask for a weapons system. What they ask for, their number one issue is quality of housing. The number two issue is childcare. Childcare. That is what the soldiers want. It is quality of life, because they are raising their families in the military. They are getting deployed and they are coming back.

The weapons system, those are all Fortune 500 companies that make those. That is Wall Street. So you have a different lobbying effort between the personnel, the human factor in the military, and the weapons systems or the procurement side of the military, and that is what is incredibly remarkable. And I am really pleased that you are pointing out if we are going to make proper adjustment, we have got to really scrutinize these expenditures to really make them essential to a new global world order.

We are not fighting conventional wars. We are fighting asymmetrical wars, and I don't know what a ballistic missile system is going to do in an asymmetrical war in fighting people that are using the Internet and public transportation to move their weapons and ideas around.

Thank you for your time tonight. I really appreciate it.

Mr. ELLISON. Congressman FARR, let me thank you for being here. Let me also thank Congressman WOOLSEY, Congressman McDERMOTT, and also Congressman POLIS was with us for a moment.

This is the progressive message, the progressive message tonight that we came with, to talk about just the defense aspect of the progressive message. We believe that if we follow the program that has been offered by the Center For American Progress that Congressman FRANK has been working on, we can save a lot of money for the American people without any reduction in safety for the American people.

It is not unpatriotic to question the military budget. It is not unpatriotic to talk about waste, fraud and abuse in the military. It is to enhance the quality of life for the soldier and security for the American people.

My name is KEITH ELLISON. I have been happy to be here tonight for the Progressive message. It has been great, another fantastic hour. We will be back, week in, week out, projecting a progressive message to the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POLIS). Without objection, the 5-minute Special Order of the gentlewoman from North Carolina (Ms. FOXX) is vacated.

There was no objection.

FIXING THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, I am pleased to be here tonight to lead this special order on behalf of the Republican leader and am pleased to be joined by some of my colleagues now on the floor and others who will be coming.

I want to say that we are going to talk about the economy tonight. We are going to talk about the cramdown bill that was passed here today. But I do want to say in response to the Progressive group, I think they call themselves, that was just speaking, is that any time I hear people talking about the need to do less in defense for this Nation, I want to say that I wake up every single morning and the first thing I do is say thank you, Lord, for letting me live in this country, and the last thing I do before I go to sleep at night is say thank you, Lord, for letting me live in this country, because I believe we live in the greatest country ever, and I know in large measure that is because of the great national defense that is provided to us by the men and women who risk their lives every day to keep us a free people.

Do I think that we should write a blank check for defense? No, I don't believe that. But I do know from reading the Constitution, and all of us are sworn to uphold the Constitution, that national defense is the number one role of the Federal Government.

□ 2045

It has to be mentioned over and over again because, unfortunately, too many people talk about all these things we could be doing for the people of this country if we just didn't spend all this money on national defense.

Well, Mr. Speaker, I have to say that States can't provide national defense, the counties can't provide national defense, the municipalities can't provide national defense. And we individuals can't provide for our national defense, except as part of a larger body. So it is our Number 1 responsibility as a Federal Government. And if we have money left over, then, fine. We may be able to do other things. But if we have money left over, the first thing we should do is give it back to the people from whom we take it forcibly and allow them to vote how to decide to spend it.

I want to say that I don't say to people who criticize the defense budget that they're not patriots. But I think they should be very explicit about where they think money is being wasted. And again, if there's money left over, let's just give it back to the American citizens. Let's not spend it in Federal bureaucracies.

So, as I said, we came here tonight to talk about the economy. That's the thing that's probably on most people's minds. Thank goodness we have a military that is allowing us to be safe, allowing us to be here on this floor at night, allowing us, every citizen in this country, to go about his or her job on a regular basis, all their activities, whatever they're doing and feel safe.

But what's on the minds, again, of most of the people is the state of our economy and the inaction and incompetence of the Democratically-controlled Congress and this administration in terms of how they have responded to the problems in our economy.

So I want to recognize some of my colleagues who are here tonight and allow them to share some of their concerns. I'm going to be here for the entire hour. I'm going to let them speak, and then I will come back and, if there are things that still need to be said, then I will take up some time and share some information with those of you who are listening to us tonight.

The first person that I would like to recognize is our distinguished colleague from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. Mr. Speaker, I rise today because Americans have bought a product that is not living up to its guarantee. Promises made are not being kept, and the American taxpayer is paying the price for the defective product that they bought.

This body has let the American people down. And I'm not just pointing my finger at the other side of the aisle. Both sides have hoodwinked the American taxpayer for not being fiscally responsible.

If I sound alarmist, it's because I'm concerned that it's only getting worse. I'm frightened about the path that America's heading down with this administration and this Congress in the driver's seat. HARRY REID and NANCY

PELOSI are driving this steamroller of socialism and, unfortunately, President Obama isn't putting up any roadblocks, and not even a slow down sign. And it's hardworking Americans who are getting run over.

Right now, in addition to a \$700 billion bailout of Wall Street, a \$1 trillion non stimulus bill, and a \$275 billion housing fix, the middle class is also carrying on their backs the auto industry, Bear Stearns, AIG, Citi, Freddie, Fannie and countless others.

For too long, lawmakers in Washington have ignored the pleas from hardworking families and small business owners in their districts. For too long, lawmakers in Washington have depended upon hardworking middle class to pay for their expensive programs, of which they rarely see a dime.

But there is an alternative. The middle class can demand that lawmakers stop using them to pay for policies that benefit only two ends of the spectrum. That's why I rise today, Mr. Speaker, to offer a vision for those hardworking middle class families who pay for the Wall Street fat cat speculators, who pay for welfare recipients, and who pay for all this.

My vision includes providing tax relief to small businesses and families. It includes offering incentive-based relief for job creators. We must skip the pork wish list and, instead, directly stimulate the middle class and small businesses, since they are America's economic engines. In doing so, jobs are created, faith is restored in the markets, and America's entrepreneurial spirit is once again unleashed.

Contrary to what is being said, those of us who oppose the recent actions of this "Credit Card Congress" are not just saying "no." Unfortunately, our alternatives to help our economy are not being considered.

I want to give a 5 percent, across the board, income tax cut. I want to increase the child tax credit to \$5,000. I want to lower capital gains, dividend and corporation taxes to bring investors back to America that have been taxed out of the country. I want to create jobs by producing American energy with American workers in the form of solar, clean coal and nuclear energy. I want to increase student loan deductions so that you can send yourself or your child to school at any age, with minimal financial burden.

I want a health care system that is affordable for all people, one that is patient-focused, not government-focused, one where patients own their own insurance policies, one where the doctor/patient relationship is where health care decisions are made, not by some government bureaucrat.

The economic recovery plan that I support includes no bailouts and no pork-laden projects. It creates twice the jobs at half the cost through permanent tax relief for families and for

small business here in America. This plan creates 73,000 more jobs in my home State of Georgia alone.

I also offered an amendment to the stimulus to give every American who files a tax return approximately \$9,000, their share of the stimulus bill. Clearly, not spending a trillion dollars would have been a much better option, but since Congress was bound and determined to spend the money, wouldn't it have been better to place that money back in the pockets of taxpayers?

If a two-parent family, middle income, middle class family had received \$18,000 in the mail, they could have bought a new car, gone on vacation, or even make a down payment on a home.

David McCullough correctly states that, and I quote him, "History is a guide to navigation in perilous times."

Let us not forget that in these tough times, that more government has never been a solution. Historically, socialism never has worked, never will work, and it will not work today. In fact, government actions were actually the stimulus that contributed to Fannie Mae and Freddie Mac's distension, easy money made available following relaxed interest rates, and ultimately, the push on American lenders to make loans, regardless of the borrowers' ability to pay.

As Margaret Thatcher said, "The problem with socialism is that you eventually run out of other people's money."

Mr. Speaker, I rise in that spirit to remind you that America was founded by pioneers with dreams who worked, and in some cases, died to protect freedom and make a more prosperous life for their children. We must not forget this.

God promises us in Psalm 30:5 that "Weeping may endure for a night, but joy cometh in the morning."

Now, I call upon all Americans, young and old, liberal and conservative, to demand a more efficient government, beat back the reach of big government, wipe away the tears of yesterday and demand a joyful morning in America, a future of freedom. America is depending upon it.

Ms. FOXX. I want to thank my colleague from Georgia. What he has done is put to rest the comments made by so many of our colleagues on the other side of the aisle who say that Republicans are the party of "no" and that we don't have a plan. Republicans, throughout this entire congressional session, beginning in January, have offered great alternatives to the abysmal proposals that have been given by the Democrats to deal with this economic situation.

We understand that the American people are hurting. We want to help the American people in ways that we know are proven ways to make things better.

What the Democrats have proposed are the things that will make the situation worse.

The American people know we cannot tax and spend and bail our way back to a growing economy. They know that raising taxes during a recession, on almost every American, is a prescription for economic decline. They know that raising taxes on small businesses, where a majority of Americans go to work every day, will not put American families back to work. They know that cutting deductions for charitable giving will harm higher education, scientific research and religious organizations struggling to stay afloat.

The American people know now more than ever before that Democrats are on the side of more government and more taxes. And we hope, through explaining our plans, that the American people are going to understand in a very tangible way that House Republicans are on their side, and we will continue to be on their side.

Mr. BROUN of Georgia. Would the gentlelady yield for a moment, please?

Ms. FOXX. I will.

Mr. BROUN of Georgia. I want to congratulate you, Ms. FOXX, for bringing up something that is extremely important. When you opened this evening's special orders, you talked about national defense being the major function of the Federal Government under the Constitution. I carry a copy in my pocket all the time, and I believe in this document as it was intended by James Madison and company.

If you look at this document, if the American people will look at this document, read what our founding fathers wrote, not only in the Constitution of the United States, but read what they wrote in the Federalist Papers, which were a group of essays to explain exactly what this document means. They will see that they've been handed a lie; that this document was never meant to be expanded beyond the 18 things that article I, Section 8 says that we, as a Congress, we, as a government, can do. And the 10th amendment puts a exclamation point upon that, because the 10th amendment says if a power is not specifically given to the Federal Government by the Constitution, in other words, those 18 things in Article I, Section 8, if it's not prohibited from the States, things such as having their own army, things like having interstate tariffs and those types of things, that those rights are reserved for the States and the people. And national defense is exactly the major function under the original intent of this Constitution.

And when we see people stand on this floor and cut down our defense—I'm a Marine, and I believe in a strong national defense, just like I believe in this document according to its original intent.

□ 2100

I congratulate you for bringing that issue up as you started this discussion tonight because the American people

need to understand that this document was never meant to be expanded the way government has—the way the court has expanded it, the way the administration has expanded it and the way that Congress has expanded it—particularly beginning with FDR, with the New Deal.

That brings us to today. The New Deal did not work. I was taught in school, in high school, that it did work, but that's just a bald-faced falsehood; it's not factual. The New Deal didn't work. The only thing that got us out of that recession, that depression in the '30s and into the early '40s, was gearing up the manufacturing base to supply World War II. So it was small business and manufacturing that got us out of that depression, and we're heading in that direction today in this country, with these bills, one after another, after another, after another.

When the President came and talked to our Republican conference, I'm sure you'll remember he said that the stimulus bill was just the first of many big spending bills, of many socialistic bills, of many big government spending bills that he was going to bring to the floor and promote very quickly. The thing is socialism never worked, never will work, and it's not going to work today, and the American people need to understand what the Constitution says and what we're headed toward. We're headed toward the financial collapse of America if we don't stop spending our grandchildren's future.

So I commend you, Congresswoman Foxx, for bringing up the Constitution, because I think the American people need to understand clearly that this is not a living document. It's a document of which we need to go back to the original intent.

God asked a question in psalm 11. He asked: If the foundation is being destroyed, what are the righteous to do?

What we need to do in America is to start rebuilding the foundations that this America was founded upon, those foundational principles that made America so safe, so secure, so rich, so powerful, and the only great power in the world today. If we leave those principles, then it's going to destroy America, and we're headed toward a depression in America if we don't stop spending our grandchildren's future.

So I thank the gentlelady for yielding me a few more moments, because I am very fearful of the direction we're heading in this Nation today. We're heading in a direction that's going to be disastrous. We're going to lose what our founding fathers fought and died and sacrificed so much for, and it's up to the American people to demand better. It's up to the American people to demand from their elected Representatives a constitutional government, a limited government, a government that isn't intrusive in their lives.

So I thank the gentlelady for yielding me a few more minutes. I am just

so passionate about this. We have got to stop this steamrolling socialism that's being shoved down the throats of the American public. It's going to kill the American economy if we don't do it.

So thank you.

Ms. FOXX. Well, I want to thank my colleague from Georgia. Many of us are passionate about this issue, and that's why I never let an opportunity go by to bring it up myself. We're going to have to get our Constitution caucus going and do a Special Order one night soon.

It looks like we're going to have a lot of folks who represent the medical community here tonight. The second person whom I want to recognize tonight is a new Member of Congress this year. He is a physician and a former mayor of a town in eastern Tennessee. He is my neighbor in Tennessee. Our districts join each other. I'm in North Carolina. He's in Tennessee. He's going to bring us some wisdom from the heartland of this country from his experiences in being out, talking to folks, and some of his reflections on what has been happening.

I would like to recognize Congressman ROE from the great State of Tennessee.

Mr. ROE of Tennessee. Thank you very much.

What I'm going to do tonight is just introduce myself to the people here and just share some real life experiences.

I have lived in Johnson City, Tennessee for 31 years, have practiced medicine there, have built a thriving medical practice from 4 physicians to over 70 with 350 employees, and so we've delivered and have worked in a small business.

A few years ago, I decided to run for public office after just sharing some thoughts with friends, and I was fortunate enough to be elected to our commission and as the mayor of our city. I brought a very simple philosophy to government, very simple. It's not calculus; it's not arithmetic. It's simple math. That is: Spend less than you take in.

When we went on the commission several years ago, we had deficit spending, and we had a bloated city government. With the help of some great leadership and our other commissioners, we cut almost 100 people from our workforce. In addition to that, we had only about \$2 million in the bank, and that was essentially broke. During the last 6 years, we've passed six consecutive budgets without a tax increase, and have gone from a fund balance of \$2 million to \$24 million.

So our city has a great savings account set so that, when this rough economy came, we were prepared for it like any individual would be with a savings account. We did this without raising taxes and without cutting services, and I think the people there rewarded us for this prudent behavior. As

a matter of fact, Wall Street rewarded us by increasing our bond rating to a AA rating.

I then fast forward. I come to Washington, D.C. in January, and I'm sworn in. In the fall, we all recall the \$700 billion bailout, or the so-called "TARP"—Toxic Asset Relief Program—that had already been passed by the previous Congress, and that was passed because of illiquidity in the banking market. People weren't able to get loans, and that's still an issue.

One of the first things we confronted here was an \$800-plus billion spending plan, the so-called "stimulus." Now, one of the reasons we were successful where we were was we had a plan to correct our problems. We had a very well-thought-out plan, and we executed that plan—reducing debt and improving the financial stability of our local government.

Here in the Federal Government, we had a massive, massive spending plan. As we went through it, it was 450 pages or so long. The plan was discussed here on the House floor and was sent to the Senate. It came back as a 758-page bill. After conference, it was 1,071 pages, which we were presented here on the floor at about 9 o'clock one Friday morning a couple of weeks ago. We voted on it 5 hours later, of which no one could have read that bill in its entirety and can tell me what's in it. So it was about \$1 billion a page. What I saw was massive Federal spending.

The options we have as a local government are: Number one, we can raise your property taxes. Tennessee is not an income tax State, so we have sales taxes and property taxes—that's a way we can raise revenue—or we can expand growth where you have more property taxes coming in. That's what we chose to do. We can't ask people to go down and spend any more money at the local department stores or at Wal-Mart or wherever. People are protecting their money now, so we can't do that. The Federal Government has a third option, and that is to borrow money, and they have borrowed massive amounts of money from China. If the situation comes where we can't borrow any more money on the credit market, then we have to print money. The danger of that is, when you expand the money supply, you certainly will create an environment where inflation may occur.

I can tell you one of the things that I did. I took this responsibility so dearly to myself because the people who are hurt the most with higher taxes are the people at the lower income and our senior citizens on a fixed income. I can think of so many people in my community for whom \$20 or \$30 or \$40 a month is just devastating. The gas price increases we had last year were just devastating—\$4 or \$5 a gallon. They just could not pay it. If you had people working, as we have had many people, for \$10, \$12, \$13 an hour and they had to

drive more than 10 miles to work, it took a day-and-a-half's work per week to pay their gas to get to work.

So the people who are hurt the most are not the people here in this Congress, who make a good salary, or the people out there making six figures. It's the people on a fixed income. I think, as for this particular bill that we've done, this spending, if we create an inflationary spiral, we've hurt the very people we've said here that we're going to help. We've hurt them the most.

I had the opportunity today to speak to a good many bankers because of some legislation that came on the floor, and it was about this, the home bailout. I called and spoke to numerous ones in my district. Let me just reminisce a little bit about the banking problems we've had.

I think there are approximately nine banks in America that control about 70 percent of all of the financial assets in America and over 8,000 community banks that control the other 30 percent. Less than 5 percent of our community banks have had to ask for TARP money. Every single one of the major banks has been too big to fail. Well, who is going to go save these small community banks? I can tell you no one is, but most of them are very financially secure. I spoke to several today where less than 2 percent of their loans are a month behind or more, so they are doing very well.

Then they were presented with a situation today in this particular bill where a bankruptcy court can say to you, You have to mark down the difference. If the home price decreases in value from, let's say, \$230,000 to \$200,000, you have to eat that. This local bank has to eat that.

Ms. FOXX. Will the gentleman yield?

Mr. ROE of Tennessee. The gentleman will yield.

Ms. FOXX. When we were debating this bill last week, one of our colleagues on the other side of the aisle said that this is not going to cost the taxpayers a single penny. I responded: Well, the last time I looked, the banks are owned by shareholders, and those shareholders pay taxes if they have any kind of profit. It seems to me that shareholders and taxpayers are the same people.

Those banks that you're talking about in your community, those community banks, are they owned by shareholders who pay taxes?

Mr. ROE of Tennessee. Absolutely. Not only that, but if you do what they have recommended or what we voted on today, another provision in that bill is that you could get a zero in bankruptcy court. The judge could say, You get a zero interest rate for 30 years.

I asked one of my banking friends, How do you make money if you lend at zero percent for 30 years?

The bottom line is that those costs are passed on to the other people who

borrow money from that bank. So the taxpayers absolutely get the bill. That is a great point you just made.

Ms. FOXX. Now, you've been a physician, but you've also been a businessman, and I think that's important. With 350 employees, that's a pretty good-sized small business. You understand that what was done today with this cramdown bill is going to affect taxpayers, and you understand how it's going to affect the people who play by the rules. I'll bet you had some of that in your practice, too, didn't you?

Mr. ROE of Tennessee. Absolutely.

What we've just said to many of the banks in our area and to the folks who've borrowed money with the intent of paying it back—which is the example I gave today—is, look, if somebody had bought a Tahoe last January and they had paid \$40,000 for this new Tahoe, well, when gas prices went to \$5 a gallon, you probably couldn't get \$20,000 for that Tahoe. You were probably upside down in your loan right then, but what did you do? Did you walk back and give it to the bank? No. You kept paying on that until you paid your Tahoe off. So that's what we've asked people to do.

I think this bill should be vetted extremely well in the Senate. We shouldn't cause people, the 98 percent of the people who are paying their mortgages on time in Tennessee, to say, Hey, I've got to also pay for this other mortgage when I'm doing it the right way.

I think the experience I've had in government is that we've always preached—and I have seen it myself, have lived it and have breathed it—smaller government and low taxes. Businesses move in, and your economy thrives. I have personally witnessed that. I know it works. I come to Washington, D.C. What do I see? The most staggering spending that I've ever seen in my life.

Let me pose a question. Then I'll let you answer this: When we passed the omnibus spending bill, I took that 2,000 pages back to show my constituents what we'd passed here. An 8.5 percent increase. Now you tell me what State government, what local city government is going to pass an 8.5 percent increase this year. The example we should be doing is: We in Federal Government are going to cut the size of this Federal Government. We're going to tighten our belt. It would be a wonderful example to the rest of the Nation.

Ms. FOXX. I've noticed in the newscast how many people are losing their jobs in private industry. I haven't heard one word about any people on the Federal payroll who are losing their jobs. I agree with you: We have no business expanding the Federal Government at any level. We should be cutting back just like our constituents are cutting back, and we should bal-

ance the budget. We cannot continue to operate that way.

□ 2115

Mr. ROE of Tennessee. The thing that I noticed when I was home and you have, I'm sure, the same—and I have to say you have a wonderful Charlotte airport. During the snowstorm, I got to spend 24 hours there. So it's a beautiful airport. The people from North Carolina were very good to their neighbor from Tennessee.

I think one of the things that we have to do is we have to set an example in the Federal Government to the rest of the Nation. If we did that, if we had a plan that we're going to balance the budget—I mean, this particular budget we're spending is \$1.6, \$1.8 trillion out of balance, and we're going to cut it—well, it's some gimmickry because when you don't have an \$800 billion spending package, you've already cut that much of it. That's onetime dollars. So that's really not a fair cut.

A real cut would be when you actually spend less money than you did the year before, and that's never happened in my view of Congress.

Ms. FOXX. Well, some time soon I am going to share with you an article that I read in *Human Events* last November about what the Federal Government looked like in the '30s and what our society looked like and what our budgets looked like in the '40s. But it has been done, and that's what we need to do.

I want to ask someone else to join us in our conversation here. We have our colleague from Wyoming (Mrs. LUMMIS) who is with us tonight. And I know that she has some interesting points that she wants to add to this discussion. And I want to bring her into it at this point.

Mrs. LUMMIS. I thank the gentlelady from North Carolina and the gentleman from Tennessee for their dialogue. It brought to mind a constituent of mine.

I am from the State of Wyoming, and an Arapaho woman, who is a friend of mine, had a business last summer on the reservation in Wyoming where she was bringing groceries in, trucking groceries into the reservation for easy access and purchase by members of both the Shoshone and Arapaho tribes on the Wind River Indian Reservation. It provided an opportunity for Native Americans to shop on the reservation rather than having to go into town in Riverton or Lander. It provided Native Americans with jobs in trucking and in the grocery business. And she's a wonderful entrepreneur.

When the price of gas reached \$4 a gallon, it was not clear that she would be able to keep her grocery business open. She was beginning to cut down on the hours that her employees worked, cut down on the amount of product she had on her shelves. And

had those prices continued at that rate, she would have had to have closed her doors making it more expensive for Native Americans to drive to adjacent communities to purchase their groceries. Fortunately, the price of gas dropped.

But since I've come to Congress, and particularly in the last week, I've seen, as a member of the Budget Committee and a member of the Natural Resources Committee, proposals in the President's budget for Cap and Trade legislation that would include \$646 billion in new revenue. Now, that new revenue is going to come from the American people.

Ms. FOXX. Would the gentlelady yield?

Mrs. LUMMIS. I yield.

Ms. FOXX. What does that word "revenue" mean? Don't we know it by another name?

Mrs. LUMMIS. We do. And the gentlelady makes a wonderful point.

These are taxes. These are taxes on the consumers of American energy. So if you have electricity in your home or in your office, or if you drive a vehicle, or if you use electricity or oil or gas or energy of any kind, you will be paying a tax. And that tax will amount to \$646 billion in new taxes, which will come out of your pocket.

So 100 percent of the people who use energy in this country will pay 100 percent of the taxes that will be levied pursuant to the Cap and Trade bill.

Now, this means that a typical consumer, in their electric bill in their home, will see about a 62 percent increase in their utility bills. And businesses, small businesses—such as you and the gentleman from Tennessee have been discussing—will see a 100 percent increase. They will see a doubling in their utility rates.

And, of course, other fuels will increase as well, including gasoline—which, once again, makes me recall my friend who brings groceries into the Wind River Reservation in Wyoming and the hardships that will be imposed on regular Americans as a consequence of Cap and Trade legislation.

In addition, the proposed budget by the President includes an enormous array of taxes on the oil and gas industry, which will, once again, be passed on to consumers in America—that is if the industry here survives.

And if the industry here does not survive or cuts back, that will reduce American jobs, it will increase our dependence on foreign sources of oil and gas. It fails to acknowledge that natural gas is the cleanest burning hydrocarbon. And my State of Wyoming, which produces coal, may end up shipping its coal to places like China, which are demanding coal and building new coal-fired power plants.

Now, I learned today in a committee meeting before the Natural Resources Committee from a witness that was

brought in at the pleasure of the majority party that if you ceased all economic activity in the United States, Europe and Japan combined and did absolutely nothing, that unless China, India and Russia changed their ways, we'll see no reduction in carbon emissions—which is to say we could completely cease all economic activity in Europe, the U.S. and Japan and still, because of the carbon emissions and the increases in carbon emissions that are occurring in China, Russia and India, there will be no reduction in carbon emissions.

So, in other words, we are not going to be able to influence. By hurting our own economy, reducing our own jobs, taxing our own people, we're not going to be able to reduce carbon emissions.

So, consequently, we need to look at the benefits of these programs that are being proposed in the President's budget and compare them to the costs. And I can tell you based on what I saw today in budget presentations in the Budget Committee and testimony in the Natural Resources Committee that the benefits of reducing carbon emissions in the United States, Europe and Japan are not recovered, and the cost is borne by the American people.

Ms. FOXX. Well, I thank the gentlelady for sharing that experience that just happened today.

I haven't heard it explained exactly that way, but I've known for a long, long time that we in the United States are not creating the problems. If there is a problem with global warming—I will tell you that I am a social scientist, not what would be called a "pure" scientist, but I've read enough to know that we cannot in any way prove that we are causing global warming.

I think that the Lord's in charge of this Earth, and a lot of things have happened before human beings got here. There's been climate changes without us, and I think they're going to continue. So I appreciate you bringing that in.

Mr. ROE of Tennessee. Would the gentlelady yield for just one comment?

Ms. FOXX. I would yield.

Mr. ROE of Tennessee. Just something even more sinister.

What the gentlelady from Wyoming was saying is that the carbon tax, if you look at it, or cap-and-trade, just so people understand what that is, is when oil is offloaded from a ship or comes out of a well, a tax will be placed on it at the wellhead. So you pay a tax that goes directly to the consumer. Again, the least people able to afford this are the folks on a fixed income, our senior citizens, which we have a lot in our community.

So when you go down to the grocery store to buy a bag of tomatoes or bread, it was brought there by a vehicle that's paying more to get there just because of this carbon tax. And the

theory, as you pointed out, is we want to tax carbon to produce carbon dioxide into the atmosphere, and we'll use these other renewables.

And at some other time, I certainly would like to go into some ideas that we've shared at the local level about how to reduce carbon at no cost to the taxpayers.

Ms. FOXX. Well, I think this distinguished group of new Members should put together a Special Order one night and let's talk about energy.

We've been joined by another one of our colleagues who came into the Congress along with the two of you who have just been speaking, and I have been very pleased to have had him come over and help me on a couple of Rules that I have handled on the floor and am very pleased to have him join us tonight.

We have Mr. MCCLINTOCK from the great State of California, which is not exactly in the best financial shape these days. I don't know if he wants to share any of that with us. But I know he's going to have some great comments to share, and I want to give him an opportunity to join in our discussion here.

Mr. MCCLINTOCK. Well, I thank the gentlelady for yielding, and I particularly thank her for organizing this discussion tonight over the future of our Nation.

The discussion going on right here in these hallowed halls of Congress is exactly the same discussion that's going on around dinner tables, over backyard fences, over coffee at Starbucks.

Everybody understands that our Nation is in great trouble. It's getting in deeper. And I think every citizen realizes that each of us has an important responsibility to play in being part of that discussion.

The gentlelady is quite correct. California is in a world of hurt. It's followed exactly the same policies that this administration appears to be embarked upon. It's probably a couple of years further down the road than the rest of the Nation, which offers us a very important warning of what happens when reckless spending, reckless deficits and reckless tax increases all combine into a perfect storm.

California's unemployment rate is now in double digits. This, a State that was once a golden land of opportunity, a State that used to have a recession-proof economy. It was always the last to see its unemployment rate rise. Now it's the first, and the reason is public policy.

Mr. Speaker, I would like to add to that discussion tonight by broadening the discussion to a number of points that have been made by my friends on the majority side blaming the Bush administration for the Nation's economic woes. And I hope that I don't shock my friend from North Carolina to actually rise to join that chorus in some respect.

We are all painfully aware that the Bush administration increased spending twice as fast as we saw it increase under the Democratic administration of Bill Clinton. The Bush administration's first stimulus bill added \$160 billion to the national deficit through tax transfers despite warnings that it would do nothing to stimulate the economy, and it didn't.

The Bush administration's bailout bill last fall added another \$700 billion to the Nation's deficit despite many warnings that it would not stabilize the economy, and it didn't. That administration ended with record spending, record borrowing, record deficits and an economy in shambles.

But my question to many of my friends in the majority, Mr. Speaker, is this: If record spending, record borrowing and record deficits is the path to economic recovery, why aren't we already enjoying a period of unprecedented economic expansion? In fact, all of the bailouts and handouts and loan guarantees that have already been enacted add up to over \$9.7 trillion, as we pointed out on this floor in the past. That is more than the modern-day cost—inflation adjusted—of the space race, the Vietnamese War, the Louisiana Purchase, the Marshall Plan and the New Deal combined.

The fact is, these policies don't stimulate an economy; they stifle it. And it doesn't matter whether these policies are enacted under a Democrat or a Republican. They don't work.

□ 2130

They didn't work in the recession of 1929, when Republican President Herbert Hoover increased the marginal income tax rate in this country from 25 percent to 65 percent and piled up taxes on imports. They didn't work in the resulting depression of the 1930s, when nearly a decade of Democratic President Franklin Roosevelt's New Deal spending failed to stimulate the economy. And we forget that the unemployment rate in 1939 was actually slightly higher than it was in 1931. And we know from a year of failed bailouts and handouts and loan guarantees that these policies aren't working any better today.

Today we learned that General Motors, despite billions of dollars of taxpayer bailouts, is still going under. Monday we learned that AIG, despite billions of dollars of taxpayer bailouts, is still going under. Mr. Speaker, don't they understand that the sooner that we stop bailing out failed companies the sooner we can begin a genuine economic recovery?

Ms. FOXX. Would the gentleman yield?

Mr. MCCLINTOCK. Gladly.

Ms. FOXX. I wrote this note down just after we started this session tonight, and I want to ask you if you have ever heard this famous quote by

Einstein: "Stupidity is doing the same thing over and over again and expecting a different result." Do you think that characterizes the situation that we find ourselves in?

Mr. MCCLINTOCK. I believe Professor Einstein said it was not the definition of stupidity, but insanity.

Ms. FOXX. Insanity, excuse me. The definition of insanity.

Mr. MCCLINTOCK. And I certainly concur with that. And what we are seeing here in this new administration are the same mistakes, multiplied, that we've just seen in the last administration.

You know, before the failed \$700 billion Bush bailout bill, this Nation's budget deficit was around \$500 billion or so. Now, because of that mistake, the bailout bill—which, by the way, President Obama and many of my Democratic friends in the House supported and ultimately consummated—and because of all the other bills that have rushed through this House in the last few weeks with such reckless abandon, our deficit has tripled to \$1.5 trillion for this year, on its way to an additional \$1.75 trillion for next year. And as tempting as it is to censure the folly of the Bush administration's fiscal policies, I think we should be far more concerned with the greater leap in borrowing and spending that we are now pursuing under this administration.

Now, Mr. Speaker, there is one institution that doesn't look back, and that's the stock market. The past is utterly irrelevant to the stock market; it doesn't care where the economy was yesterday, it cares very much where the economy will be tomorrow. The stock market is strictly a forward-looking measurement of what investors are betting will happen to our economy in the future under current policy. And the precipitous decline of the stock market since these new policies have been unveiled should be a warning to us all—today the stock market closed at its lowest point in 12 years. If the policies we're embarked upon were destined to save our economy, you would think that those who make their living betting on the economy would be buying like crazy, and they're not.

Mr. Speaker, perhaps we would do well, then, to stop the partisan bombast and to realize that bad policy produces bad results, whether the President is a Republican or a Democrat; and, indeed, that Professor Einstein was right, doing the same thing over and over and expecting different results is, indeed, the definition of insanity.

I yield back my time.

Ms. FOXX. I thank the gentleman from California for giving us a great history lesson and reminding us of the kind of things that we ought to be about, again, regardless of what party we come from. And I want to say that

I proudly voted against the bailout, predicted it would be a failure. And I voted every time in the last 4 years for reduced spending because many of us who came here in 2005 could see what was ahead.

I want to now yield some time to our colleague, one of the most dynamic people that we have here in the Congress, MICHELE BACHMANN, from the great State of Minnesota, where they say "Minnesota nice"—I learned that this summer. So, Mrs. BACHMANN, if you would, please, join us.

Mrs. BACHMANN. Thank you. I want to thank the feisty gentlelady from North Carolina, from the Appalachian region, who sets the new standard for all of us for what we need to do to be sympathetic not only to the principles of the constitutional founding of this Nation, but sympathetic to the future of this great country. That's what we're all about here tonight, we're about growth, the future, where we're going to go.

And what we're very disappointed in is the bill that came before this body today. I think that there were intentions here that were meant to help people that were in homes to be able to stay there, but the unintended consequence could be that we could be killing the housing industry once and for all.

We've seen a proposal from our President that said that he wants to limit mortgage interest deductions for people that have a combined gross income of \$250,000 or more. That may seem like a great thing. That may seem like those are people who can well afford their homes and don't have to pay for interest deductions. Well, one thing that we know will happen, in all likelihood, from what we've seen in history when the luxury tax was introduced back in the late eighties, immediately what happened is we saw the boat industry go down, we saw the fur industry go down, we saw the jewelry industry go down. Well, so what we might say. The "so what" is that average normal Americans lost jobs by the droves. And so immediately Congress had to come back and reverse that ill-thought out legislation so that we could bring those economies back online, and they did.

Now, once again we're seeing history repeat itself. And we're very concerned because we're seeing not only an attack on people who have managed to be able to create wealth and who have managed to have capital formation—that's the genius of the United States, private capital formation; you're able to collect money that belongs to you, hold on to it, use that money, put it at risk, create a business, create a service, create products that help all Americans and people around the world. That's the genius of the United States.

Private ownership of property. What did cramdown do today? It did just the

opposite. It eviscerated pillars that exemplify American exceptionalism, and it's this; it eviscerates the sanctity of the private contract and it eviscerates the rule of law. What are we without the rule of law? What are we without private contract?

When a person goes to a bank and asks for a loan to buy a home, when that happens, that's a private contract between a borrower and between the lender. Today, this body, the United States Congress, said no to those private contracts. It said that now an American can go ahead and go and file in a bankruptcy court, and a bankruptcy judge could open up that private contract and reset the terms, completely reset the terms. What will that mean? That will mean, in the future, what lender in their right mind is going to lend to someone to buy a house if they know that a bankruptcy court will come back in and re-think this whole arrangement, perhaps to the detriment of the lender, and the lender may be left holding the bag. And if he isn't, certainly the forgotten man of the private taxpayer will be left holding the bag.

This is something that I found out today that I couldn't believe. You can have someone literally, under this bill, buy a \$1.5 million home, and in some of these markets—southern California, Las Vegas—you can easily buy a \$1.5 million home. And you could have seen that \$1.5 million home lose value so that today maybe it's only worth \$500,000. If you have that borrower go into bankruptcy court today, based upon today's fair market valuation, the bankruptcy court can go in, take your \$1.5 million loan, reduce it down to \$500,000. What happens to the borrower? They can sit in that house for 5 years. Once the 5 years is up, let's say that home has gone back up now, it's worth \$1.5 million again, then the buyer can go sell that house and they pocket that million dollars.

What about that million dollars? Do they have to take it on their income? Absolutely not, they don't; there is no income tax consequence. Is there a capital gains consequence? Under current law, \$500,000 of that gain would be tax free; in other words, that borrower would just skate. The lender was left hanging, the taxpayer was left hanging, but that borrower, who was able to live in that house for 5 years, takes \$500,000 in cap gains free, no tax consequences—what a deal if you can get it—and of the remaining \$500,000, they pay the cap gain on that. Amazing.

Mrs. LUMMIS. Would the gentlelady yield?

Mrs. BACHMANN. Yes.

Mrs. LUMMIS. Who is going to bail out the bank when the bank loses that money?

Mrs. BACHMANN. There's only one person left at this point to bail out. And what the President and what the

majority that runs the House and Senate have said, it's up to the American taxpayer. It is the forgotten man of the American taxpayer who is the one who is on the hook for every single one of these boondoggles that we have seen introduced in Washington over the last 7 weeks, it is the forgotten man of the taxpayer.

And what's worse, under this legislation that came through today, you can take what's called the Truth in Lending Act, and the Truth in Lending Act says something like this; if in that example that I gave of someone who takes a house, they buy it for \$1.5 million, it's now worth \$500,000, the bankruptcy judge says now you only owe \$500,000 on this house, that person can go ahead and they can comb through the Truth in Lending Act. And if the bank that made that loan, instead of giving two copies of the loan to the borrower, they only give them one copy, that lender is in violation of the Truth in Lending Act. Do you know what that means? That means that the lien that the bank has against that house, it goes away because the bank missed a technicality. So that because the bank missed a technicality, that person with the \$1.5 million home that they're now getting for \$500,000, they've just gotten a free home. I mean, they owe nothing on it because that bank has just lost their loan that they had, their lien on the property, and this borrower skates away.

Here's another thing that's even worse. Let's say that guy or girl had a \$1.5 million home, they take out a home equity line of credit for \$1.5 million against that house, they go out, they buy a yacht, they buy a BMW, they take their kids and they go down to Orlando, they do any number of things, so they take that money and they spend it. Guess what? Same result. They will owe nothing because if not every jot and tittle of that Truth in Lending Act is followed, that borrower cannot only see their loan principal reduced, they can see it vanish and go away.

This is beyond belief. It reminds me of that television show "Deal or No Deal," you know. You keep looking to see if some banker has violated some technical provision so you can get a free house. It seems like we're now in the business of turning normal Americans into crooks, where we're going to encourage normal Americans to just stop making payments on their home. Why? Because they can get a better interest rate; they can get a reduced principal; they can get terms that are up to 40 years with zero interest. Just think of the inducements. Shouldn't we be inducing Americans to make growth decisions, good decisions?

These are graveyard economics for the future of our country. And think of the lessons that we're giving to the next generation about how to conduct your financial affairs.

Mr. McCLINTOCK. Would the gentlelady yield? Just a question. You brought up a great point a minute ago where the massive borrowing takes money away from private business. Do you think that what we've done here in the last 7 weeks has been a job creator or a job killer when that much capital goes out of the market?

Mrs. BACHMANN. Doctor, what would you think? I mean, this will be a job killer. As I said, this is graveyard economics. We will not only see, I believe, a continued diminution, if we follow the Obama administration's new calculus on the economy, we will see our senior citizens, I believe, continue to reduce the valuation in their 401(k)s. That's not the future I want to see.

I will yield to the gentlelady from North Carolina.

Ms. FOX. Thank you, Mr. Speaker. I yield back.

THE CRAMDOWN BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the honor to address you on the floor of the House of Representatives.

As I came in here awaiting my appointed hour, I was fascinated to listen to the Members who have spent the last hour talking about what is happening to our country, what's happening to our economics. And I wanted to take this thing another step.

Listening to the gentlelady from Minnesota always has me entranced as to how deeply the thought goes on the economics on that viewpoint particularly.

□ 2145

But I will take it another level from the level of a million and a half mortgage down to \$1 million in the pocket that has been described here. Let me say that a borrower can also misrepresent their income. They could fraudulently misrepresent an appraisal on that property. They can misrepresent their job status. They could commit actual fraud.

They could misrepresent or, under false pretenses, obtain this loan. And the bankruptcy judge, who would now, under the provisions of this language that passed the House today, this bankruptcy judge couldn't even consider the actual fraud or the misrepresentation or the false pretenses because we offered that language in the Judiciary Committee.

In fact, I offered it as an amendment, and it passed the Judiciary Committee by a vote of 21-3. It was not quite the unanimous judgment of the Judiciary Committee that we ought to prohibit any of these cramdown provisions to anyone who has misrepresented themselves in order to get this mortgage.

But, after the fact, after the amendment passed the Judiciary Committee 21-3, without any notice to any of the Members that I am aware of, the language was changed in the bill that came to the floor, which we found, out of due diligence of our staff, reading down line by line, to make sure there wasn't something going on behind the scenes, well, there was. They changed the language.

And the language in the bill, which they have refused to even allow a vote to correct, get back to what the Judiciary Committee approved, that language in the bill now says that the borrower will have available this relief under the bankruptcy law unless they have been convicted of fraud, not out and open fraudulent action or misrepresentation or obtaining a loan under false pretenses, that's not good enough for the bankruptcy judge to even consider that in his evaluation on whether he is going to dial the 1.5 million mortgage down to half a million and let him walk away with a million dollars in profit out of the deal. But even if they walk away with misrepresentation, they can't consider that because this Congress has said only can he consider it if the borrower is convicted of fraud.

I yield to the representative from Minnesota.

Mrs. BACHMANN. I thank the gentleman for yielding.

What's amazing about this bill, this cramdown bill, this historic bill that was passed today, is that potentially who are millionaires, who received loans and the multimillion dollar level of loans, literally could have received a loan with zero down. So they could have gone into a home, they had absolutely no skin in the game, zero money down.

In fact, they could have had a negative-equity loan, which means they could have gotten money back at closing. So they could have had zero down with money back at closing and then they could have gone and taken out a home-equity loan based on the value of their property. This was happening.

I mean, let's not forget, just as recently as 2005 we were seeing housing prices go up and up and up. Remember, half of the houses that went into foreclosure were investor homes.

So people were out there going into homes, thinking they were going to flip them, getting in so highly leveraged, and they got into this game. And now, if you own that property, you will be able to go, and you don't even have to answer your phone if on your caller ID you see it's your lender, you don't even have to pick that phone up and talk to your lender. Under this legislation we are going to start seeing television commercials where its plaintiffs' bankruptcy attorneys saying call me, call me, call me. I can get you a better deal on your house.

We are seeing all those ads on TV now. You don't have to pay your tax bill, I will get you off the hook. You don't have to pay your credit card bill. Don't worry, I will get you off the hook, but the one thing, I was born in Iowa, just like our great representative, one thing we learned when we were growing up, we have to pay our bills. Because if we don't pay our bills, our grandparents taught us somebody else is going to, and that's tantamount to stealing.

What I saw today in this cramdown bill reminded me of the 10 commandments and what the 10 commandments teaches to all people in all cultures, and that's that we shouldn't take what doesn't belong to us. When I look at this legislation and it makes clear that people can go before a bankruptcy judge, they can get a false valuation on their home and have their whole debt essentially wiped out. And if they sit on that home for 5 years, they could walk away and skate on a profit at somebody else's expense, I don't know what else you call it. I have no idea what else to call it.

I just know this is immoral. This bill that passed today is nothing short of immoral and people should be ashamed of putting their name on this bill.

Mr. KING of Iowa. There is no question, I agree, it's immoral. It undermines the underpinnings of this free market society that we are. It breaks the contract between property and assets and borrowers and lenders.

When that contract is broken, when the faith is broken—and I have sat in the bank many times with my hat in my hand trying to start a business. When I started a business in 1975 and I had a negative net worth of \$5,000, I went into a capital intensive business. So I did a good job of marketing, at least that's one of the things I was able to sell, the business idea. But many times I was short of enough cash to make things work.

And I would go into the bank, and I would have to justify it every time. I would have to have the assets underneath that in order to convince the lender that I was going to be able to pay the loan. And I had to have the prospective accounts receivable and they had to be represented right and accurately. I had to have a balance sheet continually, at least annually, often monthly profit-and-loss statements—all of this to justify a business operating loan that I could keep my employees work and be able to pay the bills on time.

All of that level of integrity that's built into that relationship between the borrower and the lender, the time-honored relationship between collateral and credit and character and capital, is being ripped asunder by this bankruptcy bill, by this cramdown bill.

And, so, now what will happen is, lenders, those who decide they are

going to still be in the business of mortgage lending, they have got to go back and reevaluate this equation, this business equation which says the degree of risk has to be proportional to the potential for profit. That's the equation. You put the equal sign in the middle, degree of risk, potential for profit.

Mrs. BACHMANN. Let's remember, there is no free lunch here. That's what Milton Friedman, the great economist said. There is no free lunch, because when a judge writes down, let's say, the multimillionaire went out and bought that million dollar and a half house, now the fair market value is \$500,000 now. So the bankruptcy judge, with a stroke of the pen, said "voila," now you only owe 500,000 when before you thought you were going to get a million and a half. The banker gave you a million and a half. What happened to that million dollars? Where did it go?

Well, remember, when the banker gave that money out and got the house back in collateral and got the promise from the borrower that the borrower was going to pay back that million and a half plus interest, the banker sold the right to that mortgage. He packaged it up in mortgage-backed securities and he sold those securities.

So now those mortgage-backed securities, which kind of started this whole meltdown in the first place, because we are worried about their valuation, now we have mortgage-backed securities that we thought were toxic before and in trouble before? Now these mortgage-backed securities, after this bill that was passed in this Chamber today, have just been made radioactive. There is no one who will touch these mortgage-backed securities.

So in a very odd, circuitous sort of way, this administration, and those that run the House and run the Senate, have just guaranteed that mortgage-backed securities are worth even less than they were worth before today. So who is going to pay for this loss? Eventually these insurers and these bondholders, because there was a carve out for AAA bond holders in this bill.

I don't know if you are aware of that, but if you are a AAA bondholder, you skate on this bill. You don't have to pay for the losses. But if you are anything else, a BB bondholder, you lose on this deal.

And so where will these people go, these insurers go? People will go to the claims court, and they will make an application at the U.S. Claims Court.

Guess who will be paying the claims? The United States taxpayer, the forgotten man, the chump at the end of the stick will be the United States taxpayer who ends up paying the freight on all of these big ideas.

At the end of the day, you have graveyard economics. And what we know is that there is a better way out of this. There is a positive ending. We don't have to have a sad ending.

That's the grief that I think we have been living with these last, 6, 7 weeks. We have seen a very sad ending to our economy, but we know there is a great ending to the economy. There is a completely different alternative that we can offer the American people.

Mr. KING of Iowa. Well, I thank the gentlelady from Minnesota, and I would point out that the point you made about these bundles of mortgage-backed securities that are trampled and sliced and diced and packaged and repackaged and sold up and down the chain and coalesced into certain values of securities, have created toxic, truly toxic assets. The value of these assets cannot be considered any longer. They cannot be evaluated.

This degree of risk can't be evaluated as being proportional to the potential for profit. And we watched these markets tank nearly every day, nearly every day during the Obama administration.

In fact, I had some interesting numbers that I ran today and I think they will be informative to everybody in this country, and I don't think anybody has asked this question until today. So I went back, and I am watching the Dow just tailspin. So I went back and took a look at has any president in history ever had such a, let's me say, negative start economically at the beginning of their administration?

So I went back to November 4, the election of 2008, took a look at where the Dow was on that day as our lead indicator of our economic growth or shrinkage, as it might be, and evaluated the first four months of President Obama's from the moment that the markets recognized that he would be the President being elected until today, 4 months from that period of time, November, December, January, February, roughly speaking, and compared that to the previous presidents as long as we had electronic records.

And it turns out to be this, as one might expect, FDR, up until this time, got the worst welcome from the Dow Jones Industrial Average. In fact, he got the two worst we will come on record. In 1932, in the first 4 months, the Dow drooped 16.63 percent. On Franklin Delano Roosevelt, that was their level of lack of confidence in his election in 1932. In his election in 1940, it dropped 9.3 percent. Those two drops are the two largest in history of welcoming a presidential election by the market reacting.

And, by the way, the most positive reaction was, both of us born in Iowa, I will tell you, was Herbert Hoover, and we could go into that, perhaps. But in any case, President Obama's start is the worst economic start in the history that I can trace back electronically that goes back at least to Herbert Hoover's administration.

Franklin Delano Roosevelt saw the markets dropped 16.3 percent in the

first months after he was elected in 1932. But, today, the first months after President Obama was elected, we have seen our Dow Jones Industrial Average drop 31.49 percent in that period of time.

It's almost twice as much of a drop and, under this administration, as any administration in our electronic history. I think it's breathtaking, the message that the markets have shown.

And this, by the way, isn't just a President Bush economy. If you will recall, President Obama supported the \$700 billion bailout plan. He came to Washington to work on it too and decided he would support the proposal.

This Congress approved, I can go over our resistance, \$700 billion, first half, \$350 billion went essentially right away to pick up these toxic assets that then we thought were toxic today, are far more toxic than they were. The other \$350 billion had to be released by Congress. That was done so under the Obama administration.

This is his economy. He is fond of saying that he had inherited a trillion dollar debt. Well, this debt is increasing more and more each coming week.

In fact, tonight on one of the networks, they announced that President Obama's wish list, if you add it up, comes to \$20 trillion, \$20 trillion. Now, I have not put all the line items in that, but that is a breathtaking number, \$20 trillion.

And how can we have a level of confidence in this when you are seeing this kind of a response? Every day we have negative financial news. I am seeing nothing that comes back that shores up confidence in this marketplace. The markets are going to react to an opportunity to make profit, and the government is stepping in and nationalizing and interceding themselves in the marketplace, the confidence in the marketplace is going down, not up.

You see the asset value of our lending institutions, our mortgage bankers, going down day-by-day. These institutions were going to be shored up, and they haven't been shored up. We haven't let the markets work. There is one thing we know for sure that if we keep our free markets together, if we don't get everything nationalized and all socialized, we will recover from this. But the question becomes, how long does it take?

□ 2200

Mrs. BACHMANN. I thank the gentleman from Iowa, Representative KING, for yielding.

Conversely, you had given the numbers about how the market has been tanking in the last 7 weeks since the Obama administration took over. Now, compare and contrast that to the Bush tax cuts. The first quarter after the Bush tax cuts were put into place, already we saw revenues increasing to the government and we saw an eco-

nomics uptick. That's how quickly those incentives will come into place.

I handed out literature this week to various colleagues to show that our economy on its own, in a miraculous way, which always happens, is already healing itself. We saw that we had about 5 million existing homes out on the market. That number has now dropped to about 3.8 million. So the housing stock is already in the process of depleting and demand is coming up. Interest rates are coming down. In some segments of our economy, we see 85 percent home sales that are being completed. So we're seeing a turnaround already in the housing market, although now with a crash, that may change a little bit after the lesson of today.

But also in the auto market, we're seeing pent-up demand building. We saw a very low number of sales that were completed in February, about 42 percent fewer sales. That's a dramatic low in auto sales; however, we're seeing pent-up demand. People want to go out and buy a car. But because of the news that they have seen come out of Washington the last 7 weeks, people have been unwilling to spend.

But what is it that would turn it around? That's the positive answer and the positive solution that can be on the horizon. We could turn our economy literally around if we would do a few things: One of them would be that all of this money that has been committed, and if you go back to about January of 2008 and you take a look at all of the commitments that the Federal Government has made through both the Bush and the Obama administrations, the trillions and trillions of dollars, if we would reel that money back in that hasn't been lent yet, that hasn't been spent, if we would reel those commitments back in and not spend them, because guess what, all that spending hasn't worked yet; so how is spending \$20 trillion more going to turn it around? If we would pull that in and if we would give the marketplace one thing it's been begging for but hasn't gotten: certainty. The marketplace needs certainty. And what the Obama administration has given them is buckets of uncertainty. So that's why we are seeing the economy tank.

So if we do a few very simple things: One, for at least a 3-year minimum, zero out capital gains so we could get people off of the sideline, sell their assets, whether they're stock, equities, whether they're buildings, whether it's homes, sell their assets and have zero capital gains, minimum 3 years, preferably for 4 years, people would get in the game and they would start buying and selling and creating wealth because that, after all, is the genius of America. The ability to have private capital formation from which wealth comes and which you create more wealth.

Number two, the United States, as Representative KING knows, has about the second highest corporate tax rate, business tax rate, in the world at about 34 percent. If we would take that corporate tax rate from 34 percent down to permanently 9 percent, we would make America in this global economy, where we have an economic global malaise going on, we would become the situs to do business, and we would bring capital from all over the world because investors all over the world are looking for safety. They're looking for certainty. If you can have zero capital gains, 9 percent corporate tax rate, then for our United States citizens, cut everybody's taxes 5 percent on the margin. So you cut everybody's taxes down.

And then let people know what's going to happen with the death tax. We all know the right year to die in the United States is 2010 because then you have zero estate tax. But after that President Obama wants to institute a punishing high tax rate. What we need to do is just repeal the immoral death tax. That will bring more certainty to the marketplace than anything else. Our problem, then, Representative KING, would be where are we going to find the workers to find all the jobs that would be created? That brings certainty. That brings the ability to have private wealth creation, and it gives us a pro-growth, pro-prosperity climate, rather than what we have been dished out for the last 7 weeks: a graveyard economic climate.

Mr. KING of Iowa. I thank the gentlewoman from Minnesota.

And I really appreciate your bringing up the suspension of the capital gains tax. That's an issue that I have advocated for strongly. I have advocated for suspending it for 2 years. I like the idea of 3 years. I'm not going to quibble over the 3rd year. But there is so much capital that's out there on the sidelines today. There is at least, or there was, at least, before the market spun downward, \$13 trillion in U.S. capital that's stranded overseas because it's faced with capital gains tax if it comes back into the U.S. marketplace. If we suspend the capital gains tax, theoretically all that money could come back into the U.S. market. It will find the smartest place for it to be invested. I don't think it will be \$13 trillion. I think it could be \$2 to \$3 trillion, which is a tremendously large number.

I want to also suspend capital gains tax on rescue capital that would pick up these toxic assets. That has shifted since then, since I introduced that legislation, but suspending capital gains tax does the job, and it freezes up the capital that sits along on the sidelines.

And in our corporate income tax, the second highest in the industrial world, to scare our capital out of the United States and send it overseas and then try to legislate a way that we can chase it with the IRS taxman is the wrong way to go.

There's a reason why that capital is going overseas. Because it's a smarter investment. Capital is always smart, and the death tax is just cruel. It is cruel. I have, and I think many Members have, received calls from constituents whose mother or father was lying in the hospital and they're making a decision whether to put them on life support or to take them off life support. And every time this subject is ginned up here in this Congress about whether and when the death tax will be repealed or, as people on the other side of the aisle advocate, whether it's going to be put back on again and there won't be any relief, there are decisions made that are just perverse, to put a family through having to make a decision on whether they're going to plug somebody in or unplug someone in an end-of-life decision. That's what government does.

So for me, I would eliminate the IRS and the entire Federal Income Tax Code. I would take the tax off of productivity. It was Ronald Reagan that said that what you tax you get less of. But the Federal Government in its presumed wisdom has the first lien on all productivity in America. If you have earnings, savings, or investment, Uncle Sam is there with his hand out to take the cash and put it in his pocket before you get the share you're working for. If you go to work tomorrow morning and you punch in at eight o'clock, just kind of think of that little ding when you punch the timecard. Uncle Sam's goes out. "I want mine," he says, in a nice subtle way until he gets it and he puts his hand in his pocket. If you're investing, if you're selling real estate, if you're collecting interest on a deposit in the bank, your earnings, your savings, your investment, stocks and dividends and shares, all of that that's converted to Uncle Sam, he's there getting his share out of productivity.

But if we adopt the fair tax, the national sales tax, then the result of that is we take the tax off of production and we unleash the American production machine and everyone can be an entrepreneur, produce all they want to produce, earn all they want to earn, save all they want to save, invest all they want to invest, and then make the decision on when they want to pay taxes by when they do their purchases. Not a VAT tax, the last stop on the retail purchase, sales and service. It totally transforms the dynamic, and it gives America a 28 percent marketing advantage over products made in the United States versus products that are imported into the United States. That saves Detroit. It saves the UAW. It saves the National Association of Manufacturers. It puts them on the profit side and makes America again the industrial powerhouse for the world and improves our national security all at the same time.

In fact, to wrap it up in a little nutshell here, everything good that any-

body's tax proposal does is done by the fair tax. And everything that anybody's tax proposal does that's good is done by the fair tax. It does them all. It does them all better. It changes the dynamics of taxation. It unleashes the free market economy.

But instead of that, we're here punishing producers. We're punishing the people that earn, save, and invest. We want to raise taxes on everybody in America. This 95 percent of Americans getting tax relief and taxing the top 2 percent or 5 percent under this idea of the President, Mr. Speaker, doesn't hold up. We've got the carbon tax at least that's imposed on this. That's a tax on everyone in America that uses anything that uses energy. And I would defy anyone to come up with anything we use that doesn't use energy. And the people who are at the lowest end of the economic scale are the ones that are paying the highest percentage of their income for energy. They'll pay the highest taxes as well.

I yield to the gentlewoman.

Mrs. BACHMANN. There was an article that came out in Congressional Quarterly last April, and it was interesting. It said with the carbon tax, it doesn't matter if you are manufacturing or if you are helping orphans in Africa. Every human activity will involve an aspect of the carbon tax. So it is very disingenuous for our new President, who stood right behind you last just Tuesday during his State of the Union message, when he looked into the camera and he told the American people if you make less than \$250,000, you won't pay one dime more in tax. Now, would that that were true. I wish it was true. But we all know he contradicted himself with his own words in the same speech when he said he wants to introduce the energy tax because energy tax will impact everyone.

We all remember how much fun it was last 4th of July when we were all paying well over \$4 a gallon. We thought we were going to see gas at \$6 a gallon, \$8, \$10. We didn't know where gas was going to top out. Every morning you'd get up and the first thing you would do is you'd look at your local gas station and see is it up 10 cents today, 20 cents today? The economy felt like it was out of control.

I am very concerned that here we are in an economic downturn when the demand for energy is low and so we're seeing the price of gas go down accordingly. This is exactly when we should be revisiting the American energy debate. And we should open up every form of energy for exploration that there is. Coal isn't evil. Oil isn't evil. Natural gas isn't evil. Wind isn't evil. Biofuel isn't evil. Solar isn't evil. None of these forms of energy are evil. But the interesting thing is the way that the Obama administration is approaching energy, they make evil the production and use of one of the basic build-

ing blocks of our economy. That's energy. This is a warped view of America. It's not the view that we grew up with in Iowa. It was not our commonsense understanding of fairness. We don't want to punish people for trying to get ahead. We don't want to punish people for trying to succeed and have a good economy. Fairness is what we need to be about. The Tax Code today has nothing to do with fairness.

The proposition you were talking about was fairness for the American people. I talk to people at all economic strata, and they say everybody should have to pay something. Everybody should have to pay something in taxes. People just shouldn't be exempt. It's not fair that just a few people pay taxes while other people don't. And the proposal that you're offering with the fair tax is one that should be debated in this House. The flat tax is one that should be debated in this House because everyone benefits by having a strong country. Everyone should have to participate in a simplified, easy-to-figure-out Tax Code where, no kidding, your tax return could be about this big and you could fill in an amount and you're done. Or you could even be simpler and just pay tax every time you go and you purchase something at the point of sale. There are a lot of ways we could do this, but it needs to be fair and it needs to be shared.

Mr. KING of Iowa. Reclaiming my time, the tax structure that we have and the language that was delivered here about everyone gets a tax cut unless you're in the top 2 or 5 percent, or above \$250,000, but the insidious tax that goes in, the carbon tax that permeates every aspect of our economy and punishes the poorest among us, in a way it's like the cigarette tax. You add 61 cents a pack to cigarettes. The folks that smoke the most are the ones at the lower end of the income bracket. They are the ones who can least afford it. But we impose a tax on them and we call that a "sin tax."

Then you get a promise that comes out from the White House that says "I am going to create or save 3½ million jobs." Now, the first time I heard that, okay, but somebody's going to call him on that, and really nobody has yet. The President is going to create or save 3½ million jobs. Now, think about what that means. If you were down there in maybe grade school and they were teaching you how to rationalize someplace between two plus two and two times two, you would come across the rationale of "create or save" leaves a little escape clause in there. Which jobs would be created and which ones would be saved? If they're not defined and we have a workforce of about 142 million here in America, as long as there are 3½ million jobs left, the President can claim he saved them.

□ 2215

So it fits the definition. That is how broad this is. And we are to be mobilized by this and moved, to leap into this giant leap of faith of trillions of dollars in borrowed money, the intergenerational theft that JOHN MCCAIN and MICHELE BACHMANN will talk about and we talk about as well, it is intergenerational theft on a promise that 3.5 million jobs are going to being be created or saved.

Here is another one. Cut the deficit in half. I remember where I heard that. That was actually President Bush that advocated he was going to cut the deficit in half in 5 years. I remember that was the timing.

Our current President would cut the deficit in half by the beginning of his second term. But we are going to create this large deficit, and then well have something more easily sliced in half. Maybe he inherited a \$1 trillion deficit, but we have a \$1.75 trillion deficit advocated today. It is pretty easy to cut it.

Let's just say you weigh, I don't want to use your weight, say you weigh 200 pounds and say I am going to reduce my weight by 10 pounds. Then you could gain 20 and lose 10 and you have lost 10 pounds. That is kind of how this thing works, by cutting the deficit in half. We grow the spending and then slice the spending down and advocate or at least allege that the deficit has been cut in half.

I yield to the gentlelady from Minnesota.

Mrs. BACHMANN. I thank the gentleman.

I would love to see that circus trick performed. When does government grow and ever contract down by half? It doesn't happen. Find an example where it happens. It doesn't happen.

Here is my concern about what the Obama administration may be doing. I am very concerned about the inflationary aspect. Inflation is the cruelest tax that you can inflict on anyone, especially when you have senior citizens who spent a lifetime being prudent, working hard, scraping, maybe saving 10 percent of their income in every check, putting it away, squirreling it away, helping their kids out, paying for weddings, paying for college, paying off things so you could have a nest egg. And here you maybe have \$200,000 or \$400,000 in the bank, or \$125,000 in the bank, and then you look at the last 7 weeks America you see that your 401(k) has dropped a third in value. Maybe by this point it has dropped 50 percent in value, your 401(k). That is just with the current economic decisions we have seen thus far, before this administration has spent \$20 trillion.

Then you look at the Federal Reserve, which has been busy in various parts of this city printing money, 24 hours a day, 7 days a week, pumping money out into the money supply, inflating the currency.

What have Americans been doing? When all of this started, the U.S. savings rate was negative 1 percent. During the Depression the savings rate was negative 1.5 percent. You know what the savings rate was in the month of January? Plus 5 percent.

Why is that? Human action. Americans are scared to death about the economy, so they have taken the money that they have had and they have held it. They decided not to buy. Hence we see the anemic car sales going on, because they are scared to death. Every day we see the Obama administration saying they want to spend this many trillion, that many trillion. Now they want socialized medicine. Now they want a carbon tax. It is like more, more, more, and people have figured out this calculus doesn't add up.

So if we inflate the money supply, as the Federal Reserve may do in conjunction with our current Treasury Secretary and the Obama administration, we could potentially see our dollar, if you own a dollar in 2008 and the Federal Government pumps extra dollars in, in 2009, but there is no additional productivity, there is no additional value behind those dollars, it is just paper that comes into the system, if you have \$2 in your hand and no more additional worth, you really only have 50 cents. In other words, that dollar isn't worth a dollar anymore, it is only worth 50 cents.

So inflation is a cruel tax. Just because your 401(k) maybe lost 50 percent of its value because of the stock market, you could see your 401(k) lose another half because of the cruel tax of inflation. That is the next policy that we need to see over the hill that may be coming with these Obama policies.

I don't know if the gentleman from Iowa would like to comment.

Mr. KING of Iowa. Reclaiming my time, I will say the other alternative is to have a huge growth in our economy, a booming economy, a booming economy that would grow us out of this so we don't have to put so much money into the market that inflation devalues our dollar.

Now, I would ask, how is that going to happen in the face this massive growth in government and in government spending? Where is the entrepreneurial spirit, when it has been killed and squelched by taxation, by overregulation, by messages that come out that are against energy. Nearly every sector of our economy is under assault from people that don't believe in free enterprise.

I would go further and say there is a huge philosophical divide that goes about right down the middle of the aisle right here. This is free market people over here. They believe in personal responsibility and strong families and the Constitution and the rule of law. The pillars of American exceptionalism are often defined in the

dialogue over here. They are often derided by the dialogue that comes from this side of the aisle. Now it is an all out assault on our institutions.

I had a time a couple of weeks ago where I sat down with some dissidents in Russia. They said to me that Putin had destroyed nearly all the democratic institutions in Russia. They said we don't any longer have a fair election, we don't have an independent press, we don't have an independent judiciary, we don't have an independent legislative body in the Duma. In fact, I had to stand in line for an hour just to get in the door.

But those are four of the institutions that they mentioned, and they said our freedoms are really gone. There is no place else for Putin to go to take away any more of our freedom, because he now owns the institutions and has taken over of the institutions of freedom. They called it democracy.

Here we have institutions all under assault. Each one I mentioned is under assault. We don't have an independent legislative process anymore, not when a bill can come out the Speaker's office directly to the floor without committee action, without amendments being allowed in subcommittee, no subcommittee action, no committee action, and the floor action is a bill that comes down from on high at 11 o'clock at night that hits the floor the next day with no amendments allowed and an hour's worth of debate, and then it is crammed out of here and on over to the Senate before the public can wake up and even understand what has happened. I don't blame them for not knowing. A lot of people in here don't know what is going on either, but there is no opportunity to intervene or even make the case.

The independent legislature now turns into NANCY PELOSI and HARRY REID and the President. They could meet in a phone booth, the three of them, and make the decisions on where this country is going to go, to the dogs, if we let them. And that is what has happened to our independent legislature here. It is not accountable. The process has been subverted.

That is just one thing. We have the institution of the media. They have the mainstream media. If you look at where they donate their money and how they register their vote, that institution has been taken over. The educational institution has been taken over. The list goes on and on.

The rule of law doesn't mean so much any more, not when I arrived down on the border some time back and we happened to catch a drug smuggler that had about 450 pounds, excuse me, it was I think the number came to 218 or 220 pounds of marijuana under a false bed in his truck. It was 18 bales.

It was under 250 pounds, because we weren't prosecuting people that had less than 250 pounds of marijuana when

they came across our border to smuggle it into the United States. They since changed that and raised it up to 500 pounds because we didn't have enough resources to prosecute.

The rule of law set aside? Another institution that is not respected universally, without question? And now the Director of Homeland Security, when there is a raid that is done for illegal employees that are working in an engine shop in Seattle, decides, well, I didn't know they were going to go in there and pick up those people illegally working, so I am going to investigate the investigators that are underneath her control. The rule of law suspended because there is a political equation involved in enforcing it?

Institution after institution are under attack in this country too, and I think they understand that in the place I have been.

The gentlelady from Minnesota.

Mrs. BACHMANN. Thank you to the gentleman from Iowa for yielding.

I think you are stating it very well. There is a strong, bold, philosophical divide. One has faith in the people, faith in the future, faith in the Constitution, faith in the pillars of American exceptionalism, the rule of law, the sanctity of the contract. Those are pillars of freedom that America was built on that caused our greatness, that gave us a pro-growth economy, that was the envy of the world.

On the other side of the equation we have our brethren on the liberal side who have a completely different faith. Their faith is in the state. Their faith is in big government. They said this is the new era of big government. They have embraced socialism with both arms. They love socialism. They can't get enough of it.

They want to make sure that the American people will have their fill of socialism, so much so today I had farmers in my office who told me just a few years ago crop insurance was 33 percent provided for by the State, just a few years ago. Today, 80 percent of all crop insurance is purchased through the Federal Government. Why? Because the Federal Government subsidizes that rate, and so they are crowding out private insurers for crops and they are becoming the new game in town.

Just like what we saw the liberals do here in Congress with those who give out student loans. They didn't like the idea that private banks and companies offered and made student loans. No, that wasn't good enough. The liberals that run Congress wanted to make sure that the government gives out student loans. Where is their faith? Their faith is in government.

Now what do we see with health care? It just roils those liberals to have private health care and private pay of health care. They can't stand it. What do they want to make sure we have?

They want to make sure we have socialized medicine, and as quick as possible, so quick that in this stimulus bill that you spoke of, Representative KING, that not one person in Congress read before we voted on it, one hour of debate before we were forced to vote on this bill, we couldn't even ask questions hardly on this bill and we were forced to act on it.

There is a rationing board, a Federal rationing board for Federal health care. Not only that, all Americans will have to have their health records, including their mental health records, all poured into one health record per person, and 600,000 entities, not people, 600,000 entities will have access to every American's health records.

This Congress, led by the liberals who have more faith in the state, more faith in government than in the American people, has decided that everyone's private health records will now be naked before the world; that 600,000 entities will now have access to every American's private health records, including chart notes from therapists if they go to see a mental health professional.

That is the faith that we see from the liberals that run this Congress. That is the future that they have defined for Americans. That is not the future that I hear when I go back to the Sixth District of Minnesota. The great people in Minnesota, just like the great people in Iowa, are working pretty hard these days. They are pretty nervous these days. They have faith in themselves, in their fellow man. They go to their churches. They are praying. They are seeking relief. And they are concerned about what they are seeing come out of Washington, D.C.

I just want the American people to know, there are a few of us here in Washington that still believe in American exceptionalism, that still believe in our Constitution, and that still believe in the greatness and the future of this country and that it lies in the hard work and innovation of the American people, and we are not going to give up that level of freedom.

I yield back to the gentleman.

Mr. KING of Iowa. I thank the gentlelady.

I point out I had a conversation with an individual that represents a company domiciled in your State of Minnesota who, because of the language that was in the stimulus bill that no one knew was in there, it cost their company \$25.3 million with the stroke of President Obama's pen just for the provisions on health care that were slipped into the stimulus bill. A \$25.25.3 million check they have to write just to get themselves even with where they were the day before that bill came raining down from on high here with no amendments allowed. That is some of the things that are happening under the guise of stimulus.

Now, if you need to stimulate the economy, one would think one could be restrained from slipping in this entire wish-list that has been an accumulation of a generation of liberal wishes, without a model of success, I might add, and with nothing to point to in history except failure after failure after failure. The discouragement of human endeavor is what comes out of the socialist approach. And yet the group that spoke before your group came to the floor and was advocated the Progressive Caucus, they put up two blue posters up over here, the Progressive Caucus.

□ 2230

So I found myself in my office. I ought to take a look and see what the Progressive Caucus really is. Well, I know how to find them. You go to dsausa.org. That's the Democratic Socialists of America, dsausa.org. They are the socialists. And they used to maintain the Web site for the Progressive Caucus until there got to be a little bit too much publicity, then they severed that relationship and the Progressive Caucus now manages their own out of the House here. But the connection goes back a long time. And you can go to that Web site, Democratic Socialists of America, and read, and the first thing they tell you is, we are not Communists. There's a difference between us. Communists believe that the state should own everything, including your dog. They didn't put that in there. But we, as Democratic Socialists, believe that, no, there should be some private property, and small businesses need to be able to run so they can be flexible enough to take care of the immediate needs of people like, I suppose, selling Polish dogs out here on the streets of Washington, DC. But big business—this is on the Web site. Big business should be run for the benefit of the people affected by it, which means they should be run by the customers. So if you have, let me say, a franchise chain of bars, they would be run by the drinkers. And if you have a company that makes bread, then it would be run by the people that eat the bread, not by the people that need to make a profit. It totally changes the reasons that we are in business. And it goes back to the idea that there can be central planning, central command, and somebody can manage an economy, instead of the invisible hand that makes it happen magically if you just let the market make the selections for you. That's their view.

And on that Web site it says that they want to nationalize the oil industry in America, nationalize the refinery industry in America.

Mrs. BACHMANN. And the gentleman knows that if you look at the living laboratory of history and economics of the last 100 years, you can see example after example of the Progressive Caucus, where their ideas have

been implemented, and you can see the ramifications and the results of those ideas. They've resulted in millions of people's deaths by government and untold misery for generations. Where Russia was, for instance, trying to come out of its Soviet and its socialist domination to now, what the gentleman had just stated is a reverting right back to it.

Tyranny, in human history, is the norm. Freedom is the exception. That's the oasis of America, the beauty of America, that throughout time, when tyranny has reigned supreme, the United States came out of the mist like a gem, like a midnight sun that came out of the darkness, and it has shone as a beautiful symbol of freedom for 230 years.

And that's the question. Here we are now, 2009, will we continue to forge the link on the chain of freedom, or will this be the last link of freedom, and will the next one be broken, and will we revert back to tyranny? That's the question before us tonight, because what we are seeing is so historical, so profound that the United States has no way of continuing to look like a free country 10 years from now if we continue to implement just the concepts that we have seen implemented in the last 7 weeks.

Mr. KING of Iowa. Reclaiming my time, I absolutely agree with the gentlelady from Minnesota (Mrs. BACHMANN). And I would add that there's this line down through the middle of the aisle. When you turn to the left and you shift these policies towards the socialist side of the ledger, it always diminishes freedom. And when you shift them over on the conservative side of the ledger, it enhances their freedom over to where you get to the point where it goes on to the other side.

Let me just say this, if you have no taxes and no regulation and laissez faire, then you have maximum opportunity for free enterprise. That's fine to do that if you have people who are a totally moral and ethical people. Now, that's the perfect model. But we have to have laws so we have to have restraint, and we have to have some taxation to enforce the law, and we have to have some taxation to fund our military and fund our security. And as Abe Lincoln said, the Federal Government's job should be to carry the mail, quasi private I will say, carry the mail, defend our shores, do for the people that which they cannot do for themselves, and leave us otherwise alone. That's freedom.

But the other said is servitude in the end, capitulating our freedom for the sense of security that doesn't give the Wall Street much security to speak of. I think it's pretty clear as you've watched this downward spiral go on now, for all of these days since the election, and almost twice as much percentage drop of the market as you've ever seen in modern history.

The question of freedom vs. the question of dependency, with a socialist approach. And our urge needs to be this, our charge is this, our responsibility is this: We should be setting policies that maximize the average annual productivity of our citizens. If we do that, if 300 million people turn out a little bit more, produce a little bit more, give a little bit more, decide they have the inspiration to earn, save and invest and build, if 300 million people do that even a little bit, if they do it 1 hour a day or 1 hour a week or 1 day a week, it adds to the entire GDP. And when that happens then it adds to the industrial base. It adds to the capital base. It adds to our innovation, and it automatically improves the quality of life, on average, of everybody in this country.

Mrs. BACHMANN. And if the gentleman will yield, that's exactly what has happened in the United States for the last 10 to 15 years. We have seen dramatic increases in productivity that's added real wealth to the United States. Much of that can be attributed to the fact that we had tax cuts on capital gains and dividends. That may sound technical to talk about that, but the fact is, what are the real results that we have seen from that? We've seen real wealth creation enhancement, not just for those at the top of the economic spectrum, those at every level of the economic spectrum, and that's what we want. We want to see everyone succeed. We don't want to be about just punishing one aspect of American economic society. We want all people in the United States to succeed. We do that when we unleash American productivity. We don't do that when we punish the sector that will allow us to have growth and productivity.

Mr. KING of Iowa. And reclaiming my time, that is the other side of the equation. The positive side of the equation is, let people earn all they want to earn, keep all that they want to keep, obviously pay their taxes when they make their purchases. If we do that, we've raised the productivity on average of America. But the policies that are coming from this Congress are diminishing incrementally and sometimes in huge increments the aspirations and the inspirations of the American worker, producer and entrepreneurs. It will lower the average annual productivity of Americans. You'll see the GDP at least proportionally diminish. That means that the hope for our children and grandchildren is less, not more. And we have to be willing to take some risk. We have to be willing to let some people fail.

I've had to stare failure in the eye. I lived for 3½ years with a knot in my stomach that wouldn't go away because I didn't know whether I was going to be able to hold my business together or not during the farm crisis

in the early 1980s. My bank closed April 26, Friday afternoon, 3:00, 1985. I'll never forget it. Red tag on the door. Highway Patrol guarding the door. It changed everybody's life that was in there, and it changed mine.

I know what failure looks like. I've watched some of my neighbors, their spirit be eroded because they had to fight the finances.

But the other side of that was, they had the opportunity of the, I don't want to say it's euphoric, but the good, strong, uplifting feeling of having built something that they can take pride in and having achieved and set an example for their children and their children's children, this example of a work ethic and integrity and giving your word and keeping your word and the value of contract, which I've made my living in the contracting business. And almost all of it on low-bid.

And I've worked for many of my neighbors throughout the years, going clear back into the early 1970s. Most of those were verbal contracts, most of those we didn't bother to shake hands. That's not quite our culture to do that. As a matter of fact, if you shake hands with somebody they say oh, I'll come do that work for 5,000 bucks. When will you be there? Next Friday. Okay. That's fine. If you shake hands, he'd be thinking, you must not trust me then; you're going to make me shake hands on it. Our word's our bond. The handshake is almost like a written contract. And I've only had one of those written contracts between my neighbors in all of those years.

But I know the value of a contract. And you've got to keep your word and not break your word.

Mrs. BACHMANN. If the gentleman would yield. Imagine what your business would have been like had a judge been able to come in and open up that contract that you had with a purchaser of your product and of your service, and let's say your margin, your profit was maybe 2 percent or 6 percent. And you have a judge come in and alter those terms, let's say, to 10 percent. What happens to your margin? It's gone. You're not only working for free, you're paying that person to work for them.

That's what we saw happen today on the floor of this body. We saw contracts opened so that any margin that people were making, it's gone. It's gone. And so, what we're doing is we're violating that pillar of American exceptionalism which is the sanctity of the contract, and the pillar of freedom that says that we will keep contracts inviolate, and we will observe the rule of law.

What do people trust in? Why would people make a contract in the future? What business would do that? Because now this Congress has set a standard that says, no longer will your word be your bond.

Mr. KING of Iowa. Reclaiming my time. I'd just give an illustration of how that works. And I've had to make that decision a number of times in my business life because there are some areas that are quasi-sovereign. And I won't describe them any beyond that. They're quasi-sovereign, which means that there's really not relief to go and make a collection in their jurisdiction. So I've had to go in there and bid work, and I would calculate the materials, expenses, a little margin for profit and the insurance and those things, build that all together, and then I'd have to put a factor in and there's no place for me to go to get relief here except to the very people I'm doing business with. And some of you will know the quasi-sovereign regions I'm talking about. So I had to, and all my competitors had to also factor in a risk factor for what happens if the deal gets changed afterwards. I've done that on Excel spread sheets with numerous bid items and put a multiplier on each one of them that just simply was the number that evaluated the risk factor on whether they would change the deal after the fact because, in that quasi-sovereign region I couldn't count on the sanctity of the contract.

It's real clear to me there's a risk factor that will be factored in to any future mortgages that we have under this cramdown legislation. There will be higher down payments required because that will minimize the risk to the lenders, and there will be higher interest required that will minimize, and that means everybody pays it. Everybody digs in for the down payment, especially for their first home. And also, the higher interest rate that everyone will have to pay.

And meanwhile, we're going to reward people that openly committed fraud or misrepresentation or false pretenses because this Congress refused to accept that language, even though the Judiciary Committee passed that language out 21-3, changed the deal after the fact.

I thought we had a contract in the Judiciary Committee. That contract has been torn asunder. The sanctity of that contract is gone. I guess I shouldn't be surprised if the members of the party and the committee would come to this floor and vote for a cramdown legislation that would tear the contract of the mortgage asunder just as well.

Mrs. BACHMANN. You know, it was just last week that the Wall Street Journal reported the estimate that the premium would be an additional 2 percent on a mortgage. That's what the cost would be if this cramdown legislation goes through. So if someone qualifies for a 6 percent mortgage, now they would be looking at an 8 percent mortgage. What that does is it takes scores of people out of being able to qualify for a mortgage, just adding to the cost. And for what?

Over 92 percent of all Americans are responsible. They're working. They're paying their mortgages on time. And when you look at the trillions and trillions and trillions of dollars that have been thrown at this housing problem, and you have 92 percent of Americans paying their mortgages on time, when you look at these tens of trillions of dollars now that are being thrown at this, I think we could probably be paying those mortgages off, multiple times, of the people who were in trouble. It is so much money. It is so unfathomable. I think that's why you see the American people running scared right now, because they aren't getting certainty out of Washington, D.C. What they're getting is uncertainty. And we have a completely different message. We have a message meaning fairness. We have a message of hope, where we can turn the economy around. We've done it before. We can do it again. We cut people's capital gains tax, we cut the corporate business tax. We cut their marginal tax.

Why do we do all that? Because we want simplicity and we want fairness for people in the tax code. Everybody should have to pay something. But it needs to be fair.

The SPEAKER pro tempore (Mr. CHILDERS). The time of the gentleman has expired.

Mr. KING of Iowa. Reclaiming the balance of my time and yielding it back to the Speaker, I thank you for your indulgence.

□ 2245

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-24) on the resolution (H. Res. 218) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today until 5 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.
 Ms. WASSERMAN SCHULTZ, for 5 minutes, today.
 Ms. WOOLSEY, for 5 minutes, today.
 Mr. TOWNS, for 5 minutes, today.
 Mr. DEFAZIO, for 5 minutes, today.
 Mr. McDERMOTT, for 5 minutes, today.
 Mr. HEINRICH, for 5 minutes, today.
 Ms. KAPTUR, for 5 minutes, today.
 (The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)
 Mr. POE of Texas, for 5 minutes, March 12.
 Mr. JONES, for 5 minutes, March 12.
 Mr. BROUN of Georgia, for 5 minutes, today.
 Mr. McCOTTER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 520. An act to designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse"; to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Mr. ARCURI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, March 6, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

778. A letter from the House Democracy Assistance Commission, Chairman, transmitting the Commission's 2008 annual report in accordance with Section 3(c) of House Resolution 24, passed by the United States House of Representatives during the 110th Congress; to the Committee on Foreign Affairs.

779. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-21, "Library Kiosk Services Temporary Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

780. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-20, "Metropolitan Police Department Subpoena Limitation Temporary Amendment Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

781. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-19, "Disclosure to the United States District Court Temporary Amendment Act of 2009," pursuant to D.C.

Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

782. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-22, "Vending Regulation Temporary Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

783. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's competitive sourcing report for 2008, pursuant to Public Law 108-109; to the Committee on Oversight and Government Reform.

784. A letter from the Secretary, American Battle Monuments Commission, transmitting the Commission's annual report on the Federal Manager's Financial Integrity Act in accordance with Public Law 97-255 and Public Law 100-504; to the Committee on Oversight and Government Reform.

785. A letter from the Acting Special Counsel, Office of Special Counsel, transmitting the Counsel's fiscal year 2008 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

786. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation: ULHRA Hydroplane Races, Howard Amon Park, Richland, Washington [Docket No. USCG-2008-0376] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 218. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111-24). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BONO MACK (for herself, Mr. BARROW, and Mr. BARTON of Texas):

H.R. 1319. A bill to prevent the inadvertent disclosure of information on a computer through the use of certain "peer-to-peer" file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; to the Committee on Energy and Commerce.

By Mr. CLAY (for himself and Mr. TOWNS):

H.R. 1320. A bill to amend the Federal Advisory Committee Act to increase the transparency and accountability of Federal advisory committees, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself, Ms. HARMAN, Ms. WASSERMAN SCHULTZ, Mr. COOPER, Mrs. EMERSON, Mr. CASTLE, and Mr. WELCH):

H.R. 1321. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be

taken away; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself, Mr. GEORGE MILLER of California, and Mr. ANDREWS):

H.R. 1322. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide emergency protection for retiree health benefits; to the Committee on Education and Labor.

By Mr. DRIEHAUS (for himself and Mr. TOWNS):

H.R. 1323. A bill to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY (for herself, Mr. ELLISON, Mr. STARK, Mr. HINCHEY, Mr. RUSH, Mr. MCGOVERN, Mr. GRIJALVA, Mr. SIRE, Mr. PAYNE, Ms. HIRONO, Mr. LOEBACK, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Ms. BERKLEY, Mr. FILNER, Mr. CHANDLER, Mr. CONNOLLY of Virginia, Mrs. CAPPS, Mr. COHEN, Ms. BALDWIN, Ms. ESHOO, Mr. DOYLE, Mr. ISRAEL, Ms. WASSERMAN SCHULTZ, Mr. GUTIERREZ, Mr. BISHOP of New York, Ms. MOORE of Wisconsin, Mr. McDERMOTT, Ms. SLAUGHTER, Mr. BACA, Mrs. MALONEY, Mr. SARBANES, Mr. KENNEDY, Ms. MCCOLLUM, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN of New Jersey, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. PALLONE, Mr. WU, Mr. WAXMAN, Mr. KAGEN, Mr. SESTAK, Mr. POLIS of Colorado, Ms. LEE of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COURTNEY, Mrs. LOWEY, Mr. HARE, Mr. BOSWELL, Mr. CONYERS, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, Mr. BRADY of Pennsylvania, Ms. SUTTON, Mr. HONDA, Ms. SHEA-PORTER, Mr. SMITH of Washington, Mr. FARR, Mr. KUCINICH, Mr. ANDREWS, Ms. CLARKE, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. HOLT, Mr. JACKSON of Illinois, Ms. KAPTUR, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. OLVER, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Ms. WATSON, Mr. SCOTT of Virginia, Ms. WATERS, Mr. BLUMENAUER, Ms. KILPATRICK of Michigan, Mr. DEFazio, Mr. WEXLER, Mr. CARNEY, Mr. GORDON of Tennessee, Mr. YOUNG of Alaska, and Ms. DEGETTE):

H.R. 1324. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Ms. LEE of California, Ms. KOSMAS, Ms. FUDGE, Ms. CORRIE BROWN of Florida, Ms. KAPTUR, Mr. EDWARDS of Texas, Mr. PASCRELL, Mr. ELLISON, Mr. MEEKS of New York, and Mr. CLEAVER):

H.R. 1325. A bill to require financial literacy counseling for borrowers, and for other purposes; to the Committee on Education and Labor.

By Mr. TOWNS (for himself, Mr. REICHERT, Mr. LANGEVIN, Mr. BARTLETT, Mrs. BONO MACK, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Mr. CAMPBELL, Mrs. CAPPS, Mr. DOYLE, Mr. DEFazio, Mr. FARR, Mr. ISRAEL, Mr. LOBIONDO, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. MASSA, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. STARK, and Ms. WOOLSEY):

H.R. 1326. A bill to prohibit the conducting of invasive research on great apes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Mr. BERMAN, Mr. SHERMAN, and Mr. MEEKS of New York):

H.R. 1327. A bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes; to the Committee on Financial Services.

By Mr. BISHOP of New York (for himself, Mr. HINCHEY, and Mrs. MALONEY):

H.R. 1328. A bill to amend the Internal Revenue Code of 1986 to allow an unlimited exclusion from transfer taxes for certain farmland and land of conservation value, and for other purposes; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, and Mr. LATOURETTE):

H.R. 1329. A bill to amend title 49, United States Code, to support efforts by States and eligible local and regional entities to develop and implement plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BOREN:

H.R. 1330. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and title 5, United States Code, to require that group and individual health insurance coverage and group health plans and Federal employees health benefit plans provide coverage of colorectal cancer screening; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO (for herself, Mr. BACHUS, Mrs. BIGGERT, and Mr. SESSIONS):

H.R. 1331. A bill to replace the HOPE for Homeowners Program with a new program developed and implemented by the Secretary of Housing and Urban Development; to the Committee on Financial Services.

By Mr. COSTA (for himself, Mr. PUTNAM, Mr. PETERSON, Mr. DEAL of Georgia, Mr. CARDOZA, Mr. BARTON of Texas, Mr. FARR, Mr. SHIMKUS, Mr. ENGEL, Mr. RADANOVICH, Mr. TERRY, Mr. SALAZAR, Mr. BOSWELL, Ms. HERSETH SANDLIN, Mr. WALDEN, Mr. CUELLAR, Mr. KAGEN, Ms. ROSELEHTINEN, Mr. BURGESS, and Mr. BACA):

H.R. 1332. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA:

H.R. 1333. A bill to amend chapter 40 of title 18, United States Code, to exempt the transportation, shipment, receipt, or importation of explosive materials for delivery to a federally recognized Indian tribe or an agency of such a tribe from various Federal criminal prohibitions relating to explosives; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, and Mr. HINCHEY):

H.R. 1334. A bill to provide for livable wages for Federal Government workers and workers hired under Federal contracts; to the Committee on Oversight and Government Reform, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. HALVORSON (for herself, Mr. FILNER, Ms. BORDALLO, Mr. ROSS, Ms. KAPTUR, Mr. CHILDERS, Mr. LATOURETTE, Mr. WALZ, Mr. SABLAN, Mr. KISSELL, Mr. NYE, Mr. CONNOLLY of Virginia, Mr. LUJÁN, Mr. DELAHUNT, Mr. PIERLUISI, Mr. POLIS of Colorado, Mr. HEINRICH, and Ms. KILROY):

H.R. 1335. A bill to amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; to the Committee on Veterans' Affairs.

By Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN):

H.R. 1336. A bill to amend title 38, United States Code, to make certain improvements in the basic educational assistance program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. GEORGE MILLER of California, Mr. McDERMOTT, Mr. BLUMENAUER, Mr. HOLT, Mr. WU, and Mr. MORAN of Virginia):

H.R. 1337. A bill to amend the Internal Revenue Code of 1986 to reduce carbon dioxide emissions in the United States domestic energy supply; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 1338. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and Labor.

By Mrs. MCCARTHY of New York (for herself, Mr. TIBERI, Mr. GORDON of Tennessee, Mr. McDERMOTT, Mr. INS-

LEE, Mr. BARTLETT, Mr. BISHOP of Georgia, Mr. HINCHEY, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. LEWIS of Georgia, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. FILNER, Mr. McHUGH, Mr. CARSON of Indiana, Ms. SUTTON, Mr. CUMMINGS, Mr. WOLF, Mr. BISHOP of New York, Mr. GENE GREEN of Texas, Ms. HIRONO, Ms. SLAUGHTER, Mr. HOLT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GRIJALVA, Mr. McGOVERN, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. NADLER of New York, Mr. WEXLER, Ms. LEE of California, Mr. SCOTT of Virginia, Mr. PIERLUISI, Ms. BERKLEY, Mrs. EMERSON, Mr. TAYLOR, and Mrs. MALONEY):

H.R. 1339. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself and Mr. SENSENBRENNER):

H.R. 1340. A bill to provide for the admission to the United States of certain Tibetans; to the Committee on the Judiciary.

By Mr. MOORE of Kansas (for himself, Mrs. BIGGERT, Mr. DRIEHAUS, and Mr. PAULSEN):

H.R. 1341. A bill to amend the Emergency Economic Stabilization Act of 2008 to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia:

H.R. 1342. A bill to amend the Solid Waste Disposal Act to provide for the reduction of greenhouse gases, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MYRICK:

H.R. 1343. A bill to provide immunity from civil liability to first responders engaged in lawful efforts to prevent acts of terrorism, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 1344. A bill to amend the Internal Revenue Code of 1986 to extend and modify the homebuyer tax credit; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1345. A bill to amend title 5, United States Code, to eliminate the discriminatory treatment of the District of Columbia under the provisions of law commonly referred to as the "Hatch Act"; to the Committee on Oversight and Government Reform.

By Mr. PALLONE (for himself, Mr. WAXMAN, Mrs. CAPPS, Mr. STUPAK, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. HINCHEY, Mr. DOYLE, Mr. HIGGINS, Mr. OLIVER, Ms. SCHAKOWSKY,

Mr. BRALEY of Iowa, Mr. DINGELL, Mr. WEINER, Mr. SARBANES, Ms. SUTTON, Mr. WEXLER, Mr. NADLER of New York, Mr. BACA, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. TERRY, Mr. KUCINICH, Mr. MARKEY of Massachusetts, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Mr. WU, Ms. DEGETTE, Ms. HIRONO, Mr. DELAHUNT, Mr. SCOTT of Virginia, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. MEEKS of New York, Mr. CONYERS, Mr. JOHNSON of Illinois, Mr. ROTHMAN of New Jersey, Ms. CASTOR of Florida, Ms. NORTON, Mr. LYNCH, Mr. BERMAN, Mr. BOSWELL, Mr. SCHIFF, Ms. DeLAURO, Mr. LOEBSACK, Mr. STARK, Mr. FILNER, Mr. RUSH, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. McNERNEY, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. SLAUGHTER, Ms. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. WELCH, Mr. DAVIS of Alabama, Mr. JOHNSON of Georgia, and Mr. HODES):

H.R. 1346. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices; to the Committee on Energy and Commerce.

By Mr. PASCRELL (for himself, Mr. PLATTS, and Mr. MEEKS of New York):

H.R. 1347. A bill to amend title III of the Public Health Service Act to provide for the establishment and implementation of concussion management guidelines with respect to school-aged children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 1348. A bill to require the Board of Governors of the Federal Reserve System to publish information on financial assistance provided to various entities, and for other purposes; to the Committee on Financial Services.

By Mr. PERLMUTTER (for himself and Mr. LUCAS):

H.R. 1349. A bill to establish the Federal Accounting Oversight Board to approve and oversee accounting principles and standards for the purposes of the Federal financial regulatory agencies, and for other purposes; to the Committee on Financial Services.

By Mr. PITTS (for himself, Mr. AKIN, Mr. PENCE, Mr. CANTOR, Mr. LAMBORN, Mr. BARTLETT, Mr. FORTENBERRY, Mr. FRANKS of Arizona, Mr. BURTON of Indiana, Mr. RYAN of Wisconsin, Mr. MANZULLO, Ms. FALLIN, Mr. BRADY of Texas, Mr. BISHOP of Utah, Mr. FLEMING, Mr. NEUGEBAUER, Mr. SHIMKUS, Mr. HENSARLING, Mr. CONAWAY, Mrs. BACHMANN, Mr. KINGSTON, Mr. McHENRY, Mr. WAMP, Mr. BROWN of South Carolina, and Mr. SMITH of New Jersey):

H.R. 1350. A bill to provide for research on, and services for individuals with, post-abortion depression and psychosis; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. TIBERI, Mr. MEEK of Florida, Mr. KIND, and Ms. JENKINS):

H.R. 1351. A bill to amend the Internal Revenue Code of 1986 to treat computer technology and equipment as eligible higher education expenses for 529 plans, to allow certain individuals a credit against income tax

for contributions to 529 plans, and for other purposes; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mr. WILSON of Ohio, Mr. TIM MURPHY of Pennsylvania, Mr. TIBERI, and Mr. GUTHRIE):

H.R. 1352. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself and Mr. MARKEY of Massachusetts):

H.R. 1353. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 1354. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESTAK:

H.R. 1355. A bill to amend the National Labor Relations Act to require employers to provide labor organizations with equal access to employees prior to an election regarding representation, to prevent delays in initial collective bargaining, and to strengthen enforcement against intimidation of employees by employers; to the Committee on Education and Labor.

By Mr. SESTAK:

H.R. 1356. A bill to reduce foreclosures of residential mortgages; to the Committee on Financial Services.

By Mr. STUPAK:

H.R. 1357. A bill to authorize the Secretary of the Navy to convey the former Navy Extremely Low Frequency communications project site in Republic, Michigan, to Humboldt Township in Marquette County, Michigan; to the Committee on Armed Services.

By Mr. STUPAK:

H.R. 1358. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Natural Resources.

By Mr. STUPAK (for himself and Mr. SMITH of Texas):

H.R. 1359. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SUTTON:

H.R. 1360. A bill to require an annual report on contract oversight by Federal departments and agencies; to the Committee on Oversight and Government Reform.

By Mr. TOWNS (for himself, Ms. LINDA T. SANCHEZ of California, Mr. POLIS of Colorado, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. CHILDERS, Mr. CONYERS, Mr. HINCHEY, Ms. HIRONO, Mr. LOEBSACK, Mr. McDERMOTT, Mr. MILLER of North Carolina, Mrs. NAPOLITANO, Mr. REYES, Ms. ROYBAL-ALLARD, Ms.

SHEA-PORTER, Mr. GRIJALVA, and Mr. HONDA):

H.R. 1361. A bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies; to the Committee on Education and Labor.

By Mr. VAN HOLLEN (for himself, Mr. BURGESS, Mrs. MALONEY, Mr. UPTON, Mr. CARNAHAN, and Mr. KING of New York):

H.R. 1362. A bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 1363. A bill to establish the GothamCorps program; to the Committee on Education and Labor.

By Mr. WEINER:

H.R. 1364. A bill to amend the Social Security Act and the Public Health Service Act to provide for sex education, substance abuse treatment and prevention, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEINER:

H.R. 1365. A bill to amend the Truth in Lending Act to require a store in which a consumer may apply to open a credit or charge card account to display a sign, at each location where the application may be made, containing the same information required by such Act to be prominently placed in a tabular format on the application; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1366. A bill to protect innocent parties from certain fees imposed by depository institutions for dishonored checks, and for other purposes; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 1367. A bill to strengthen the liability of parent companies for violations of sanctions by foreign entities, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 1368. A bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to establish an Auto File Program which provides certain individuals with income tax forms containing pre-filled information; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1369. A bill to amend the Internal Revenue Code of 1986 to expand and improve the dependent care tax credit; to the Committee on Ways and Means.

By Mr. WEINER:

H.R. 1370. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1371. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the

programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. OBEY, Mr. SENSENBRENNER, Mr. PETRI, Ms. BALDWIN, Mr. RYAN of Wisconsin, Ms. MOORE of Wisconsin, and Mr. KAGEN):

H. Con. Res. 69. Concurrent resolution honoring the 100th anniversary of Fort McCoy in Sparta, Wisconsin; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Ms. BALDWIN, Ms. BERKLEY, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mr. CAPUANO, Mr. CARDOZA, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLEAVER, Mr. CONYERS, Mr. CROWLEY, Mrs. DAHLKEMPER, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DAVIS of Tennessee, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. ETHERIDGE, Mr. FOSTER, Mr. FRANK of Massachusetts, Ms. FUDGE, Ms. GIFFORDS, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILROY, Ms. KILPATRICK of Michigan, Mr. KLEIN of Florida, Ms. LEE of California, Mr. LEWIS of Georgia, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MAFFEI, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SRES, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. VELAZQUEZ, Ms. WASSERMAN SULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WILSON of Ohio, Mr. BAIRD, Ms. ROYBAL-ALLARD, Ms. GRANGER, Ms. BORDALLO, Ms. MOORE of Wisconsin, Mr. SHULER, Mr. ENGEL, Mr. BACA, and Ms. CORRINE BROWN of Florida):

H. Res. 211. A resolution supporting the goals and ideals of National Women's History Month; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H. Res. 212. A resolution raising a question of the privileges of the House.

By Mr. BACA:

H. Res. 213. A resolution urging the establishment and observation of a legal public holiday in honor of César E. Chávez; to the Committee on Oversight and Government Reform.

By Mr. GUTHRIE (for himself, Mr. ROGERS of Kentucky, Mr. WHITFIELD, Mr. CHANDLER, Mr. DAVIS of Kentucky, and Mr. YARMUTH):

H. Res. 214. A resolution recognizing the efforts of the countless volunteers who helped the Commonwealth of Kentucky recover from the ice storm of January 2009; to the Committee on Oversight and Government Reform.

By Mr. HONDA (for himself, Ms. VELAZQUEZ, Ms. LEE of California, and Mr. KILDEE):

H. Res. 215. A resolution congratulating the Minority Business Development Agency on its 40th anniversary and commending its achievements in fostering the establishment and growth of minority businesses in the United States; to the Committee on Financial Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. BARTLETT, Mr. BUCHANAN, Mr. BURTON of Indiana, and Mr. JONES):

H. Res. 216. A resolution amending the Rules of the House of Representatives to ensure that Members have a reasonable amount of time to read legislation that will be voted upon; to the Committee on Rules.

By Mr. YARMUTH (for himself and Mrs. BIGGERT):

H. Res. 217. A resolution recognizing the week of March 15 through March 21, 2009, as "National Safe Place Week"; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII,

9. The SPEAKER presented a memorial of the Senate of the Northern Mariana Islands, relative to Senate Resolution No. 16-27 requesting the Honorable Governor Benigno R. Fitial to seek the assistance of the Pacific Council of Federal Agency Affiliates to conduct annual or semi-annual training and other professional development opportunities in key subject areas that will assist the Commonwealth of the Northern Mariana Islands to take full advantage of the many federal grants that are available; to the Committee on Natural Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. GONZALEZ introduced A bill (H.R. 1372) for the relief of Vicente Beltran Luna; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. HOLT, Mr. FRELINGHUYSEN, Mr. WILSON of South Carolina, Mr. TIERNEY, Mr. LOBIONDO, Mr. JOHNSON of Georgia, Mr. LOEBSACK, Mr. THOMPSON of Pennsylvania, Mr. SCHAUER, Mr. KING of New York, and Mr. FARR.

H.R. 24: Mr. GORDON of Tennessee, Mr. FORBES, Mr. BAIRD, Mr. MORAN of Kansas, Mr. TAYLOR, Mr. DOYLE, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. MOLLOHAN, Mr. DELAHUNT, Mr. PASCRELL, and Mr. BUTTERFIELD.

H.R. 31: Mr. SMITH of Texas.

H.R. 74: Mr. MCCOTTER.

H.R. 82: Mr. MCCAUL, Mr. MURTHA, and Mr. BRADY of Pennsylvania.

H.R. 104: Ms. SUTTON, Mr. HOLT, and Mr. MCGOVERN.

H.R. 111: Mr. TONKO, Mr. LOBIONDO, and Mr. ANDREWS.

H.R. 154: Mr. LOEBSACK, Mr. JACKSON of Illinois, and Mr. CARSON of Indiana.

H.R. 209: Mr. CONYERS.

H.R. 211: Mrs. DAVIS of California, Ms. ZOE LOFGREN of California, Mr. CARNEY, Mr. TOWNS, Mrs. BONO MACK, Ms. HARMAN, Mr. COOPER, Mr. EHLERS, Mr. BOSWELL, Mr. MCCOTTER, Mr. HINCHEY, Mr. HONDA, Ms. BALDWIN, and Mr. GENE GREEN of Texas.

H.R. 213: Mr. DEAL of Georgia.

H.R. 226: Mr. POLIS of Colorado, Mr. CAO, Mr. PAULSEN, and Mr. LUETKEMEYER.

H.R. 231: Mr. EDWARDS of Texas.

H.R. 272: Mr. GRAVES, Mr. WHITFIELD, Mrs. MYRICK, and Mr. LATHAM.

H.R. 302: Mr. KIRK.

H.R. 305: Mr. LANCE and Mr. GRIJALVA.

H.R. 327: Mr. WILSON of South Carolina.

H.R. 336: Mr. TONKO.

H.R. 406: Mrs. LOWEY, Mr. SCOTT of Virginia, Ms. KOSMAS, Mrs. TAUSCHER, Ms. WASSERMAN SCHULTZ, Ms. DEGETTE, Mr. LANGEVIN, Mr. CAO, and Mr. BUYER.

H.R. 430: Mr. ROONEY.

H.R. 482: Mr. ROONEY.

H.R. 483: Mr. MCCOTTER.

H.R. 484: Mr. BARROW, Mr. WAMP, Mr. LOEBSACK, and Mr. PAULSEN.

H.R. 500: Mr. KAGEN.

H.R. 503: Ms. LEE of California, Mr. MOORE of Kansas, Mr. MEEKS of New York, Mrs. TAUSCHER, Ms. KILPATRICK of Michigan, and Mr. BLUMENAUER.

H.R. 564: Mr. STARK, Mr. WU, and Mr. WEINER.

H.R. 569: Mr. BRADY of Pennsylvania, Mr. ORTIZ, Mr. MASSA, Mr. SESTAK, and Mrs. TAUSCHER.

H.R. 574: Mr. ROGERS of Alabama, Mr. MCGOVERN, Mr. DOYLE, Mr. AKIN, Mr. BISHOP of Georgia, Mr. PIERLUISI, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. BARTLETT, Mrs. EMERSON, Mr. BOSWELL, and Mr. SESTAK.

H.R. 577: Mr. REHBERG, Mr. LATHAM, Ms. DEGETTE, Mr. CAPUANO, and Mr. TIERNEY.

H.R. 591: Mr. COHEN.

H.R. 616: Ms. KILROY, Mr. BOOZMAN, Mr. MICHAUD, Mr. GOHMERT, Mr. WITTMAN, and Mr. DAVIS of Tennessee.

H.R. 618: Ms. DEGETTE.

H.R. 626: Mrs. MCCARTHY of New York and Mr. CONYERS.

H.R. 634: Mr. CANTOR.

H.R. 636: Mr. CALVERT.

H.R. 676: Mr. JACKSON of Illinois and Mr. RYAN of Ohio.

H.R. 684: Mr. WEXLER and Mr. CARNEY.

H.R. 745: Mr. TIBERI.

H.R. 758: Ms. KAPTUR.

H.R. 800: Mr. DINGELL.

H.R. 801: Mrs. MALONEY.

H.R. 804: Mr. GRIJALVA.

H.R. 815: Mr. GORDON of Tennessee and Mr. SERRANO.

H.R. 816: Mr. BARROW, Mr. LARSEN of Washington, Mr. BOUSTANY, Mr. HODES, and Ms. SUTTON.

H.R. 836: Mr. CLAY, Mr. ALTMIRE, Mr. WITTMAN, Mr. HASTINGS of Washington, Mr. LUETKEMEYER, Mr. SIMPSON, Mr. BARRETT of South Carolina, Mr. GORDON of Tennessee, Mr. LARSON of Connecticut, Mr. UPTON, Mr. BILBRAY, Mr. SENSENBRENNER, Mr. COURTNEY, Mr. CAPUANO, Mr. KILDEE, and Mr. HOLT.

H.R. 847: Mr. BISHOP of Georgia, Mr. DOYLE, and Mr. DENT.

H.R. 856: Mr. HUNTER.

H.R. 870: Ms. KAPTUR.

H.R. 872: Mr. DENT, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mrs. CAPPS, Ms. BALDWIN, Mr. KIRK, Mr. CARNAHAN, Mrs. BONO MACK, and Mr. UPTON.

H.R. 873: Mr. DENT, Mr. PERLMUTTER, Mr. GENE GREEN of Texas, Mr. LANGEVIN, Mrs. CAPPS, Ms. BALDWIN, Mr. KIRK, Mr. CARNAHAN, Mrs. BONO MACK, and Mr. UPTON.

H.R. 877: Mr. BLUNT.

H.R. 878: Mr. BARTLETT and Mr. HOEKSTRA.

H.R. 884: Ms. FOXX.

H.R. 885: Mr. RYAN of Ohio, Mr. CAPUANO, Mr. BOCCIERI, Mr. STUPAK, Mr. WEXLER, and Mr. PASCRELL.

H.R. 897: Mrs. MCMORRIS RODGERS.

H.R. 904: Mr. PLATTS.

H.R. 909: Ms. ROS-LEHTINEN.

H.R. 913: Mr. WELCH and Mr. BISHOP of Georgia.

H.R. 916: Mr. PRICE of North Carolina.

H.R. 927: Mr. THOMPSON of California and Mr. THOMPSON of Mississippi.

H.R. 930: Mr. LINCOLN DIAZ-BALART of Florida and Mr. CAPUANO.

H.R. 933: Mr. CANTOR.

H.R. 936: Mr. CONNOLLY of Virginia, Ms. HARMAN, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. TAYLOR, Mrs. MALONEY, Mr. GORDON of Tennessee, Mr. WEXLER, Ms. KAPTUR, Mr. SESTAK, and Mr. SALAZAR.

H.R. 980: Mr. BOSWELL, Mr. FARR, Mr. MCDERMOTT, Mr. PALLONE, Mr. FALEOMAVAEGA, Ms. BALDWIN, and Mr. DELAHUNT.

H.R. 988: Mr. OBERSTAR, Mr. PASCRELL, Mr. HIGGINS, Ms. MCCOLLUM, Mr. MCHUGH, Mr. KLEIN of Florida, Ms. ROS-LEHTINEN, Ms. ZOE LOFGREN of California, and Mr. HINCHEY.

H.R. 997: Mr. MCINTYRE.

H.R. 1006: Mr. KLINE of Minnesota.

H.R. 1020: Mr. ARCURI, Mr. WEXLER, and Mr. HASTINGS of Florida.

H.R. 1021: Mr. SESSIONS.

H.R. 1023: Mrs. BACHMANN.

H.R. 1050: Mr. FRANKS of Arizona, Mr. BROWN of South Carolina, Mr. LAMBORN, Mr. INGLIS, Ms. FOXX, Mr. ROGERS of Alabama, Mr. DAVIS of Kentucky, Mr. CHILDERS, Mr. PITTS, Mr. SMITH of New Jersey, Mr. CAO, Ms. FALLIN, Mr. MANZULLO, Mr. MCHENRY, Mr. KINGSTON, Mr. OLSON, Mr. HUNTER, Mrs. BACHMANN, Mr. POSEY, Mr. HENSARLING, Mr. CONAWAY, Mr. SHADEGG, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. PENCE, Mr. JORDAN of Ohio, Mr. BISHOP of Utah, and Mr. NEUGEBAUER.

H.R. 1059: Mr. ROONEY.

H.R. 1066: Mr. MITCHELL, Mr. PLATTS, and Mr. GRIJALVA.

H.R. 1075: Mr. CAO, Mr. TAYLOR, and Ms. KOSMAS.

H.R. 1076: Mr. GALLEGLY and Mr. FRANKS of Arizona.

H.R. 1080: Mr. GRIJALVA.

H.R. 1081: Mr. ROSS and Mr. MCINTYRE.

H.R. 1132: Mr. WESTMORELAND, Mr. JONES, Mrs. MALONEY, Mr. HOEKSTRA, Mr. MICHAUD, Mr. FILNER, Mr. OLVER, Mr. BOOZMAN, Mr. LUCAS, Mr. LOBIONDO, Mr. BROWN of South Carolina, and Mr. WHITFIELD.

H.R. 1134: Mr. LOEBSACK.

H.R. 1136: Mr. PETERSON, Mr. HERGER, Mr. OLVER, Mr. SCHOCK, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. ROGERS of Michigan.

H.R. 1142: Ms. KAPTUR, Mr. MCGOVERN, Mr. TIERNEY, Mr. SMITH of New Jersey, Mr. WOLF, and Mr. BACHUS.

H.R. 1151: Mr. HONDA.

H.R. 1152: Mr. MORAN of Virginia and Mr. HONDA.

H.R. 1153: Mr. MORAN of Virginia, Mr. HONDA, and Mr. SESTAK.

H.R. 1154: Mr. MORAN of Virginia, Mr. HONDA, and Mr. SESTAK.

H.R. 1161: Mr. SPACE, Mr. SESTAK, and Ms. ROYBAL-ALLARD.

H.R. 1165: Mr. CRENSHAW.

H.R. 1166: Mr. SENSENBRENNER.

H.R. 1173: Mr. SENSENBRENNER.

H.R. 1189: Mr. WOLF.

H.R. 1194: Mr. WITTMAN, Mr. MOORE of Kansas, Mr. MILLER of North Carolina, Mr. ALTMIRE, Mr. OLVER, Mr. DAVIS of Alabama, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. COHEN, Mr. COBLE, Mr. ADLER of New Jersey, and Mr. LARSON of Connecticut.

H.R. 1195: Mr. MCGOVERN, Mr. SKELTON, and Mr. MURPHY of Connecticut.

H.R. 1204: Mr. McMAHON.

H.R. 1207: Mr. GARRETT of New Jersey.

H.R. 1209: Mr. CALVERT.

H.R. 1210: Mr. LATHAM, Ms. SHEA-PORTER, Mr. ACKERMAN, Mr. GRAVES, and Ms. KAPTUR.

H.R. 1240: Mr. WELCH.

H.R. 1254: Mr. TOWNS, Mr. DRIEHAUS, and Ms. NORTON.

H.R. 1255: Mr. CAPUANO and Mr. WOLF.

H.R. 1260: Mr. SIMPSON.

H.R. 1261: Mr. BISHOP of Georgia and Mr. STEARNS.

H.R. 1263: Ms. NORTON.

H.R. 1265: Mr. DELAHUNT, Ms. HIRONO, and Mr. AL GREEN of Texas.

H.R. 1276: Mr. MORAN of Virginia and Mr. TAYLOR.

H.R. 1277: Mr. CANTOR, Mr. PENCE, Mr. MILLER of Florida, Mr. McCAUL, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. SESSIONS, Mrs. BACHMANN, Mr. HENSARLING, Mr. BROUN of Georgia, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. CONAWAY, Mr. BURTON of Indiana, Mr. HUNTER, Mr. SHAD-EGG, Mr. KINGSTON, Mr. MCHENRY, Ms. FALLIN, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. BISHOP of Utah, and Mr. LAMBORN.

H.R. 1283: Ms. KILPATRICK of Michigan and Ms. KILROY.

H.R. 1285: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1295: Mr. BROWN of South Carolina, Mr. DREIER, Mr. WITTMAN, Mr. HELLER, Mr. KIRK, and Mr. LATHAM.

H.R. 1296: Mr. BACA, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. CARDOZA, Mr. CARSON of Indiana, Mr. CONYERS, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. EDWARDS of Maryland, Mr. ETHERIDGE, Mr. FATTAH, Ms. FUDGE, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HODES, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Mr. LUJÁN, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. PIERLUISI, Mr. RANGEL, Mr. REYES, Ms. RICHARDSON, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Virginia, Mr. SPACE, Mr. THOMPSON of Mississippi, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. CAPUANO, and Mr. INSLEE.

H.R. 1317: Mr. KISSELL, Mr. MCHENRY, and Mr. PLATTS.

H.J. Res. 1: Ms. GINNY BROWN-WAITE of Florida, Mr. BUYER, Mr. COFFMAN of Colorado, Mrs. EMERSON, Mr. LOBIONDO, Mr. OLSON, and Mr. TURNER.

H.J. Res. 8: Mr. SIMPSON.

H.J. Res. 21: Ms. FOXX.

H.J. Res. 26: Mr. BISHOP of New York and Mr. WOLF.

H. Con. Res. 28: Mr. SCHIFF, Mr. SIREs, Ms. MCCOLLUM, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. BARTLETT, Ms. LORETTA SANCHEZ of California, Mr. MASSA, Mr. McDERMOTT, Mrs. MYRICK, Ms. DELAULO, Ms. JACKSON-LEE of Texas, Mr. STARK, and Mr. VAN HOLLEN.

H. Con. Res. 55: Mr. HALL of Texas, Mr. BONNER, Mr. CONAWAY, Mr. HONDA, Mr. MCGOVERN, Mr. SHUSTER, Mr. CAPUANO, Mrs. NAPOLITANO, and Mr. MARIO DIAZ-BALART of Florida.

H. Con. Res. 60: Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCGOVERN, and Mr. WOLF.

H. Con. Res. 63: Ms. WOOLSEY.

H. Res. 64: Mr. SAM JOHNSON of Texas, Mr. SMITH of Texas, Mr. HENSARLING, Mr. McCAUL, Mr. SESSIONS, Mr. CULBERSON, Mr. CARTER, and Mr. CONAWAY.

H. Res. 65: Mr. BISHOP of Georgia.

H. Res. 81: Mr. CHANDLER.

H. Res. 125: Mr. KENNEDY, Mr. BACHUS, and Ms. PINGREE of Maine.

H. Res. 130: Mr. TOWNS, Mr. PLATTS, and Mr. WELCH.

H. Res. 146: Mr. SESTAK.

H. Res. 152: Mr. MATHESON, Mr. MELANCON, Mr. CARDOZA, and Mr. CROWLEY.

H. Res. 156: Mr. PITTS.

H. Res. 166: Mr. MORAN of Kansas, Mr. WILSON of South Carolina, Mr. CONYERS, Mr. FRANKS of Arizona, Mr. BOREN, Mr. WESTMORELAND, Ms. BORDALLO, Mr. BOOZMAN, and Mr. BONNER.

H. Res. 170: Mr. LARSEN of Washington, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. SMITH of Washington, Mr. SNYDER, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. CAPUANO, Mr. LIPINSKI, Ms. HIRONO, Mr. SHULER, Mr. ARCURI, Mr. CARNEY, Mr. TAYLOR, Mr. HALL of New York, Mr. ORTIZ, Mr. OBERSTAR, Mr. WELCH, Mr. BERRY, Mr. ROSS, and Mrs. NAPOLITANO.

H. Res. 173: Mr. MASSA.

H. Res. 175: Mr. PASCRELL, Mr. MCNERNEY, Mr. CAPUANO, and Ms. PINGREE of Maine.

H. Res. 178: Mrs. MALONEY and Mr. FRANK of Massachusetts.

H. Res. 182: Mr. MEEKS of New York.

H. Res. 194: Ms. CLARKE, Ms. DEGETTE, Mr. McDERMOTT, Ms. SHEA-PORTER, Ms. SLAUGHTER, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mr. STARK, Mr. KENNEDY, Ms. VELÁZQUEZ, and Mrs. BIGGERT.

H. Res. 208: Mr. BUYER.

H. Res. 209: Mr. SPACE.

EXTENSIONS OF REMARKS

IN HONOR OF AL AND GLORIA
NAHUM ON THEIR 60TH ANNI-
VERSARY

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SESTAK. Madam Speaker, I rise to recognize the love and commitment of two wonderful people who today will begin their seventh decade as man and wife. Since they first met at City College, New York and through peace, war, prosperity and hard times, Al and Gloria Nahum have devoted themselves to their country, community, faith, and most of all, their family.

As a young 2nd Lieutenant in our United States Army, Al Nahum courageously went to fight for his nation in the most violent and destructive conflict in the history of mankind. In the process he not only helped defeat fascism and stop the Holocaust, he earned for his bride to be and their children yet unborn, an era of prosperity and security also unrivaled in history. As World War II was resolved, Al Nahum with a clear appreciation for the cost of freedom and the horror of war, bravely continued to stand watch for his family and his fellow Americans in the U.S. Army Reserve. When he retired as a Major, the Army lost a fine officer but Gloria, sons Robert and Kenneth, daughters Laurie and Debra finally had their hero safely home.

During Al's service Gloria was also fully engaged in making ours the greatest possible nation. As an exceptionally dedicated elementary school teacher, she consistently provided her students a level of skill and devotion few educators will ever match. But no accomplishment of Al and Gloria will ever be as special as the extraordinary people their children have become. That they are renowned physicians, and leaders in commerce and the media, their greatest achievement is that they and their spouses Roberta, Richard, Anne Marie and Christopher are as loving to their children as their mother and father are to them.

Madam Speaker, I ask that on this very special day this chamber join me in wishing the remarkable Al and Gloria Nahum, their children and their spectacular grandchildren Jennifer, Daniel, Tara, Brett, Jody, Jeffery, Mandy, Kelly, Brittany, David, Natalie and Reinhart all the love and happiness they so richly deserve. Surely there is no family more loving, accomplished and thoroughly devoted to one another. They are an inspiration to all who are blessed to know them.

RECOGNIZING THE IMPORTANT
ROLE OF ATHLETIC TRAINERS
IN OUR HEALTH CARE SYSTEM

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CARTER. Madam Speaker, I rise today to call attention to the important and essential role that athletic trainers play in providing quality health care across our nation. Our nation's health care system is complex and every day people with many different health needs are served by legions of caring, qualified, and professional athletic trainers.

Athletic trainers are health care professionals who hold at least a bachelor's degree in athletic training. Almost 70 percent of athletic trainers have a master's degree or PhD. Athletic trainers are licensed health care professionals who provide injury prevention, diagnosis, treatment, and rehabilitation to patients of all ages.

Athletic trainers work under the direction of physicians to provide care to patients. Historically, they worked with athletes in secondary schools, colleges, universities and professional sports. Today, about 50 percent work outside of these athletic settings. Many athletic trainers are employed by clinics, hospitals, physician offices, commercial workplaces, the United States Armed Forces, and performing arts companies. The focus of athletic trainers' care is to prevent injuries and support patients and clients in their rehabilitation efforts to regain function as quickly and safely as possible.

Athletic trainers pass a national certifying exam. In most of the 46 states where they are licensed or otherwise regulated, the national certification is required for licensure. Athletic trainers maintain this certification with required continuing education. They work under a medical scope of practice, and adhere to a national code of ethics.

I strongly support the vital role athletic trainers play in our health care system. I urge my colleagues to join me in recognizing this important group of health professionals.

TRIBUTE TO DENNIS L. THOMPSON

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor a community leader, Mr. Dennis L. Thompson, on his retirement after 36 years of service to the people of Kern County, California, most recently as Fire Chief of Kern County & Director of Emergency Services.

Chief Thompson began serving Kern County, which I represent, as a seasonal firefighter in 1970 at Station 55 (Mettler). On his first assignment, he burned both of his ears while containing a standing grain fire and although that experience made him question what he was doing fighting fires, he stuck with it. In 1973, Thompson became a full-time firefighter and began his training at Station 44 (Southgate). When he started firefighting, he drove vintage military surplus vehicles from the World War II and Korean War eras that were converted into fire trucks that were older than he was. Thompson also joined the ranks of the "Smoke Eaters" as firefighters back then were called because regulations did not require a breathing apparatus. "Thankfully", as Thompson says, departmental and state regulations were changed.

In 1975, Thompson started his full-time career in the Engineer position in Mettler, and in 1978, he was promoted to Captain for the Randsburg, Ridgecrest and Lebec areas. In 1981, Thompson suffered an on-the-job injury, while he was recouping, he returned to California State University, Bakersfield (CSUB) to complete a 4-year degree. He returned to duty at Station 56 (Lebec) and graduated in 1983 with a Bachelor of Arts in Public Administration with honors. Thompson became Acting Battalion Chief in 1984 for Battalion 7, which covered northeast Kern County including the Lake Isabella and Ridgecrest areas. In 1985, he became Battalion Chief and Chief Training Officer for Battalion 2 and Battalion 5, which included southern and western Kern County. In 1986, Thompson completed his Master's degree in Public Administration from CSUB. In 1994, Thompson became the Deputy Fire Chief and oversaw Operations, Finance and Administration. In 2002, Thompson became a Chief Deputy at the Department, an Assistant Department Head.

In 2003, Thompson became Kern County's 10th Fire Chief and Director of Emergency Services. Serving as Fire Chief for six years, Thompson oversaw the completion of many significant projects. Thompson reinstated Battalion 5 in August 2007 and made sure that Station 18 in Stallion Springs was open permanently, rather than seasonally for fire season. Thompson also increased minimum staffing levels from 2 to 3 person stations in all but one station. After 4 years of no equipment purchases, Thompson worked to acquire \$38.8 million in replacement apparatus and equipment to fulfill the needs of Kern County Fire Department. The capstone of Thompson's career was overseeing, from start to finish, the completion of the Emergency Operations Center that made Kern County's operational area preparedness capability state-of-the-art and viable for the future.

As someone who personally knows our local firefighting community well—my uncle previously held the post of Kern County Fire Chief, my father was an assistant Fire Chief

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for the City of Bakersfield, and during college I was a seasonal firefighter for the County—I am grateful for the service and leadership that Chief Thompson has given to the people of Kern County. I wish him well in his retirement, and I know he is looking forward to spending more time with his wife, Mary Jo, and their family.

HONORING AMERICA'S ZOO: THE
PHILADELPHIA ZOO CELEBRATES ITS 150TH ANNIVERSARY

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. FATTAH. Madam Speaker, I join with fellow members of the Philadelphia delegation in recognizing a milestone that is approaching for a Philadelphia institution that has brought joy and wonder to millions of the young and young at heart who have entered its storied gates while it provides a platform for education, conservation and world changing scientific research.

On March 21, 1859, Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—and house it on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River.

Over the past century and a half, the Philadelphia Zoo has emerged as a national and global treasure. The Zoo is recognized as one of Philadelphia's most cherished, enduring and significant educational, scientific and conservation institutions and cultural attractions.

The Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine. From its inception, the Zoo has acted consistently and successfully to protect, promote, and preserve through its myriad research and curatorial activities numerous rare and endangered wildlife.

It is a venerable institution that has remained ever fresh and vital, constantly opening new and groundbreaking exhibits, acquiring and exhibiting exotic wildlife and pioneering conservation efforts that are the marvel of the zoological world. The Philadelphia Zoo has welcomed more than 100 million visitors—including millions of school children from the greater Philadelphia community over generations—since its landmark gates opened to the public.

Now, 150 years young, the Philadelphia Zoo embarks upon the celebration of its sesquicentennial — an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the nation and the world conservation community. In fact March 21, 2009, has been officially designated in my home town as Philadelphia Zoo Day.

As the Congressman who is honored to include America's First Zoo within my constituency, and as someone who has enjoyed numerous visits as a child, a father and a caregiver, I congratulate the Philadelphia Zoo and extend best wishes for continued success upon the occasion of its sesquicentennial.

A FINAL TRIBUTE TO LT.
MICHAEL J. RENAULT

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. YOUNG of Florida. Madam Speaker, The City of Largo I have the privilege to represent paid tribute to one of their fallen police officers Saturday, when they laid to rest Lt. Michael J. Renault who died too early at the age of 37.

The love and respect the community had for Mike was evident as hundreds of his family, friends, neighbors and fellow officers turned out to honor his life and his valiant eight month battle against stomach cancer. They all recounted what a devoted family man Mike was as he and his wife Jennifer had three beautiful children—Hunter, Luke and Hannah.

Beverly and I had the opportunity to spend considerable time with Mike and his family these past few months and know that his wife and children were the center of his life. They were a source of great strength to him during his battle with an aggressive form of cancer.

We also know of the deep respect his fellow law enforcement officers in Largo and throughout the area had for Mike. Largo Police Chief Lester Aradi summed it up nicely in his eulogy Saturday saying, "The way he led and the values he taught will long live on with those he mentored on the force."

Mike's parents Rev. James and Judy Renault said Mike knew early on that he wanted to be a law enforcement officer. In fact, at 16 he chased down a thief who robbed the store where he worked. He joined the Largo Police Department soon after his graduation from college and moved up through the ranks quickly during his 16 years on the force and ultimately was promoted to the rank of Lieutenant. He earned the Medal of Valor for saving the life of a suicidal man. More importantly, he earned the friendship, the trust and the abiding respect of those he served with.

Madam Speaker, following my remarks, I would like to include an article by Stephanie Hayes of The St. Petersburg Times entitled "Largo officer was tough man with soft heart" so that my colleagues can learn more about the special man that Beverly and I came to know.

Mike was a caring, compassionate and courageous man who fought valiantly until his final breath. He had life's priorities in order—faith, family and the force on which he served. The people of Largo and the Largo Police Department lost a hero last week, but his memory, his strength and his core values will long live on in his children, his family, his friends and fellow officers. There can be no finer lasting tribute for a man who died long before his time.

[From the St. Petersburg Times, Feb. 26, 2009]

LARGO OFFICER WAS TOUGH MAN WITH SOFT HEART

(By Stephanie Hayes)

LARGO—Michael Renault was bagging groceries at a Winn-Dixie when his calling clicked.

A thief came into the store and robbed the cash register. Michael, always mischievous,

always sneaking out of his window at night, sought adventure and feared nothing.

He also knew right from wrong. At 16, he took off chasing the bad guy.

He had cowboy instincts, raised on a diet of outer space westerns like Star Wars and Star Trek. He collected John Wayne movies and memorabilia.

He loved to fish and play laser tag in the middle of the night with his younger brother, Jason. He was unfailingly loyal, a good man to have on your team.

"He was someone I always looked up to," said Jason Renault, 33. "He was about as much of a big brother as you can ask for. I kind of idolized him in way."

After college, he joined the Largo Police Department, climbing to become a lieutenant. He was tough to crack, a man of deep voice and few words, said his wife, Jennifer Renault, a fellow Largo police officer. Some people were intimidated.

When they first met, "He paid no attention to me," she said. "That was our big joke. But then he really helped me out, showing me what to do. He was just very genuine and always made me feel special."

Lt. Renault received a medal of valor for climbing a fire ladder to get a suicidal man off the roof of a building, she said. Other times, he endured dog bites while trying to catch criminals.

He was an ace at poker, golfing, hunting, playing softball and fantasy football.

He hated to lose.

"Oh, yeah, he was a sore loser," said his wife. "Mike Renault was a sore loser. Everyone will tell you that."

Underneath, there was a soft man who wanted a huge family. He played and caught bugs with his sons, Hunter and Luke. He took them to ball games but curtailed his competitive side so they'd know it was fine to lose.

He yearned for a little girl. "He wanted the princess," his wife said. "He wanted to be the dad to walk her down the aisle."

Eleven months ago, Hannah Renault was born. Lt. Renault sat and listened to a country song called I Loved Her First. He teared picturing his daughter in a white dress. But three months later, he got staggering news—he had stomach cancer. His family and friends rallied. His fellow officers raised money and shaved their heads in solidarity.

As he ailed, he prayed and wrote in journals. He wanted his children to graduate, to get married, to travel. He wished they'd have fearless adventures and find their callings.

Lt. Renault died Tuesday. He was 37.

Biography

Michael Renault

Born: Oct. 1, 1971.

Died: Feb. 24, 2009.

Survivors: wife, Jennifer, children, Hunter, Luke and Hannah; parents, James and Judy Renault; siblings, Jason Renault, Kristen Pitchford; grandmother, Betty Lynch; seven nieces and nephews.

Services: 2 p.m. Saturday at St. Paul United Methodist Church, 1199 Highland Ave., Largo.

EARMARK DISCLOSURE
CORRECTION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. ROGERS of Michigan. Madam Speaker, I would like to correct an error made in my description of a law enforcement request for the

City of Lansing that should read "\$500,000" rather than "\$3,125,000." This project was funded at \$500,000 by H.R. 1105, the Omnibus Appropriations Act of 2009.

I MUST SAVE MY CHILD

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. PERLMUTTER. Madam Speaker, I submit the following for the RECORD.

[From Parade, Feb. 15, 2009]

I MUST SAVE MY CHILD

(By Melissa Fay Greene)

WHEN SUSAN AXELROD tells the story of her daughter, she begins like most parents of children with epilepsy: The baby was adorable, healthy, perfect. Lauren arrived in June 1981, a treasured first-born. Susan Landau had married David Axelrod in 1979, and they lived in Chicago, where Susan pursued an MBA at the University of Chicago and David worked as a political reporter for the Chicago Tribune. (He later would become chief strategist for Barack Obama's Presidential campaign and now is a senior White House adviser.) They were busy and happy. Susan attended classes while her mother babysat. Then, when Lauren was 7 months old, their lives changed overnight.

"She had a cold," Susan tells me as we huddle in the warmth of a coffee shop in Washington, D.C., on a day of sleet and rain. Susan is 55, fine-boned, lovely, and fit. She has light-blue eyes, a runner's tan, and a casual fall of silver and ash-blond hair. When her voice trembles or tears threaten, she lifts her chin and pushes on.

"The baby was so congested, it was impossible for her to sleep. Our pediatrician said to give her one-quarter of an adult dose of a cold medication, and it knocked her out immediately. I didn't hear from Lauren the rest of the night. In the morning, I found her gray and limp in her crib. I thought she was dead.

"In shock, I picked her up, and she went into a seizure—arms extended, eyes rolling back in her head. I realized she'd most likely been having seizures all night long. I phoned my mother and cried, 'This is normal, right? Babies do this?' She said, 'No, they don't'."

The Axelrods raced Lauren to the hospital. They stayed for a month, entering a parallel universe of sleeplessness and despair under fluorescent lights. No medicine relieved the baby. She interacted with her parents one moment, bright-eyed and friendly, only to be grabbed away from them the next, shaken by inner storms, starting and stiffening, hands clenched and eyes rolling. Unable to stop Lauren's seizures, doctors sent the family home.

The Axelrods didn't know anything about epilepsy. They didn't know that seizures were the body's manifestation of abnormal electrical activity in the brain or that the excessive neuronal activity could cause brain damage. They didn't know that two-thirds of those diagnosed with epilepsy had seizures defined as "idiopathic," of unexplained origin, as would be the case with Lauren. They didn't know that a person could, on rare occasions, die from a seizure. They didn't know that, for about half of sufferers, no drugs could halt the seizures or that, if they did, the side effects were often brutal. This mysterious disorder attacked 50

million people worldwide yet attracted little public attention or research funding. No one spoke to the Axelrods of the remotest chance of a cure.

AT HOME, LIFE SHAKILY returned to a new normal, interrupted by Lauren's convulsions and hospitalizations. Exhausted, Susan fought on toward her MBA; David became a political consultant. Money was tight and medical bills stacked up, but the Axelrods had hope. Wouldn't the doctors find the right drugs or procedures? "We thought maybe it was a passing thing," David says. "We didn't realize that this would define her whole life, that she would have thousands of these afterward, that they would eat away at her brain."

"I had a class one night, I was late, there was an important test," Susan recalls. "I'd been sitting by Lauren at the hospital. When she fell asleep, I left to run to class. I got as far as the double doors into the parking lot when it hit me: 'What are you doing?'" She returned to her baby's bedside. From then on, though she would continue to build her family (the Axelrods also have two sons) and support her husband's career, Susan's chief role in life would be to keep Lauren alive and functioning.

THE LITTLE GIRL WAS AT RISK OF falling, of drowning in the bathtub, of dying of a seizure. Despite dozens of drug trials, special diets, and experimental therapies, Lauren suffered as many as 25 seizures a day. In between them, she would cry, "Mommy, make it stop!"

While some of Lauren's cognitive skills were nearly on target, she lagged in abstract thinking and interpersonal skills. Her childhood was nearly friendless. The drugs Lauren took made her by turns hyperactive, listless, irritable, dazed, even physically aggressive. "We hardly knew who she was," Susan says. When she acted out in public, the family felt the judgment of onlookers. "Sometimes," Susan says, "I wished I could put a sign on her back that said: 'Epilepsy. Heavily Medicated'."

At 17, Lauren underwent what her mother describes as "a horrific surgical procedure." Holes were drilled in her skull, electrodes implanted, and seizures provoked in an attempt to isolate their location in the brain. It was a failure. "We brought home a 17-year-old girl who had been shaved and scalped, drilled, put on steroids, and given two black eyes," Susan says quietly. "We put her through hell without result. I wept for 24 hours."

The failure of surgery proved another turning point for Susan. "Finally, I thought, 'Well, I can cry forever, or I can try to make a change.'"

Susan began to meet other parents living through similar hells. They agreed that no federal agency or private foundation was acting with the sense of urgency they felt, leaving 3 million American families to suffer in near-silence. In 1998, Susan and a few other mothers founded a nonprofit organization to increase public awareness of the realities of epilepsy and to raise money for research. They named it after the one thing no one offered them: CURE—Citizens United for Research in Epilepsy.

"Epilepsy is not benign and far too often is not treatable," Susan says. "We wanted the public to be aware of the death and destruction. We wanted the brightest minds to engage with the search for a cure."

Then-First Lady Hillary Clinton signed on to help; so did other politicians and celebrities. Later, veterans back from Iraq with seizures caused by traumatic brain injuries

demanding answers, too. In its first decade, CURE raised \$9 million, funded about 75 research projects, and inspired a change in the scientific dialogue about epilepsy.

"CURE evolved from a small group of concerned parents into a major force in our research and clinical communities," says Dr. Frances E. Jensen, a professor of neurology at Harvard Medical School. "It becomes more and more evident that it won't be just the doctors, researchers, and scientists pushing the field forward. There's an active role for parents and patients. They tell us when the drugs aren't working."

The future holds promise for unlocking the mysteries of what some experts now call Epilepsy Spectrum Disorder. "Basic neuroscience, electrophysiological studies, gene studies, and new brain-imaging technologies are generating a huge body of knowledge," Dr. Jensen says.

Lauren Axelrod, now 27, is cute and petite, with short black hair and her mother's pale eyes. She speaks slowly, with evident impairment but a strong Chicago accent. "Things would be better for me if I wouldn't have seizures," she says. "They make me have problems with reading and math. They make me hard with everything."

By 2000, the savagery and relentlessness of Lauren's seizures seemed unstoppable. "I thought we were about to lose her," Susan says. "Her doctor said, 'I don't know what else we can do.'" Then, through CURE, Susan learned of a new anti-convulsant drug called Keppra and obtained a sample. "The first day we started her on the medication," Susan says, "her seizures subsided. It's been almost nine years, and she hasn't had a seizure since. It won't work for everyone, but it has been a magic bullet for Lauren. She is blooming."

Susan and David see their daughter regaining some lost ground: social intuition, emotional responses, humor. "It's like little areas of her brain are waking up," Susan says. "She never has a harsh word for anyone, though she did think the Presidential campaign went on a little too long. The Thanksgiving before last, she asked David, 'When is this running-for-President thing going to be finished?'"

CURE is run by parents. Susan has worked for more than a decade without pay, pushing back at the monster robbing Lauren of a normal life. "Nothing can match the anguish of the mom of a chronically ill child," David says, "but Susan turned that anguish into action. She's devoted her life to saving other kids and families from the pain Lauren and our family have known. What she's done is amazing."

"Complete seizure freedom without side effects is what we want," Susan says. "It's too late for us, so we've committed ourselves to the hope that we can protect future generations from having their lives defined and devastated by this disorder."

TRIBUTE TO DR. MONA BETHEL JACKSON

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Dr. Mona Bethel Jackson on the occasion of her retirement from the Miami-Dade County Public School System (MDCPS) with nearly 39 years of service and dedication.

Dr. Jackson, a native Miamian, was born to Charles Edward Bethel and Olga Goodman Bethel Williams. After graduating from George Washington Carver High School, she furthered her education at Florida Agricultural & Mechanical University. She then obtained her master's degree in guidance and counseling from Florida Atlantic University and her doctorate in educational administration and supervision from Florida International University. She also attended Principal Institutes at Fordham University and Harvard University, and was the first African-American woman to serve as president of the Florida Counseling Association.

She began her professional career as a science teacher at Charles R. Drew Junior High School. She served as principal of Richmond Heights Middle School for the past 11 years and is currently serving as mentor principal at Miami Edison Senior High School. Moreover, she is also the first African-American to serve as principal of Redland Middle School. She previously served as lead principal of Miami Southridge Senior High School feeder pattern. In 1999, Richmond Heights Middle School was named a semifinalist for the National Alliance of Black School Educators Award. The school earned a grade of B in 2006 and A in 2008 on the Florida Comprehensive Assessment Test (FCAT). It is quite clear that Dr. Jackson has been successful at meeting the challenge of educating the needs of her community's young people.

Additionally, Dr. Jackson complimented her educational achievements with her involvement in various organizations such as Delta Sigma Theta Sorority's National, Collegiate and Alumnae Chapters; Jack and Jill of America, Incorporated; Haitian Refugee Center Board of Directors; Sickle Cell Disease Association of America, Incorporated, Dade County Chapter; National Council of Jewish Women's Teen Violence Intervention Program Board and life member of the National Association for the Advancement of Colored People; National Council of Negro Women; and Red Hat Society. In her spare time, she enjoys reading and organizing activities.

This public servant is married to Herman Jackson, and has two children, Keane Sean (Kelsey) and Herman, II (Cassie), and five grandchildren. She has been a diligent and dedicated member at Christ Episcopal Church where she currently serves as a teller and president of the Episcopal Church Women.

Madam Speaker, it is an honor to have the privilege of honoring Dr. Jackson, a valued educator of the Miami-Dade County community and beyond. She can look back on a proud career of service and distinction in education and community leadership. Now, in retirement, she embarks upon new challenges in life and I am certain her legacy of greatness will only grow and develop as she enters this new phase of life. I invite my colleagues to join me in wishing Dr. Mona Bethel Jackson every happiness and many years of continued success.

TRIBUTE TO RETIRING MISSOURI
ADJUTANT GENERAL KING
SIDWELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the career of Missouri Adjutant General King E. Sidwell. General Sidwell retired in late February after serving four years as Adjutant General of the Missouri National Guard.

General Sidwell was born in Sikeston, Missouri, on July 13, 1950. He resides with his wife Cindy Sidwell in Sikeston. They have two sons, William Mitchell Sidwell II and Trent Easterby Sidwell.

In 1972, General Sidwell earned his Bachelor of Science degree from the Georgia Institute of Technology. In 1975, he received his Juris Doctorate from the University of Missouri-Columbia and, in 2000, he received a Military and Strategic Studies degree from the United States Army War College.

General Sidwell has served in the military since 1972. He was commissioned as an officer in 1974 through the State Officer Candidate School at the Missouri Military Academy. Prior to his serving as Adjutant General, Sidwell served in many assignments of increasing responsibility, culminating with his command of the Engineer Brigade, 35th Infantry Division. Upon completion of this command, he assumed the position of Assistant Corps Engineer, 35th Engineer Brigade until being transferred to the Retired Reserve. It was from the Retired Reserve that Sidwell was appointed to the position of Adjutant General.

Under General Sidwell's leadership as Adjutant General, the Missouri National Guard developed the concept of and deployed an Agribusiness Development Team to Operation Enduring Freedom in Afghanistan. This important agricultural redevelopment plan, which builds upon the knowledge and expertise of Missourians familiar with agriculture, is now being replicated by other states. The Missouri National Guard also equipped and deployed the first Maneuver Enhancement Brigade structure to command Multi-national Task Force East Kosovo.

General Sidwell has received numerous military awards. He has also been recognized as the Mid-Missouri Communicator of the Year by the Public Relations Society of America and as an outstanding leader by the Jefferson Barracks. The General is also affiliated with the National Guard Association, the American Bar Association, the Defense Research Institute, and the Sikeston Area United Way Board of Directors.

As General Sidwell retires from his current post, I trust that the Members of the House will join me in thanking him for his exceptional commitment to the Missouri National Guard and the safety and security of America.

HONORING MARK LUTTRELL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Shelby County, Tennessee's Sheriff Mark Luttrell for being named the 2009 Sheriff of the Year presented by the National Sheriffs' Association.

First elected in 2002, Mark Luttrell has served Shelby County residents with strong leadership by placing the public's confidence back in the county's jail operations. Sheriff Luttrell has secured accreditation for both men's and women's jails, the medical unit, and the law enforcement division as well as many countless other achievements for which he is being recognized.

Luttrell continues to be an integral member in local and state efforts to fight street crime, including the successful Operation Safe Community. Sheriff Luttrell also serves on the Memphis/Shelby Crime Commission and Memphis Second Chance, an organization which aids first time offenders to transition back into society.

Sheriff Luttrell has set a high example of service, leadership, caring, and civic participation that all would do well to follow. Madam Speaker, I congratulate Sheriff Mark Luttrell on this well-deserved award, and ask my colleagues to join me in celebrating his accomplishments. We congratulate Sheriff Luttrell and his family on this wonderful occasion.

TRIBUTE ON THE 180TH ANNIVERSARY OF THE FIRST PRESBYTERIAN CHURCH OF DANVILLE, ILLINOIS

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. JOHNSON of Illinois. Madam Speaker, I rise today in recognition of the 180th anniversary of the First Presbyterian Church of Danville, Illinois.

Built on land so graciously dedicated by Reverend Enoch Kingsbury, the First Presbyterian Church was founded on March 7, 1829 by eight charter members. The Church provided the first school and library of Danville.

From its humble beginnings in the 1830s, the church took a stand against slavery. Confirming their stance on slavery, the church would be honored with a visit from Abraham Lincoln, where he worshiped when his duties as attorney brought him to Danville.

The First Presbyterian Church continues to have a positive impact on the community by establishing and supporting several programs including Aunt Martha's Youth service, a free clinic, Faith in action, a program for adults 60 years of age and older, and Big Brothers Big Sisters, a mentoring service for youth. The church is a strong supporter of the arts through the use of the Aeolian-Skinner Pipe

organ and the use of their facilities for musical performances.

I hope all of you will join me in recognizing The First Presbyterian Church in its faithful mission to be servants of Christ, both in their church and their community.

TRIBUTE TO RIVERSIDE FIRE
CHIEF TEDD LAYCOCK

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Tedd Laycock is one of these individuals. On March 7, 2009, a dinner in honor of Chief Laycock will be held to celebrate his retirement from the City of Riverside Fire Department.

A lifelong resident of Riverside, Chief Laycock graduated from Ramona High School. After receiving his Associate of Science Degree in fire technology from Riverside City College, he went on to graduate from the University of Redlands with a Bachelor of Science in Business Administration.

In 1973, Chief Laycock began his career with the City of Riverside Fire Department as a firefighter. He was subsequently promoted to Engineer in 1980; to Captain in 1984; to Battalion Chief in 2002; and to Fire Chief on April 8, 2005. Chief Laycock's natural leadership ability has contributed to his excellence as a Fire Chief and established him as a pillar in the community. Chief Laycock retires after forty-six years of service to spend time with his grandchildren, two daughters, three sons, and his wife of ten years Cindy.

As a member of the Riverside community, Chief Laycock not only lived and worked there, but served those in his neighborhood. Chief Laycock has been a member of many local organizations such as the Uptown Kiwanis, the Latino Network and the Greater Riverside Hispanic Chamber of Commerce. Twice, in 1994 and 1996, Chief Laycock was awarded the honor of the Exchange Club's Firefighter of the Year Award.

Chief Laycock's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Tedd a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

TRIBUTE TO ELIJAH "PAT"
LARKINS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MEEK of Florida. Madam Speaker, I rise to pay tribute to the late Elijah "Pat" Larkins, a dedicated public servant, tireless community activist and the city of Pompano Beach, Florida's first African-American mayor, who recently succumbed to a 16-month struggle with brain cancer.

Born a farmer's son in Pompano on April 29, 1942, Mr. Larkins, the eldest of nine siblings, graduated from what is now Blanche Ely High School. While a student at Ely High School, he led a boycott of classes when a Senior Day gathering of the county's three black high schools was cancelled. Following his attendance at Tennessee State University, Mr. Larkins was named a Ford Foundation fellow, which allowed him to attend the 1970 National Housing Institute.

In 1972, Mr. Larkins became a federally certified housing-development specialist who created the Broward County Minority Builders Coalition. The Coalition's mission is to ensure black-owned companies participated in South Florida's construction boom, an economic expansion that defined the area for years to come. In addition to his involvement with the Broward County Minority Builders Coalition, Mr. Larkins was a director of his own not-for-profit company, Malar Construction Co. in Fort Lauderdale.

While serving as a City Commissioner for 19 years and Mayor of Pompano Beach for seven terms, Mr. Larkin helped diversify the fire department and police while also advocating on behalf of Pompano Beach's predominantly black northwest quadrant. Mr. Larkin was also instrumental in changing Hammondville Road to Martin Luther King, Jr. Boulevard. One of his proudest achievements was getting the E. Pat Larkins Community Center, a center that provides the setting for meetings, banquets and other social events, up and running.

As a parishioner at Hopewell Missionary Baptist Church for over 30 years, "His greatness was measured by his servitude," the Reverend Robert Stanley declared. Reverend Stanley continued saying, "For him, the position of mayor wasn't a position of clout. It was a place to make change." Pompano Beach Mayor Lamar Fisher stated: "his involvement in the city is immeasurable." When asked his legacy, Mr. Larkins said, "I have always had a great affinity and love for this city. I hope when it's all over it's said that Pat gave it all he had."

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life and accomplishments of Mr. Elijah Pat Larkins. I am honored to pay tribute to Mr. Larkin for his invaluable services and tireless dedication to the South Florida community.

CONGRATULATING MAYOR THOMAS M. LEIGHTON, RECIPIENT OF THE 2009 "MAN OF THE YEAR" AWARD FROM THE WILKES-BARRE FRIENDLY SONS OF ST. PATRICK

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Wilkes-Barre Mayor Thomas M. Leighton, recipient of the 2009 "Man of the Year" award from the Wilkes-Barre Friendly Sons of St. Patrick.

Mayor Leighton began his tenure as the Mayor of the City of Wilkes-Barre on January 5, 2004. Prior to becoming mayor, he served three four-year terms as a city councilman, as Chairman in 1995, 1998 and 2002 and as Vice Chairman in 1994, 1997, 1999 and 2001.

A graduate of Bishop Hoban High School, Mayor Leighton earned a bachelor of science degree from King's College in Business Administration. In 1996, he became president and owner of C.A. Leighton Company, Inc., a real estate, insurance and appraisal business located in downtown Wilkes-Barre since 1921. To fulfill his professional licensing, Mayor Leighton has successfully completed numerous continuing education programs over the years in the fields of real estate, appraisal and insurance and has retained membership in real estate professional organizations.

The combination of his municipal and business experience has provided him with the knowledge and familiarity to meet the financial and operational challenges he faces as Mayor.

An active alumnus of King's College, Mayor Leighton served as chairman of the 2006 King's College Alumni Phonathon Fund Drive as well as on the President's Council and the Century Club. He is a former coach of many community sports leagues including the Wilkes-Barre Family YMCA, St. Theresa's Little League, Skyhawks Youth Soccer, Rolling Mill Hill Basketball, St. Nicholas/St. Mary's Basketball and he is also a certified PIAA referee.

Mayor Leighton is also a member of the Knights of Columbus Council 302, third degree, the Pennsylvania Interscholastic Athletic Association, Elks Club, Saint Conrad's Club, North End Slovak Club and the Eagles Club.

Mayor Leighton and his wife, Patty, have three children: Kelly, Tom Jr. and Courtney.

Madam Speaker, please join me in congratulating Mayor Leighton on the occasion of this auspicious event. Mayor Leighton's exemplary commitment to his family, his city and northeastern Pennsylvania is a clear reflection of his determination to play an active role in the improvement of the quality of life for everyone and, because of that, his selection as Man of the Year is a well deserved honor.

PERSONAL EXPLANATION

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. HALL of New York. Madam Speaker, due to a family emergency I was unavoidably absent from the House on March 4, 2009, and missed the following votes:

Rollcall vote No. 94, a motion by Mr. PASCRELL of New Jersey to suspend the rules and agree to H. Res. 201, a resolution recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001, attacks. Had I been present, I would have voted "yes."

Rollcall vote No. 95, a motion by Mr. CARNEY of Pennsylvania to suspend the rules and agree to H. Res. 195, a resolution recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe. Had I been present, I would have voted "yes."

Rollcall vote No. 96, a motion by Ms. LOFGREN of California to suspend the rules and agree to H. Res. 45, a resolution raising awareness and promoting education on the criminal justice system by establishing March as "National Criminal Justice Month." Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. PUTNAM. Madam Speaker, on Tuesday, March 3, 2009, and Wednesday, March 4, 2009, I was not present for recorded votes due to the death of a close personal friend. Please let the record show that had I been present, I would have voted the following way: roll No. 91—"yea," roll No. 92—"yea," roll No. 93—"yea," roll No. 94—"yea," roll No. 95—"yea," roll No. 96—"yea."

INTRODUCTION OF THE NATIONAL MS AND PARKINSON'S DISEASE REGISTRIES ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. VAN HOLLEN. Madam Speaker, along with the co-chairs of the Congressional Caucuses on MS and Parkinson's disease, we are pleased to introduce the National MS and Parkinson's Disease Registries Act—which, for the first time, establish national Multiple Sclerosis (MS) and Parkinson's disease registries at the Centers for Disease Control and Prevention (CDC).

Currently, a national coordinated system to collect and analyze data on MS or Parkinson's disease does not exist. Accurate incidence and prevalence information is critical to gain a

better understanding of these diseases that are estimated to affect more than 1.4 million Americans. The current lack of core knowledge about who has MS and Parkinson's disease and why inhibits research, programs, treatment and services.

This legislation will remedy that by developing coordinated, separate national systems to collect and store existing MS and Parkinson's disease data on incidence and prevalence. These registries could help uncover and inform promising areas of MS and Parkinson's research such as genetic and environmental risk factors, and support the discovery of disease therapies, treatments, and one day a cure. The information collected through the registries will provide a foundation for evaluating and understanding many factors such as geographic clusters of diagnosis, variances in the gender ratio, disease burden, and changes in health care practices.

Madam Speaker, this legislation represents an opportunity to move neurological disease research in a meaningful way that aims to improve the lives of our constituents with Parkinson's and MS. I invite my colleagues to join us in cosponsoring this much-needed bill.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BOYD. Madam Speaker, due to personal reasons, I was unable to attend to several votes. Had I been present, my vote would have been "yea" on H. Res. 201, Recognizing Beverly Eckert's service to the Nation and particularly to the survivors and families of the September 11, 2001 attacks; "yea" on H. Res. 195, Recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe; and "yea" on H. Res. 45, Raising awareness and promoting education on the criminal justice system by establishing March as "National Criminal Justice Month".

CONGRATULATING WALTER J. ZABLE AND THE CUBIC CORPORATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. ISSA. Madam Speaker, I rise today to recognize and congratulate Cubic Corporation, a San Diego-based company celebrating 50 years as a publicly traded entity. In fact, on March 5, 2009, executives from Cubic were invited to the New York Stock Exchange to ring the opening bell to mark the occasion.

Since its founding in 1951 and subsequent status as a publicly traded company in 1959, Walter J. Zable, Chairman and CEO, has been at the helm. I've known Walt for many years and this celebration not only marks a 50-year milestone for Cubic, but serves as a

remarkable testament to the wisdom and good business sense of Mr. Zable.

While Cubic has experienced its share of business challenges, Mr. Zable has kept adhering to commonsense business tenets that steady the ship and allow Cubic steady, sustainable growth.

Cubic has followed a strong and responsible business philosophy, allowing it to achieve solid growth over many years along with the ability to weather several economic downturns—including the one the country currently faces.

While there are other companies that have had more spectacular growth than Cubic, many have suffered equally spectacular downturns as well. Cubic, under the leadership of Mr. Zable, has maintained a considered commonsense approach to its businesses thus returning stable, sustainable growth.

From its humble beginnings almost 60 years ago, Cubic is now an enterprise with \$881 million in 2008 sales and an employer of more than 7,000 people worldwide. The markets that it works in—Defense and Transportation—are much needed in this tumultuous world and Cubic holds a strong position in these markets. Today the company now operates in more than 45 countries with the largest foreign customer being the United Kingdom.

Indeed, in these difficult economic times, Cubic stands as a true American success story.

TRIBUTE TO THE HONORABLE JANIE GLYMPH GOREE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a trailblazer whose passing us mourn by all South Carolinians. The Honorable Janie Glymph Goree was the first female African American to be elected mayor of a South Carolina town. She passed away on January 13, 2009, at the age of 87 and I ask that we take a moment to celebrate her exceptional life and legacy.

Janie Glymph Goree was born in 1921, the youngest of ten children born to sharecroppers Orlander and Chaney Glymph in the Maybinton community of Newberry County. Her parents valued education, but there were limited educational opportunities for black children growing up in the rural, segregated South. Yet one of her teachers recognized her potential and provided her with the education she desperately desired.

Mrs. Goree became the first in her family to attend college. She had been awarded a scholarship to attend South Carolina State College, but financial problems prevented her from going. Although temporarily delayed, she worked as a domestic and eventually earned enough to pay her way through Benedict College in Columbia. Her hard work and determination paid off and she graduated Magna Cum Laude as Valedictorian of the class of 1948. She went on to earn her Masters Degree in Basic Sciences and Mathematics from

the University of Colorado in 1959, and did further study at Notre Dame and the University of Wisconsin.

For 33 years she taught math at Sims High School and Union High School, where she spent a great deal of time sponsoring extra-curricular programs for the students. Knowing the value of an education, she also tutored illiterate people and instructed Post Office workers. She always sought to improve her knowledge, and participated in numerous workshops and conferences.

Throughout her adult life, Mrs. Goree was active in politics. In 1978, she was elected Mayor of the Town of Carlisle, which made history in South Carolina. A sharecroppers' daughter, who once worked as a maid, was now the first black female to serve as Mayor of a South Carolina town. The same dogged-determination and dedication that led to success in the classroom also enabled Mrs. Goree to have great success as a municipal leader.

During her 22 years as Mayor of Carlisle, she won major grants to improve the city's water system, sewers, administration buildings, recreation areas, and build a fire department. She knew that basic infrastructure was essential to the quality of life for the residents in her community, and she made it her top priority. Always one to seek and share knowledge, Mrs. Goree was very active in organizations that allowed her to take fact-finding trips all over the world, visiting every continent except Antarctica.

She was an active participant in state and national organizations, including leadership positions in the South Carolina Conference of Black Mayors, the Municipal Association, the National Conference of Black Mayors, the Union County Chamber of Commerce and the World Conference of Mayors. She was invited to the White House several times, and interacted with Presidents and world leaders. For her civic work, Mrs. Goree received numerous awards and citations. One of her proudest honors was having the Carlisle Town Hall, which she helped to build, named in her honor.

Mrs. Goree was an active member of Seekwell Baptist Church, where she served as a volunteer, committee person, and Sunday school teacher. She was married to the late Charlie Goree, and is survived by six step-children, a foster son, and 32 nieces and nephews.

Madam Speaker, I ask that you and my colleagues join me in celebrating the life of this extraordinary woman. Janie Glymph Goree turned life's challenges into a drive to succeed. This pioneer who changed her community was well-known nationally and internationally. Her lasting legacy can be seen on all the streets of Carlisle and in the countless people she helped educate over the years. Her presence will be sorely missed.

IN TRIBUTE TO CHRISTIE STANLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. GALLEGLY. Madam Speaker, I rise in tribute to my friend Christie Stanley, District Attorney for the County of Santa Barbara, California.

Christie Stanley joined the District Attorney's Office in 1980 and quickly moved into supervisory positions, including 15 years as Assistant District Attorney for the North County, where she was responsible for the day-to-day operations of all the District Attorney's Office's business north of the Gaviota Pass.

The hundreds of cases she prosecuted include two Crips gang members who came from Los Angeles and ambushed a Lompoc police officer as he responded to their call for help. The shooter is serving a life sentence for attempted murder.

Many murder cases she prosecuted were domestic violence cases, a cause she deeply believes in. The cases include a triple murder in which the defendant is serving three consecutive life sentences, two without the possibility of parole.

Christie Stanley's outstanding career led to her election as District Attorney in June 2006. With a nearly perfect conviction rate, Santa Barbara voters gave her an overwhelming vote of confidence with 70 percent of the vote.

She has not let them down.

As District Attorney, Mrs. Stanley supervises 52 prosecuting attorneys, 24 investigators, and victims advocates and support staff with offices in Santa Barbara, Santa Maria and Lompoc. She has earned their loyalty. They share her vision of upholding the law with a combination of fairness and firmness.

District Attorney Stanley traces her career as a prosecuting attorney to a favorite uncle who was murdered in a small town in Kansas. Her uncle's killer was caught and brought through the town square where the townspeople were bent on vengeance. In Christie's words:

"The officers who had him in custody, friends and colleagues of my uncle, brought the killer in safely so he could be prosecuted. I was and am consistently impressed by law enforcement professionals who do the right thing, even when it is the hard thing to do."

That attitude has earned District Attorney Stanley the respect and cooperation of law enforcement officers at every level, the respect and gratitude of crime victims, and animosity from criminals of every stripe.

Madam Speaker, tomorrow California State Senator Tony Strickland will honor Christie Stanley as the 19th Senate District Woman of the Year. It is a well deserved honor for a tough and respected prosecutor. I know my colleagues will join me in congratulating District Attorney Christie Stanley and in thanking her for dedicated and unflagging service to the people of Santa Barbara County.

PERSONAL EXPLANATION

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CAMPBELL. Madam Speaker, from February 3, 2009, to March 4, 2009, I missed Roll Call votes 47-96. Unfortunately, I underwent a surgical procedure and was in California recuperating. Had I been here, I would have voted the following:

Roll Call Vote 47: Yes on the motion to suspend the rules and agree to H. Res. 82, raising awareness and encouraging prevention of stalking by establishing January 2009 as National Stalking Awareness Month;

Roll Call Vote 48: Yes on the motion to suspend the rules and agree to H. Res. 103, supporting the goals and ideals of National Teen Dating Violence Awareness and Prevention Week;

Roll Call Vote 49: Yes on the motion to suspend the rules and agree to H.R. 559, The Fair, Accurate, Secure, and Timely (FAST) Redress Act of 2009;

Roll Call Vote 50: No on the motion to concur in the Senate Amendment to H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009;

Roll Call Vote 51: Yes on the motion to commit with instructions S. 352, the DTV Delay Act;

Roll Call Vote 52: No on passage of S. 352, the DTV Delay Act;

Roll Call Vote 53: Yes on the motion to suspend the rules and pass H.R. 738, the Death in Custody Reporting Act;

Roll Call Vote 54: Yes on the motion to instruct conferees on H. R. 1, Making Supplemental Appropriations for Fiscal Year Ending 2009;

Roll Call Vote 55: Yes on the motion to suspend the rules and agree to H. Res. 114, Supporting the Goals and Ideals of National Girls and Women in Sports Day;

Roll Call Vote 56: Yes on the motion to suspend the rules and agree to H. Res. 60, Recognizing and commending University of Oklahoma quarterback Sam Bradford for winning the 2008 Heisman Trophy and for his academic and athletic accomplishments;

Roll Call Vote 57: No on the motion to table H. Res. 143, Raising a Question of the Privileges of the House;

Roll Call Vote 58: Yes on the motion to suspend the rules and agree to H. Res. 128, Honoring Miami University for its 200 years of commitment to extraordinary higher education;

Roll Call Vote 59: Yes on the motion to suspend the rules and agree to H. Res. 134, Recognizing the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India and the positive influence that the teachings of Mahatma Gandhi had on Dr. King's work during the Civil Rights Movement;

Roll Call Vote 60: No on agreeing to H. Con. Res. 47, Providing for an adjournment or recess of the two Houses;

Roll Call Vote 61: Yes on the motion to suspend the rules and agree to H. Res. 154, Honoring JOHN D. DINGELL for holding the record as the longest serving member of the House of Representatives;

Roll Call Vote 62: No on the motion to suspend the rules and pass H.R. 448, the Elder Abuse Victims Act;

Roll Call Vote 63: No on the motion to agree to H. Res. 157, providing for the consideration of motions to suspend the rules, and for other purposes;

Roll Call Vote 64: Yes on the motion to suspend the rules and agree to H. Res. 117, Supporting the goals and ideals of National Engineers Week;

Roll Call Vote 65: Yes on the motion to suspend the rules and agree to H. Con. Res. 35, Honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary;

Roll Call Vote 66: No on ordering the previous question on H. Res. 168, providing for consideration of the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 67: No on H. Res. 168, providing for consideration of the conference report to accompany H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 68: No on the question of consideration of the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 69: Yes on the motion to recommit the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 70: No on agreeing to the conference report to H.R. 1, the American Recovery and Reinvestment Act of 2009;

Roll Call Vote 71: Yes on the motion to suspend the rules agree to H. Res. 139, Commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth;

Roll Call Vote 72: No on the motion to suspend the rules and pass H.R. 911, the Stop Child Abuse in Residential Programs for Teens Act;

Roll Call Vote 73: No on the motion to suspend the rules and pass H.R. 44, the Guam World War II Loyalty Recognition Act;

Roll Call Vote 74: Yes on the motion to suspend the rules and pass H.R. 601, the Box Elder Utah Land Conveyance Act;

Roll Call Vote 75: No on approving the journal;

Roll Call Vote 76: Yes on the motion to suspend the rules and H.R. 80, the Captive Primate Safety Act;

Roll Call Vote 77: Yes on the motion to suspend the rules and pass H.R. 637, the South Orange County Recycled Water Enhancement Act;

Roll Call Vote 78: Yes on the motion to suspend the rules and pass H. Res. 83, Recognizing the significance of Black History Month;

Roll Call Vote 79: Yes on the motion to suspend the rules and pass S. 234, the Colonel John H. Wilson, Jr. Post Office Building;

Roll Call Vote 80: Yes on approving the journal;

Roll Call Vote 81: Yes on the motion to suspend the rules and agree to H. Res. 47, Supporting the goals and ideals of Peace Officers Memorial Day;

Roll Call Vote 82: Yes on the motion to suspend the rules and agree to H. Res. 180, Supporting the goals and ideals of the third annual America Saves Week;

Roll Call Vote 83: No on the consideration of H. Res. 184, providing for consideration of H.R. 1105, the Omnibus Appropriations for 2009;

Roll Call Vote 84: Yes on ordering the previous question on H. Res. 184, providing for consideration of H.R. 1105, the Omnibus Appropriations for 2009;

Roll Call Vote 85: Yes on H. Res. 184, providing for the consideration of H.R. 1105, the Omnibus Appropriations of 2009;

Roll Call Vote 86: No on passage of H.R. 1105, the Omnibus Appropriations of 2009;

Roll Call Vote 87: No on the motion to table H. Res. 189, raising a question of the privileges of the House;

Roll Call Vote 88: No on ordering the previous question on H. Res. 190, providing for consideration of H.R. 1106 to prevent mortgage foreclosures and enhance mortgage credit availability;

Roll Call Vote 89: No on H. Res. 190, Providing for consideration of H.R. 1106 to prevent mortgage foreclosures and enhance mortgage credit availability;

Roll Call Vote 90: Yes on the motion to suspend the rules and agree to H. Res. 183, expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection flight 3407;

Roll Call Vote 91: Yes on the motion to suspend the rules and pass H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act;

Roll Call Vote 92: Yes on the motion to suspend the rules and pass H.R. 548, the Civil War Battlefield Preservation Act;

Roll Call Vote 93: Yes on the motion to suspend the rules and pass H. Res. 77, congratulating the University of Mary Washington in Fredericksburg, VA for more than 100 years of service and leadership to the United States;

Roll Call Vote 94: Yes on the motion to suspend the rules and pass H. Res. 201, recognizing Beverly Eckerts service to the nation and particularly to the survivors and families of the September 11, 2001, attacks.

Roll Call Vote 95: Yes on the motion to suspend the rules and pass H. Res. 195, recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the nation safe; and

Roll Call Vote 96: Yes on the motion to suspend the rules and pass H. Res. 45, raising awareness and promoting education on the criminal justice system by establishing March as National Criminal Justice Month.

A TRIBUTE TO PAUL HARVEY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. WILSON of South Carolina. Madam Speaker, poet and capitol tour guide Albert C. Caswell has penned a number of heartfelt tributes, and recently, he wrote a poem about radio broadcaster and American legend Paul Harvey. Mr. Harvey passed away on February 28th after a life and career that spanned over nine decades. His voice and the kind and

commonsense message it brought to us all will be cherished and sorely missed.

GOOD DAY . . .

(By Albert Carey Caswell)

Good day . . .

Goodnight . . .

Rest, you American Icon . . . to heaven take flight . . .

The voice of The Heartland, a sheer delight . . .

"Hello American's" . . . Paul, oh how we miss you this night . . .

That voice . . .

Your smile, and your style . . . burning bright!

The stories, The glory, of tales told each night . . .

Warming our hearts, playing their parts . . . reinforcing in our souls all that is right!

An America Man, with his tales of the heart that which so stand . . . bringing his light . . .

Behind the microphone, with him we were never alone . . .

Like a best friend, as our hearts he did own . . .

Telling his stories, of faith and hope and glory . . . bringing us home . . .

As good as it gets!

As his life was a championship . . . of what is so right . . .

Married for 75 years, great American Values here . . .

Oh how we miss him this night . . .

And now "The Rest of the Story" . . .

Surely, this Man's soul was bound for glory . . .

As Heaven he's found . . .

Good Day!

STATEMENT ON INTRODUCING THE SUNLIGHT RULE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. PAUL. Madam Speaker, Supreme Court Justice Louis Brandeis famously said, "Sunlight is the best disinfectant." In order to shine sunlight on the practices of the House of Representatives, and thus restore public trust and integrity to this institution, I am introducing the sunlight rule, which amends House rules to ensure that members have adequate time to study a bill before being asked to vote on it. One of the chief causes of increasing public cynicism regarding Congress is the way major pieces of legislation are brought to the floor without members having an opportunity to read the bills. For example, the over-one-thousand page economic stimulus bill was first posted on the Internet at 12:30 a.m. the night before the vote. Obviously, this did not give individual members of Congress adequate time to review what is certainly one of, if not the, most significant pieces of legislation that Congress will consider this year.

My proposed rule requires that no piece of legislation, including conference reports, can be brought before the House of Representatives unless it has been available to members and staff in both print and electronic version for at least ten days. My bill also requires that a manager's amendment that makes substantive changes to a bill be available in both

printed and electronic forms at least 72 hours before voted on. While manager's amendments are usually reserved for technical changes, oftentimes manager's amendments contain substantive additions to or subtractions from bills. Members should be made aware of such changes before being asked to vote on a bill.

The sunlight rule provides the people the opportunity to be involved in enforcing the rule by allowing a citizen to petition for an Office of Congressional Ethics investigation into any House Member who votes for a bill brought to the floor in violation of this act. The sunlight rule can never be waived by the Committee on Rules or House leadership. If an attempt is made to bring a bill to the floor in violation of this rule, any member could raise a point of order requiring the bill to be immediately pulled from the House calendar until it can be brought to the floor in a manner consistent with this rule.

Madam Speaker, the practice of rushing bills to the floor before individual members have had a chance to study the bills is one of the major factors contributing to public distrust of Congress. Voting on bills before members have had time to study them makes a mockery of representative government and cheats the voters who sent us here to make informed decisions on public policy. Adopting the sunlight rule is one of, if not the, most important changes to the House rules this Congress could make to restore public trust in, and help preserve the integrity of, this institution. I hope my colleagues will support this change to the House rules.

TRIBUTE TO UCR CHANCELLOR
DR. TIMOTHY P. WHITE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and welcome a person whose passion for leadership and duty have distinguished him amongst his colleagues. I stand to recognize the Inauguration of the eighth Chancellor at the University of California, Riverside: Dr. Timothy P. White. The Inauguration ceremony will be held on March 17, 2009.

Chancellor White was born in Buenos Aires, Argentina. His family would later immigrate to the United States where he would come to call California his home. A first-generation college graduate, Chancellor White has certainly made his family, who deeply values education, proud.

Dr. White began his collegiate studies at Diablo Valley Community College, and later graduated Magna Cum Laude from the California State University of Fresno, where he received his Bachelor's Degree. He then pursued and obtained his Masters Degree from the California State University of Hayward. Later Dr. White added a doctorate in exercise physiology from the University of California, Berkeley to his resume.

Chancellor White's curriculum vitae includes a long list of work throughout the United States as an educator and scientist at the Uni-

versity of Michigan, Oregon State University, University of California Berkeley, the University of Idaho, and now the University of California Riverside. Chancellor White is internationally recognized for his discussion of physiology in various published medical journals and editorials. With more than 30 years of service in higher education, Dr. White's experience is not only an impressive accolade, but a symbol of his passion and tireless commitment toward the sharing of knowledge and ideas. The University of California, Riverside will benefit greatly from Dr. White's impressive knowledge and skills, especially as it embarks on the establishment of a medical school.

Riverside is an area that calls for great leaders that are ready to achieve goals that will propel both the university and the community forward. Dr. White has proven he is a true leader and his experience and passion will greatly benefit UC Riverside, a proud part of the Riverside community and the state of California. Chancellor Timothy P. White represents a welcome addition to the University of California at Riverside and to the region it serves. On behalf of the Inland Empire delegation, I wholeheartedly welcome Dr. White as the eighth distinguished Chancellor of the University of California, Riverside and look forward to working with him for many years to come.

BIPARTISAN CONGRESSIONAL DELEGATION TO NATO PARLIAMENTARY ASSEMBLY MEETINGS, THE OECD, THE OSCE, THE NATO SCHOOL, AND THE GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TANNER. Madam Speaker, from February 14–21, I led a bipartisan House delegation to NATO Parliamentary Assembly meetings in Brussels and with the Organization for Economic Cooperation and Development (OECD) in Paris, and to additional meetings at the Organization for Security and Cooperation in Europe (OSCE) in Vienna, Austria, and the NATO School and Marshall Center for Security Studies in Germany. The co-chair of my delegation was the Hon. JO ANN EMERSON. In addition, Representatives JOHN BOOZMAN, BARON HILL, CAROLYN MCCARTHY, CHARLIE MELANCON, JEFF MILLER (Brussels only), DENNIS MOORE, MIKE ROSS, and DAVID SCOTT, and staff, worked to make this a highly successful trip during which we examined current NATO issues, above all NATO's engagement in Afghanistan, the alliance's evolving relations with Russia, and the effect of the global economic downturn on NATO operations.

The NATO Parliamentary Assembly (NATO PA) consists of members of parliament from the 26 NATO states, as well as members of parliament from candidate states Albania, Croatia, and Macedonia (or Former Yugoslav Republic of Macedonia, FYROM), and other associated states such as Russia, Georgia, and Ukraine. Last fall, I had the honor of being elected to serve a two-year term as President

of the Assembly. In this capacity, I preside over meetings during which delegates discuss and debate a range of issues of importance to the alliance. Delegates have the opportunity to listen to presentations by specialists from NATO and on NATO affairs, and to engage in discussion of the issues raised. An additional element of the meetings is the opportunity to meet and come to know members of parliaments who play important foreign-policy roles in their own countries. These responsibilities can include setting defense budgets and determining the operational restrictions placed on deployed forces. Some of the acquaintances made through the NATO PA can last the duration of a career and are invaluable for gaining insight into developments in allied states.

NATO will celebrate its 60th anniversary at a summit in Strasbourg, France and Kehl, Germany on April 3–4, 2009. Discussion during the NATO PA's February meetings were dominated by four key issues expected to be addressed at the April summit: NATO's stabilization mission in Afghanistan; its evolving relations with Russia; plans to draft a new NATO Strategic Concept; and the effects of the global economic downturn on national security and allied commitments to NATO. Our counterparts from NATO-member parliaments also expressed particular interest in the foreign policy goals of the 111th Congress and of the new U.S. Administration. As I will elaborate in a moment, my colleagues and I took the opportunity to respond to questions on these issues and to present our views on the current direction of U.S. foreign policy.

The key issue facing the alliance is NATO's effort to bring security and stability to Afghanistan. NATO has staked its reputation on accomplishing the Afghan mission by sending a sizeable force, extolling the alliance's capability for global reach, and expending resources to rebuild the political and economic structure of a country from which emanated the most devastating terrorist attack in western history. Failure in Afghanistan would likely call into question the future of the alliance. Approximately 55,100 troops from 39 countries currently serve in the International Security Assistance Force (ISAF), with NATO members providing the core of the force. The United States now contributes approximately 24,000 troops to ISAF. In February, President Obama announced that the United States will send an additional 17,000 troops to Afghanistan in the coming months. Forces from the United States, Canada, Denmark, the Netherlands, and the UK bear the brunt of the fighting. The inequity of burden-sharing in combat operations remains an important point of contention in the alliance, and is a factor in domestic opposition to the conflict apparent in states that contribute the most combat forces. Each of us on the delegation made an effort to urge our counterparts from NATO parliaments to support ISAF and to contribute the forces and resources necessary to stabilize Afghanistan. Our delegation also emphasized that success in Afghanistan will depend on more than just military efforts, and called on the alliance to develop a more comprehensive political strategy for the region that includes increased engagement in Pakistan.

Relations between NATO and Russia in 2008 reached their lowest point since the end

of the Cold War. Russia vocally opposed U.S.-supported proposals to strengthen NATO ties with Georgia and Ukraine, and Moscow's opposition to a proposed U.S. missile defense installation in Poland and the Czech Republic has sparked contentious debate about the merits of the U.S. plans. Tensions between NATO and Russia escalated in the wake of Russia's August 2008 invasion of Georgia, after which the sides suspended formal ties in the NATO-Russia Council (NRC). Low-level cooperation between NATO and Russia resumed in January, and formal ties in the NRC could resume after the April summit. NATO members remain divided on how to manage relations with Russia. Our delegation contributed to a number of forceful discussions on the future of NATO-Russia relations and emphasized the importance of developing a unified approach toward Russia within the framework of a broader alliance policy toward the east.

Proposals for a new NATO Strategic Concept were a third topic of discussion at NATO PA meetings. NATO's current Strategic Concept was drafted in 1999 and a growing number of allied governments have called for the creation of a new Strategic Concept that clarifies and updates the scope of NATO's activities. Such a document could address a number of important issues facing the alliance, including a possible streamlining of NATO decision-making and commitment to more equitable cost-sharing of missions; a clearer commitment to the missions of counter terrorism and counter proliferation, and possibly energy and cyber security; and a rationale for future enlargement. The April Summit's Declaration on Alliance Security could serve as a foundation and impetus for a new Strategic Concept that would be approved in 2010.

While in Brussels, our delegation met first with Ambassador Kurt Volker, the U.S. Permanent Representative to NATO. He provided a briefing and responded to our questions on a wide range of issues including those I just outlined and NATO's ongoing peacekeeping operations in Kosovo. There followed three days of meetings of the NATO PA's Defense and Security, Political, and Economics and Security Committees. The meetings raised such issues as NATO's current political agenda, NATO's relations with the countries of Central Asia, NATO defense policy, and U.S. and European responses to the global financial crisis and economic downturn. At the request of our fellow NATO PA delegations, I presided over an open joint session of the NATO PA's Political, Defense and Security, and Economic and Security Committees during which members of the U.S. delegation presented views and answered questions on the foreign policy priorities of the 111th Congress and the Obama Administration. Representatives McCarthy and Ross each made forceful and provocative presentations during which they emphasized U.S. willingness to listen to its allies when determining the way forward in Afghanistan and in other key foreign policy areas. At the same time, they expressed their hope that allied countries would increase their commitments to NATO efforts across the globe. Representatives Emerson and McCarthy also gave comprehensive responses to numerous questions about the U.S. response to the current global

economic downturn and the effect of the downturn on U.S. foreign policy. Many of our counterparts from allied nations expressed their hope that the new U.S. Administration would reaffirm its commitment to multilateralism and international diplomacy.

We also held meetings with officials at NATO headquarters in Brussels and at Supreme Headquarters Allied Powers Europe (SHAPE) in Mons, Belgium. I had the opportunity to meet privately with NATO Secretary General Jaap de Hoop Scheffer to discuss developments in Afghanistan and priorities for the upcoming April Summit. Half of the delegation then attended a meeting of the North Atlantic Council, the alliance's governing body, comprised of representatives from the 26 member states. A range of issues—Russia, energy security, developments in the Arctic, and piracy in the Gulf of Aden among them—was discussed. We ended the day at NATO headquarters by meeting with U.S. General Karl Eikenberry, who is a member of NATO's Military Committee, and a former commander of NATO forces in Afghanistan. He briefed the delegation on NATO's mission in Afghanistan and highlighted the need to create a secure environment for upcoming Afghan national elections, to boost the capacity of the Afghan National Army and Afghan security forces, and to address the complexities of the political situation in Pakistan that is affecting Afghanistan's stability. The other half of the delegation visited SHAPE headquarters in Mons, where they received an insightful presentation on NATO military operations from NATO's Supreme Allied Commander Europe (SACEUR), General John Craddock. The group also toured NATO's Special Operations Forces Coordination Center.

The following day, our delegation attended a meeting of the NATO PA's Economics and Security Committee at the European Commission. At the Commission, we engaged in interesting and informative discussions on Europe's response to the financial crisis, the state of the transatlantic trade relationship, and European Union (EU) policy in the Caucasus and Central Asia. A highlight of the day was an exceptional presentation by the EU's Commissioner for Economic and Monetary Affairs, Joaquín Almunia, who gave a lively presentation and concise overview of the consequences in Europe of the global financial crisis and of European proposals for an enhanced global response to the crisis. The delegation also met with the EU's Director General for Trade, David O'Sullivan, who outlined the principal points of controversy in transatlantic trade relations and the Doha round of trade talks.

The delegation then traveled to Paris for NATO PA meetings at the OECD. On the evening of our arrival in Paris, we held informative discussions with the Charge d'Affaires at the U.S. Embassy in France, Mark Pekala, and several of his staff. French foreign policy priorities and the prospects for French reintegration into NATO's military command structure were key topics of interest. The delegation welcomed the possibility of France's full reintegration into NATO, which could lead to an enhancement of France's already significant commitments to allied operations. The following day, after a brief session with our

Charge d'Affaires to the OECD and his staff, we attended sessions at the OECD and met with the OECD's Secretary General, Angel Gurría. The state of the world economy, the global financial crisis, and the International Energy Agency's Global Energy Outlook were key subjects of discussion. The OECD is playing a crucial role in monitoring global economic trends and national and multilateral responses to the financial crisis at a time when global economic security and national security issues are becoming inextricably linked.

That evening, we traveled to Vienna, Austria, for a day of meetings with the Organization for Security and Cooperation in Europe (OSCE) and its Parliamentary Assembly. The 56-member OSCE is a key instrument for early warning, conflict prevention, crisis management, and post-conflict rehabilitation in an area spanning from Vancouver, Canada to Vladivostok, Russia. As President of the NATO PA, I was invited to address the 320-member OSCE PA during its opening plenary session. Our delegation also held informative private meetings with the OSCE Chairwoman in Office, Greek Foreign Minister Dora Bakoyannis, OSCE Secretary General Marc Perrin de Brichambaut, and the U.S. Charge d'Affaires to the OSCE, Kyle Scott. Two of the key topics of discussion were Russia's calls for a new European security framework and the future of the OSCE's monitoring mission in Georgia. Russia hopes to convene a European security conference later this year to discuss proposals for a reform of the European security architecture that some view as an attempt to weaken support for NATO. Members of our delegation made clear that while we are willing to engage in dialogue with Russia on all issues, we would staunchly oppose any effort to counter or exclude NATO from the discussions. In my address to the OSCE PA, I called for robust dialogue and cooperation between NATO and OSCE member states to ensure that the current global economic downturn does not spark nationalist and protectionist measures that could become a source of conflict between societies. I also called on international organizations such as the European Union and United Nations to enhance and better coordinate their development initiatives in Afghanistan. The effort in Afghanistan is neither only a NATO effort nor solely a military effort.

The following morning, we traveled to Munich, Germany for site visits and meetings at the NATO School in Oberammergau and the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen. I am proud to report that ours was the first U.S. Congressional Delegation to visit the NATO School in its 56-year history. The NATO School is a U.S.-German bilateral institution that serves as NATO's premier operational-level education and training center. NATO School Commandant, Colonel James J. Tabak U.S.-MC and Deputy Commandant Colonel (G.S.) Enrico Werner DEU-AF briefed the delegation on the school's wide range of training and education programs for officers and civilians from NATO member states and partner countries. We were particularly impressed with one of the school's flagship programs that prepares NATO members deploying to serve in NATO's Provincial Reconstruction Teams

(PRTs) in Afghanistan. By building operational capacity and fostering collaboration between allied countries, the school plays a crucial role in preparing the United States and its allies to face the evolving security challenges of the 21st century. The delegation would especially like to recognize and thank all NATO member and partner nations who enable the NATO School to continue its mission by sending top training personnel on fully-funded rotations to the school.

The final stop on our trip was the George C. Marshall European Center for Security Studies in Garmisch-Partenkirchen. The Marshall Center is a German-American partnership dedicated to creating a more stable security environment by advancing democratic institutions, promoting peaceful security cooperation, and enhancing partnerships among the nations of North America, Europe, and Eurasia. At the Center, we were welcomed by the Mayor of Garmisch-Partenkirchen, Lord Thomas Schmid, and the Center's Director, Dr. John Rose. Dr. Rose briefed the delegation on the Marshall Center's wide range of programs and activities. These include courses for government officials on security and terrorism studies and in-depth research projects on a broad array of security and governance issues. We then had a lively discussion with the Center's faculty members on issues including the future of U.S. and NATO relations with Russia to international counterterrorism efforts. A highlight of the discussions was an in-depth debate facilitated by Representative Scott on Russia's possible involvement in Kyrgyzstan's recently announced decision to close the NATO supply base at Manas.

As always, members of the United States military contributed greatly to the success of this trip. The logistics of such a trip, compressed into a tight time frame, are complicated and require lengthy and detailed preparation. Our military escorts were from the Air Force's Legislative Liaison Office and the aircrew was from the 932nd Air Wing at Scott AFB, Illinois. They did an outstanding job, and I thank them for their hard work and dedication to duty.

EARMARK DISCLOSURE

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Agriculture, Cooperative State Research Education and Extension Service, RE/FA

Legal Name of Requesting Entity: University of Miami

Address of Requesting Entity: 1252 Memorial Drive, Coral Gables, FL, 33146

Description of Request: I have secured \$2,494,000 for Climate Forecasting, FL. This funding will be used to continue research on the application of climate forecasts. Climate variability significantly impacts agricultural production in the Southeastern United States. Agriculture is one of the most important sectors of the Southeastern economy and contributed \$14.3 billion to Florida, Georgia and Alabama economies in 2002. The Southeastern Climate Consortium reduces economic risks and improves social well-being by facilitating the effective use of climate information in agricultural decision-making. Members of the Southeastern Climate Consortium include the University of Miami, Florida State University, University of Florida, University of Georgia, University of Alabama at Huntsville, and Auburn University. Each university provides unique and complementary talent and expertise in the necessary research areas. For example, the University of Miami will provide socioeconomic modeling and analyses of the agricultural system and characterize the linkages among water management and farming. Previous funding for this project includes \$2,675,000 in FY08 and \$3,600,000 in FY06. It is my understanding that all participating Universities will receive a portion of this funding.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Agriculture, Cooperative State Research Education and Extension Service, SRG

Legal Name of Requesting Entity: University of Florida, Institute of Food and Agricultural Services -

Address of Requesting Entity: 700 Experiment Station Road, Lake Alfred, FL 33850

Description of Request: I have secured \$1,217,000 for Citrus Canker/Greening, FL. The funding will be used to continue the vital citrus canker and greening research being conducted by the University of Florida, Institute of Food and Agricultural Services (IFAS), to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate citrus canker and greening. As a result of the 2004 and 2005 hurricane season it has become evident that the eradication of citrus canker in Florida is not feasible, therefore it is vital that the scientific community find a disease resistant crop or a cure to the disease to protect the citrus industry, which is a vital part of the Florida economy, from these devastating diseases. The continued research on citrus canker and greening is a joint effort among the State of Florida, University of Florida and citrus industry. The project is estimated to cost approximately \$16 million in total. The University of Florida has received \$3 million from the Florida State Legislature and \$7 million from citrus growers for work on this important project. Previously the University of Florida has received \$1.35 million in FY08, \$500,000 in FY06 and \$474,000 in FY07 for this project. It is my understanding that the University of Florida will provide \$3 million in cost-share funding.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Doral

Address of Requesting Entity: 8300 NW 53rd St, Suite 100, Doral, FL 33166

Description of Request: I have secured \$500,000 for the City of Doral Police Department. This funding will be used to offset the cost of purchases made to establish a new police department in the City of Doral which was incorporated in 2003 and has grown at a rate of 71%. The City of Doral recently opened its own police department after sharing services with the Miami-Dade County Police Department for the past several years. The City opened its department in order to effectively provide for the rapidly growing community's traffic, public safety and law enforcement needs. Funds provided will be used for equipment purchases include protective gear, communications devices, hardware/software and technology upgrades. The project is estimated to cost a total of \$17 million. It is my understanding that the city has received \$1,500,000 through the Community Budget Issue Request Funding provided by the State of Florida that will be utilized as a cost-share for this project.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail, Naples, FL 34112

Description of Request: I have secured \$350,000 for the Emergency Services Technology. The funding will be used to support the acquisition of public safety equipment for the County's new Emergency Services Center. Current public safety technology equipment is outdated and hindering the ability for the local law enforcement officials to work effectively. Funding will go towards procurement of GIS and improved interoperable communications technology. The Emergency Services Center, currently under construction, is a 130,000 square foot, four story complex and includes a communications tower. Upon completion, occupants will include the Emergency Management staff, Emergency Operations Center, Information Technology, Sheriff's Substation and 911 Center, and Clerk of Courts. The total cost of technology acquisition is approximately \$10,000,000. It is my understanding that the County has committed to funding construction of the \$56,000,000 complex with the help of \$3,204,000 provided by the State of Florida as a cost-share for this project. This project received \$352,500 in FY08.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Justice, OJP—Juvenile Justice

Legal Name of Requesting Entity: The ARISE Foundation

Address of Requesting Entity: 824 US Hwy 1, Suite 240, North Palm Beach, FL, 33408-3838

Description of Request: I have secured \$300,000 for the ARISE Life-Management

Skills Intervention/ Re-entry Program for High Risk Youth. The funding will be used by The ARISE Foundation to provide juvenile justice facilities with specialized staff training and unique curricula to teach life lessons and develop thinking skills for incarcerated youth needed to break the cycle of violence and crime in order to reduce recidivism rates. The ARISE foundation serves approximately 31 facilities providing juvenile justice and has trained over 5,250 certified life skills instructors who have taught over 3.7 million hours of life skills lessons. The material provided contains vital information used to reduce recidivism by learning life-management lessons. The ARISE foundation plans to expand its training program for Juvenile Crime and Detention Officers in Florida's Juvenile Justice facilities by introducing additional training topics such as anger management, non-judgmental listening and conflict resolution. This project has received previous funding including \$728,500 in FY08, \$250,000 in FY06, \$250,000 in FY05, \$500,000 in FY04 and \$500,000 in FY03. It is my understanding that this project will receive cost-share funds in the form of \$150,000 from sales of curriculum and training and \$100,000 from private foundation grants.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured \$123,448,000 for the South Florida Everglades Ecosystem Restoration, FL. The focus of Everglades Restoration is to restore, protect and preserve the defining ecological features of the original Everglades and the South Florida ecosystem. The Comprehensive Everglades Restoration Plan (CERP) was originally enacted in the Water Resources Development Act of 2000. This Plan includes 68 different projects designed with the goal of restoring historic waterflows to the Florida Everglades. This project is a 50/50 cost-share with the Army Corps of Engineers and the State of Florida. To date the State of Florida has invested in excess of \$2 billion for CERP, the ACOE has invested just over \$340 million. In FY08 this project received \$130,669,000. It is my understanding that this funding will be utilized by the State to serve as the Federal share of the 50/50 cost-share arrangement established in WRDA 2000.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured \$3,472,000 for the South Florida Everglades Ecosystem Restoration, FL Everglades and S. Florida Ecosystem Restoration, FL. The focus

of Everglades Restoration is to restore, protect and preserve the defining ecological features of the original Everglades and the South Florida ecosystem. The Comprehensive Everglades Restoration Plan (CERP) was originally enacted in the Water Resources Development Act of 2000. This Plan includes 68 different projects designed with the goal of restoring historic waterflows to the Florida Everglades. This project is a 50/50 cost-share with the Army Corps of Engineers (ACOE) and the State of Florida. To date the State of Florida has invested in excess of \$2 billion for CERP, the ACOE has invested just over \$340 million. In FY08 this project received \$130,669,000. It is my understanding that this funding will be utilized by the State to serve as the Federal share of the 50/50 cost-share arrangement established in WRDA 2000.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1ST St, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$478,000 for the Miami Harbor, FL. The funding will be used to begin the Miami Harbor Phase III dredging project authorized under the Water Resources Development Act of 2007. The project will deepen the Port of Miami to 50-52 feet in order to accommodate the larger container ships which are becoming the industry standard. Implementation includes design, preparation of plans and specification for bidding. Miami Harbor is a major economic force, accounting for over 98,000 jobs and \$12 billion in annual economic impact. The total project cost is \$154,300,000 with an additional \$3,800,000 in PED (\$2,670,000 Federal and \$1,220,000 Non-Federal). Expected Federal Share based on Federal Statute is \$73,060,000. The Non-Federal Share is \$81,240,000. It is my understanding that Miami-Dade County intends to invest \$1,220,000 and other Federal Sources will be investing \$670,000 as a cost-share for this project.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, O & M
Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1ST St, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$10,043,000 for the Miami River, FL. The funding will be used to implement the final phase of the Miami River Dredging Project, seeking to restore the authorized depth and width to the navigational channel. The project aims to remove contaminated sediments from the Miami River, which is Florida's 4th largest port with an economic value of \$4 billion. The River has not been dredged since it was originally dredged to be navigational in the 1930s. The dredging provides improve navigation as well as enhances the environmental quality of the River and Biscayne Bay. This funding will

enable the ACOE to complete this project. \$40,000,000 has previously been Appropriated for this project. The State of Florida has provided a minimum of \$2 billion to act as a 50/50 partner. It is my understanding that funding allocation and cost-sharing will include \$4,700,000 from Miami-Dade County, \$3,300,000 from the City of Miami, \$19,200,000 from the Florida Department of Environmental Protection and \$9,700,000 from the South Florida Water Management District.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Energy, Science
Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE Second Ave, Miami Shores, FL 33161

Description of Request: I have secured \$761,200 for the Barry University Institute for Collaborative Sciences Research. The funding will be used to expand and renovate the collaborative research, laboratories and teaching facilities and instrumentation as well as to expand support for faculty and student development. Barry University requires more critical laboratory and teaching space to develop its potential as a research facility to further their mission to prepare leaders from the minority community in health professions and facilitate nationally valuable evidence-based research. This project has previously received \$400,000 in FY08.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured \$74,069,000 for the Herbert Hoover Dike, FL (Seepage Control). This vital project, which is currently underway, is providing vital security by constructing a seepage cutoff wall that will protect the Dike from seepage as well as protect the local community by preventing a breach in the Dike during a Hurricane. This project is authorized under the Rivers and Harbors Act of 1930 and received \$54,883,584 million in FY08. It is my understanding that this is a 100% Federal project and all funding will be utilized for further construction work on the Dike.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: University of Miami, Miller School of Medicine

Address of Requesting Entity: 1601 NW 12th Avenue, 9th Floor, Miami, FL 33136.

Description of Request: I have secured \$238,000 for purchase of equipment for the Pediatric Integrative Medical Center at the University of Miami, Miller School of Medicine. The funding will be used to develop a pioneer

center for excellence for a pediatric integrative medicine model where research and delivery of care are emphasized. The model will utilize Complementary and Alternative Medicine (CAM) in concert with conventional medicine to improve the standards of care. It is becoming more and more evident that all health problems cannot be solved through traditional medical interventions, many factors, such as diet, lifestyle and environment play an important role in pediatric health. Currently, CAM has not been tested extensively in pediatrics, and adult studies cannot be extrapolated to pediatrics. This Center will focus on evaluating CAM and a pediatric integrative medicine model in order to develop the most effective interventions and develop rigorous scientific methodology. The model will allow cross-communication between pediatricians, disease management specialists and CAM practitioners with a single point of contact with the patient in order to provide comprehensive and efficient delivery model.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: City of Homestead, FL

Address of Requesting Entity: 790 North Homestead Blvd., Homestead, FL 33030

Description of Request: I have secured \$190,000 for facilities and equipment at the Bill Dickinson Senior Center. The funding will be used for construction, renovation and equipment to expand the Bill Dickinson Senior Center. The expansion is necessary to accommodate the growing number of members and to allow the Center to provide dedicated medical rooms geared toward health, therapy/fitness services and health screening. This project received \$375,000 in FY04 and \$125,000 in FY05. It is my understanding that the City of Homestead will provide \$5,800,000 for design and construction and the Florida State Division of Cultural Affairs will provide \$346,500 in cost-share funding.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Health and Human Services, Health Resources and Services Administration (HRSA), Health Facilities and Services

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 E. Tamiami Trail, Naples, FL 34112

Description of Request: I have secured \$143,000 for healthcare access network for the uninsured, including purchase of equipment for Collier County, FL. The funding will be used to support and further develop a health care access network for the under/uninsured in Collier County. Collier County has identified over 35,000 residents who lack quality health care and currently is experiencing overuse of its emergency health facilities. This project seeks to expand, organize, and develop a full access program with a full continuum of services for approximately 35,000 residents needing health care. The initial

phase of this project has been the adoption of a shared information database between the portals of entry for the poor into the system. Future phases of the project include marketing and full penetration of the population of uninsured/underinsured individuals. The total cost of this project is approximately \$5 million. This project received \$327,183 in FY08. It is my understanding that local healthcare providers will contribute approximately \$1,000,000 in services, community foundations will provide \$370,000 and Collier County will provide matching funds of approximately \$130,000 for staff salaries.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Miami-Dade College

Address of Requesting Entity: 11011 SW 104 St, Miami, FL 33176

Description of Request: I have secured \$142,500 for the development and construction of an Environmental and Ecological Study Center. The funding will go towards the development and construction of an Environmental and Ecological Study Center at Miami-Dade College. The facility will be a dynamic education resource center and environmental showcase consisting of a single family "house" where students and visitors can see ecologically sound best practices. It will have the external appearance of a south Florida home and will have flexible meeting areas for workshops, conferences, demonstration areas and office space. The Center will model environmentally sustainable construction design and will provide local residents, consumers, designers, builders, environmentalists and others with a single source for integrated and practical ways to make homes greener, safer, stronger and smarter. The Center will deliver formal and informal education in support of major national and state environmental priorities including energy efficiency and conservation, hurricane and flood protection, water conservation and management, asthma, mold and other indoor air hazards and access for the disabled. It is my understanding that Miami-Dade College intends to provide a local match of \$319,266.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Transit Authority, Bus and Bus Facilities

Legal Name of Requesting Entity: Town of Miami Lakes, FL

Address of Requesting Entity: 15700 NW 67th Ave, Miami Lakes, FL 33014

Description of Request: I have secured \$570,000 for the Miami Lakes Hybrid Electric Vehicles and Trolleybus Procurement, FL. The funding will be used for the second phase of the vehicle procurement program. The funding will go towards the procurement of hybrid electrical vehicles which provide negligible emissions and low-floor designs. The vehicles will be part of the trolleybus service that is cur-

rently being implemented. The service is designed to provide general transportation throughout the town, primarily focusing on east-west directional travel currently not serviced by the County bus system, transportation for students and parents to and from Bob Graham Education Center during the morning commencement and afternoon dismissal periods, a mid-day lunch route service for the business parks, and lastly, a paratransit, door-to-door bus service for senior citizens. The general circulator will mitigate their growing traffic congestion problems and the potential safety concerns stemmed by increased vehicular traffic. The funds will go towards the purchase of a new bus with an estimated cost of \$400,000 and operations and maintenance. It is my understanding that this project has received \$400,000 from the State Department of Transportation for operations and the Town will fund the remaining operations budget with revenues from a local transportation sales tax. This project received \$300,000 in FY08.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Housing and Urban Development, Economic Development Initiatives

Legal Name of Requesting Entity: Miami Military Museum

Address of Requesting Entity: 1825 Ponce de Leon Boulevard, Coral Gables, FL 33134

Description of Request: I have secured \$118,750 for the relocation, restoration and rehabilitation of a historic military structure called the Miami Military Museum. The funding will be used to relocate, restore and rehabilitate the historic structure into a military museum, veterans memorial and education center. The structure served as a control base and headquarters for the blimps that protected the South Florida coastline and Caribbean during World War II, an intelligence base during the Cold War and the Cuban Missile Crisis, an Army Reserve Center, and a Marine Corps Reserve Center during Desert Storm. In addition to serving as a museum, the restored facility will serve as a research library and classroom space to accommodate school field trips. It is my understanding that this project is expected to receive \$2,000,000 from Miami-Dade County and has previously received \$350,000.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Transit Authority, Bus and Bus Facilities

Legal Name of Requesting Entity: City of Doral, FL

Address of Requesting Entity: 8300 NW 53rd St, Suite 100, Doral, FL 33166.

Description of Request: I have secured \$475,000 for the Doral Transit Circulator Program. The funding will be used to further implement the Doral Transit Circulator program. This program allows the City to provide public transportation services to help alleviate traffic congestion and to connect residential areas with recreational, retail and commercial facilities. Once primarily composed of agricultural

and industrial tracts, City of Doral has established itself as a major center of wholesale international trade and a booming office, commercial, and residential community. Approximately 35,000 people live in Doral and over 100,000 more travel to and through the city each day for employment and business activities. Due to its proximity to the urban core of Miami-Dade and major transportation facilities, as well as the rapid development of its component communities, Doral contends with a unique array of transportation concerns that require immediate and significant attention. It is my understanding that the City of Doral will provide \$250,000 in matching funds towards this project.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Lands (Public Lands Highways)

Legal Name of Requesting Entity: Miccosukee Reservation, FL

Address of Requesting Entity: P.O. Box 440021, Tamiami Station, Miami, FL 33144.

Description of Request: I have secured \$760,000 for the Snake Road Safety Improvements. The funding will be used to design the recommended alternative to widen the existing shoulders on Snake Road within the Miccosukee Tribe Reservation to address significant safety concerns. Two studies conducted by the Bureau of Indian Affairs concluded that Snake Road is in serious need of realignment and repair, where from 1997-2000 70 accidents occurred resulting in 6 deaths. The project would fund the alternative selected by the Florida Department of Transportation following a PD&E Study which has the least environmental impact and is the most cost effective. Total cost of the project is \$1,079,600. It is my understanding that the Tribe will provide the remaining funding necessary for the project to be completed as a local match.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 1105, FY2009 Omnibus Appropriations Act

Account: Department of Transportation, Federal Transit Authority, Capital Investment Grants

Legal Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1ST St, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$20,000,000 for the Metrorail Orange Line Extension Project, FL. This funding will be used for Phase II and III of the Metrorail Extension Project, the North Corridor and East-West Corridor, respectively. Phase II is in the final planning stage for the construction of a 9.2-mile Metrorail extension along NW 27th Avenue and Phase III is a proposed East-West Rapid Transit Corridor that will run some 10-13 miles East from the Miami Intermodal Center to Florida International University and points west. Metrorail began service in 1984 and currently operates 22.4-miles of rapid transit line, however the region has experienced tremendous growth in the last 24 years, most of it occurring outside the current system boundaries, and is in need of an expanded

Metrorail system. This Rail extension will allow more options for commuters and visitors as well as improve safety on the roadways and be more environmentally-friendly. This project was authorized in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users in 2005. The total cost of this project is an estimated \$1.6 billion. It is my understanding that the Florida Department of Transportation will invest \$452,700,000 and the Miami-Dade County People's Transportation Plan will invest an additional \$452,700,000 as the local match for this project.

URGING KAZAKHSTAN TO COMPLY AND HONOR ITS CONTRACTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise today to bring attention to a growing concern facing a U.S. friend and ally in oil-rich Central Asia, Kazakhstan. In light of the heightened concern over the global oil supply shortage, we want to give special recognition to the critical role that Kazakhstan plays as a major world-wide supplier, and therefore we urge in particular that the Government of Kazakhstan step up to the demands. In so doing, Kazakhstan leaders should be very cognizant of the need to comply with the rule and sanctity of its contracts and do its best to ensure proper appropriation of profits to its citizens.

Recently, Transparency International ranked Kazakhstan 150 on its Corruption Perceptions Index, with the worst country ranked 179. This puts Kazakhstan only slightly ahead of Hugo Chavez's Venezuela. The costs of corruption are exceedingly high—both for the Kazakh people, international investors and consumers—and will surely lead to the corrosion of that society.

In recent years, Kazakhstan's economy has grown tremendously because of its large oil deposits, and the political elite have been successful in virtually monopolizing the benefits of this boom. But, regrettably, Kazakhstan has become a centralistic and authoritarian state under the 27 year rule of President Nursultan Nazarbayev with little leverage for the development and activity of civil society.

Kazakhstan's governmental system lacks the basic features of democracy; elections are neither free nor fair, there are few independent media outlets and what political opposition exists is manipulated, harassed, physically attacked or even killed. There is massive corruption on a grand scale in this environment of intra-elite allocation of benefits connected to oil production. Corruption in Kazakhstan is systemic, even within the country's anti-corruption agency, and no public office is free from executive interference. Long wait times, unwieldy bureaucracy, weak business law, short deadlines, employee discontent and the absence of explanatory information all breed corruption. Foreign firms have frequently reported harassment by the Financial Police in the form of unannounced inspections and intimidation. Forbes Asia Magazine reported that

AES Corporation, an American company and one of the largest power companies in the world faced this type of harassment in June 2005. The Forbes article titled "Thug Capitalism," reported that AES was subjected to Financial Police raids and was forced to pay up to \$200 million in fines before they decided they had enough and withdrew from Kazakhstan.

Exxon Mobil, which is also in the consortium with ConocoPhillips, Eni, Total and Royal Dutch Shell experienced similar problems with the Kashagan project. The Kazakh government has repeatedly used delays and cost overruns to renegotiate its original terms with the consortium, using negotiating tactics similar to those perfected by Russia to extract concessions from foreign energy investors.

Both the international investor community and the Kazakh people have every reason to be concerned over the Kazakh government's increasingly heavy-handed intrusion into business activity, especially in the energy sector. According to a recent report by ABC News: "The U.S. Department of Justice prosecutors have long alleged in court documents filed in a case against a U.S. businessman that President Nazarbayev and his deputies accepted nearly \$80 million in kickback from foreign companies in exchange for access to Kazakhstan's vast oilfields."

And perhaps the largest concern of all is the precedent set when this, or any, government is rampant with corrupt practices. Nations and lives become unglued. Take for instance the assassination attempt on the former head of Kazakhstan's National Security Service in Vienna. According to Radio Ekho Moskv, Alnur Musayev and his companion were both wounded; and simultaneously, that the ex-ambassador of Kazakhstan in Austria who is also the former son-in-law of the Kazakh President Nursultan Nazarbayev, Rikhat Aliyev, was targeted but escaped. These events were officially confirmed by the spokesman of the Austrian Office of Public Prosecutor, Gerhard Jarosh. Exiled citizens must not become targets of their home country. They must be free to live their lives and express themselves without threat of life or limb. Such is a fundamental right and expectation of all democracies and free nations.

Furthermore, the ex-Chairman of the National Security Committee of Kazakhstan was sentenced in absentia to 20 years of imprisonment. Rakhat Aliyev was also sentenced in absentia to 40 years in prison on multiple charges. However, when the Austrian Government investigated Kazakhstan's allegations of money laundering and corruption against Rakhat Aliyev, they found no evidence to substantiate such allegations, and thus have refused to extradite Mr. Aliyev for fear that he will never receive anything resembling a fair trial.

Such activities are all too reminiscent of a pattern of violence and corruption we have long seen in Russia, and nothing can be more destabilizing both internally and externally. Moreover, these are not the qualities that we expect of the incoming Chair of the OSCE. Kazakhstan has made several promises to implement reforms that respect political freedoms and human rights. To date these reforms have not been implemented and on

issues such as religious freedoms and freedom of the press, it is arguable that Kazakhstan is becoming more restrictive and less tolerant.

The United States has sought a mutually beneficial relationship with Kazakhstan and provides aid to Kazakhstan in order to enhance economic growth, democracy, security, civil society and attend to humanitarian needs. However, it is evident that the current U.S.-Kazakhstan relationship is compromised by Kazakhstan's record of human rights violations and lack of immediate and necessary reforms before ascending to the OSCE Chairmanship. The U.S. Department of State has criticized President Nursultan Nazarbayev's government for human rights violations. A report from March 2008 faulted the government for practices including "arbitrary arrest and detention", "restrictions on freedom of speech, the press, assembly, and association", "lack of an independent judiciary", "severe limits on citizens' rights to change their government," and more, including abuse of detainees and prisoners.

As an influential OSCE member and global leader, the U.S. must now more than ever, begin to raise questions regarding Kazakhstan's human rights record and about allegations that Kazakhstan has attempted to kidnap and injure its dissidents. Kidnapping and bodily harm have no place among nation states and Kazakhstan should be made to answer for any and all violations before it assumes the Chairmanship.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of HR 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation/FHWA/Federal-Aid Highways

Legal Name of Requesting Entity: The City of Trenton

Address of Requesting Entity: Trenton City Hall, 319 E. State Street, Trenton, NJ 08608

Description of Request: I have secured \$188,750 in funding for the city of Trenton to capitalize on the economic potential generated by the new \$70 million Trenton Train Station rehabilitation project. The City of Trenton has a redevelopment plan for the area requiring upgrading some critical road, pedestrian, and other infrastructure. The City of Trenton also plans to fund this project.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation Buses and Bus Facilities

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: New Jersey Transit, One Penn Plaza, East Newark, NJ 07105

Description of Request: I have secured \$1,021,250 in funding for the Lakewood Township shuttle service project. This shuttle service would efficiently move people in this growing and congested area of Central New Jersey. The funding would be used to purchase additional shuttle buses, provide sheltered bus stops, establish loading and drop-off zones, provide parking for mass transit vehicles, and parking for private vehicles.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation FTA New Starts

Legal Name of Requesting Entity: New Jersey Transit

Address of Requesting Entity: New Jersey Transit, One Penn Plaza, East Newark, NJ 07105

Description of Request: I have secured \$534,375 in funding for the MOM Line for the Design Environmental Impact Study (DEIS) stage. The MOM line would provide Central New Jersey residents with access to Northern New Jersey and New York City.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: U.S. Department of Transportation Bus and Bus Facilities

Legal Name of Requesting Entity: The Arc of Mercer County

Address of Requesting Entity: The Arc of Mercer County, 180 Ewingville Road, Ewing, NJ 08638

Description of Request: I have secured \$95,000 in funding for the Arc of Mercer County to provide cost effective transportation services for individuals with disabilities and senior citizens in the Mercer County area. This service is needed to supplement existing county and state services and provide efficiency through coordinated efforts. The Arc is also contributing to this project.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: HR 1105

Account: Housing and Urban Development Department Economic Development Initiative Program

Legal Name of Requesting Entity: The Special Children's Center

Address of Requesting Entity: The Special Children's Center, Lakewood Township Municipal Building, 231 Third Street, Lakewood, NJ 08701.

Description of Request: I have secured \$142,500 in funding for the Special Children's Center. The funding would be used to help defer the costs of constructing a new building for the Special Children's Center. The Township of Lakewood has contributed toward the project and there have been private donations.

MEDICAL DEVICE SAFETY ACT OF 2009

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise in support of the Medical Device Safety Act of 2009. This legislation was introduced today, and I'm proud to be an original cosponsor.

The Medical Device Safety Act of 2009 is needed to ensure that every American patient has the ability to hold manufacturers of defective medical devices accountable for injuries and deaths caused by unsafe products. It would also prevent these manufacturers from receiving total immunity from any claims simply by virtue of receiving a Food and Drug Administration device approval. This bill clarifies the intention of Congress to keep American patients safe by maintaining complementary systems to protect consumers through the FDA and American courts.

The need for this legislation was made evident in the Supreme Court's flawed decision in Riegel v. Medtronic, which completely ignored Congressional intent regarding the ability of injured patients to hold medical device manufacturers accountable for their injuries. This bill will restore Congress's original intent to allow injured patients to recover from their injuries caused by manufacturers of defective and dangerous medical devices.

It's important for Congress to promptly clarify its intent, because these types of issues continue to come up in courts around the country. Last Congress, I was proud to participate in a hearing in the Committee on Oversight and Government Reform which looked deeper into these types of issues. The medical safety experts agree that patient safety is compromised when we allow the FDA to have the final say on device safety. Strong state laws are critical to maintaining accountability for device manufacturers, and allowing the FDA to pre-empt these state laws is a surefire way to place sales over safety and profits over people.

The civil justice system and the federal regulatory system were always meant to complement each other. Both are necessary to adequately protect Americans. The FDA simply cannot do it alone, and we see examples of this all the time, from pacemakers to peanuts. The agency is understaffed and underfunded, and I support additional funding to help this critical agency. However, making the FDA the "court of last resort" on issues of life and death is a violation of the Bill of Rights and ignores over 200 years of Common Law precedents. This is just one more reason why Congress must pass the Medical Device Safety Act of 2009 to restore the balance between the civil justice system and the federal regulatory system that Congress intended when it passed the Medical Device Amendments of 1976.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. WATSON. Madam Speaker, I was unavoidably absent from the Chamber during the evening of Monday, February 23, 2009. As a result, I was unable to cast my vote on rollcall No. 73, which occurred on the motion to suspend the rules and pass H.R. 44, the Guam World War II Loyalty Recognition Act. Had I been present I would have voted "yea," and also ask that the record reflect my strong support for the enactment of H.R. 44 and the fact that I am an original cosponsor of this bill which was reintroduced by our colleague from Guam, Ms. BORDALLO, on January 6, 2009.

HONORING ELIZABETH
LITTLEFIELDS' SELFLESS ACT**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. GIFFORDS. Madam Speaker, I am honored today to pay tribute to Elizabeth Littlefield, a hairdresser from Marana, Arizona. Ms. Littlefield has set an inspiring example for all Americans with one selfless act—the donation of one of her kidneys. It was not to a loved one or longtime friend that Littlefield made this generous donation, but to a customer whom she had known only a short time.

Ms. Littlefield's donated kidney went to Dale Charnick. Not long after Ms. Charnick became a customer of Ms. Littlefield's salon in 2006, both of her kidneys began shutting down. Upon learning of her customer's plight, Littlefield made the surprise offer that saved Ms. Charnick's life. "I have two good kidneys," Ms. Littlefield said. "You can have one of mine."

Now, as a result of Ms. Littlefield's donation, Ms. Charnick is on the road to a strong recovery. Ms. Littlefield's selfless act reminds us in a dramatic way what it means to help a person in need.

I also want to commend the extraordinary medical skills of the well-trained health care professionals at Tucson's University Medical Center for their role in giving Ms. Charnick's a new lease on life.

My constituents in Southern Arizona are indeed fortunate to have a new team of nationally recognized transplant experts in our community. This team includes: abdominal transplant chief Dr. Rainer Gruessner; nephrology chief Dr. Bruce Kaplan, who is also a deputy editor of the American Journal of Transplantation; vice chief of abdominal transplantation Dr. John Renz; Dr. Thomas Boyer, who is director of the Arizona Liver Institute; and Dr. Khalid Khan, director of the UA's Pediatric Liver and Intestinal Transplantation Program.

A TRIBUTE TO CLINTON M.
MILLER**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Clinton Miller who is a pastor at Brown Memorial Baptist Church in the historic Clinton Hill section of Brooklyn.

Clinton Miller was born in Brooklyn, New York. He earned a Bachelor of Arts degree in History from Southern Connecticut State University.

Rev. Miller first felt the divine calling of the gospel ministry at the age of 19 but did not actively pursue the vocation of ministry until he was a seminarian at Yale University. Upon graduation from divinity school in 1994, Rev. Miller continued training for the ministry as an intern minister at Abyssinian Baptist Church in Harlem under the guidance of Rev. Calvin O. Butts. Rev. Miller also was also a teacher in the New York City Public School system for four years before entering full time ministry. Rev. Miller then became the youth minister for Abyssinian Baptist Church. In this capacity Rev. Miller developed several youth programs which have assisted the overall ministry of Abyssinian. His experiences with Dr. Butts have adequately prepared him for the full time pastorate in an urban locale.

In October of 2000, Rev. Miller was called to pastor Brown Memorial Baptist Church. Since assuming the pastorate at Brown, Rev. Miller has applied the functions of traditional ministry to this community of believers. Through preaching, teaching bible study, counseling and visitation, he has set a tone that will allow Brown Memorial's vision to be realized. He is interested in pursuing causes that closely affect the community like the need for more affordable housing, better youth services and a living wage for all working New Yorkers.

Currently Brown Memorial plans on launching new educational programs, a summer day camp and a long awaited banquet facility in the newly built church annex. Rev. Miller has begun a \$7M renovation of Brown Memorial Baptist Church's edifice, a landmarked building. It is Pastor Miller's vision to stabilize the ministry of Brown Memorial by demonstrating consistent Christian service, strong financial administration and sound preaching. Rev. Miller combines community service with personal faith in his ministry to help bring people closer in their relationship with God. The mission of his ministry at Brown Memorial is to introduce the Salvation of Jesus Christ to individuals through dynamic worship, relevant Christian education, responsible stewardship, inclusive fellowship and impacting evangelism.

He was ordained by the American Baptist Churches and the United Missionary Baptist Association of Greater New York. Rev. Miller is awaiting and pursuing the opportunity to achieve a doctorate degree in Ethics. He attempts to build his ministry around Christian concepts of fairness, justice and the development of genuine Christian community.

INTRODUCTION OF DISTRICT OF
COLUMBIA HATCH ACT REFORM
ACT OF 2009**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Ms. NORTON. Madam Speaker, today, I introduce the District of Columbia Hatch Act Reform Act of 2009, to eliminate discriminatory treatment of the District of Columbia, which alone among U.S. jurisdictions still falls under the federal Hatch Act, as it did before the Congress made the District an independent jurisdiction that today enacts its own local laws. This bill would retain federal Hatch Act authority concerning prohibited partisan and political activity that applies to every state and locality upon receipt of federal funds or functions, and importantly, would require the District to enact its own local version of the Hatch Act barring similar local violations to become effective. Local Hatch Act violations in the District are rare, but the District needs its own Hatch Act to fully account and be responsible for local violations, with which only a local, objective body would be familiar.

This bill will leave in place the federal Hatch Act restrictions that apply to other jurisdictions on the use of official authority, specifically as it relates to elections; the solicitation, acceptance, or receipt of political campaign contributions; the prohibitions on running for public office in partisan elections; and the use of on-duty time and resources to engage in partisan campaign activity when federal funds or responsibilities are involved. My bill would remove only the federal Hatch Act jurisdiction that applies solely to the District of Columbia and would require the District to have its own local Hatch Act, like every other jurisdiction, instead of requiring the federal Office of Personnel Management (OPM) and its Special Counsel to devote staff time and other resources on investigation, fact-finding and judgment of unfamiliar local matters.

Indeed, OPM has asked for the federal guidance my bill offers. In recent cases, OPM cited an ANC (Advisory Neighborhood Commissioner) commissioner for violations of the Hatch Act when he ran for higher office, even though ANC commissioners are "elected officials" under D.C. law. As a result of the failure to clear up the confusion between local and federal jurisdictions, the application of the Hatch Act to ANC commissioners has been selectively enforced by OPM. For example, OPM recently filed cases charging Hatch Act violations against an ANC commissioner running for the D.C. Council but did not file when several members of the current D.C. City Council ran for the D.C. Council from positions as ANC commissioners. The present law results in possible violations of the federal Hatch Act while leaving OPM with local responsibility that does not implicate its federal jurisdiction.

The House recognized that the present federal Hatch Act jurisdiction over the District was inappropriate and obsolete and removed this federal responsibility several years ago, but the Senate failed to act. The District should bear this local responsibility. My bill will eliminate the double indignity of placing a local

burden on the federal government and depriving the District of a responsibility, which only local jurisdictions familiar with local laws can be expected to handle responsibly.

The Hatch Act Reform is the fourth in the "Free and Equal D.C." series of bills that I have introduced to eliminate anti-Home Rule or redundant bills that deprive the city of equal treatment and recognition as an independent self-governing jurisdiction. This uncomplicated and straightforward bill is not controversial, has been enacted before by the House and should be passed forthwith.

INCREASED STUDENT ACHIEVEMENT THROUGH INCREASED STUDENT SUPPORT ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. TOWNS. Madam Speaker, I rise in support of the "Increased Student Achievement through Increased Student Support Act," which Congresswoman LINDA SÁNCHEZ, Congressman POLIS and I proudly reintroduced today. This bill will increase the number and availability of school counselors, school social workers, and school psychologists in qualified urban and rural low-income districts.

More and more we are finding that schools in underserved communities suffer disproportionately from a lack of support services, with many schools sharing only one social worker, school psychologist, or school counselor with neighboring schools. With this poor ratio of personnel to students, it is difficult to effectively and adequately address the needs of students, leaving the important job of monitoring the child's emotional and mental wellbeing to the teacher. When teachers are left to address these issues on their own, they have less time to deliver quality instruction and raise student achievement. It is not surprising then, that low-income schools experience high teacher turnover and frequent complaints of inadequate support. In fact, in our urban, public schools in 2003–04, 30.2 percent of teachers reported student acts of disrespect for teachers on at least a weekly basis and 18.5 percent reported student verbal abuse of teachers on at least a weekly basis.

To address these social and behavior issues, students require the attention of school counselors, school social workers and school psychologists.

For these reasons, along with Congresswoman LINDA SÁNCHEZ and Congressman JARED POLIS, I am reintroducing the Increased Student Achievement through Increased Student Support Act. This legislation will create funding to form partnerships between higher education institutions that train school counselors, school social workers and school psy-

chologists and qualified low-income schools, placing these student support professionals where they are needed most.

I urge my colleagues to support the "Increased Student Achievement through Increased Student Support Act" to ensure quality education for our children nationwide.

INTRODUCTION OF "CLEAN TEA"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. BLUMENAUER. Madam Speaker, today I am pleased to introduce "CLEAN TEA," the Clean Low-Emissions Affordable New Transportation Equity Act, with my colleagues ELLEN TAUSCHER and STEVEN LATOURETT. This legislation recognizes that the United States cannot meet its climate change goals without addressing emissions from the transportation sector. Transportation is responsible for about one-third of greenhouse gas emissions; passenger automobiles and light trucks alone contribute 21 percent. The transportation sector must be responsible for a proportionate amount of the solution.

Since 1980, the number of miles Americans drive has grown three times faster than the U.S. population, and almost twice as fast as vehicle registrations. Although new vehicle technology and low carbon fuel can substantially reduce emissions from automobiles and light trucks, these gains are likely to be offset by continuing growth in vehicle miles traveled. It is critical that legislation to reduce greenhouse gas emissions also provides people with low-carbon transportation options through community design and transportation alternatives. Providing consumers with transportation options will also save them money and provide additional public health, environmental, economic, and quality of life benefits.

CLEAN TEA is predicated on the adoption of a comprehensive climate change bill that would generate revenue for the Federal government. Under CLEAN TEA, 10 percent of the funding generated through this legislation would be used to create a more efficient transportation system and lower greenhouse gas emissions through strategies such as funding new or expanded transit or passenger rail supporting development around transit stops, and making neighborhoods safer for bikes and pedestrians.

In order to be eligible for the funding authorized by this legislation, cities and state departments of transportation would have to review their transportation plans and determine how they could reduce greenhouse gas emissions. The bill then provides federal funding for projects in those transportation plans to be distributed to states and localities based on the expected reductions in greenhouse gas

emissions in each plan. States and cities with more ambitious plans would receive greater funding.

As we move forward to address climate change, I hope my colleagues will work with me to align our transportation and climate policy goals. By doing this, we can reduce our carbon footprint, improve our communities, save Americans money, and create a transportation system for the 21st century.

FEDERAL LIVING WAGE RESPONSIBILITY ACT OF 2009

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 2009

Mr. GUTIERREZ. Madam Speaker. I rise today to announce the introduction of my bill, the Federal Living Wage Responsibility Act of 2009, legislation to mandate a livable wage for employees under Federal contracts and subcontracts.

The Economic Policy Institute estimates that, in fiscal year 2006, "over 406,000 federal contract workers earned less than \$9.91/hr," the poverty threshold for a family of four. It is unacceptable that in a time of economic crisis, Congress is not doing all it can to ensure that hardworking Americans have the opportunity to keep themselves and their families out of poverty.

That is why I am re-introducing the Federal Living Wage Responsibility Act of 2009, which requires that employees of federal contracts or subcontracts of more than \$10,000 are paid wages in accordance with the Federal poverty level for a family of four as determined by the Department of Health and Human Services. This legislation also ensures that federal contract workers receive benefits such as health insurance, vacation and holiday pay, disability insurance, life insurance, and pensions.

While Congress took one step in the right direction with the passage of laws such as the Davis-Bacon Act and the Service Contract Act to help ensure that employees of federal contractors earn a decent wage, our work is not done. Thousands of federal contract workers still do not earn enough to support their families. These prevailing wage standards fall well below what is required for full-time federal contract workers to sustain a reasonable standard of living.

Madam Speaker, in these times of economic turmoil this Congress must guarantee that hardworking Americans will be able to support their families with a livable wage. I ask my colleagues to join me in supporting this timely and necessary legislation which would set a standard for decent wages.

SENATE—Friday, March 6, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, whose spirit is known by those with thankful hearts and who makes cheerfulness a companion of strength, lift the hearts of our Senators to a joyous confidence in Your care. Teach them to know that a shadow is only a shadow because the light of eternal goodness shines behind the objects of our fears. Where there is love in life, teach our Senators to find it. Help them to trust it and grow in its power. Lord, may their lives present a cheerful ray to our Nation and world. Let the light of exemplary leadership illuminate the dark road ahead.

We ask in the name of Him whose life was the light of the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, we will resume

consideration of H.R. 1105, the appropriations bill. The floor is open for debate and amendment. There will be no rollcall votes during today's session. I have spoken to the Republican leader and assistant leader. We expect to have a finite list of amendments that will be entered into the RECORD within the next hour.

I know it is very difficult for people to understand the Senate sometimes. For those of us who have served in this body for an extended period, it is even difficult sometimes for us. But it is a wonderful institution that has a long list of precedents building up since we became a country. The Founding Fathers, when they wrote the Constitution, wanted a unique legislative system, and they gave us one. The House of Representatives is elected every 2 years. No one has ever been appointed to serve in the House of Representatives. If someone resigns or dies, there is a new election. In the Senate, that is not the case. There are 6-year terms and 2-year terms. The House runs every 2 years. Their ears are in tune with the constituency like no one else. We are, some say, the saucer that cools the coffee. Sometimes we cool it for a long period. But that is the rule. An individual Senator has tremendous power. This isn't anything new. This is the way it has always been. I want everyone to recognize that the Senate is an institution that works on comity. We have to work together.

We are proceeding forward on this large spending bill to make up work that we had not completed the last several years. We thought we were going to finish last night. A significant number of Republicans wanted more amendments. As a result, a number of my Republican friends called me and said: We think we need more amendments. We know we said we were going to vote to end debate, but we believe there should be more debate. I wish I had not received those phone calls, but I understand how the Senate works. No one broke their word to me. It was a misunderstanding only.

We are where we are. I have spoken to the Republican leadership, Senator MCCONNELL and Senator KYL. Within the next little bit we will have a finite list of amendments. We will work our way through those. It is my understanding Senator MCCAIN is going to be here today to offer an amendment. There are a number of other Senators who are going to offer amendments. We will work through these.

It is my understanding that the House is going to, within an hour or so, do a CR that will take us through

Wednesday. I will work with the Republican leader. I will probably file cloture today to make sure we have some instrument to move forward on. We can arrange the time whenever we want. The reason we will go that way, it was set up last night procedurally that if there were 60 votes on cloture, there would automatically be a third reading of the underlying bill. That is what we will do again so there is no need to have two separate votes. We will do our best to give everyone ample time as to when this vote will take place, the reason being, Senator KENNEDY is back now. We were happy to see him yesterday. He looks great. He was at the White House for a health conference. We want to make sure we give him ample time to be here. He is receiving some of his treatment outside Washington, DC.

I think that pretty well outlines where we are.

We are the Senate. We were last night and we are today. We will work through the legislation as quickly as we can and move on to other things. We have important work to do. We have some nominations we will try to do the first part of the week, but we can do those the latter part of the week. The House passed some bankruptcy legislation. I spoke to the Republican leader about that today. We might go to that. We have the lands bill that might be coming back to us. We have lots to do. We have 4 weeks left in this work period and a lot remaining.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

AMENDMENT PROCESS

Mr. MCCONNELL. Mr. President, let me say that the majority leader and I have spoken on a number of occasions about the importance of the amendment process to all 41 Republican Senators. In fact, all 41 Republican Senators sent the majority leader a letter some time back indicating how important we believed it was. We are proceeding correctly on this bill. I say to my friend the majority leader, we basically have compiled our list of additional amendments. My Members believed strongly that we should have an opportunity to offer those and get votes. We will be able to do that. We will be able to move forward sometime next week. The manner in which he has

outlined that we will proceed Monday and Tuesday makes sense, and we will be as cooperative as possible in moving forward with our amendments and getting votes on them.

GRATITUDE TO MANAGERS OF THE OMNIBUS

Mr. REID. Mr. President, one thing I didn't mention, the manager of the bill, Senator INOUE, is here. Senator COCHRAN has been here steadfastly during the process. They have done a terrific job. Sometimes there are events outside the scope of what the managers are doing, though, that overtake their efforts, and that is what happened here. They are both, as I have said before, two of the best we have in this institution. I personally apologize to Senator INOUE for not being able to complete the legislation. But he has seen a lot of things in his career, much more than I have.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Ensign amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

AMENDMENT NO. 615

Mr. DURBIN. Mr. President, I rise to speak in reference to an amendment which I believe will be included in the list of amendments by the Republican side. It relates to the DC voucher program. Senator JOHN ENSIGN of Nevada is offering an amendment that will be part of our consideration on Monday or Tuesday relative to the future of the DC voucher program. The DC voucher program was created 5 years ago at a time when the Republicans were in control of the White House and of Congress. What they offered to the District of Columbia was an offer they couldn't refuse, a substantial amount of money—I believe it was \$14 million—for the public schools of the District, another \$14 million for the public charter schools, and about \$14 million to create a DC voucher program. The theory behind the DC voucher program is that they would award this Federal money to families with children in

voucher schools, private schools, not public schools. They could use this money to pay for tuition to send their children to these schools.

This is the first of its kind where the Federal Government would directly provide money to parents to send children to private schools. It is an experiment. It was described as such. It was initiated 5 years ago when the Republicans were in control. It came through the Appropriations Committee. Senator Mike DeWine of Ohio was one of its strong proponents.

We considered several amendments in the committee. I came to this with mixed feelings but skepticism, mixed feelings because I am not an opponent of private education. My wife and I sent our three children to Catholic schools. That was our choice. We continued to pay our property taxes to support public schools. I have openly supported public school referenda in my community. I have done everything in my State to make sure there was adequate funding for public schools, but we made a personal family decision, based on a number of circumstances, to send our children to the local Catholic schools. That was our decision at our expense. I have no prejudice against private education. If I entrusted my children to it, I certainly believe in it.

But the question always came up in my mind: Who should pay for it. We were prepared as a family to pay for it. It was an extra sacrifice we were prepared to bear.

The argument behind DC voucher schools is that some families can't or won't bear that burden of the cost of private education. So they should have direct Federal subsidy, Federal payments to defray or defer any cost of tuition. That was the theory behind it.

My skepticism had a lot to do with the fact that I think our first obligation is to the public school system. The DC public school system is struggling. Credit the new Mayor, Mr. Fenty; he has hired Michelle Rhee, an extraordinarily talented young woman, to be chancellor of DC schools, and she is intent on improving the quality of the public schools. That is something we should invest in, something we should support.

The debate 5 years ago was interesting. I offered three amendments. The first amendment said that any building used as a school under the DC voucher program had to pass the life safety code, had to be inspected as being safe for children to go to school. I guess one could say it goes back to 50 years ago, my memory of the terrible Our Lady of Angels fire at the school in Chicago that killed so many children and nuns in the building and led to changes and stricter enforcement of the life safety code for school structures in Illinois.

My goal in the DC voucher program was to establish at least a comparable

standard for the safety of buildings used for DC voucher students as buildings used as public schools. I don't think that is unreasonable. Every parent should have the peace of mind that their child is safe in that building.

I offered the amendment in the Appropriations Committee. It was defeated by those who argued we could not restrict or hamper DC voucher schools. As a consequence, they wanted to defeat my amendment. Incidentally, a GAO study, in November of 2007, on the DC voucher program showed the sites of some of the schools and specifically noted that two of the schools operated without a certificate of occupancy as private day schools—just what I feared.

These are buildings—one looks like a private residence, the other like a commercial building—that do not look like schools at all, and they did not pass the basic standards for health and life safety that we require of schools in the District of Columbia. So my amendment was defeated.

The second amendment I offered said teachers in the DC voucher schools had to have a college degree. Now, that is a basic requirement of any teacher in public schools in DC or most States in the Union. The amendment was defeated, and the argument was made: No, no, no. DC voucher schools have to be "creative." We have to open this to people who do not have college degrees to teach.

Well, I am afraid of the mischief that would result from that, but my amendment was defeated.

The third amendment I offered said DC voucher schools had to have the same test administered in terms of student achievement as the DC Public Schools so at the end of the day we could compare performance and output. Are the kids in voucher schools doing better or worse than the kids in DC Public Schools? If they are not doing any better, it challenges the premise of this DC voucher program. My amendment was defeated, rejected. "People in the DC voucher schools should not be restricted to the kind of achievement tests they offer."

Now, those three amendments, I thought, waved three red flags: the buildings did not have to be as safe as public schools, the teachers do not have to have college degrees, and the schools would not be subjected to the same achievement tests. Now, that does not say to me the people creating the DC voucher program had a lot of confidence in what they were doing. They just wanted to make their point of establishing a DC voucher program.

So 1,700 students now in Washington, DC, have benefited from this voucher program and are at private schools. Some are Catholic schools; some are not. Some are private. There are a wide variety of them. Some, they say, are world-class schools, and others, frankly, are not.

Now, here we are coming up on the fifth anniversary of the passage of this legislation and, in fact, the program was supposed to expire. It was an experimental program. The authorization ended.

Well, I faced that when I wrote this appropriation for this year and said: I will tell you what I will do. I will extend the life of the DC voucher program 1 additional year, and in that additional year, I think we should have two things occur. First, the Committee on Homeland Security and Governmental Affairs, under Senator JOE LIEBERMAN's chairmanship, should have a hearing and consider reauthorization legislation. What will be the next phase of the DC voucher program? What requirements will we impose on these schools in the next reauthorization? How are they doing? What mistakes were made?

I can tell you, the Government Accountability Office, in their survey back in 2007, found some serious issues in terms of the DC voucher program. The Washington Scholarship Fund, the group that runs the program, was a small operation, until they were given the administration of this program. The Government Accountability Office said they did not believe they were fully prepared to handle a program with millions of dollars.

The GAO also had serious concerns about the accounting and check-writing process. Is it legitimate for us to ask questions about whether taxpayers' dollars, subsidies to parents for DC vouchers, are being spent appropriately? Well, I hope so. Accountability should be demanded of all of us in all programs. But those who are for the voucher program apparently do not want to go through this kind of investigation. Well, I do not believe that is a right approach.

The GAO said the processes are not integrated for accounting and check writing, and the WSF—at the time in November 2007—had to set up a new system. They had concerns with information security. The Washington Scholarship Fund used temporaries for data entry, had inadequate password security—the list goes on and on. Some of these things are easily corrected. Others go to the heart of the administration of this program.

There were programmatic concerns too. On average, the Government Accountability Office found that students met income requirements, but less than 50 percent came from "in need of improvement schools." See, the idea was these kids would leave schools that were not good-performing schools and go into voucher schools. Well, it turns out over half the kids were in schools that were doing a good job, at least by the standards of public education. So that raised a question on the program.

They also noted students are clustered in a small number of schools. Mr.

President, 16 out of 60 schools enrolled 60 percent of the voucher students. In 7 schools, over 50 percent of the students enrolled received vouchers. So it was a handful of schools that were really the subject of the voucher program.

The Washington Scholarship Fund is supposed to conduct site inspections and look at the financial stability of the school. Based on the information provided to the GAO at the time of this report, it is unclear whether they conducted these thorough site visits.

So we said to the Lieberman committee—and, incidentally, Senator LIEBERMAN is favorably disposed toward this program. I do not recommend it to him or refer it to him or suggest he consider it believing he is prejudiced against it. He is not. He wants to support it, but he wants to make sure it is running well.

So we include a provision: Keep the program alive for another year. Protect all the students in the program. In the meantime, we should have an authorization. The committee should investigate how it is being managed and decide what the future will be. What will the next 5 years look like?

The legislation that created this said to the Department of Education, specifically: The Secretary may make grants under this section for a period of not more than 5 years to the Washington Scholarship Fund. We extended it for 1 year. They knew creating the DC voucher program it was a 5-year program. We gave them an additional year so they could review this program and see how effective it might be.

Now, there is a second part I put in this legislation which apparently rankles some on the other side. Here is what it says: The Washington Government, the DC City Council, has to vote to continue the voucher program. How unreasonable is that?

I heard this morning on NPR Senator ENSIGN say: Well, we know they are opposed to it, so we want to take away local control of this school program. I have not heard that very often from the Republican side nor from the Democratic side. I would not want to live in a political jurisdiction where someone imposed a program on families and students without asking whether it was a reasonable thing to do, and in this case, whether the DC Public School System should, in fact, absorb a voucher program.

But on the Republican side of the aisle, most of whom voted against the idea of giving DC voting rights in Congress, want to impose this. This is their laboratory. This is where they want to have their experiment on voucher schools, and they do not want close scrutiny. They do not want an investigation. They do not want a reauthorization. They want to continue this program indefinitely, funding millions of dollars into a program that has been found to have significant deficiencies.

Until this bill that is before us today, there was no requirement that teachers in DC voucher schools have college degrees, but I put that requirement in the law. I lost that issue 5 years ago, and I think it is only reasonable we have that requirement today. So for the next year they are going to have to have teachers with college degrees, and the buildings have to be inspected. What is wrong with that? Would anyone want to send their kids to a school building that is dangerous or potentially dangerous? Apparently, some do. They want us to step away, not to have any scrutiny or any oversight over these school buildings. I am not one of those, and I could not in good conscience allow this program to continue without having that requirement.

Now, I will be honest with you. I backed off of the achievement test requirement after speaking to Chancellor Rhee. I said: Why don't they have the same test?

She said: They should. But if you are only going to allow this program to continue under the law for 1 year, and it is uncertain what happens after that, don't impose on them the costs of changing achievement tests. It costs millions of dollars. So let them stay with the current achievement test, even though they cannot be compared to DC Public School students with that achievement test.

So I deferred that, saying: Why impose a \$2 or \$3 million cost on them? Let the authorization committee decide whether that ought to be the case. I will certainly argue for it.

So now we have the Republicans saying: We do not want the program investigated. We do not want it reauthorized. We do not want the people of the District of Columbia to have any say as to whether it will be part of their public school system. That is the Republican position. I think it is unfair. I think it is unwise. I think it is bad policy.

If this program is good, it will stand on its own feet. If it is a program that needs improvement, let's make the improvement. If it is a program that has failed, let's move on and try something that will succeed. We are talking about the lives of children.

I might also say, Chancellor Rhee, I think, comes to her job with the DC Public Schools with a fresh, positive attitude. We need to make sure all the kids in DC, whether they are in voucher schools or not, have a high-quality education. The same goes for my State of Illinois and the State of Virginia. That is our first obligation. So that is where we stand today.

The Ensign amendment is going to be offered. At that time, we will have a chance to debate it even further. But we have funded the program through the next school year. Senator LIEBERMAN has given his word to me and those who support the program on the other

side that he will have a timely hearing so we can get on with this review and reauthorization in a reasonable way.

Two separate studies by the Department of Education have clearly demonstrated that the Washington voucher program has no statistically significant impact on student academic achievement. We knew this program was going to expire in 5 years. We need to ask whether the money might be better spent on some other approach, whether it is in the DC Public Schools or into charter schools. It is time we take time for careful and deliberate consideration of this program.

For those who have written in several publications: DURBIN is just out to kill this program, I had a chance to do that, and I did not. I extended the program beyond its authorization for an additional year, gave them adequate funds to continue serving the students who are currently in the program, with the understanding, at least in the bill, that we would take the time to carefully study the DC voucher program.

For those who believe in the voucher program, do not be afraid. Do not be afraid to step forward and let people take a look at what has happened. Let's see what the successes and failures of this program have been and then decide how to go forward. I think that is a critical objective we can achieve.

OMNIBUS APPROPRIATIONS

Mr. President, I would like to say one other word about the pending legislation, the omnibus bill. I have listened to so many speeches on this floor about earmarks. I made a point yesterday in television interviews back in Illinois to make it clear what I was talking about in terms of projects coming back to our State that were earmarks.

I do not think I can be any more transparent about earmarks. What we do in my offices is to put on our official Web site every request I make for earmarked funds, congressionally directed spending from appropriations bills. For every single request, I indicate who is going to be the recipient, how much money was asked for, what is the nature of the request, and clearly make a statement that I have no conflict of interest involved in making the request. I think that is required by law, and it is certainly a valuable requirement.

Then we go through the process of the Appropriations Committee choosing those earmarks they can put into a bill. At the end of the day, we not only send out press releases in terms of those projects that have been approved, we make it clear, so people know, start to finish, every step of the way.

So when I was on the news yesterday, I said to some of the local newscasters: The word "earmark" has such a negative connotation, but the word "earmark" should be remembered in this context: I have millions of dollars in this bill that will go to communities in

the suburbs of Chicago that have been dealing with serious flooding problems for decades. We have made significant progress. I worked with Mayor Tony Arredia in Des Plaines, IL, before he gave up the office recently, and we protected many parts of his community that used to be regularly, annually devastated by floods—earmarks in appropriations bills for flood control.

The metropolitan area and sanitary district has this deep tunnel that we put money into by earmark year after year after year, so that storm water can be collected there and will not run off to integrate with the sanitary sewer system and will not cause degradation of Lake Michigan and rivers and tributaries nearby. That is one area.

The second area I focused on in the earmarks has been transportation. There are specific earmarks in this bill for the expansion of the Chicago Transit Authority and other transit systems in our area. They are struggling to survive with the recession. We are trying to make sure passengers do not have to pay outrageous amounts of money for them to continue to be successful in their operation.

Another earmark: \$4 million in this bill goes for the Chicago shoreline on Lake Michigan. When they surveyed the people of Chicago a few years ago and asked: What is the most important thing we have in our city that you are proudest of, they said: Lake Michigan, overwhelmingly. And they should. It is a beautiful expanse of water. Aside from the scenery and the beauty of it, it is part of the Great Lakes, one of the greatest sources of drinking water supplies in the world.

So what we have done is to address a 100-year-old shoreline that was crumbling and falling apart. I sat down with Mayor Daley. We entered into an agreement with the Army Corps of Engineers. With this agreement, the city put money up-front. We came in with money on the Federal side. We have reduced the overall cost of the project and accelerated by years—as you drive along that lakefront, you can see they are building a modern lakefront that will serve us for decades to come. It is an earmark. It is an earmark in the bill.

When I hear people come to the floor saying: This is an outrage that all these earmarks are in the bill, I think to myself: There is nothing outrageous about this. We bragged about it. We have had press conferences about it. The people of our city think it is money well spent.

There is money in here as well going to hospitals to buy critical equipment. It is all listed—every single hospital, every single dollar—whether it is for research, cancer research, Alzheimer's research at universities, for example, or if it is buying critical equipment for hospitals that many times don't have the resources to do so. I try to help

them out if I can. I think that is part of my job.

I listened to these overall criticisms of earmarks and I don't doubt that pouring through the thousands that may be in here, we are going to find some that are questionable. That is natural. One Congressman and one Senator may think something is important to his district, his community, his State; others may question it. That is part of the process. They should be questioned. But at the end of the day, to say that when you take 1 percent of this bill and allow Members of Congress to zero in on specific issues in their States, in their districts, that there is something inherently evil, wicked, criminal or wrong with it, it is not the case.

I wish to salute Senator INOUE, who is our chairman of the Appropriations Committee, for what he and Congressman DAVID OBEY, the House Appropriations Committee chairman, agreed to do, which is to dramatically cut back the overall cost of earmark projects. Under the Republican leadership a few years ago, about 4 to 5 percent of an appropriations bill would be earmarked. They have brought it down to just over 1 percent. The goal is 1 percent. I don't think that is unreasonable, that 1 percent of the spending bill would be congressionally directed in a transparent and open process; otherwise, what happens, we give the money to the agency downtown and they decide where to spend it. It isn't as if the money would not be spent; oh, it will be spent, but it may not be spent as effectively or for projects that are as valuable as many of us who represent these areas believe.

We could have given the money to the Army Corps of Engineers for the Lake Michigan shoreline. I can say what would have happened. It would have cost more, there would have been less local contribution, and it would have taken many more years to get started. We avoided all that with the earmark process. I know there is going to be a lot of debate—some even this morning on this—but my feeling is we are reaching the right balance of disclosure, transparency, and limiting the number of earmark projects so the taxpayers can have confidence that, at the end of the day, there is a process here and the scrutiny that there should be when it comes to taxpayers' dollars. At the end of the day, some of my colleagues will never be satisfied. They just will not be satisfied until every earmark is removed. I hope that doesn't happen. I think we can make the process better.

U.S. ECONOMY

Mr. President, I also wish to say a word about the state of our economy today, if I can, and set it apart in the RECORD because this is a historic anniversary week. As you may know, 76 years ago this week, exactly, on March

4, 1933, the President, Franklin Roosevelt, took the oath of office for the first time. He faced an America broken to its knees—not by a war or an invasion but by a depression which had broken the confidence of a proud nation.

It is hard for many people today to even imagine how frightened Americans were the day after he became President. Jonathan Alter, a news analyst for *Newsweek*, who comes from Chicago, recently wrote a book about the transition and beginning of the F.D.R. Presidency called “The Defining Moment.” He sketched the picture very well. He said at that time America has experienced its gravest crisis since the Civil War.

The American economic system had gone into a state of shock. Days before the F.D.R. inauguration, the New York Stock Exchange suspended trading indefinitely and the Chicago Board of Trade bolted its doors for the first time since it opened in 1848. In the 3 years since the crash of the stock market, 16 million jobs had disappeared in 1933 and business investment had dropped 90 percent. America’s official unemployment rate was 25 percent. In some areas, it went as high as 80 percent when it came to adult men. More than 5,000 banks had failed. People who were unlucky enough to put their money in them had lost everything.

The great economist, John Maynard Keynes, was asked by a reporter at the time if there was any precedent for what happened to the world economy. He replied: Yes. It lasted for 400 years. It was called the Dark Ages.

In his first inaugural address, Franklin Roosevelt told a shaken nation: “Only a foolish optimist can deny the dark realities of the moment.” But then he went on to reassure America and said: “The only thing we have to fear is fear itself—” that famous phrase—“nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.”

F.D.R. said we needed to abandon the failed ideas that led us into economic crisis and try something new and bold. The Federal Government, the President said, will treat the task of economic recovery “as we would treat the emergency of a war.”

What America needed, the new President said, was “action, and action now” to put Americans back to work and restore strength to our economy and rebuild people’s faith in the future. He assured us: “This is no unsolvable problem if we face it wisely and courageously.”

Where are we today, 76 years later, 76 years after F.D.R. took that oath of office on March 4, 1933? Another new President has inherited the worst economic crisis since that historic day in 1933. This crisis is not another Great Depression, thank the Lord, but it is grave. It is dangerous. It is unlike any

crisis we have seen in our lifetime. Sadly, it appears to be getting worse at this moment. America lost more jobs last year than at any time since World War II. Manufacturing is at a 28-year low. Many businesses can’t borrow or make payroll. Many workers and retirees are seeing their life savings disappear. People have seen the values of their homes and retirement plans plummet, and a large and growing number of Americans are uncertain and anxious about the future.

President Obama, sworn into office on January 20 of this year, has been in office a little over 6 weeks. He has made it clear we need to act and act quickly; otherwise, he says, the recession could linger on, unemployment could continue to grow, we could lose a generation of promise and potential as millions of Americans have to forgo college and a chance to train for jobs of the future. We could lose our competitive edge in the world if we don’t act. In short, an already bad situation could get worse. He proposed to Congress, soon after he was sworn in, the American Recovery and Reinvestment Act—the most sweeping in history.

Similar to Franklin Roosevelt and Abraham Lincoln—another President who inherited a major economic crisis during the Civil War—this President has said we must put our American house in order, put Americans back to work, and invest in America’s future. He has said the American Recovery and Reinvestment Act represents not just new policy but new thinking; a new approach to meeting our most urgent challenges. It will save or create 3 million to 4 million jobs over the next 2 years while investing in priorities such as health care and education. It enables us to rebuild America’s crumbling infrastructure—the roads, the bridges, the schools.

The economic recovery plan also includes help for States. My State of Illinois is in deep debt. We are hoping this recovery plan will help them get through this difficult period. Also, it has a tax cut for most working families. Ninety-five percent of them will receive this tax cut as soon as next month. It is a smart plan that invests in things that work. Congress, the President, and respected economists agree now is not the time to create new bureaucracies and new Government agencies. We should use existing programs wherever possible to make sure the recovery funds are invested quickly and efficiently to stabilize this economy. We are relying on experienced and knowledgeable Government professionals, but as most of us know, there is no playbook you can pick up at the library or find on a Web site. We are trying to make wise decisions based on economic experience.

I think this program we passed is a start, but the bill before us is equally important. This bill continues the

function of Government. This bill allows many Federal agencies to continue with funding that is necessary so they can perform valuable services. If we don’t pass this bill, we will reduce the amount of money that is being spent by these agencies at a time when our economy needs the spending to create the jobs to move us forward.

We are going to lose about \$1 trillion in purchasing of goods and services this year. The American Recovery and Reinvestment Act, along with this piece of legislation, will try to provide some jump-start to this economy, a catalyst for more economic recovery and growth, which is something we desperately need.

There is more that is needed as well. Next week I am going to, after we finish this bill, be talking about the housing crisis we face. I have been pushing for 2 years for a change in the bankruptcy law to allow the courts, as a last resort, to rewrite a mortgage. Last night, that measure passed in the House of Representatives. I hope we can take it up. We are in the process of working out the details of our Senate version now, and I hope that by next week we will be prepared to present it to our colleagues. We need their help. Some of them were skeptical when I last offered it. Many Democrats voted against it. They said: Well, we think this can work itself out. Some of those same Members have come to me since and said it didn’t work. We thought the voluntary approach was what was needed; it didn’t do the job. There are too many foreclosures. It is not only hurting the lives of those who lose their homes but the people who live next door.

I think it was Secretary Geithner who used the analogy at a hearing this week of someone who lives next door to a man who smokes in bed. Well, because of that unwise conduct, the man’s house catches fire, and because of that fire in a closely packed neighborhood it endangers all the houses nearby. Now, you can shake your finger and say you never should have smoked in bed or you can pitch in and try to put out that fire because, if you don’t, it could affect your home too. The same thing is happening here. Whether the right decisions were made at the outset, whether people borrowed when they shouldn’t have, whether people were the victims of predatory lending, that will eventually work itself out and we will know more about it; but in the meantime, we need to stabilize this housing market.

I listen to some of the great sources of information in America and one of them is Jon Stewart with the “Daily Show.” He had a program earlier this week that was a classic. It involved a fellow named Santelli who, on a CNBC cable show, went into this what he called himself, a rant over the idea that we would help people facing mortgage foreclosure. He was critical of the

wisdom of these people in entering into mortgages when they should have known better, making guesses about their economic future that turned out to be so wrong. Mr. Stewart, in a style which I find very entertaining and amusing, then proceeded to replay the statements made by economists on CNBC who downplayed the thought of a recession, who suggested that many of the great banking houses that have failed were going to do fine. He tried to make the point that even some of the people who were screaming at those who entered into mortgages they shouldn't have entered into got it all wrong when they tried to analyze the economy and give advice to America.

People do make mistakes. They should be allowed to recover from those mistakes in a situation where continued mortgage foreclosures could jeopardize housing markets and the value of everyone's home for years to come. That issue will come up before us next week. I look forward to it.

At this point, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act.

Harry Reid, Daniel K. Inouye, Bernard Sanders, Tom Udall, Patrick J. Leahy, Ron Wyden, Christopher J. Dodd, Benjamin L. Cardin, Mark R. Warner, John D. Rockefeller IV, Debbie Stabenow, Patty Murray, Richard Durbin, Edward E. Kaufman, Jim Webb, Mark Begich, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Roland W. Burris.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the list of amendments in this agreement be the only first-degree amendments remaining in order to H.R. 1105; that no amendment be in order to any of the listed amendments prior to a vote in relation thereto; that the amendments must be offered and debated Friday, March 6;

Monday, March 9; or Tuesday, March 10; further, that upon disposition of the amendments and the Senate has voted on a motion to invoke cloture on H.R. 1105 and cloture having been invoked, all postcloture time be considered yielded back, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

Here is the finite list of amendments: Ensign amendment No. 615, which is pending; Vitter amendment No. 621; Sessions amendment No. 604; McCain amendment No. 593—he is in the Chamber now waiting to offer that amendment—Thune amendment No. 662; Barrasso amendment No. 637, which I understand he will offer on Monday; Enzi amendment No. 668; Kyl amendment No. 631; Kyl amendment No. 629; Kyl amendment No. 630; Kyl or designee amendment—we have a copy of the proposal—Cornyn amendment No. 673; and Bunning amendment No. 665.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken with the Republican leadership, and we are going to try to have four of these votes starting at 5:30 on Monday evening.

UNANIMOUS CONSENT AGREEMENT—CONTINUING RESOLUTION

Mr. REID. Mr. President, I ask unanimous consent that if and when the Senate receives from the House a joint resolution which provides for the continuation of Government funding until March 11, 2009, if it is identical to the measure which is at the desk, it be considered read three times, passed, and the motion to reconsider be laid upon the table; that if it is not identical, then this order be null and void.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. This will get us teed up to work next week. I made my statement this morning. The Senate is the body that it is. It is sometimes difficult for even those of us who serve here to fully comprehend. But I think this Congress has reached a point in time where we are working together, when adversaries work together. It doesn't mean we always agree, but I think we all have the end in mind to try to help the country and move legislation forward.

I appreciate the work of my leadership, Senator DURBIN. He spent the evening with me last night. We finished about midnight. He is such a good friend. I appreciate the conversation I had with Senator MCCONNELL and the many conversations I have had with Senator KYL.

Everyone is working in good faith, and this Senate agreement indicates that.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending

amendment for the purpose of calling up three amendments.

The ACTING PRESIDENT pro tempore. Without objection, it so ordered.

AMENDMENT NO. 631

Mr. KYL. Mr. President, the first Kyl amendment is numbered 631.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Arizona [Mr. KYL] proposes an amendment numbered 631.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of State to certify that funds made available for reconstruction efforts in Gaza will not be diverted to Hamas or entities controlled by Hamas)

On page 942, between lines 14 and 15, insert the following:

GAZA RECONSTRUCTION

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to aid reconstruction efforts in Gaza until the Secretary of State certifies that none of such funds will be diverted to Hamas or entities controlled by Hamas.

AMENDMENT NO. 629

Mr. KYL. Mr. President, the next amendment I would like to call up is amendment No. 629.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 629.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that no funds may be used to resettle Palestinians from Gaza into the United States)

On page 942, between lines 14 and 15, insert the following:

PROHIBITION ON USE OF FUNDS FOR RESETTLEMENT INTO UNITED STATES OF PALESTINIANS FROM GAZA

SEC. 7093. None of the funds appropriated or otherwise made available by this Act may be made available to resettle Palestinians from Gaza into the United States.

AMENDMENT NO. 630

Mr. KYL. Mr. President, the third amendment is numbered 630.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Arizona [Mr. KYL] proposes an amendment numbered 630.

Mr. KYL. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on counter-smuggling efforts in Gaza)

On page 942, between lines 14 and 15, insert the following:

REPORT ON COUNTER-SMUGGLING EFFORTS IN
GAZA

SEC. 7093. Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to Congress a report on whether additional funds from Foreign Military Financing assistance provided annually to the Government of Egypt could be expended—

(1) to improve efforts by the Government of Egypt to counter illicit smuggling, including arms smuggling, across the Egypt-Gaza border; and

(2) to intercept weapons originating in other countries in the region and smuggled into Gaza through Egypt.

Mr. KYL. Mr. President, until Senator McCain arrives, let me briefly describe these three amendments.

Amendment No. 630 requires a report on countersmuggling efforts in Gaza. Within 90 days of the enactment of the Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit a report to Congress on whether additional funds from our military foreign financing assistance, provided annually to the Government of Egypt, could be expended, No. 1, to improve efforts by the Government of Egypt to counter illicit smuggling, including arms smuggling across Egypt and the Gaza border, and No. 2, to intercept weapons originating in other countries in the region and smuggled into Gaza through Egypt. This amendment requires a report to ensure the Egyptian Government can be even more effective in dealing with this difficult problem.

Amendment No. 629 is a prohibition on the use of funds in this bill for resettlement into the United States of Palestinians from Gaza. There has been a suggestion that perhaps that might be permitted, and we simply want to make it clear that will not be permitted with any funds in this bill.

Finally, related to Gaza reconstruction, amendment No. 631 provides that none of the funds available in this bill may be made available to aid reconstruction efforts in Gaza until the Secretary of State certifies that none of such funds will be diverted to Hamas or entities controlled by Hamas. The reason for that, of course, is that in providing money to people in Gaza, it is very difficult to ensure that money doesn't go to terrorists, and we want the Secretary of State to ensure that doesn't happen. That is what this amendment would provide.

Mr. President, that is the explanation of these three amendments, and I now yield to my colleague from the State of Arizona, Senator McCain.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 593

Mr. MCCAIN. Mr. President, I call up amendment No. 593, which is at the desk, and I ask unanimous consent for its consideration, understanding that under a previous unanimous consent agreement the vote on the amendment will be on Monday.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 593.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds provided in the bill)

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE USE OF FUNDS.

None of the funds in this Act may be used for any project listed in the statement of managers that is not listed and specifically provided for in this Act.

Mr. MCCAIN. Mr. President, this amendment is very simple and straightforward. It would prohibit funds to be spent on the thousands of earmarks that are listed in the statement of managers but that are not included in the bill text.

We have seen a remarkable evolution over the past number of years here in the Senate and House as to how we do business, and I think there is no greater example of it than what we are considering and have, fortunately, not passed. This is the legislation. In itself, it is 1,122 pages. You can thumb through it anywhere, and you will find moneys to be spent on various projects, none of which—or very few of which have ever been authorized or examined by the committees that have jurisdiction. That in itself is interesting.

This is a funding mechanism to keep the Government in business. It also happens to be an 8-percent increase in spending over last year. It also happens that the majority, the Democrats on the majority side last year, chose not to pass these appropriations bills because they knew, or expected, that they would have a larger majority in the Senate and House and they would be able to increase spending, which is exactly what happened—an 8-percent increase.

Here on the other side of my desk is “statement of managers.” That statement of managers is 1,844 pages. Guess what it is filled with. The same earmarks and porkbarrel projects that are in the bill itself. The statement of managers used to basically just be a

statement of the managers of the bill saying this is a bill that is being put forward and the reasons for it, the rationale for it. It used to be just a few pages. Now it is 1,844 pages. Remarkable. And guess what it is filled with. It contains part of the 9,000 earmarked porkbarrel projects in this bill, none of which have been authorized—or very few have been authorized, let me put it that way. I am sure there are some funds in here that have been authorized. But the earmarks in it are exactly that: they are unauthorized projects.

What does that mean to the average citizen? They hear about earmarks and pork, but they do not really understand what it means. Well, the way the Congress is supposed to work is, there are two parts to legislating. One is to review legislative proposals—both policy and funding by committees—and they say: OK, we will authorize this project, we will authorize \$1.7 million for a honey bee factory in Weslaco, TX. I don't particularly think that is necessary, but at least it is authorized. And then it is supposed to go to the appropriating committee, and they figure out how much money there is and then they appropriate the money. That system is completely broken. It is completely short-circuited. Now we have bills this size, statements of managers this size, and no one has ever seen or heard of many of these projects until it appears on the Members' desks. The system is completely broken.

So when I hear my colleagues stand up and defend these “porkbarrel projects,” when they defend \$300,000 for the Montana World Trade Center, which may be necessary, why didn't they ask for it to be authorized because of the need and then compete with all other projects that are necessary and that Members of the Senate and the House believe are necessary for their districts or States?

Mr. President, 20 or 25 years ago, I can tell my colleagues, an earmark was an unusual event. It was an unusual occurrence. But the evil grew and grew and grew. Like any other evil, it grew and grew and grew, so that now we are presented with legislation such as this, with 9,000 of them. And I can guarantee you that none of my colleagues fully read this bill or the statement of managers. Now, some people say: Well, it is not very much. It is not very much. Well, our estimates are that it is about \$8 billion. Now, \$8 billion to the average citizen is a fairly good sum of money.

Another egregious pattern of behavior which has crept into this is that there are policy changes that are put in, again fundamental changes in policy written in, which, of course, the Senate does not then have an opportunity to debate. One example is to do away with the voucher system in the Washington, DC, school system. Another one has been noted this morning

in the Washington Post, called "Truck Stop."

When we signed a free-trade agreement with Mexico—I believe it was 14 years ago—part of the deal was that Mexican trucks, provided they met all the safety standards and all the requirements, would be able to come into the United States, with reciprocal access to each other's markets. Thanks to the influence of the unions and others, there is an amendment in this bill that basically kills that. Now, you can take either side of that issue. Maybe there are a lot of Americans saying—even though these Mexican trucks are inspected, even though they meet the safety standards, even though we promised in the North American Free Trade Agreement that they would have access to our markets—maybe we shouldn't do that. But should we be doing it in an appropriations bill, in a bill this thick, in a statement of managers this thick? Should we be making policy changes in here?

By the way, I will talk a little more about this later on, but the Mexican Government is in an existential threat with the drug cartels in Mexico. Phoenix, AZ, has now become the kidnapping capital of America. There is violence on the south side of our border which is spilling over onto our side of the border. The President of Mexico, President Calderon, has staked everything on taking on the drug cartels, and the corruption he is fighting is at the highest levels of Government. So what have we done in this appropriations bill? We have just sent a signal to the Mexicans that we are not going to keep our agreements with them. We are not going to stand by our solemn pledges to them. And, by the way, we are going to do it in an obscure provision in one of these either 1,122 pages or 1,844 pages.

So I hope the American people and our colleagues understand what it is that is so badly broken here. They say: How in the world do we—when unemployment today is at 8.1 percent and people can't afford their health insurance premiums, are losing their jobs, are being moved out of their homes—afford \$951,000 for Sustainable Las Vegas; how do we afford \$819,000 for catfish genetics research in Alabama?

You will note that there are always locations associated with these earmarks. I had a discussion with a Member of Congress about one of the provisions having to do with tattoo removal—tattoo removal—because it helps when combating gangs. Maybe tattoo removal needs to be funded, but, of course, this earmark was directed to a specific geographic part of the country. So while the American people are suffering under the worst recession since the Great Depression, we here in Congress not only are doing business as usual, we are wasting taxpayer money at an incredible rate, and these 9,000 earmark projects are part of that.

By the way, there are also 13 projects in this bill, which total approximately \$9 million, that were the result of the efforts of an outfit called PMA. PMA is a lobbying group, the head of which was a former staff member in the U.S. Congress, and PMA has been raided and shut down by the FBI. They are under active investigation for corruption, and they were "listed" as those responsible for these 13 projects. We can't even take those out. We can't even take those out.

It is really remarkable. On Thursday, the media reported that in discussions with Majority Leader REID, Speaker PELOSI took the position that if a single amendment to this omnibus bill was made by the Senate, she would refuse to resubmit the bill as amended to the House but would, instead, put the rest of the Federal Government under a continuing resolution for the remainder of the year.

I think we should be on a continuing resolution as we have been and examine each one of these appropriations bills individually, debate them, and decide what various appropriations should be and how they should be funded and what the priorities are.

By the way, we also have proved that we can pass another continuing resolution because we just did. The insistence that not a single change could be made or it would shut down the Government and jeopardize even the most essential Government services was high drama at its best, used to sway Members to oppose even the most commonsense proposals, such as insisting contracting be fair and subject to open competition and restricting funding that was achieved through a lobbyist organization.

By the way, it is my understanding that last year this same organization, PMA, which has shut its doors, was raided by the FBI. The home of the head of it was raided by the FBI, and last year they got \$300 million worth of earmarks in an appropriations bill.

What I am saying is, this system has become a corrupt practice. That is why we have former Members of Congress now residing in Federal prison. That is why we have continuing indictments of people who were involved in the Abramoff scandal, which all had to do with obtaining these earmarks in appropriations bills which were not authorized and nobody knew anything about. We even had a situation last year where a couple of items were put into an appropriations bill after the President signed it—after the President signed the bill. They were inserted. Investigation of that is still going on.

It seems to be the Speaker's position that the Senate should have no voice in a \$410 billion appropriations bill that funds every agency in the Federal Government other than Defense, Homeland Security, and the Department of Vet-

erans Affairs. I have been deeply disappointed by many things this new Congress and this new administration have begun. After all the campaign promises of changing the culture of Washington, bringing hope for a new era, bridging differences between people, parties, and ideology, what we have actually seen and what has been delivered to the American people is far different: first, in the \$1.2 trillion stimulus bill and now in this massive \$410 billion appropriations bill, which would, in a normal year, be the largest appropriations bill the Congress would pass. There has been no serious effort at bipartisanship. There is no serious effort to hear opposing views, to have an honest debate, to balance carefully the policy implications of our actions. We should engage in serious debate and vote on amendments without the false threat of a shutdown of the Federal Government or an out-of-the-hand rejection of all amendments.

The President has said, and the Director of the Office of Management and Budget has said, this bill is last year's business. This bill is to fund the functions of Government this year—not last year, this year. To say somehow that this is "last year's business" because we are voting on funding for the operations of Government for this year is disingenuous at best.

I have talked to Members on both sides. I have talked to people who said: Yes, we need to do something about this earmarking, and we would like to sit down and do something about it. We would like to reduce it. That is like saying you would like to reduce any other evil. You want to eliminate it.

There is a simple way, I say to my friends who say they are unhappy with the way this explosion of earmarking and porkbarrel spending is taking place. There is one simple solution: Authorize it. Send it through the authorizing committees. Then, if I have a problem with the Buffalo Bill Historical Center in Cody, WY, for which I am going to spend \$190,000 of our taxpayers' dollars, then fine. I may not like it, but at least we will have gone through a process of scrutiny, of proposal, of authorization, and the Buffalo Bill Historical Center would be in competition with other proposals for other historical centers throughout the country if they are needed.

Maybe we need to improve blueberry production and efficiency in Georgia. It is \$209,000 to improve blueberry production and efficiency—in Georgia. Maybe not in Maine, maybe not other places where blueberries are grown, but in Georgia.

We want to spend \$400,000 for copper wire theft prevention efforts. I would like to prevent copper wire theft as well, but maybe it should happen across the country. And I am sure the Alaska PTA needs \$238,000, but so do PTAs all over this country. Why should

we earmark \$238,000 for the Alaska PTA? The list goes on and on.

As some of my colleagues may know, I have begun to twitter. We have been tweeting for the last week with "Top Ten Earmarks," every day. We could go on for days and days. I would like to mention some of them. We began last Friday.

No. 10 was \$1.7 million for a honeybee factory in Weslaco County, TX; \$300,000 for the Montana World Trade Center; \$870,000 for wolf breeding facilities in North Carolina and Washington; No. 7 was \$332,000 for the design and construction of a school sidewalk in Franklin, TX; No. 6 is \$1 million for Mormon cricket control in Utah; No. 5 was \$650,000 for . . . management in North Carolina and Mississippi; No. 4, \$2.1 million for the Center for Grape Genetics in New York; No. 3 was \$6.6 million for termite research in New Orleans; No. 2 was \$2 million for the promotion of astronomy in Hawaii; and No. 1, on our first day, was \$1.7 million for pig odor research in Iowa.

Yesterday, the Chicago Tribune had an editorial entitled "Whoa." It goes on to say:

The Obama administration and Democratic leaders of the House and Senate are blowing the lid off of spending restraint. But they're finally meeting some resistance within their own party.

Sen. Evan Bayh (D-Ind.), in an essay published Wednesday in *The Wall Street Journal*, ripped a spending bill passed by the House last week as "a sprawling \$410 billion compilation of nine spending measures that lacks the slightest hint of austerity from the federal government or the recipients of its largesse."

He said he will vote against it, and he urged President Barack Obama to veto it if it passes the Senate. We second that motion.

Politico.com reported Tuesday that 15 senators—14 Democrats and one independent—met behind closed doors this week to share concerns over the cost and reach of Obama's proposed \$3.55 trillion budget for 2010.

House Speaker Nancy Pelosi, Senate Majority Leader Harry Reid and the Obama team are pushing a gaudy expansion of deficit spending.

A \$787 billion "stimulus" package. A \$410 billion spending bill. A \$3.55 trillion budget.

Their reasoning: we need to do this in response to the economic crisis. But it's sure sounding like business as usual in Washington. When in doubt, spend. When not in doubt . . . spend.

The \$410 billion bill hikes discretionary spending by 8 percent and includes at least 8,570 earmarks worth \$7.7 billion. "Such increases might be appropriate for a nation flush with cash or unconcerned with fiscal prudence, but America is neither," wrote Bayh. "Families and businesses are tightening their belts to make ends meet—and Washington should too."

The Obama folks have tried to dismiss this huge spending bill as a little cleanup work. "Last year's business," said Chief of Staff Rahm Emanuel.

Last year's business? No, this is the nation's business right now. We're going to borrow this money right now and carry the debt for decades.

The administration says Obama will sign this bill. Hopefully, enough Democrats like

Evan Bayh will join Republicans in the Senate to put the brakes on this. Let everyone catch their breath and rethink this spending spree. Right now, Democratic leaders look like they're getting dizzy from all the dollars they think they have to throw around.

What we should be doing is not passing this legislation now. Go back to the drawing board. Go through the appropriations bills and authorize them as necessary and figure out how much we need to spend rather than have a bill that is like this and like this, which nobody has read.

Also, if the Congress goes ahead and passes this bill, then the President should veto it. The President should abide by the commitment he made in the campaign, the debate in Oxford, MS. The President of the United States, then-candidate Senator Obama, stated it clearly. He said: I will go line by line through these bills, and I will veto the ones and scrub the ones that are not necessary.

The President, then-Senator Obama, made a commitment to the American people. He can keep that commitment by vetoing this pork-laden bill.

The list goes on and on of these projects. I mentioned the 13 projects of PMA.

I want to return to something that is very disturbing, and that is the provision concerning free trade with Mexico. I would again like to quote from the Washington Post editorial today that says "Truck Stop," entitled "Congress Flashes a Yellow Light on Free Trade With Mexico."

President Obama seems to have resolved, for now, an incipient dispute with Canada over "Buy American" rules in the stimulus package. The law would have hurt Canadian steel exports to the United States, but, at the White House's insistence, Congress appended language that blunted the worst protectionist consequences. Now, however, Congress has turned on Mexico, the United States' other partner in the North American Free Trade Agreement. A \$410 billion omnibus spending bill contains a provision that would pretty much kill any chance that long-haul freight trucks from Mexico could operate in the United States, as had been promised under NAFTA.

Economically, giving U.S. and Mexican trucks reciprocal access to each other's markets makes a lot of sense. Currently, Mexican rigs can drive in only a small zone on the U.S. side of the border, where they must offload their goods onto U.S. trucks. The process wastes time, money and fuel, harming the U.S. environment and raising the cost of Mexican goods to U.S. consumers. Yet access for Mexican trucks has been bitterly resisted by U.S. interests, most notably the Teamsters union—which claims that poorly regulated trucks from south of the border would be a menace on U.S. highways.

In an effort to disprove that, the Bush administration promoted a pilot project under which Mexican trucks, screened by U.S. personnel, could operate freely within the United States. The Mexican trucks compiled a safety record comparable to that of American rigs. Mexican participation was limited, however, because of the political uncertainty. And safety was always a smokescreen for the Teamsters' real concern—economic

turf—anyway. Now the Democratic majority on the Hill has slipped into the omnibus bill a provision killing the program. The provision seems certain to survive, given that the president supported such a measure when he was a senator; his transportation secretary, Ray LaHood, backed it as a member of the House.

When the U.S. economy needs all the help it can get, this legislation perpetuates inefficiency and invites Mexican retaliation against U.S. exports. To a world looking for signs that Democratic rule in Washington would not mean revived protectionism, this can only be a disappointment.

So you not only have these earmarks that are in the thousands, you not only have companies that are under FBI raids and shut down by the Government, adding porkbarrel projects, but you also have policy provisions in the bill which can damage relations with a country we need good relations with, given the fact that the drugs we are creating a demand for flow through their country.

As I mentioned earlier, the Mexican Government, under the courageous leadership of President Calderon, is in an existential struggling with the drug cartels. He needs to win. He needs to win for a variety of reasons, including the direct effect the flow of drugs from Colombia and other places, through Mexico into the United States, has and the damage it does to our young people and others who are using drugs.

This amendment, as I stated, simply says that all these provisions, which are in 1,884 pages, some thousands of earmarks that are in the "statement of managers," not be prohibited from being spent because they are not included in the bill here. It is a pretty straightforward amendment. I hope my colleagues will approve it.

Finally, I would like to say again, if the President of the United States wants to fulfill his promise to the people of this country if this bill is passed, he will veto the bill and he will send it back and tell us to clean it up. These are tough times in America. These are tough times. We cannot afford to do business as usual in the Senate and the House of Representatives. It is time the President led, veto this bill, if we pass it, and let's get down to the business of saving the taxpayers' dollars, rather than the profligate spending spree we have been on for so long which has mortgaged our children's futures and has committed generational theft.

I yield the floor.

Mr. DORGAN. Mr. President, on Wednesday, the Senate voted on an amendment offered by my colleague from Oklahoma, Senator COBURN. The amendment would have cut funding for thirteen congressionally directed projects. Eight of these projects are from the Energy and Water Development section of the bill.

Senator COBURN claimed these projects were included at the request of a firm that is under investigation. But every project named in his amendment

was included in this bill at the specific written request of a Member of Congress.

In fact, thanks to reforms we made in the last Congress, anyone can go online and see exactly who requested these projects and where the funding is going. We have gone to great lengths to make the process as transparent as possible. Members of Congress who request funding for projects also have to file a letter with the Appropriations Committee to certify that they and their family members have absolutely no financial interest in the earmark.

Let me be clear, I did not personally sponsor any of these projects.

In fact, all of the projects in the Energy and Water Development section of the bill that were targeted by Senator COBURN's amendment were included by the House in their version of the fiscal year 2009 Energy and Water Development appropriations bill. The Senate also carried one of the eight in our version of the bill.

So while I did not sponsor any of these projects, I find these projects are consistent with the work performed by the Department of Energy, and I saw no reason to eliminate them.

Let me briefly describe the sorts of projects that we are talking about.

One of the projects would provide \$951,000 for the direct methanol fuel cell. This type of fuel cell has the potential to meet low power needs, less than 1 kilowatt, with increased performance and improved storage ability.

Another project is focused on solar energy, providing \$951,000 to improve the efficiency of home windows, with the same goal—reducing net energy consumption.

As I said, every project on this list was requested by one or more Members of Congress. The process is fully transparent and the Members of Congress who requested this funding are fully accountable. That is why I opposed the Coburn amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with

me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Just last week we had to trade in our truck, which was fully functional, in excellent condition and paid for, to finance a vehicle that we could afford to drive out of the local area. I have family and friends at Hill AFB, UT and in Eugene, Oregon. I have driven my truck to visit them before but would seriously have to plan ahead and save money to do it again using our truck. So, now we have a new to us used vehicle (a 2002) that is great, but now I have two car payments all over again. We had to weigh the fact that while we had a great truck, what good does it do you if you have to actually think about driving it someplace as close as Mountain Home? We used to drive it between Mountain Home and Micon all the time five years ago and never gave it much thought. Thank goodness we live in Kuna now, but still, when I go back to school, the 25 miles or so between Kuna and BSU would make a serious dent in my GI Bill money, which is just enough to cover daycare and tuition.

MEGHAN and WESLEY.

I am writing to you today out of major concern for our nation's stability. The price per barrel of oil continues to rise and, with it, so does our cost of living. I am just an average stay-at-home housewife raising my 6-month-old daughter with my husband, who works hard to be our sole provider. In the last six months, we have resorted to me giving up my job as a result of rising fuel, grocery and daycare costs. My husband owns an SUV, which is parked stationary now in our garage, and is taking my sedan to work each day. I rarely leave the house because of fuel costs skyrocketing! We do not have a lot of debt and rely on our savings, which is now dwindling to keep up with the rising costs of everyday living here in Idaho.

We are hurting, and I know from speaking to friends and family, they are hurting, too. The economic stimulus checks that we received went into my savings account to help our family pay for gas and groceries. Every two weeks, I buy groceries and it costs us \$165 a visit, every time we fill up the tank on our SUV it's \$100 dollars every week in a half. I believe that we are in an economic crisis and that we are entering a depression, not a recession. The media maintains that we have not entered a recession yet. What reality are the media and our legislators living in?

Please take control of this situation! Do not let oil govern the direction our nation is sliding towards. Offer consumers some sort of fuel alternative. Fortunately, we do not use oil to heat our home. Those homeowners' must be reeling watching the fuel costs soar. You must react now! Salaries are stagnant, the cost of energy is rising, food costs are rising, home prices are falling all of these indicators of an impending Depression!

We cannot afford to wait 5 years for solutions to today's energy crisis! My recommendation is to put a team together in the city of Boise, which includes average middle class citizens that can give a more realistic view of everyday living costs and come up with some real alternatives/solutions which can be implemented now!

Both my husband and I have pulled our 401k plans out of the stock markets hoping for some stability. After working so hard to save through the years, it is heart wrenching to watch your 401k savings spiral downward! America is bleeding and we have to stop the flow of red! Offer the American people some real solutions. Solutions that do not include lining the pockets of foreign oil industries with our bleeding American dollars!

I thank you for your time. I am sure you are well aware of this crisis. I wanted to give you a voice from an average middle class American Homemaker. I look forward to your administration making a memorable stand by offering America real solutions to this energy crisis!

ADRIANA.

Thank you for asking our opinion; this is a fresh change from the normal status quo in Washington. I live in central Idaho in a subdivision that has 3 full time residents and the closest town has a grand total of less than two hundred people. I love where I live and would not trade it for anything but it is getting harder and harder to just pay the bills let alone do any outdoor activities that require fuel. I work in construction and the company office that I work for is 25 miles away and 1300 feet higher in elevation than where I live. My wife works 15 miles away and has the same elevation change. This winter we had over five feet of snow on the level and temperatures below zero for many days. Needless to say, riding a bicycle is out of the question, driving a small car with no ground clearance just to get good mileage is no more than an invitation to spend the night in the snow in freezing temperatures. I have been paying \$4.99 a gallon for diesel for the last 4 weeks or so and gas for the cars has been over \$4.00 for about the same amount of time. Our weekly gas budget has almost doubled in the two plus years that we have lived here not to mention the cost of propane going up. I can guaranty you that our wages have not kept up and it does not look like there will be any increases in income in the near future. In order to have a weekend at the lake we now have to take at least one day off to make it worthwhile to go and go once every three weeks instead of every week or so. I have friends and family that used to come up all of the time and can no longer afford to come up. Tourism is a very large part of the economy up here and without the people coming to visit, going out to dinner, buying gas and just spending money this area will suffer.

I believe that we are being governed by a few very vocal extremists and special interest groups, who have enough money that they do not care or have lost touch with the average person. They advocate for and lobby for (I do not have time to lobby for anything

or go to meetings I have to work to pay for the gas) all of these special regulations that supposedly protect something. I have been told by the government on more than one occasion that "We do not care what it costs to do that but you must comply to our regulations". We need to get the government out of the way, drill for oil in Alaska and off our coasts, build more refineries, increase the atomic usage and cut the ties with the countries that do not like us, but want our money and use it against us. In short we need to become more self sufficient, like we were in the past.

Thank you for your time

WADE.

Thank you very much for your e-mail. I get so frustrated and worried and feel like "we the people" are never considered by the politicians who run our government.

For the past 20 years I have lived on a small ranch in the south east corner of Idaho right near the Utah border. It has always been hard for us to make a go of it on the ranch. In fact, without our retirement we would never have been able to make it. Our nearest grocery store is either 36 miles to Malad or 46 miles to Tremonton, Utah. The nearest large town is Pocatello, which is 100 miles from us. Ogden, Utah, is 80 miles and Brigham and Logan, Utah, are 60 miles away. Needless to say we must travel quite a distance to get the things we need. There are some times we must take the truck and this takes a lot of gas. The high price of gas is just killing us financially. Just the last two days we had to spend \$100 for fuel just to move our cattle from one field to another. We have cut down our trips and that is pretty hard to do when we really need something. There are trips to the Dr. and we always have pills that need to be refilled.

My husband has worked very hard all his life to provide a good living for our family. We have tried to prepare for the future so we would not be a burden on our children or have to live off the government. Our retirement is in a 401K in the market and we are losing money every day. We are getting old with no source of income and I will tell you it is pretty frightening.

Everything in our economy is tied to oil and energy prices. I think it is only fair to ask our Congress to act responsibly and get doing something now!

The statistics I hear say we only use 15% of the oil resources that are available right here in our own country. I have heard politicians say it won't do any good to drill because we won't see any results for such a long time. It does not take a genius to realize that if we don't start doing something now we will never get the relief we need.

I think we could start by doing something about those silly regulations that prevent us from doing so many sensible things.

I think we should be allowed to drill for oil and explore for energy resources right here where we live. I think it can be done responsibly if our hands are not tied with ridiculous regulations. I also think we could start building new refineries. I agree that we should explore and expand alternative energy sources, including nuclear. What about Iraq? We have done a lot for them why can't we get oil from them?

The thing that I think is totally irresponsible is to tax the oil companies and to put global warming nonsense before the needs of human beings.

It has always been my philosophy that doing something productive is better than setting on our hands and doing nothing. I say

to the congress roll up your sleeves and get to work doing something worthwhile.

I would like to thank you for all the service and many hours you have spent in behalf of all of us in Idaho. I am grateful to have you for my Senator.

LOUISE, Stone.

I am a single parent trying to live on disability, a low fixed income. The current price of gas has affected me severely. I live two and a half hours one way from my doctors in Boise and I must make three to four trips a month. I do not have the resources to relocate or carry on like this.

These are a few things that I think have lead to the high price of fuel in the U.S. Until recently, all energy futures trading in the U.S. took place on the New York Mercantile Exchange, which traditionally determined the market price of crude oil and natural gas commodities bought and sold here in the United States. Recently a large portion of the futures exchange was moved to London England where they could operate outside of the regulated exchange markets. Since this took place it has driven the price of crude up dramatically, by investors with little or no assets investing in the future price of crude by putting up a fraction of the outright value of the crude oil they are investing in. The basic facts are clear—this market is purely and simply being controlled by over-speculation."

In 2000, at the urging of Enron and other large energy traders, a provision was slipped into an omnibus bill conference report that eliminated CFTC oversight of energy commodities traded by large companies outside of the regulated exchanges. This so-called Enron loophole has severely restricted CFTC oversight of energy trading. Supply and demand = There has not been a new refinery built in the US in over 30 years. We have more oil here in the US than in all of the Middle East if you take into consideration The shale in the Rocky Mountains, the oil in ANWR Alaska and off our coast.

All four of these things must be done to drive the price of fuel down in the U.S.

1. Remove this loophole for energy futures traders.

2. Change the amount of money put up front by investors in the futures trade energy market to 50%.

3. Allow drilling at ANWR in Alaska, off our coastlines and also allow the extraction of oil from Rocky Mountain shale.

4. Streamline the process for building new refineries (cracking plants) in the U.S.

Your help is needed and appreciated.

MARK, Council.

Thank you for notifying me that you are trying to do something about the gas prices. My husband and I are retired, but we had no retirement to fall back on. Now we live on Social Security. Our needs are not great, but the increased gas prices and the resulting increased food prices are dealing us a severe blow. We now drive to the grocery store and to church and almost nowhere else. I have also cut down on the groceries that I buy. We have even decided to cut way down on our evening meal so that we do not have to buy so much food. Any help you can give us and people in the US like us will be so appreciated. I know being a Congressman is not an easy job. I do thank you for working for the citizens of Idaho and the United States.

KAREN, Coeur d'Alene.

The price of heating oil has quadrupled since installing our heater. We left wood be-

cause of injuries not allowing either one of us to get the wood, split, or even get it into the stove. We are worried about being able to have any this coming winter.

Our use of our boat—the only recreation that we have. The boat does not use much fuel, about 2 gallons a day out on the lake fishing. But we cannot get the boat to the lake. It takes a rig to do that, and the rig only gets 24 miles per gallon. And to make it worse, we are only 25 miles from the lake or 9 miles to the Clearwater River! We have to worry about heat this winter. So no recreation.

I work 15 miles from home. I have a car that gets 35 plus miles per gallon. I only earn \$6.25 per hour. At present gas is \$3.99 a gallon. It eats into any profits I might have. Any higher and I will be forced to quit.

I know a girl who no longer can work there. She had a baby. The cost of child care and fuel was more than her wages. So she is on food stamps much to her dismay.

This right-to-work state with its low wages. It takes 3/4 of an hour to earn a gallon of milk! And the rest of the groceries go up every delivery of foods. Because of fuel costs.

A lot of people, not only in this state, are in the same boat. Some are having to give up jobs. Some are having to close their businesses. Some are giving up their homes. It hurts more out here in the real world than it does in the beltway. The whole economy is going down the tubes all because the price of energy.

The argument that it is only \$50 or so per month more. Well...then there is the add-on for food, and everything else. And on a fixed income, with a low wage job to supplement. That is a lot.

I will add another thing. The summer mix for the fuel cuts the gas mileage. How's that one!! for a stupid regulation?

And you can bet your boots, if all those foreign countries and speculators thought we were really going to drill our own oil, the prices would drop like a rock. Drill for oil along with all the other things. Build nuclear, build my hydropower systems. Do it al. Open all the oil potential fields. Make our country totally self sufficient. Get away from the dictators!

KAREN, Juliaetta.

My family (Dad and four brothers) owns a roofing business here in Boise. The high fuel prices have made it difficult for us to make a profit. The price of materials has increased every month for the past three months and some say that they will increase by 30-40% before the end of the summer. I see this as a direct result of the price of fuel. The construction industry in Idaho has taken some hits and I don't think that Idahoans can really afford for the price of home production to increase. Especially when you consider how many houses are currently on the market and how many people are facing foreclosure.

America is the best country in the world. I think that our dependence on foreign oil is the pinnacle of stupidity. We have the resources, the technology and the manpower to become energy dependent without hurting the environment. Capitalism is the way to ensure that America will remain the best country in the world. Please do your part to help us become energy independent by letting us drill in our own country and use our own resources without taxing the oil companies and nationalizing energy production.

Idaho is the greatest state in America; I love it. It is beautiful and I would like to share that beauty with my kids someday

without having to sell my house in order to pay for the gas that it cost to drive around this great state. Thanks for the great work! VICTOR, Boise.

I would like to tell you my story regarding the energy prices, not only has our family been impacted by the cost of fuel, but it has also been impacted by the loss of income. I am a single parent, and up until a year ago had an income of \$35–38K a year. The only work I am able to find is part-time employment for minimum wage. (I have too much experience for the jobs posted.) Add that to the continuous increasing fuel prices and the harder I try to get ahead and to make ends meet the more behind I get. The stimulus check I received, because of the high cost of fuel, went to bills and groceries rather than into the economy as I would have enjoyed. I am constantly “robbing Peter to pay Paul” within my budget. I have to have a vehicle, which requires gasoline, to get to work. With the cost of gas equaling an hour of net income, it takes the biggest percentage after my mortgage/rent payment.

If possible, relief at the pump would be greatly appreciated. I know I am not the only who has a limited income and is struggling financially.

LORI, Garden City.

ADDITIONAL STATEMENTS

REUNION OF THE MUSICAL GROUP PHISH

• Mr. LEAHY. Mr. President, I want to give recognition to an event taking place in Hampton, VA, beginning tonight, March 6. This weekend, Vermont's own musical group, Phish, will celebrate a reunion not far from our Nation's Capitol, following their retirement in August of 2004. Phish's fans, and all Vermonters, wish a warm welcome back to Trey Anastasio, Jon Fishman, Mike Gordon, and Page McConnell, and the very best on their renewed musical journey.

In the summer of 2004, the band said farewell to thousands of fans who had persevered through torrential rain and knee-deep mud—some having walked many miles to see the band's final concerts in a farm field in Coventry, VT. For so many of the band's followers, it was a bittersweet moment, historic and mournful at once and the end of a singular era in American rock and roll. True to the band's roots, and despite the rain, it was fitting that the farewell took place in the middle of the glorious Vermont countryside.

Much to the joy of many Vermonters and people across the United States, the band could not resist the desire to perform once again, and this weekend marks their return to the stage in what Phish's fans hope will be the beginning of a sustainable period of happiness and creativity for the band.

What began at the University of Vermont in Burlington, and was nurtured at Goddard College in Plainfield, flourished into an enormous creative musical force that delighted fans from

across the world for many years. They spread their music throughout Europe and Japan, from coast to coast in the United States, and rang in the millennium in front of 85,000 people on the Big Cypress Indian Reservation in Florida, playing that concert's final notes as the sun rose over the horizon at the dawn of a new century.

Theirs has been a remarkable journey of musical exploration, improvisation and risk-taking much akin to the early era of the Grateful Dead. From outdoor summer festivals to Halloween celebrations that found the band donning musical “costumes” by playing an album of another musical group from beginning to end, Phish carved a niche in the musical world that was left conspicuously empty with their retirement.

As Americans stand at a crossroads and contemplate the way forward during a difficult time, artistic expression will play an important role in reminding us all that despite the difficulties we face, we should not forget those things in life that bring us happiness and that connect us to one another. Whether we find solace in a good film, a great novel, making art through photography, writing, or painting, or experiencing a musical performance, I want to acknowledge the ability of Americans to keep the creative spirit alive even when we face our most daunting challenges. And I find reason for optimism in the fact that the announcement of Phish's reunion was met with such overwhelming enthusiasm from their fans.

So as thousands of people welcome Phish back to the stage at the Hampton Coliseum this weekend, I am proud to say as a Vermonter: Phish, it is good to have you back. I know you have been missed.●

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 38. Joint resolution making further continuing appropriations for fiscal year 2009, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 14. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 14. Concurrent resolution supporting the goals and ideals of Multiple Sclerosis Awareness Week; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, and Mrs. MURRAY):

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; read the first time.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 543. A bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 68. A resolution recognizing the contributions of the Pennsylvania National Guard in service to the Nation; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 231

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 231, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 428

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 479

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 479, a bill to amend the Chesapeake Bay Initiative Act of 1998 to provide for the continuing authorization of the Chesapeake Bay Gateways and Watertrails Network.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. DURBIN, Mr. SCHUMER, and Mrs. MURRAY):

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2011.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Mr. BEGICH, and Mr. UDALL of New Mexico):

S. 543. A bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes; to the Committee on Veterans' Affairs.

Mr. DURBIN. Mr. President, in the Spring of 2007, I met a 27-year-old Army Sergeant named Eric Edmondson. Eric was injured while serving in Iraq. During surgery to treat his injuries, his brain was deprived of oxygen for a period of time, and is now seriously disabled. It has been my honor to get to know Eric and his family. I am humbled and inspired by their shared struggle, pain, triumph and sacrifice as they have worked to help Eric recover as much mobility and independence as possible.

Today I am introducing the Veteran and Servicemember Family Caregiver Support Act of 2009, along with several other Senators. This bill proposes a program that would provide technical, financial and practical support for families like Eric's, families who are now caring for a veteran or a returning servicemember whose disability requires institutional or home-based care.

The first version of this bill was introduced in the last Congress by then-Senator Hillary Clinton. She already knew what many of us are now learning. Families all across the country are figuring out how best to care for returning servicemembers and veterans who are coming home with serious dis-

abilities. We are recognizing that these families need more support than what most of them are finding.

This bill lays out a strong family caregiver support program. The program is for those seriously disabled veterans and servicemembers who have a family member willing and able to provide care at home. We want to recognize that sacrifice, which probably involved a significant loss of income, and the value of the care they are providing. So the program addresses four key concerns—training and certification, payment for services, respite care, and, finally, mental health and social support services.

The first step is to provide training for those family members who become a primary caregiver for a seriously disabled veteran or servicemember. It is common for family members to have some informal training, but we should formalize that. Figure out what training caregivers need and make sure they receive it. From changing burn wound dressings to wheelchair transfers, caregivers need the skills and knowledge to offer high quality, home-based care. The bill I am introducing today calls on VA and DoD to develop and offer training and a certification program for family caregivers.

We also need to pay for the services these trained and certified family caregivers provide. Amount of payment would be determined by the VA and DoD based on the amount and level of care required for each participant. Costs would be paid by VA, with DoD reimbursement to VA for services benefiting servicemembers. It is only fair that care provided by family caregivers, care for which the government would otherwise be responsible, is acknowledged. Qualified family caregivers are often forgoing other income, even while providing a service of real value.

Respite care is another important part of this program. Caregivers need time off. They deserve time off. VA and DoD have respite care programs, but they are underutilized because the programs are inflexible, waiting lists are long, or providers are not available nearby. That is especially true in more rural areas. In this bill, we provide for an alternate caregiver to be trained and certified who can fill in for the primary caregiver as needed. We've also asked the VA to study further options to improve the availability of respite care.

Finally, our bill directs VA and DoD to provide mental health services to family caregivers when those needs are related to the provision of care. For example, depression is almost twice as likely among caregivers as it is in the general population. The caregiver program would provide an assessment of the caregiver's needs and referral to relevant services if necessary.

Members of the armed services came forward and served when duty called.

As many as 6,800 of them have come home from the Afghanistan and Iraq wars unable to perform daily functions or live independently. Now it is time for the U.S. to come forward with support for those who are able to live at home because a family member is willing to provide the care they need.

The sacrifices these family caregivers make are substantial, and can greatly affect their long-term well-being. Most have to give up their jobs outside the home, relinquishing health and retirement benefits and future earning power in the process. It is not uncommon for a family to move across the country in search of the best care for their injured loved one. We owe it to them to provide assistance as they care for their loved ones, who are our heroes.

A strong family caregiver support program also makes good economic sense. Right now, families are providing the care that VA and DoD have a responsibility to provide, but the families bear the cost. Because these families are providing care without payment or support, the costs of the care is made invisible to VA and DoD.

The VA recognizes the economic benefits of providing preventive care to veterans, and acknowledges that informal caregivers are an important source of providing such care. A recent VA study notes that “providing supportive services to caregivers will most likely help reduce the care costs for patients . . . as they will require less use of emergency care, institutionalization, and VHA services, while also improving caregiver and patient outcomes.” Finally, support programs for caregivers keep the veteran with his or her family, delaying the day VA will be obligated to provide more expensive institutional care.

In testimony before Congress in 2007, Donna Shalala, as co-chair of the Dole-Shalala Commission, stated: “many families are caring for their injured servicemember at home—and many of these servicemembers have complex injuries. These families, forced into stressful new situations, don't need more anxiety and confusion, they need support. Families are unprepared to provide 24/7 care. Those that try, wear out quickly.”

We have an opportunity to step up to ensure that veterans can have the best care possible in return for their service to our country. Many of those who have been seriously injured in Iraq or Afghanistan have families who have made enormous sacrifices to provide care. We owe these families a helping hand to ensure that they have the tools and resources they need to provide the best care for their—and our—veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veteran and Servicemember Caregiver Support Act of 2009”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since September 11, 2001, at least 6,800 veterans have been injured and are living with disabilities severe enough to require in-home type care.

(2) Even with their disability benefits, the majority of seriously wounded veterans and their families are not in a strong financial position.

(3) In testimony before Congress in 2007, Donna Shalala, cochair of the Dole-Shalala Commission, stated that “families are unprepared to provide 24/7 care. Those that try, wear out quickly”.

(4) The best quality private rehabilitation facilities have expertise in training family members to provide appropriate care.

(5) Current in-home care programs have limited availability and are severely underutilized. Patients who obtain in-home care from such programs receive only about ⅓ of the hours of care to which they are entitled.

SEC. 3. PILOT PROGRAM ON THE TRAINING, CERTIFICATION, AND SUPPORT OF FAMILY CAREGIVERS IN PROVISION OF CAREGIVER SERVICES TO CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, carry out a pilot program to assess the feasibility and advisability of providing training, certification, and support for eligible family caregivers of eligible veterans and members of the Armed Forces to provide caregiver services to such veterans and members.

(b) DURATION OF PROGRAM.—The Secretary of Veterans Affairs shall commence the pilot program not later than 180 days after the date of the enactment of this Act and shall carry out the pilot program during the two-year period beginning on the date of such commencement.

(c) LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at not fewer than 6 facilities of the Department of Veterans Affairs or the Department of Defense, or other appropriate entity, selected by the Secretary of Veterans Affairs for purposes of the pilot program. Of the facilities so selected—

(A) at least one shall be a private facility with expertise in providing rehabilitative care; and

(B) at least one shall be a Department of Veterans Affairs Medical Center in a rural area that serves eligible veterans.

(2) EMPHASIS ON POLYTRAUMA CENTERS.—In selecting locations for the pilot program at facilities of the Department of Veterans Affairs, the Secretary shall give special emphasis to the polytrauma centers of the Department designated as Tier I polytrauma centers.

(3) PRIVATE FACILITIES.—The Secretary may not select a private facility as a location for the pilot program unless the facility is a licensed inpatient rehabilitation facility with significant experience in traumatic brain injury, traumatic spinal cord injury, burn, and amputee rehabilitation.

(4) COLLABORATION.—Private facilities and facilities of the Department of Defense selected for purposes of the pilot program shall

collaborate with nearby facilities of the Department of Veterans Affairs.

(d) ELIGIBLE FAMILY CAREGIVERS.—

(1) IN GENERAL.—For purposes of this section, an eligible family caregiver of a veteran or member of the Armed Forces is a family caregiver of an eligible veteran or member of the Armed Forces who—

(A) agrees to provide caregiver services to such eligible veteran or member;

(B) is accepted by such eligible veteran or member as the veteran's or member's provider of caregiver services; and

(C) is determined, under regulations prescribed by the Secretary of Veterans Affairs or the Secretary of Defense, as applicable, to be qualified to provide caregiver services under the pilot program.

(2) REPLACEMENT.—If the Secretary of Veterans Affairs or the Secretary of Defense, as applicable, determines that a family caregiver who is determined qualified under paragraph (1)(C) to provide caregiver services to an eligible veteran or member of the Armed Forces, as the case may be, is no longer qualified to provide such services—

(A) such family caregiver shall no longer be considered an eligible family caregiver for purposes of the pilot program; and

(B) such Secretary may, with the agreement of the veteran or member of the Armed Forces concerned, designate as a provider of caregiver services for such veteran or member for purposes of the pilot program any other individual who qualifies as an eligible family caregiver of such veteran or member under this subsection.

(3) LIMITATION.—The Secretary of Veterans Affairs and the Secretary of Defense may not qualify more than one concurrent family caregiver per eligible veteran or member of the Armed Forces under paragraph (1)(C).

(4) CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Secretary of Veterans Affairs or the Secretary of Defense to deny or discontinue participation of a family caregiver in the pilot program if such action is in the best interest of the veteran or member of the Armed Forces concerned.

(e) ELIGIBLE VETERANS AND MEMBERS OF THE ARMED FORCES.—For purposes of this section, an eligible veteran or member of the Armed Forces is a veteran or member of the Armed Forces—

(1) who—

(A) has a service-connected disability that was incurred or aggravated on or after September 11, 2001; and

(B) requires caregiver services because of such service-connected disability, as determined by the Secretary of Veterans Affairs or the Secretary of Defense as applicable;

(2) who is otherwise determined to be eligible for the pilot program by the Secretary of Veterans Affairs or the Secretary of Defense, as applicable.

(f) IDENTIFICATION AND NOTIFICATION OF ELIGIBLE VETERANS AND MEMBERS OF THE ARMED FORCES.—

(1) IDENTIFICATION AND NOTIFICATION OF ELIGIBLE VETERANS.—

(A) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall conduct a review to identify veterans eligible to participate in the pilot program.

(B) NOTIFICATION.—The Secretary of Veterans Affairs shall notify each veteran who is identified as an eligible veteran pursuant to the review required by subparagraph (A) of—

(i) the eligibility of the veteran to participate in the pilot program; and

(ii) the means by which the veteran may be accepted for participation in the pilot program.

(2) IDENTIFICATION AND NOTIFICATIONS OF ELIGIBLE MEMBERS OF THE ARMED FORCES.—

(A) IDENTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review to identify members of the Armed Forces eligible to participate in the pilot program.

(B) NOTIFICATION.—The Secretary of Defense shall notify each member of the Armed Forces who is identified as an eligible member of the Armed Forces pursuant to the review required by subparagraph (A) of—

(i) the eligibility of the member to participate in the pilot program; and

(ii) the means by which the member may be accepted into the pilot program.

(g) TRAINING AND CERTIFICATION.—

(1) PROVISION OF TRAINING AND CERTIFICATION.—

(A) TRAINING.—The Secretary of Veterans Affairs shall provide training to each eligible family caregiver participating in the pilot program in the provision of family caregiver services. The training shall utilize curricula developed under paragraph (2).

(B) CERTIFICATION.—Upon the successful completion by a family caregiver of training provided under paragraph (1), the Secretary of Veterans Affairs shall certify the family caregiver as a provider of family caregiver services for purposes of the pilot program. Successful completion of training shall be determined utilizing certification criteria developed under paragraph (2).

(2) TRAINING CURRICULA AND CERTIFICATION CRITERIA.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall, in consultation with the individuals specified in subparagraph (B), develop for purposes of the pilot program the following:

(i) Curricula for the training of eligible family caregivers in the provision of family caregiver services, including training on techniques, skills, and strategies for the provision of such services.

(ii) Criteria for the evaluation of successful completion of such training for purposes of certification under paragraph (1)(B).

(B) CONSULTATION.—The individuals specified in this subparagraph are the following:

(i) The Secretary of Defense.

(ii) A representative of family caregivers or family caregiver associations.

(iii) A health or medical employee of the Department of Veterans Affairs with expertise in long-term care for seriously injured veterans.

(iv) A health or medical employee of the Department of Defense with expertise in long-term care for seriously injured members of the Armed Forces.

(v) A psychologist or other individual with expertise in the provision of mental health care to individuals in need of home-based or nursing home care.

(vi) An expert in the development of training curricula.

(vii) A family member of a veteran in need of home-based or nursing home care.

(viii) A family member of a member of the Armed Forces in need of home-based or nursing home care.

(ix) A representative from a veterans service organization, as recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

(x) Such other individuals as the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, considers appropriate.

(C) SCOPE OF CURRICULA.—The Secretary of Veterans Affairs shall ensure that the curricula developed under subparagraph (A)(i)—

(i) is based on empirical research and validated techniques; and

(ii) provides for training that permits recipients of the training to tailor the provision of caregiving services to the unique circumstances of the veteran or member of the Armed Forces receiving such services.

(D) USE OF EXISTING CURRICULA.—In developing curricula under subparagraph (A)(i), the Secretary of Veterans Affairs shall, to the extent practicable, utilize and expand upon training curricula developed pursuant to section 744(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2309).

(3) TRAVEL EXPENSES.—The Secretary of Veterans Affairs may provide for necessary travel, lodging, and per diem expenses incurred by a family caregiver in undergoing certification and training under paragraph (1).

(h) PAYMENT OF FAMILY CAREGIVERS.—

(1) IN GENERAL.—An eligible family caregiver of an eligible veteran or member of the Armed Forces certified under subsection (g) in the provision of caregiver services under the pilot program shall be paid by the Department of Veterans Affairs for the provision of caregiver services to such veteran or member, as the case may be, under the pilot program.

(2) AMOUNT OF PAYMENT.—Payment provided a family caregiver under paragraph (1) for care provided to a veteran or member of the Armed Forces shall be in amounts the Secretary of Veterans Affairs considers reasonable upon consideration of the following:

(A) The amount of care and the intensity of the care required by the veteran or member.

(B) The cost to the Department of Veterans Affairs of otherwise providing such care through another noninstitutional care provider.

(C) Low-utilization payment adjustment mechanisms under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff) calculated for the geographic area of the family caregiver.

(D) Such other factors as the Secretary considers appropriate.

(3) COORDINATION WITH STATE SELF-DIRECTED PERSONAL ASSISTANCE SERVICES PROGRAM.—The Secretary of Veterans Affairs may provide payment under paragraph (1) to an eligible family caregiver in coordination with the self-directed personal assistance services program of the State of the family caregiver to the extent the State has elected to provide medical assistance to an eligible veteran or member of the Armed Forces under the State Medicaid program.

(i) RESPITE CARE.—

(1) REVIEW OF RESPITE CARE PROGRAMS.—The Secretary of Veterans Affairs shall review the respite care programs of the Department of Veterans Affairs and the Secretary of Defense shall review the respite care programs of the Department of Defense that are available to family caregivers to assess the adequacy, flexibility, and age-appropriateness of the facilities under such programs. The review shall include a particular focus on respite care programs for rural areas.

(2) STUDY ON ENHANCEMENT OF AVAILABILITY OF RESPITE CARE.—The Secretary shall carry out a study to identify appropriate options for enhancing the availability of respite care for family caregivers. The study shall in-

clude an assessment of the advisability of allowing a veteran's primary treating physician to approve respite care in excess of 30 days to make as-needed respite care more available and convenient for family caregivers.

(3) ENHANCEMENT OF AVAILABILITY OF RESPITE CARE.—The Secretary shall take measures to enhance the availability of respite care for family caregivers participating in the pilot program, including the following:

(A) Training and certifying alternate family caregivers using the curricula developed under subsection (g)(2).

(B) Paying expenses incidental to training of alternate family caregivers, including travel expenses.

(C) Such other measures as the Secretary considers appropriate.

(j) PSYCHOLOGICAL AND SOCIAL SUPPORT SERVICES.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, make available to each eligible family caregiver participating in the pilot program counseling and social services related to the provision by the family caregiver of caregiving services to an eligible veteran or member of the Armed Forces. Such counseling and social services shall include the following:

(A) An assessment of individualized needs of the family caregiver with respect to the family caregiver's role as a family caregiver.

(B) Assistance with development of a plan for long-term care of the veteran or member concerned.

(C) Services and support relevant to any needs identified under subparagraph (A) provided through—

(i) facilities of the Department of Veterans Affairs or the Department of Defense located in the community in which the family caregiver resides; or

(ii) in the case that no such facilities are available in a timely manner, community-based organizations or publicly-funded programs.

(2) USE OF EXISTING TOOLS.—In developing and administering assessments under paragraph (1)(A), the Secretary shall, to the extent practicable, use and expand upon caregiver assessment tools already developed and in use by the Department of Veterans Affairs or the Department of Defense.

(k) REPORTS.—

(1) TWO-YEAR REPORT.—

(A) IN GENERAL.—Not later than two years after the date of the commencement of the pilot program, the Secretary shall, in conjunction with the Secretary of Defense, submit to the appropriate congressional committees a report on the pilot program.

(B) CONTENTS.—The report required by paragraph (1) shall include the following:

(i) An assessment of the pilot program.

(ii) An accounting of the costs to the Department of Veterans Affairs and the Department of Defense of the pilot program.

(iii) A comparison of the costs to the Department of Veterans Affairs and the Department of Defense of the pilot program with the cost to the Departments of otherwise providing caregiver services to the veterans and members of the Armed Forces who received such services under the pilot program, including the cost of providing care to such veterans and members of the Armed Forces who would otherwise require inpatient care.

(iv) The recommendations of the Secretary with respect to—

(I) the feasibility and advisability of extending the pilot program or making the pilot program permanent; and

(II) modifying the pilot program.

(v) An assessment of the effect of the pilot program on—

(I) the health of veterans receiving care under the pilot program; and

(II) the financial burdens of family caregivers caused by the provision of caregiver services to veterans.

(vi) Any determinations made by the Secretary under subsection (o).

(2) BI-ANNUAL REPORTS OF MEDICAL FACILITIES.—Not later than 180 days after the date on which a medical facility is selected as a location for the pilot program and not less frequently than once every 180 days thereafter, the medical facility shall submit to the director of the Veterans Integrated Services Network (VISN) in which the facility is located a report that describes—

(A) the number of veterans enrolled in the pilot program through such facility; and

(B) if there is a waiting list to participate in the pilot program through such facility—

(i) the number of people on such list; and

(ii) the average wait time before admission into the pilot program.

(l) FUNDING.—

(1) COSTS OF CARE PROVIDED TO VETERANS.—Any expenditure under the pilot program relating to the provision of caregiver services to a veteran shall be borne by the Department of Veterans Affairs.

(2) COSTS OF CARE PROVIDED TO MEMBERS OF THE ARMED FORCES.—

(A) IN GENERAL.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for any expenditure incurred by the Department of Veterans Affairs under the pilot program relating to the provision of caregiver services to members of the Armed Forces.

(B) SOURCE OF FUNDS.—Amounts for reimbursement under subparagraph (A) shall be derived from amounts made available to Defense Health Program for the TRICARE program.

(m) LIMITATION ON SPENDING.—In providing for the provision of services under the pilot program, the Secretary of Veterans Affairs shall make payment for services only to the extent that payment for such services is not otherwise covered by another government or nongovernment entity or program.

(n) CONSTRUCTION.—

(1) EMPLOYMENT.—Nothing in this section shall be construed to create an employment relationship between a family caregiver and a veteran or member of the Armed Forces, the Department of Veterans Affairs, or the Department of Defense.

(2) ELIGIBILITY FOR BENEFITS.—Nothing in this section shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a veteran, member of the Armed Forces, or dependent thereof, to any health care, disability, or other benefit to which such veteran, member, or dependent would otherwise be eligible or entitled under laws administered by the Secretary of Veterans Affairs or the Secretary of Defense.

(o) NATIONAL EXPANSION OF PILOT PROGRAM.—Not later than the completion of the two-year period described in subsection (b), the Secretary of Veterans Affairs shall, in consultation with the Secretary of Defense, expand the pilot program to provide training, certification, and support for eligible family caregivers nationwide unless the Secretary of Veterans Affairs, in consultation with the Secretary of Defense, determines that such revision would be infeasible or inadvisable.

SEC. 4. SURVEY OF INFORMAL CAREGIVERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in collaboration with the

Secretary of Defense, conduct a national survey of family caregivers of seriously disabled veterans and members of the Armed Forces to better understand the size and characteristics of the population of such caregivers and the types of care they provide.

(b) REPORT.—Not later than 540 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Defense, submit to Congress a report containing the findings of the Secretary with respect to the survey conducted under subsection (a). Results of the survey shall be disaggregated by the following:

(1) Veterans and members of the Armed Forces.

(2) Veterans and members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans and members of the Armed Forces who live in rural areas.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) CAREGIVER SERVICES.—The term “caregiver services” means noninstitutional extended care (as used in section 1701(6) of title 38, United States Code), including home-maker and home health aid services.

(3) FAMILY CAREGIVER.—The term “family caregiver” means, with respect to a disabled veteran or member of the Armed Forces, a family member of such veteran or member, or such other individual of similar affinity to such veteran or member as the Secretary prescribes, who is providing caregiver services to such veteran or member for such disability.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 68—RECOGNIZING THE CONTRIBUTIONS OF THE PENNSYLVANIA NATIONAL GUARD IN SERVICE TO THE NATION

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 68

Whereas the Pennsylvania National Guard is one of the largest Guards in the Nation, with approximately 20,000 soldiers and airmen;

Whereas since September 11, 2001, more than 17,000 Pennsylvania National Guard soldiers and airmen have deployed in support of the Global War on Terrorism;

Whereas the Pennsylvania National Guard is supporting the largest deployment of Pennsylvania Guardsmen since World War II;

Whereas the 28th Combat Aviation Brigade (CAB) is preparing for deployment to Iraq in support of Operation Iraqi Freedom;

Whereas the 56th Stryker Brigade Combat Team, now deployed in Iraq, predates the United States Army, traces its lineage to 1747, when Benjamin Franklin organized the

“Associated Regiment of Foot” (currently 1-111th Infantry) in Philadelphia, and is the only unit in the National Guard to field the Stryker vehicle;

Whereas the Pennsylvania National Guard has deployed to more than 30 locations worldwide since September 11, 2001;

Whereas Pennsylvania’s Army Aviation Flight Facility at Fort Indiantown Gap is the first and only National Guard facility in the Nation to achieve the Occupational Safety and Health Administration (OSHA) Voluntary Protection Program “STAR Award” for exhibiting exceptional safety management principles and accident-free flying hours, and effectively demonstrating the implementation of these principles during years-long intensive OSHA inspections;

Whereas in 2008, the Pennsylvania Air National Guard’s (PaANG) 171st Air Refueling Wing flew more than 5,800 flying hours with more than 1,600 sorties flown, representing an 85 percent mission effectiveness rate;

Whereas the PaANG’s 193rd Special Operations Wing flew more than 3,000 hours with more than 1,000 sorties in 2008 and is the only unit in the entire Armed Forces with an airborne psychological operations broadcasting platform;

Whereas the PaANG’s 111th Fighter Wing flew more than 675 close-air support missions and provided more than 2,000 hours of on-station time to coalition forces in Iraq and Afghanistan; and

Whereas soldiers and airmen from Pennsylvania’s Counterdrug Program supported 575 cases that resulted in the seizure of more than \$27,000,000 in illegal narcotics, money, weapons, property, and vehicles directly related to illegal drug sales in 2008: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Pennsylvania National Guard for its meritorious service to Pennsylvania and the Nation;

(2) honors the men and women who serve, or have served, in the Pennsylvania National Guard; and

(3) encourages the people of the United States to thank the Pennsylvania National Guard for its continued service.

Mr. SPECTER. Mr. President. I have sought recognition to recognize the contributions of the Pennsylvania National Guard in service to Pennsylvania and the Nation. Pennsylvania units have taken part in every conflict America has faced since the Revolutionary War, and contributions made by the men and women of the Pennsylvania National Guard to our Nation’s security continue to be nothing short of outstanding. The citizen soldiers and airmen who serve in the Guard have answered the call to serve their Nation both at home and abroad time and time again. I am honored to stand before you to recount some of the Pennsylvania National Guard’s recent accomplishments.

With approximately 20,000 soldiers and airmen in its ranks, the Pennsylvania National Guard is one of the largest National Guards in the Nation. It has the largest Army National Guard and the fourth largest Air National Guard. I commend the Adjutant General of Pennsylvania, Major General Jessica Wright, and Deputy Adjutant Generals, Major General Stephen Sischo and Brigadier General Joseph

De Paul, for ably leading this force that has armories or airbases in 90 communities throughout the Commonwealth.

Since September 11, 2001, over 17,000 Pennsylvania National Guard soldiers and airmen have deployed to over 30 worldwide locations, and the Guard is currently supporting the largest deployment of Pennsylvania Guardsmen since World War II.

I regret that I do not have time to list all of the Pennsylvania National Guard’s accomplishments and accolades. I will briefly highlight accomplishments of individual units within the Pennsylvania National Guard that attest to the impressive quality of the whole.

Currently, the 56th Stryker Brigade Combat Team, an element of the 28th Infantry Division, is deployed in Iraq. The unit, which is the only unit in the National Guard to field the Stryker vehicle, traces its lineage to 1747, when Benjamin Franklin organized the “Associated Regiment of Foot”, currently 1-111th Infantry, in Philadelphia.

Pennsylvania’s Army Aviation Flight Facility at Fort Indiantown Gap is the first and only Army National Guard facility in the Nation to achieve the Occupational Safety and Health Administration Voluntary Protection Program “STAR Award” for exhibiting exceptional safety management principles and accident-free flying hours, and effectively demonstrating the implementation of these principles during years-long intensive inspections.

The Pennsylvania Air National Guard’s 171st Air Refueling Wing, based in Coraopolis and commanded by Brigadier General Roy E. Uptegraff III, flew over 5,800 flying hours with more than 1,600 sorties flown in 2008, representing an 85 percent mission effectiveness rate.

The Pennsylvania Air National Guard’s 193rd Special Operations Wing, based in Harrisburg and commanded by Brigadier General Eric G. Weller, flew over 3,000 hours and over 1,000 sorties in 2008 and is the only unit in the entire Armed Forces with an airborne psychological operations broadcasting platform.

The Pennsylvania Air National Guard’s 111th Fighter Wing, based in Willow Grove and commanded by Colonel Paul Comtois, flew over 675 close-air support missions and provided more than 2,000 hours of on-station time to coalition forces in Iraq and Afghanistan.

The soldiers and airmen from Pennsylvania’s Counterdrug Program supported 575 cases that resulted in the seizure of over \$27 million in illegal narcotics, money, weapons, property and vehicles directly related to illegal drug sales in 2008.

The accomplishments I have enumerated are but a few of the many that the Pennsylvania National Guard can

claim to its credit. Whether through deployments overseas, the deployment of 2,500 Pennsylvania Army and Air National Guard members to support hurricane disaster relief efforts along the Gulf Coast following Hurricane Katrina, or service within the Commonwealth of Pennsylvania, the men and women of the Pennsylvania National Guard have repeatedly answered the call to duty. Their performance has been in keeping with the finest traditions of the military and has reflected great credit upon themselves, the Pennsylvania National Guard, and the United States Military.

I will continue to do all that I can in the United States Senate to ensure that the Pennsylvania National Guard has the necessary equipment, training and facilities to accomplish the missions it is called on to perform both for the Commonwealth and the Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 673. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 673. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 366, line 24, strike "rule." and insert the following: "rule, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained."

MEASURE READ THE FIRST TIME—S. 542

Mr. WARNER. Mr. President, I understand that S. 542, introduced earlier today by Senator REID, is at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill title.

The bill clerk read as follows:

A bill (S. 542) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

Mr. WARNER. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, MARCH 9, 2009

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, March 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. Mr. President, Senators should expect a series of rollovers in relation to amendments to the appropriations bill beginning at 5:30 p.m. Monday.

ORDER FOR ADJOURNMENT

Mr. WARNER. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. WARNER. I ask unanimous consent that the RECORD remain open until 1 p.m. for the purpose of submitting statements and cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2009

The PRESIDING OFFICER. Under the previous order, H.J. Res. 38, having arrived from the House, is considered read three times and passed, and the motion to reconsider is considered made and laid upon the table.

The Senator from Missouri.

Mr. BOND. Congratulations, Mr. President. You have witnessed democracy in action, and that is the most painless way to pass a measure I have seen.

CREDIT CRISIS

Mr. BOND. On a much more somber note, Americans got more bad news today.

For February, our Nation's unemployment rate is now a staggering 8.1 percent. This is the highest unemployment rate in more than 20 years. More than 650,000 jobs were lost in February. These job cuts come on the heels of 655,000 jobs lost in January and another 681,000 jobs lost in December.

This job loss means that what we are doing to solve the economic crisis is not working. This job loss is much more than a bad number for millions of Americans. These layoffs may mean missing a mortgage payment and facing foreclosure. These layoffs may mean not being able to take a sick child to the doctor. These job layoffs may mean not getting enough money to put food on the table.

Right now, in every community across the Nation, workers are losing their jobs. These families are suffering as bills pile up and savings evaporate and businesses are struggling to meet payroll.

After the new administration heralded the passage of their trillion-dollar spending bill as the answer to this economic crisis, some Americans began hoping their economic futures may be turning around. Unfortunately, this crisis is one where we cannot spend our way out.

Until we fix the real root of the crisis, our credit crisis, the hemorrhaging of jobs will not stop. I spoke about this earlier this week, and I will keep speaking about it until policymakers decide to act responsibly.

The President, in his message in the State of the Union, said nothing is going to work until we fix the credit crisis. This latest jobs report is another sad reminder that right now our financial system is not working. Our financial system has become clogged with toxic assets, and until they are removed, fear and uncertainty will continue to dominate the markets and our economy.

Our banking and financial system affects every American's standard of living, our ability to create and maintain jobs, and our ability to compete globally. It is central to all financial and household activities for Main Street America.

Nothing the Government has done, to date, is working. Instead, the previous and the current administrations have been throwing billions in good taxpayer dollars into bad, failing banks. Why hasn't pouring more money into the system worked? Because policymakers are only treating the symptoms rather than the cause.

The good news is, though, we do not have to go back to the drawing board. Under my American Credit Cleanup Plan, the Government can put to work the statutory authorities already in existence and long used by the FDIC, the

Federal Deposit Insurance Corporation, for failed banks. This plan is to take advantage of the lessons we have learned. We saw what works in our Nation's experience during the savings and loan crisis. We also saw what won't work.

During the 1990s, Japan lacked the will to clean up its sick banking system by taking out the toxic assets, and the end result was a "lost decade" during which Japan was stuck in a recession. I, for one, refuse to repeat Japan's mistakes, dooming the Nation's families and workers to a recession any longer and deeper than it takes to clean up the mess.

The first step toward recovery is to identify troubled banks and then remove the banks' toxic assets in a transparent, market-friendly manner that is free from political interference and micromanagement. The toxic assets of the troubled banks would be removed through a temporary conservatorship. Under conservatorship, the first order of business there is to protect the banks' depositors up to the current FDIC guaranteed loan levels. It is essential that we continue to protect American families' investments.

Also, many Americans are understandably angry as policymakers debate lowering pay caps for some execu-

tives who got us into this mess. Well, capping pay or taking away corporate jets isn't enough. Instead, we need to fire the failed executives and the boards of directors that took their businesses and their banks down the tubes.

Next, the Government needs to separate the bad assets from the good and hold the bad assets until the market conditions improve when the value of these assets—a good part of the value of these assets—can be realized. Unlike the current ad hoc approach, my plan also provides an exit strategy. Once you get the bad assets out, you cleanse the toxic assets, then you have the restructured institution which won't continue to call on the taxpayer for more dollars to survive.

I share the bailout fatigue all Americans are feeling, but we cannot afford to ignore the crisis. Failing to act could lead to families being unable to get loans to refinance homes, farmers unable to get credit to buy seed, students unable to get loans to go to school, and businesses unable to get credit to meet payrolls, keep workers, or expand. Our economic recovery depends directly on unlocking the credit system. It is time for policymakers to act.

This action must be a bold, coherent, and smart approach like my American Credit Cleanup Plan. It has to tackle the root cause of the problem—the toxic assets—get them out of the system, and lead us out of this economic crisis and help Americans get back to work. I, for one, say no more throwing good taxpayer money down a rat hole, no more "ad hoc" where we look at the crisis of the day and throw money at some institution that has already depreciated significantly in value in hopes of keeping it afloat. We need to take those institutions, cleanse the assets necessary, get new management, new executives, and put them back in the marketplace to function without Government interference.

Mr. President, I thank the Chair. I yield the floor.

ADJOURNMENT UNTIL MONDAY,
MARCH 9, 2009, at 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, March 9, 2009.

Thereupon, the Senate, at 12:34 p.m., adjourned until Monday, March 9, 2009, at 2 p.m.

HOUSE OF REPRESENTATIVES—*Friday, March 6, 2009*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. DEGETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 6, 2009.

I hereby appoint the Honorable DIANA DEGETTE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord our God, by Your inspiration You draw all toward the light. By Your penetrating grace You sustain us and encourage us to the end.

A common religious practice is to join others in a pilgrimage. Moving together to a common destination may uncover many a pilgrim story. An historic reenactment or a visit to a shrine brings to life again the powerful memory of that first epic journey.

Being on a pilgrimage combines the diversity of motivations into a single purpose. Focused on a common goal, discoveries are made all along the route and a sense of community lifts everyone with the final energy to attain the ascent.

Lord, human life itself is a pilgrimage. As a mental paradigm, pilgrimage can transform weeks of a season, or an academic semester, even a session of Congress, as long as all participants fix their eyes on the prize and help each other give You the glory every step of the way until the final goal is reached. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SENSENBRENNER. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. PALLONE. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

GIVING EVERY AMERICAN THE OPPORTUNITY TO HAVE HEALTH INSURANCE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, yesterday President Obama had a health care summit which I attended, and I must say it was really a great bipartisan opportunity. Essentially on both sides of the aisle Members said that we need health care reform and that we need it now. There may be disagreement about how to achieve that, but everyone agrees this is not something that can be delayed, but needs to be addressed now.

I would also mention there were many people from the business community there, many of those who you might think would not necessarily be interested in reform on this subject. There were insurance companies. There were representatives from NFIB and some of the other business groups. So there is no question in my mind that there is consensus about the need for health care reform.

One of the ways that was stressed to achieve that was through cost efficiency. There is actually too much

money being spent in many ways in not an efficient way; wellness, prevention, comparative effectiveness, new ways of doing things like health information technology to be more effective and utilizing cost measures or efficiencies to bring costs down, and with that money, as well as a new source of revenue, to be able to expand health care so that every American has health insurance.

ENERGY MEANS JOBS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Madam Speaker, in northwest Louisiana energy means jobs. However, the President's recent budget proposal will eliminate more than \$31.5 billion in tax incentives for oil and gas businesses, the vast majority of which are mom and pop businesses.

The loss of depletion allowance and the writeoff of intangible drilling costs will effectively shut down all future drilling for the majority of wells drilled in the continental United States. In a business that is so risky, what is the incentive now to take a risk?

It is the wildcat driller's rugged individualism that has made this industry what it is today, keeping our gas prices and the cost of heating our homes as low as it is today. It could be much higher.

Independent oil men and women in Northwest Louisiana rely on drilling tax incentives to reinvest capital in their companies and hire employees at good salaries. This legislation will drastically hurt small oil and gas business owners in my district and result in major layoffs of personnel.

Less domestic production means more imports, price spikes for consumers at the pump and an increased threat to our national security. Let's take this dangerous anti-jobs and anti-consumer provision out of the budget bill today.

SUPPORT THE MCGOVERN-DOLE INTERNATIONAL SCHOOL FEEDING PROGRAM

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Madam Speaker, there are over 900 million people on this planet who are hungry. Over 300 million of them are children. Of those

children, about half do not go to school.

What we have learned over the years is if we introduce a meal in a school setting, more kids will go to school and more girls will go to school. We have learned that in some of the most volatile parts of the world, parents send their kids to schools that preach religious intolerance not because they want to have their kids learn that, but because they want their kids to eat, and those schools offer a meal.

Today, Madam Speaker, I and a number of others are sending a letter to Secretary Vilsack asking this administration to fully fund the George McGovern-Robert Dole International School Feeding Program. It is our moral obligation, Madam Speaker, to help feed the world's hungry. It is also in our national security interest.

I hope all my colleagues on both sides of the aisle will join with me in supporting the McGovern-Dole School Feeding Program.

PROTECT TAXPAYERS AGAINST FRAUD

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday Congress passed a housing bill that lacked a basic protection for American taxpayers. Republicans offered an amendment that would have prohibited anyone from receiving assistance under the bill if they misrepresented or lied about their income when applying for a mortgage. I had offered a similar amendment last week, but the majority refused to even consider it. They refused to apply this commonsense measure of protection for taxpayers who have already seen trillions of their dollars spent to bail out irresponsible behavior.

As a former real estate attorney, I have seen the tremendous benefits of homeownership. I have also seen the tragedy of foreclosure. No one is advocating that we do nothing. But it appears the good intentions have gotten in the way of good solutions, such as a \$15,000 home purchase tax credit proposed by the Homebuilders Association and Realtors Association. We have to stop rewarding bad behavior with the money of those who played by the rules.

In conclusion, God bless our troops, and we will never forget September the 11th.

DEALING WITH THE PROBLEMS IN PAKISTAN

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, in the three times that I have visited Afghanistan, the commanders in charge of our military-NATO combined effort in Afghanistan have said to the delegation that their problem is across the border in Pakistan, that al Qaeda is not in Afghanistan other than at such times as when the Taliban brings them to engage our soldiers for practice and for training. Yet we see the government of Pakistan entering into an agreement with the Taliban in the Swat in the northern frontier areas of Pakistan to turn that rather large geographical area of Pakistan over to the Taliban and to dismantle the military presence in that area.

What we have seen since this agreement was reached, an accommodation to the Taliban, is that the training camps have expanded, people have been tortured and murdered, the military has removed from the area, checkpoints have been set up so that the Taliban can examine everybody who moves in and out of the area of whether they are pro-Taliban or anti-Taliban, and somehow we are told that this is good for Pakistan and this is good for America. It can't be, and we had better be careful before we send any more money to the Pakistani government.

DOING WHAT IS BEST FOR AMERICA

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Madam Speaker, as Congress approaches the important work of writing a budget, let us remember our friends and neighbors who have lost their jobs and may be living on unemployment; small businesses that are making tough choices, laying people off, struggling to pay for health care and facing huge tax increases; retirees who have lost their significant savings.

Americans have always had a wonderful "can do" spirit. Americans understand responsibility and making sacrifices. Americans are hoping. They are hoping for leaders in Congress to work together and work hard to get the economy going. Back home, from Walla Walla to Colville, during a difficult time people come together to move a community forward.

History has proven that both parties through the years have good ideas, and House Republicans are calling upon President Obama to veto any spending bill that is not consistent with his commitment to fiscal responsibility and ensuring that spending commitments are paid for without burdening our children and grandchildren.

It is not about party, it is a matter of helping people focus on doing what is

best for families, small businesses and the next generation and our future.

GRANTING DEFERRED ENFORCED DEPARTURE FOR LIBERIANS LIVING IN THE UNITED STATES

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, temporary protective status for Liberians living in the United States will expire at the end of this month. In my district, the thriving Liberian community is on edge as this date draws closer. I know many of them personally. They have established homes, they have raised families, they have opened businesses and they have entered the fabric of our community.

While progress has been made in stabilizing Liberia in recent years, it remains a nation still recovering from civil war. Unemployment is near 80 percent. Democracy is in its early stages now, and we all know how challenging that process can be. Many of the same fears and concerns that brought thousands of Liberians here in the first place have not been alleviated.

Liberia is simply not ready to absorb the number of people who will be forced to leave the United States if this deadline is not extended. That is why I sent a letter to President Obama last month urging him to extend the deadline by granting deferred enforced departure for Liberians living in the United States. I am reiterating that call today, and ask my colleagues to join in this important effort.

GETTING OFF THE ROAD TO SOCIALISM

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Madam Speaker, America is on a road that I believe is going to lead to financial destruction and doom. We are being driven down that road by the administration and the leadership of Congress. In fact, NANCY PELOSI and HARRY REID are driving a steamroller of socialism that is being shoved down the throats of the American public and it is going to strangle the American economy. It is going to kill the American public economically.

Republicans have offered alternatives to these huge spending bills that don't create jobs. They create a bigger socialistic central government. We have plans that will create jobs at half the cost and actually create twice the amount of jobs. We have plans to have a comprehensive energy policy. We have plans that will put America back on the right track to financial security and on a track of energy independence

and on a track of the free market system.

We need to get off this road of socialism and get on a road of freedom. I call upon my colleagues in this House to help us to get off the road to socialism and on one towards freedom.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 15 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1013

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. DEGETTE) at 10 o'clock and 13 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 38, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2009

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 111-25) on the resolution (H. Res. 219) providing for consideration of the joint resolution (H.J. Res. 38) making further continuing appropriations for the fiscal year 2009, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.J. RES. 38, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2009

Mr. HASTINGS of Florida. Madam Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 38) making further continuing appropriations for fiscal year 2009, and for other purposes; such joint resolution shall be considered as read; such joint resolution shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Appropriations; and the previous question shall be considered as ordered on such joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfi-

ished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 142, not voting 69, as follows:

[Roll No. 107]

YEAS—220

Ackerman	Frank (MA)	McCollum
Adler (NJ)	Franks (AZ)	McDermott
Andrews	Fudge	McGovern
Baca	Gerlach	McIntyre
Baird	Giffords	McMahon
Baldwin	Gonzalez	McNerney
Barrow	Goodlatte	Meek (FL)
Barton (TX)	Grayson	Meeks (NY)
Bean	Green, Al	Michaud
Berkley	Griffith	Miller (NC)
Biggert	Gutierrez	Miller, George
Bilbray	Halvorson	Mollohan
Bishop (NY)	Hare	Moore (KS)
Blumenauer	Hastings (FL)	Moore (WI)
Boren	Heinrich	Moran (VA)
Boswell	Heller	Murphy (CT)
Boucher	Herseht Sandlin	Murphy, Patrick
Boyd	Higgins	Murtha
Brady (PA)	Hill	Nadler (NY)
Brady (IA)	Himes	Napolitano
Bright	Hinchee	Obey
Brown, Corrine	Hinojosa	Oliver
Buchanan	Hodes	Ortiz
Capps	Hoekstra	Pallone
Capuano	Holden	Pascarell
Cardoza	Holt	Pastor (AZ)
Carnahan	Honda	Payne
Carson (IN)	Hoyer	Perlmutter
Cassidy	Inslee	Peters
Castor (FL)	Israel	Pingree (ME)
Chandler	Jackson (IL)	Polis (CO)
Childers	Johnson (GA)	Pomeroy
Clarke	Johnson, E. B.	Posey
Clay	Kagen	Price (NC)
Cleaver	Kanjorski	Rahall
Clyburn	Kennedy	Reyes
Cohen	Kildee	Richardson
Connolly (VA)	Kilpatrick (MI)	Rodriguez
Conyers	Kind	Rooney
Cooper	Kingston	Ross
Costa	Kissell	Rothman (NJ)
Costello	Klein (FL)	Roybal-Allard
Courtney	Kosmas	Ruppersberger
Crowley	Kratovil	Rush
Cummings	Kucinich	Ryan (OH)
Dahlkemper	Lance	Salazar
Davis (CA)	Larsen (WA)	Sanchez, Linda
Davis (IL)	Larsen (CT)	T.
Davis (TN)	Latham	Sanchez, Loretta
DeGette	Lee (CA)	Sarbanes
Delahunt	Levin	Schakowsky
DeLauro	Lewis (GA)	Schauer
Dent	Loeb sack	Schiff
Dicks	Lowey	Schwartz
Doyle	Lujan	Scott (GA)
Driehaus	Lynch	Scott (VA)
Edwards (MD)	Maffei	Serrano
Ellison	Maloney	Sestak
Eshoo	Markey (CO)	Shea-Porter
Etheridge	Markey (MA)	Sherman
Farr	Marshall	Sires
Filner	Massa	Skelton
Forbes	Matsui	Slaughter
Fortenberry	McCarthy (NY)	Smith (WA)
Foster	McClintock	Snyder

Spratt	Towns	Watson
Sutton	Tsongas	Watt
Tanner	Van Hollen	Waxman
Tauscher	Velázquez	Weiner
Taylor	Visclosky	Welch
Teague	Walz	Wexler
Tierney	Wasserman	Woolsey
Titus	Schultz	Wu
Tonko	Waters	Yarmuth

NAYS—142

Aderholt	Gordon (TN)	Neugebauer
Akin	Granger	Nunes
Alexander	Graves	Nye
Altmire	Guthrie	Olson
Arcuri	Hall (TX)	Paul
Austria	Harper	Paulsen
Bachmann	Hastings (WA)	Pence
Bachus	Hensarling	Peterson
Bartlett	Herger	Petri
Berry	Hunter	Platts
Bilirakis	Inglis	Poe (TX)
Bishop (UT)	Jenkins	Price (GA)
Blackburn	Johnson, Sam	Rehberg
Blunt	Jones	Reichert
Boehner	King (IA)	Roe (TN)
Bonner	King (NY)	Rogers (AL)
Boozman	Kirk	Rogers (MI)
Boustany	Kirkpatrick (AZ)	Rohrabacher
Brady (TX)	Kline (MN)	Royce
Brown (GA)	Lamborn	Ryan (WI)
Burgess	Latta	Scalise
Burton (IN)	Lee (NY)	Schmidt
Campbell	Lewis (CA)	Schock
Cantor	Linder	Sensenbrenner
Capito	LoBiondo	Sessions
Carney	Lucas	Shadegg
Carter	Luetkemeyer	Shuster
Castle	Lummis	Simpson
Chaffetz	Lungren, Daniel	Smith (NE)
Coble	E.	Smith (NJ)
Cole	Mack	Smith (TX)
Conaway	Manzullo	Souder
Crenshaw	Marchant	Stearns
Culberson	Matheson	Stupak
Davis (KY)	McCarthy (CA)	Terry
Diaz-Balart, L.	McCaul	Thompson (CA)
Diaz-Balart, M.	McHenry	Thompson (PA)
Donnelly (IN)	McHugh	Thornberry
Dreier	McKeon	Turner
Ellsworth	McMorris	Upton
Emerson	Rodgers	Walden
Fallin	Mica	Wamp
Flake	Miller (FL)	Westmoreland
Fleming	Miller (MI)	Whitfield
Fox	Mitchell	Wilson (SC)
Frelinghuysen	Moran (KS)	Wittman
Garrett (NJ)	Murphy, Tim	Wolf
Gingrey (GA)	Myrick	Young (FL)

NOT VOTING—69

Abercrombie	Ehlers	Minnick
Barrett (SC)	Engel	Neal (MA)
Becerra	Fattah	Oberstar
Berman	Galleghy	Perriello
Bishop (GA)	Gohmert	Pitts
Boccheri	Green, Gene	Putnam
Bono Mack	Grijalva	Radanovich
Brown (SC)	Hall (NY)	Rangel
Brown-Waite,	Harman	Rogers (KY)
Ginny	Hirono	Ros-Lehtinen
Butterfield	Issa	Roskam
Buyer	Jackson-Lee	Schrader
Calvert	(TX)	Shimkus
Camp	Johnson (IL)	Shuler
Cao	Jordan (OH)	Space
Coffman (CO)	Kaptur	Speier
Cuellar	Kilroy	Stark
Davis (AL)	Langevin	Sullivan
Deal (GA)	LaTourette	Thompson (MS)
DeFazio	Lipinski	Tiahrt
Dingell	Lofgren, Zoe	Tiberi
Doggett	McCotter	Wilson (OH)
Duncan	Melancon	Young (AK)
Edwards (TX)	Miller, Gary	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1042

Mr. SHUSTER changed his vote from "yea" to "nay."

Mr. DENT changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2009

Mr. OBEY. Madam Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 38) making further continuing appropriations for fiscal year 2009, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by striking the date specified in section 106(3) and inserting "March 11, 2009".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous and tabular material on H.J. Res. 38.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this proposition simply keeps the government open until midnight on Wednesday so we can complete our business. I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

I guess you all know that we didn't have to be here today debating yet another extension of a continuing resolution and we certainly didn't have to wait until the fiscal year was almost half over to complete a package of spending bills addressing funding for 2009. And yet here we are, 157 days into the new fiscal year, passing another short-term CR while our work on 2009 bills remains unfinished. Unfinished. What a shame. Madam Speaker, what a shame.

Had the Appropriations Committee been allowed by the Democrat leadership to do its work this year, we could

have easily passed each of the 12 spending bills. Each of the bills would have benefited from Members offering ideas, debate. We actually do have talented Members on both sides of the aisle at the subcommittee level, not allowed to participate in the process.

□ 1045

Whether you are a Republican or a Democrat, liberal or conservative, your rights as a duly elected Member of this body have been belittled by a majority leadership that believes absolute power flows from the top.

Members should have had the opportunity to do what they were elected to do, shape legislation and make sure that their own voices and the voices of their people are heard. Instead, virtually every Member of the House has been shut out of the process of writing this massive \$410 billion spending bill that will govern how taxpayer dollars are spent for the remainder of this year.

The sad irony is that while the House passes another CR that keeps the government running, the Senate is doing what the House could only dream of doing, offering and debating amendments to the omnibus bill. It is no wonder so many Members of the House aspire to serve in the Senate. The Senate is the only place left in the U.S. Congress where legislation is still considered under a reasonably open process.

The Senate has wisely observed what the House has failed to recognize: Not one of the nine bills in the omnibus spending package was ever debated or considered in the House or the Senate. Six of the nine bills in the omnibus were never debated or considered by the full House Appropriations Committee. Senators are doing the right thing by attempting to improve this legislation, which is busting at the seams with too much spending.

The Senate's action last night sends an unmistakable signal that spending fatigue has finally set in. Certainly not in the House, but in the Senate spending fatigue has finally set in. Senators from both parties recognize what the House leadership failed to observe, that the spending in the omnibus is excessive and goes far beyond what our public believes is reasonable and responsible.

Omnibus funding represents a \$32 billion or 8 percent increase over last year for the very same agencies and programs. This represents the largest annual Federal Government spending increase since President Carter served in 1978.

There is a storm brewing out there in the hinterlands, fueled by the public's disdain over the free-for-all spending of the Congress. Hundreds of billions of dollars directed to the stimulus package, Wall Street, auto makers, and the line of folks with their hands out continue to grow. Where does the spending end, Madam Speaker?

It has been said completing the omnibus is merely completing last year's unfinished business. But what a wasted opportunity it is to demonstrate to the American people that this Congress and this administration "gets it," and that we are ready to roll up our sleeves and address government spending going forward. Again, where does the spending end?

The Members of the House have had enough of the "my way or the highway" legislative process that has governed the formulation of the omnibus, the stimulus package and every supplemental bill passed over the last couple of years, and I believe the majority of our Members have had it with the proliferation of spending that will come to define the 111th Congress under this majority.

Madam Speaker, each of us recognizes that extending a CR one more time is an admission of our failure to complete our work on time. It will surely pass, but let's not lose sight that this is simply doing our work in the worst possible way. Again, it didn't have to be this way.

In closing, Madam Speaker, let me say that I don't believe this is Chairman OBEY's fault. While we may disagree over policy and funding levels, we both believe that it is time to get our appropriations process back on track. I look forward to working with the chairman this year and I am hopeful that together we can embrace an open process that allows for the full participation of the Members on both sides of the aisle.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I reserve my time.

Mr. LEWIS of California. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Madam Speaker, the continuing resolution before us today presents us with a golden opportunity to send over to the other body some legislation that does not contain thousands of earmarks, legislation that is not bloated, legislation that is not overspending. We can improve this joint resolution by adopting a motion to recommit to have the continuing resolution go through the end of this fiscal year, meaning September 30th, and that will present the other body with a choice; to keep the government open by passing this continuing resolution through the end of the fiscal year, or continuing going on a bloated, earmark-laden track.

I would hope that we would get the fiscal year 2009 appropriations over with so that the Appropriations Committee can do the work on the fiscal year 2010 budget. The way to save the taxpayers a lot of money, the way to stop all of the earmarks that have been crammed into the omnibus bill that

this House passed last week is to pass a continuing resolution that continues government agencies at their existing spending level through the end of this fiscal year. I would hope that we would have an opportunity to vote on that, and I would enthusiastically support it, as would most of the taxpayers of this country.

Mr. LEWIS of California. Madam Speaker, I am proud to yield 1 minute to the Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding and suggest that this continuing resolution we have on the floor today shouldn't be for the next 4 or 5 days; it really ought to be through the end of this fiscal year, which is September 30th of this year.

I know there are a lot of Members that have a lot of other issues that they would like to include in this, but the fact is that American families are hurting, small businesses are hurting around the country, our economy is hurting, and I think we can help our economy and we can send a strong signal to the American people by extending this spending freeze through September 30th.

Let's show the American taxpayers that we get it. Let's show investors in our American economy that we get it. Because clearly the bill that has been under consideration both here in the House and now in the Senate has a \$30 billion increase over last year's spending and includes nearly 9,000 earmarks, and the way to put all of this to a stop is to just have a spending freeze. Let's show the American people we understand the pain that they are under and show them that we are willing to tighten our belt.

So when we have our opportunity to offer our motion to recommit at the end of this process, there will be an extension of that date through September 30th, with some increases for those in police departments and the FBI and other law enforcement jurisdictions, and it is something that I think is a responsible way forward. I would encourage my colleagues to support the motion to recommit.

Mr. LEWIS of California. Madam Speaker, I am happy to yield 2 minutes to my colleague, the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

To paraphrase the late Admiral James Stockdale from his famous vice presidential debate of nearly 17 years ago, why are we here?

I don't quite get this. I know there will be some who want to blame George Bush or any other Republican out there, but the fact of the matter is, for the first time in a long time, we have a Democratic President, a Democratic House of Representatives and a Democratic United States Senate, and yet we at this moment are dealing with the

possibility of a government shutdown. I just don't quite comprehend this.

The American people, as our Republican leader and my California colleague, the distinguished ranking member of the committee, have said, the American people are hurting. We know very well with the unemployment rate that just came through it today at 8.5 percent, a one-half percent increase over 8 percent, that there are a lot of people who are suffering. We know of individual stories, and I have got to tell you the most painful one for me was to hear of the father of three young teenagers who committed suicide out in California over this.

So, we have a very, very difficult challenge ahead of us, and yet we are sitting here dealing with this issue and a massive increase in spending, which clearly the American people do not want. It is a policy that has failed. It failed throughout the 1930s.

We know what needs to be done, Madam Speaker, for us to get our economy back on track. What we need to do is we need to follow the model that was put forward by John F. Kennedy in 1961, the model of Ronald Reagan in 1981, because those solutions have in fact succeeded in the past. And yet we know that massive increases in spending, as the rest of the world has learned, are not the answer for the future.

I strongly support our effort to keep this spending as low as possible by supporting our motion to recommit.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 3 minutes to the Republican Conference chairman, the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, we come to this well at a very difficult time in the life of our Nation. American families are struggling under the weight of this recession. Millions of Americans are watching as their life savings are evaporating before their eyes. My own family has been touched by the hardship in the housing crisis and by job loss. So I come to this floor with a sense of urgency, and it is a sense of urgency that was confirmed this morning with the jobs report and a startling reality.

But in the midst of these very difficult times, the American people are rising to the occasion. As we speak in this well this morning, millions of Americans are doing in their small businesses, in their family farms and around their kitchen tables what this Congress should be doing. They are finding places to save. They are putting off expenditures that they don't have to make this year to make sure they make ends meet for the priorities in their lives.

Yet this Congress, by this massive omnibus bill, is going on with spending as usual. An 8 percent increase in Federal spending, the largest increase in a

single year since I was in high school in the 1970s, apart from those months following September 11th, is not what the American people expect to see this Congress doing.

"Spending as usual" with thousands upon thousands of earmarks and special projects is not what the American people expect from this Congress during these difficult times. Madam Speaker, they want to see the Congress doing what they are doing, and that is making careful decisions, practicing fiscal discipline and setting aside "business as usual" to confront these challenging times.

□ 1100

And so I rise today to say, let's not just do this continuing resolution for a week but, as others have said, for the rest of this year, let's freeze Federal spending in virtually every area of the government. Let's say no earmarks in the Year 2009.

And it's not a value judgment on the Members who've made those project requests. I, myself, don't request projects of that nature. But it is to say, Madam Speaker, that in these difficult times, we have to do what every American family, every small business owner and every family farmer is doing, and that is making sacrifices and practicing discipline.

I urge my colleagues in both parties to join the minority today in supporting our motion to recommit. It's a motion that would essentially freeze all Federal spending, say to historic increases in spending in these difficult times, no to earmarks, and say yes to the practiced values of millions of Americans in these difficult days.

Mr. LEWIS of California. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, speaking as a partisan Republican, perhaps I should want the President to sign the omnibus bill if it is passed. There may be money for tattoo removal in the omnibus bill, but it won't be easy to remove the tattoo that comes with signing a bill like this, with nearly 9,000 earmarks contained in it.

Now, most of the attention has been put on the silly earmarks like swine odor abatement in Iowa or the tattoo removal in California. But more damaging are the thousands, literally, thousands, Madam Speaker, of no-bid contracts that are contained in this legislation, thousands of congressionally-directed earmarks to private companies, which are no-bid contracts. And that will be a gift for Republicans that will probably keep on giving, because, as they are discovered in this legislation going forward, there are bound to be problems.

Already we know that the Department of Justice is investigating a lobbying firm that secured a number of

earmarks in this legislation for its clients, and then turned around and made campaign contributions to the Members that secured those earmarks. There's an investigation going on right now. And those earmarks are still in the bill.

So, as I mentioned, as a partisan Republican, we probably should say, President, sign this bill. It will be good for us politically because it will be tougher for you to enact your agenda afterwards. But it's not good for the country.

It's not enough for the President to say this is last year's business. He should know that most of the bills contained in this omnibus spending measure didn't even go through the full committee process. Nearly 9,000 earmarks, most of them were air-dropped right at the end. We didn't see them last year. We saw most of them only 48 hours this year before the bill was signed. We had no ability to challenge any of them. So saying that is last year's business is simply not accurate.

Even if it were last year's business, let's take that analogy a little further. Iraq policy. If the President were to say—

The SPEAKER pro tempore (Mrs. TAUSCHER). The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman an additional 30 seconds.

Mr. FLAKE. If the President were to say, you know, this Iraq policy that was last year's business, I've inherited it. I'm just going to continue it, continue with the status quo. But he's not, nor should he. He is the President. His signature will go on the bottom of this bill, and he shouldn't sign it.

We should enact a long-term, 1-year CR and fund the government at last year's levels. Let's act on the fiscal responsibility that we all say that we are for.

Mr. LEWIS of California. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Indiana, my classmate, DAN BURTON.

Mr. BURTON of Indiana. You know, the people of this country, Madam Speaker, are not only hurting, they're mad as hell. They're losing their jobs. They're losing their homes. And then they look at Washington, D.C., and they see us spending this country right down the tubes.

They worry about their kids and their grandkids and what kind of a life we're going to leave for them with higher taxes and huge amounts of inflation because we're blowing so much money right now. And they say, why are they doing that? Why don't they freeze spending? Why don't they live like I have to live back in my district, back in my home?

\$787 billion, ultimately over \$1 trillion in the stimulus, \$410 billion in this bill, a budget of \$3.9 trillion, with a \$635 billion down payment on a new

health care plan that's going to lead to socialized medicine and probably bankrupt the country down the road.

The people of this country want us to do our job. They want us to make sure that they have a better quality of life. They want to make sure they have lower taxes and they can send their kids to school and not have to worry about not having the money to do it.

And what are we doing here?

We're blowing their money over and over again, trillions of dollars, and putting them in a bigger and bigger hole.

My good friends on the Democrat side, I hope they'll listen to the people of this country. I hope you'll listen.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, here we are, March 6, doing what the Democrats should have done at the fiscal year closing on October 1. Now, I understand they were intimidated by George Bush and did not want to pass a budget out of the Democratically-controlled House or Senate. But they've now been in control of all three, House, Senate and White House, for 6 weeks, and nothing has been done.

Well, there have been some things done. For example, they had time to create 31 new Federal programs. They've had time to do some paybacks, political paybacks to their union supporters through executive orders. They've had time to entertain Stevie Wonder at the White House, to have the Nation's Governors into the White House for a little conga line dancing and, of course, they've had time to attack Rush Limbaugh.

Meanwhile, since election day the Dow has dropped 1,300 points, wiping out people's college education accounts and retirement savings. Unemployment is now above 8 percent. And yet, today, we're going to pass, or we're trying to pass a continuing resolution because we can't do what should have been done by the Democrat leadership October 1st.

This bill, by the way, is \$410 billion. It's an 8 percent increase. When combined with the \$790 billion stimulus package, that represents an 80 percent increase in Federal spending in 1 year. You know, if it worked, we would be in great shape because, under President Bush we passed a stimulus package. And I voted against that one. Fannie Mae, \$200 billion, that stimulus package last year, \$168 billion, AIG now up to \$180 billion, Bear Stearns, \$29 billion, the Wall Street bailout, \$700 billion. If spending worked, we would have the economy turned around by now. We would be in great shape. But it doesn't work.

Let's reject this 80 percent increase in Federal Government spending. Let's do things to create jobs and rescue the savings of America's middle class.

Mr. LEWIS of California. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. At a time when Americans are more concerned than ever before about the security of their job, about their next paycheck, about the strength of the American economy, at a time when everyone in Congress should be focused on protecting the American economy from sliding deeper into recession, the new majority in Congress is focused on spending more money and less time than any Congress in U.S. history.

These first 32 days that the new majority has been in control have been focused on, in many ways I'm reminded of what used to happen when a conquered city fell to a conquering army. The army was given 3 days to pillage.

This is like an unrestrained, absolutely unrestrained spending spree that we've never seen before in our history. We have, in these 32 days, the new majority in Congress has spent about \$1.6 trillion, \$800 billion in the stimulus package, \$400 billion with this omnibus here in front of us, \$350 billion with the additional TARP funds, at least \$65 billion in the new SCHIP children's health insurance bill.

We are spending money we do not have. We're borrowing money to pay off borrowed money. It is as though the new majority were paying off America's mortgage with a credit card. And everyone in America understands that this defies common sense. It defies all reason. No one in their private life would engage in conduct like this. And we, at a time of economic peril for the Nation, should not engage in it in Congress.

We, in the minority, the fiscal conservatives, have not only fought as politely as thoughtfully and carefully as we can this spending, but today we're offering a clear choice to the Congress and the country. We fiscal conservatives are offering an alternative to freeze Federal spending for the remainder of the fiscal year with a continuing resolution. It's called freeze current spending. That's common sense. It's something everyone in America can understand, that at home, in our businesses, and certainly when it comes to protecting the Treasury of the United States of America, we must not spend more than we bring in.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 30 additional seconds.

Mr. CULBERSON. We cannot spend more as a Nation than we bring in in revenue. We're already on a national credit card. And no matter who I talk to, in an E-town hall meeting last night, people back home who have never been involved in politics before are paying attention closely to this debate. And today we fiscal conservatives in the minority are offering a very simple, clear choice.

Our alternative today, the motion to recommit, the vote that will be taken

today, America, on the motion to recommit, a "yes" vote to recommit is a vote to keep spending flat for the rest of the fiscal year and exercise fiscal restraint. A "no" vote is to continue this unrestrained spending spree which will bankrupt our children.

Mr. LEWIS of California. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Speaker, the President last week held a fiscal responsibility summit. A week before that he had come to these Chambers to call and implore us for fiscal responsibility. Then last Thursday he rolls out a budget that's anything but fiscally responsible.

Following his speech the other night I was asked what I thought, what I wished he was going to say, actually before he spoke. What I wished he would have said is we've got some hard choices ahead of us, very difficult financial statements to be made; that we're going to start those with this statement: We're going to hold spending for the rest of fiscal 2009 to the numbers that were there in fiscal 2008. All of these new programs weren't in existence before we started. This Nation will get along without them if we don't have them in place.

And so the President could have made a great statement toward beginning this hard, arduous, difficult task of beginning to spend less money out of this Federal Government than we are currently contemplating.

I would call on my colleagues across the aisle to back the President up on his fiscal tough concepts and fiscal tough decisions that he wants to make by starting with this one. This is probably the easiest hard choice to make that we're going to have across these next months, and that is, let's just leave the rest of 2009 to spend at the exact levels we're spending right now. No increases from the \$31 billion that are contemplated in this bill.

The sad truth is the economic stimulus package that was passed includes additional monies to be spent on these exact line items. The numbers I saw was that, combined with this \$30 billion, that increased a total of \$301 billion of extra discretionary spending in Fiscal 2009 as a result of the stimulus and as a result of this passage of this omnibus bill of the continuing resolution.

I urge my colleagues to vote for the motion to recommit. Let's hold this spending at this year's levels. That's the easiest hard choice that we have to make. And there are lots of hard choices on the horizon. Let's start with that today and begin the process of reining in Federal spending with this vote.

And I urge passage of the motion to recommit here shortly.

Mr. LEWIS of California. Madam Speaker, I have no additional speakers.

I must say that, as I rise to at least close my side of this discussion, I know that my chairman has to be very, very frustrated to find ourselves this far into the next fiscal year's work, finally passing 9 out of 12 of our appropriations bills from last year, I mean, all lumped into a big package, none of which have had any hearings on the full committee.

The Appropriations Committee members, Democrats and Republicans, presume themselves to have some individual expertise, but we never call upon them. We certainly wouldn't want to call on their fine staff to provide the sort of input that would reflect the finest of the Congress.

I must say, I'm working very hard with my chairman to get us back on regular order for the 2010 appropriations bills that are going to be ahead of us. We're actually going to have subcommittee hearings, Madam Speaker. We actually are probably going to have full committee hearings. We're going to call upon Democrat Members to provide some input regarding what the details are of their bills. Interesting process to get back to that regular order.

But having said that, Madam Speaker, we've taken much too much time and, because of that, I'm very happy to yield back the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I don't know how many of us remember the old song, "Shine on Harvest Moon." I'm reminded this morning more of "Whine on Harvest Moon" when I hear some of the complaints lodged about budget practices by our friends on the other side of the aisle.

□ 1115

I also am tempted to ask where on Earth is Herbert Hoover, but then I come to the realization, which is obvious, that he is alive and well, and resides in the House Republican caucus.

I find it strange to be lectured by folks on that side of the aisle, the folks who did such a "brilliant" job of running this institution and in running this economy and in running this country for the last 8 years. I find it interesting to be lectured on fiscal responsibility by people who borrowed \$1.2 trillion in order to pay for tax cuts, primarily for the wealthiest people in this country, all on borrowed money. I find it interesting to be lectured by people who managed to borrow almost \$1 trillion so far to fund what I regard as the most avoidable and dumbest war in American history, in Iraq, who paid for the whole war on the cuff. I find it ironic to be lectured about earmarks by the party that spent twice as much money on earmarks as we are spending since we took over and reformed the earmarking process. I also find it interesting to be lectured about economics by the folks who presided over a gov-

ernment which, in the words of FDR, was frozen in the ice of its own indifference while 90 percent of all of the income growth in this country in the past 8 years went into the pockets of the wealthiest 10 percent of people in our society, leaving everybody else to struggle for table scraps.

So I do find all of that interesting, but I don't find it particularly productive, and I think we ought to get back, not to what we don't like or do like about what has happened in this institution, but I think we ought to focus instead on what is happening outside this institution to average Americans all over the country.

As has been noted several times this morning, the recent figures out of the Labor Department now indicate that unemployment has now risen above 8 percent. We're told by the most reputable economists in the country that it's liable to rise above 10 percent or even significantly worse. We see almost 700,000 new workers who are unemployed today in comparison to last month. We have lost 3 million jobs since the Democratic Party in the House tried to produce the first economic stimulus bill, modest though it was, in September of last year.

We are now debating a bill which is \$20 billion for education, for health care, for science, and the like, which is \$20 billion above the budget request made by President Bush last year. That sounds like a lot of money until you compare it to the \$200 billion that this economy has already lost because of its shrinkage just in the last 3 months of last year, and that \$20 billion in increased government funding looks mighty small in comparison to the \$200 billion more that we expect to have seen the economy shrink by in the first 3 months of this year, leaving a total hole in the economy for just that 6-month period of \$400 billion.

We are trying in this bill to provide the funding, which was the base for the stimulus bill that we passed just 3 weeks ago in this place, and they are intimately related to each other. This is an integral part of what we did in the stimulus package, which is supported by the American people in the most recent polls by well over 60 percent of the American public. They understand, when the economy is contracting at a record rate, squeezing millions of Americans out of the circle of prosperity, that we've got to respond to try to reinflate that economy again, and so this bill plays a small but crucial role in doing that.

Now, our friends on the other side of the aisle say we should just do a full year's CR. Well, if you do, you will come in virtually, identically, very close, at least, to President Bush's budget request for these programs. I don't think in a time of near economic collapse that we want to do that.

I don't believe that we want to eliminate the funds in this bill that are

meant to deal with the Social Security/disability backlog. I don't believe that we want to see the Federal Housing Administration cease to have the ability to issue mortgage insurance in April, as would be the case if we simply provided funding at the level that our friends want us to provide under their motion to recommit. I don't believe that we should follow a course of action which would mean that we could provide no new targeted vouchers for disabled and homeless veterans. I don't believe that we should eliminate the \$37 million that we have in this bill to enhance enforcement, oversight and investor protections at the Securities and Exchange Commission.

Neither do I believe that we ought to cut these programs to the level supported and requested by President Bush last year. If we did that, we would be cutting the Job Corps by \$46 million. We would be eliminating the employment service grants. We would be cutting senior jobs programs by \$172 million. We would be eliminating vocational education. We would be terminating the Community Services Block Grant program and so many others.

So I think the point is obvious. We really have operating here two different parties with two different visions for the future of this country, and we believe that when the private sector is essentially collapsing, as it is right now, that the government has an opportunity to step in and do what it can through fiscal policy and through supporting crucial programs, such as contained in the omnibus bill, so that we can counter the economic destruction that's going on in the private sector of the economy. That is what this bill tries to do.

If Members are more comfortable with the idea that we should simply glide along, do nothing and stick to the way we did things last year, be my guest. I don't think that's going to help the economy very much. I don't think it's going to impress the American people very much.

So I would urge the rejection of the motion to recommit when it's offered, and I would urge the passage of this resolution. In the end, the passage of this resolution is necessary in order to keep the government open, and that's what we ought to do today by passing this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House today, the joint resolution is considered read, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. LEWIS of California. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. LEWIS of California. I certainly am, Madam Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the joint resolution H.J. Res. 38 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendments:

Page 1, beginning on line 5, strike "March 11, 2009" and insert "September 30, 2009".

At the end of the joint resolution, add the following new sections:

SEC. 2. Section 122 of the Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by striking "\$5,396,615,000" and inserting "\$5,595,754,000".

SEC. 3. Section 123 of the Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by striking "\$1,245,920,000" and inserting "\$1,295,319,000".

SEC. 4. Section 158 of the Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by adding at the end the following new subsection:

"(c) Notwithstanding section 101, the maximum Pell Grant for which a student shall be eligible during award year 2009-2010 shall be \$4,860."

SEC. 5. The Consolidated Appropriations Resolution, 2009 (division A of Public Law 110-329) is amended by inserting after section 174 the following new sections:

"SEC. 175. Notwithstanding sections 101 and 102 of this joint resolution, amounts are provided for 'Department of Justice—Federal Bureau of Investigation—Salaries and Expenses' at a rate for operations of \$7,147,700,000.

"SEC. 176. Notwithstanding section 101 of this joint resolution, amounts are provided for 'Department of Justice—Drug Enforcement Administration—Salaries and Expenses' at a rate for operations of \$1,939,084,000.

"SEC. 177. Notwithstanding section 101 of this joint resolution, amounts are provided for 'Department of Justice—United States Attorneys—Salaries and Expenses' at a rate for operations of \$1,836,336,000.

"SEC. 178. Notwithstanding section 101 of this joint resolution, amounts are provided for 'Department of Justice—Bureau of Alcohol, Tobacco, Firearms, and Explosives—Salaries and Expenses' at a rate for operations of \$1,054,215,000.

"SEC. 179. Notwithstanding section 101 of this joint resolution, amounts are provided for 'United States Marshals Service—Salaries and Expenses' at a rate for operations of \$950,000,000.

"SEC. 180. In addition to amounts otherwise provided by section 101, an additional amount is provided for 'Department of Justice—State and Local Law Enforcement Assistance' for the State Criminal Alien Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C.1231(i)(5)), at a rate for operations of \$420,000,000.

"SEC. 181. Notwithstanding section 101 of this joint resolution, amounts are provided for 'The Judiciary—Courts of Appeals, District Courts, and other Judicial Services—Salaries and Expenses' at a rate for operations of \$4,801,369,000.

Mr. OBEY (during the reading). Madam Speaker, I would ask unani-

mous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion.

Mr. LEWIS of California. Golly, Madam Speaker, I had really hoped we could read that entire thing, but on the other hand, I certainly wouldn't want to interfere with this speedy process we're going through.

Madam Speaker, I do have a motion to recommit at the desk. I must say that, following that very small bill as described by my chairman, which is only \$410 billion on top of \$800 billion, it's a shame we can't quite spend enough of the folks' money.

My chairman refers often to one who appears to be his favorite President, President Franklin Delano Roosevelt, who clearly, for all of us, demonstrated that throwing money at problems to try to solve them was not the answer to those problems.

Anyway, Madam Speaker, going back to my motion to recommit, today we find ourselves in a difficult situation where we must vote on a CR to allow the government to operate while we wait for the Senate to pass this flawed omnibus appropriations bill.

The quandary we face today is a symptom of the larger problem. When Congress engages in regular order where we consider and pass individual appropriations bills on time and under an open process, these massive omnibus bills and continuing resolutions are just simply not needed. However, we are between a rock and a hard place, and this motion to recommit is the best solution to that.

Instead of punting for yet another few days, this motion takes care of the problem now by providing funding for the rest of the fiscal year at an adequate and restrained level while we consider the other huge packages that are coming forth from this leadership. This motion to recommit extends the current funding levels for all government agencies and programs with certain exceptions.

I must mention as I talk about the exceptions: The other side, but particularly my chairman, loves to talk about cuts from cuts. The public should understand that those cuts really are talking about cuts from wished-for increases in spending from the previous fiscal year. In about 90 percent of the cases, that is the case.

These exceptions include law enforcement programs in our package like the DEA, the FBI, U.S. Attorneys, the Judiciary, and the detention programs such as the State Criminal Alien Assistance Program, which helps local communities with the costs associated with the incarceration of illegal aliens.

These programs will receive limited and necessary increases to maintain public safety. This motion also allows the Pell Grant increase approved in the enacted stimulus bill to move forward into next year.

Madam Speaker, a year-long continuing resolution with these exceptions is the best option. It will maintain critical government services at a sufficient level while saving the taxpayers between \$15 billion and \$18 billion compared with our Democratic leadership's 2009 spending plan. It is time to move forward with the work of this new Congress and, once and for all, close out 2009 and its appropriations process. This motion will allow us to do this immediately and responsibly and without massive spending increases that the taxpayers cannot afford.

As we begin the work of the 2010 appropriations process, it is my hope and, I believe, the commitment from my leader that we can work together in a bipartisan way to complete our annual work on time and under regular order. That is even with subcommittee hearings—my goodness—and with full committee hearings. This includes asking the Democrat and Republican members of the Appropriations Committee to participate individually, even talking to their staffs once in a while in a professional way. That would be, indeed, a wonderful change to return to regular order.

So, with that, Madam Speaker, I appreciate your accepting my motion to recommit.

I yield back the balance of my time.

□ 1130

Mr. OBEY. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Speaker, I yield to the distinguished majority leader.

Mr. HOYER. I thank the gentleman for yielding.

We have one option here because the government will shut down tomorrow by action of this Congress. And so our alternative is to keep the government operating, to defend our people in many ways, continue health care in many ways, to make sure that the services that are needed and available for our citizens remain so.

The Senate has already deemed the gentleman from Wisconsin's motion to be passed. Why? Because they've gone home. They're not here.

I urge every Member to reject this motion to recommit. Why? Because it will be objected to by at least one Senator, and therefore, the government will shut down.

Pending before the Senate is an appropriation bill passed by this House to fund government and to apply the resources of our country to our country's

priorities. The gentleman from California knows that we had to do that numerous times under his chairmanship. Sometimes we passed those bills in January, sometimes we passed them in February, having a very large number of bills because the regular order was not effected within the time frame set forth. He did not like that. I did not like it. We don't like it as a process. None of us like this process, and hopefully we will have the cooperation of both sides so that it is not affected again.

But we have pending in the Senate a bill, the omnibus bill, and let me read to you the quote of the Republican leader of the United States Senate:

"If we want to do a bill immediately, again, my recommendation is the omnibus appropriations bill." Hear me. This is Senator MITCH MCCONNELL, the Republican leader.

"These were nine bills that were not passed by October when they should have been passed." I agree with that.

"They are ready to go," he said. "They've already been vetted by both sides," he said, "would pass on an overwhelming, bipartisan basis," he said, "and much of that spending, George"—he was speaking to George Stephanopoulos—"would be on things similar to what the President may be asking for in that package."

He was accurate then; he's accurate now. But unfortunately, the Senate did not effect the passage of this bill in a timely fashion, although they have had it for a significant period of time.

And so the chairman of the Appropriations Committee is confronted with but one option because the option that is offered on the other side will not receive unanimous consent. And the Senate, as I said before, has gone home.

And so I say to all of my colleagues on our side of the aisle, we need to pass this motion, and we need to reject the motion to recommit. And responsibly, there is not another option.

So I ask all, on both sides of the aisle, to give us the opportunity to move forward, to keep the government open, and to continue the debate that the Senate apparently wants to continue to have. The minority does not have the votes in the Senate to do what they want to do. The majority will vote for the omnibus appropriations bill. This is not a question of whether the majority of the Senate is for it, it's a question of whether the minority will stop its passage.

We can be here Saturday and Sunday and Monday and heaven knows how long, but it will not change the fact that confronts us.

Reject this motion to recommit that will not be approved by the Senate, pass the short-term continuing resolution proposed by the chairman, and let us come back next week and work the will of this House and the Senate.

Mr. OBEY. Madam Speaker, I urge opposition to the motion, and I urge passage of the resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEWIS of California. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 160, noes 218, not voting 53, as follows:

[Roll No. 108]

AYES—160

Aderholt	Gerlach	Mitchell
Akin	Giffords	Moran (KS)
Alexander	Gingrey (GA)	Murphy, Tim
Altmire	Gohmert	Myrick
Austria	Goodlatte	Neugebauer
Bachmann	Granger	Nunes
Bachus	Graves	Nye
Bartlett	Guthrie	Olson
Barton (TX)	Hall (TX)	Paul
Biggart	Harper	Paulsen
Bilbray	Hastings (WA)	Pence
Bilirakis	Heller	Petri
Bishop (UT)	Hensarling	Platts
Blackburn	Herger	Poe (TX)
Blunt	Hoekstra	Posey
Boehner	Hunter	Price (GA)
Bonner	Inglis	Radanovich
Boozman	Jenkins	Rehberg
Boustany	Johnson, Sam	Reichert
Brady (TX)	Jones	Roe (TN)
Broun (GA)	King (IA)	Rogers (AL)
Buchanan	King (NY)	Rogers (MI)
Burgess	Kingston	Rohrabacher
Burton (IN)	Kirk	Rooney
Campbell	Kline (MN)	Royce
Cantor	Lamborn	Ryan (WI)
Capito	Lance	Scalise
Carter	Latham	Schmidt
Cassidy	LaTourette	Schock
Castle	Latta	Sensenbrenner
Chaffetz	Lee (NY)	Sessions
Childers	Lewis (CA)	Shadegg
Coble	Linder	Shuster
Cole	LoBiondo	Simpson
Conaway	Lucas	Smith (NE)
Crenshaw	Luetkemeyer	Smith (NJ)
Culberson	Lummis	Smith (TX)
Davis (KY)	Lungren, Daniel	Souder
Dent	E.	Stearns
Diaz-Balart, L.	Mack	Terry
Diaz-Balart, M.	Manzullo	Thompson (PA)
Donnelly (IN)	Marchant	Thornberry
Dreier	McCarthy (CA)	Tiahrt
Ellsworth	McCaul	Turner
Emerson	McClintock	Upton
Fallin	McCotter	Walden
Flake	McHenry	Wamp
Fleming	McKeon	Westmoreland
Forbes	McMorris	Whitfield
Fortenberry	Rodgers	Wilson (SC)
Fox	Mica	Wittman
Franks (AZ)	Miller (FL)	Wolf
Frelinghuysen	Miller (MI)	Young (AK)
Garrett (NJ)	Minnick	Young (FL)

NOES—218

Ackerman	Bean	Boucher
Adler (NJ)	Becerra	Boyd
Andrews	Berkley	Brady (PA)
Arcuri	Berry	Braley (IA)
Baca	Bishop (NY)	Bright
Baird	Blumenauer	Brown, Corrine
Baldwin	Boren	Butterfield
Barrow	Boswell	Capps

Ms. WOOLSEY, Mr. McMAHON, Ms. HERSETH SANDLIN, Messrs. MURTHA, GUTIERREZ, Mrs. CAPPS and Mr. JOHNSON of Georgia changed their vote from "aye" to "no."

□ 1207

Mr. PENCE changed his vote from “no” to “aye.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McDERMOTT. Madam Speaker, I was unable to vote on H.J. Res. 38. Had I been able to vote, I would have voted “aye” on this resolution and “no” on the motion to recommit.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas The Hill reported on February 10, 2009, that “a top defense-lobbying firm” that “specializes in obtaining earmarks in the defense budget for a long list of clients” was “recently raided by the FBI.”;

Whereas the Associated Press reported on February 25, 2009 that the “FBI searched the lobbying firm . . . and the residence of its founder . . .”;

Whereas The Hill reported on March 4, 2009, that the firm “has given \$3.4 million to 284 Members of Congress”;

Whereas Politico reported on February 13, 2009, that “federal investigators are asking about thousands of dollars in campaign contributions to lawmakers as part of an effort to determine whether they were illegal ‘straw man’ donations.”;

Whereas Roll Call reported on February 20, 2009, that they have “located tens of thousands of dollars worth of [the raided firm]-linked donations that are improperly reported in the FEC database.”;

Whereas Roll Call also reported that “tracking Federal Election Commission records of campaign donations attributed to [the firm] is a comedy of errors, misinformation and mysteries, providing more questions than answers about how much money the lobbying firm actually raised for Congressional campaigns.”;

Whereas CQ Today reported on February 19, 2009, that “104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills,” and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas The Hill reported on February 10, 2009, that in 2008 clients of this firm had “received \$299 million worth of earmarks, according to Taxpayers for Common Sense.”;

Whereas The Hill reported on February 23, 2009, that “clients of a defense lobby shop under investigation are continuing to score earmarks from their patrons in Congress, despite the firm being on the verge of shutting its doors permanently” and that several of the firm’s clients “are slated to receive earmarks worth at least \$8 million in the omnibus spending bill funding the federal government through the rest of fiscal 2009 . . .”;

Whereas the Washington Post reported on June 13, 2008, in a story describing increased earmark spending in the House version of the fiscal year 2009 defense authorization bill that “many of the earmarks serve as no-bid contracts for the recipients.”;

Whereas the Associated Press reported on February 25, 2009, that “the Justice Department’s fraud section is overseeing an investigation into whether [the firm] reimbursed some employees for campaign contributions to members of Congress who requested the projects.”;

Whereas Politico reported on February 12, 2009, that “several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.”;

Whereas House Resolution 189, instructing the Committee on Standards of Official Conduct to investigate the relationship between earmark requests already made by Members and the source and timing of past campaign contributions, was considered as a privileged matter on February 25, 2009, and the motion to table the measure was agreed to by recorded vote of 226 to 182 with 12 Members voting present;

Whereas House Resolution 212, instructing the Committee on Standards of Official Conduct to investigate the relationship between earmark requests already made by Members on behalf of clients of the raided firm and the source and timing of past campaign contributions, was considered as a privileged matter on March 3, 2009, and the motion to table the measure was agreed to by recorded vote of 222 to 181 with 14 Members voting present;

Whereas the reportedly fraudulent nature of campaign contributions originating from the raided firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of the institution; and

Whereas the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards of Official Conduct from taking investigative steps: Now, therefore, be it

Resolved, That (a) the Committee on Standards of Official Conduct, or an investigative subcommittee of the committee established jointly by the chair and ranking minority member, shall immediately begin an investigation into the relationship between earmark requests for fiscal year 2009 already made by Members on behalf of clients of the raided firm and the source and timing of past campaign contributions related to such requests.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ADJOURNMENT TO MONDAY, MARCH 9, 2009

Mr. CONNOLLY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

APPOINTMENT OF MEMBERS TO MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) and the order of the House of January 6, 2009, the Chair announces the Speaker’s appointment of the following Members of the House to the Migratory Bird Conservation Commission:

Mr. DINGELL, Michigan
Mr. WITTMAN, Virginia

□ 1215

JAMES BUTLER BONHAM

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, today, March 6, is an important day in not only Texas’s history but American history because this is the day that the Alamo fell with 187 volunteers from all States in the United States and numerous foreign countries. Even though all of the defenders of the Alamo were killed, ten times that number was killed on the enemy side, the invading Mexican army.

March 2, earlier this week, was the day that Texas declared independence from Mexico. And during that final successful battle at San Jacinto, Texas gained independence and was a free and independent nation for over 9 years.

There are many Texas heroes, remembering, of course, they came from all over the world, at the Alamo. We’ve heard about William Barret Travis, the commander; Davy Crockett; Jim Bowie. We later hear about Sam Houston at the battle of San Jacinto.

But we often don’t remember a person by the name of James Butler Bonham. A 29-year-old, he was from the University of South Carolina, grew up in Red Bank, South Carolina. He was a boyhood friend of William Barret Travis. And it was his job, along with Juan Seguin, to try to seek out reinforcements to the Alamo. He would

break through enemy lines numerous times to try to bring people to come in aid at the Alamo. He was successful in bringing 32 men from Gonzales. He breaks through the lines his final time, goes to Washington-on-the-Brazos to try to get more recruits. They refused to go because they were trying to build a government. And when he left that time on March 3, he made the report that "I will report back to my friend William Barret Travis or die in the attempt that no one is coming." He broke through the enemy lines one last time, and 3 days later, he and the other 186 defenders of the Alamo gave the ultimate sacrifice for freedom.

Another example in American history of the character and integrity of people who have lived before us that believe some things are worth fighting for and one of those is freedom, liberty, and independence.

And that's just the way it is.

TRIBUTE TO WADAHAWA SINGH GILL

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Madam Speaker, I rise today in tribute to Rev. Wadahawa Singh Gill, who passed away last week at age of 87.

For many years Rev. Gill was the spiritual leader of the Sikh community in Northern California. He was an amazing man who not only ministered to the more than 100,000 Sikh faithful in the Sacramento region. He made himself a bridge between the Sikh community and the general public.

No religious group has suffered more at the hands of Islamic extremists than the Sikhs; yet because the turban is part of their traditional Sikh clothing, his parishioners have suffered greatly from public reaction after the attack of September 11.

It was Rev. Gill who reached out across that gulf of misunderstanding and began a remarkable process of assimilation that has made Sacramento's Sikh community an integral part of interfaith life in Northern California.

His spiritual leadership will live on not only in the many books that he published but through the example that he set for those of all faiths who share the Sikh tradition of peace, tolerance, and goodwill to mankind.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. TITUS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE STOCK MARKET RECOVERY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, it is increasingly clear that the stock market is voting against many of the policies put forward by this Congress. With stocks falling to 12-year lows, we have to reexamine the policies that we are pursuing here and ask are they not helping and potentially actually hurting our future?

In past years losses in the stock market hurt Americans indirectly. Most people in the middle class did not own stock or rely on it for their retirements. But today after the rise of the individual retirement accounts and the investor middle class, losses in the market directly affect the income and especially the retirement savings of many Americans.

Now, in this Congress we have embraced a high-spending, high-borrowing, high-tax future for the American economy. As the details of our plans became clear, America's long-term investments rapidly declined in value. If the losses sustained in recent days continue, then the market DOW increase would actually fall to zero by this summer.

In my judgment, it's time to reassess, in a truly bipartisan way, the legislation that we need to improve our policies towards the long-term future of our economy, towards investors and especially equities on the stock market.

Recently, I joined Congressman GARY ACKERMAN, Democrat from New York, to back legislation that would reimpose the uptick rule and suspend the current application of the mark-to-market rule. These two reforms, and a ban on issuing insurance to buyers who have no insurable interest in property, would do a great deal to reassuring our markets. These reforms would not directly confront the policies of President Obama or his current vision; they would actually add to his policies, and they would quickly act to reassure markets, right now on a downward asset spiral that is crippling both credit and equity markets.

On the mark-to-market rule, look at what a typical transaction looks like today. We know that 90 percent of mortgages are being paid on time and in full. But any collection of mortgages right now, if bunched together, will have a market value of zero; even though 90 percent of the mortgages are paid; even though for the 10 percent of homes where mortgages are not paid, the mortgage owner would be able to foreclose on the property, taking control of land and potentially a house or buildings that do have a value. The current mark-to-market rule is generating the wrong answer, that these assets actually do not have zero value. But because the mark-to-market rule forces accountants to place a zero value on these assets, there is a down-

ward spiral in banking and financial equities that is ruining our long-term retirement savings.

We faced this problem in the past. President Roosevelt, when he faced this problem actually five times worse than the one we face today, put forward the Home Owners' Loan Corporation that looked at this problem in which half of all mortgages, not 10 percent, were in trouble. And what he said was this, through the Home Owners' Corporation: We would look at a more bureaucratic formula of the rental value of a property, of its underlying salvage value, or of a value of other properties that did have a market in recent days in which we looked at the sales over a longer period of time. The answer that was generated by the Home Owners' Loan Corporation showed that the asset actually did have a value and stopped the downward spiral of the market.

Right now we need to impose a formula well understood in the 1930s that would generate the correct answer, that a collection of mortgages, 90 percent of which are paid, do not have zero value and therefore should suspend the mark-to-market rule to prevent the attack on equities today.

Likewise, with the mark-to-market rule generating the wrong answer, calling assets which actually have a value being valueless, we should reimpose the uptick rule to prevent the sustained negative attack on equities that are going on, driving a number of public companies who have substantial values into bankruptcy.

Lastly, we should look very carefully at credit default swaps, engineered and put forward most strongly by AIG. We need to prevent anybody from buying insurance on an underlying asset of which they have no interest whatsoever.

Next week I will introduce the Stock Market Recovery Act. It will include these reforms to stop this downward spiral. We have spent enough. We have added \$2 trillion in debt. Now we need these commonsense, bipartisan reforms to send a different signal to the stock market.

GOVERNMENT SPENDING AND HYPERINFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, some people say, why are you guys down here every night taking Special Orders, talking about what's going on?

I'll tell you why. I know we can't talk to the American people, but we need to make sure our colleagues, and if anybody is paying attention out there in the hinterlands, know what is going on in this place because it affects

every person's life in America, every man, woman, and child.

I have got a chart here, and this chart shows the money supply. It's hard for people to see back in their offices, but this is the money supply, and it's been pretty consistent all the way up through maybe 1995, and since then it started to rise. That's the amount of money we print and is in circulation. Just after the 2007 time period, it shot straight up. It's going up like a rocket.

Now, what does that mean? It means right now we have created currency in this country that's almost 300 percent of what it was just a year or two ago. So people say what difference does that make? If you print that much money, it won't hurt anything.

But it does. Because the amount of goods and services, the cars, the refrigerators, and everything else that we produce in this country, that's remaining flat right now because of the economy and the auto industry is going down. So we have got 300 percent, three times the amount of currency in circulation, but we don't have the goods and services going up at the same rate. So what happens? That means the cost of everything is going up, and that's called inflation.

Back in the 1970s we had inflation. It was double digit. It got up to 14 percent, and that led to 12 percent unemployment, which is worse than what we have today. And we ended up raising interest rates 20 to 21 percent because the spending had been out of control and we had to do something to slow down the inflation.

So here we have. We have the money being printed so fast that they can't keep up with it. In fact, I don't know how they buy enough ink and paper down there at the Treasury Department to do this. But every man, woman, and child ought to be concerned about this because the cost of government is going up so rapidly and the printing of money is going up so rapidly that they are going to have hyperinflation in this country.

My colleague Mr. WOLF from Virginia, I think he was here a couple weeks ago and he had a piece of currency from Zimbabwe and it was a multi-million piece of currency. They put so many zeroes on it, they had to reprint the currency just to take zeroes off. They just couldn't keep up with it.

□ 1230

Hyperinflation is what they had in Germany post-World War I. That is where people had to take bushels of money to the store to buy a loaf of bread, and every day the cost of everything went up this fast so that the people couldn't keep up with it.

So what we are facing today is a government where spending is out of control. We spent \$700 billion on the TARP program; \$14 billion on the auto bailout; \$787 billion on the stimulus, over

\$1 trillion if you add interest; \$410 billion on the bill that is over in the Senate. We have a budget coming up with \$3.9 trillion and a \$635 billion down payment on health insurance, a national health insurance program, socialized medicine.

Where is that money coming from? Well, we are borrowing it from China, we are borrowing it from Japan, we are borrowing it from other places in the world. We are borrowing it from the Social Security trust fund. But even though we are borrowing all that money, you can't keep up with the spending. And so what are they doing? They are printing more currency on a daily basis.

So you see this rocket ship taking off in the currency area, and it is not going to slow down, and what it is going to do is just lead to very high inflation, the cost of living going up. And it is going to affect every family in this country. It is going to affect the cost of education, the cost of gasoline, the cost of electricity, everything else.

So I hope my colleagues are aware of this. I hope they are aware that there are going to be a lot of tax increases as well. They are talking about putting a carbon dioxide tax in place that is \$646 billion in new taxes. What that means is every time you switch on a light or buy a gallon of gas or do anything that is energy related, you are going to be paying a higher price for it because we are loading on the back of the taxpayers \$646 billion in new taxes.

We are spending more money than you can imagine. We are adding to the national debt \$12.3 trillion. People can't understand what that is. A trillion is a million million, so \$12 trillion is 12 million million dollars. We are adding \$12.3 trillion to the national debt, and that is more than we have added to the national debt from 1789 when we became a free country and had our Constitution to today. We are blowing money like it is going out of style.

When I tell people these things, their eyes just glaze over because it is too hard to comprehend. But what they do comprehend is higher taxes, more government spending, more pork-barrel projects and the kind of inflation that is going to lead this country down the road to socialism.

What we need to do, Madam Speaker, as I end up, what we need to do is we need to cut spending, cut out the pork and cut taxes and let the free enterprise system work.

AMERICANS BELIEVE GROWING DEFICIT AND DEBT IS THREAT TO COUNTRY AND BIPARTISAN COMMISSION PROCESS IS WAY FORWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, earlier this week the Peter G. Peterson Foundation, founded by former Commerce Secretary Pete Peterson, whose president is former U.S. Comptroller General David Walker, released the results of a survey conducted by Peter Hart Research Associates and Public Opinion Strategies which looked specifically at public attitude toward America's fiscal policies.

According to this survey, by a significant margin, 56 to 30 percent, registered voters prefer a bipartisan commission to the regular congressional process as the best means to begin tackling our growing budget deficit and national debt. The fact is there really isn't even a congressional process that is dealing with this issue.

The bipartisan commission Congressman COOPER and I have proposed with every spending program on the table with tax policy is the approach that will lead to a solution. Congress would be forced to vote on the commission's recommendations. Over 111 Members of this House pledged their support last session, bipartisan, and Senate Budget Chairman KENT CONRAD and Ranking Member JUDD GREGG have offered similar legislation in the Senate.

Just look around. Main Street is suffering. Everyone knows the country is in trouble. The American people are experiencing a crisis of confidence. The Dow is falling through the floor, below 7,000 yesterday. Unemployment, the latest figure came out today, 8.1 percent unemployment in the Nation with 650,000 jobless claims for just last month. The American people need their confidence restored, and this bipartisan commission would restore it, would restore the confidence.

The American people believe that elected officials will work together to solve the Nation's most pressing problems, but this confidence is dwindling with every piece of bad news that factors into the country's economic narrative.

As evidenced by the Peter Hart Research/Public Opinion data, a majority of the American people understand that this Congress is broken. It has become a partisan political place. And if it takes a commission with teeth for Congress to deliver on its responsibilities, then so be it.

If other Members, and there may very well be better ideas, if other Members have a better idea, then they ought to put it forward and we ought to pass it. But if we don't address entitlement spending in the over \$56 trillion in unfunded obligations through Social Security, Medicare and Medicaid, our children and their grandchildren will pay the price.

In closing, Madam Speaker, I believe that a bipartisan commission would renew America's confidence in the economy and in the ability of our elected leaders to come together. I was

the author of what they call the Baker-Hamilton Commission, the Iraq Study Group, where we brought both sides together, five Republicans and five Democrats, and we saw the good that came out of that.

This would provide a brighter future. This would provide a renaissance in this Nation. This would provide a bright future whereby we could then put more money into math and science and physics and chemistry, more money into autism research and more money into cancer research and more money into research for Alzheimer's, and really electrify America whereby we are creating jobs for the sake of the country.

For the sake of our children and grandchildren, this Congress and this administration should do this. And let me just say, this is a bipartisan criticism, the Bush administration, Secretary Paulson did not do a very good job on this and missed that opportunity. Now this administration has an opportunity. So hopefully this Congress and this administration, and if this administration doesn't do it, this Congress will do it, will vote to set up a bipartisan panel to deal with America's financial future to give hope to our children and our grandchildren and create a renaissance in America so we can honestly say America's best days are yet ahead.

SOLVING THE ECONOMIC PROBLEMS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Madam Speaker, this has been a busy week. We have taken up a lot of suspensions, congratulating USC, congratulating all kinds of things. I think we recognized a "day of reading" a couple of days after the day had passed. We have had a lot of great votes like that. But the most disconcerting thing are the votes of importance that we have been moving toward and taken up and how we see the economy continuing to falter.

I was one of those who was strongly against the Paulson bailout back in September. I thought it was a huge mistake. And who have ever thought a new administration would come in and then he would just exacerbate even that bad bailout bill?

But there is an article in the Wall Street Journal this week, this was dated March the 3rd, and I will quote from that. It is an editorial from the Wall Street Journal.

It says, "As 2009 opened, 3 weeks before Barack Obama took office, the Dow Jones Industrial Average closed at 9,034 on January 2nd, its highest level since the autumn panic. Yesterday the

Dow fell another 4.24 percent to 6,763, for an overall decline of 25 percent in 2 months and to its lowest level since 1997. The dismaying message here is that President Obama's policies have become part of the economy's problem. Americans have welcomed the Obama era in the same spirit of hope the President campaigned on. But after 5 weeks in office, it has become clear that Mr. Obama's policies are slowing, if not stopping, what would otherwise be the normal process of economic recovery. From punishing business, to squandering scarce national public resources, team Obama is creating more uncertainty and less confidence, and thus a longer period of recession of sub-par growth. The Democrats who now run Washington don't want to hear this because they benefit from blaming all bad economic news on President Bush."

I know my friends on the Republican side here in the House, with maybe a few exceptions, most everybody loves this country. Well, everybody loves the country so much, but most everybody was really hoping President Obama would succeed in calming the economy, because we saw the job losses that were occurring. We wanted them to stop. I personally believe if he would use his gift of spreading hope and confidence, this economy would start rebounding.

I have been talking to business people who have been sitting on the sidelines, banks that have been sitting on the sidelines waiting to make sure people were going to start buying homes, were going to start buying again before they invested to take advantage of it; people saying that, well, they had to hire two or three people, but, good grief, if the President is going to be popping them with more taxes, they are going to have to pay more taxes and can't do any more hiring. So all of that kind of talk has really put a freeze further on the economy.

We also were promised over and over and over again by this President that there would be no earmarks and if a bill with earmarks came to him he would veto it. Well, we have already seen that didn't happen. But with this disastrous omnibus bill that is coming that will take around \$1.2 trillion we have already allocated so far under his watch, add that to over \$1.6 trillion, when you keep in that mind that most of that is above budget and for the entire year of 2008 there will be income taxes paid in of about \$1.21 trillion, we are already exceeding the entire amount of income tax that will be paid in for 2008. For what? For 9,000 earmarks? It is absurd.

I have been joined here by friends who I would like to yield some time to. At this time I would yield to my good friend, Mr. MIKE CONAWAY from Lubbock—not Lubbock—Midland, Texas, who played for Odessa Permian. He knows something about being tough.

When the going gets tough, the tough get going.

Mr. CONAWAY. I thank my friend from Sweetwater, Texas—I am sorry, Tyler, Texas. I can actually pronounce your last name, Mr. GOHMERT. Thank you. I appreciate being with you today and look forward to our conversation with each other and the other Members of the House who are filling almost every seat in the Chamber this afternoon.

We want to talk about fiscal responsibility. That has been a buzzword that has rolled off the lips of just about everybody in the administration who has come over the last couple weeks after the President announced his budget.

The President stood here during his address to the Nation and called us to do some tough things, to do some hard things that we were going have to have to do in the coming future. I had hoped one of the things he would have said was that we have some hard things to do, some really tough spending decisions to make. We can't afford everything that we have been spending money on. We can't afford all of this Federal spending. We have hard decisions to make. We have to set priorities.

I hoped what he would have said to us that night was "and we are going to start tonight," and he would have turned around and looked at the Speaker and said, "Madam Speaker, send me a continuing resolution or omnibus bill that spends no more money in fiscal 2009 than we spent in fiscal 2008." In other words, let's start that down payment on hard decisions.

Much of that increased spending, the \$32 billion of increased spending in the 2009 omnibus bill that has now subsequently passed this House is for new programs. It duplicates spending that was done in the stimulus bill. So there is really precious little reason to argue that we needed to spend more money in the regular appropriations process for fiscal 2009 than was already being spent in 2008 and the stimulus package itself. But he didn't say that. He convened a "fiscal responsibility summit" on a Tuesday, and then released his budget for the fiscal 2010 spending on that following Thursday.

We have had some hearings here in the Budget Committee and others about that budget. Many of his appointed hired guns have come over to us and looked us in the eye, looked these cameras in the eye in the committee rooms, and said this is a fiscally responsible budget. I have to argue with that, because that is a little bit different definition of "fiscally responsible" than any I have ever heard.

□ 1245

The budget itself calls for a—and he's bragged about cutting the deficit in half by the fifth year, cutting it down to \$533 billion. And that's a good goal.

I mean, we should all be about cutting deficits. We should never make light of how difficult that is to do.

But then, if you look at the next 5 years of his budget, his deficits go right back up. I think the last budget on the 10-year window is about a \$700 billion deficit. So, how can you, with a straight face, say that that deficit that's got the cumulative deficits over a 10-year period that more than doubles the existing debt that we owe to outsiders, how can you remotely call this a fiscally responsible budget?

You then look at the stimulus spending that was anything but responsible. It was put together in the Speaker's Office with precious little input from those of us on our side of the aisle, which, I'm sure there are evidences in past history where Republicans have run roughshod over the Democrats. But clearly, two wrongs don't make a right. And we had no input into the stimulus spending package.

This is going to be kind of the gift that keeps on giving to embarrass those who voted for that stimulus package. I believe, over the next two years, we will see spending after spending after spending on things like Frisbee golf courses and other kinds of things that this money will get spent on that will embarrass anybody who voted for that stimulus package. So we'll see these coming out over the next couple of years.

The omnibus bill that we just passed, we gave our colleagues on the other side of the aisle an opportunity to say, all right, let's just spend, do what I had hoped the President would tell us to do in his address to the Nation the other night, and that is, hold this spending flat. Let's start the process.

It is going to be hard. When you cut Federal spending, somebody somewhere doesn't get paid. There is a job lost somewhere. There's a benefit that doesn't happen.

But this, where we find ourselves today is that every dollar of the stimulus package was borrowed. The deficit this year, which was exacerbated by that \$31 billion increase, that \$31 billion has to be borrowed.

Now, this money, under a normal borrowing scheme, you go to a lender, could be a bank, could be someone else, and you set up the loan, how you're going to get the loan, what you are going to use the proceeds for. But the lender is particularly keen on how he or she is going to get paid back.

Quite frankly, Madam Speaker, this debt that we're borrowing, the \$700-plus billion on the stimulus package, the extra \$31 billion on the omnibus bill, that debt will never get paid back, ever, because the only way you can pay back debt is to run a surplus. And this government does anything but run surpluses well.

I had an interesting conversation. I was in Fredericksburg, Texas back in

October, and I was doing town hall meetings around the district, talking to constituents and hearing folks sharing their opinions, what was going on. I had gone to a particular school and was doing the town hall meeting for just the school itself. And I was taking questions from the folks in the school. And I had this little, young fifth-grader raise his hand, and so I got around to calling him. And he looked at me and said, Mr. Congressman, what's the plan to pay off the national debt? And I just, I kind of rocked back on my heels. I said, I beg your pardon, which is a technique you use when you're taking questions like that to gain time to think. And I said, I beg your pardon? He said yes, sir. What's the plan to pay off the national debt? And I said, young man, that is the single best question I've ever been asked at a town hall meeting.

And the bad news is there are no plans to pay off the national debt. We would be tremendously excited around here if we could just run a balanced budget and we could quit making the process worse than it already is. And there are no plans, certainly over the next 10 years in this President's budget, to even break even, to quit making the problem worse.

And so the insidious thing about this debt is that we're not going to pay it off. It's not likely that future generations are going to pay it off. But there is an interest carry on that debt. That debt, right now we're benefiting from low interest rates because the rest of the world has fled into the safety of what they believe is the safe securities, the U.S. debt securities, so our interest rates are low. But as we begin to roll out this debt, borrow additional trillions, doubling of the national debt, interest rates will go up. So whatever the interest carry is, whatever the annual interest rate is on that debt is a permanent call, a permanent obligation that we are handing off to future generations. That interest alone will reach \$1 billion a year very quickly as we borrow additional money here very, very soon. So those are resources that have yet to be earned. That's taxes that have yet to be collected. And so those future generations will, in effect, inherit a hole in their budget of whatever that interest rate, whatever that interest carry is on what we have borrowed.

We have taken the process of fixing our problems with other people's money to a staggering art form, and weaning ourselves from that concept is going to be hard to do. We've never done it. Our generation hasn't done it. The generation ahead of us didn't do it. But future generations will have to because, while it appears that this Federal Government has a limitless ability to borrow money, that's not true. There is a finite amount of money that this Federal Government can borrow. I don't know that we're there yet, but

every dollar we borrow and the trillions we're adding on, we're getting closer to that point at which the rest of the world says, you know, I'm not sure America can make good on its debts. And once that happens, we're in for remarkably different circumstances.

So I want to thank my good colleague from Tyler, Texas for allowing me to help out this afternoon and be a part of this conversation, and look forward to the comments from he and our other colleagues.

Mr. GOHMERT. I thank the gentleman from Midland, Texas.

And I would like to add to the comments that you made with regard to the indebtedness that we are laying upon this Nation for future generations. It really seems analogous; what we're doing here, what we've been doing since, you know, the year started, we are borrowing all this money.

We had our Secretary of State go to China and beg them to keep buying our notes, buying our bonds, whatever you want to call them. I mean, basically, keep loaning us money is what we're begging the Chinese to do.

And it would be like one of us going into a bank, saying, I want to borrow a bunch of money because I cannot control my spending. I just can't quit spending, so I need to borrow a bunch of money. But, see my little child over here? That child, and one day his children will, I'm promising my child and my grandchildren will one day pay that back. Just loan me the money because I can't quit spending. So, I mean, that would be insane. Those children would be taken away from a parent who would do that to them. They would. And yet, that is what's going on here.

Now, I heard our friend, the chairman of appropriations, earlier sarcastically belittling Republicans, that he didn't need to be lectured by Republicans who did such a great job of running the budget, running appropriations before they were in the majority. But if you will go back to my first 2 years, actually, all three of our first years in Congress, 2005 and 2006, we kept hearing two things over and over. One was that we needed to quit running up the deficit. And they were right. And some of us were saying it back then. We were agreeing that we shouldn't be running up the deficit. But that was not what was happening.

But the other thing was, we were being terribly beaten up over the fact, they said we weren't spending enough money on anything but the military. So it was a little difficult to be lectured and beat up over running up the deficit. And yet, virtually every bill, it seemed like they wanted to spend even more money. And that's the problem they had with most bills, whether it had to do—well, I mean, just take your pick. They wanted to spend more money on virtually everything but the military.

So it's been a little disconcerting to see them get elected, get the majority, which people got fed up with Republicans spending too much, so they get the majority because they said we won't run up the deficit. And ever since they've been in control, January of 2007, it has been running up.

Granted, they had a Republican President. But it is, constitutionally, the obligation of the Congress to appropriate the money, and they were appropriating it in record amounts.

And now, it's like there's just nothing but giddiness around this town. They've got to keep a straight face in front of the camera, but just the spending, wow. We've got a crisis. We can throw all this money. We've had all these 12 years of pent-up frustration, programs we couldn't get through, and now we're seeing those come to fruition, and it is devastating the economy. And it's time to stop.

At this time I'd like to yield to my friend, also a former judge, Mr. Ted Poe from Texas.

Mr. POE of Texas. I thank the gentleman for yielding. Appreciate his comments and Mr. CONAWAY's comments, especially with his background as a CPA, he understand numbers maybe a whole lot better than some of the others of us here.

In less than 2 months, the stock market has dropped over 2,000 points. It's below 7,000. Many folks throughout the country who have invested in the stock market have lost somewhere between 25 percent and 50 percent of their investment. My parents are examples of that. They're both 83, and they had hoped that at the end of their existence on this earth that they would be able to live off of their investments. And they, like many other folks, not just senior citizens, are finding that difficulty.

It's somewhat disturbing that the voice we hear from those in the administration, different people who work in the administration, take the position that it's almost irrelevant what the investor class thinks about what's going on. Well, it's not irrelevant. It's the investors who put their money into businesses to give those businesses capital so that those businesses can be a going concern. If investors don't invest in business, then that business may not have the capital. And so it is relevant what investors think.

And the investor class is not just the rich and famous. It's just the average Americans; some of whom have just a few shares of stock in different businesses in this country. So it's very relevant. And to dismiss their input as irrelevant, I think, is very disturbing because the stock market has plummeted, really, at a record amount in just 4½, 6 weeks.

It's interesting times we live in, Mr. GOHMERT, that we are seeing right before our eyes the entire change in phi-

losophy about America. America was founded upon the principles of individual liberty, capitalism. You know, that's a bad word, nowadays. It was not founded on the principle of government control of our lives, the government solving every problem that exists for everyone of us or every business.

But yet, we have moved, in just a few short weeks, to government. Government is the solution, so sayeth some. And the way that the government has gotten involved with first, controlling the banking industry, the financial markets, the automobile industry, and of course, none of those entities are any better off today than they were before the government got involved. So the answer for government is, more control of those entities, more money to those entities, those failing entities.

And now we hear about the fact that we want the government to provide universal health care for everybody. That sounds good. People should have health care, have a way to take care of themselves when they are medically disabled or when they need to go to the doctor. But the answer for universal health care is to have the government run this program. We don't use the word socialism anymore because that's a bad word. We just call it government control.

And I have seen, as many people have, as you have in other countries, how government-controlled health care, first of all, does not provide better health care for the citizens. History proves that. You can look at Canada; you can look at France.

I was in the former Soviet Union when it was the Soviet Union, and I went to a doctor's office to see how people got their universal health care in the Soviet Union. Well, first of all, there's a line down the street waiting to see the doctor. And the line starts early in the morning, but at 4:00 in the afternoon, the doctor goes home. People in the line, they've got to come back the next day and get in line again. That is what universal health care meant in the Soviet Union. It's never worked. It hasn't worked anywhere. History shows that.

□ 1300

If we like universal health care, or socialized medicine—as I call it—like they have in France, it will have the efficiency of the post office and the confidence of FEMA and the compassion of the IRS and of other government-run programs. So, when we think about government programs, most of those really aren't as successful as the government claims them to be.

I don't see how, when we're out of money, we can spend money we don't have and then prosper. That has not worked, Mr. GOHMERT. The more we spend, the worse off it seems the country is—the government control of our lives, its the citizens, the government

control of our money and the government control of our businesses.

What has taken place is that the government makes decisions that this program or this special interest group will receive government funding for whatever reason. Then what the government does is it takes money from other people, from American citizens, because we're not smart enough to decide how to spend our own money, so the government decides and then gives it to these different special interest groups throughout the country with the idea that, well, it will help the economy, that it will help get us out of this recession. Well, that theory, so far, has not worked since the first bailout.

The Congressional Budget Office, which is a group of people who are certainly not partisan, but they do numbers—all they do are numbers kind of like Mr. CONAWAY did numbers in his CPA business before he came to Congress. They say all of this spending is not going to help the economy. We haven't heard much about that because they're not giving a favorable report about the stimulus package, but that's what they say. We don't have the money. We're going to have to borrow it from people who, you know, preferably we shouldn't be borrowing it from.

I was as embarrassed as you were, Judge, when our Secretary of State seemingly begged the Chinese to loan us more money. I don't think that's a position that the United States should ever be in, especially borrowing money from China of all places.

We hear that we're going to tax folks who make over \$250,000. The rich, you know, don't need all that money. They need to share it with everybody else, you know, sort of like redistributing wealth in this country. Well, of course, the people making over \$250,000 pay most of the taxes, and 40 something percent of Americans don't pay any income tax, but the practical matter is we're not so sure those people are going to keep working.

I have people in my district who are small business owners, who run a little shop of some kind, who employ seven or eight people, but they have a sole proprietorship of that business; therefore, they file an income tax. If they make more than \$250,000, they're going to be hit by this. Small businesses are the core of this country in making new jobs, especially historically, and there are only a couple of ways they can pay those taxes.

Since they're going to be in a higher tax bracket, they're going to have to have somebody laid off when they're in the higher tax bracket or they're going to have to take in less money. Either way, it doesn't help the business or it doesn't help the economy. They can do something else. I've gotten a few calls—we do have a few people who

make over \$250,000 in Humboldt, Texas—and they said they're going to cut back. They're just going to get themselves in the position where they're below \$250,000. They don't think they should be working, when they're in that higher tax bracket, to pay for programs for other people. When they cut back, they cut back employees, but it also cuts back revenue into the Federal Treasury. So I don't know how many people are going to take the downsizing approach, because of the tax structure, but I can understand why people feel that way.

As far as taxes go, I feel like we shouldn't be raising taxes during a recession. I don't know that economic theory that says that it works to raise taxes during a recession. History shows, if you raise taxes, you get less productivity because people have to turn more money over to the government.

The stimulus bill, as my friend Mr. CONAWAY has talked about, and some of these programs that are in the stimulus bill are an effort to move the economy forward and get us out of this recession. Well, it has programs in there, and there are too many to mention. We would be here until next Monday talking about all of the different programs that have nothing to do with stimulating the economy.

One of mine that comes to mind is that we're going to require Americans to give \$30 million to the government so the government can give that \$30 million to San Francisco to set up a wetland to save the salt marsh mouse in the San Francisco Bay. Now, I didn't know that San Francisco had a salt marsh mouse, but they have it, and they want to keep him, so we're giving them \$30 million. Now, how is that going to stimulate the economy? I'm not so sure that the taxpayers would really want to spend their money to save a rat or—excuse me—a mouse in San Francisco. We prefer not to keep those where we're from in Texas, but anyway—and the stimulus bill is filled with programs like that. In my opinion, it's very disturbing.

So maybe we should cut spending. One thing that we haven't talked about is cutting the spending that we give to foreign countries. You know, every year, we roll out the U.S. currency and give it to countries all over the world, many of whom, as you have pointed out in previous speeches, Mr. GOHMERT, have voted against us in the United Nations. They hate us; they vilify us, but they take our money. Sometimes, of course, the money doesn't even get to the people; it's given to the dictators. So maybe we ought to start there. Let's go through the foreign countries that we give money to and decide whether or not we're going to give them any American money this year. We need to cut back instead of spend more money.

There's another thing I'd like to mention in closing. I represent southeast Texas where there's a lot of blue-collar folks, a lot of rice farmers, and it includes part of suburban Houston. One of my friends there is a guy by the name of Sammy Mahan. I, like you all, talk to regular folks as much as I can to find out what they think. He runs a wrecker service in Baytown, Texas. He has five drivers and five wreckers that he uses. He and I were talking about the stimulus package, and he asked me:

He said, "Well, how are we going to pay for it?"

"Well, Sammy, we really don't have the money. We're probably going to have to borrow the money from the Chinese and maybe have a tax increase down the road."

Then he said, "Well, how much is it going to cost?"

"\$790 billion," I said.

He said, "No. No, Ted. How much is it going to cost me?"

"Well, the budget office has figured out it's about \$10,000 per family in the United States."

Then he said, "Well, just opt me out."

"Well, what do you mean, 'opt you out,' Sammy?"

"Give me a form," he said. "I want to sign my name. I want to opt out of that deal."

"Sammy," I said, "I can't do that."

"You're my Congressman," he said. "You can do that. Take care of that. Send me the form. You deduct \$10,000 from the \$790 billion. That's my portion. I don't want to pay for it," and he hung up on me.

So I think many Americans, if they had a choice on these stimulus bills, on this wasteful spending that doesn't help the economy, would want to opt out. Maybe we should give them that choice. We might bring that stimulus spending down a little bit.

I appreciate the time. I think maybe we ought to go back and look at some basics that have worked and where history in this country has proven that, when you tax something, you get less of it, and you get less productivity. So maybe we ought to cut taxes for all Americans who pay income tax. Then they can have more of their own, and they can spend it the way they want to rather than having us, as the government, deciding how to spend it.

I appreciate that. I yield back the rest of my time. Thank you.

Mr. GOHMERT. I appreciate those great observations.

It used to be that people in this town, long before we got here, knew the phrase and knew it was true: the power to tax is the power to destroy. It's still true. If you want more of an activity, then you reward people for the activity. If you want less of an activity, then you tax it. So what have we been rewarding? What have we been taxing?

Well, going back to the mid-'60s, we had people in this body who saw single women who were struggling because deadbeat dads weren't helping. So what did they do? They said, "Let's help them out." Instead of giving them incentives to finish high school, to finish their education, to reach their God-given potential, what did we do? We weren't here, but the Congress here passed a bill that said let's give them a check for every child they can have out of wedlock. Well, I know they meant well, but 40 years later, we've gotten what we've paid for. We have gotten more children born out of wedlock and more children relying on the government than ever in the history of any country.

So I'll tell you: I was not one of those who panned President Obama's address, which is normally the State of the Union, but being a new President, it was more just a speech to the joint session. I loved some of the quotes he had. You know, we needed to hear an encouraging speech. That's what I mentioned to him as he came by, that the country needs an encouraging speech. I was hoping he would deliver and then pump up the country, but then he started into the same stuff—crisis, crisis. There's a quote that has been attributed to the Chief of Staff of the President's that you don't want to let a good crisis go to waste. You know, obviously, it appears that they want to run through all of these social programs they could never pass without blaming it on a crisis, but I loved his comments.

When he said, "we will rebuild; we will recover, and the United States of America will emerge stronger than before," I loved that. That's great.

He says, "The answers to our problems don't lie beyond our reach," President Obama said. "They exist in our laboratories, in our universities, in our fields, in our factories, in the imaginations of our entrepreneurs—" that's not government workers. That's entrepreneurs—"and in the pride of the hardest working people on Earth. Those qualities that have made America the greatest force of progress and prosperity in human history we still possess in ample measure."

He also said we're not quitters. I mean he had some great lines, but then look at his solutions. For one thing, when I heard this—and I don't know if other people picked up on it—he said, "First, we're creating a new lending fund that represents the largest effort ever to help provide auto loans, college loans, small business loans to consumers and entrepreneurs who keep the economy running." I went, uh-oh, a new lending fund? It sounds like a new bank. The last time, government got involved, and we ended up with a congressional bank. As I understood, it didn't work out so well. That wasn't a very good idea to have Congress in charge of a bank.

We're supposed to set up a new lending fund to do all of this lending, but then when you see the kinds of steps that are being taken to absolutely destroy the best, most stable lenders in the country—the community banks—then it makes you wonder: Are they trying to destroy the community banks that have had good business practice? that have made good loans? that have done everything that they should to make a profit and to stay in business and to help America grow by making proper loans? Of course we got involved in that.

Before we got here, Congress told them, back when Chairman FRANK and Senator DODD pushed through a bill, to force banks and to force lenders to lend to people they wouldn't have otherwise. That concerned me.

Going back to the proposition, you know, whatever activity you reward you will get more of. Whatever you tax, penalize, you'll get less of. So we had a marriage penalty for many years, you know, going on two or three decades. Apparently, the government said, ah, marriage, we don't like it, so let's penalize it so we get less of it. So we've gotten less of it.

In his speech, he mentions, "When we learn that a major bank has serious problems, we will hold accountable those responsible." I said great. That's my thought. Force the necessary adjustments. Okay. Sounds good.

Then he says, "Provide the support to clean up their balance sheets." I went, whoa, here we go. We're going to reward bad conduct again? Because if you look at all of the money that has been thrown at the economy, where has it been thrown? It has been thrown to people who helped create the problem. That doesn't help reduce the problems we're having. It just makes them worse.

Then this statement made my heart nearly stop: "This plan will require significant resources from the Federal Government." Well, the fact is he had it right when he said that it was the entrepreneurs and the people in the factories and in the fields who have really made America great. You know, that's where the secret is. It's in the American people. It's not in this government.

We had such a great model of how this can all go wrong back when the pilgrims came. You know, the pilgrims came, and of course they started out on both the Speedwell and the Mayflower. Then the Speedwell started taking on water, so they had to cut their group, the most hardy. They got them on. They had the prayer meeting before they came. They asked God for guidance and protection, and they came across. They signed a beautiful compact that basically, in essence, said it's all going to be community land, that it's all going to provide produce that we'll bring into the common store-

house and that we'll split evenly among everybody. Well, it's socialism.

□ 1315

And after they lost nearly half their group the first winter, you go back and read Bradford's journal, they eventually realized, We're all going to die under this system of socialism.

So they came up with this novel idea: Why don't we divide the land up into private property and everybody be responsible for their own private property, everybody be responsible for what they produce, and then they can actually have some profit and make something over and above. That is the model, that was the lesson that came in over 100 years later when we got our Constitution—this idea of private property—that the real true spirit in America that would cause this to blossom and become the greatest country in the world was the idea of private property, of free markets.

The government's job is to provide for a common defense—that's what got us out of the depression of the '30s—providing for the common defense in 1941 and 1942, and then also make sure people are playing fair. Keep the playing field level, and if people are cheating, like we've had lately, go after them so that the people playing fair aren't punished. We're punishing the wrong guys.

I'd like to yield some time again to my friend, Mr. CONAWAY.

Mr. CONAWAY. I thank my good friend from Texas.

The President's budget—just to kind of put some hard numbers on this—shows that the budgets come over from the White House in 10-year increments—5 years, 5 years; a total of 10. And we've got some rules that require us to do that.

Anybody who's ever done a projection knows that you can project today pretty well, and you can project tomorrow better, but each day you go further after where you are right now, those projections become less and less reliable. And certainly out at the 10-year, it's much more of a mechanical, mathematical equation.

But the President's budget, the first 5 years creates or spends ourselves into a \$3.8 trillion deficit. That's with a "T." So one trillion—\$3.8 trillion in deficits, cumulative for the first 5 years. The second 5 years, you'd like to be able to brag on it because it's less, it's actually only \$3.2 trillion additional borrowed from the Chinese, from the Japanese, whoever at that point in time will still lend to us.

And I'm worried about who we borrow money from, but I'm more worried about the total amount of money, which I think is more important. So over that 10-year period, we're going to borrow \$7 trillion from anyone who will continue to loan us money.

So the second 5 years is not quite as bad as the first 5 years, except that

year 10 of that projection shows a higher deficit than year 9. So the trend in the last 5 years of the budget is increasing deficits well beyond what we've ever seen on a single-year basis in this country.

To make matters worse, the budget projections are based, in my view, on flawed estimates: estimates of how good the economy is going to be, how much tax collections are going to be, and those kinds of things. It clearly includes a tax on every single person. If you include the cap-and-tax proposals that the President called for in his speech the other night—and is beginning to tout—that tax, that cap-and-tax system taxes anyone who pays for electricity, anyone who buys gasoline, anybody who pays for energy, those energy costs are going to go up unnecessarily under that cap-and-tax system. So tax increases on everyone.

And the spending savings that they brag about is based on, again, kind of a very slight-of-hand technique, and that is they say that the baseline of the budget is going to include surge level spending for the next 10 years. Well, we've already unwound much of the surge, so that spending is coming down. So to say we're going to spend at the same levels in Iraq on the surge for the next 10 years is a bit disingenuous on its face.

And then to claim the spending savings from actually reducing that back to a more normal number and then brag about that being some sort of a tough decision to be made, in my view is less than forthright, let me put it that way.

I would yield back to my colleague who is controlling the hour because I think we've got a big number in front of us.

Mr. GOHMERT. I thank the gentleman. I thank my friend.

I would also like to recognize, again, Judge POE, for whatever time he may consume.

Mr. POE of Texas. I appreciate the gentleman yielding.

You know, when we talk about money up here in Washington, whether it is a million, billion, trillion—you know, what's the statement? "Billion here, billion there; eventually we'll be talking about some real money." And, of course, it's hard for me to conceive what a billion is anyway. A million is difficult.

But a trillion, you know—I had to look up how much a trillion was. Unlike my friend Mr. CONAWAY, who's a CPA, you know, my background's a lawyer. And so I don't deal in numbers too much—except when I was a judge, I had some numbers that I would deal with.

But it's hard to conceive how much that is. These two charts right here have the number \$9.7 trillion. Now that's the biggest number I have ever seen that supposedly meant something.

And I'm glad there's not another digit because I'd have to have a third poster board to get it on there.

But \$9.7 trillion. Now, what does this mean? This is how much money we're going to spend and have spent this year, plus the indebtedness that Mr. CONAWAY talked about. That's just this year.

Now, I don't know where we can write a check for that. I don't think there is enough Americans, if we took all of their money away from them, that they could pay for that. And it's unfortunate to me that we're borrowing money that we don't have and spending on programs that really don't work to stimulate the economy.

Mr. GOHMERT, you mentioned about putting our kids in debt. We're putting people in debt that have yet to be born in this country—not just our grandkids but our great grandkids; people that have yet to be born. They're going to have to pay this off eventually.

I mean, the chickens come home to roost, eventually, and this has got to be paid, and we don't have the money. It's very unfortunate that we continue to spend money we don't have and borrow from people that don't like us and then make the American public pay for the rest of it.

But that's the position that they find themselves in, and they don't have a choice about that.

So I just wanted to let you see this number, Mr. GOHMERT.

Mr. CONAWAY. Will the gentleman yield?

Mr. POE of Texas. I certainly will.

Mr. CONAWAY. To try to put \$1 trillion into perspective, which is difficult to do—as the judge mentioned, I'm a CPA, I've been in banking a long time. It's a huge number. But if you were to spend a certain amount of money each second a year—in other words, if you spend \$1 trillion, if you were to try to get that spent on a second-by-second basis for a year, you would spend \$33,000 a second. Every second.

Mr. POE of Texas. Would the gentleman yield?

Mr. CONAWAY. Yes.

Mr. POE of Texas. How much a second?

Mr. CONAWAY. It's \$33,000 per second.

So we're approaching 3 or 400,000 just in the time we've had the exchange in this conversation about what it is.

So \$1 trillion. You'd spend \$33,000 a second in order to get it all spent. About 31 million seconds in a year. And so that's just to try to give you some sort of visual or mental aspect of how much \$1 trillion is.

Mr. POE of Texas. I haven't divided that into \$9.7 trillion, but you're the CPA. You should be able to figure that out in your head.

Mr. CONAWAY. Yeah. Just multiply it by 10 because you've got \$10 trillion there, so just multiply the ten. So it's 330,000 a second.

Mr. POE of Texas. Interesting.

I will yield back my time to Mr. GOHMERT.

Thank you.

Mr. GOHMERT. Thank you. And I appreciate those insights.

Here's another chart that this leads into very well that kind of tracks the deficit that's been growing. Of course we know the Constitution requires that there is not a dollar spent in the whole Federal Government that is not appropriated—made available—by the Congress. If it's not made available by the Congress, it doesn't happen. And because there had been too much spending earlier before November of 2006, the voters said, "Enough." And they listened to the arguments of what is now the majority party, the Democratic Party, and said, "You know, they're right. They're spending too much."

So, as of January 2007, the Democratic majority, led by Speaker PELOSI from San Francisco, took over the government and took over the deficit. Because I know all three of us here on the floor that are engaged in this discussion were against deficit spending in 2005 and 2006 by our own party when we were in charge. I know that we all were hoping the deficit spending would stop. The economy was doing okay, you know, in 2007. It wasn't great, but it was doing all right.

But then as of January 2007, that's where we were on this chart.

Now the green is the Federal deficit, the orange here is discretionary spending that's within our control, and then the mandatory spending are the programs like Social Security and Medicare, that kind of thing.

And so you look at what happened from January of 2007, right here, this big jump up is when the stimulus was passed in January of 2008. And that was passed with Speaker PELOSI's leadership. It got passed. And you may recall the microphone picked me up asking the President as he went by—because I knew \$40 billion of that was going in rebates to people that didn't pay anything in income tax—so I asked the President, "How do you give a rebate to people who didn't put any 'bate' in?" And I still think that's a legitimate question because now we're doing it again. We're giving a rebate to people who didn't put any "bate" in, they didn't pay in the first place. So how is it a rebate?

Then we have this next big hump. That came with the pre-TARP loans. And then the big hump was TARP and the auto bailouts spiking. And then low and behold, here is the stimulus II, the \$787 billion and then the \$410 billion omnibus that this Congress has done, that this Congress is responsible for. And you see this extraordinary spike in the deficit.

Now, just because there was some overspending by Republicans doesn't mean you put that times or squared or cubed. This is insane. It has to stop.

I also want to point out a bill that was passed this week from the House regarding cramdown. I mean, it gets so discouraging in here when every bill we pass is hurting the economy. You know, it makes you wonder, is somebody back there thinking, Well, eventually, if we hurt it enough, the government will take over and then all of our problems are over. Because I know that everybody that serves in this body, they want the best for the country; it's just that some do not have enough faith in the American people that they'll know how to spend their money.

You know, we saw the great quote from Senator KERRY, "But if you gave the American people their own money back, gave them that kind of tax money back, well, they might not spend it the right way." Well, that's insane: Let the American people get us out of this problem; the government certainly hasn't done it.

But going back to this mortgage cramdown bill. Here you have community banks that have been doing a good job of lending despite the onerous burdens that's been put on them by this Congress, going back to the '90s, again, before we were here, but this Congress required lenders to lend to people who might not be able to pay back. Even with that, they were doing okay.

This provision, for the first time in our history, the history of the country, will allow a bankruptcy judge to materially drop the principal on a mortgage. The banks have to rely on the value of the mortgages on their balance sheets. If they can't, then they appear to be insolvent. That gets them in trouble. These are solvent banks. You pass a law like this, and not only that, this bill allows bankruptcy courts to grant a no-interest 30-year mortgage as an alternative to dropping the principal materially.

Mr. CONAWAY. Will the gentleman yield?

Mr. GOHMERT. I certainly will.

Mr. CONAWAY. The perverse impact of the cramdown provision is that we will have fewer mortgages. If you're a banker and you are lending money for a 30-year payout, then you have got to be very secure in your collateral because circumstances come and go with respect to the borrower's ability to repay—their health, all of those kinds of things—but if you've got a 30-year loan, which you're on the hook to leave out there as long as the customer makes those payments, then the collateral is a huge piece of why you decide to make that loan.

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If bankruptcy judges are now allowed to come in and adjust that value of the collateral to the banker, then the banker is going to react in a couple of ways; one, that the banker on the front end is going to say, okay, now if the

bankruptcy judge has this authority to reduce the value of my collateral, then I'm going to be willing to loan less money, which means that instead of coming up with the traditional 20 percent down—before we got into the subprime nonsense that went on, but the typical 20 percent down—banks are going to insist on much higher down payments because they've got to be assured that throughout the life of that loan, the collateral never gets upside down, that if the borrower quits paying, that they can get that house back and pay off the rest of the loan by selling that house.

They will also respond by raising interest rates, because interest rates reflect risk for the borrower and the lender; the higher the interest rates, the more likelihood that that loan could default at some point in time.

So this cramdown provision will put a chilling effect on future home mortgages, which may be the intent. One of our colleagues said on a talk show with a fellow that, you know, maybe this individual homeownership is overrated. Maybe we don't want Americans owning their own homes because they can't handle the responsibility for paying it off. And so let's put in some public policy things that will help discourage homeownership, which doesn't make a lot of sense to me, but then I was just listening and was trying to understand what this person was saying. But these cramdown provisions will have a chilling effect on future home mortgages if they are left in place, as was contemplated in this bill.

Mr. POE of Texas. Would the gentleman yield?

Mr. GOHMERT. Certainly.

Mr. POE of Texas. A little follow-up on the home mortgage industry, it was either in the Washington Times or the Washington Post this morning that the problem with mortgages centered on 36 counties in the whole United States, it spread to a few more.

But most Americans pay their mortgages, and most of them pay mortgages on time. We're talking about 95 percent of Americans who are buying their own home pay their mortgages and pay them on time. So we're dealing with 5 percent who have not. And that 5 percent found themselves in a situation where banks would loan them money with very little money down, telling them that if you buy this \$200,000 house, no money down, you pay your monthly payments, in 5 years this \$200,000 house is going to be worth \$300,000, and then you can pay off the rest of the loan to us, the bank. So with little down, people who in that situation probably shouldn't have been buying a house to begin with because they didn't have the income, they make payments, the housing market drops—it doesn't just drop below \$200,000, it goes much lower than that—and people walk away from the homes

and the banks are left holding this house. Now, that was a contract between the lender and the borrower.

Contracts are important in this country. That's like us in Texas, you know—out in west Texas, especially, where you're from—big land deals are made on a hand shake, your word is important. But now we're going to let the government lawyers and judges—and I used to be a judge, just like Mr. GOHMERT—they're going to decide to break the word and the contract, and they're going to decide how to do it. They're going to restructure the loan, they're going to tell the bank, you can't get all that money back, we're going to cut it down, the principal. And that destroys confidence in our legal system, when you have the ability to have a judge go in, break the contract, and design it the way the judge wants it designed, to the benefit of the borrower or the lender? I don't know. It's going to be based upon whatever that judge thinks at the time. So this is a bad precedent to set, I think, in this country when we are diminishing the value of a contract.

Certainly we should encourage banks to work with the borrowers and all of that, but most Americans that I have talked to, they've got a problem with paying off somebody else's mortgage who got themselves in a situation when they may not have come into that situation with clean hands, and the same with the lender.

I just wanted to make that comment. I yield back to Mr. GOHMERT.

Mr. GOHMERT. And I appreciate that. Great points all being made. Our time is running out.

But on this cramdown provision, we offered, basically, in a motion to recommit—which is similar to an amendment—a provision that would say if you lied in your representations to the bank about how much you made in order to get the loan, then you could not get a 30-year interest free loan, and you couldn't get this provision of the bankruptcy judge to lower the principal as he so felt. That was voted down.

Here, again, it goes back to the proposition that if you penalize good conduct, you're going to get less good conduct; if you reward bad conduct, you're going to get more of the bad conduct. And that's what we've done. And here, we're also talking this week about cap and trade. India and China are putting more pollution into the atmosphere, and we're going to hurt our own economy at a time when we have cleaned up more of our air and water than ever in our history. This is just wrong. This is not the time to be hurting and devastating the economy.

In our Natural Resources Committee, we keep having people pushing—and it's going to come to the floor—to further put a moratorium again on the Outer Continental Shelf. That's a mil-

lion jobs, people have said, a million jobs, won't cost the taxpayer a dime, and in fact it will add dramatically to the coffers of the U.S. Treasury.

Open up ANWR. Nothing's living there. We can produce oil, another million jobs. Not up there, all over the country, and we're turning our back on that. The gas fields there that are not open, another million jobs. These are projections that real economists have made. And we're talk turning our back on them saying, no, we would rather tax even more the producers in this country, the people that are making things happen so they can't hire new people because they're paying tax to the government.

And then we get word that the President intends to put a cap on charitable deductions. So the institutions that are doing the most good—cutting recidivism, helping the poor around the world where they actually go in and they feed people, they don't give the money like our government does to a corrupt government overseas, they actually go in and do some good—we're going to cut that because we want that money coming to us in taxes rather than allowing charitable contributions to those who are doing the most good.

This is insane. It has got to stop. But the hope I have, as I see polling around the country, the American instincts, the majority of Americans' instincts are still good. They get it. They're not happy about this. The instincts are still good. And a majority of the Congress, the instincts are still good, it's just the leadership has led people in the wrong direction.

We need to turn this around. We can turn this around—not with more government, but just as we started out talking here today, if we were to go in as a parent and say, I can't control my spending, Mr. Banker; make me a loan and my kids and my grand kids and great grand kids will some day pay it back, then Child Protective Services would come in and take my children away if I were to do that. That's what we're doing. And it's time we turned the parenting over to somebody that's not going to hurt the children and the grandchildren and great grandchildren.

APPOINTMENT OF MEMBER TO SERVE AS CO-CHAIR OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

The SPEAKER pro tempore. Pursuant to section 4(c) of House Resolution 5, 111th Congress, the Chair announces the Speaker's appointment of the following Member to serve as co-Chair of the Tom Lantos Human Rights Commission:

Mr. MCGOVERN, Massachusetts

COMMUNICATION FROM THE
REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 4(c) of House Resolution 5, 111th Congress, I am pleased to re-appoint The Honorable Frank R. Wolf of Virginia as co-chair of the Tom Lantos Human Rights Commission.

Mr. Wolf has expressed interest in serving in this capacity and I am pleased to recommend the appointment.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today.

Mr. DEFAZIO (at the request of Mr. HOYER) for today on account of official business.

Mr. RANGEL (at the request of Mr. HOYER) for today on account of official business.

Ms. JACKSON-LEE of Texas (at the request of Mr. HOYER) for today on account of official business.

Mr. FATTAH (at the request of Mr. HOYER) for today.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for today on account of a medical reason.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONNOLLY of Virginia) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. KIRK, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, March

9, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

787. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2007-0088] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

788. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2007-0152] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

789. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0016] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

790. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Berkeley Plantation, James River, VA [USCG-2007-0083] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

791. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2007-0086] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

792. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0033] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

793. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Columbia River, all waters within 200 yard radius around the M/V GAS ORIENTAL (IMO#9247209) [USCG-2008-0287] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

794. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulation; Columbia River, all waters within 200 yard radius around the M/V GAS ORIENTAL (IMO#9247209) [USCG-2008-0287] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

795. A letter from the Chief, Regulations and Administrative Law, Department of

Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0297] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

796. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0289] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

797. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0330] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCGOVERN: Committee on Rules. House Resolution 219. Resolution providing for consideration of the joint resolution (H.J. Res. 38) making further continuing appropriations for the fiscal year 2009, and for other purposes (Rept. 111-25). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOOZMAN (for himself, Mrs. BLACKBURN, Mr. REYES, and Mr. CONAWAY):

H.R. 1373. A bill to direct the Secretary of the Interior to conduct a resource study along the "Ox-Bow Route" of the Butterfield Overland Trail in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California, and for other purposes; to the Committee on Natural Resources.

By Mr. CHANDLER:

H.R. 1374. A bill to prevent the abuse and exploitation of older individuals; to the Committee on the Judiciary.

By Mr. CHANDLER (for himself and Mr. POE of Texas):

H.R. 1375. A bill to ensure that sex offenders and sexually violent predators are not eligible for parole; to the Committee on the Judiciary.

By Mr. EDWARDS of Texas:

H.R. 1376. A bill to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 1377. A bill to amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LOWEY (for herself, Mr. GRIJALVA, Mr. SESTAK, Mr. CONNOLLY of

Virginia, Mr. BARROW, Mr. HOYER, Ms. WOOLSEY, Mr. VAN HOLLEN, Ms. KAPTUR, Mr. CUMMINGS, Mr. CHANDLER, Mr. MCGOVERN, Mrs. BLACKBURN, Mr. RUPPERSBERGER, Mr. WEXLER, Ms. DELAURO, Mr. KIRK, Mr. HINCHEY, Mr. PITTS, and Mr. BACA):

H.R. 1378. A bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 1379. A bill to prohibit the commercial harvesting of Atlantic striped bass in the coastal waters and the exclusive economic zone; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. TIERNEY, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. PASCARELL, Ms. SCHAKOWSKY, Mrs. NAPOLITANO, Mr. HINCHEY, Mrs. CAPPS, Mrs. MALONEY, Mr. GENE GREEN of Texas, Mr. WILSON of Ohio, Mr. LOEBACK, Ms. KAPTUR, Mr. ARCURI, Mr. MCHUGH, Mr. HARE, Ms. LEE of California, Mr. VAN HOLLEN, Ms. ZOE LOFGREN of California, Mr. CHANDLER, Mr. COURTNEY, Mr. NADLER of New York, Mr. MOORE of Kansas, Mr. TONKO, Mr. TURNER, Mrs. LOWEY, Mr. MURPHY of Connecticut, Mr. MICHAUD, and Mr. KILDEE):

H.R. 1380. A bill to establish a grant program for automated external defibrillators in elementary and secondary schools; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 1381. A bill to amend the Internal Revenue Code of 1986 to permanently extend existing elective tax treatment for Alaska Native Settlement Trusts; to the Committee on Ways and Means.

By Mr. OBEY:

H.J. Res. 38. A joint resolution making further continuing appropriations for fiscal year 2009, and for other purposes; considered and passed.

By Mr. ROYCE (for himself, Ms. WATSON, and Mr. BILIRAKIS):

H. Res. 220. A resolution urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

By Ms. WATSON (for herself, Ms. ROS-LEHTINEN, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. BUTTERFIELD, Mr. JONES, Mr. ROHRBACHER, Ms. CLARKE, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUELLAR, Ms. TSONGAS, Ms. EDWARDS of Maryland, Mr. ELLISON, Ms. TITUS, Ms. FUDGE, Ms. LINDA T. SANCHEZ of California, Mrs. NAPOLITANO, Ms. HIRONO, Ms. LEE of Cali-

fornia, Ms. ZOE LOFGREN of California, Mr. BERMAN, Ms. KILPATRICK of Michigan, Ms. MOORE of Wisconsin, Mr. PALLONE, and Ms. RICHARDSON):

H. Res. 221. A resolution recognizing and honoring Johnny Grant for his work as the Honorary Mayor of Hollywood, California for more than a quarter of a century; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. PASTOR of Arizona.
H.R. 22: Mr. SHIMKUS, Ms. SUTTON, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mr. RUSH, and Mr. PAUL.
H.R. 24: Mr. WITTMAN.
H.R. 118: Mr. LANCE.
H.R. 122: Mr. CALVERT.
H.R. 144: Mr. STARK, Ms. FUDGE, and Ms. VELÁZQUEZ.
H.R. 176: Mr. TIERNEY.
H.R. 181: Ms. ROYBAL-ALLARD and Mr. POLIS.
H.R. 182: Mr. HOLT.
H.R. 265: Ms. CLARKE.
H.R. 303: Mr. KLEIN of Florida, Mr. GORDON of Tennessee, Mr. BOREN, Mr. BARTLETT, Mr. MILLER of Florida and Mrs. BIGGERT.
H.R. 391: Mr. ALEXANDER and Mr. PAUL.
H.R. 450: Mr. BISHOP of Utah.
H.R. 463: Mr. MORAN of Virginia and Mr. TONKO.
H.R. 484: Mr. YOUNG of Florida.
H.R. 490: Mr. BOREN.
H.R. 515: Mr. PRICE of North Carolina, Mr. BAIRD, Mr. BOOZMAN, and Mr. MCNERNEY.
H.R. 557: Mr. WAMP, Mr. HENSARLING, Mr. SOUDER, and Mr. MCHENRY.
H.R. 593: Mr. TERRY and Mr. TEAGUE.
H.R. 620: Mr. MCINTYRE.
H.R. 622: Mr. BOUSTANY, Mr. FORBES, Mrs. MCMORRIS RODGERS, and Mr. GUTHRIE.
H.R. 635: Ms. KAPTUR.
H.R. 662: Mr. LATHAM.
H.R. 718: Mr. WITTMAN.
H.R. 734: Mr. HOLDEN.
H.R. 737: Mr. PENCE.
H.R. 746: Mr. FILNER.
H.R. 774: Mr. MASSA.
H.R. 776: Ms. DEGETTE.
H.R. 782: Mr. BOOZMAN.
H.R. 795: Mr. POLIS of Colorado.
H.R. 826: Ms. GIFFORDS.
H.R. 832: Ms. DEGETTE and Mr. HOLT.
H.R. 840: Mr. PRICE of North Carolina.
H.R. 937: Mr. STARK.
H.R. 938: Mr. GRIJALVA and Mr. STARK.
H.R. 939: Mr. THORNBERRY.
H.R. 953: Mr. ROGERS of Kentucky.
H.R. 968: Mr. CONAWAY.
H.R. 1082: Mr. BRADY of Pennsylvania, Mr. SHERMAN, and Ms. KAPTUR.
H.R. 1084: Ms. SHEA-PORTER, Mr. TOWNS, and Mr. COHEN.
H.R. 1173: Mr. KLINE of Minnesota.
H.R. 1182: Mr. THORNBERRY, Mr. TIAHRT, Mr. LUCAS, Mr. BARRETT of South Carolina, Mr. BUYER, Mr. DREIER, Mr. HENSARLING, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Ms. FALLIN, Mr. ROGERS of Kentucky, Mr. HALL of Texas, Mr. BROWN of South Carolina, Mr. ROONEY, Mr. LEE of New York, Mr. BERMAN, Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. GINGREY of Georgia, Mr. BILIRAKIS, Mr. REICHERT, Mr. ROE of Tennessee, Mr. HARPER, Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. BARTON of Texas, Mr. MACK, Mrs. BONO MACK, Ms. ESHOO, Mr. GALLEGLY, Mr. CALVERT, Mr. DAVIS of Tennessee, Mr. CULBER-

SON, Mr. MCCOTTER, Mr. MARIO DIAZ-BALART of Florida, Mr. POSEY, Mr. OLSON, Mr. SHAD-EGG, Mrs. LUMMIS, Mr. NEUGEBAUER, Mr. PRICE of Georgia, Mr. SMITH of New Jersey, Ms. FOX, Mrs. BACHMANN, Mr. CAMPBELL, Mr. FLEMING, Mr. MANZULLO, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. COLE, Mrs. BIGGERT, Mr. JONES, Mr. PAUL, Mr. POE of Texas, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, and Mr. PLATTS.

H.R. 1191: Mrs. BONO MACK and Mr. McDERMOTT.

H.R. 1204: Ms. KILROY.

H.R. 1205: Ms. ROS-LEHTINEN, Mr. KIRK, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BACHUS, Mr. YOUNG of Florida, and Mr. PLATTS.

H.R. 1206: Ms. GRANGER, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. COLE, Mr. BOOZMAN, Mr. MCHUGH, Ms. FALLIN, Mr. YOUNG of Alaska, Mr. CHAFFETZ, and Mr. McKEON.

H.R. 1207: Mr. CHAFFETZ, Mr. KINGSTON, Mr. YOUNG of Alaska, Mr. ROHRBACHER, Mr. STEARNS, Mr. MCCLINTOCK, Mr. HELLER, Mr. DUNCAN, and Mr. TAYLOR.

H.R. 1208: Mr. ROGERS of Michigan, Mr. HENSARLING, Mr. KLINE of Minnesota, Mr. MCHUGH, Ms. FALLIN, Mr. CHAFFETZ, Mr. RYAN of Wisconsin, Mr. COLE, Mr. ROGERS of Alabama, Mr. MARCHANT, Mr. COBLE, and Mr. CALVERT.

H.R. 1210: Mr. BACHUS.

H.R. 1211: Mr. KISSELL.

H.R. 1220: Mr. CARNEY, Mr. BERRY, Mr. BOOZMAN, Mr. CUELLAR, Mrs. BACHMANN, Mr. RODRIGUEZ, and Mr. ROGERS of Alabama.

H.R. 1228: Mr. MCCOTTER.

H.R. 1229: Mr. MCCOTTER.

H.R. 1231: Mr. FILNER and Ms. SCHAKOWSKY.

H.R. 1256: Mr. DENT.

H.R. 1262: Ms. NORTON, Mr. CAPUANO, Mr. FILNER, and Mr. KAGEN.

H.R. 1270: Mr. MEEK of Florida.

H.R. 1274: Mr. CARSON of Indiana.

H.R. 1283: Mr. GONZALEZ and Ms. DEGETTE.
H.R. 1295: Mr. DANIEL E. LUNGREN of California and Mrs. MYRICK.

H.R. 1305: Mr. PAYNE and Mr. McMAHON.

H.R. 1310: Mr. TOWNS.

H.R. 1341: Ms. KILROY, Ms. BEAN, and Mr. HINCHEY.

H.R. 1361: Mr. MEEKS of New York, Mr. MCINTYRE, and Mr. ROSS.

H. Con. Res. 16: Mr. BARRETT of South Carolina.

H. Con. Res. 31: Mr. MCCOTTER.

H. Con. Res. 61: Mr. PENCE.

H. Res. 42: Mr. KING of New York, Mr. PRICE of Georgia, Mr. HOLT, and Mr. KLINE of Minnesota.

H. Res. 86: Mr. MCCOTTER.

H. Res. 111: Mr. KLEIN of Florida and Mr. POSEY.

H. Res. 125: Mr. UPTON, Mr. PAYNE, Mr. JONES, Mr. COLE, and Mr. SAM JOHNSON of Texas.

H. Res. 130: Mr. ABERCROMBIE and Mr. DAVIS of Kentucky.

H. Res. 166: Mr. WOLF and Mr. BARTON of Texas.

H. Res. 175: Mr. HONDA and Mr. PRICE of North Carolina.

H. Res. 185: Mr. BISHOP of New York and Ms. GINNY BROWN-WAITE of Florida.

H. Res. 209: Mr. McMAHON.

H. Res. 211: Mr. FILNER, Mr. HINCHEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

EXTENSIONS OF REMARKS

HONORING GULFPORT, FLORIDA
POLICE CHIEF G. CURT WILLOCKS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. YOUNG of Florida. Madam Speaker, I rise to pay tribute to G. Curt Willocks, the Police Chief of Gulfport, Florida, who retires after 18 years of service to the people of Gulfport and 38 years in law enforcement.

Chief Willocks was selected to lead the Gulfport Police Department in January 1991 and since then made his priority the development of modern professional standards in law enforcement. Under his leadership, the department earned state accreditation in 2000 and was re-accredited in 2003. He also led a department-wide effort to incorporate the newest technologies into the force's daily work. This includes bringing to Gulfport in-car, digital video recorders and computers.

Chief Willocks also worked hard to improve the process for selecting and training new officers, ensuring that all officers received training that exceeded the state's minimum requirements, and raising the education standards for applicants. More than one-third of all Gulfport officers have a bachelor's degree.

Before coming to Gulfport, Chief Willocks served for 20 years on the Boca Raton, Florida police force, retiring there as Deputy Chief. He has been active in many local and statewide law enforcement organizations, including serving as President of the Tampa Bay Area Chiefs of Police Association, Chairman of the Pinellas County Police Standards Council, Director of the Florida Police Chief's Association, as a member of the Commission for Florida's Law Enforcement Accreditation, and on the Policy Board for the Florida Criminal Justice Executive Institute.

Madam Speaker, Chief Willocks has served our community and our state well. He has instilled pride and the highest standards in the officers who protect our residents, their families and their places of work with dedication and professionalism. It is my hope that my colleagues join me today in thanking Chief G. Curt Willocks for a job well done.

CONGRATULATING THE GRAND
OPENING OF THE MCAULIFFE-
SHEPARD DISCOVERY CENTER

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. HODES. Madam Speaker, I want to congratulate the McAuliffe-Shepard Discovery Center in Concord, New Hampshire today on its official opening. The McAuliffe-Shepard

Discovery Center honors two of New Hampshire's pioneers—Christa McAuliffe, the winner of the NASA Teacher in Space Project, and Alan Shepard, the first American in space. The incredible courage and curiosity of these two Granite Staters allowed for them to reach for the stars.

Christa McAuliffe taught middle school and high school students at Rundlett Junior High, Bow Memorial Middle School, and Concord High School between 1978 and 1985. On July 19, 1985, she was selected from a field of roughly 11,000 applicants to participate in NASA's Teacher in Space Project. Christa McAuliffe's mission on the flight was to teach schoolchildren lessons from space, and to encourage students to pursue careers in science and mathematics. Sadly, in 1986, her life was cut tragically short in the *Challenger* disaster, but her legacy of teaching children is remembered by her quote, "I touch the future. I teach."

Christa McAuliffe's incredible commitment to teaching is being honored by the McAuliffe-Shepard Discovery Center. This interactive center will be the first air and space center in New England. The McAuliffe-Shepard Discovery Center honors her life as well as her dedication to education.

On May 5, 1961, Alan Shepard piloted the *Freedom 7* mission and became the first American to travel into space. Alan Shepard also commanded the *Apollo 14* mission, and was the fifth person to walk on the moon. Following his incredible work with NASA for over 13 years, he has been honored in many different ways including the Congressional Space Medal of Honor, two NASA Distinguished Service Medals, the NASA Exceptional Achievement Medal, Naval Astronaut Wings, the Navy Distinguished Service Medal, and the Distinguished Flying Cross. The McAuliffe-Shepard Discovery Center is another wonderful way to honor his service to our country.

I would also like to applaud the McAuliffe-Shepard Discovery Center's dedication to green building and energy efficiency. According to the Department of Energy, buildings are responsible for 39% of U.S. carbon emissions per year and account for 39% of U.S. primary energy use. By incorporating natural lighting and energy efficient HVAC systems, the Center is helping decrease total carbon emission. It also highlights how important it is for all of us to preserve our energy, resources and planet.

The McAuliffe-Shepard Discovery Center is a great opportunity for Concord and New Hampshire to have a facility that can be a national leader in introducing the next generation to space exploration and provide a valuable education resource to both students and teachers in science, math, engineering, and technology. Education is one of the best investments we can make for our children. It provides an increasingly important advantage

in the workplace and helps our students to succeed in the 21st Century. Education, and science, math, engineering, and technology education in particular, should be within the reach of all children. The McAuliffe-Shepard Discovery Center helps us towards that goal.

I am honored and humbled by the incredible legacy of these two astronauts from New Hampshire, and congratulate the McAuliffe-Shepard Discovery Center on its grand opening.

A TRIBUTE TO SPECIALIST AARON
DRAKE SANDLIN

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. PRICE of Georgia. Madam Speaker, I would like to take a moment to pay tribute to Specialist Aaron Drake Sandlin, a constituent of the Sixth District of Georgia and one of the many Americans who serve in our Nation's Armed Forces with honor and valor.

MY SOLDIER—ONLY YESTERDAY

(By T. Maxwell Sandlin)

Only yesterday—the pregnancy test was positive

And your mom's face glowed

Then you were born healthy

And my pride showed—only yesterday.

Only yesterday—late feedings kept us up nights

And you ood and cooed at Christmas lights,
As in your car seat you saw the sights—only yesterday.

Only yesterday—I snapped your picture

As you slept like a log;

With a little stuffed toy

Called Brownie Dog—only yesterday.

Only yesterday—selling popcorn for the Scouts

Day after day you went all out.

We shed a tear—the both of us,

As you got on that yellow bus—only yesterday.

Only yesterday—crayon artwork on refrigerator

Drawn by the masterpiece that I would later

Share with the nation in a cause greater;

But, we didn't know it then—only yesterday.

Only yesterday—along a river at a family camp

As you got to know cousins, uncles and aunts,

And those veteran uncles in the firelight glow,

Their WWII stories told—only yesterday.

Only yesterday—we faced the coming teenage years

With their pitfalls, trials and fears.

You grew so fast you stripped your gears—only yesterday!

Only yesterday—driving in your first used car,

The leash got longer

And you drove far

I saw you son as a rising star:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Becoming a man—only yesterday
 Only yesterday—you were bringing us papers
 from Sunday School
 And memorizing the Golden Rule.
 Hiking these mountains and swimming in
 pools.
 You can't be grown. . . . it was only yesterday!!
 Only yesterday—they called your name and
 you came down
 You and your brother in your caps and
 gowns,
 All those years we couldn't wait.
 Your mom and I saw you graduate—only yesterday.
 Only yesterday—as I rehearse
 Your mother, well, she knew it first
 That after thinking about it hard
 You told her you joined the Army National
 Guard!!
 She knew I'd be proud and so I was—only
 yesterday.
 Only yesterday—you went to boot camp at
 the fort,
 And you did not sell yourself short
 You joined the army at a time of war,
 Like your family that went on before—only
 yesterday.
 All those yesterdays we enjoyed
 Only yesterday—we learned you were being
 deployed,
 To fight those who attempt to destroy. . . .
 Those yesterdays . . .
 Only yesterday—I'll say it over and over:
 Only yesterday—it was me and my Cub
 Scout
 And today it was me and my soldier!!!

**HONORING LEONARD AND ADELE
 BLUMBERG OF BRIDGEWATER,
 NEW JERSEY**

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. LANCE. Madam Speaker, I rise today to pay special tribute to Leonard and Adele Blumberg of Bridgewater, New Jersey. For over seven decades, Leonard and Adele Blumberg have worked hard day and night to make a difference in their community and help others.

In fact, there are dozens of New Jersey civic, social welfare, educational, artistic and religious organizations that have benefited from their hard work, dedication and selfless sacrifices to help those in need.

On Sunday, March 15, 2009 Temple Sholom in Bridgewater, New Jersey will honor Leonard and Adele during a special tribute ceremony for their remarkable and enduring lifelong contribution to communities throughout Central New Jersey.

Over the years, the Bloombergs have helped the Bridgewater Township Welfare Board, Somerset County United Way, People-Care Center, Somerset County Homemaker Service, American Red Cross, Somerset Valley Visiting Nurse Association, Somerset County Heart Association, Somerville Rotary Club, Education Foundation of Bridgewater, Jewish Federation of Somerset, Hunterdon and Warren Counties, The Shimon and Sara Birnbaum Jewish Community Center and Temple Sholom.

Because of their exceptional community outreach efforts, Temple Sholom established the

Leonard and Adele Blumberg Community Outreach Fund. The fund will be used to augment the Temple's existing and future community outreach programs to aid the needy in Somerset County.

It gives me great pleasure to share the remarkable efforts of Leonard and Adele Blumberg with my colleagues in the United States Congress and with the American people. I am also honored to join Temple Sholom at this special event recognizing their outstanding service to our community.

**HONORING THE LIFE AND SERVICE
 OF MRS. SUE WILK**

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Sue Wilk upon receiving the Women of Westland's 2009 ATHENA Award. The ATHENA Award recognizes individuals who have attained and personified the highest level of professional excellence in their business or profession, have devoted time and energy to the community in a meaningful way, and have opened the door of leadership opportunity for women.

Throughout her distinguished career, Sue has been committed to her community. Mrs. Wilk serves as the Department Chair for School Social Workers for the Wayne-Westland Community School District, where she affords her students the means and opportunities to be successful by offering personal and academic guidance. As the first female social worker assigned to the William D. Ford Career-Technical Center, she focuses on providing encouragement to young women interested in pursuing careers in non-traditional and male dominated fields.

Sue's community service activities focus on assisting student groups, families, and the underprivileged, as evidenced by her position as Vice-President of the Monroe High School Band Boosters, involvement in the Family Resource Center in Wayne-Westland, and participation as a Bell Ringer for the Salvation Army. Mrs. Wilk has accrued numerous accolades for her service including a special recognition from Wayne County acknowledging her efforts on behalf of children. She was also named Ancillary Professional of the Year by Wayne County RESA, and listed as "Who's Who Among American Teachers."

Madam Speaker, I ask my colleagues to join me in extending sincere congratulations to this year's ATHENA Award winner, Sue Wilk, for her dedication to professional excellence and passionate leadership in her community and country.

**HONORING THE LIFE OF MRS. JESSIE
 WADE, ON HER 100TH BIRTHDAY**

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Mrs. Jessie Wade, a long time Michigan resident and teacher, upon her 100th birthday.

Jessie Wade was born in Detroit, Michigan on March 6, 1909 to a large family of two brothers and three sisters. In 1926, she graduated from Southwestern High School and subsequently worked her way through college. Jessie attended Wayne University for two years and in 1931 graduated from Michigan State Normal College, currently known as Eastern Michigan University. In the midst of the Great Depression, Jessie struggled to find fulltime employment. Coming from a family of educators, Jessie devoted her life to Detroit-area students as a teacher with the Detroit Public Schools through World War II and until her retirement. Jessie married Starr Wade on April 7, 1931 at the Dearborn Inn and spent 49 wonderful years with him until his passing. Jessie and Starr were blessed with one daughter, Linda, who tragically passed away on November 3, 1945 leaving her three children in their care.

Jessie Wade is a life-long educator and a fulltime grandmother and great-grandmother to her three grandchildren and two great-grandchildren. Jessie has lived for the past twenty year in the Silver Village retirement community in Livonia, Michigan. She has been an active and founding member of Grosse Pointe Congregational Church. Although she had to give up driving at the age of 96, Jessie has remained a very independent and active member of her community.

Madam Speaker, admired by all who know her, Jessie Wade has enriched and inspired everyone she has touched throughout her life. As Jessie celebrates her 100th birthday today, I ask my colleagues to join me in congratulating her on reaching this spectacular milestone and honoring Jessie for her loyal service to her community and the country.

**HONORING THE MEMORY OF
 BETTY McCrARY McCORQUODALE**

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. BONNER. Madam Speaker, the city of Jackson and, indeed, the entire state of Alabama recently lost a dear friend, and I rise today to honor Betty McCrary McCorquodale and pay tribute to her memory.

A lifelong resident of Jackson, "Miss Betty" graduated from Jackson High School and attended Florida State University before marrying Joseph Charles McCorquodale Jr. In World War II, her husband served in the U.S. Army Air Corps, and during the time they were stationed in Big Spring, Texas Air Force Base,

"Miss Betty" was selected as the Beauty Queen of the Cadet Corps. She also served as president of the Cadet Wives Club.

In 1959, Mr. McCorquodale was elected to the Alabama House of Representatives. "Miss Betty" was actively involved during his 23 years in the Alabama Legislature. She helped organize the Legislative Wives Club and served one year as its president. She was also instrumental in having replicas of the original gas lights installed in the lobby of the entrance to the Alabama Capitol building as well as in the House chamber.

"Miss Betty" was a founding member of the Jackson Woman's Club and served as its first president. She was a member of the First United Methodist Church of Jackson where she taught Sunday school classes.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout south Alabama. Betty McCrary McCorquodale will be dearly missed by her family—her husband of 67 years, Joseph Charles McCorquodale Jr.; their two sons, Joseph Charles "Mac" McCorquodale III and Gaines Cowan McCorquodale; their four grandchildren, Elizabeth M. Percy, Joseph Charles McCorquodale IV, Martha Virginia "Ginny" Stewart, and Mary Helen Marks; seven great-grandchildren; her sister, Jean McCrary Payne; nieces, nephews; and other relatives—as well as the countless friends she leaves behind.

Our thoughts and prayers are with them all during this difficult time.

THE INCREASED STUDENT ACHIEVEMENT THROUGH INCREASED STUDENT SUPPORT ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise in strong support of the Increased Student Achievement Through Increased Student Support Act.

With the No Child Left Behind Act dramatically increasing the pressure on teachers and administrators to improve test scores, too often we forget that students' academic success is also dependent on a number of other factors. For example, as students transition into adulthood, they experience social, emotional and behavioral needs that if unmet, impede academic success.

These diverse needs often cannot be met by already over-burdened teachers. Students need school counselors, school social workers and school psychologists. Yet, in low income neighborhoods, students lack these essential resources. Nationwide, the average student to counselor ratio is 475 to 1, nearly double the suggested 250 to 1 ratio. In California, the ratio is a dismal 920 to 1, the worst in the nation.

To help improve student performance and increase graduation rates, this bill would authorize funding to form partnerships between under-served school districts and higher education institutions that train school counselors,

school social workers, and school psychologists. By increasing school support staff, we can address children's out-of-the-classroom needs so that when they're in the classroom, they can be safe, engaged, and achieving their full potential. The students of low-income neighborhoods deserve the same opportunities as others for a productive learning environment.

Today's children are the economic engine of our future. We must make certain all children have the opportunity to develop academically and socially, and all schools have the resources to achieve this goal. Academic success does not come when children are hungry, bullied, traumatized, or depressed. We need more personnel to help address and alleviate these issues so that all children, no matter what their economic situation is, can focus on math, reading, and science. This is why I urge my colleagues to invest in our children and our future by supporting the Increased Student Achievement Through Increased Student Support Act.

COMMENDING THE WORK OF THE STATE DEPARTMENT'S HUMAN RIGHTS OFFICERS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. WOLF. Madam Speaker, I would like to share with our colleagues a letter I sent to the State Department's Bureau of Democracy, Human Rights and Labor (DRL) following the successful rollout of the 2009 Country Reports on Human Rights Practices.

These sweeping reports reflect the hard work of hundreds of human rights officers in Washington and abroad. I would like to thank, by name, the DRL staff people without whom this report would not have been possible. Specifically the editorial staff of the Country Reports Team consisting of: Editor in Chief Stephen Eisenbraun; Office Directors: Bruce Connuck, Kay Mayfield, and Michael Orona; Senior Editors: Jonathan Bemis, Douglas B. Dearborn, Daniel Dolan, Jerome L. Hoganson, Patricia Meeks Schnell, Julie Turner, and Rachel Waldstein; Editors: Naim Ahmed, Sabrina Bahir, Joseph S. Barghout, Katherine Berglund, Sarah Beringer, Alisha Bhagat, Sarah Buckley, Laura Carey, Elise Carlson-Rainer, Ebenezer Concepcion, Sharon C. Cooke, Susan Corke, Stuart Crampton, Frank B. Crump, Mollie Davis, Cortney Dell, Morton Dworken, Jennifer Evans, Verinda Fike, Joan Garner, Karen Gilbride, Jeffrey Glassman, Edward Grulich, Cheryl Harris, Patrick Harvey, Matthew Hickey, Alexandra Hoey, Victor Huser, Stan Ifshin, Sami Jiries, Simone Joseph, Jennifer King, Jane Kim, Sidney Kwiram, Lawrence Lesser, Jessica Lieberman, Katie McLain, John McKane, Michael McKenna, Gregory Maggio, Jessica Megill, Nicole Morales, David Mikosz, Leonel Miranda, Stephen E. Moody, Jennie Munoz, Sandra Murphy, Daniel L. Nadel, Catherine Newling, Susan O'Sullivan, Meredith Pierce, Drue Preissman, Peter Sawchyn, Amy Schmisser, Wendy Silverman, Erin Spitzer, Rachel Spring,

Brian Stout, James Todd, Rachel Waldstein, Nicole Wilett, Mikel Wood, and Isabelle Zsoldos; Contributing Editor: Lynne Davidson; Editorial Assistants: Adrienne Bory, Karen Chen, Carol Finerty, Elizabeth Mokaba, and Kimberly Jorgensen; and Technical Assistant Eunice Johnson.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 2009.

Ms. KAREN STEWART,
Acting Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Washington DC.

DEAR MS. STEWART: I write following the successful rollout of the 2009 Country Reports on Human Rights Practices. I know that this exhaustive report which catalogues human rights abuses globally is the result of countless hours of hard work on the part of human rights officers in DRL and in American embassies abroad. I also know that the final product often comes after hard fought battles within the building.

I ask that you share with your staff and with human rights officers the world over my profound appreciation for their efforts. At times I know it can seem a thankless task. But the efforts of your bureau to speak truth to power and to be a voice for the voiceless brings hope and makes a difference to millions.

You have my profound thanks. Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

PERSONAL EXPLANATION

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. SPACE. Madam Speaker, today, I will be absent from votes in the House, as I will be travelling to Ohio with the President to discuss the economic challenges facing my home state of Ohio.

The most recent unemployment numbers only underscore the clear and glaring need for economic revitalization in my district. I look forward to sharing the perspective of Appalachian Ohio with the President and discussing how we can move forward with plans that offer new opportunity for the people I represent. This cooperation will be critical to steering our nation's economy back on track.

I will return to the House for any scheduled votes this afternoon.

HONORING THE MEMORY OF FORMER ALABAMA GOVERNOR GUY HUNT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. BONNER. Madam Speaker, it is with great sadness that I rise today to honor the memory of former Alabama Governor Guy Hunt. Our nation lost a wonderful friend and an individual who made numerous contributions toward the betterment of our state.

A native of Holly Pond, Alabama, Governor Hunt enlisted in the United States Army upon graduation from Holly Pond High School and served in the Korean War. Following his discharge in 1956, he returned to Alabama where he operated an egg farm. In 1958, he was ordained a Primitive Baptist minister.

Governor Hunt's political career began in 1962 when he ran for a seat in the Alabama Senate. He lost the election; however, in 1964, he was elected probate judge of Cullman County becoming the youngest probate judge in Alabama. Honoring a campaign promise, he stepped down after two terms.

He was also active in the Republican Party, serving as state chairman of Ronald Reagan's presidential campaigns in 1976 and 1980. He also chaired Alabama's Republican delegations at the 1976 and 1980 Republican National Conventions.

After President Reagan won election in 1980, he appointed Governor Hunt state director of the Agricultural Stabilization and Conservation Committee. He served on the committee until 1985 when he stepped down to run for governor.

Winning the 1986 election with the most votes ever for a gubernatorial candidate at that time, he became Alabama's first Republican chief executive since Reconstruction. His election to the governor's office is credited with creating a two-party system in the state. Governor Hunt was re-elected in 1990.

Madam Speaker, I ask my colleagues to join me in remembering this dedicated public servant. Guy Hunt will be deeply missed by his family—his wife, Anne Smith Hunt; two sons, Keith Hunt and his wife Heather, and Cary Smith and his wife Jayne; five daughters, Pamela Hunt, Sherrie Williams, Lynn Harris and her husband Doug, Judy Gurley and her husband Mike, and Lois Swindal and her husband Bruce; 16 grandchildren, Nigel Hunt, Nolan Hunt, Ashley Hunt, Kayla Hunt, Samuel Hunt, Heath Williams, Eric Williams, Kelly Williams, Raygen Catoe, Dusty Kanute, Dawn Brantley, Rachel Gurley, Caryanne Swindal, Bradley Swindal, Joshua Swindal, and Anna Grace Swindal; and eight great-grandchildren, Bonnie Catoe, Katelyn Kanute, Cale Kanute, William Brantley, Parker Brantley, Levi Hunt, Skye Hunter, and Helen Anne Williams—as well as the countless friends he leaves behind. Our thoughts and prayers are with them all at this difficult time.

HONORING VICE PRESIDENT WALTER MONDALE ON HIS DECORATION BY THE GOVERNMENT OF JAPAN

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Ms. McCOLLUM. Madam Speaker, I rise today to recognize former Vice President Walter Mondale as he receives the Grand Cordon of the Order of the Paulownia Flowers from the Government of Japan. This prestigious decoration is the highest honor given to foreign civilians by the Japanese government and is being bestowed to Vice President Mon-

dale for his contribution to enhancing friendship and mutual understanding between Japan and the United States as U.S. Ambassador to Japan from 1993 to 1996.

No public servant is more deserving of this honor than my friend and fellow Minnesotan Walter Mondale. For five decades, Minnesotans have supported the man they warmly call "Fritz" as he served as Vice President of the United States under President Carter, Minnesota's U.S. Senator from 1964 to 1976, and State Attorney General. His contributions in areas including education, social justice and international human rights have forever changed Minnesota, our nation and the world.

Walter Mondale's career in public service is distinguished, however, not by the greatness of his titles, but by the goodness of his heart. He used his positions of authority to tirelessly promote cross-cultural understanding, economic justice and civil rights. While his accomplishments are many, his greatest legacy may be the model of principled and diligent public service that continues to inspire America and fill Minnesotans with quiet pride.

Madam Speaker, I urge my colleagues to join me and all Minnesotans in congratulating Vice President Mondale on this distinct and much-deserved honor.

CONGRATULATING TRAY SMITH
FOR BEING NAMED ATMORE'S
"CITIZEN OF THE YEAR"

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. BONNER. Madam Speaker, I am proud to rise today to congratulate my friend Tray Smith of Atmore, Alabama, for being named Atmore's 2008 "Citizen of the Year." As evidenced by an outstanding list of accomplishments, he is one of the most exceptional young men I have ever known.

Tray has a love of people and an understanding of politics that is certainly beyond his years. As a freshman in high school, he was given an opportunity to write a weekly political column for The Atmore Advance. He has also been an active member of the Student Government Association, a member of the National Honor Society and helped start a recycling program at Escambia County High School. In addition, Tray is an Eagle Scout and last year helped more than 100 citizens register to vote, most of them being minorities.

Although I have known Tray for years, I have been especially proud of some of his more recent accomplishments. As you may know, Governor Bob Riley chose Tray to be the first high school intern working in his office in Montgomery. Additionally, as part of the Junior Statesmen of American Summer program at Georgetown University, Tray also attended the 2008 Republican National Convention in Minneapolis-St. Paul, Minnesota. During both opportunities, Tray excelled in every way possible.

Last year, however, I was especially proud to nominate Tray to serve as a page in the U.S. House of Representatives in Washington, DC. This is an honor that falls on only a select

few high school juniors from throughout the nation; needless to say, he made me proud every day that I saw him on the floor of the U.S. Congress, and he has made south Alabama proud countless times as well.

Tray's list of accomplishments reads more like someone who is three or four times his age. Suffice it to say, he truly represents the very best of our young people today. Perhaps the highest compliment I can pay Tray is that as a father of a teenage daughter and an 11-year-old son, I can only hope that my children will one day have the maturity, the value system and the sense of priorities as they continue to grow-up that Tray has. There couldn't be a better role-model for them—or for our other young people—than Tray Smith.

Madam Speaker, on behalf of the proud citizens of the First Congressional District and the entire state of Alabama, I ask my colleagues to join me in congratulating Mr. Tray Smith on this tremendous achievement. I know I speak for all my colleagues in the House of Representatives when I say we can't wait to see what he accomplishes in the next 18 years of his life.

PERSONAL EXPLANATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I am respectfully writing to you so that it is acknowledged, had I been present to vote on H. Res. 153 "Commending the University of Southern California Trojan football team for its victory in the 2009 Rose Bowl" my vote would have been cast in support of this resolution.

EARMARK DECLARATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. JORDAN of Ohio. Madam Speaker, pursuant to House Republican Conference standards, I am submitting the following information for publication concerning a project included at my request in the Fiscal Year 2009 Omnibus.

Requesting Member: JIM JORDAN (Fourth Ohio District)

Bill Number: H.R. 1105, the Omnibus Appropriations Act of 2009

Account: United States Army Corps of Engineers, Section 205 (Flood Damage Reduction)

Legal Name of Requesting Entity: United States Army Corps of Engineers, Buffalo District

Address of Requesting Entity: 1776 Niagara Street, Buffalo, New York 14207

Description of Request: The City of Findlay, Ohio, saw three of its worst floods in history in just a 13-month period in 2007–8. These floods devastated the city, causing significant damage to the downtown business district and displacing hundreds of residents. The Army Corps of Engineers has worked diligently

since the January 2007 flood toward developing flood damage reduction plans; the feasibility study is on schedule for completion in 2010.

I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE GOOD DEEDS OF
BEVERLY YOUNG

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. MURTHA. Madam Speaker, I rise today to recognize the valor of someone who is no stranger to good deeds and heroic actions. For those of us who have the pleasure of knowing her, Beverly Young is an activist at heart, and a go-getter by reputation.

Beverly, wife of our good friend and colleague BILL YOUNG, has never backed down from an obstacle or challenge standing in her way. She is universally recognized for getting things done.

On a US Airways flight from Tampa, FL to Washington, DC this week, an elderly woman collapsed in the airplane lavatory and lost consciousness. When no one with medical training stepped forward to help, Beverly, a former firefighter and medic, rushed to her side. Using her skills in CPR, Beverly revived the woman and remained with her to make sure she kept awake and alert.

Others on the flight that day probably thought that this was just the one-time act of a Good Samaritan. But for those of us who know her, her quick action to help someone in need was far from ordinary.

Madam Speaker, since the beginning of the wars in Iraq and Afghanistan, Beverly Young has been a fixture in the halls of our nation's military medical centers. She's not there to receive fanfare or to seek recognition; she's there to support the thousands of our nation's best and brightest who have been injured serving our great country.

Beverly is not an occasional visitor; she is there constantly for these young men and women and their families, becoming as familiar to them as anyone else they encounter during their recovery. She listens to each and every one of them, and she makes sure that they get what they need, whether it's food or supplies or fighting the Washington bureaucracy on their behalf.

Madam Speaker, our country is a better place because of people like Beverly Young. Her selfless service has earned her the respect and gratitude of all those she has helped, and all those who have witnessed her good deeds in action.

EARMARK DECLARATION

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mrs. SCHMIDT. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, "Omnibus Appropriations Act, 2009."

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Ohio Riverfront, Cincinnati, Ohio

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: "The City of Cincinnati"

Address of Requesting Entity: 950 Eden Park Drive, Cincinnati, Ohio

Description of Request: Provide an earmark of \$2,871,000 to begin construction of Phase I of the project, including a flood-tolerant, stabilized river bank that will become a riverfront park linking central riverfront attractions to Downtown Cincinnati. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account [PL 110-114, Section 5116 (WRDA 2007)]. The City of Cincinnati will match this funding 50-50 and has thus far provided \$11.97 million toward this project. The State of Ohio has also appropriated \$1.75 million for the project.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Metropolitan Region of Cincinnati, Duck Creek, Ohio

Account: Army Corps of Engineers, Construction General

Legal Name of Requesting Entity: "The City of Cincinnati" and "Village of Fairfax"

Address of Requesting Entity: 950 Eden Park Drive, Cincinnati, Ohio and 5903 Hawthorne Avenue, Cincinnati, Ohio

Description of Request: Provide an earmark of \$3,828,000 to continue construction of 100-year level of flood protection to existing commercial, industrial, and residential areas along Duck Creek. This request is consistent with the authority provided by WRDA 2000 (PL 106-541) and the intended and authorized purpose of the Army Corps of Engineers, Construction account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Ohio Environmental Infrastructure, OH: Village of St. Martin, Ohio

Account: Army Corps of Engineers, Construction, Section 594, Ohio Environmental Infrastructure

Legal Name of Requesting Entity: "Village of St. Martin"

Address of Requesting Entity: P.O. Box 213, Fayetteville, Ohio 45118

Description of Request: Provide an earmark of \$200,000 to replace the wastewater treatment plant serving the Brown County Ursuline School for Girls, Chatfield College and 27 neighboring residences. The treatment plant is mandated by the EPA to be replaced by June 1, 2010. This request is consistent with the authorized purpose of the Ohio Environmental Infrastructure account (Section 594). The Village is prepared to provide 50 percent of the total project cost. Funds will be used for engineering (\$48,000); preliminary engineering (\$5,000); design (\$22,500); and construction (\$326,000).

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Rankin House State Memorial

Account: National Park Service, Save America's Treasures

Legal Name of Requesting Entity: "Ohio Historical Society"

Address of Requesting Entity: 1982 Velma Avenue, Columbus, Ohio 43211

Description of Request: Provide an earmark of \$150,000 to preserve and restore the Rankin House. Funds will be used for exterior trim and brick repair (\$28,000); restoration of dining room and bedroom woodwork (\$43,000); conserve parlor mural (\$50,000); interior painting (\$30,000); new HVAC system (\$25,000); upgrade electrical system (\$12,000); plumbing repair (\$3,000); security system upgrades (\$9,000); relocate utilities to house underground (\$30,000); reproduction floor coverings, wallpapers, drapes, bed coverings (\$75,000); and conservation of furniture and painting (\$60,000). This request is consistent with the authorized purpose of the Save America's Treasures account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Metropolitan Sewer District of Greater Cincinnati, Eastern/Delta Sewer Separation Project

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: "Metropolitan Sewer District of Greater Cincinnati"

Address of Requesting Entity: 1600 Gest Street, Cincinnati, OH 45204

Description of Request: Provide an earmark of \$500,000 to separate sanitary sewage from storm water flows in order to reduce the amount of combined sewer overflow (CSO) volume discharged to the Ohio River. \$1 million authorization in the Water Resources Development Act (WRDA) of 2007. This is part of MSD's Wet Weather Improvement Plan (WWIP) to comply with the federally-mandated consent decree for combined sewer overflows (CSO) and sanitary sewer overflows (SSO). The agreement between MSD and various regulatory authorities, including the United States Environmental Protection Agency, was codified into two Consent Decrees entered in the United States District Court for the Southern District of Ohio on June 9, 2004. The total cost of the WWIP is estimated to be nearly \$2.0B (in 2006 dollars) and has been funded thus far by the MSD rate payers. Implementation of this project would reduce the volume of untreated combined sewage entering the Ohio River by 13 million gallons per year. This request is consistent with the authorized purpose of the STAG Water and Wastewater Infrastructure account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Shawnee State University for an Immersive Technology and Arts Center

Account: Small Business Administration

Legal Name of Requesting Entity: "Shawnee State University"

Address of Requesting Entity: 940 Second Street, Portsmouth, Ohio 45662

Description of Request: Provide an earmark of \$300,000 for an Immersive Technology and Arts Center at Shawnee State University (ITAC). ITAC will house a motion capture lab and advanced video and sound editing studios to create a fully-realized virtual environment. ITAC will play a prominent role in attracting national and international professionals and businesses to the area, fostering the development of locally owned companies and supplementing a strong high-tech education at the University. ITAC emphasizes local partnerships and will be part of a regional collaboration of businesses and institutions of higher education working to cultivate the intellectual and financial capital to create a high-tech economic base in the Southern Ohio region. Funding will be used for 30 computer workstations, proprietary software, and furniture (\$270,000) and staffing for one year (\$100,000). This request is consistent with the authorized purpose of the Small Business Administration account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Clermont County Multi-Jurisdictional Drug Task Force

Account: OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: "Clermont County Sheriff's Office"

Address of Requesting Entity: 4470 State Route 222, Batavia, Ohio 45103-9777

Description of Request: Provide an earmark of \$230,000 for the Clermont County Drug Unit, a multi-jurisdictional narcotics task force formed in 1988. Funds will supplement local resources to provide for personnel and operations. The mission of the unit is to identify, investigate and arrest mid and upper echelon narcotics violators who otherwise would operate across jurisdictional boundaries with impunity. Funds will support personnel (\$289,646) and operations (\$77,008). This request is consistent with the authorized purpose of the OJP, Byrne Discretionary Grants account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Cincinnati Communications Equipment

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: "City of Cincinnati"

Address of Requesting Entity: Regional Computer Center/Communications Technology Services, 805 Central Avenue, Suite 310, Cincinnati, Ohio, 45202

Description of Request: Provide an earmark of \$1,270,000 to implement 800MHz radios for non-public safety agencies in the City of Cincinnati so they can communicate with public safety agencies, and to eliminate the need to replace aging (20+ years old) UHF/VHF equipment because of federal (FCC) mandates related to narrowbanding. Total project cost is \$2.5 million, including \$100,000 personnel, engineering, and design and \$2.4 million for equipment. This request is consistent with the authorized purpose of the COPS Law Enforcement Technology account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Eastgate Area Improvements, Clermont County, Ohio

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: "Clermont County Transportation Improvement District"

Address of Requesting Entity: 175 E. Main Street—Suite 150, Batavia, OH 45103

Description of Request: Provide an earmark of \$570,000 for Eastgate Area Improvements (Local Network Improvements—Segments IV and IVa) including Preliminary Engineering/Environmental Impact Studies (PE/EIS) and related activities to develop and construct projects consistent with appropriate federal project development and ODOT requirements. Total project cost is \$2.5 million. Seeking \$2 million in federal support with non-federal/local match of \$500,000. This request is consistent with the authorized purpose of the Transportation, Community, and System Preservation account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Village of Morrow, Morrow, Ohio

Account: Economic Development Initiatives

Legal Name of Requesting Entity: "Village of Morrow"

Address of Requesting Entity: 150 E Pike Street, Morrow, Ohio 45152

Description of Request: Provide an earmark of \$237,500 for streetscape improvements to help revitalize Morrow's central business district and support economic development. Elements of the project include funding for street lighting (\$27,500), signage-façade (\$2,500), removal of existing walk (\$3,850), curb and gutter removal (\$4,950), removal and re-installation of traffic signs (\$2,625), storm pipe removal (\$8,800), engineering and design (\$34,000), relocate street utilities (\$25,000), pipe culverts (\$44,000), misc pipe culvert for drain basin (\$8,000), underdrains (\$7,040), ODOT Type 2 curb and gutter (\$22,000), concrete sidewalk (\$45,000), construction observation-inspection (\$10,000), seeding and mulching (\$2,775), and misc approaches—ADA ramps (\$12,500). The Village is prepared to provide \$25,000 or a 5 percent match of total project costs. This request is consistent with the authorized purpose of the Economic Development Initiatives account.

Requesting Member: Congresswoman JEAN SCHMIDT

Bill Number: H.R. 1105

Project Name: Central Riverfront Street Grid
Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: "City of Cincinnati"

Address of Requesting Entity: Department of Transportation and Engineering, 801 Plum Street, City Hall, Room 450, Cincinnati, Ohio 45202

Description of Request: Provide an earmark of \$475,000 to design and construct pedestrian facilities, utility infrastructure, and other street improvements on Race Street in downtown Cincinnati. The CRF Street Grid Project provides the streets, sidewalks and utility infrastructure necessary to support the new Central Riverfront redevelopment, including the Paul Brown Stadium, the Great American Ball-

park, the National Underground Railroad Freedom Center, Central Riverfront Park, and The Banks mixed-use development. The project augments Fort Washington Way by increasing mobility and providing roadway connections to accommodate localized access to and from Cincinnati's Central Business District and Central Riverfront areas, as well as the Northern Kentucky Riverfront. This request is consistent with the authorized purpose of the Transportation, Community, and System Preservation account.

TRIBUTE TO MR. DAN SHERMAN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize a compassionate labor leader and tireless worker, Dan Sherman, who has given 36 years of service to Wisconsin's energy industry.

Dan Sherman has worked as Forester, Lineman and Trouble Shooter for Wisconsin Electric Power Company. Mr. Sherman has given unprecedented service to Local 2150 of the International Brotherhood of Electrical Workers and during his tenure has served as Business Representative, Assistant Business Manager, and Business Manager for Local 2150.

Since 1987, Mr. Sherman has been a member of the State AFL-CIO Executive Board where his leadership has led to greater cooperation within organized labor, and forged stronger relationships with local, state, and federal officials on the importance of issues affecting working families. Mr. Sherman served on the Missouri Valley Board of Trustees that contributed to strong labor-management regarding industry performance, training and safety issues.

Mr. Sherman is a veteran having proudly served as a United States Marine. He is also a devoted family man, who together with his wife, Chris, has raised four children and has been blessed with seven grandchildren.

On March 13, 2009, Dan Sherman will be recognized and thanked for his many contributions to the citizens of Wisconsin and all of Wisconsin by family, friends and colleagues. In fact, Mr. Sherman continues to set a strong example to us all by displaying humor, grace and goodwill to all, in spite of extreme challenges to his own health.

Madam Speaker, for these reasons, I am honored to pay tribute to Mr. Dan Sherman for his contributions to the Fourth Congressional District and the State of Wisconsin. He has helped transform the lives of many people in our community.

CELEBRATING THE ONE-YEAR ANNIVERSARY OF THE SPRINTER

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. BILBRAY. Madam Speaker, I rise today to pay tribute to the North County Transit District and the successful completion of the first

year of service by the Sprinter. The Sprinter is a light commuter rail line operating between Oceanside and Escondido, California, United States.

The Sprinter is operated by the North County Transit District of Oceanside, the area's public transit agency and is the first passenger train service of any kind along the Escondido Branch since the Santa Fe Railroad discontinued passenger service in 1946. The Sprinter service has helped the San Diego region battle traffic congestion and pollution while providing a critical 22-mile route from Oceanside to Escondido, with 15 stops along the way.

The light rail on average services 7,300 weekday riders and ridership is increasing steadily. The Sprinter had over 2.3 million passengers in its very first year and has maintained a 99 percent on time performance. I am especially proud of the Sprinter's success during these difficult economic times. My congratulations go out to the entire Sprinter family and the North County Transit District team!

RECOGNIZING BEVERLY ECKERT'S SERVICE

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. KING of New York. Madam Speaker, today I rise in support of H. Res. 201, recognizing the service of 9/11 widow Beverly Eckert who was killed aboard Continental Flight 3407 last month.

This resolution is a fitting memorial to the life and service of Beverly Eckert. After her husband, Sean Rooney, was killed in the September 11, 2001, terrorist attacks on the World Trade Center, Beverly dedicated her life to keeping alive the memories of Sean and the nearly 3,000 others killed that day. It was my privilege in the dark days following 9/11 to meet Beverly and work with her to obtain justice for the families of those who were murdered.

I was deeply saddened to learn about the death of Beverly and so many others on that flight to Buffalo last month. She was truly an advocate for the 9/11 families, and her strength and resolve will be missed.

IN HONOR OF REV. DR. ANDREW DURGAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. RAHALL. Madam Speaker, I rise today to extend my deepest sympathy in the passing of my dear friend Rev. Dr. Andrew Durgan. Over 60 years ago, Rev. Durgan began his radio ministry over the airways of my family's radio station, WNNR, becoming the first African American to host a weekly program. I am proud that my father created an opportunity which Rev. Durgan used as a launching pad for his ministry. Joining together with my dear

friend, the late Helen Dobson, made them both a powerhouse in the community.

I was honored to be with Rev. Durgan as guest speaker for his 60th Anniversary of Broadcast Ministry and remember fondly the testimonies he shared concerning the goodness of the Lord. Rev. Durgan recounted the seven battles he had witnessed during his time in the service and although he never knew if he would make it out alive, he held fast to the words of the old hymn, "The Lord will make a way Somehow." And though he may have had many storms in his life, he would say to his soul, Precious Lord, take my hand and lead me on, let me stand.

Now, Rev. Durgan has another testimony, his living was not in vain, because he helped somebody as he traveled along this way, all because of God's Amazing Grace. Rev. Durgan's legacy will live on for years to come to inspire others to Hold On to God's Unchanging Hand.

May God's blessing of peace be with you and may the memories of Rev. Durgan bring joy to your hearts.

CHINA'S ABUSES KNOW NO LIMITS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. WOLF. Madam Speaker, I bring to the attention of the House an interview conducted by the non-governmental organization (NGO) Human Rights in China. Upon her release from prison, Shuang Shuying, the 77-year old mother of house church pastor Hua Huiqi, recounted that she endured beatings and electric shock at the hands of her captors. She was the oldest inmate at Beijing Women's Prison where she served a two-year sentence.

This severe treatment of an elderly woman is evidence that the Chinese government is indiscriminate in its human rights abuses. Chinese officials truly know no limits.

[Feb. 13, 2009]

CASE UPDATE: ELDERLY ACTIVIST SHUANG SHUYING RELEASED; REPORTS ABUSES IN PRISON

Shuang Shuying, 77, evictions activist and mother of house church pastor Hua Huiqi, was released from the Beijing Women's Prison on Sunday morning, February 8, 2009. In an interview with HRIC on the day of her release, Shuang recounted the abuses she suffered in prison.

Shuang served a full two-year term on conviction of "intentional damage of public and private property" for striking an on-coming police car with a cane during a 2007 visit to a local government office to protest her son's detention.

On the afternoon of her release, Shuang went to visit her ailing husband, Hua Zaichen, 89, hospitalized at the Beijing Electricity Hospital since February 5. Hua passed away at 7:50 am the following morning, February 9, 2009.

Shuang and her family are longtime rights activists. She and her husband have spoken out against Reeducation-Through-Labor (RTL) and religious persecution. Their son, Hua Huiqi, has suffered numerous detentions, beatings, and threats for his activities as a house church pastor. In 2002, Shuang

saw her Beijing home demolished to make way for Olympics redevelopment. Subsequently, the family had to relocate eight times.

At Beijing Women's Prison, Shuang was the oldest inmate, and endured beatings and electric shock. She suffered from diabetes, high blood pressure, cataracts, heart disease, and arthritis, but prison authorities denied her request for medical parole. According to her husband in 2008, Shuang was almost completely blind in both eyes due to the abuses inflicted upon her.

The following is Shuang's account of the abuses she suffered in prison.

[From HRIC interview with Shuang Shuying, Feb. 8, 2009]

SHUANG SHUYING: PRISON EXPERIENCE

(Translation by HRIC)

When I first arrived at Block 11 of Beijing Women's Prison, officers from the Beijing Public Security Bureau came to ask me whether I thought the sentence was just. I said no.

During interrogations, I had to sit upright. If I sat a little askew, "pa!"—I would get slapped. The person who hit me was a 30-something female prison guard. There was also another prison guard, a 50-something woman named Yang. I had a sore on my buttocks, and it hurt a lot when I was sitting on a chair. If moved even slightly, they would pinch me and twist [my arms]. I still have marks on my arm.

Later, they stripped me completely naked and put me in a large room. Prison guard Yang said to me, "We just want to show your old, skanky skin."

During interrogations, if a mosquito bit my face, and I tried to swat it away with my hand, that 30-something prison guard would tell me not to move. They wouldn't allow me to explain. They would just say, "Where is it? How come we don't see anything?" And they would take the opportunity to slap my face.

After I was beaten by them, they wouldn't allow me to tell my son about the beating. They said, "When your son visits you, you'd better not talk nonsense. If you do, we'll stop your family visits. If you disobey us, we'll put you into the 'squatting cell' [solitary confinement], where it's hot in the summer and cold in the winter." Soon afterwards, they took me on a tour of a "squatting cell." The cell was extremely small; you cannot stand up or sit in there. And you eat, drink and shit in there. After that, I simply didn't dare tell my son about the beatings, as I was afraid that they would send me to the "squatting cell."

There were seven other prisoners in my cell. Sometimes, prison guard Yang would wake me up in middle of the night and say I was snoring, and that I shouldn't sleep. I'd say I wasn't snoring, but she wouldn't allow any talk back. One day, a cellmate beat me, and I asked: "Why did you beat me?" Prison guard Yang answered, next to us, "Hey, you're getting away easy this time. You don't have to ask her. She beat you because we ordered her to."

One day, Yang said, "Didn't you say you thought your sentence was not just? There are seven people in your cell. They are taking turns to torment you. We are not going to stop until you're tormented to death." Afterwards, when they let us go out for air, and I saw there were a lot of people upstairs and downstairs, I said to the people who were also let out for air: "Hey, fellow prisoners, listen up, there are seven people in our cell. If they torture me to death, don't forget to tell my family when you get out."

Prison guard Yang was incensed. She took her electric baton and shocked me.

After that, I was transferred to Block 9 of the Beijing Women's Prison, and my situation improved, little by little.

[On the day she was released from prison, Shuang Shuying went to the Beijing Electricity Hospital to visit her seriously ill husband, Hua Zaichen.]

My husband didn't recognize me at all. He worried about me and our family all these years, and his health worsened day by day.

[Interviewer's notes: Shuang Shuying's voice was strong and clear, and her tone was calm. I wished her and her family good health, safety, and happiness. She said, with a laugh, "All of us relied completely upon the blessing and protection of our Lord Jesus Christ. I also want to thank Human Rights in China for your concern, and for the Lunar New Year card that you sent us."']

COMMENDING DANNY COTTRELL
FOR LAUNCHING HIS OWN ECO-
NOMIC STIMULUS IN ESCAMBIA
COUNTY, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 6, 2009

Mr. BONNER. Madam Speaker, I am proud to rise today to commend Danny Cottrell for his generosity in creating his very own economic stimulus package for Escambia County, Alabama.

As a way to thank his employees and give back to his community, Danny gave each of his full-time employees at his pharmacies in Brewton and Atmore an envelope of \$2 bills worth \$700, and his part-time employees each received \$300. They were asked to donate 15 percent to charity and spend the rest of the money locally at shops and restaurants. The \$2 bills were used so the community could see how the money circulates.

The \$16,000 that Danny distributed to his employees—the "country boy's stimulus package" as he calls it—has served as a wonderful example of generosity in these difficult economic times. Local business owners have noticed the \$2 bills being spent, and one business owner is even saving the \$2 bills to spend at Danny's pharmacy.

As the Brewton Standard recently noted on its editorial page, Danny's stipulation that 15 percent of the money be given to charity "is an example of the kind of generosity most needed right now, when many people don't have a lot of extra money to give to those in need."

Madam Speaker, on behalf of the citizens of Escambia County and, indeed, all of Alabama's First Congressional District, I ask my colleagues to join me in commending Danny Cottrell for his tremendous example of generosity. I know his family, his many friends, his employees, and his loyal customers join me in praising his accomplishments and good deeds.

HOUSE OF REPRESENTATIVES—Monday, March 9, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 9, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

WELCOMING NINTH ANNUAL NATIONAL BIKE SUMMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, occasionally there is some controversy and conflict here in our Nation's Capitol, but this week we have an opportunity for celebrating events that bring people together. We have the ninth annual National Bicycle Summit, which will be welcoming people from 47 States and four foreign countries who will be fanning out across the Capitol to talk about the opportunities for this country in promoting bicycle activities.

This has been an exciting period for people who believe in cycling. Under the leadership of now Chairman OBERSTAR, the House Transportation and Infrastructure Committee in the last reauthorization celebrated the most significant biking, hiking, and walking bill in history. Now, as Mr. OBERSTAR is chairman, we anticipate that there will be even more initiatives that will be undertaken. In the economic recovery package, there were \$825 million of projects all across the country that are

shovel-ready that actually put more people to work per million dollars than highway construction.

Bike partisanship is alive and well on Capitol Hill, with over 200 members in the Bike Caucus. There is a reason why people are focusing on cycling activities. Since 1980, the number of miles Americans drive has increased three times faster than the population, and almost twice as fast as vehicle registrations. We have reached a point where our roadways simply demand relief.

We have an obesity epidemic. Sixty-five percent of American adults are either overweight or obese. Thirteen percent of our children and adolescents are overweight, due in large part to lack of regular activity. There is an opportunity to burn calories instead of fossil fuel. The Centers for Disease Control estimates that if all these physically inactive Americans become active, we have the opportunity to save over \$75 billion a year in health care costs.

The transportation sector contributes one-third of our greenhouse gas emissions that are contributing to cooking the planet.

There are opportunities for individuals to make a difference in their lives. A bike commuter saves almost \$2,000 a year in auto-related costs, avoids 50 hours of being stuck in traffic and saves almost 150 gallons of gasoline. And you don't have to be a regular long-distance bike commuter. Forty percent of American trips are two miles or less. Over a quarter are less than one mile.

We all have an opportunity to make a difference. We can start by working with our children. Only 15 percent of students were walking or bicycling to school as we began our new century, yet in an earlier generation more than half the children were able to get to school on their own.

We watch as bicycles have been integrated into day-to-day activities. Right here on Capitol Hill, you will watch bicycle patrols with Capitol police. In fact, more than 96 percent of the large cities in this country have routine bicycle patrols, and they are spreading across the country.

It is also big business. I am not just talking about a bicycle-friendly community like mine in Portland, Oregon, where it is about \$100 million dollars of economic activity and employs about 1,000 people. Nationally we are talking about \$133 billion, supporting over 1 million jobs, producing over \$17 billion

in annual Federal and State tax revenue and producing over \$53 billion in annual retail sales and services. These are activities that help revitalize the economy exactly at the time we need them. Even those ever-present bicycle rides that are mushrooming around the country support in excess of \$100 million a year in critical medical research.

It is time for us to focus on what we in Congress can do to be more bike partisan. We urge you to join in welcoming the cyclists to Capitol Hill and become a member of the Congressional Bike Caucus.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, ever attentive to our deepest needs, answer the prayers of the Members of Congress and bring them closer and closer to You.

Lord, once You draw souls close to You, people desire to hold on to Your presence, and so they pray. Then to give flesh and blood to prayerful sentiments and words, they enter into the realm of self-denial.

Finally, personal sacrifice, Lord, never seems worthwhile until it benefits another. So there are these three practices: prayer, fasting, and acts of charity. The three are really one, giving life to each other as they bring us closer to You, O Lord.

Let living faith and faith-filled practice lead us to You both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMENDING PRESIDENT OBAMA FOR EXECUTIVE ORDER TO OVERTURN BAN ON FEDERAL FUNDING FOR EMBRYONIC STEM CELL RESEARCH

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Madam Speaker, I rise today to commend President Obama for overturning former President Bush's ban on Federal funding for embryonic stem cell research.

Lifting this 8-year-old restriction provides hope for doctors, scientists, and those in my district, our State, our country, who have waited far too long for research that may provide them with cures for diseases such as diabetes, Alzheimer's, multiple sclerosis, cancer, and others.

Just this weekend, I met with a young lady who I've grown to know very well, Karli Borcharding, who lives with juvenile diabetes and has done a great service to so many by sharing her story and educating countless Americans on this life-altering illness. Each time I meet with her, she reminds me of the hope that stem cell research holds for not just her, but children and young people like her who live with this disease.

Stem cell research has the potential to revolutionize the way patients are treated. We must utilize the best minds and the best science to find cures for people living with chronic diseases.

Our ability to utilize and encourage scientific and medical research has been put on hold too long. I am confident that President Obama will continue to work to enhance medical research and bring renewed hope to those who deserve access to the best medicine possible.

NUCLEAR ENERGY VITAL TO ENERGY INDEPENDENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday The Post and Courier of Charleston, South Carolina, editorialized the following: "President Obama's decision to abandon the national nuclear waste disposal site at Yucca Mountain, Nevada, is a breath-

takingly irresponsible dismissal of a vital project on which billions have already been spent. It extends a security risk at dozens of temporary waste disposal sites around the Nation and threatens to cripple the future nuclear development needed to advance national energy independence."

The editorial continues to say, "For South Carolina, it raises the likelihood that vast quantities of nuclear waste at the Savannah River site will simply remain there indefinitely. Congress should repudiate the administration's decision."

That is sound advice. Nuclear energy is clean energy. It has provided my home State over 50 percent of our electrical power for over 30 years and will continue to be an important part of our Nation's energy infrastructure.

In conclusion, God bless our troops, and we will never forget September the 11th.

CONFIRMATION OF JOHN HOLDREN AND JANE LUBCHENCO

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, as the people today are talking about restoring science and government to its rightful place, President Obama's nominees for Director of the Office of Science and Technology Policy and Administrator of the National Oceanic and Atmospheric Administration await confirmation. John Holdren and Jane Lubchenco are among the Nation's finest scientists, and we urgently need them at the forefront of our Nation's efforts to rebuild our economy with new discoveries and innovations, to transform our energy use with new technologies, and to manage our natural resources with enhanced understanding.

Today, I stood in the White House as the President talked about the new science policy; and later I stood in our Capitol dome, gazing up at the fresco of George Washington surrounded by the tools of our founders. My eyes were drawn to two scenes in particular, one named Oceans—or Marine—and the other Science. Our Nation's future prosperity is no less dependent upon a mastery of these fields today. I look forward to confirmation of my good friends, Dr. Lubchenco and Dr. Holdren, soon.

THE HUNGRY BEAST OF GOVERNMENT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, if you tax something, you get less of it. In other words, when the almighty Federal Government swoops in and

taxes someone or something, it stifles growth, production, and the incentive to work.

The number one producer of jobs in America is not the government, not large corporations, but small business. Most are owned by individuals, real people who hire other real people.

The new income tax hike is aimed right at these individuals, and the effect will be bad for jobs and the economy. It's the administration's way of punishing success. Small business owners have told me they aren't going to expand because they do not want to get in the higher tax bracket. Some have told me they're going to downsize to pay the new tax increase. That means, in simple terms, lay people off.

Why work hard and expand? The more you work, the higher percent of taxes taken from you by the hungry beast of government. No one should have their taxes raised during a recession, but the new economic recovery plan is: If it moves, regulate it; if it keeps moving, tax it; and if it stops moving, subsidize it.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ALTMIRE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 6, 2009, at 1:47 p.m.:

That the Senate passed H.J. Res. 38.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

NAPOLITANO IS WRONG TO INVESTIGATE THE INVESTIGATORS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, recently Homeland Security agents in Washington State arrested an illegal immigrant gang member, discovered he worked at a manufacturing plant, then began to investigate the employer and arrested 28 illegal immigrants. Instead of praising their good work, though, Secretary Napolitano said she would investigate the investigators. Amazing.

Secretary Napolitano took the wrong side. She should stand up for U.S. citizens and legal immigrant workers, not the illegal immigrants who take their

jobs. She should stand up for the law enforcement officers who are doing their jobs, not the special interests who favor amnesty.

It does not bode well for citizens and legal immigrant workers alike that when it comes to worksite enforcement, this administration is investigating the investigators instead of the law breakers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, March 6, 2009:

H.J. Res. 38, making further continuing appropriations for fiscal year 2009, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

□ 1415

SENSE OF HOUSE REGARDING NA- TIONAL SCHOOL BREAKFAST PROGRAM

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 210) expressing the sense of the House of Representatives that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 210

Whereas breakfast program participants under the Child Nutrition Act of 1966 include public, private, elementary, middle, and high schools, as well as rural, suburban, and urban schools;

Whereas at least 16,000 schools that participate in the National School Lunch Program do not participate in the National School Breakfast Program;

Whereas in fiscal year 2008, 8,520,000 students in the United States consumed free or reduced-price school breakfasts provided under the national school breakfast program established by section 4 of the Child Nutrition Act of 1966;

Whereas less than half of the low-income students who participate in the National School Lunch Program also participate in the school breakfast program;

Whereas in fiscal year 2008, 60 percent of school lunches served, and 80 percent of school breakfasts served, were served to stu-

dents who qualified for free or reduced priced meals;

Whereas the current economic situation, including the increase of nearly 3 percent in the national unemployment rate in 2008, is causing more families to struggle to feed their children and to turn to schools for assistance;

Whereas implementing or improving classroom breakfast programs have been shown to increase the participation of eligible students in breakfast consumption dramatically, doubling, and in some cases tripling, numbers, as evidenced by research in Minnesota, New York, and Wisconsin;

Whereas making breakfast widely available through different venues or a combination thereof, such as in the classroom, obtained as students exit their school bus, or outside the classroom, has been shown to lessen the stigma of receiving free or reduced-price breakfast, which often prevents eligible students from obtaining traditional breakfast in the cafeteria;

Whereas providing free universal breakfast, especially in the classroom, has been shown to significantly increase school breakfast participation rates and decrease absences and tardiness;

Whereas studies have shown that access to nutritious programs such as the National School Lunch Program and National School Breakfast Program helps to create a strong learning environment for children and helps to improve children's concentration in the classroom;

Whereas providing breakfast in the classroom has been shown in several instances to improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals;

Whereas students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than those who eat a partial breakfast;

Whereas studies suggest that eating breakfast closer to classroom and test-taking time improves student performance on standardized tests relative to students who skip breakfast;

Whereas studies show that students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall;

Whereas children who live in families that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services;

Whereas studies suggest that children who eat breakfast have more adequate nutrition and intake of nutrients, such as calcium, fiber, protein, and vitamins A, E, D, and B-6;

Whereas studies show that children who participate in school breakfast programs eat more fruits, drink more milk, and consume less saturated fat than those who do not eat breakfast;

Whereas children who fail to eat breakfast, whether in school or at home, are more likely to be overweight than children who eat a healthy breakfast on a daily basis; and

Whereas March 2 through March 6, 2009, is National School Breakfast Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the importance of the National School Breakfast Program and its overall positive effect on the lives of low-income children and families, as well as its effect on helping to improve a child's overall classroom performance;

(2) expresses support for States that have successfully implemented school breakfast programs in order to improve the test scores and grades of its participating students;

(3) encourages States to strengthen their school breakfast programs by improving access for students, to promote improvements in the nutritional quality of breakfasts served, and to inform students and parents of healthy nutritional and lifestyle choices;

(4) recognizes the need to provide States with resources to improve the availability of adequate and nutritious breakfasts;

(5) recognizes the impact of nonprofit and community organizations that work to increase awareness of, and access to, breakfast programs for low-income children; and

(6) recognizes that National School Breakfast Week helps draw attention to the need for, and success of, the National School Breakfast Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H. Res. 210 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 210, a resolution expressing the sense of Congress that providing breakfast in school has a positive impact on classroom performance.

We all know that breakfast is the most important meal of the day. Good nutrition is an essential part of a child's ability to grow and to thrive. According to the Center on Hunger, Poverty and Nutrition, hungry children have less energy for cognitive and social activities, which undermines their ability to learn.

The National School Breakfast Program was established as a pilot program by the Child Nutrition Act of 1966 and made permanent in 1975. The program was created to ensure that all low-income students start the school day with a nutritious breakfast and enter the classroom ready to learn.

Over the last five decades, Mr. Speaker, the National School Breakfast Program has continued to grow. It now operates in more than 85,000 public and nonprofit schools and residential care institutions nationwide. In 2007 over 10 million children participated in the National School Breakfast Program each and every day.

Feeding our children a nutritious breakfast is one of the most important ways we can ensure that students get the most out of their education. Eating close to the start of the school day has improved students' memory, problem-

solving skills, and performance on standardized tests.

In addition to improving academic performance, Mr. Speaker, school breakfast programs have been shown to decrease absences, tardiness, and disciplinary problems among all students. In the State of Maryland, for example, referrals to the office decreased by 20 percent when classroom breakfast programs were implemented.

Children who eat a nutritious breakfast have better overall nutrition, maintain higher levels of important nutrients, and are less likely to be overweight than children who do not eat breakfast, combating child obesity, which is so important to our country. And in the past two decades, the number of overweight American children, Mr. Speaker, age 6 to 11 has actually doubled.

Making certain that children eat a healthy and nutritious breakfast is an important part of the effort to solve the public health crisis. Across the Nation millions of children go to school hungry every single day. Although 80 percent of institutions that operate a school lunch program also offer a school breakfast program, participation is much lower in the breakfast program. Only about one in three students who qualify for the free and reduced lunch program actually receive breakfast at school. Participation is low because of a variety of reasons, including inadequate time for an in-school meal and the stigma attached to eating breakfast at school.

Mr. Speaker, as a strong supporter of the school breakfast program, I've always believed that every child should be able to participate in program. I helped to establish a pilot program to test the benefits of a universal school breakfast program in six school districts, including Santa Rosa in my congressional district. And I strongly support providing breakfast for every child, regardless of need.

Providing nutritious breakfasts is a simple but important way to make sure students are more successful in school and helps to set them on the path toward a healthy lifestyle. By making breakfast more widely available, we would be able to share these educational, behavioral, and nutritional benefits with even more of our Nation's young people.

Mr. Speaker, once again I express my support for the National School Breakfast Program, and I thank my colleague Congresswoman MOORE for introducing this important resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 210, expressing the sense of the House that providing breakfast in schools through the National School Breakfast Program has a

positive impact on classroom performance.

Created as a pilot program in 1966 and made permanent in 1975, the National School Breakfast Program helps schools serve breakfast to "nutritionally needy" children. The program focuses on those schools where assistance is needed to provide adequate nutrition for students. In fiscal year 2007, over 10.1 million children participated in the school breakfast program each day. Of those, 8.1 million received their meals for free or at a reduced price. Participation has steadily grown over the years from only half a million children in 1970.

The School Breakfast Program is administered in nearly 84,000 schools and institutions by the U.S. Department of Agriculture's Food and Nutrition Service through State education agencies, in agreements with local school food authorities.

Public or nonprofit private schools serving grades K-12 and public or nonprofit private residential child care institutions may participate in the school breakfast program. School districts and independent schools that choose to take part in the breakfast program receive cash subsidies from the U.S. Department of Agriculture for each meal they serve. In return, they must serve breakfasts that meet Federal requirements, and they must offer free or reduced-price breakfasts to eligible children.

Last week schools throughout the country celebrated National School Breakfast Week. During the week, school cafeterias nationwide encouraged students to begin their day with a healthful, nutritious school breakfast.

While many States that have implemented school breakfast programs have seen encouraging outcomes, the problem of childhood hunger persists. The Federal child nutrition programs are helping to end childhood hunger and promote nutrition and wellness, especially in terms of assisting those most in need of beneficial nutrition.

I stand in support of this resolution recognizing the importance of the National School Breakfast Program and the positive impact a nutritious breakfast can have on a child's ability to learn, grow, and develop to their fullest potential.

I ask for my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Wisconsin, GWEN MOORE.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to express my strong support for the National School Breakfast Program, H. Res. 210.

This resolution really elucidates the importance of school breakfast programs and their positive impact on a child's overall academic performance.

And, again, I want to thank the Education and Labor Committee for bringing this resolution forward in honor of National School Breakfast Week.

Mr. Speaker, every 35 seconds a child is born into poverty in the United States of America. In fact, as a Nation, we have seen an increase in children living in poverty up to nearly 3 million children, with children representing a disproportionate share of the poor in the United States, as they're 25 percent of the total population but 35 percent of the poor in our population.

And to the extent that the parents of children are responsible for their well-being, the unemployment rate, which has risen from 7.6 percent to 8.1 percent and just in the last month losing 651,000 jobs, 3.6 million jobs lost in the last year, this has caused families to struggle even more to feed their children, and they need to turn to schools for this much-needed assistance.

I can tell you that a study done by the Massachusetts General Hospital in conjunction with Harvard Medical School concluded that children who are at nutritional risk have significantly poorer attendance, punctuality, and grades. But it also showed that these same parents that are responsible for taking care of them self report that food insufficiency means that their children have repeated a grade in school, they have lower scores on standardized tests, lower grades in math, and more days tardy and absent from school.

Studies have also shown that students who fail to eat an adequate breakfast increase their chances for being overweight than children who eat a healthy breakfast on a daily basis.

Fortunately, Mr. Speaker, these data show that providing breakfast in school has been able to improve attentiveness and academic performance while reducing tardiness and disciplinary referrals.

I just want to mention that these school breakfasts must meet the nutritional standards under the dietary guidelines for Americans, which recommend no more than 30 percent of an individual's calories come from fat and less than 10 percent from saturated fat. In addition, breakfast must provide one-fourth of the recommended daily allowance for protein, calcium, iron, vitamin A, vitamin C, and calories. And I mention this because this might be the best meal the children have all day long.

I can tell you, Mr. Speaker, that providing availability, accessibility, and participation in the school breakfast program are some of the best ways to support the health and educational potential of children, particularly low-income children. In my own State of Wisconsin, we saw a significant increase in school breakfast participation with a 25.3 percent growth rate, and this is largely due to our efforts in our State

to implement universal classroom breakfasts in most of our Milwaukee public elementary schools.

Let me conclude by saying this and reminding the body of this, Mr. Speaker, that though our country is in the midst of a tough economic time, no child in our community or across the country should ever go to school hungry. When our children are able to eat quality meals in the morning, we see improvements in math and reading scores as well as cognitive skills. If our children are going to be able to compete in a global environment, we need to do everything we can to make sure that they succeed. It's clear that there is a definite need for school breakfast programs right alongside our educational programs.

Mr. GUTHRIE. Mr. Speaker, I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Pennsylvania, Congresswoman DAHLKEMPER.

Mrs. DAHLKEMPER. Mr. Speaker, I rise today in support of House Resolution 210, supporting the goals and accomplishments of the National School Breakfast Program.

The National School Breakfast Program continues to play an important role in the health and educational development of our Nation's children by giving them a nutritious start every morning.

Research has shown that students who eat breakfast are more likely to show academic improvement and be more attentive in the classroom, but having access to a nutritious breakfast also does something else as important. The National School Breakfast Program is at the heart of promoting healthy lifestyle choices for our children. They learn the importance of healthful food choices that can prevent further complications of obesity, type 2 diabetes, and other lifestyle diseases.

Healthy kids make healthy adults, and that is why I am proud to support this resolution and urge my colleagues to support it also.

□ 1430

Ms. WOOLSEY. I would like to know if the gentleman from Kentucky has any further speakers?

Mr. GUTHRIE. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I urge my colleagues to support this resolution to recognize the important role the National School Breakfast Program plays in the education and health of our Nation's children.

I would like to say that it's obvious that if you eat a good breakfast you are much better prepared to learn, to focus, to behave yourself, even want to

come to school, you want to be there on time. I can tell you from the breakfast pilot program that President Clinton signed into law that was my legislation, and the six districts around the country that had the program in effect for 3 years, it proved itself.

The administrators thought it was the best thing, the principals thought it was the best, the teachers and the kids loved it, and they were provided a balanced meal. I remember going to one of the schools in my district during the breakfast time, it was around 10:15 in the morning, they had been to their first classes and came out for this breakfast, all kids, not just poor. It had nothing to do with economic status.

There was a group of fifth and sixth graders sitting around the table, and I went over to talk to them and I said, what are you guys talking about? And they said, we're talking politics. I mean, they were having the best time. They were thinking. They were excited. Some of them ate two breakfasts every day because their parents actually fed them breakfast. That was the downside of the program was that all these kids didn't have to have breakfast, but we learned later that middle school and high school are the kids that really don't eat breakfast.

So we are going to be working and building on this program and ensuring that in the United States of America, the wealthiest country on the globe, we will, indeed, be able to feed all of our children so that they are the best learners this country can provide.

Mr. SPACE. Mr. Speaker, this Resolution underscores the importance that the National School Breakfast Program has for classroom participation and student performance. The recent increase in children and families needing food assistance highlights the continuing necessity of these programs to keep America's students healthy, attentive and productive in school. More resources are needed in order to provide low-income children with the same opportunities for educational success as their peers. These efforts are critical to decreasing the hunger problems in our country while working to increase educational attainment levels.

Ms. JACKSON-LEE of Texas. Mr. Speaker, H. Res. 210 seeks to express the sense of the House of Representatives that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance. I salute my colleague, Rep. MOORE from Wisconsin, in her efforts to promote the National School Breakfast Program, and to recognize the positive impact that it has on our students. I urge my colleagues to support this important resolution.

It has often been said that the children are our future. As Members of Congress and adults, we must do all that we can to provide their well-being, safety, and excellence in school.

A former U.S. Surgeon General once articulated, "This is expensive stupidity . . . trying to educate children with half starved bodies."

While educators, parents and policymakers generally agree that children need breakfast in order to learn, function and grow, the nation still has a ways to go to insure that all needy and at-risk children receive a daily school breakfast. While nearly 100,000 individual schools across the country offer a school lunch, more than 15,000 of them still do not make breakfast available to children who are in need. In some states, only 50–60% of the schools serving students lunch also provide them with a breakfast to start the day.

We must endorse programs aimed to enhance the educational welfare of our children. As President Obama recently stated in his first address to a joint session of Congress, "These education policies will open the doors of opportunity for our children. But it is up to us to ensure they walk through them."

Beginning over twenty years ago, and continuing today, scholarly research has established that the School Breakfast Program significantly improves the cognitive abilities and learning capacities of children. Matched controlled studies, for example, indicate that low-income children who receive school breakfasts do significantly better on a variety of indicators than low-income peers who go without breakfasts. Notably, the better outcomes associated with school breakfast include both educational preparedness (attendance, energy, alertness, memory) and educational outcome measures (math scores, grades, reading ability).

When a child misses even one meal, let alone experiences chronic food shortages, impairments occur whether they are lethargy and inattention, tiredness and distraction, or actual physical symptoms such as stomachaches and headaches. The research from the United States Department of Agriculture shows that feeding children breakfast in school helps to prevent these adverse outcomes. Children getting breakfast at school also are sick less often, have fewer problems associated with hunger, such as dizziness, stomachaches and ear aches, and do significantly better than their peers who do not get a school breakfast in terms of cooperation, discipline and interpersonal behaviors.

Mr. Speaker, our failure to fully utilize the School Breakfast Program has substantial costs, costs that greatly reduce the return on educational investment in communities and states across the nation. Moreover, longer-term costs also are borne by young children who arrive at school unable to fully participate in the educational process due to lack of adequate nutrition.

We, as Members of Congress, cannot allow for a matter such as child hunger, which we as Congress can help eradicate, to act as an impediment to the education of our children. President Obama articulated very fittingly, that "in a global economy where the most valuable skill you can sell is your knowledge, a good education is no longer just a pathway to opportunity—it is a pre-requisite."

Mr. Speaker, I urge my colleagues to support H. Res. 210, expressing the sense of the House of Representatives that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance, because the School Breakfast Program represents a key way to protect these children and to get a better return on educational investments as well.

Ms. WATERS. Mr. Speaker, I rise in strong support of House Resolution 210, Recognizing the importance of the National School Lunch Program and commend my colleague, Rep. GWEN MOORE for bringing this measure before the House.

This important program provides breakfast to over 8 million children through either free or reduced-price meals in approximately 16,000 schools. With the current economic crisis, working families are facing challenges they never expected. Last week, the Department of Labor announced the U.S. economy lost 651,000 jobs in February, and the unemployment rate hit 8.1 percent, its highest point in since 1983. These job losses make it even harder for some families to feed their children—so they turn to schools for help. We know that children who live in families that experience hunger have been shown to be more likely to have lower math scores, face an increased likelihood of repeating a grade, and receive more special education services.

We've learned over the years that making breakfast widely available through different venues, such as in the classroom, or as students exit their school bus, or outside the classroom, has been shown to diminish the stigma of receiving free or reduced-price breakfast, which often prevents eligible students from getting a traditional breakfast in school cafeterias.

Providing breakfast in the classroom can improve attentiveness and academic performance, while reducing tardiness and disciplinary referrals. Students who eat a complete breakfast have been shown to make fewer mistakes and work faster in math exercises than those who eat a partial breakfast. Students who skip breakfast are more likely to have difficulty distinguishing among similar images, show increased errors, and have slower memory recall. Studies have shown that access to nutritious programs such as the National School Lunch Program and National School Breakfast Program helps to create a strong learning environment for children and helps to improve children's concentration in the classroom.

Mr. Speaker, this is an incredibly important program with a well-documented track record of success. I'm pleased to add my voice of support for the National School Breakfast Program and I will be working with my colleagues to make sure that we provide the resources necessary to provide the benefits of this program to every hungry child who needs breakfast at school.

Ms. WOOLSEY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 210.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

CONGRATULATING NATIONAL ASSESSMENT GOVERNING BOARD

Ms. WOOLSEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 222) congratulating the National Assessment Governing Board on its 20th Anniversary in measuring student academic achievement.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 222

Whereas the National Assessment Governing Board (the Governing Board) is an independent, bipartisan board created by Congress in 1988 to set policy for the National Assessment of Educational Progress (NAEP), commonly known as "The Nation's Report Card";

Whereas the Governing Board is made up of 26 members, including Governors, State legislators, local and State school officials, educators, researchers, business representatives, and members of the general public;

Whereas when Congress established the Governing Board to oversee The Nation's Report Card, it ensured that the NAEP would be conducted independently and free from inappropriate influences and special interests;

Whereas in overseeing The Nation's Report Card, the Governing Board identifies subjects to be assessed, determines the content and achievement levels for each assessment, and approves all assessment questions;

Whereas The Nation's Report Card is conducted as a representative sample and currently includes National NAEP assessments (which assess the performance of students in grades 4, 8, and 12 in reading, mathematics, writing, science, U.S. history, geography, and other subjects), State-by-State assessments (which are administered to students in grades 4 and 8 to assess performance in reading, mathematics, writing, and science), Trial Urban District assessments (which report on the achievement of 4th and 8th grade students in 18 urban school districts that participate in reading, mathematics, writing and science assessments), and long-term trend assessments (which are administered nationally every 4 years to students ages 9, 13, and 17 to assess performance in reading and mathematics);

Whereas State participation in NAEP assessments is voluntary with the exception of reading and mathematics assessments, which States are required to administer to public school students in grades 4 and 8 every 2 years in an effort to measure student performance in reading and mathematics;

Whereas all students who participate in NAEP do so on a voluntary basis and NAEP is forbidden by law to maintain or report information on individual students or schools;

Whereas the Governing Board works to inform the public about The Nation's Report Card by communicating its results to a wide range of Americans, including educators, the media, and elected officials and policymakers at the National, State, and local levels; and

Whereas the Governing Board has served an important role in evaluating the condition and progress of American education for 20 years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the National Assessment Governing Board on its 20th anniversary in measuring student academic achievement; and

(2) recognizes past and present members of the National Assessment Governing Board for their service to the Nation in improving elementary and secondary education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WOOLSEY) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WOOLSEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on H. Res. 222 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 222, which recognizes the 20th anniversary of the National Assessment Governing Board. The National Assessment Governing Board is a bipartisan, independent Federal board that sets policy for the National Assessment of Education Progress, or NAEP. NAEP assessments are often referred to as the Nation's report card because these tests are the principal source of data on student achievement nationwide.

NAEP is a congressionally authorized project of the National Center for Education Statistics. The governing board created by Congress in 1988 is made up of governors, State legislators, State and school officials, educators and researchers, all of whom oversee NAEP, identify subjects to be tested and govern reporting of test results.

When Congress established the governing board, we instructed that it be bipartisan and that it be independent, and it has lived up to these expectations and the original vision. The NAEP assessment has been invaluable in providing information on the achievements of students at grades 4, 8, and 12 in reading, mathematics, writing, science, U.S. history, geography and other subjects.

The NAEP State-by-State assessments, which are administered to students in grades 4 and 8 in reading, mathematics, writing and science, have also been helpful in charting what our students know and providing information for a path forward based on real results.

This year, Mr. Speaker, the governing board commemorates 20 years of learning and assessment. To mark this anniversary, the governing board plans to examine the impact of NAEP over the past two decades and look ahead to see how the assessment can continue to play a vital role in measuring student achievement in the future.

In order to highlight these priorities, the board will host a conference to discuss the achievement gap in college and work preparedness with education and policy experts. The governing board has served an important role in evaluating the condition and progress of American education for 20 years.

I thank the governing board for its outstanding service to the Nation in improving elementary and secondary education.

Mr. Speaker, once again I express my support for the National Assessment Governing Board, and I urge my colleagues to join me in recognizing their 20th anniversary. I also want to thank the gentleman from Delaware (Mr. CASTLE) for bringing this bill to the floor, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 222, which congratulates the National Assessment Governing Board on its 20th anniversary in measuring student academic achievement. Over the last two decades, the governing board, better known as NAGB, has served an important role in evaluating the condition and progress of the American public education system.

The National Assessment Governing Board was created by Congress in 1988 to set policy for the National Assessment of Educational Progress, or NAEP, which is commonly known as the Nation's report card. It was established as an independent, bipartisan board so that the Nation's assessment system will be conducted independently and free from inappropriate influences and special interests.

The governing board is currently made up of 26 members, including governors, State legislators, local and State school officials, educators, researchers, business representatives and members of the general public. In overseeing the Nation's report card, the governing board identifies subjects to be assessed, determines the content and achievement levels for each assessment, and approves all the assessment questions.

It also works to inform the public about the Nation's report card by communicating results to a wide range of Americans, including elected officials and policymakers at the national, State and local levels, educators and the media.

Because of this important work, the Nation's report card is one of the most widely respected assessment tools in the country. Federal, State and local officials rely on NAGB and NAEP to get an accurate picture of the academic achievement levels of the Nation's students.

In 2002, Congress passed the Education Sciences Reform Act, which re-

authorized the activities of the governing board and largely maintained its independent and bipartisan nature. While requiring States to take part every 2 years in its reading and mathematics assessments in grades 4 and 8 in an effort to measure student performance, the bill continues the long-standing practice that State participation in NAEP assessments are voluntary.

All student who participate in NAEP do so on a voluntary basis, and NAEP is forbidden by law to maintain a report or report information on individual students or schools. House Resolution 222 congratulates the National Assessment Governing Board on its 20th anniversary in measuring student academic achievement and recognizes the past and present members of the governing board for their service to the Nation in improving elementary and secondary education.

I want to thank my colleague from Delaware (Mr. CASTLE) for introducing this resolution. Mr. CASTLE served on the governing board when he was Governor of "The First State," and I want to thank him for his service and for his strong support for ensuring that students have access to a high-quality education in this country.

I am pleased to rise in support of this important resolution and ask all of my colleagues to support it.

I reserve the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield as much time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman from Kentucky for yielding, and I would like to thank both of the speakers, Ms. WOOLSEY and the gentleman from Kentucky, for rationally explaining a program not many people understand.

Mr. Speaker, I did have the opportunity and the pleasure of serving on NAGB, the National Assessment Governing Board, for several years when I was Governor of Delaware, and it was not easy work, by the way. I would call it a pleasure, but it involves a lot of difficult meetings, discussion of testing or whatever it may be.

But the bottom line is that they do put together the National Assessment of Educational Progress, the NAEP tests, which are given universally as far as the States are concerned, in our country, and are as good a measuring device as we have to the progress of education from year to year. Some of this is quite voluntary, but all States participate in it in grades 4, 8 through 12, particularly in the reading and the math areas, and we can determine that we have done somewhat better, perhaps a lot better from year to year, as we look at these tests.

I can tell you that those 26 people, who change from time to time and

come from a variety of different backgrounds, are all very dedicated to the concept of making this very apolitical, of making it so that it's a fair standard in tests for all those who are going to take it, and making sure that all the reporting requirements are met in a proper way. This goes through the Secretary of Education and is reported by them, and I think they would do a wonderful job with this.

This is, to me, a very important measuring stick. While congratulatory resolutions may not be the most important thing we do in the Congress of the United States, I think recognizing an entity such as this, which is independent of us and independent of the White House, for all that matters, and deals with preparing this kind of reporting, this kind of background for the testing, is a very significant thing to do to make sure that they are being honored for an achievement which I think has been very helpful in terms of dealing with education.

All of us deal with education policy on a regular basis. We know how important it is to understand that what we are doing is perhaps a step, a small step or a large step in the right direction, and I think that the NAEP tests do that.

For that reason I would hope that we could all support this resolution. Again, I thank those who spoke on the floor for their very thorough and excellent explanations of what NAGB does and what NAEP is all about.

Ms. WOOLSEY. I reserve my time for closing remarks.

Mr. GUTHRIE. Mr. Speaker, I yield back the balance of my time.

Ms. WOOLSEY. Mr. Speaker, I urge my colleagues to support H. Res. 222, recognizing the 20th anniversary of the National Assessment Governing Board, and I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 222.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

RONALD REAGAN CENTENNIAL
COMMISSION ACT

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 131) to establish the Ronald Reagan Centennial Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ronald Reagan Centennial Commission Act”.

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the “Ronald Reagan Centennial Commission” (in this Act referred to as the “Commission”).

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) plan, develop, and carry out such activities as the Commission considers fitting and proper to honor Ronald Reagan on the occasion of the 100th anniversary of his birth;

(2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to honor Ronald Reagan on the occasion of the 100th anniversary of his birth;

(3) develop activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Ronald Reagan on the occasion of the 100th anniversary of his birth; and

(4) submit to the President and Congress reports pursuant to section 7.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) The Secretary of the Interior.

(2) Four members appointed by the President after considering the recommendations of the Board of Trustees of the Ronald Reagan Foundation.

(3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(5) Two Members of the Senate appointed by the majority leader of the Senate.

(6) One Member of the Senate appointed by the minority leader of the Senate.

(b) EX OFFICIO MEMBER.—The Archivist of the United States shall serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(e) VACANCIES.—A vacancy on the Commission shall—

(1) not affect the powers of the Commission; and

(2) be filled in the manner in which the original appointment was made.

(f) RATES OF PAY.—Members shall not receive compensation for the performance of their duties on behalf of the Commission.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or his or her regular place of business, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but two or more members may hold hearings.

(i) CHAIRPERSON.—The chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR AND STAFF.—The Commission shall appoint an executive director and such other additional personnel as are necessary to enable the Commission to perform its duties.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF FEDERAL EMPLOYEES.—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure such temporary and intermittent services as are necessary to enable the Commission to perform its duties.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating its work.

(e) AVAILABLE SPACE.—Upon the request of the Commission, the Administrator of General Services shall make available nationwide to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to carry out its duties under this Act.

(f) CONTRACT AUTHORITY.—The Commission may enter into contracts with and compensate government and private agencies or persons to enable the Commission to discharge its duties under this Act.

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—The Commission shall submit to the President and the Congress annual reports on the revenue and ex-

penditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than \$250, together with the identity of the donor of each gift, bequest, or devise.

(b) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(c) FINAL REPORT.—Not later than April 30, 2011, the Commission shall submit a final report to the President and the Congress containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings, conclusions, and final recommendations of the Commission.

SEC. 8. TERMINATION.

The Commission may terminate on such date as the Commission may determine after it submits its final report pursuant to section 7(c), but not later than May 30, 2011.

SEC. 9. ANNUAL AUDIT.

The Inspector General of the Department of the Interior may perform an audit of the Commission, shall make the results of any audit performed available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

SEC. 10. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.

No Federal funds may be obligated to carry out this Act.

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, as a matter of courtesy, I would like to offer the opportunity to address the House first to my colleague, the gentleman from California (Mr. ISSA).

Mr. ISSA. I thank the gentleman. In the same vein, I yield such time as he may consume to the author of the bill, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I rise today in strong support of H.R. 131, the Ronald Reagan Centennial Commission Act. To prepare for the upcoming anniversary of his 100th birthday on February 6, 2011, Mr. BLUNT, Mr. FOSTER, and I, along with over 130 cosponsors from both parties, introduced this legislation creating the Ronald Reagan Centennial Commission to pay tribute to our 40th President.

This 11-member bipartisan commission is similar to others created for

Presidents Abraham Lincoln, Theodore Roosevelt, Franklin Delano Roosevelt, Harry Truman, and Dwight Eisenhower. This commission will develop plans and memorials to honor President Reagan. These events can take place all over the country, from here in Washington, to his birthplace in Illinois, to California, where he lived most of his life.

As a fellow Californian, I had the great privilege of spending time with him when I first came to the House of Representatives in 1986, and his Presidential Library and burial place are not far from my very own home in Simi Valley.

"The Great Communicator" spoke for the American people, capturing the hearts of small-town citizens and world leaders alike. His remarkable career in public service spanned over 50 years. It began as a student leader and sports broadcaster in Illinois and Iowa, and then in Hollywood as an actor and long-time president of the Screen Actors Guild.

California enjoyed an economic resurgence during his term as Governor and, as President of United States, his legacy is extraordinary. In 8 short years as President, Ronald Reagan presided over the international changes and ushered in unparalleled peace and prosperity—not only for our Nation, but, Mr. Speaker, for the entire world.

I want to thank Chairman TOWNS and Ranking Member ISSA, along with their respective staffs, for their assistance in helping put this bill together. I also want to express my appreciation to the Speaker, majority leader, and minority leader on our side for their help in bringing the bill to the floor.

Mr. Speaker, I ask my colleagues to join with me in supporting H.R. 131.

Mr. LYNCH. Mr. Speaker, I continue to reserve.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, Republicans often talk of Ronald Reagan with a special reverence, but I believe that honoring his life in this centennial year of 2011 is much more about honoring the difference that Presidents can make, whether it was James Madison, Thomas Jefferson, Abraham Lincoln, Teddy Roosevelt, Franklin Delano Roosevelt—even Eleanor Roosevelt—or Harry Truman.

We have repeatedly honored Presidents after their term, after their life, because it reminds Americans that in fact we are a country that is both a democracy and a led-by-an-executive form of government. We don't have a parliamentary form of government. We have a strong, perhaps the strongest, Presidential form of government.

We hope today that President Obama will some day have a commission that, in fact, the impact of his life at this very troubled time will be every bit as great as the impact was for Ronald

Reagan, who came to office in what could have been the continued era of the Cold War and, instead, he helped end it.

The commission that is being formed, if we pass this here today and the Senate confirms, will be composed of Members of Congress and individuals who have knowledge and expertise concerning the life of President Reagan, including childhood friends, career individuals in Hollywood who knew him well and, of course, some Members of Congress.

2011 will be a fitting time. We will be halfway through this President's time. We will be well into a recovery that we all trust and hope for today. And we will be talking about the hope for the future. This will help America focus on the fact that hope for the future, and hard work, whether it was in the Reagan administration or the Obama administration, is part of what each President brings when they address America, lead America, and in fact influence the direction of this Congress.

So, with that, I urge strong support for this bipartisan bill.

I yield back the balance of my time.

Mr. LYNCH. I yield myself such time as I may consume.

Mr. Speaker, H.R. 131, the Ronald Reagan Centennial Commission Act, creates a Federal commission to honor and celebrate the 100th anniversary of the birth of Ronald Reagan. The measure has been properly vetted and amended accordingly by the House Oversight Committee and is nearly identical to the bill approved by the House in the last Congress. However, in line with calls for a more fiscally responsible government, the only real change to this year's bill is the inclusion of amending language to prevent the expenditure of Federal funds to carry out the work of the commission.

Ronald Reagan was born in Illinois in 1911. He later moved to California, where he became a successful Hollywood actor and later the president of the Screen Actors Guild. On the screen, he was best known for portraying George Gipp, a famous player who, on his deathbed, famously urged his teammates to "go out there with all they've got and win just one for the Gipper." President Reagan would carry the nickname Gipper and the boundless optimism that he epitomized in that quote for the remainder of his life.

After serving two terms as the 33rd Governor of the State of California, in January, 1981, Ronald Reagan was sworn in as our Nation's 40th President. As we are all aware, Mr. Reagan would hold and serve as the Commander in Chief of our country for two terms, between 1980–1988.

Known as the "Great Communicator," President Reagan spoke ably and directly to the American people about the pressing issues of his time. He positioned the United States as a

strong counterpoint and a beacon of freedom and hope in the face of an oppressive Soviet Communist regime. Whether urging Premier Gorbachev to "Tear down this wall," or declaring it "Morning in America," President Reagan, through his words and deeds, embodied the eternal optimism that is at the core of our American spirit.

Early in his Presidency, President Reagan is said to have remarked that, "What I'd really like to do is to go down in history as the President who caused the American people to believe in themselves again."

Mr. Speaker, I am sure that most people will agree that President Reagan's optimism in the face of great difficulty has great relevance today, as they are in harmony with President Obama's current message of hope and renewal for our country in the midst of our current challenges.

I am confident that upon enactment of H.R. 131, the Ronald Reagan Centennial Commission will be able to find ways to respectfully and appropriately honor and pay tribute to the accomplishments of one of America's recent and notable leaders, the late President Ronald Reagan.

With that, Mr. Speaker, I stand in support of H.R. 131, and I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I ask unanimous consent to reclaim previous time yielded.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. With that, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank my friend for yielding. I thank the House for its indulgence.

Mr. Speaker, I rise in support of this measure. Perhaps only one generation in a century is fortunate enough to actually know a truly great leader, and ours was that generation. But our children and our children's children will know him, too, through the power of his words and the force of his ideas, his undying faith in freedom, his eternal belief in America, and they will know him, and know him well, because our generation will make sure of it.

The passing of Ronald Reagan didn't mark the end of an era. Rather, it marked the beginning of one—an era of American renaissance and resurgence, an era when America rediscovered her belief in liberty and faith. Ronald Reagan opened that era. It's now for our generation to cultivate it, to expand it, and to extend it to the next.

He often reminded us that, for America, the best is yet to come. He was right. Because his memory will be walking beside us and counseling us and guiding us to those bright decades and centuries ahead.

This commission is an important act in support of a large and solemn pledge—a pledge from this generation to all future generations that we will keep Ronald Reagan's memory alive, that we will uphold and advance his vision of America's greatness and of her goodness, and this act is but one thread in the tapestry of memory that will stretch through time to the latest generation.

Mr. ISSA. I yield back the balance of my time.

Mr. LYNCH. I would simply urge my colleagues to join us in the support of H.R. 131. We urge its adoption.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 131, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. TITUS) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 210, by the yeas and nays;

House Resolution 222, by the yeas and nays;

H.R. 131, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SENSE OF HOUSE REGARDING NATIONAL SCHOOL BREAKFAST PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 210, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 210.

The vote was taken by electronic device, and there were—yeas 383, nays 11, not voting 37, as follows:

[Roll No. 110]

YEAS—383

Ackerman	Clarke	Gordon (TN)
Aderholt	Clay	Granger
Adler (NJ)	Cleaver	Grayson
Alexander	Clyburn	Green, Al
Altman	Coble	Green, Gene
Andrews	Coffman (CO)	Griffith
Arcuri	Cohen	Guthrie
Austria	Cole	Hall (NY)
Baca	Conaway	Hall (TX)
Bachmann	Connolly (VA)	Halvorson
Bachus	Conyers	Hare
Baird	Costa	Harman
Baldwin	Costello	Harper
Barrett (SC)	Courtney	Hastings (FL)
Barrow	Crenshaw	Hastings (WA)
Bartlett	Crowley	Heinrich
Barton (TX)	Cuellar	Heller
Bean	Culberson	Hensarling
Becerra	Cummings	Henger
Berman	Dahlkemper	Hereth Sandlin
Berry	Davis (AL)	Higgins
Biggert	Davis (CA)	Hill
Bilbray	Davis (IL)	Himes
Bilirakis	Davis (KY)	Hinchey
Bishop (GA)	Davis (TN)	Hinojosa
Bishop (NY)	Deal (GA)	Hirono
Bishop (UT)	DeFazio	Hodes
Blackburn	DeGette	Holden
Blumenauer	Delahunt	Holt
Blunt	DeLauro	Honda
Boccheri	Dent	Hoyer
Boehner	Diaz-Balart, L.	Hunter
Bonner	Diaz-Balart, M.	Inglis
Bono Mack	Dicks	Inslee
Boozman	Dingell	Israel
Boren	Doggett	Issa
Boswell	Donnelly (IN)	Jackson (IL)
Boucher	Doyle	Jackson-Lee
Boustany	Dreier	(TX)
Boyd	Driehaus	Jenkins
Brady (PA)	Edwards (MD)	Johnson, E. B.
Brady (TX)	Edwards (TX)	Johnson, Sam
Braley (IA)	Ehlers	Jones
Bright	Ellsworth	Jordan (OH)
Brown (SC)	Emerson	Kagen
Brown-Waite,	Eshoo	Kanjorski
Ginny	Etheridge	Kaptur
Burgess	Fallin	Kennedy
Burton (IN)	Farr	Kildee
Butterfield	Fattah	Kilpatrick (MI)
Buyer	Filner	Kilroy
Calvert	Fleming	Kind
Camp	Forbes	King (NY)
Cantor	Fortenberry	Kingston
Cao	Foster	Kirk
Capito	Fox	Kissell
Capps	Frank (MA)	Kline (MN)
Capuano	Franks (AZ)	Kosmas
Cardoza	Frelinghuysen	Kratovil
Carnahan	Fudge	Lamhorn
Carney	Gallegly	Lance
Carson (IN)	Garrett (NJ)	Langevin
Carter	Gerlach	Larson (CT)
Castle	Giffords	Latham
Castor (FL)	Gingrey (GA)	LaTourette
Chandler	Gonzalez	Latta
Childers	Goodlatte	Lee (CA)

Lee (NY)	Oberstar	Sherman
Levin	Obey	Shimkus
Lewis (CA)	Olson	Shuler
Lewis (GA)	Olver	Shuster
Linder	Ortiz	Simpson
Lipinski	Pallone	Sires
LoBiondo	Pascrell	Skelton
Loeb sack	Pastor (AZ)	Slaughter
Lofgren, Zoe	Paulsen	Smith (NE)
Lowey	Payne	Smith (NJ)
Luetkemeyer	Pence	Smith (TX)
Lujan	Perlmutter	Smith (WA)
Lungren, Daniel	Perriello	Snyder
E.	Peters	Souder
Lynch	Peterson	Speier
Mack	Petri	Spratt
Maffei	Pingree (ME)	Stearns
Manzullo	Pitts	Stupak
Markey (CO)	Platts	Sullivan
Markey (MA)	Polis (CO)	Sutton
Marshall	Pomeroy	Tanner
Massa	Posey	Tauscher
Matheson	Price (GA)	Taylor
Matsui	Price (NC)	Teague
McCarthy (CA)	Radanovich	Terry
McCarthy (NY)	Rahall	Thompson (CA)
McCaul	Rangel	Thompson (MS)
McClintock	Rehberg	Thompson (PA)
McCollum	Reichert	Thornberry
McDermott	Reyes	Tiberi
McGovern	Rogers (AL)	Tierney
McHenry	Rogers (KY)	Titus
McHugh	Rogers (MI)	Tonko
McIntyre	Rooney	Towns
McKeon	Ros-Lehtinen	Tsongas
McMahon	Roskam	Turner
McMorris	Ross	Upton
Rodgers	Rothman (NJ)	Van Hollen
McNerney	Roybal-Allard	Velázquez
Meek (FL)	Royce	Visclosky
Melancon	Ruppersberger	Walden
Mica	Ryan (OH)	Walz
Michaud	Ryan (WI)	Wamp
Miller (FL)	Salazar	Wasserman
Miller (MI)	Sánchez, Linda	Schultz
Miller (NC)	T.	Waters
Miller, George	Sanchez, Loretta	Watson
Minnick	Sarbanes	Watt
Mitchell	Scalise	Waxman
Mollohan	Schakowsky	Weiner
Moore (KS)	Schauer	Welch
Moore (WI)	Schiff	Westmoreland
Moran (KS)	Schmidt	Wexler
Moran (VA)	Schock	Whitfield
Murphy (CT)	Schrader	Wilson (OH)
Murphy, Patrick	Schwartz	Wilson (SC)
Murphy, Tim	Scott (GA)	Wittman
Myrick	Scott (VA)	Wolf
Nadler (NY)	Sensenbrenner	Woolsey
Napolitano	Serrano	Wu
Neugebauer	Sessions	Yarmuth
Nunes	Sestak	Young (AK)
Nye	Shea-Porter	

NAYS—11

Akin	Duncan	Paul
Brown (GA)	Flake	Poe (TX)
Campbell	King (IA)	Shadegg
Chaffetz	Lummis	

NOT VOTING—37

Abercrombie	Johnson (GA)	Neal (MA)
Berkley	Johnson (IL)	Putnam
Brown, Corrine	Kirkpatrick (AZ)	Richardson
Buchanan	Klein (FL)	Rodriguez
Cassidy	Kucinich	Roe (TN)
Cooper	Larsen (WA)	Rohrabacher
Ellison	Lucas	Rush
Engel	Maloney	Space
Gohmert	Marchant	Stark
Graves	McCotter	Tiahrt
Grijalva	Meeks (NY)	Young (FL)
Gutierrez	Miller, Gary	
Hoekstra	Murtha	

□ 1857

Mr. BLUNT changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Madam Speaker, on rollcall No. 110, I was necessarily detained. Had I been present, I would have voted "yea."

CONGRATULATING NATIONAL ASSESSMENT GOVERNING BOARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 222, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution, H. Res. 222.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 9, answered "present" 1, not voting 33, as follows:

[Roll No. 111]

YEAS—388

Ackerman	Capps	Ellsworth
Aderholt	Capuano	Emerson
Adler (NJ)	Cardoza	Eshoo
Alexander	Carnahan	Etheridge
Altmire	Carney	Fallin
Andrews	Carson (IN)	Farr
Arcuri	Carter	Fattah
Austria	Castle	Filner
Baca	Castor (FL)	Fleming
Bachmann	Chaffetz	Forbes
Bachus	Chandler	Fortenberry
Baird	Childers	Foster
Baldwin	Clarke	Fox
Barrett (SC)	Clay	Frank (MA)
Barrow	Cleaver	Frelinghuysen
Bartlett	Clyburn	Fudge
Barton (TX)	Coble	Gallegly
Bean	Coffman (CO)	Gerlach
Becerra	Cohen	Giffords
Berman	Cole	Gingrey (GA)
Berry	Conaway	Gohmert
Biggart	Connolly (VA)	Gonzalez
Billray	Conyers	Goodlatte
Bilirakis	Costa	Gordon (TN)
Bishop (GA)	Costello	Granger
Bishop (NY)	Courtney	Grayson
Bishop (UT)	Crenshaw	Green, Al
Blackburn	Crowley	Green, Gene
Blumenauer	Cuellar	Griffith
Blunt	Culberson	Guthrie
Bocieri	Cummings	Hall (NY)
Boehner	Dahlkemper	Hall (TX)
Bonner	Davis (AL)	Halvorson
Bono Mack	Davis (CA)	Hare
Boozman	Davis (IL)	Harman
Boren	Davis (KY)	Harper
Boswell	Davis (TN)	Hastings (FL)
Boucher	Deal (GA)	Hastings (WA)
Boustany	DeFazio	Heinrich
Boyd	DeGette	Heller
Brady (PA)	Delahunt	Hensarling
Brady (TX)	DeLauro	Herger
Braley (IA)	Dent	Herseth Sandlin
Bright	Diaz-Balart, L.	Higgins
Brown (SC)	Diaz-Balart, M.	Hill
Brown-Waite,	Dicks	Himes
Ginny	Dingell	Hinche
Burgess	Doggett	Hinojosa
Burton (IN)	Donnelly (IN)	Hirono
Butterfield	Doyle	Hodes
Buyer	Dreier	Holden
Calvert	Drieaus	Holt
Camp	Duncan	Honda
Cantor	Edwards (MD)	Hoyer
Cao	Edwards (TX)	Hunter
Capito	Ehlers	Inglis

Inslee	McNerney	Schmidt
Israel	Meek (FL)	Schock
Issa	Melancon	Schrader
Jackson (IL)	Mica	Schwartz
Jackson-Lee	Michaud	Scott (GA)
(TX)	Miller (FL)	Scott (VA)
Jenkins	Miller (MI)	Sensenbrenner
Johnson (GA)	Miller (NC)	Serrano
Johnson, E. B.	Miller, George	Sessions
Johnson, Sam	Minnick	Sestak
Jones	Mitchell	Shadegg
Jordan (OH)	Mollohan	Shea-Porter
Kagen	Moore (KS)	Sherman
Kanjorski	Moore (WI)	Shimkus
Kaptur	Moran (KS)	Shuler
Kennedy	Moran (VA)	Shuster
Kildee	Murphy (CT)	Simpson
Kilpatrick (MI)	Murphy, Patrick	Sires
Kilroy	Murphy, Tim	Skelton
Kind	Myrick	Slaughter
King (IA)	Nadler (NY)	Smith (NE)
King (NY)	Napolitano	Smith (NJ)
Kingston	Neugebauer	Smith (TX)
Kirk	Nunes	Smith (WA)
Kline (MN)	Nye	Snyder
Kosmas	Oberstar	Speier
Kratovil	Obey	Spratt
Lamborn	Olson	Stearns
Lance	Olver	Stupak
Langevin	Ortiz	Sullivan
Larson (CT)	Pallone	Sutton
Latham	Pascrell	Tanner
LaTourette	Pastor (AZ)	Tauscher
Latta	Paulsen	Taylor
Lee (CA)	Payne	Teague
Lee (NY)	Pence	Terry
Levin	Perlmutter	Thompson (CA)
Lewis (CA)	Perriello	Thompson (MS)
Lewis (GA)	Peters	Thompson (PA)
Linder	Peterson	Thornberry
Lipinski	Petri	Tiahrt
LoBiondo	Pingree (ME)	Tiberi
Loeback	Pitts	Tierney
Lofgren, Zoe	Platts	Titus
Lowey	Polis (CO)	Tonko
Luetkemeyer	Pomeroy	Towns
Lujan	Posey	Tsongas
Lummis	Price (GA)	Turner
Lungren, Daniel	Price (NC)	Upton
E.	Rahall	Van Hollen
Lynch	Rangel	Velázquez
Mack	Rehberg	Visclosky
Maffei	Reichert	Walden
Maloney	Reyes	Walz
Manzullo	Rogers (AL)	Wamp
Marchant	Rogers (KY)	Wasserman
Markey (CO)	Rogers (MI)	Schultz
Markey (MA)	Rooney	Waters
Marshall	Ros-Lehtinen	Watson
Massa	Roskam	Watt
Matheson	Ross	Waxman
Matsui	Rothman (NJ)	Weiner
McCarthy (CA)	Roybal-Allard	Welch
McCarthy (NY)	Royce	Westmoreland
McCauley	Ruppersberger	Wexler
McClintock	Ryan (OH)	Whitfield
McCollum	Ryan (WI)	Wilson (OH)
McDermott	Salazar	Wilson (SC)
McGovern	Sánchez, Linda	Wittman
McHenry	T.	Wolf
McHugh	Sanchez, Loretta	Woolsey
McIntyre	Sarbanes	Wu
McKeon	Scalise	Yarmuth
McMahon	Schakowsky	Young (AK)
McMorris	Schauer	
Rodgers	Schiff	

NAYS—9

ANSWERED "PRESENT"—1

NOT VOTING—33

Abercrombie	Grijalva	McCotter
Berkley	Gutierrez	Meeks (NY)
Brown, Corrine	Hoekstra	Miller, Gary
Buchanan	Johnson (IL)	Murtha
Cassidy	Kirkpatrick (AZ)	Neal (MA)
Cooper	Klein (FL)	Putnam
Ellison	Kucinich	Radanovich
Engel	Larsen (WA)	Richardson
Graves	Lucas	Rodriguez

Roe (TN)	Rush	Stark
Rohrabacher	Space	Young (FL)

□ 1906

Mr. GARRETT of New Jersey changed his vote from "yea" to "nay." So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RONALD REAGAN CENTENNIAL COMMISSION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 131, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 131, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 19, answered "present" 1, not voting 40, as follows:

[Roll No. 112]

AYES—371

Ackerman	Boucher	Coffman (CO)
Aderholt	Boustany	Cole
Adler (NJ)	Boyd	Conaway
Akin	Brady (PA)	Connolly (VA)
Alexander	Brady (TX)	Conyers
Altmire	Braley (IA)	Costa
Andrews	Bright	Costello
Arcuri	Brown (GA)	Courtney
Austria	Brown (SC)	Crenshaw
Baca	Brown-Waite,	Crowley
Bachmann	Ginny	Cuellar
Bachus	Burgess	Culberson
Baird	Burton (IN)	Cummings
Baldwin	Butterfield	Dahlkemper
Barrett (SC)	Buyer	Davis (AL)
Barrow	Calvert	Davis (CA)
Bartlett	Camp	Davis (IL)
Barton (TX)	Campbell	Davis (KY)
Bean	Cantor	Davis (TN)
Becerra	Cao	Deal (GA)
Berman	Capito	DeFazio
Berry	Capps	DeGette
Biggart	Capuano	Delahunt
Billray	Cardoza	DeLauro
Bilirakis	Carnahan	Dent
Bishop (GA)	Carney	Diaz-Balart, L.
Bishop (NY)	Carson (IN)	Diaz-Balart, M.
Bishop (UT)	Carter	Dicks
Blackburn	Castle	Dingell
Blumenauer	Castor (FL)	Donnelly (IN)
Blunt	Chaffetz	Doyle
Bocieri	Chandler	Dreier
Boehner	Childers	Drieaus
Bonner	Clarke	Duncan
Bono Mack	Clay	Edwards (TX)
Boozman	Cleaver	Ehlers
Boren	Clyburn	Ellsworth
Boswell	Coble	Emerson

Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski

LoBiondo
Loeb
Lofgren, Zoe
Lowey
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Napolitano
Neugebauer
Nunes
Nye
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pollis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Rahall
Rehberg
Reichert
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)

Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Brown, Corrine
Buchanan
Cassidy
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolff
Wu
Yarmuth
Young (AK)

Oberstar
Oliver
Paul
Payne
Slaughter
Woolsey

ANSWERED "PRESENT"—1

Grayson

NOT VOTING—40

Abercrombie
Berkley
Brown, Corrine
Buchanan
Cassidy
Cooper
Doggett
Ellison
Engel
Gohmert
Graves
Grijalva
Gutierrez
Hall (NY)
Hoekstra
Johnson (IL)
Kirkpatrick (AZ)
Klein (FL)
Kucinich
Larsen (WA)
Lucas
McCotter
McMorris
Rodgers
Meeks (NY)
Miller, Gary
Murtha
Neal (MA)
Putnam
Radanovich
Rangel
Richardson
Rodriguez
Roe (TN)
Rohrabacher
Rooney
Rush
Space
Stark
Tierney
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1916

Mr. BOCCIERI changed his vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 100, 111, and 112.

HONORING DR. GREGORY FREYDMAN

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Madam Speaker, I rise to honor the memory of Dr. Gregory Freydmann of California.

Dr. Freydmann spent most of his life seeking freedom for his family, and finally fulfilled that dream at the age of 72 when he legally immigrated to the United States from the Soviet Union. He had been a renowned oncologist there and had risked his livelihood and his liberty to speak out against Soviet abuses.

Having seen firsthand the misery that tyranny inflicts on its people, Dr. Freydmann devoted himself to learning English, studying the American system of government, and passing on his appreciation of American founding principles to his children and to his grandchildren. He proudly became a U.S. citizen at the age of 77.

The highlight of his life was spending his final years in freedom with his beloved wife, Polina, secure in the knowledge that through a lifetime of struggle, he had secured the blessings of liberty for his posterity.

May he now rest in peace.

NATIONAL SCHOOL BREAKFAST PROGRAM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, I rise to recognize the importance of the National School Breakfast Program and to express my support for the resolution by the gentlelady from Wisconsin that we passed this evening.

The 100 percent Federally funded school breakfast programs, particularly where breakfast is served in the classroom, have shown to increase student attentiveness, academic performance, and decrease tardiness and disciplinary referrals.

Classroom breakfast programs are important because they reduce the stigma of receiving free or reduced price breakfasts and increase participation in school breakfast programs. In my district, the Troy City School District has adopted a grab-and-go program where kids can get their breakfast right in their hallways and bring it into the classroom to eat with their peers. These schools, particularly School 2, 12 and 14, and the Carroll Hill School, have all seen their breakfast participation numbers rise to 50 to 60 percent of all students in their schools, where the average elsewhere in New York State is only 20 percent.

I hope that we can do around the country what Troy City School District has done in my congressional district. In these tough economic times, we need to ensure that more students are taking advantage of school breakfast programs, and breakfast in the classroom has been shown to do just that.

UTILITARIANISM BEAT DOWN HUMAN DIGNITY

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Madam Speaker, I rise to lament the fact that, today, in a stroke of a pen, utilitarianism beat down human dignity.

When President Obama lifted the ban on stem cell research additional lines, what he is saying really is that it's okay to kill some humans in order to improve the conditions of other humans. The problem with that is it devalues all humans when we say that you can kill some to benefit others.

We can do this research. We can do the more promising research on adult stem cells, and we can get to the place where we don't produce excess embryos. Other countries, Germany, for example, limits the number of fertilized eggs, but we produce excess embryos. We can stop that practice. We can also have adoptions of the existing excess embryos.

So Madam Speaker, it is a sad day when utilitarianism beats down human

NOES—19

Cohen
Edwards (MD)
Filner
Flake
Fudge

Hinchey
Hirono
Johnson (GA)
Johnson, E. B.
Lee (CA)

McDermott
Miller, George
Nadler (NY)

dignity. It's a sad day for America. This is a time when we should be, in a technological age, establishing bright-line tests so that we understand and preserve the dignity of human life. It's also not the interference of politics into science, but the bounding of science by ethics and morality.

MOURNING THE LOSS OF PASTOR FRED WINTERS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, yesterday, in my district, and close to my hometown in Maryville, Illinois, Pastor Fred Winters lost his life to an assailant who came into the church during the first service.

Pastor Winters was a friend, and had done a tremendous job in growing First Baptist Church in Maryville to a church of great size and a great ministry in the area.

My thoughts and prayers go out to the community of Maryville, Illinois. My thoughts and prayers go out to the church and congregants of First Baptist Church in Maryville.

We live in an age of sinful human beings. Sometimes we don't understand God's will, but the people at First Baptist Church in Maryville are trying to make sense of an issue that doesn't make sense. All they do know is that God is in control, and that Pastor Winters is joined in heaven with Christ, his Lord.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BORDER WAR IN HUDSPETH COUNTY AND CULBERSON COUNTY, TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the second front. I'm talking about the front on the southern border of the United States with Mexico.

This past weekend, I had the opportunity to spend some time with two of the sheriffs of the Sheriff's Border Coalition. There are 20 counties in Texas that the sheriffs are members of the Border Coalition. And I spent time with two of those sheriffs, Sheriff Arvin West from Hudspeth County and Sheriff Oscar Carrillo of Culberson County. These two counties are directly east of El Paso County.

The size of these two counties put together are the size of Connecticut and Rhode Island put together. They're massive counties and sparsely populated. The sheriff in each of these counties and his deputies know everybody that lives in the county, unlike the Border Patrol, who come and go from the community. They never really know the people or the culture, or what takes place in those counties. But the border sheriffs and their deputies, since most of them grew up there and were born there, they know the people who should be there and those people that are outside, as they call them, "out-of-towners."

This past weekend, the Mexican Government sent 5,000 troops to Juarez, Mexico. That's the town across from El Paso. The reason is because of the drug cartels and the violence. Drug cartels are doing war with not only the United States, but they're doing war physically with the Mexican military. And it's so dangerous down there that Fort Bliss, which is across the river from Juarez, those soldiers that have been in Afghanistan and Iraq, are not permitted to go to Juarez. The State Department has warned Americans not to go to Juarez because of the danger of kidnappings and the violence that has occurred there all because of the drug cartels.

But going back to the two counties of Culberson County and Hudspeth County, the question keeps being asked, "Well, all that crime just stays there on the Mexican side, it never comes to the American side." Let me give you a statistic, Madam Speaker, how all the border sheriffs have to fight the drug epidemic and the crimes of violence and the property crimes in their county.

Sheriff Arvin West, Hudspeth County, has two jails; one has 125 prisoners, the other one has 545 prisoners. And on Saturday night, every person in both of those jails except one was illegally in the United States. There was one citizen. And these people are not charged with immigration violations. They hadn't just been picked up for illegally entering the country. They had been arrested for crimes against the Federal Government, felonies and misdemeanors against the State of Texas. He said if he didn't have to keep arresting folks illegally coming into the country and committing crimes in his county, he could close his jail down because there was only one citizen in the whole county or in the county jails. And he said seldom does he have any local folks put in that jail.

So, yes, the border crime has come to the United States and will only get worse. But to show you how innovative these sheriffs are, these are poor counties, these are low-income counties where you've got hardworking people—sparsely populated, however—and so the sheriff have no budget for vehicles.

Unlike the drug cartels that have Humvees, they have SUVs, pickup trucks, all of the things that they want. Border sheriffs—this sheriff especially—has no budget in the county for vehicles, so he has to confiscate drug vehicles—when he captures the bad guys with drugs—and then he uses those vehicles after they have been seized for his deputies. He has 20 vehicles that he uses for his 17 deputies, and he has two or three of these 18-wheelers.

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Yes, he's captured an 18-wheeler that's seized by the good guys against the bad guys, and on all of these vehicles, he puts this little notice down here on the bottom. It's on the bottom of this cab. It says semi-truck, \$80,000. The drugs were worth \$40,000. The bad guy got 10 years in the penitentiary, and the seizure of this vehicle is priceless. So that's how he runs his sheriff's department: with seized vehicles. I commend him for doing that.

It's important that we understand that the drug smugglers have more vehicles, better vehicles, more money, more men, and better equipment. They use GPS tracking devices to keep up with their drug loads. As I mentioned, they use Humvees. We have occurrences of the Mexican military helping move the drugs into these counties. Of course, Homeland Security denied that occurred. They said that didn't happen. But they didn't understand that Arvin West, Sheriff West, had the whole Mexican infiltration into his county on videotape, and once he videotaped it and showed it to Homeland Security, they said, well, maybe they are intruding and helping the drug cartels.

And these people don't make any money. The sheriff of Hudspeth County makes \$39,000 a year. Sheriff Carrillo of Culberson County makes \$32,000 a year, and their deputies make about \$27,000 a year. And they are protecting us from the drug cartels moving into the country. A guy just bringing drugs into the United States is going to make up to \$1,500 a load, making far more than our own border protectors.

There are four commodities being traded on the border. Two are going north and two are going south. The two going north are people and drugs, and they're being worked together. In other words, the coyotes work with the drug cartels to smuggle people. The two commodities going south: guns and money, and that's what's being traded on the border with Mexico.

It's important, Madam Speaker, that we provide our border protectors with the Humvees they need. We need to give them better equipment, and we need to put troops on the border because the purpose of government is to protect the people.

And that's just the way it is.

CHARITABLE DEDUCTIONS AND GOVERNMENT SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, we have an organization in this country called the Independent Sector. It's a nonprofit, nonpartisan coalition of charities, foundations, and corporate philanthropic programs collectively representing tens of thousands of charitable groups in every State across the Nation. The mission of this organization is to advance the common good by leading, strengthening, and mobilizing the nonprofit community.

The reason that I bring this up tonight is that the way that the administration, through the budget, wants to help fund health care reform is they want to reduce the amount that people can deduct when they make charitable contributions. And this organization that represents the Volunteers of America, the Salvation Army, the Red Cross, all these organizations, says that if the legislation passes in the budget in its present form, they will lose \$4 billion a year in charitable contributions because people won't be able to deduct the same amount that they've been deducting before when they make a contribution to these charities. And I think that's tragic because people who need help from the Salvation Army or the Red Cross or these other philanthropic organizations really need help, and if they can't get it from those organizations, the place they are going to go to try to get it is where? From the taxpayers, from their local trustee, their State government, their city government, or the Federal Government. So what we are going to see is a transfer of responsibility from these independent philanthropic organizations to these local government entities and the Federal Government if we start reducing the amount that people can deduct in charitable contributions. I think that's tragic.

The Secretary of the Treasury, Geithner, appeared before the Senate this past week, and he was asked about this, and he said, well, he thinks there might be other ways that they could fund the health care changes in this country without dipping into the charitable contribution deductions. Well, the head of OMB indicated, I think, yesterday on Face the Nation that Mr. Geithner probably wasn't right, that once the American people see how this money is going to be used, they'll understand it.

I don't believe that, Madam Speaker. I believe the American people, when they give money to a charity, want to make sure that that money is going to that charity and that they get their charitable deduction for that. If they

don't get that charitable deduction, they're going to start cutting back on the money they give to charities, and the minute they start doing that, Madam Speaker, then you're going to see these charities start wanting for money because they won't be getting the money they have been getting in the past.

These organizations have said collectively they are going to lose \$4 billion a year if the budget proposed by the administration and proposed by the House leadership and the Senate leadership, if that goes through. And it may go through tomorrow. Then these charities are not going to get that money, \$4 billion in losses, and it's going to be borne by other institutions. And I submit to you it will be the local governments, the State governments, and probably the Federal Government. I think that's just dead wrong.

I want to end up tonight by saying one more thing, Madam Speaker, to my colleagues back in their offices. We have been increasing the money supply, printing more money very rapidly, and we are indebting the people of this country to the tune of trillions of dollars. The Secretary of the Treasury is going to have another \$3 trillion that he's going to have to print to give to financial institutions to keep them above water. The budget that we're talking about, the bailout bill that we're talking about, the stimulus package, all of those add up to trillions of dollars more in spending.

If you look at this chart, you will see that the money supply in this country has been pretty level up through the year 2000, and then it starts going up like a rocket, and now it's going straight up. And what that means to the American people, and I hope the American people, if they happen to be paying attention, and I can't talk to them, I know, but if they happen to be paying attention, I hope they realize that the increase in the money supply is going to come directly to them eventually. It's going to affect them in higher taxes and higher costs of goods and services when they go to buy them. If you have more money in circulation, and we're looking at trillions of dollars more that's going to be printed, that money is going to be chasing fewer goods and services. What that means simply is if you go to buy a loaf of bread, it's going to cost more. If you buy a gallon of gas, it's going to cost more. If you buy electricity in your home, when you turn the switch on, it's going to cost more.

So I would just like to say to my colleagues, we really need to do something about spending. We have got to say to the administration and our colleagues in the House and the Senate it's time to cut spending. We don't need to spend more. We don't need to spend these trillions of dollars. We ought to be cutting taxes instead of

doing that to stimulate economic growth, and we need to make sure that the American people and the future generations of this country are not saddled with more debt and hyperinflation.

There are so many things going on right now, Madam Speaker, that troubles me, it's not even funny. And it all comes down to spending more money and imposing more burden on the American taxpayers and the future of this country.

ENERGY INSECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, I have been doing this series on our energy insecurity problem and opportunity. And it clearly is that. It's both a danger and an opportunity. Our energy insecurity, the fact that we are dependent on foreign nations for our transportation fuels and the fact that we really don't have a great plan at this point about how to produce electricity. So we've got this energy insecurity and we've got a danger there, but we have also got an incredible opportunity.

But speaking especially to fellow conservatives, I wonder if our conservative environmental policy is being controlled by former Vice President Al Gore. You know, it's said that he who angers you controls you. So I wonder if the fact that when we hear "climate change," we see Al Gore and we get angry; it makes him actually the one that's controlling our view of climate change. Wouldn't it be something if we conservatives were actually under the control of Al Gore because he angers us so much that we can't see past him and some claims he makes about climate change? Some conservatives think that's a bunch of hokey. But if we can't see past that to the job creation opportunity and to the national security risk, then is he really controlling us?

So what I'd like to ask, especially fellow conservatives, to consider is, is that really where we want to be? Do we really want to be controlled by a former Vice President, or do we want to see the opportunity, job creation opportunity, and the incredible national security danger, and then move to act to solve it?

Of course, I think that the solution that conservatives bring is an understanding of markets and how economics work, and how it is that people making profit will actually solve this energy insecurity problem.

So try this out for size: If I'm making Inglis widgets at my factory, and I'm belching and burning and basically dumping ash on my neighbor's property, it's a pretty good deal for me. It stinks for my neighbor. Now, under Biblical law my neighbor would have a

cause of action against me. Under English common law, under American common law, and by virtue of EPA and regulations, my neighbor would have a cause of action against me or a regulatory regime to help him out.

Now, if I'm heard to complain to the local congressman, no, now, listen, you can't make me put scrubbers on my smokestack because that will drive up the price of my widgets. Inglis widgets will go up in price, and that will make it so that the customer is hurt. Well, will it? Or will it actually create the opportunity for another entrepreneur across town who is ready to compete with me and take me out because he's got a cleaner process, a smaller smokestack, if you will? So if society wants to move along to that better product that my competitor is offering across town, then what we have to do is figure out a way to make me keep my ash on my property. If you do that, it's called internalizing the externals. It's something that we conservatives can understand. It's a market distortion that we have got to fix. If we fix it, then my incumbent technology, the cheaper widgets because I get to dump ash on my neighbor's property, suddenly becomes more expensive, and the competing technology now takes me out.

That's where we are with gasoline, for example. The reason the gasoline is so cheap, and it is so cheap, is there are all these negative externalities that aren't recognized by the market: the national security risk, the climate change risk, the environmental problems associated with it. If you stuck those onto the product of gasoline and said, now, gasoline, compete with plug-in hybrids, suddenly plug-in hybrids would be popping up everywhere because the competition would be able to take out the incumbent technology.

I think that's an inherently conservative idea. I think it's understanding how markets work, how economics work, and how profit can solve this energy insecurity. Because if we get to the place where that competing technology can take out the incumbent technology, we will break this addiction to oil, and we will improve the national security of the United States, and we will create jobs, because those new technologies have a lot of jobs in them.

So even if you think that climate change is a bunch of hooey, there are two other reasons to pursue it that are equally valid and very exciting opportunities to fix this energy insecurity that we face, and that I look forward to talking with you again about.

My colleagues, this is an opportunity for us to work together to build consensus, to collaborate as Republicans and Democrats. We can fix this problem.

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GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which Members may revise and extend their remarks and insert extraneous materials on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

Ms. FUDGE. I am a member of the Congressional Black Caucus, better known as the CBC. Currently, the CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. My name is Congresswoman MARCIA FUDGE, representing the 11th District of Ohio.

CBC members are advocates for the human family nationally and internationally and have played a significant role as local and regional activists. We continue to work diligently to be the conscience of the Congress.

But understand all politics are local. Therefore, we provide dedicated and focused service to the citizens and the congressional districts we serve.

The vision of the founding members of the Congressional Black Caucus to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens continues to be our focal point for the legislative work and political activities of the Congressional Black Caucus today. More than ever, it is necessary that we, as leaders, help those whom we serve. As the floor moderator today for the Congressional Black Caucus special order hour, I have to add that it is more important than ever that we put the money where our mouth is.

For the past 8 years, we have lived in a cloud of corporate misdeeds, backroom dealings, and extreme tax cuts that have only benefited the wealthiest people in this Nation. Due to the Bush administration's lack of government oversight, intervention and inattention, we now face the toughest economy in our lifetime.

Such neglect and inattention have led to this storm called a housing crisis, a collapse of the stock market and rising health care costs that leaves most Americans in a state of shock. In 2008, nearly 4 million jobs were lost across the Nation. In February of this year, the Greater Cleveland area unemployment rate was at a staggering 10.2 percent. The overall African-American unemployment rate is even greater, currently over 13 percent.

In these dire times, something must be done to help our Nation and our people get back on their feet. The best way to address these issues and illustrate our desire to better the lives of so many Americans is with our budget priorities for the upcoming fiscal year.

I want to thank President Obama for his thoughtful budget that signals a new era of responsibility. I want to applaud his attention to our Nation's most urgent needs, job training and job creation, health care and education.

I would like to thank him for the particular attention that this budget gives to the mental health needs of our veterans. Finally, I applaud this administration for paying attention to those that need us the most, our children and our elderly.

As the former mayor of Warrensville Heights, Ohio, and on behalf of all mayors and all local leaders, I want to focus on the administration's full funding of Community Development Block Grants. The fiscal year 2010 budget provides \$4.5 billion to fully fund this program.

As legislators, our number one priority is to get ourselves out of this current economic crisis. To accomplish this, we must look to programs that help improve and grow our economy. Historically, for every \$1 of funding through a Community Development Block Grant, nearly \$3 is leveraged for economic development projects.

When a city needs a grocery store or more affordable housing, this block grant funding is utilized and helps build neighborhoods. This is one of the few programs where the money goes directly to the locality. It does not get tied up in State government or Federal affairs. The money immediately goes to the areas where local leaders can help expand economic opportunities for their local citizens.

In Cleveland, Community Development Block Grant dollars have gone to assist our housing trust fund. Every dollar of investment leverages \$5 of private investment. In 2008, housing trust fund funds were committed to projects that supported nearly 700 energy efficient housing units.

This money has also gone to combat foreclosure. CDBG funds are the principal source of funds for supporting a range of activities to respond to the aftermath of foreclosures. This year, block grants can provide \$300,000 for anti-predatory lending programs administered by Cleveland's Department of Consumer Affairs and other non-profit agencies, over \$400,000 for code enforcement and almost \$900,000 for nuisance abatement and land reutilization on properties that are either vacant or have been through foreclosure.

Community Development Block Grant dollars will help with housing services for low- or moderate-income families. These funds are a critical source of assistance for seniors and

low-income families with funding to repair their homes. This year over \$2.2 million is expected to be used for home repair assistance from these funds.

This grant will also help community-based organizations. Approximately \$8 million supports a network of organizations that provide housing services, neighborhood safety programs and community outreach.

Finally, CDBG funding will help city-wide services, housing and financial services such as foreclosure counseling, homeownership counseling, landlord tenant counseling and fair housing assistance. The funds also support nonprofits that offer social services such as educational programming for youth and food programs for our seniors and low-income families.

Madam Speaker, I yield to the distinguished woman and our chair, the gentlelady from California, Ms. BARBARA LEE.

Ms. LEE of California. Thank you very much. Let me thank the gentlelady from Ohio for yielding, but also for your leadership and for that very clear and powerful statement and ensuring that the Congressional Black Caucus each week has an opportunity to talk about those issues that are affecting the African-American community, communities of color and the entire country. So thank you, Congresswoman FUDGE.

There are just a couple of things I would like to say tonight on the budget. I have to acknowledge and thank the Chair of the Budget Committee for the Congressional Black Caucus, Congressman BOBBY SCOTT, who consistently each year pulls together his task force. I serve as a member of his task force to look at the overall budget and to make sure that the Congressional Black Caucus' focus is couched within the fact that historically we have been and continue to be the conscience of the Congress and that the budget reflects our values. The budget is a moral document, and it's within that perspective and lens that we look at the budget.

Let me say a couple of things with regard to the budget, specifically. As an example of what I am talking about, the HIV/AIDS pandemic is devastating the African-American community and communities of color both here and, of course, abroad, especially in sub-Saharan Africa.

We believe the time has come to really put forth a national HIV/AIDS strategy, a plan, and fund it. We also established in 1999, under the great leadership of Congresswoman MAXINE WATERS, a minority AIDS initiative. And this year we are pushing to fund that minority AIDS initiative at least at \$645, \$650 million. That's really a drop in the bucket, but we have to start somewhere, and we want to make sure that our tax dollars, as it relates to HIV and AIDS, are targeted and di-

rected to where the problem is the greatest.

And, of course, we know, when you look at the statistics in the African-American community, HIV and AIDS is off the scale. So we must do more and we have to get this moving very quickly.

Secondly, I would like to just mention this defense budget. Each and every year there are a few of us who talk about the fact that we all, and as the daughter of a lieutenant colonel, I am, as I always say, a military brat, support a strong military, a strong national defense and our troops.

It's time that we look at a realistic national security budget that reflects our national security priorities, not to continue to fund many of those Cold War-era weapons systems, which are being built for a threat that doesn't exist. So we are looking at ways, and I have found in the GAO studies that have been conducted on the defense budget, there's billions of dollars in waste, fraud and abuse in the defense budget.

It's time we look at closing some of those items that GAO identified, and I believe we could get up to some \$80-some billion in cuts just based on closing the items that have been identified as waste, fraud and abuse.

So there is much to look at in terms of the budget. This is a very difficult year, it's a very difficult time, given the economic recession, and so we must have a budget that reflects the values of our country, including addressing poverty in a big way.

Eight more million people now are living in poverty as a result, unfortunately, of the policies of the last 8 years. We have to begin to look at how we address these moral gaps, and that's what they were. That's what they are, the dignity of all human beings must be reflected in our budget, and that is what the Congressional Black Caucus seeks to do to ensure that every man, woman and child, not only in the Black community, but throughout the country, have support and our Federal Government policies that support their dignity and their worth.

So I want to thank Congressman BOBBY SCOTT and Congresswoman MARCIA FUDGE for their leadership on that and just know that we are working day and night to make sure that whatever budget comes out of here reflects the moral values of our country. Thank you.

Ms. FUDGE. Thank you, Madam Chair, and thank you for your leadership as well.

At this time, Madam Speaker, I would like to yield to the distinguished Member from the Virgin Islands, Representative CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you. Madam Speaker, I join my Congressional Black Caucus colleagues this evening for what I consider to be one of

the important, if not the most important aspects of our Federal budget, health and health care spending. I also rise, not only as a colleague and as a physician, but as a Chair of the Congressional Black Caucus Health Brain Trust, whose mission is to ensure that our community's unique health and health care issues are at the forefront as our budget process proceeds.

Finally, I rise to applaud President Obama for the steps he has taken and hopefully will continue to take to ensure that the social determinants of health are fully considered and solutions fully integrated into health care reform.

In recent years I have joined some of our other colleagues and religious leaders on the Hill to address the budget as a moral document, as you have heard our chairwoman speak to a few minutes ago, as a document that represents our country's values and our values of the people. In those years we decried the fact that the budget that was sent to Congress by the then President did not include support or in any way foster work that we are called to do by our faith, not just Christian faith but any faith, essentially to ensure that the needs of the least of these are met.

The Congressional Black Caucus, as a group, has also met with past Presidents, just as we met with President Obama 2 weeks ago. In these meetings we outline our agenda priorities and indicate our hope for the President's support in health care, education, housing, economic opportunity, improved relationships with African and Caribbean countries and a number of other areas of concern.

Until now, neither have the goals of the religious community or the CBC, which parallel each other, even been partially approached. In fact, if it were not for the strong position taken by the Democrats in this body, and some of our colleagues on the other side who joined us, to protect them, programs like Medicaid, Head Start, Healthy Start, maternal and child health programs and many others would have been severely compromised and the lives of many of our fellow Americans with them.

We don't have to look far to remember that expanded coverage for uninsured children was impossible to accomplish until this new administration was sworn in. But change is coming. We, as a country, have reason to hope for a new and a better day. We are pleased, as we look at the outline that President Obama has sent for the year 2010, that it resonates not just with our request or that of religious leaders over the years, but that it responds to many of the long unmet needs of the American people.

It builds on the very important down payment made by the American Recovery and Reinvestment Act, which funds

are already beginning to reach communities like mine across the country and provide a lifeline to families in this time of dire economic stress.

I want to spend a few minutes to focus on the health care parts of our budget, because as long as I have been in Congress, the grave differences in health care access, quality and health outcomes that have had a detrimental impact on the health wellness and life opportunities of millions of Americans every single year have been the focal issues of my efforts and those of the Congressional Black Caucus. These differences not only exist along lines of race and ethnicity, but also along lines of gender and geography.

The sad reality is this, because we as a Nation have not taken the steps necessary to close these health and health care gaps, it is estimated that 100,000 people, a disproportionate number of whom are racial and ethnic minorities, die prematurely from preventable causes every year. Additionally, because progress to address the root cause of health inequities, the social determinants of health, have been stagnant, health disparities are no longer only a racial and ethnic minority health problem. Today, they are an American issue.

This failure to improve health, to address its root causes, not only affects the health quality and lives of people of color, but undermines them for everyone in this country and weakens our country's position of leadership in the world.

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The good news, however, is that we are in a new political day, and I am extremely heartened that our new President, President Obama, is aggressively taking steps to continue work begun in the ARRA and is making a sizable commitment—to the tune of \$634 billion over 10 years—on health care reform.

And so we are pleased that he is making good on his promise to ensure and improve the health and health care of those millions of Americans who have been left out and forgotten for far too long and, in doing so, to bring about meaningful and thoughtful reform to our Nation's very broken and outdated health care system.

What is more, I applaud the President's emphasis on prevention, with this budget's historic \$1 billion investment in prevention, as well as the other provisions that will address social determinants that are not normally seen as health-related, an investment worth making, especially since studies confirm that roughly 60 percent of the premature deaths in the United States are attributable to social circumstances, environmental conditions, and behavioral choices, all of which could be addressed through prevention and a more holistic approach to health.

For example, we know that educational attainment has a direct and

indirect impact on health and health care. Well, so does President Obama, whose fiscal year 2010 budget strengthens and reforms the Nation's public schools and expands funds for college.

We know that having access to safe and affordable housing, as well as living in communities that are structurally and socially stable, has an impact on health. The President's budget provides \$1 billion for an Affordable Housing Trust Fund. He has a fund that will prevent homelessness and strengthen families. Additionally, the President's plans invests \$3.2 for the Low-Income Home Energy Assistance Program to help low-income families with their home heating and cooling expenses, which will not only prevent accidents, but will also help ensure that our homes are not places that make us sick.

We also know that the foods we eat have a direct impact on our health and well-being, which is why the President's budget, which includes robust funding to expand access to nutrition programs, especially among women and children and seniors, is so critically important to support.

Further, we are impressed that this budget seems to reflect an understanding of one aspect of health disparity elimination that previous budgets and many fail to grasp, that health disparity elimination will require far more than just covering all of our Nation's uninsured, as important is that is in itself.

In fact, we know that the lack of insurance accounts for roughly only 20 percent of the racial and ethnic differences and morbidity and mortality that we hear about and experience year after year.

So, I am extremely heartened that this budget includes significant increases in funding to many of the critically important programs that are needed to ensure health equity.

For this reason, Madam Speaker and colleagues, I look forward as Chair of the Congressional Black Caucus Health Brain Trust to working with my colleagues in Congress and with the President to ensure that we reform our health care system in a manner that does not just get it done, but that gets it done right.

To that end, while this budget aptly and appropriately emphasizes reducing un-insurance, bolstering prevention, closing gaps in the health care workforce, and ensuring that our Federal programs are strengthened, I want to stress that health disparity elimination must be an integral component as well.

Not only do health disparities cause, as I said, about 100,000 preventable deaths each year; in fact, health disparities are among the key factors that drive up health care costs that we, as a Nation, struggle to contain every year.

I know that designing a health care system that addresses the social deter-

minants of health that exacerbate health inequities will require the willing to take bold steps and the visionary leadership to ensure that more than one step is taken. However, I also know that we have both of those today—both in the administration and in this Congress.

Together, we can reform our health care system in a manner that champions health equity, and together we can make this Nation, one person and one community at a time, healthier, stronger, and better prepared for tomorrow.

I yield back the balance of my time, and I thank you for taking on the challenge of this Special Order every Monday evening, and for focusing on the President's budget tonight.

There are other health and health care spending priorities set by the President in this budget that are downright long overdue.

For example, the budget enhances HIV/AIDS prevention and treatment by increasing resources to detect, prevent, and treat HIV/AIDS domestically, especially in the hardest hit communities, a disproportionate number of which are African American communities.

The President's budget sets aside \$330 million to increase the number of doctors, nurses and dentists who practice in areas where there are known shortages in health professionals will play a very significant role in ensuring that whenever someone needs the services of a trained health care provider, he or she will be able to get it without having to travel 450 miles.

By investing \$19 billion in health information technology, we will ensure that as we modernize our nation's health care system to maximize its efficiency, coordination and privacy, that we do so in a manner that does not create a two-tiered health care system.

This investment in HIT also will ensure that if and when another natural disaster hits one of our cities along the coast or in one of the U.S. Territories, that survivors do not have to fear that their paper medical records will have perished in the basement of a hospital or clinic, or that their health and that of their families will be compromised because they do not have immediate access to needed health records.

The budget's \$6 billion investment in cancer research—which reflects the Administration's multi-year commitment to double cancer research funding—will play a key role not only in reducing the egregious racial and ethnic disparities we see in cancer treatment, but also in cancer deaths.

And the budget's investment in Medicaid and Medicare to strengthen the programs, bolster their integrity and accountability, and expand the programs' research agendas is critically important, as these two programs play pivotal roles in ensuring that our nation's most vulnerable have access to needed health care services and treatments.

Finally, and of utmost importance to the people I represent in the U.S. Virgin Islands, President Obama signals in his budget outline his intention to move towards equity for the Territories in health and other related programs.

There are so many positive elements to this budget that indicate that we are headed in the right direction; especially as it relates to fixing our nation's health care system and that with his leadership and that of the leadership in this body we are beginning to build a health care system for the 21st century and beyond.

For this reason, Madam Speaker and colleagues, I look forward—as the Chair of the CBC Health Braintrust—to working with my colleagues in Congress and with the President to ensure that we reform our health care system in a manner that does not just get it done, but that gets it done right.

To that end, while this budget aptly and appropriately emphasizes reducing un-insurance, bolstering prevention, closing gaps in the health care workforce and ensuring that our federal health programs are strengthened, I want stress that health disparity elimination must be an integral component as well.

Not only do health disparities cause about 100,000 premature preventable deaths each year, but in fact, health disparities are among the key factors that drive up the health care costs that we—as a nation—struggle to contain each year.

Ms. FUDGE. Thank very much. Madam Speaker, I would like to thank the gentlelady from the Virgin Islands, who is always, in our caucus and in this Congress, a leading advocate for health care reform. I thank her.

At this time I would yield to the distinguished Member from the State of Virginia, Mr. ROBERT “BOBBY” SCOTT.

Mr. SCOTT of Virginia. Thank you. Madam Speaker, I thank the gentlelady from Ohio for organizing this Special Order. The budget is an extremely important part of our work, and I thank you for allowing us the opportunity to discuss what is going on with the budget.

Before we can discuss the budget going forward, we have to understand where we are and the mess that we are in. Sometimes you need charts to adequately describe exactly what the situation is.

This is a chart from 1989 showing the budget deficit. Starting in 1993, we went up to surplus. Unfortunately, in 2001, we had a complete collapse of the budget. 2008, the deficit will be about here. A little over \$400 billion. 2009, it will literally be off the chart. So, this is what we are dealing with.

In 1993, we made the tough choices and eliminated the deficit, went into surplus, and had enough in the beginning of 2001, enough of a surplus to pay Social Security for 75 years without reducing any benefits or to pay off the entire debt held by the public by last year. We were in good shape financially in 2001, but we made the wrong choices. And the rest is history.

The deterioration in the budget from the \$5.5 trillion surplus to the probably \$3 trillion, maybe \$4 trillion deficit, was a swing of almost \$9 trillion. Almost \$1 trillion a year deterioration in the budget.

This chart shows where the public debt has exploded. In 2001, we were

headed by the budget projections to paying off not only the debt held by the public, but all of the debt; putting the money back in the trust funds and everything else. Instead, the debt has totally exploded.

Now, one of the problems with the debt is that more and more of it is coming from foreign countries. Primarily, Saudi Arabia, Japan, and China. And that has foreign policy implications. You can't negotiate a good trade deal when the next thing out of your mouth is, Can I borrow some money? When you're borrowing money from Saudi Arabia, obviously that has implications on our ability to negotiate gasoline and oil prices.

The debt held in foreign countries was headed towards zero. It has, again, exploded. Now we have over \$2 trillion of our debt held in foreign countries.

Now, we got in this mess because we had unaffordable tax cuts, primarily for the wealthy. People get mad when you say “primarily for the wealthy,” but it was done, presumably, to create jobs.

This chart shows how, in the last 8 years, in terms of job growth, we have experienced the worst job growth since the Great Depression. Herbert Hoover is the only President on this chart who's done worse than the last 8 years.

There's very poor economic activity, as measured by the Dow Jones Industrial Average. This chart shows the Dow Jones Industrial Average from Hoover, Franklin, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, Clinton. The worst since Herbert Hoover in terms of Dow performance in the last 8 years.

Now, some people have said that all those tax cuts actually increased revenues. Well, that is not exactly true. Since 1960, this chart, just to break down the color code, a green bar is a year in which we achieved record revenues in individual income tax. Record revenues. A red bar is one where a record was not achieved.

You will notice since 1960, tax cuts, tax increases, recessions, depression; everything since good years, bad years, since 1960, there were only 2 years in which we did not achieve a record. So, to say that we had additional revenues wouldn't be saying much, because we always have revenues.

But it's even worse than that because in 2001 we did not achieve a record. 2002, 2003, 2004, 2005. We went 5 consecutive years, something that has not happened since they started taking records in the 1930s, did you go more than 2 years without achieving a record. You have had world wars and everything else. The record: 5 years without a record.

So, the cuts in taxes did not increase revenues. It actually decreased revenues. And, as I said, they get mad when you say the taxes were cut for the rich.

This chart shows for people under \$20,000—from \$20,000 to \$50,000; \$50,000 to \$75,000; \$75,000 to \$100,000; \$100,000 to \$200,000; \$200,000 to \$1 million; over \$1 million, how much you got out of the 2001 and 2003 tax cuts. You notice that if you made over \$1 million, you did well. And if you made under \$20,000, or even under \$50,000, you hardly need ink to draw the bar.

There's one particular tax that, in the Obama budget, will be repealed. Put back the way was. It's about a \$20 billion tax cut every year. And this is how it's distributed. If you make over \$1 million, you get about \$17,000. \$200,000 to \$1 million, you get several hundred dollars. \$100,000 to \$200,000; on average, you will get you will get about \$1 a month. Under \$100,000; on average, you will get not a dime.

Now, one of the things that is extremely important and why it is crucial that we get this budget under control, and that is I referred to Social Security. This is a Social Security cash flow chart, showing the blue bars are bringing in now more than we are paying out. In 2017, we will start paying out more than we are bringing in.

This is \$200 billion deficit, a \$600 billion deficit. By 2040, we will be approaching \$1 trillion, paying out more Social Security than we are bringing in. If we had the \$5.5 trillion, you needed about \$4 trillion in the bank today, drawing interest. We could pay Social Security for 75 years without reducing benefits.

Unfortunately, we are going broke, and this is one of the reasons we have to get our budget under control quickly, because otherwise we will get into a deficit situation in Social Security that we will never get out of.

One of the things that we have to do is make sure that the expenditures and tax revenues get back under control. Federal revenues traditionally, in the past, have been less than the expenditures. We have been spending more than we are bringing in. That is deficit spending.

By the mid 1990s, we actually reduced spending and increased revenues, to the point where we had that healthy surplus that was set to go as far as the eye could see. Unfortunately, in 2001, we passed tax cuts that we could not afford, collapsing revenues and, in fact, even increased as a percentage of GDP, increased spending, creating this deficit. We have to get back under control where the revenues are more than the expenditures.

This year, we are out of control because we have had the stimulus package, we have had the bailouts, and everything. But this is just a 1-year spike. And we need to get the budget back under control. And we can do that. Under the Obama budgets, we will be back into more traditional levels of deficits.

But, when we get down here, that should not be the end. That is just the

first step. We are going to have to continue bringing spending down and revenues up so that we will have our surplus so that we will be able to afford Social Security.

The President's budget, the first thing it does is reinstates what is called PAYGO. One of the reasons that we could maintain fiscal responsibility in the 1990s is we had a process called PAYGO. Pay as you go. If you offer a spending program, you have to pay for it. You have to raise the taxes to pay for it or cut some spending somewhere else. If you want to cut some taxes, you have to cut some spending or raise some other taxes. Everything do you, have you to pay for it. And if you don't pay for it, you can't pass it.

Unfortunately, in 2001, PAYGO expired, and the tax cuts were passed without paying for it. Increased spending took place without paying for it. And we got into the ditch that we are in. We now are back under PAYGO, where we are going to have to pay for what we do.

One of the things that the Obama budget does, it presents an honest budget. There are many things in the last few budgets that were just kind of left out. We knew every year we'd been continuing some tax cuts year after year. We knew each year we'd put those back in. Those weren't in the budget as introduced.

□ 2015

The war spending. We know we are at war. There was zero for the war in Iraq and Afghanistan in the budgets as introduced. We knew we were going to spend money on those wars. In fact, there were about \$250 billion worth of known expenditures that we knew we were going to spend that were left out of the budgets. The Obama budget includes everything that everybody knows that we are going to spend.

So with PAYGO and fiscal responsibility, we are going to at least reduce the deficit 50 percent in the first term of President Obama; and after we get there, we will continue to make progress.

The President's budget makes significant investments in energy, getting us from dependence on foreign oil and creating millions of jobs in energy, creating clean energy jobs. His budget brings down the skyrocketing costs of health care, and makes focused investments in education, one of the things on energy, alternative forms of energy and conservation and significant research investments.

In health care, we need to make investments in cost control to make sure that we can control health care. The Social Security chart and the Medicare chart are very similar. The Medicare chart is actually even worse because of the accelerating health care costs. We need to get those costs under control, because if we don't get Medicare under

control, health care generally will consume the entire budget. We need to make sure that we are investing in access to make sure that those who have insurance can keep it, because as the costs go up, people are losing their health insurance.

He is making significant investments in education, making sure that tax credits for education expenses are increased and Pell Grants are increased so more and more people can go to college. And we want to make sure that we invest in elementary and secondary education, particularly early childhood education.

The budget makes a unique investment in nurse home visits. These have been shown to significantly reduce a lot of problems, one of which is child abuse, which is highly correlated with future crime by these nurse visits. The nurse visits have been studied. I serve on the Judiciary Committee, and they have found that those who have had the advantage of the nurse visits were one-third as likely to be arrested 18 years later as those who did not have the visits; education is much better off; child abuse is down. So those visits will be a very important investment in our future.

And, finally, the President's budgets continues large increases in veterans health care. We had significant increases 2 years ago and last year, and we will continue those increases so our veterans get the health care that they certainly have earned and deserve.

We need to make some tough choices. The President says one of the most difficult choices are making expenditures today that save money in the future. Nobody wants to spend the money today if the savings won't occur for 5 or 10 years.

One of the bills that I have introduced is the Youth Promise Act that makes investments in young people to keep them out of trouble. We are spending more money per person in incarceration. We have got more people locked up today per hundred thousand population than anywhere on Earth. We could significantly reduce the need for that correlation if we made investments up front, getting young people on the right track and keeping them on the right track. The Youth Promise Act does that. It has an interesting aspect to it. When you save money, the localities that come up with their local plans will try to identify where they are saving money, and those agencies should kick in to keep the program running.

The State of Pennsylvania did the collaborative approach that is anticipated in the Youth Promise Act, and they funded a number of programs for a total cost of approximately \$60 million, \$60 million, and they calculate they save over the next few years over \$300 million, because they made those investments and reduced crime signifi-

cantly. Nobody wants to make the first investment; so the Youth Promise Act will make those investments and, hopefully, the localities will continue the programs, saving significant money in the future.

But we have to make the tough choices. And if we don't make those tough choices, if we don't get the budget under control, we are going to be spending entirely too much money on interest in the national debt, we will jeopardize Social Security and Medicare. But with the leadership of President Obama, the Congressional Black Caucus is committed to addressing our priorities in a fiscally responsible way. Social Security, Medicare, and our future depend on it.

Again, I want to thank the gentlewoman from Ohio for her leadership and giving us the opportunity to talk about the budget today.

Ms. FUDGE. Madam Speaker, I would like to thank the gentleman from Virginia, Mr. BOBBY SCOTT.

For those of us in the Congressional Black Caucus, we clearly know that Representative SCOTT is the best in the Congress when it comes to analyzing budgets and providing information to his colleagues. So, again, I thank him.

Madam Speaker, I thank you. I thank the members of the CBC for allowing me to act in their behalf tonight; as well as I want to say that we do very much appreciate the fact that we now have an administration and a President who does believe in an honest budget, who does believe in doing the things that are necessary to get this country back on track.

I yield back the balance of my time.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mrs. BIGGERT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Madam Speaker, I rise tonight to call attention to our economy and the fiscal discipline we need to implement to get our country back on the right path.

Right now, the American people are hurting; and Republicans want to work with the President to get the American people back to work. We want to get the economy going again. But we do know, and the American people know, we cannot tax, spend, and borrow our way back to a healthy economy. So we

really want to be included in the opportunity to solve our problems, and this is a huge problem.

Just a couple of days ago, there was a summit held at the White House on health care, and they had Members of Congress, they had experts in the health field come together to look at how we are going to solve this problem.

The economy right now is the hugest problem that we have. Why aren't we working together and really coming together to solve this problem? We have so much expertise in this Congress. We have economists, we have people in the industry. We really should be sitting down to solve the problem, rather than going back and forth and arguing on the House floor, because our country and the international economy is suffering. And it is not the first time nor the last. We have seen crisis like this before and we have pulled through. So I am optimistic that we can get together and really work to solve the problem.

And look what happened on 9/11. We came together. We came together as a Congress, united to face that problem and to face that challenge, and to find the solutions and how we were going to deal with it. This is another problem. Not maybe as quite the magnitude; maybe it is, but we need to get together and really work together.

We face the largest economic decline since World War II, along with unprecedented domestic unemployment. February's numbers show that there was 8.1 percent unemployment. And we face unprecedented foreclosures, facing about one in nine families right now. It is time for us to unite again as leaders and pull through once more.

I wish that the administration would convene this bipartisan, bicameral summit to focus all of our energy on solving economic problems. We want to solve health care, we want to solve energy, we want to solve climate change. We want to do all of these things. We want to solve education. But I think all of that energy really needs to be brought to one force to come back and address the economic situation. We should be focusing on saving and spending plans that put America on a path to responsibility and long-term success.

With TARP money of \$700 billion, a housing bill that was \$300 billion, with the recent passage of the \$825 stimulus package, and with the Federal Reserve putting so much money into some areas, and a pending \$410 billion appropriation bill, I have to say that my constituents are upset. They are upset because the spending appears to be recklessly out of control, with no accountability or direction. And, unfortunately, with the recent release of the administration's budget for fiscal year 2010, we continue down this heavy spending path. And while we only know the basics of the budget proposal, it certainly has been a mixed bag.

So tonight we are here, and we want to address the concerns in the budget. There are the good, the bad, and what we call the ugly. I have a little chart here that addresses the President's 2010 budget. As I said, we have got the good, the bad, and the ugly.

We acknowledge that there is an entitlement crisis, that there is a budget fix for the AMT. We are looking at the Medicaid part D. With the bad, there is an increase in spending of \$3.9 trillion in 2009. It increases nondefense appropriations by 9.3 percent. The war funding is a gimmick. The ugly, a \$1.4 trillion tax increase in a recession, \$1 trillion entitlement expansion, in the 2009 deficit, \$1.8 trillion. And we double the debt.

These are the things that we are going to be discussing tonight, and I am glad to have my colleagues here to participate. I would like to call on the gentlelady from Tennessee for her comments right now, MARSHA BLACKBURN.

Mrs. BLACKBURN. I thank the gentlelady from Illinois so much for yielding, and I appreciate her yielding the time to me. And we have other members of our Republican conference who are here, female members, who are coming to talk about the issues that we know are affecting our constituents and we know are affecting women in our districts.

As the gentlelady from Illinois has mentioned, the number one thing that we do hear from our constituents, and especially our women small business owners, is their concerns over the economy; and they are concerned about the economic security, the retirement security that is in front of them as they look to winding down their careers. And they are also very concerned about what is happening for the secured opportunities of future generations and the security that they will want to enjoy.

I have a chart with me that I think says a lot about what we see happening here in Washington now as well as what is going to be coming in years to come.

Let's go back and look at the deficit. We are hearing a lot about the deficit and the data. Some of my constituents last week were saying, well, we continue to hear this comment that they inherited this debt. How could that be? Everyone has been voting on this for years.

So we made a chart looking at Federal spending going back to January 2007 through today. And, of course, in 2007 is when all of the problems really started to manifest themselves in the housing industry and leading toward the situations that we saw happening with the banks that began in early 2008, and then moving on into the budget situation that we have today. So we prepared a chart to lay out what has happened since January 2007, with our Federal deficit, which is the line that

you will see in green, the graphing in green.

Then, discretionary spending, which is that portion of our budget that we actually can get into and make some decisions about how we are going to spend those dollars, and that is where we should be reducing what the Federal government spends.

Then, mandatory spending. Much of that is the entitlements which the gentlelady from Illinois just referred to mentioning very appropriately that, yes, indeed, we do have an entitlement crisis that is coming, and that is spending that is going to have to be dealt with in order for the future generations to enjoy security, whether it is economic security, whether it is freedom and opportunity.

□ 2030

Take a look at what has happened. You can see where we were in January 2007. And the debt, the Federal debt, at that point in time was right over \$8 trillion. Our deficit in 2007 was just over \$400 billion.

Now let's look at what happened. The first stimulus plan that was passed early last year, \$152 billion, you can see what that did to the federal deficit. It really popped it up. You can also see what that did to discretionary spending. And then look at what happened with pre-TARP, the amount of money, the \$300 billion, that went into those loans from March to September of 2008 when we were dealing with Bear Stearns, Fannie Mae, Freddie Mac, IndyMac and AIG. You can see what happened with our deficit, which is the green line, the discretionary spending, and the bump-ups that came there, and then you see the mandatory spending rising as we move through that. Then TARP in September 2008, you can see what happened there with the \$700 billion and the escalation that has carried forth there, the auto bailout of \$14 billion.

President Obama's second stimulus, we call this plan B, and that ended up being \$1 trillion. You see what it did to our deficit. We are at over \$2 trillion in deficit for this fiscal year so far. Also you can see what happened with our discretionary spending. And take a look at what has happened with our mandatory spending through there. And then of course the omnibus, the \$410 billion omnibus bill that had passed the House and it is still in the Senate without a resolution to it.

So through all of these votes, I will highlight that the Speaker, our President who was in the Senate, and Leader REID in the Senate, all were "yes" votes on that. They were part of driving this deficit and these discretionary spending hikes, the mandatory spending spikes that you are seeing over there also.

And by the way, going back to January 2007, that is when the Democrats

took control of both Houses, both Chambers, the House and the Senate, and started pushing forward the spending increases. And they have now moved the national debt from just over the \$8 trillion that was here to nearly \$11 trillion. As of January 3 of this year, the debt was at \$10.7 trillion. And as I mentioned earlier, that big green spike over there is for the \$2 trillion in deficit spending they have already accrued this year. And we are hearing that once they pass the \$410 billion, that it is going to be even higher. And we are also hearing that they are going to come back and ask for more TARP spending.

So when I talk with females and with female-owned small businesses in my district, the number one thing that comes up is the economy. And what does this do? Knowing that political freedom and economic freedom are linked, what does this do to future generations? From the women in my district, I have heard repeatedly, they understand that we cannot spend our way out of this recession. You can't spend your way to recovery. You can't spend your way to prosperity. You can't build prosperity on a foundation of debt. And so many of our small business owners understand that. And women every single day come to me and say, Marsha, it is time for people to address these economic issues and do it with wisdom, do it with some forethought, and be very careful that we are not passing on to future generations a debt that they are unable to handle.

I was out visiting with some women's groups a couple of weeks ago. A lady came up to me. She was carrying a young infant. And I noticed this because I have a 9-month-old grandson, Jack, and I have another grandchild, Chase, who will arrive in June. And the lady walked up to me with this child in her arms. And she said, "Marsha, I want to tell you something." She said, "It absolutely infuriates me when Congress spends money I haven't made yet. But now I have got this 6-month old grandbaby. And let me tell you something. It makes me so angry. I want to come to Washington and bang on the doors because it makes me so angry that you're spending money that she has not made yet. And she doesn't even know to be upset with Congress." She said, "I know you're voting 'no' on all these spending bills. Please do all you can to arrest the out-of-control spending."

And I will yield back to the gentlelady from Illinois. I thank you for the time. And I thank you for the efforts to help work to preserve our economic freedom for future generations.

Mrs. BIGGERT. I thank the gentlelady from Tennessee. You have done so much in bringing out all of this to our attention. And I really appreciate it.

I would like to just read a paragraph from one of my constituents, a woman

in the district named April. And she said, "First, thank you for voting against the stimulus package at the beginning of February. As an independent, I am disturbed by what has happened in Washington these past few weeks. I am urging you and Members of Congress to exercise restraint when examining the President's budget and any other stimulus packages. Eliminate wasteful spending. The American people are mindful these days of their own budgets at home, and so should the Federal Government."

"In addition, what happened to the President's and other Members' promise that they would eliminate earmarks? It seems like Washington needs some management. Thank you for your time."

And with that, I would like to call on my good friend from Florida, GINNY BROWN-WAITE.

Mrs. GINNY BROWN-WAITE of Florida. I thank the gentlelady from Illinois.

Last week I had some folks in town from Florida, and they didn't get to see snow very often obviously living in Florida. And when they came here, it was about some of the tax issues. And they were darn mad, the same way that Mrs. BLACKBURN's constituents were. And when they came into my office, I said to them, "so what do you think about the snow?" They said, "do you mean the snow job of the stimulus package and then the budget that the President came out with?"

These are small business owners who are very concerned about their ability to stay in business. We all know that the majority, about 80 percent of jobs created recently over the last 8 and 10 years, have been from small businesses. And they realize that they are the ones who are going to be hit very hard by President Obama's proposed tax increases.

This chart clearly shows the 2010 tax increases that are proposed by President Obama. It shows cap-and-trade, which most business people call "cap-and-tax," at \$646 billion increase, small businesses and investors, the red color, \$635 billion tax increase, and other tax increases, about \$149 billion. Now, where are those tax increases going to come from? Obviously by taxing the small business person. We have heard about how the higher tax won't affect anyone earning less than \$250,000. The truth of the matter is that it is actually at the \$200,000 level, that is the level at which the Obama tax increases begin to take effect for small business owners filing as singles.

My husband and I owned a few businesses. And we were always what is called a Subchapter S corporation. And a Subchapter S corporation, or a partnership, or a limited liability, LLC, at the end of the year, they take the profits, and they add it to their income, and they pay income tax based on that.

Well when you combine a hoped-for profit as a Subchapter S corporation or a partnership and you add it to whatever income you may have drawn from the business or your spouse may have brought from another job, you're at the \$250,000 level, very, very quickly. But if you're a single taxpayer, it is \$200,000. We don't hear a lot about that. We only hear about \$250,000, which to the average person sounds kind of like a lot of money. But we must remember that over 3 million taxpayers with small business income actually earn more than \$250,000. That is the level at which these tax increases are going to take effect. These, again, are the people back in our districts. These are the Barbara Manzis in my district. She has a metal fabrication business. And you cannot continue to tax these job-creating small businesses out of existence.

A constituent sent me a cartoon. It happens to be the Wizard of Id. And it is someone running for office. And in this, it says, "what are you offering the peasants in your election speech today?" And the politician goes on to say, "nothing they can afford to refuse. Elect me and I promise free health care, free housing, free clothing, food stamps and jobs for everybody." And then he asks the crowd, "are there any questions?" And someone yells out from the crowd, "who needs a job?"

Well, that is exactly where we are going in this country with some of the tax policies. If everything out there is "for free," and you have the President and my colleagues on the other side of the aisle saying that we need to have some people in this country just paying a little bit more, I'm sure that my colleagues forget that many of the taxpayers in these top two income tax brackets earn significant portions of that income from being a major employer. So we are going to really end up taxing those who create the jobs.

I did a telephone town hall last week in my district. And when you do a telephone town hall, you don't select just people in your own party. In my case I do it by county, county by county. And we call individuals and we try to ask them their opinion. Overwhelmingly, whether it was a Republican or a Democrat or an independent, the President's budget was not popular, nor was the stimulus package. The concern was that it really did not help small businesses. And in my district, I don't have major employers. The majority of the employers in my district are either health care, remember this is Florida, are either health care, government, or small businesses. So we are going to limit it to the previous two, because under the Obama Democrat tax plan, we are going to be putting a lot of these small businesses out of business at a time when they are struggling to stay alive in this economy.

The folks back home quite honestly don't understand how this phenomena

can be, how people think that they can tax their way out of this declining economy. Because all increased taxes are going to do is make sure that the declining economy continues. And that is pretty darn sad.

We also on this chart had some figures for cap-and-trade. What cap-and-trade is going to do, most people call it cap-and-tax, is it is going to raise taxes on small businesses. It is going to raise energy costs on small businesses and certainly on residents at a time when people are already struggling. I go home every weekend to the Fifth Congressional District. And people up there say things like, "are you the only sane one there who is voting against this?" I assure them that my colleagues, like the gentlelady from Illinois, the gentlelady from Tennessee and many other Members are concerned and are also voting against it. What we are going after here is trying to bring some common sense and help for small businesses.

Unfortunately, President Obama's wealth distribution plan would not even cover the increased energy costs associated with his cap-and-tax, or cap-and-trade, plan. It is really cap-and-tax plan. It is a tax plan, ladies and gentlemen.

Americans fear that we are going down the road to socialism. And I recall Margaret Thatcher's comment about socialism, and that is, the problem with socialism is that eventually you run out of other people's money. Unfortunately, with the budget that the President has proposed, the TARP spending, deficit spending, the proposed budget and the stimulus package, I believe, and I know that the gentlelady from Illinois believes, that we are headed down to a path of possible socialism.

That, my colleagues, is not acceptable. And that is not what our American economy needs at this time.

With that, I will yield back to the gentlelady from Illinois.

□ 2045

Mrs. BIGGERT. I thank the gentlelady for bringing up the tax issue. I am reminded of the words of Ben Franklin: "In this world, nothing is certain but death and taxes."

We certainly have to think that the President's recent budget proposals essentially, and unfortunately for American families and small businesses, can bring a certainty to the latter, and that is taxes, and increased taxes to be specific. I appreciate you bringing that up.

I have another letter from one of my constituents, Rich. He says, "The current budget proposal is a path to nowhere, in my opinion. It will lead to a tax increase for all Americans. There should not be a carbon tax on businesses. All that will do is raise prices and cut jobs. Instead, put an incentive

for businesses to lower energy. Also, why increase capital gains taxes at this time, or at any time. All that does is force businesses to go elsewhere. We need to keep the taxes where they are or lower for businesses. We need to encourage companies and people to invest in the U.S. The net effect is more profit which leads to more tax revenue for the country. Just taxing the rich doesn't work." And I thank Rich for that letter.

Let me talk about a couple of other taxes because I think the important financial task before Congress right now is fostering economic growth. Number one is keeping taxes on families down; and number two is helping American business stay competitive; and three, eliminate wasteful spending in Washington.

In one of my former lives I was a probate lawyer and estate lawyer. I frequently witnessed the devastating effect that the estate tax or death tax had on family-owned farms and businesses. I think that we did put a limit on that. We changed it. Since 2001, Congress passed a 10-year tax cut package that included a provision that would slowly phase out the death tax and eliminate it all together in 2010.

However, the administration budget proposes that we continue to tax, to use the estate tax at 2009 levels instead of what we should be doing and permanently zeroing out this onerous tax, this double tax. So instead of 2010 when it would have been eliminated permanently, if this passes, and you have to remember the President proposes and the Congress disposes. But if it were to happen, we would continue with a tax that taxes about 3.5 million at a 45 percent rate. That's a little lower than it has been in the past sometimes. The only good thing about it is it does bring back the step up. During these uncertain times and turbulent times, I don't think that it is time to place another tax burden on families and small businesses. It is certainly time to cut taxes and encourage businesses and families so they will be able to create jobs.

One other tax that really concerns me is the budget proposes to limit deductions for charitable contributions, and we know how much contributions have meant for this country from the time of early on in the country with all of the things that so many of these famous families did, like the Rockefellers or the Carnegies. Each year many people give contributions to charities and nonprofits. Why should we discourage this in any way, especially right now. So many people benefit from so many charities like, Catholic Charities or the Jewish Federation and all of the small charities. So I strongly believe in charitable giving and have supported many bills to encourage it instead of asking the Federal Government to do it, and that is

like bringing back much more big government. So I will continue to support tax policies that encourage charitable giving.

Regarding homeownership, here we have been dealing with families and foreclosure rates and what is happening. And now the budget proposal is to limit the mortgage interest deduction. This is a direct hit to family budgets and discourages homeownership at a time when we need to encourage homeownership. It is limited. Again, it is to the higher rate taxpayer. But this again is going to trickle-down with what it does with homeownership. We need to make homeownership more affordable. Homeowners may currently deduct the interest paid on mortgages from their interest tax liability. So millions of homeowners enjoy the benefits of this deduction which does encourage homeownership through an annual tax savings. Although general support for this tax remains strong, I think it is irresponsible to slash this benefit. I support tax policies and now will yield to another one of my colleagues, the gentlewoman from Minnesota (Mrs. BACHMANN) who is here to address some of the women's issues and how we approach the budget that we are looking at.

Mrs. BACHMANN. Thank you so much for yielding. I thank the gentlewoman from Illinois (Mrs. BIGGERT). She has served long and hard on the Financial Services Committee, and I know that she shares my opinion that these are historic times and we have never seen anything quite like this in the financial services sector before.

Beginning in the housing industry, we watched the market just collapse and we saw the economy flat line and go down into the negative column, and women all over the United States started feeling very insecure. I think as mothers and women, that is very important to each one of us. It is a sense of security, not only for our own well-being but for the well-being of our children.

I know that we look at our mothers. I look at my own mother, Jean, who lives in Anoka, Minnesota. She is going to be 78 years young in just a few months, and she is very concerned as she looks at the value of her 401(k). She, like many Americans, has opened up her statement and seen that her 401(k) has dropped by 50 percent. My mother is a wonderful woman. She does samples. When you go to the grocery store and see those sample ladies, my mother is a samples lady. She has worked all of her life, but she wants to do this because she loves people and she wants to be with people.

But at 78 years of age, she may not always be able to work. And she looks at what she has worked so hard to save for. She never had a high-paying job, but my mother was extremely frugal and extremely prudent, and taught me

to be the same way. There are women on fixed incomes all across the country who did the same thing. They took care of their children, raised them, scrimped and saved and clipped coupons, and now here they are, looking at their savings and seeing the value of their savings diminish before their eyes. They are very concerned, and they wonder what in the world has gotten into Congress. What in the world has gotten into this new Presidential administration. They really had high hopes for this administration, and they are looking and saying as a senior citizen, my options are limited. Maybe my husband has already passed away or my husband is infirm. What am I going to do; I can't go out and get a job. They look at this administration, and in the name of economic stimulus, they saw that this current liberal administration has legislation that is overflowing with wasteful government spending.

And they might have heard about one of these wasteful projects. It is a brand new, billion-dollar high speed train that is going to go from Disneyland up to Las Vegas. A billion dollars of a widow's money to go to pay for a brand new ride essentially from Disneyland to Las Vegas. HARRY REID, the Senator from Nevada, was behind this measure, and it makes us wonder, is he more interested in making sure kids start gambling at younger ages?

We also see the Speaker of the House, NANCY PELOSI, she was behind passing our nearly 1,100-page stimulus bill, brought it to the floor, and not one Member of Congress was able to read that bill before we were asked to vote on it. I don't know if any other Congress was asked to pass a bigger spending bill than this bill with less time to read it, digest it, and even know what was in it. That is not something I want to go home and tell my elderly mother or tell people back in the State of Minnesota, that is Congress is here spending more money than we have ever heard of before, money we don't have, and we are spending that money without even having a chance to read the bills.

I kept my staff here until 9 at night before we were supposed to vote on the stimulus bill. I released them to go home. They had worked all day long. I kept them here until 9, hoping that the Democrats would release the bill so we would at least have a chance to read it. They went home. It wasn't until after midnight that the Democrats finally put the bill online. There was absolutely no way to read the bill. That's shameful. The American people deserve better than that.

And then we see that the President is now telling 92 percent of the American people who are currently paying their mortgages on time that it isn't enough that they pay their own mortgages, now they have to pay the mortgages of

the people next door who maybe took out a home equity loan or bought more home than they can afford and got out on a limb, now 92 percent of the American people are seeing their 401(k)s disappear before their eyes, or seeing jobs disappear in their city and community. And they are being told that now it is their responsibility to pay the mortgage of 8 percent of the American people.

And now we have our second spending bill that has come before us, the largest budget that we have had for discretionary spending, \$410 billion. It is an 8 percent increase from the last budget.

I hear the Obama administration telling the average American it is time for you to sacrifice. One thing I don't see is that the Federal Government is having to sacrifice. They are not sacrificing. They are increasing their spending by a whopping 8 percent on the Federal budget, and this is what we have to see for it. We are looking at a doubling of the national debt. Here we are at \$5 trillion, which worried me back in 2000. And now projected going forward 2019, we are looking at a deficit north of \$20 trillion. We have never seen anything like that.

In the previous hour we saw the Democrats up here speaking. And one of the charts that they had up talked about how very quickly now we are going to see Social Security spending going from having money in the bank for coming in for Social Security. Very soon we are going to go underwater and we are going to have less money coming in for Social Security than what is going out. We will be looking at having about a trillion dollars in obligations that we currently don't have money to obligate to pay for those bills. This is concerning. These are elderly, senior citizen females that are again worried about their own security. No wonder the stock market has dropped more than a thousand points since President Obama took office. No wonder more Americans are blazing mad right now, and they are saying we are not going to take it any more. So you see all across the country tea parties breaking out, people saying I can't pay these taxes any more.

Every promise that was made to the American people during the last campaign by the current Obama administration on fiscal accountability has already been broken. And we only have 45 days in this administration. Every fiscal accountability promise has been broken, and it is a travesty.

□ 2100

I called a friend of mine who is a tax accountant today; she's working really hard because all of the tax returns are going to be due now April 15. I called her to see how she's doing. And I said, tell me, what is some of the information that you're seeing; what can I tell

the American people? And she told me about a tax return that she's doing. And I will close with this.

I talked about elderly ladies and their concern about security. Let me tell you about a younger female American, she's just 8 years old; lovely girl, tragic story. She was born in the year 2000, and she had a wonderful family. Her father was a great patriot who wanted to serve his country. He went to Iraq. When she was 4 years old, her father was killed serving his country in Iraq. And now this little girl is receiving money from Social Security disability payments, and she's also receiving money from the United States Defense and Accounting Service which the U.S. Military annuity pays. These are the right payments that she should be getting because of the service that her father gave to her country. But with this money that's coming into this little girl, this little 8-year-old girl is paying Federal taxes on the amount of money that she is receiving as an orphan. She's not only paying Federal taxes, she is also paying what's called alternative minimum taxes. That's how out of kilter and how drastically this government is spending your money in an out-of-control fashion, that not only is this government now going to widows for more money and increased taxes, we're even reaching into the pockets of orphans to tax them with alternative minimum tax, a tax that was meant for rich people so that rich people would not escape paying taxes. Now orphans are being subjected, at very low levels, for alternative minimum tax.

I would repeat what we saw a reporter say on CNBC: "Mr. President, are you listening to the American people?" We cannot afford a doubling of our national debt. We cannot afford to impoverish America's widows. And we certainly can't afford to be taking money out of the pockets of orphans whose fathers were killed serving this country in the Iraq war. This must end. And the Obama administration must stop taxing the American people.

And with that, I would yield back to the gentlelady from the State of Illinois, Mrs. BIGGERT.

Mrs. BIGGERT. I thank the gentlelady from Minnesota (Mrs. BACHMANN).

I know that this is what we're hearing from I think all of our constituents about having their life savings, their retirement accounts decline. I've got a letter here from another one of my constituents saying, "My life savings, including retirement accounts, have declined to the point where I am unsure I will ever be able to retire or make another major purchase of any kind. How many more negative Wall Street stock market losses will it take before the new administration realizes that their reckless spending without a true plan to correct the economy will destroy all of us to a point that retirees and us close to retirement may

never recover from their continuous blunders?" So I thank the gentlelady for bringing that to our attention. I appreciate it.

And now I would like to ask the gentlelady from—Wyoming. I'm sorry I messed up on a new Member's State, but the gentlelady from Wyoming, CYNTHIA LUMMIS. I'm happy that you're here.

Mrs. LUMMIS. I thank the gentlelady from Illinois for this fine session this evening.

The American people know, and particularly women in this country know, that you cannot tax and spend your way into economic prosperity; and furthermore, you cannot tax during a recession. Yet, that is what is being proposed, and those taxes will fall on you.

One of the ways in which those taxes will fall on you during this recession is through something called cap and trade. Cap and trade is a tax, so I'm going to go over and change this and add the word "tax." And I want to talk specifically about how it's going to affect family budgets.

Cap and trade is a tax that will be used to change the way that you use power—meaning electricity, oil, gas—and anything that comes from carbon—meaning oil, gas, or coal, specifically. And those sources of energy represent 50 percent of the electricity in this country, which comes from coal, and also a significant amount, of course, of our gasoline coming from oil, and natural gas, which is used to heat our homes. These all emit carbon. And in order to change the American behavior and the way that we use these carbon-emitting substances, the Obama administration proposes to tax them. It will be called a cap and trade system, which is a market-based system, but it's cleverly disguised as a market-based system because, in reality, it is a tax, a carbon tax, and it will be paid by the American consumer. So if you use electricity, if you heat or cool your home, if you drive an automobile, if you use public transportation, you will be paying this tax. And here's how it will accrue to you if you are an average household.

Gasoline is in blue on this chart, natural gas in red, electricity in green. And as you can see, the cost of these for an average household without the cap and trade tax is on the left, and the cost with cap and trade is on my right—the left of someone who would be viewing this chart. So you will see it will have a 9 percent increase for electricity in the average home, 14 percent increase for natural gas, and a 16 percent increase for gasoline in the average home.

Now, I can tell you, in my home State of Wyoming it will be much higher than that because in the winter it costs more for us to heat our homes. In the summer, admittedly, it costs less for us to cool our homes. But we con-

sume more gasoline per family than any other State in the Union and that is because there is no public transportation in Wyoming. The distances are too far. We are the ninth largest State by land mass, and we have the smallest population in the Nation. Consequently, we can't go anywhere on public transportation; it is all automobile-based. That's why we consume more gasoline than other States, and that's why the effects of this tax will fall very heavily on people who live in rural areas, and also in areas with extreme climate changes or extreme temperature changes, places that must heat their homes in the winter and cool their homes in the summer.

So if you fall into any of those categories, you're going to see much higher expenses because all of the cap and trade taxes are going to be passed on to you. They are not going to be absorbed by the companies that are producing oil, gas and coal. However, there is going to be another impact on those businesses, and that is job loss, job loss at a time when this country is in recession, at a time when job losses are already driving us more deeply into recession. And that job loss looks like this: 2011, over 200,000 jobs lost; and each year thereafter, climbing to the year 2015, to about 1.5 million jobs lost due to this cap and trade tax. And once again, I'm going to write the word "tax" on this chart.

What's worse, this is being foisted on the American people in the name of climate change, in the name of global warming. And those who believe that global warming is man-made—and there are many, I would say a preponderance of people believe that climate change is man-made—believe that if Americans change their ways and consume less carbon-emitting substances, that they will be able to change climate. I learned last week in a Natural Resources Committee from an international expert on energy and climate that that is not the case, that America could cease all economic activity, that Japan could cease all economic activity, and that Europe could cease all economic activity, we could turn off our lights, we could quit using our cars, we could stay home, we wouldn't work, the factories would shut down, in all three of those large economies and it is not going to have one iota of influence on the amount of carbon in the atmosphere unless China, Russia and India change their climate policies.

China desperately wants each person in their economy to have a light bulb in their home. That is their goal, a light bulb in every home. And in order to put a light bulb in every home in China they are building one new coal-fired plant a week, and they will have to continue to do so for a very long period of time. No one can blame China for wanting a higher standard of living for every person in their country, and

no one can fault them for wanting them to do it with resources they have—like coal, oil and gas—and for wanting to do it with the cheapest source, hydroelectric and coal. Consequently, the costs that will be borne by the American consumer are going to have not one single effect on carbon emissions in this atmosphere. That's where rational thinking goes out of the way and the American consumer foots the bill.

I want to close—and I thank the gentlelady from Illinois—I want to close with this thought: You can't tax and spend your way out of a recession. And taxes during a recession is the absolute worst consequence on a family in America in the 21st century with these problems.

Mrs. BIGGERT. I thank the gentlelady from Wyoming. Thank you for your expertise on this issue. I think that you've really been able to bring new thoughts on this and really put it very succinctly in what's happening in this. And next we have to deal with nuclear energy, too, and really continue to build that up. So I thank you for doing that.

And next we have the gentlelady from North Carolina, who you see on the floor a lot. She provides us with so much knowledge, the gentlelady from North Carolina, VIRGINIA FOXX.

Ms. FOXX. Well, I want to thank my colleague, Mrs. BIGGERT, from Illinois for organizing this Special Order tonight and bringing together a group of—those who have already spoken—exceptional women who have shared their expertise with us tonight.

I have a quote that I want to use, it's from Pericles, from 430 BC. Pericles said, "Just because you do not take an interest in politics doesn't mean politics won't take an interest in you." And I think what all of us have been trying to communicate tonight is that there's a lot happening that needs to be shared with the American people. And many people, particularly women, every day are going to work, doing their jobs, coming home, taking care of their families—be it their nuclear family or their extended family—and many don't have time to get involved a lot in the political life. March is Women's History Month, and I think it's important that we talk about the role of women in our culture and how what's happening here is going to have an impact on them.

We don't have a lot of time left tonight, but I do want to say that I share with my colleagues the concerns that they've expressed in terms of how raising taxes during a recession is the wrong thing to do, how raising taxes on energy is the wrong thing to do, how raising taxes on small businesses—the engines of job creation—is the wrong thing to do, how raising taxes on investments instead of encouraging economic growth is the wrong thing to do,

limiting tax incentives for charitable giving is the wrong thing to do. And I could go on and on about what's wrong with the budget that President Obama has submitted, and which it looks very likely that this Democratic Congress is going to endorse.

□ 2115

What we need to be doing in our culture and in our country is to be promoting job growth, promoting economic recovery, and yet everything that's being done seems to be wanting to drive down the economy and harm the economy and the American people. It is a very difficult thing to deal with when you see that happening and you know that's the impact of what's happening, whether it is designed to be that way or not.

Today someone gave me an excellent article from *National Journal* of March 7 by Clive Crook, the title of which is "The End of the American Exception?" And he goes through this and talks about how it appears as though the present administration is trying to take us to the place that Europe is right now and compares us to France. I will submit this article in its entirety tonight.

Again, I applaud my colleagues for the work that they have done tonight. I think we have just scratched the surface in what we need to be presenting to the American public, especially American women.

Right now 59.3 percent of our labor force is made up of American women over the age of 16. There are 71 million of them working. They are 46 percent of the total labor force and projected to account for 47 percent of the labor force in 2016. They are also projected to account for 49 percent of the increase in the total workforce. They're doing a tremendous job for us in this country, but they're going to be hit by this. And many of them are not participating in politics. They're not able to because of the demands of their jobs and their families. But I think it's important that we point these items out to them, and I hope we will be doing another Special Order this month so we can do more by way of educating people about the effects of this budget on the average American family.

And with that, I yield back to my colleague from Illinois, who has done such a great job tonight.

[From the *National Journal*, March 7, 2009]

THE END OF THE AMERICAN EXCEPTION?

(By Clive Crook)

During PBS's *NewsHour With Jim Lehrer* last Friday, the program's resident pundits, David Brooks and Mark Shields, had an interesting exchange about President Obama's first budget. They agreed that the administration aimed to be "transformative"—and Brooks conceded, "I think we all want that." The real question, he said, is how transformative.

Brooks: "The debate will be over the nature of it: If it's a transformative relation-

ship that basically keeps the American model with repair, you'll get a lot of people in the center for it. If it's a transformative relationship that turns us into France, with a consumption tax and a much bigger federal government, you will not."

Shields: "That's a straw man, turning it into France. That's not the case."

Is it really a straw man? I was hoping that Brooks would press Shields to say what exactly it is about France he objects to, what makes him recoil at the parallel. Where has France gone too far, in the view of an American liberal?

Presumably, liberals approve of the universal health care, the generous and extensive welfare state, the comprehensive worker protections, the stricter regulation, the vastly more-generous subsidies for higher education, the stronger unions, the higher taxes, and especially the higher taxes on the rich. At least I assume they do, since they advocate all of those policies for the United States. Have I left something out?

As far as social and economic policies are concerned, Democrats really ought to be holding up France (or maybe Italy or Germany) as the model to which they aspire. The fact that they do not—that they even deny the validity of the comparison—seems revealing. No doubt it is partly a matter of tactical calculation. The idea that the United States should model itself on any other country, rather than offer itself as the model for the world, would be new to most American voters and would take some getting used to. But I do not think it is just that.

Perhaps some liberals privately long to make the United States over in the image of France, but the great majority, I imagine, are more interested in taking the things they regard as best in the European economic model—all the things I just listed—and combining those "socially enlightened" policies with the traditional economic virtues of the United States. Take French social policies and welfare-state institutions and add them to the American work ethic, spirit of self-reliance, and appetite for change. Et voilà, the best of both worlds.

Color me skeptical. Culture shapes institutions and vice versa. Culture—that bundle of traits of self-reliance, self-determination, innovation, and striving for success—underpins the American exception. To state the obvious, it helps explain why this country has a markedly different form of capitalism than Europe, based on smaller government and lower taxes.

In ordinary times, this culture makes it hard for a government to push the United States in a European direction: Voters push back against bigger government and higher taxes. But now, maybe, the time is ripe. This unusually severe economic crisis has called American capitalism into question, highlighting its weaknesses and making it easier to forget its strengths. Liberalism has a rare opportunity. And just as this opportunity has arisen, American liberals also have, in Barack Obama, a remarkably popular and appealing leader to press the advantage.

But the interaction between culture and institutions works both ways. Change the system and, with time, you will change the culture. How much you will change it is debatable, and so is whether change of that kind would be good, bad, or indifferent for the country's economic and political prospects. But it would be an error to assume that the policy transformation that some liberals long for—and which Obama, if his budget is any guide, appears to be aiming

for—would leave America's unusual cultural traits unaffected.

I had better declare an interest on this question of good, bad, or indifferent. As you may recall, I am a Brit who lives in the U.S. Politically speaking, I think of myself as an old-fashioned English liberal, a comically outmoded orientation that has little or no voice in modern European or American politics. In U.S. terms, you get a sense of where I stand if you think "liberal on social issues, conservative on economic issues" (but with exceptions; so do not hold me to that).

To put it mildly, I admire this country's instinctive suspicion of concentrated state power; its anti-collectivism, its veneration of the individual spirit and individual enterprise. At different times and in different ways, Democrats and Republicans alike have been at war with aspects of that mind-set, but as an admiring foreigner; I am here to tell you that this culture survives, that the American exception is alive and well, and that it is more than likely the secret of this country's awesome success.

If I were a citizen with a vote—as one day, immigration authorities permitting, I hope to be—I would need to think long and hard before casting it for "transformation." Repairs here and improvements there, of course, but transformation? It would be a shame to see America revert to the Western European norm. It would mean I had wasted a trip, for one thing, and I am not sure where I would go next.

Brooks's invoking France as a possible destination for Obama's social experiment does seem far-fetched. But the staggering breadth of Obama's ambition makes it reasonable to ask where all this is heading. Thoroughgoing health care reform would have been a bold undertaking by itself, one for which there is broad centrist support. But the budget and the fiscal stimulus also call for wide and ongoing commitments to public investment.

Obama is fond of saying that the question is not big government or small government, but what works. The fact is, whether his programs work or not, taken together they represent the biggest and fastest expansion of government since the New Deal. Moreover; the tax increases to pay for this expansion, he says, are to fall entirely on high-earning households. So his plan to enlarge government is married to an uncompromising assault on economic inequality.

And if all of this is not enough to remind you of Europe, Obama has also expressed strong support for the Employee Free Choice Act, arguing that bigger and stronger unions are a vital part of sharing prosperity more widely. To somebody who watched unions cripple the British economy, until voters elected Margaret Thatcher to sweep them away, this is the part of Obama's program that seems most in need of an international reality check.

This promised transformation is not a move into unexplored territory, after all. The policies that Obama is proposing have all been tried elsewhere. Ideas that look bold and new in this country are old hat across the Atlantic. And we know something about how well they work.

A strong case can be made for many of Obama's proposals, taken one at a time. I admire his ambition to mend the country's failing, unjust, and needlessly expensive health care system. I also applaud his focus on raising the incomes of the working poor, through tax cuts and wage subsidies (such as his "make work pay" tax credits). But trade-offs need to be faced. A good hard look at Europe makes this plain.

Bigger government requires higher taxes—in the end, for most taxpayers and not just the rich. Europe shows that tax systems tilted too far against high earners stifle the incentives that spur economic growth. Welfare systems that are more generous and have fewer strings tend to raise unemployment. Stricter regulation can and does retard innovation. Stronger unions can raise unemployment and, in the aggregate, lower incomes.

The president cannot be accused of misleading voters. For the most part, he is planning to push through the policies he advocated during the election—policies that the country voted for. His apparent determination to keep his word is unusual, and a little startling, but this is more a criticism of other politicians than of him. Although he cannot be accused, not yet, of breaking promises, I think it is fair to ask whether he has thought through the implications of his agenda taken as a whole. His style of explanation, or salesmanship if you prefer, is heavy on pragmatism and on mending one thing at a time. But the breadth of his program, and the connectedness of his ideas, belie that modest stance.

As the president said during his Inaugural Address, "It has been the risk takers, the doers, the makers of things . . . who have carried us up the long, rugged path toward prosperity and freedom." That is a very American sentiment. It is fair to ask what the full scope of Obama's transformative agenda implies for the risk takers, the doers, and the makers of things. Aside from higher taxes if they succeed, obviously.

Mrs. BIGGERT. I thank the gentlewoman from North Carolina, who has been such an outstanding spokesman for, I think, the women on our side of the aisle, and I appreciate all that she has had to say.

Let me just kind of return to kind of the thought that I had when we started this Special Order. I think that we really do still have to recognize that the American people are hurting. It doesn't matter if they are low income, middle income, or high income. We have to call attention to our economy and the fiscal discipline that we need to implement to get this country back on the right track. Not only are our people suffering but our country is suffering and so is the international economy, and I think that we really need to work together.

As I said before, we want the President and the administration to succeed. We need to find the solution to the problems that we face in this country and our economy, and I think that we stand here ready and willing to help. But we have to do it right. We have to make it happen. And I think that's when we'll all work together, and I would hope that there would be some sort of a summit where we really focus. I think that we are spread out in this first 6 weeks, 7 weeks of an administration in what has been happening in health care and the economy and education and energy and sciences and all the things that we are trying to do at once. I think we need to focus that energy on solving the problems of the economy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until 5 p.m. on March 10.

Mr. RODRIGUEZ (at the request of Mr. HOYER) for today on account of death in the family.

Mr. STARK (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family business.

Mr. GARY G. MILLER (at the request of Mr. BOEHNER) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCMAHON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today, March 10, 11 and 12.

Ms. ROS-LEHTINEN, for 5 minutes, March 16.

Mr. POE of Texas, for 5 minutes, March 16.

Mr. MCHENRY, for 5 minutes, today, March 10, 11 and 12.

Mr. JONES, for 5 minutes, March 16.

Mr. INGLIS, for 5 minutes, March 16.

Mr. BROUN of Georgia, for 5 minutes, March 10 and 11.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 38. An act making further continuing appropriations for fiscal year 2009, and for other purposes.

ADJOURNMENT

Mrs. BIGGERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 10, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

798. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Famoxadone; Pesticide Tolerances [EPA-HQ-OPP-2007-1192; FRL-8400-9] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

799. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2008-0066; FRL-8401-1] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

800. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propoxycarbazon; Pesticide Tolerances [EPA-HQ-OPP-2008-0065; FRL-8400-4] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

801. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tebuconazole; Pesticide Tolerances [EPA-HQ-OPP-2005-0097; FRL-8399-3] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

802. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorothalonil; Pesticide Tolerances [EPA-HQ-OPP-2007-1106; FRL-8402-7] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dimethomorph; Pesticide Tolerances [EPA-HQ-OPP-2008-0258; FRL-8401-6] received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

804. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0352] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

805. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0353] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

806. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0361] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

807. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI. [Docket No.: USCG-2007-0162] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

808. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Savannah River, Savannah, GA [USCG-2008-0382] (RIN: 1625-AA87) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1262. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; with an amendment (Rept. 111-26). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BILBRAY (for himself, Mr. SCHIFF, Mrs. BONO MACK, Mrs. DAVIS of California, Mr. FILNER, Mr. HUNTER, Mr. ISSA, Mr. SHERMAN, and Mr. RADANOVICH):

H.R. 1382. A bill to provide assistance for ultra efficient vehicles under the advanced technology vehicles manufacturing incentive program; to the Committee on Energy and Commerce.

By Mr. COLE:

H.R. 1383. A bill to provide that, for purposes of certain Government facilities, the rate at which a Federal employee earns compensatory time for irregular or occasional overtime work shall be increased so as to permit greater parity with rates of overtime pay; to the Committee on Oversight and Government Reform.

By Mr. PRICE of Georgia:

H.R. 1384. A bill to amend part B of title XVIII of the Social Security Act to remove limiting charges under the Medicare Program for non-participating physicians with beneficiary notice and to preempt State laws that prohibit balance billing; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. RAHALL, Mr. WITTMAN, Mr. CONNOLLY of Virginia, Mr. GRIJALVA, Mr. PERRIELLO, and Mr. SCOTT of Virginia):

H.R. 1385. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 1386. A bill to amend section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173) to make permanent the program of Federal reimbursement of emergency

health services furnished to undocumented aliens; to the Committee on Energy and Commerce.

By Mr. HODES (for himself, Mr. TOWNS, and Mr. CLAY):

H.R. 1387. A bill to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, Mr. SESTAK, Mr. HARE, Mr. ANDREWS, Mr. TONKO, Mr. POLIS, Ms. HIRONO, Mr. GRIJALVA, Mr. SABLAN, Mr. KILDEE, Mr. HINOJOSA, and Mr. COURTNEY):

H.R. 1388. A bill to reauthorize and reform the national service laws; to the Committee on Education and Labor.

By Mr. ACKERMAN:

H.R. 1389. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxes paid on earnings reinvested and lost in a fraudulent investment scheme; to the Committee on Ways and Means.

By Mr. BUCHANAN:

H.R. 1390. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia:

H.R. 1391. A bill to direct the Federal Trade Commission to revise the Telemarketing Sales Rule to explicitly prohibit the sending of a text message containing an unsolicited advertisement to a cellular telephone number listed on the national do-not-call registry; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas (for himself, Mr. WHITFIELD, Mr. ROSS, Mr. TOWNS, Ms. DEGETTE, Mr. ROGERS of Michigan, Ms. SUTTON, Mr. GORDON of Tennessee, Mr. TERRY, and Mr. HALL of Texas):

H.R. 1392. A bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA:

H.R. 1393. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE (for himself and Mr. SARBANES):

H.R. 1394. A bill to amend the National and Community Service Act of 1990 to establish the Clean Energy Corps to mobilize young people to promote energy conservation and mitigate threats to the environment; to the Committee on Education and Labor.

By Mr. KLINE of Minnesota (for himself, Mr. MCKEON, Mr. HASTINGS of

Washington, Mr. COLE, Mr. CALVERT, Mr. PAUL, and Mr. MCCLINTOCK):

H.R. 1395. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself and Mr. FILNER):

H.R. 1396. A bill to improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr.

BISHOP of New York, Mr. ISRAEL, Mr. KING of New York, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. CROWLEY, Mr. NADLER of New York, Mr. WEINER, Ms. CLARKE, Ms. VELÁZQUEZ, Mr. MCMAHON, Mrs. MALONEY, Mr. RANGEL, Mr. SERRANO, Mr. ENGEL, Mr. HALL of New York, Mr. TONKO, Mr. HINCHEY, Mr. MCHUGH, Mr. ARCURI, Mr. LEE of New York, Mr. HIGGINS, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MAFFEI, and Ms. SLAUGHTER):

H.R. 1397. A bill to designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MATHESON (for himself, Mr.

UPTON, Mr. BOREN, Mr. SESSIONS, Mrs. BLACKBURN, Mr. ABERCROMBIE, Mr. ROSS, and Mr. CUELLAR):

H.R. 1398. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments; to the Committee on Energy and Commerce.

By Mr. MCHUGH:

H.R. 1399. A bill to amend the Food Security Act of 1985 to support State and tribal government efforts to encourage owners and operators of privately held farm, ranch, and forest land containing maple trees to make their land available for access by the public for maple-tapping activities under programs administered by States and tribal governments; to the Committee on Agriculture.

By Mr. MCHUGH:

H.R. 1400. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SARBANES (for himself, Mr.

HARE, Mrs. DAVIS of California, Mr. LOEBACK, Mr. WILSON of Ohio, Mr. MOLLOHAN, Mr. ROTHMAN of New Jersey, Ms. SUTTON, Mr. BRALEY of Iowa, Mr. SIRES, Mr. ARCURI, Mr. PERLMUTTER, and Ms. DEGETTE):

H.R. 1401. A bill to create a service corps of veterans called Veterans Engaged for Tomorrow (VET) Corps focused on promoting and improving the service opportunities for veterans and retired members of the military by engaging such veterans and retired members in projects designed to meet identifiable public needs with a specific emphasis on projects to support veterans, including disabled and older veterans and retired members of the military; to the Committee on Education and Labor.

By Mr. SPACE (for himself, Ms. DEGETTE, Mr. TERRY, Mr. CASTLE, Mr. MANZULLO, and Mr. BRALEY of Iowa):

H.R. 1402. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Energy and Commerce.

By Mr. WOLF:

H.R. 1403. A bill to amend the Richard B. Russell National School Lunch Act to require schools participating in the school lunch program under such Act to donate any excess food to local food banks; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself, Mrs. MALONEY, Mr. BILIRAKIS, Ms. BERKLEY, Mr. WEXLER, Mr. CAPUANO, Mr. ROSKAM, Mr. SESTAK, Mr. BROWN of South Carolina, Ms. KOSMAS, Mr. CROWLEY, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. WILSON of South Carolina, Ms. WATSON, Mr. HOLT, Mr. SARBANES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FALEOMAVAEGA, Mr. MARIO DIAZ-BALART of Florida, Mr. KENNEDY, and Ms. FOX):

H.J. Res. 39. A joint resolution recognizing the 188th anniversary of the independence of Greece and celebrating Greek and American democracy; to the Committee on Foreign Affairs.

By Mr. CASTLE (for himself, Mr. GEORGE MILLER of California, and Mr. MCKEON):

H. Res. 222. A resolution congratulating the National Assessment Governing Board on its 20th Anniversary in measuring student academic achievement; to the Committee on Education and Labor; considered and agreed to.

By Mr. SULLIVAN (for himself and Mr. BOREN):

H. Res. 223. A resolution honoring the life, achievements, and contributions of Paul Harvey, affectionately known for his signature line, "This is Paul Harvey. . . Good Day"; to the Committee on Oversight and Government Reform.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. LIPINSKI, and Mr. BAIRD):

H. Res. 224. A resolution supporting the designation of Pi Day, and for other purposes; to the Committee on Science and Technology.

By Mr. GINGREY of Georgia:

H. Res. 225. A resolution amending the Rules of the House of Representatives to require that general appropriations for military construction and veterans' affairs be considered as stand-alone measures; to the Committee on Rules.

By Mr. HOLT (for himself, Ms. ROS-LEHTINEN, Mr. MCGOVERN, Mr. WOLF, Mr. CAO, Mr. ELLISON, Mr. MARKEY of Massachusetts, Mr. KUCINICH, Ms. NORTON, Mrs. LOWEY, Mr. BERMAN, Ms. BALDWIN, and Ms. SCHAKOWSKY):

H. Res. 226. A resolution recognizing the plight of the Tibetan people on the 50th anniversary of His Holiness the Dalai Lama being forced into exile and calling for a sustained multilateral effort to bring about a durable and peaceful solution to the Tibet issue; to the Committee on Foreign Affairs.

By Mrs. MALONEY (for herself, Mr. BILIRAKIS, Mr. MCGOVERN, Mr. SARBANES, Ms. ROS-LEHTINEN, Mr. SPACE, Mr. SESTAK, Mr. PALLONE, Mr. BROWN of South Carolina, Ms. TSONGAS, and Mr. WEXLER):

H. Res. 227. A resolution recognizing and appreciating the historical significance and

the heroic human endeavor and sacrifice of the people of Crete during World War II and commending the PanCretan Association of America; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. ARCURI, Ms. SPEIER, Mr. COHEN, Mr. MORAN of Kansas, Mr. GUTIERREZ, Mrs. DAHLKEMPER, Mr. CONNOLLY of Virginia, Mrs. MCCARTHY of New York, Mr. LIPINSKI, Mr. ROSS, Mr. MORAN of Virginia, and Ms. HIRONO.

H.R. 23: Mr. BOCCIERI, Mr. MITCHELL, and Mr. LATTA.

H.R. 59: Mr. DAVIS of Illinois.

H.R. 131: Mr. SESTAK and Mr. SCALISE.

H.R. 154: Mr. THOMPSON of Pennsylvania, Mr. SIMPSON, and Mr. BURTON of Indiana.

H.R. 155: Mr. SCHOCK and Mr. BURTON of Indiana.

H.R. 205: Mr. DEAL of Georgia.

H.R. 211: Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KING of New York, Mr. ROGERS of Michigan, Mr. SNYDER, Mr. PETRI, Mr. MARKEY of Massachusetts, Mr. SPACE, Mr. BLUMENAUER, Mr. SHULER, Mr. LEVIN, and Mr. WELCH.

H.R. 235: Mrs. DAVIS of California, Mr. DOYLE, Mr. PLATTS, Mr. MCINTYRE, Mr. BARTLETT, Ms. TITUS, Ms. BALDWIN, Mr. RADANOVICH, Mr. HASTINGS of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. BOOZMAN, and Mr. BRALEY of Iowa.

H.R. 270: Mr. WESTMORELAND, Mr. YOUNG of Florida, Mr. TEAGUE, Mr. MINNICK, and Mr. GORDON of Tennessee.

H.R. 275: Mr. GRAVES.

H.R. 301: Mr. POSEY.

H.R. 302: Mr. WESTMORELAND.

H.R. 303: Mr. FORBES, Mr. TEAGUE, Mr. TIAHRT, and Mr. INSLEE.

H.R. 305: Mr. WELCH and Mr. BRADY of Pennsylvania.

H.R. 367: Mrs. CHRISTENSEN.

H.R. 422: Mr. LEWIS of Georgia.

H.R. 444: Mr. BISHOP of New York, Mr. DOGGETT, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 450: Mr. MCHENRY and Ms. FOX.

H.R. 476: Mr. JOHNSON of Georgia, Ms. CLARKE, Mr. DAVIS of Alabama, and Mr. LEWIS of Georgia.

H.R. 479: Mr. BUTTERFIELD.

H.R. 484: Mr. LATTA.

H.R. 517: Mr. MILLER of North Carolina.

H.R. 564: Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. HINCHEY, Mr. WAXMAN, and Mr. CONNOLLY of Virginia.

H.R. 622: Mr. MINNICK.

H.R. 624: Mr. DOGGETT.

H.R. 669: Mr. DEFAZIO, Mr. FARR, and Mr. KAGEN.

H.R. 673: Ms. ROS-LEHTINEN.

H.R. 707: Mr. PAULSEN, Mr. TIAHRT, Mr. GUTHRIE, and Mr. BOUSTANY.

H.R. 708: Mr. LUETKEMEYER, Mr. CANTOR, Ms. BORDALLO, Mr. CALVERT, Mr. GOODLATTE, Mr. BARTON of Texas, Mr. SULLIVAN, Mr. MCCLINTOCK, Mr. DAVIS of Tennessee, Mr. WESTMORELAND, Mr. NEUGEBAUER, and Mr. BROWN of South Carolina.

H.R. 716: Mr. MCMAHON.

H.R. 744: Mr. BISHOP of Utah and Mr. BOOZMAN.

H.R. 758: Mr. DAVIS OF ALABAMA.

H.R. 775: Mr. ACKERMAN, Mr. DAVIS of Alabama, Mr. BOREN, and Mr. TIAHRT.

H.R. 816: Mr. TIAHRT, Mr. BUTTERFIELD, and Mr. FORBES.

H.R. 868: Mr. MASSA and Mr. LATHAM.

H.R. 872: Ms. SLAUGHTER, Mr. ELLISON, Mr. STARK, and Mr. BOUCHER.

H.R. 873: Ms. SLAUGHTER, Mr. ELLISON, Mr. ACKERMAN, Mr. MAFFEI, Ms. FUDGE, Mr. CONNOLLY of Virginia, Mr. COOPER, Mr. OLIVER, Mr. SCHAUER, Mr. WU, Mrs. MALONEY, Mr. DEFAZIO, Mr. BOSWELL, Ms. SCHWARTZ, Mr. ADLER of New Jersey, Mr. HIMES, Ms. KILROY, Ms. MARKEY of Colorado, Ms. PINGREE of Maine, Mr. POLIS, Mr. GRAYSON, Mr. MASSA, Ms. BEAN, Mr. HINCHEY, Mr. GRIJALVA, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. LOEBSACK, Ms. CORRINE BROWN of Florida, Mrs. NAPOLITANO, Mr. HODES, Mr. KLEIN of Florida, Mr. HALL of New York, Mr. ABERCROMBIE, Mr. YARMUTH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALZ, Mr. CONYERS, Mr. CHANDLER, Mr. FARR, Mr. KIND, Mr. MARKEY of Massachusetts, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. FATTAH, Mr. HOLT, Mr. JACKSON of Illinois, Ms. LEE of California, Mrs. LOWEY, Mr. MITCHELL, Ms. LORETTA SANCHEZ of California, Mr. MEEK of Florida, Mr. OBEY, Mr. ORTIZ, Mr. RANGEL, Ms. SUTTON, Mr. TIERNEY, Mr. WEXLER, Mr. PETERS, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Mr. COURTNEY, Mr. LARSEN of Washington, Mr. DELAHUNT, Mr. LARSON of Connecticut, Ms. MATSUI, Mr. LEWIS of Georgia, Ms. HIRONO, Mr. STARK, Mr. REICHERT, Mr. SESTAK, and Mr. BOUCHER.

H.R. 877: Mrs. MILLER of Michigan and Mr. ALEXANDER.

H.R. 914: Ms. ROS-LEHTINEN, Mrs. MILLER of Michigan, Mr. GERLACH, Mr. BILIRAKIS, Mr. RYAN of Ohio, Mr. KIND, Mr. BOUCHER, Mr. STUPAK, Mr. HALL of Texas, and Mr. DRIEHAUS.

H.R. 930: Mr. PASCRELL.

H.R. 950: Mr. PAYNE, Mr. HARE, and Mr. HOLDEN.

H.R. 953: Mrs. MYRICK.

H.R. 968: Mr. DENT and Mr. TIAHRT.

H.R. 978: Mr. BUTTERFIELD and Mr. SIMPSON.

H.R. 979: Ms. ESHOO and Mr. LOEBSACK.

H.R. 997: Mr. TIAHRT.

H.R. 1008: Mr. PRICE of North Carolina, Ms. NORTON, Mr. GRIJALVA, and Mrs. LOWEY.

H.R. 1016: Ms. HIRONO, Mr. COURTNEY, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. JACKSON of Illinois, Mr. BISHOP of New York, Mr. BOREN, and Mr. LOBIONDO.

H.R. 1017: Mr. YOUNG of Florida.

H.R. 1021: Mr. PITTS and Mr. SPACE.

H.R. 1029: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 1032: Ms. KILROY, Ms. KOSMAS, Mr. KIRK, Mr. ARCURI, and Mr. JACKSON of Illinois.

H.R. 1064: Mr. JACKSON of Illinois, Mr. DELAHUNT, Mr. GONZALEZ, and Mr. CLYBURN.

H.R. 1067: Mr. CARNEY, Mr. WILSON of South Carolina, Mr. MORAN of Kansas, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1069: Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. LAMBORN, and Mr. ROONEY.

H.R. 1076: Mr. ROONEY.

H.R. 1139: Mr. MURTHA.

H.R. 1148: Mr. MCCAUL.

H.R. 1156: Mr. DANIEL E. LUNGREN of California.

H.R. 1186: Mr. WITTMAN.

H.R. 1189: Mr. CRENSHAW.

H.R. 1193: Mr. SMITH of New Jersey.

H.R. 1204: Mr. CONNOLLY of Virginia.

H.R. 1207: Mr. DEFAZIO.

H.R. 1209: Mr. COSTA and Mr. BUYER.

H.R. 1211: Mr. HASTINGS of Florida and Mr. BLUMENAUER.

H.R. 1214: Mr. MEEK of Florida, Ms. CLARKE, Mr. SIREN, Mr. HINCHEY, Mr. GRIJALVA, and Mr. ELLISON.

H.R. 1238: Ms. FALLIN, Mr. BURTON of Indiana, Mr. SENSENBRENNER, and Mr. LAMBORN.

H.R. 1240: Mr. MCINTYRE, Mr. MEEKS of New York, Mr. DAVIS of Alabama, Mr. ROE of Tennessee, Mr. PASTOR of Arizona, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. YARMUTH, and Mr. PRICE of North Carolina.

H.R. 1254: Mr. PLATTS.

H.R. 1262: Ms. EDWARDS of Maryland.

H.R. 1263: Mr. WOLF.

H.R. 1264: Mr. MILLER of Florida.

H.R. 1270: Mr. GUTIERREZ, Mr. LOEBACK, Mr. GRAYSON, and Mr. CONNOLLY of Virginia.

H.R. 1283: Mr. DICKS, Mr. JACKSON of Illinois, and Ms. JACKSON-LEE of Texas.

H.R. 1294: Mr. BLUNT, Mr. FRANKS of Arizona, Mr. FORTENBERRY, Mr. MORAN of Kansas, Mr. UPTON, and Mrs. BACHMANN.

H.R. 1302: Mr. McDERMOTT, Mr. HINCHEY, Ms. BORDALLO, and Mr. BROWN of South Carolina.

H.R. 1329: Mr. KIRK and Ms. BEAN.

H.R. 1334: Mr. HASTINGS of Florida, Mr. FATTAH, Mr. JACKSON of Illinois, and Ms. SCHAKOWSKY.

H.R. 1341: Mr. SHERMAN.

H.R. 1347: Mrs. NAPOLITANO.

H. Con. Res. 34: Mr. MARSHALL.

H. Con. Res. 48: Mr. MOORE of Kansas, Mr. FARR, Mr. BRALEY of Iowa, Mrs. MALONEY,

Mr. ROTHMAN of New Jersey, Mr. BRADY of Pennsylvania, and Mr. ABERCROMBIE.

H. Con. Res. 49: Mr. WITTMAN, Mrs. EMERSON, Mr. ORTIZ, Mr. POSEY, Mr. RYAN of Ohio, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Mr. KINGSTON, Mr. CRENSHAW, and Mr. RYAN of Wisconsin.

H. Con. Res. 55: Mr. BOREN, Mr. BOEHNER, Mr. COBLE, Mr. ROTHMAN of New Jersey, Mr. ISSA, Mr. KENNEDY, and Mr. SESSIONS.

H. Con. Res. 57: Mr. AKIN, Mr. RYAN of Ohio, Mr. RADANOVICH, Mr. TIBERI, Mr. WESTMORELAND, Mr. HARPER, Mr. FORTENBERRY, Mr. LAMBORN, Mr. POSEY, Mr. GENE GREEN of Texas, Mr. WALDEN, Mr. ROE of Tennessee, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Mr. ROGERS of Alabama, Mr. ARCURI, Mr. WOLF, Mr. LOBIONDO, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Con. Res. 59: Ms. BORDALLO.

H. Con. Res. 60: Mr. CRENSHAW.

H. Con. Res. 64: Mr. WHITFIELD, Mr. ELLISON, Mr. SMITH of Texas, Ms. ROS-LEHTINEN, Mr. WITTMAN, Mr. SCALISE, Mr. CASTLE, Mr. FORBES, Mr. McHENRY, Mr. HEINRICH, and Mr. GINGREY of Georgia.

H. Res. 20: Mr. MASSA.

H. Res. 22: Ms. WASSERMAN SCHULTZ.

H. Res. 61: Mr. TAYLOR.

H. Res. 130: Mr. JACKSON of Illinois, Mr. INSLEE, and Mr. MARSHALL.

H. Res. 166: Mr. KLINE of Minnesota, Mr. PRICE of Georgia, and Mr. BROWN of South Carolina.

H. Res. 173: Mr. BROUN of Georgia.

H. Res. 174: Mr. FRANK of Massachusetts, Mr. MEEK of Florida, Mrs. LOWEY, and Mr. McMAHON.

H. Res. 178: Mr. BLUMENAUER.

H. Res. 185: Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. KIRK, Mr. BARTLETT, Mrs. TAUSCHER, Mr. BROWN of South Carolina, and Ms. WATSON.

H. Res. 194: Mr. GENE GREEN of Texas, Mr. CARSON of Indiana, Mr. SESTAK, Ms. GIFFORDS, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. DELAHUNT, and Mr. POE of Texas.

H. Res. 200: Ms. SCHAKOWSKY and Mr. PERRIELLO.

H. Res. 209: Mr. PALLONE, Mr. McCOTTER, and Mr. CROWLEY.

H. Res. 210: Mr. KAGEN, Mr. BLUMENAUER, Mr. YOUNG of Alaska, Mr. JACKSON of Illinois, and Mr. KUCINICH.

H. Res. 211: Ms. SLAUGHTER, Mr. FARR, Mr. JACKSON of Illinois, Mrs. MALONEY, Ms. SUTTON, Mr. GRIJALVA, Ms. HIRONO, Mr. BERMAN, Mr. MEEK of Florida, Mr. SMITH of Washington, and Ms. LORETTA SANCHEZ of California.

SENATE—Monday, March 9, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You have been good to us beyond our deserving, surrounding us with the beauties of the Earth and the glories of the skies. Make our Senators, this day, alert to Your providential movements. If their minds are closed to Your truth, open them. If their hearts are hardened, stir them. If their ears are deaf to the cries of the needy, unstop them. Revive in them a desire to establish new thresholds of hope for our Nation and world. Lord, be near to them all their days, making them lie down in the green pastures of Your peace and leading them by the still waters of Your wisdom.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume

consideration of H.R. 1105, the appropriations bill. This legislation is open for debate on the finite list of amendments that were entered into last week. There will be a series of rollcall votes beginning around 5:30 p.m. today. The votes will start at 5:30. I do not know how many we will have, but it appears we will have four votes at that time.

MEASURE PLACED ON THE CALENDAR—S. 542

Mr. REID. Mr. President, I believe S. 542 is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 542) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

OMNIBUS APPROPRIATIONS

Mr. REID. Mr. President, we came very close last week to passing the critically important Omnibus appropriations bill. At the last minute, one Senator changed their mind, leaving us one vote short of the 60 needed to stop the filibuster. A decision was made, though, later that night to allow more debate, and we agreed on the next day, Friday, to a finite list of amendments. These amendments are the only ones in order to this piece of legislation.

It is important we did that. It was important to do because it is important this legislation be passed. It is necessary to continue the process because of the importance of this legislation. It will create jobs, expand access to education, and protect our neighborhoods. It will provide the Consumer Product Safety Commission with the resources necessary to ensure that products such as toys are safe. This is for families and, of course, their children. This legislation will help families avoid foreclosure and refinance into affordable mortgages. It will help the Department of Justice and the Department of Treasury fight terrorism, drug trafficking, and crime in our communities.

It will improve our environment with investments in the Department of Interior and other agencies tasked with re-

ducing pollution. It will keep us healthier with funds to fight ailments and diseases. This legislation will educate and prepare our workforce, promote science and technology, and create jobs. And, of course, it will help rebuild our crumbling roads, bridges, and tunnels, and other projects that are so vitally needed at this time to create jobs. The Omnibus bill provides smart, targeted investments in our country and its future, and it reflects sound compromise and cooperation between Democrats and Republicans dating back into last year.

We have not yet reached the finish line on this legislation, but we are close. Today we will move forward by debating a number of amendments, as we continue moving forward toward passing this bill.

STEM CELLS

Mr. REID. Mr. President, at 12 o'clock today, President Obama brought new hope to millions of Americans who suffer from afflictions that one day might be cured. President Obama's executive order finally overturns the Bush administration's flawed policy on stem cells and restores scientific integrity to our law and our policy.

President Obama's executive order puts science above ideology and honors the strong wishes of hundreds of leading medical and scientific associations, research universities, patient advocacy groups, and, most importantly, the American people.

Since 2001, our most promising scientists have been forced to work literally with one hand tied behind their back. The President's action today sends a message to the millions who suffer that help—and hope—are on the way.

Mr. President, I suggest the absence of a quorum.

Oh, I see my friend here.

Mr. President, through the Chair I ask my friend from South Carolina, are you ready to take the floor?

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL READING MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now

proceed to the consideration of S. Res. 69.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 69) designating March 2009 as "National Reading Month" and authorizing the collection of nonmonetary book donations in Senate office buildings during the period beginning March 9, 2009 and ending March 27, 2009 from Senators and officers and employees of the Senate to assist elementary school students in the Washington, DC metropolitan area.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 69) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 69

Whereas literacy is a learned skill that is improved through practice and regular reading;

Whereas public and school libraries play an important role in helping children learn to read and gain critical information literacy skills by providing easy and free access to books and other information on a wide range of topics;

Whereas the reading of books with children improves children's language, cognitive, and literacy skills;

Whereas research demonstrates that reading aloud with children is the single most important activity for helping them become successful readers;

Whereas quality children's books and the continued efforts of educators, parents, and volunteer reading partners can instill a love of reading that will last a lifetime;

Whereas school reading programs provide students with a chance to improve their reading skills and take pleasure in stories;

Whereas such programs have a profound and lasting positive impact on a child's life through improved reading comprehension, motivation, and achievement, as well as improved overall academic performance, classroom behavior, self-confidence, and social skills; and

Whereas all people of the United States can help celebrate the importance of reading by donating children's books, volunteering to read to and mentor young students, and supporting public policies aimed at improving literacy rates: Now, therefore, be it

Resolved, Notwithstanding any other rules and regulations of the Senate—

(1) the Senate designates March 2009 as "National Reading Month";

(2) a Senator or officer or employee of the Senate may solicit another Senator or officer or employee of the Senate within Senate buildings for nonmonetary book donations during the period beginning March 9, 2009

and ending March 27, 2009 to assist elementary school students in the Washington, D.C. metropolitan area, if such solicitation does not otherwise violate any rule or regulation of the Senate or any Federal law; and

(3) a Senator or officer or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (2).

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Ensign amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program.

Kyl amendment No. 631, to require the Secretary of State to certify that funds made available for reconstruction efforts in Gaza will not be diverted to Hamas or entities controlled by Hamas.

Kyl amendment No. 629, to provide that no funds may be used to resettle Palestinians from Gaza into the United States.

Kyl amendment No. 630, to require a report on counternarcotics efforts in Gaza.

McCain amendment No. 593, to prohibit the use of funds provided in the bill.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, everyone is well aware our country is going through some serious tribulation economically. The whole world, in fact, is dealing with serious economic troubles.

There are signs of hope in many areas of our economy. I think it is important for us, particularly those of us in elected office, to recognize those good things, and that the strength of the American people will certainly pull us out of this hole, as they have many times in the past.

Hopefully, what we do here in Washington will help and not hurt. I think everyone is aware a large part of our recession is the banking and credit problem. Certainly, if it did not cause it, it made it much worse, and continues to today.

Unfortunately, the new administration and the Congress have not put forth any plan to fix our credit crisis, to make our banks work appropriately. While many of them are calling me to remind me they are loaning money, they are working, there is still a lot we need to do in the credit area that we have not fixed.

Unfortunately, the trillion-dollar so-called stimulus plan we passed only a couple weeks ago—all borrowed money—did not address the credit/banking problem. It addressed issues that had nothing to do with the recession. The stimulus provided a lot of additional funds for education, health care, and infrastructure—a lot of good things. But those things did not cause our recession, and they are certainly not going to get us out of it.

I think the failure to bring forth a plan that addresses the real causes of the recession has many people around the country wondering what we are thinking. The fact is, what we are thinking is about the next election and not the next generation. It has become clear we are not addressing the real causes of the problems but are doing things that are more politically beneficial than beneficial to our economy.

As we deal with the difficult economic situation, it is almost hard to see the White House going in a lot of different directions, and some that are especially painful, particularly the issue of life. The new President campaigned on reducing the number of abortions, but in the first month or 6 weeks of his Presidency, he has changed the rule where now the American taxpayer is funding abortions all around the world. They put forth an Executive order to strike the conscience clause, which means we are going to require physicians who are opposed to abortion to perform abortions. That makes no sense at all. When there are physicians who make a living performing abortions, why should we take a physician who considers it the taking of a life and force him to do it? Why do we need to do that in the middle of a recession and the economic problems we have?

Today, the President reversed a prohibition on Federal funding of certain types of stem cells. It seems to be opening Pandora's box to begin the destruction of unborn human beings. His Cabinet nominee for Health and Human Services has been one of the most radical pro-abortion folks in the country, having encouraged and protected late-term abortion and partial-birth abortions. Many people who are not pro-life believe we certainly should not be performing late-term abortions in this country. Yet the President seems to be going in a rather radical direction, in the middle of this economic storm we have. We have to wonder: What are they thinking?

Today we come to this, what we are calling an omnibus spending bill. Only 2 weeks after we passed this huge spending bill we called a stimulus—\$1 trillion or more if you add interest and 2 weeks later we are talking about a bill that is over \$400 billion. The Federal agencies cannot even spend the money as fast as we are throwing it at them, but now we are here today with

this other bill under the pretense that we have to have this money to make the country operate. Americans need to know we have been operating under this year's funding through what we call a continuing resolution, which means we are operating essentially at last year's budget. The country has been operating effectively. The reason we are passing this bill is not that we need it to fund the Government because the Government is funded under a continuing resolution which we could extend through the end of the year. We actually need to be about working on next year's budget and next year's appropriations. That is what we are supposed to be doing now. Instead, we are going back and creating this new spending bill, which I consider an ominous spending bill, not so much an omnibus.

What I have in front of me right here is the reason there is such a rush to pass this additional spending bill. All Americans have heard of earmarks. These are the earmarks in this spending bill. This is the reason it has to be passed. Remember, last week they brought it up and said we had to pass it before Friday or the Government would shut down and it would just not be right to pass another continuing resolution. Well, come Thursday, they found out that because the American people had gotten agitated and outraged and had begun to call and e-mail their Senators, they didn't quite have the votes to pass this bill last week. But they will pass it because they have taken over 9,000 earmarks—special projects—and sprinkled them all around among Republicans and Democrats in the House and in the Senate. It is hard to vote against a bill that has a special project in it.

Some Americans have begun to hear a little bit about these earmarks. I will take the one that is sitting right here on the top of this stack. Keep in mind we have over 9,000 earmarks for most of the Congressmen and Senators. Now, a lot of Senators will come today and talk about how it is wasteful and we should cut the earmarks, but they will vote for it because a lot of them have already done the press releases on the money they are taking back home.

I will read a couple on the front page. There is an amount column, a project column, a purpose, and a location. Then they have the names of the Congressmen and Senators, but they have struck those. I am not exactly sure why. The first amount is \$200,000 to Providence Holy Cross Foundation and it is for tattoo removal to a violence prevention outreach program in Mission Hills, CA. Now, I am sure that is a worthy cause, but in the middle of a recession, when we are borrowing trillions of dollars to try to keep this country going and the President is saying we have to make every dollar count and he is going to strike every item of

waste, what is the Federal Government doing funding the removal of tattoos?

The second item is \$75,000. That is not too bad, although it is more than most families make in a whole year. It is for the city of Albany. It is for Totally Teen Zone. This is Albany, GA. This is where they go and play with Xboxes and things such as that. I am sure that is a fine thing, but you have to wonder, in these times when we are out of money as a country, do we need to be involved as a Federal Government with this kind of thing?

The next item is \$400,000 for the University of Montana. It is for teacher training, curriculum development, and awareness initiatives to combat bullying as well as the development of emergency protocol for school shootings—something I am sure is very necessary to combat bullying in schools; it is certainly something every school has to deal with. But how can we as a Federal Government send \$400,000 to one university and expect to solve problems all over the country?

Well, the next one is \$50,000 to Los Angeles for after-dark gang prevention. Again, these are all good things, but there is probably no Senator who has read all of these, but they know the ones that are in it for them because that is why they are going to be voting for the bill. The tacit agreement always is, we are going to get the votes to pass this bill so these 9,000 earmarks—these 9,000 press releases—will go out all over the country.

Our only hope of stopping this is if the American people continue to show their outrage and to continue to connect the dots of what we are doing because we are not doing this to fund the Government. This isn't about last year's business. It violates every pledge many people here have run on and certainly the President. If you recall, the President has said he was against earmarks. When I introduced a 1-year moratorium on earmarks, he flew back, along with all the candidates for President—or at least the top three at that time—to vote to have a 1-year moratorium on earmarks because more and more we are seeing the damage this is doing to our country. You can pass almost any bill with any bad policy with almost any level of spending as long as you fill it with earmarks for people back home.

They are thinking about the next election, not the next generation. They are not thinking about the families who are hurting because they are losing their jobs right now because this is much more likely to cause additional job losses over the next 5 to 10 years than it is to help create them. So this is the seed. This greases the skids to pass almost any type of bill. If my colleagues remember, when the first Wall Street bailout came through the House, it failed. So when the Senate took it up, what did they add to it to help it get passed? More earmarks.

Now, we have had several amendments to strike some of these earmarks, and there have been some heroes on the issue. JOHN MCCAIN has certainly been on the floor talking about the problems with earmarks he has seen over the many years he has been in the Senate, and he has one other amendment that will be on the floor that will basically take all these earmarks—they aren't in the legislation; they are in what they call report language off to the side, so it is not seen in the bill that is on the desk right here. But there is a reference in here to this, and that supposedly makes it all legal. The Constitution says we have to appropriate money based on law, which means it has to be in the bill, but we do everything we can to get around that Constitution and law by attaching some rider in here that says all these should be considered as law.

Folks, this is no way to run a Federal government. This is just one bill; it has nothing to do with the trillions of dollars on Wall Street and the banking bailout we have been talking about or the \$1 trillion stimulus 2 weeks ago. It is over \$400 billion, with over 9,000 earmarks they wanted to rush through last week, but because of people back home, some were shamed into saying they couldn't vote for it unless we had a longer process with more amendments.

Now, this is show. There is already a strategy to kill every amendment that comes up, so we are not trying to pass an amendment to strip earmarks. You will see Senator MCCAIN's good amendment, a commonsense amendment that, in the middle of our financial crisis, let's us take these and set them aside and pass the bill that funds our Government. It is a good amendment, but the decision has already been made on the other side to kill that amendment unless the American people can shame a few more into voting against it.

JOHN ENSIGN has an amendment that will strike some language in the bill that seeks to discontinue school choice in Washington, DC. It is a small program—only 1,700 kids are involved with it—but there is a waiting list of parents who would like another choice. In this funding bill, this must-have funding bill, they sneak in a little policy such as that to kill a little bit of freedom in our country that we need to be expanding to every State, not killing it in Washington, DC.

DAVID VITTER has an amendment that will force Congress to vote on pay raises for Congressmen and Senators every year instead of what we do right now. Currently, there is an automatic provision in appropriations bills that goes through and gives us a cost-of-living pay raise. This should be done in the light of day. Right now, we can say we didn't vote on a pay raise, and we didn't because it was set up years ago

to be automatic. So at a time when many Americans don't have work and some are taking pay cuts to keep their job, Senator VITTER's idea to be more transparent in what we do in Washington makes a lot of sense.

The President has promised change. Our growing concern is that the biggest change so far in Washington has been in him. We want to support him as much as we can. He did say he would stop this practice of earmarking, but he is looking the other way on this bill. He is saying he supports it. He could veto this bill and send it back to Congress and tell us to get rid of these earmarks. He could keep his promise and he could force us to change. But right now, this stack of earmarks is so addictive that the Congressmen and Senators who have these projects that they are so proud of back home are not going to vote against the bill. You could double this bill to \$800 billion, and I am pretty sure it would pass anyway, as long as it had these earmarks in it.

Folks, as Senator COBURN from Oklahoma says, earmarks are the gateway drug to this runaway spending we have in Washington. We are spending our children and grandchildren into such a hole it is going to be almost impossible for them to get out. We are almost guaranteeing them a lower quality of life than we have had, as we borrow more and more money from other countries, as we print more and more money, and as we spend more money as a government than we ever thought possible.

This is the time when we need to stop this runaway spending. An amendment will be on the floor to strike these earmarks and to continue to fund the Government through the rest of the year. The other side doesn't want any amendments passed because that would mean we would have to go back and work with the House on a final bill. They want it to go through amendment free. It is up to us to make sure the American people know what is in this bill before we vote on it. That is the whole point of extending the debate. My hope is we will have 2 or 3 days to make the American people more aware of what is in it and, even more importantly, what is in this stack of earmarks, which is the reason this bill is being rushed through the Senate.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I came to the floor to oppose two amendments, the Ensign amendment and the Barrasso amendment. However, before doing so, because my distinguished colleague from South Carolina spoke about the horrible earmarks, I wish to present my point of view.

I come from the largest State in the Union.

We are about 38 million people. In population, we are bigger than 21 States and the District of Columbia put together. We have 10.1 percent unemployment. We have 1.86 million people unemployed. That is more people unemployed in California today than are people in 14 States in the United States. We have increasing wildfires. We have decreasing water. We are the largest agricultural State in the Union—a \$40 billion agricultural industry. For the great Central Valley south of the delta, the water allocation for this year is zero. We are a State that is in great need of infrastructure repair. The great North Delta, which provides the drinking water for 16 million people in my State, is subject to collapse. Levees collapse. We have major problems with collapsing sewers, bridge repair—Doyle Drive going onto the great Golden Gate Bridge is in high susceptibility to coming down in an earthquake. I could go on and on.

I have been, for 14 out of the 16 years I have been here, on the Appropriations Committee. Yes, I fight for funds for my State. That is what I came here to do. I want my earmarks, which are congressionally added spending, to be transparent and be out there for the world to see. If I make a mistake, I will change the mistake. But I want to help my State; otherwise, why do I come here? I cannot guarantee that the President of the United States, with all he has on his desk, is going to take care of California's needs. That is what I am here for; that is what I became an appropriator to do. And to handcuff what is a coequal branch of Government—remember, we have three branches of Government and they are coequal under the Constitution. To say that I am going to represent this great State, the seventh or eighth largest economic engine on Earth, and not help its infrastructure, not help provide for the needs of its people as somebody who sits as an appropriator—something I don't want to do. Candidly, why be an appropriator if you can't help your State? If you have to depend on a President who may want to ignore your State—that has happened in the past, and it can happen in the future.

So I think all of this dialog is misplaced. If I can't fight for my State, if I can't help my State, if I can't see that there is money for sewers and money for water reconstruction and where education needs are vital—and a State that had a \$42 billion deficit and was almost ready to collapse because it could not come to agreement on the terms should be made worse off because I can't do anything to help my State or Senator BOXER can't do anything to help our State?

So I look at this as a way to reduce spending, no question about that, but also to create a more powerful precedent where the Congress is less able to

add vital projects. Supposing a President has a bias against a given project. There is nothing, then, that an individual Senator or House Member or the House Members as a whole or the Senate as a whole can do about it. We make ourselves impotent as a coequal branch of Government if there is no ability, where necessary, to add to the budget.

Now, it has been said that earmarks have greatly declined—and they have—and it has been said by some that they will be limited to 1 percent of the budget for the next year. I have no problem with that. I think that ought to be announced now. I am prepared to do that in the Interior budget. But we have to know what the rules are when we do the appropriations bills. What happens is, we do the appropriations bills, and then they come out here and run into this kind of opposition. I say set the rule ahead of time, decide earmarks are to be a certain part of the budget. They have been ratcheted down over the years. Continue to ratchet them down and set a percent, so every one of us who is chairman of an appropriations subcommittee knows exactly what we have to work with.

Quickly, let me speak to two amendments—one that has been presented on the floor and one that hasn't but will be. The one that has been presented on the floor is the Ensign amendment, No. 615, on DC vouchers. I wish to speak on that and the Barrasso amendment, No. 637, on oil and gas drilling permits.

Here is another situation we are in. If the Senate approves either of these amendments, or any of the other 10 to 12 amendments now pending, this omnibus bill dies. The bill has been passed by the House. The House said they will take no amendments. The bill is over here, and we have a number of amendments being presented, many of which some of us would like to vote for, but we cannot. The Ensign amendment is one of those amendments for me.

If the omnibus bill dies, you then fund the Federal Government for another year. It has already been funded for 6 months out of a continuing resolution. This year is already 43 percent gone. This means no agency has been able to start a new program, and funding levels have been frozen at fiscal year 2008 levels since October 1, 2008. As a matter of fact, we have paid for 1.2 million Federal executive branch employees. It is increased 3.9 percent in January of this year. The money for that is in this omnibus bill. If the bill doesn't pass, I suppose it has to be added to a CR, and other things would have to be added to a CR as well. But I believe we should pass this bill.

Let me speak for a moment about the Ensign amendment. I have supported the pilot program that provides vouchers on a pilot basis in Washington, DC, since its inception 5 years ago. I believe I was the deciding vote. This was

added to an appropriations bill. I thought long and hard about it and decided to support it. I am prepared to continue to support this if the comprehensive evaluation, due this spring, shows that the program has value and students are improving.

I believe in my heart of hearts that public education must fundamentally change. It must move away from the large, institutional-type school into the smaller, more personal setting where teachers can spend more time with students and their families, particularly in a student's younger, habit-forming years. I don't believe youngsters from lower income families should be denied the opportunity to learn in these smaller, more personal settings.

We have huge schools in California. Some have thousands of students and hundreds more than should be in any one school. The Washington, DC, scholarship program is a 5-year pilot program to determine whether low-income students do, in fact, learn more and learn better in the area's private and parochial schools. Forty-nine schools, private and parochial, are included; 1,700 students are participating. They come from families under the average income of \$23,000. They receive a Federal stipend of \$7,500 a year to make their education in the private or parochial school possible, and the appropriation is \$14 million a year.

I believe we need different models for children to learn. Think of it—this country is so diverse, so many different people, so many different languages, so many different cultures. Yet there is one institutional type—public school. That is the model that is followed. I don't understand why there can't be different models. I believe there should be.

So far, preliminary evaluation by the U.S. Department of Education Institute of Educational Sciences has shown some academic gains in reading and math. When these students entered the program, they were performing in the bottom third in reading and math tests in DC's public schools. Last year's evaluation, as I understand it, showed that the reading test scores of three subgroups of students, representing 88 percent of students receiving a scholarship, were higher by the equivalent of 2 to 4 months of additional schooling. These academic gains, again, are despite the many challenges these children face outside the classroom, coming from families where the average income is \$23,000.

I believe the results of the more comprehensive evaluation are critical, and we expect to have those results this spring. I look forward to learning more in the months ahead on how students are performing overall in the program and the impact it has had.

In closing, I believe the debate over the DC Voucher Program is an impor-

tant one. It is a valid one, and we should discuss it and debate it on this floor. But this bill is not the place to do it. If I were to vote yes and others were to vote yes, it would kill this bill, and we all know that. Simply stated, the House will not accept it. So I believe the debate is for another time. I regretfully will have to vote no on this amendment.

As chairman of the Appropriations Subcommittee on Interior, I also want to oppose the Barrasso amendment. The 2009 Interior appropriations bill, as written, carries a provision that allows the Bureau of Land Management to recoup the cost of processing over 9,000 oil and gas drilling permits that were filed this year. Now, appropriations bills are replete with user fees, so this is nothing new. In fact, the language we are carrying in the omnibus bill is the same as what was in the 2008 bill and mirrors the proposal put forward by the Bush administration for the past 2 years. This language simply says to the oil and gas companies: If you are going to drill on public land, you need to cover the cost of processing your permit. For fiscal year 2009, the fee is \$4,000 per permit. It is used to pay for the necessary environmental analysis that must be done before a permit can be issued.

The \$36 million raised through this fee is but a drop in the bucket compared to what these companies are getting. Listen to this: 23,293 active leases produce 108 million barrels of oil, 3 trillion cubic feet of natural gas, and 2 million gallons of liquid natural gas. In 2008, that resulted in \$34.9 billion in revenues to oil and gas companies. From that, they pay \$4.2 billion in royalties, leaving the companies with \$30.7 billion. Out of that substantial sum, what we are asking the companies to do is pay \$36 million in permit costs for environmental analyses and the processing of the permits. That is less than one-eighth of a percent or, to be precise, .12 percent to offset administrative costs.

I want to ask you to consider this: From 2003 to 2007, the revenue of the oil and gas industry increased by 63 percent, from \$1.1 trillion to nearly \$1.9 trillion. At the same time, industry profits net income more than doubled, increasing from \$72 billion to more than \$150 billion during this time period.

This is not an industry that is in need of a special break. As a matter of fact, one of these companies is a corporation that has made the greatest net profit of any corporation in our Nation's history. These companies are well off. They can afford to pay the permit costs, and I believe they should.

The amendment proposed by the Senator from Wyoming strikes the cost recovery of the permit process and leaves the Federal Government and ultimately the taxpayers responsible for

paying all of the administrative costs. I think that is fundamentally wrong.

Furthermore, the industry would cause the Interior bill to exceed the subcommittee's spending allocation. Right now, our bill complies with the allocation we have been given, but striking the cost recovery fee, the Barrasso amendment would put the Interior bill \$36 million over its allocation. I understand a point of order will be made against the bill at a later time.

That concludes my comments. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, while the Senator from California is here, I wish to acknowledge her role in helping to create the DC voucher program for low-income children. It was not an easy vote for her. I listened to her remarks as I have before about the importance of trying new ideas in American public education. The new Secretary of Education, Arne Duncan, who I think is one of the President's best—maybe his best—appointments, believes the same thing.

I look forward to working with the Senator to see what the study, which comes out this spring, says about the first few years of this program. We know parental satisfaction is high.

Mrs. FEINSTEIN. Mr. President, will the Senator yield to me?

Mr. ALEXANDER. Yes.

Mrs. FEINSTEIN. I know he is under a time agreement. I say to the Senator through the Chair, I really do look forward to working with Senator ALEXANDER. This is very important. I so regret some of the pressures that are brought upon this program. I am so pleased he and I agree these children should have different models to choose from in the public educational arena.

This Washington Scholarship Program, I think we both believe, can go a long way, and hopefully the findings will be positive. I look forward to working with the Senator from Tennessee as well. I thank him for his comments.

Mr. ALEXANDER. Mr. President, I thank the Senator. We do agree on that. The one area with which I respectfully disagree is that this was not the bill to put on restrictions and conditions to make sure the program ends. That is the reason we have an amendment, because someone thought it was important to say that the program needs to end unless it is approved by the DC City Council which, unlike the Mayor, opposes the program. That is why we have an amendment.

Unfortunately, the circumstance we have is, unless we take very quick action in the Congress, the 1,700 children who are part of this program will not be a part of it after another year. The program will shut down. It is beginning to do that now, and it will not be accepting new applications.

I also regret that the amendment is being offered, but that was necessary because of the restrictions and the conditions that were placed on the scholarship program in the omnibus. But that does not change my attitude about working with the Senator from California to look to the future.

Mr. President, I ask that I be notified when 9 minutes is completed.

The ACTING PRESIDENT pro tempore. The Chair will so notify.

Mr. ALEXANDER. I thank the Chair. (The further remarks of Mr. ALEXANDER are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I happened to be on the Senate floor. I thank my friend from Tennessee for his statement in regard to the time and difficulty it takes to confirm nominees for higher office in a new administration.

I will tell my friend what he may well know, which is, under the leadership of one of his predecessors, Fred Thompson, a former Senator from Tennessee, our committee attempted to grapple with this problem. I think we made some progress but obviously not enough.

I will be glad to discuss the Senator's proposal with Senator COLLINS who is always ready to lead a gang in a good cause.

I thank my friend from Tennessee.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Connecticut.

AMENDMENT NO. 615

Mr. LIEBERMAN. Madam President, I rise to speak in favor of the amendment which I have cosponsored to the legislation before us, the one with Senator ENSIGN and others. I believe it is amendment No. 615.

This amendment would strike language currently in the omnibus bill before us that is crippling to the DC Opportunity Scholarship Program. The language we seek to strike terminates the OSP program unless a reauthorization bill is passed by Congress and the DC Council prior to the 2010–2011 school year. So the language I have offered with Senator ENSIGN would strike the language that terminates the District of Columbia Opportunity Scholarship Program.

Madam President, quoting from title IV of the underlying bill, it says:

... use of any funds in this Act or any other Act for opportunity scholarships after school year 2009–2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization.

In narrative language attached to the report, it says:

Funding provided for the scholarship program shall be used for currently-enrolled participants rather than new applicants. The

chancellor of the District of Columbia Public Schools should promptly take steps to minimize potential disruption and ensure smooth transition for any students seeking enrollment in the public school system as a result of any changes made to the private scholarship program affecting periods after school year 2009–2010.

That is a quote from the underlying measure which the amendment of Senator ENSIGN and I and others would strike.

Madam President, the language, in my opinion, is unnecessary, in some sense it is gratuitous, as is the narrative language, which essentially says to approximately 1,700 low-income students in the District of Columbia who are benefitting from this program: Get ready for it to end. I think substantively this is terribly wrong, but I think procedurally it is wrong to include such a measure in an Omnibus appropriations bill that we are being asked to pass without amendment. I understand that request, but it is harder to respond to that request when we are asked not to amend something that is not necessary as part of the Omnibus appropriations bill. It is an unnecessary and, I would say, gratuitous attempt to undercut this DC Opportunity Scholarship Program before the evaluation of the benefits of the program for the students involved are in and in total contradiction of the enormous amount of money we appropriate every year without authorization for a host of different programs.

That is the summary of why I support this amendment. I would come back to say that the DC Opportunity Scholarship Program was created as part of an agreement—a kind of grand bargain that occurs here occasionally. A lot of people were opposed to these so-called vouchers, but an agreement was made—a kind of tripartite agreement—which said we would give, at that point, as I recall, an equal or slightly greater amount of money to the public school budget for the District of Columbia, to the charter school budget for the District of Columbia, and to the DC Opportunity Scholarship Program, which allows low-income students in the District to basically get a scholarship to go to a private or religious—faith-based—school. I think in that agreement there was the essence of what this is all about: Education is not about protecting a particular system for the sake of the system, it is about how we best educate our children.

I don't think anyone can say all our public schools are doing the job that is so fundamental to our society; that of educating every one of America's children so every one of them has an equal opportunity to rise as far as their talents and hard work will take them. Some of them are not getting a quality education in the public schools they are in. Of course, as a societal goal, we should try to make sure every public

school in America is prepared to give every child that equal opportunity to a first-class, world-class education. But that is not the reality now. Suffering most of all are the poor children—often children of minorities, either African American or Hispanic.

As one response to this dilemma, while we are working on so much else, there has been an attempt in some parts of the country—Ohio, I believe Wisconsin, and here, through congressional action the District of Columbia—to create a lifeline for some of the children whose parents want them to go to another school than the one they are going to. As studies have shown, most Members of Congress send our children not to public schools but to the private and faith-based schools because we can afford it. This program says to the parents of children of the District of Columbia—a limited number—you have the same right, if you think the public school your child is in is not now giving them the kind of high-quality education your child needs to realize his or her dreams.

So far the evaluations of students who have benefitted or taken advantage of this program have been quite positive. Final evaluation is coming this spring. I guess one evaluation is that every year this program is oversubscribed. In other words, there are many more parents of children in the DC school system who aspire to a scholarship to go to a school their parents feel is better. So why put in this omnibus bill a demand or requirement that there needs to be an authorization for this program to continue and adoption by the District City Council? Why do that, when so many programs are appropriated without authorization?

I read from a CBO report—Congressional Budget Office report—dated January 15, 2009, titled "Unauthorized Appropriations and Expiring Authorizations," and on page 2 of that report it says:

In recent years, the total amount of unauthorized appropriations reported by the Congressional Budget Office has ranged between \$160 billion and \$170 billion.

Unauthorized appropriations every year are between \$160 billion and \$170 billion. How much money do we appropriate for the DC Opportunity Scholarship Program? Fourteen million dollars. That is million with an M. So why are we singling out the \$14 million dedicated to providing school choice to low-income students in the District of Columbia for such a demand, such a requirement? I don't think it is fair. I don't think it makes sense. I think it is an attempt to put into this bill a kind of obstacle that the sponsors of it don't think can be passed, and particularly to do it on a measure in which we are asked to oppose all amendments is just plain impossible to accept.

The average household income of the families in the scholarship program in

Washington is less than \$24,000. So how in good conscience can we tell parents in the District they are going to be denied the resources to do what they believe is best for their children, when so many of us make the very same decision regarding the education of our own children? The DC scholarship program comes from our Nation's fundamental commitment not just to opportunity but to equal opportunity, so each and every American child is able to develop their God-given talents to the fullest extent based on their own willingness to work hard. We can't let the realization of that promise be jeopardized by the language in this bill.

There was discussion on the DC Voting Rights Act of this DC Opportunity Scholarship Program. Those who were going to amend that bill withdrew it in a colloquy in which two things happened: First, as chairman of the Homeland Security and Governmental Affairs Committee, I committed to holding hearings this spring, hopefully after the final evaluation of this program comes out—an independent evaluation which will allow us to fairly evaluate it before we act in any way. Why our committee? It happens that Governmental Affairs' jurisdiction—traditional historic jurisdiction—includes jurisdiction over the District of Columbia. I am open to proposals to improve the standards in administration of the program and will probably propose some of my own. But I believe the restrictive language in this bill, this Omnibus appropriations bill, is so damaging to the Opportunity Scholarship Program and to the lives of these 1,700 children that it should be removed.

I was very encouraged that our new Education Secretary, Arnie Duncan, said as much himself, when he said it would be particularly unfair to stop this program appraisal and the funding of it by Congress for the 1,700 students who are in it now.

There was a second promise made, which was from Senator REID, the majority leader, which I greatly appreciate; and that was that at some point this spring there would be floor time given to a debate on the merits of the Opportunity Scholarship Program in the District of Columbia. So why jump ahead of that with this restrictive language in this underlying bill?

I would add this, finally. This is all about children, about the future of our children. It is not about protecting the status quo, it is not about teachers' rights, it is about giving kids a chance to make their way forward and ultimately improving our public schools so they are all as good as we want them to be.

I was raised with a quote that may seem irrelevant to this, but I think it is relevant. It came from religious sources. It was that if you save one life, it is as if you saved the whole

world. What did that mean? I was taught it meant if every individual—and I am looking at these great pages of ours, young men and women with all sorts of promise that just radiates from them—if you saved the life of one person, all the promise, the possibilities of what that young man or woman would do in life will be saved, and they, in effect, can change the world.

When I heard that years ago, and I thought of saving a life, I thought of protecting somebody from danger or a doctor who saved the life of a patient. But I will tell you that a good education in our country today makes so much of a difference between whether a person will have a real life in this country, full of opportunity and satisfaction and self-sufficiency or whether the person will always feel slightly behind the ball and always feel slightly unable to do what one has to do in this society to make it.

So this DC Opportunity Scholarship Program says we can save lives by giving kids a choice, giving parents a choice to send their children to the school they want to send them to because they think it will be better for the child than the public school the child happens to be in now.

As I mentioned in the beginning, this was part of a tripartite agreement that gave money to public schools in the District, charter schools in the District, and the DC Opportunity Scholarship Program. In this budget this year, those numbers are \$20 million for the public schools here in the District, \$20 million for the charter schools, and \$14 million to opportunity scholarships. I say to my friends who seem to have this wonderful DC Opportunity Scholarship Program in the crosshairs, that if this is followed through on, the danger here is that other Members of the Senate and Congress will rise and eliminate the extra funding for the DC public schools and the charter schools. That would be a shame three times over. That is why I am so proud to stand with Senator ENSIGN and others to try to strip this language from this bill so my committee can go ahead and hold a hearing this spring and we can bring a bill out to the floor this spring and have a full debate based on the final evaluation that an independent group will do. It is in the process of doing that, finishing the report now.

I understand there are colleagues, like my friend and colleague from California, Senator FEINSTEIN, who just spoke before, who support the DC Opportunity Scholarship Program, and she has worked so hard to make this happen. I have the greatest admiration for her for doing that—and so much else she has done in her public life. She will not vote for this amendment of ours because she does not want to jeopardize the underlying Omnibus appropriations bill.

I understand that, and I understand that is probably why the amendment

Senator ENSIGN and I and others have sponsored will not make it. But it is an important cause for which we are fighting. I think it is important that the vote on the amendment occur and that it serve as a kind of preface to the full-scale debate we will have this spring on this critically important and innovative and I think effective program that is changing the lives—as I took the liberty to say, saving the lives, creating a future—for 1,700 children, and hopefully more in the years ahead, who live in the District of Columbia.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank the Presiding Officer and ask that I be recognized for 15 minutes, and I ask unanimous consent that Senator VITTER be recognized to speak following me, after my 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Madam President, in the midst of this debate on the \$410 billion omnibus spending package, the Finance Committee heard from Treasury Secretary Geithner as part of the committee's annual review of the President's budget. This is a very ambitious budget, particularly, coming on the heels of this omnibus package. It seems as if we have one huge bill after another—TARP, omnibus, stimulus, and now budget.

For the first time we are looking at a budget that tops \$3.6 trillion. At a time when many families are struggling, this budget asks them, to support Federal spending on new and very questionable programs and higher taxes to support those programs. We ought to be concentrating instead on the scope of the economic recovery package, not on these other programs—which I will go into in just a moment.

I also want to help set the record straight with regard to the Federal deficit. If we are ever going to achieve any progress, and with some bipartisan support, then we ought to quit looking in the rear-view mirror and citing some statistics that do not add up. Facts are stubborn. Since the new administration took office, we have heard a persistent drumbeat from the majority about the legacy of debt that they say they have inherited from the previous administration. The President did inherit a significant debt, but to say it was solely a result of Republican policies and those of the previous administration is simply not telling the full story to the American people. Or, as the late great Paul Harvey would say: "Now the rest of the story."

I borrowed this chart from Senator GRASSLEY, the ranking member and previous chairman of the Finance Committee. It shows the deficit as a percentage of GDP over the past 8 years. It begins with the economy that the previous administration inherited. The

deficit levels for those earlier years of the decade reflect the downturn in the economy, the burst of the tech and the impact of the 9/11 terrorist attacks on the economy. However, the deficit levels came down when we had bipartisan support for tax relief—not tax cuts, tax relief—that was passed in 2001, 2003.

Look at what happened. The deficit shrank noticeably between 2004 and 2007, from \$413 billion in 2004 to \$163 billion in 2007. Nobody ever talks about that.

If you really wanted to get somewhat partisan, you could point to the fact that we were not in power then in 2007. That is when the majority took over. But I am not into that. It doesn't make much difference. It seems to me we should quit looking in the rear-view mirror and look on down the road with what we do for economic recovery.

In other words, under the policy of the previous administration, the deficit shrank by more than half during this period from 2004 to 2007. Those are the facts. It was not until 2 years ago, when Democrats came to power in Congress, that the deficits began to increase again. The spending spree over the past 2 years was led by the majority who wrote and pushed through a \$700 billion financial bailout bill that has contributed significantly to the deficit the country now faces.

This bill, I will be very fair about it—this bill was bipartisan. It had the support of both Democrats and Republicans in the Congress, and a Republican President. As a Member of the Senate at that time President Obama supported the bill. When we talk about the deficit that the country is facing, let's keep this in mind. Again, we cannot keep looking in the rear-view mirror with facts that are misleading if we wish to achieve bipartisan progress in addressing the deficit.

The American people are very fearful, if not fed up, with the current rampant and unceasing spending that is going on in Washington—\$700 billion to bail out financial firms that are too big to fail—with more requests for assistance expected; a \$250 billion placeholder is provided in the President's budget; a questionable stimulus bill that will cost \$787 billion—more than \$1 trillion, when you add in interest; and there is a \$410 billion omnibus bill and a \$3.6 billion budget proposal. They simply want to know, and I think every Senator here wants to know as well, where does it end? When will we have spent enough and how on Earth are we going to pay for it? Is it going to work? Those are the questions.

At least a partial downpayment for this spending is included in the budget. The President has returned to the tried and true majority playbook to pay for more spending by simply raising taxes.

I take issue with the statement that the tax increases in the President's budget will be borne primarily by those

families who earn over \$250,000—the “not one dime” argument. This budget raises taxes on small businesses, the Nation's job creators. It passes on the cost of a cap-and-trade—or as I see it a cap-and-tax—system, not only to businesses but to consumers in the form of higher prices for energy. To my way of thinking, nobody has explained to this Senator how that is going to work or if we have the technology to make it work. It may be desirable, but I have yet to see how it is going to work or the technology.

The budget raises taxes on domestic energy producers. It raises taxes on investments. American consumers and families will pay higher taxes under this cap-and-trade proposal.

The counter argument is that they are targeting what they have determined are the wealthy to pay for their spending priorities. I always said I wonder when it would be time for those in Congress who believe this is the way to do things to determine who is rich or who is not. That is called class warfare in my view, but that is another speech and another story.

In other words, most Americans do not need to worry about these tax increases because it will not affect them, it will only affect their neighbor. I have yet to see a tax imposed on one set of taxpayers where the cost was not ultimately passed on to someone else. We are all in this economy together, and a tax increase on one neighbor is likely to be felt by the guy next-door.

The President's budget includes several of what I call anthill issues. These were the issues I discussed with Secretary Geithner.

The reason I call them anthill issues is you do not want to be giving a speech, or standing on an anthill—and I have had that experience, with a fellow Senator in Kansas, where she was standing on an anthill. I suggested she move. She said she was happy where she was. And I said: I don't think you will be in about 2 or 3 minutes. That was the case and she moved.

I have read with interest over the past few days the comments from several of my Democrat colleagues who have expressed the same concerns I have about these so-called anthill issues, those that bite, and that is a good sign. One anthill issue proposal would increase revenue by reducing the amount of mortgage interest that homeowners who pay taxes in the top brackets can deduct. At a time when the Federal Government is taking unprecedented steps to shore up the housing market and make home ownership possible for qualified homeowners, it seems counterintuitive. That is a Senate word, “counterintuitive.” “It seems like we shouldn't be doing this.” Those are the real words. It seems counterintuitive, to say the least, to reduce an inherent incentive in the Tax Code to own a home.

Does it make sense to tell these families who have lived in their home for 10 to 20 years that they can no longer deduct their mortgage interest? And what does reducing the mortgage interest deduction mean for the value of their home? We have already heard concerns that limiting the deduction would further depress home prices. What message does it send to families who may be looking to purchase a home right now, which I thought was the goal.

I do not know how the administration can, on one hand, provide billions of dollars to aid housing, including a \$75 billion plan that Secretary Geithner announced a few weeks ago, to help those who have bought homes they can no longer afford and aid homeowners who are underwater in their mortgages but, on the other hand, reduce the tax incentive for those earning over a certain amount and who own or are looking to buy.

The second anthill proposal targets contributions to charitable organizations. I don't know who thought this up. In this economic climate, many charitable organizations are being asked to do more with less while donors tighten their belts, while at the same time more people are turning to charities for assistance. Yet this budget not only raises income taxes on those in the top two tax brackets, reducing their discretionary income from which they can make charitable contributions, it also reduces the value of the deduction for charitable contributions for these taxpayers. Clearly, these changes will not bring a halt to charitable giving. I know that. But won't it reduce contributions to charities when more Americans are relying more on charitable assistance? Won't the cost of a decline in charitable giving be borne by those most in need of assistance?

Secretary Geithner, in testimony, says an estimated \$4 billion loss is “modest.” I do not agree with that. I suggest that a \$4 billion loss to charitable organizations around the country is not modest. Why would the administration create any disincentive that will reduce donations to charity?

Finally, the third anthill issue targets certain small businesses for tax increases. This is a point I want to underscore. In Kansas, we have over 60,000 small businesses which make up 97 percent of the State employers.

They are the leading job creators.

The budget reinstates the 36 percent and 39.6 percent—might as well make it 40 and 41 when you count the deductions that will not be included—in income tax rates for individuals earning over \$200,000 and for families earning over \$250,000, reinstates the personal exemption phaseout, and limits the benefits of itemized deductions for these taxpayers.

These increases will result in higher taxes on many small businesses. I

know supporters of the wealth redistribution in the budget say it does not raise taxes on that many small business owners. But the National Federation of Independent Business data shows differently. The data shows that 50 percent of the small business owners who employ 20 to 249 workers would fall into the top two brackets. And over half of the Nation's private sector workers are employed by small businesses with 20 to 500 employees.

Small businesses in Kansas feel they are stressed to the limit and they worry that to pay the additional taxes proposed in this budget—and this is the real world, this is the reality, this is the law of unintended effects that we always fall into—means they are going to have to lay off workers, reduce wages or benefits, or pass these costs on to their customers. None of those are good options.

Let me say that tomorrow we are set to pass this \$410 billion omnibus spending bill. I am going to oppose this bill. I do not like doing so, but I am going to oppose this bill. There are a lot of things wrong with this bill. And it is clear, it seems to me, that we must—we must—get a grip on Federal spending because in a few weeks we will take up the budget proposal for next year.

If there is a silver lining in the President's \$3.6 trillion budget, it is that the tax increases would not take effect until 2011, reflecting the administration's acknowledgment that raising taxes when the economy is in crisis is not a good idea.

Thus, it appears that the administration expects that the economy will be recovering by 2011. I hope so. And that certainly would be good news. I hope the administration will use caution when determining if the economy is sufficiently recovered to withstand nearly \$1 trillion in new taxes in 2011.

I hope they will consider stepping off the anthills I have mentioned: limiting deductions for charitable giving, mortgage interest, and tax increases on small businesses. I hope they will not insist on pursuing their spending agenda at the expense of economic recovery. To forestall recovery in order to pursue their tax and spending agenda is simply not right.

As the eminent columnist Charles Krauthammer wrote in the Washington Post last week with regard to the President's proposed budget:

The day of reckoning has arrived. President Obama has come to redeem us with his far-seeing program of universal, heavily nationalized health care; a cap and trade tax on energy; and a major federalization of education with universal access to college as the goal.

Wow, that is an ambitious agenda. However, pursuing this through higher taxes and bigger Government is not a legacy I think the administration will want to pass on to future Presidents or to future generations.

That is the rest of the story.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 621

Mr. VITTER. Madam President, the distinguished Senator from Iowa, Mr. GRASSLEY, is on his way to the floor to discuss the same issue I will be discussing, so in light of that, I ask unanimous consent that immediately following my remarks he be recognized for 10 minutes.

The PRESIDING OFFICER. In my capacity as a Senator from North Carolina, I object.

Mr. VITTER. I ask unanimous consent to be recognized for 20 minutes instead of my initial 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. I stand to discuss my amendment to the omnibus spending bill, No. 621. My amendment would do something very simple and straightforward but important. It would change the present system which has been on the books since 1989 that puts annual pay raises for Members of Congress on autopilot, so there never has to be any inconvenient debate, any inconvenient votes whatsoever. They happen automatically. No votes. In fact, there is not even a line item in the appropriations bills about it.

My amendment would change that, would end that law to require that any pay raise for Members of Congress, House or Senate, would have to be debated in open before the public and then be followed by a rollcall vote.

I am honored to be joined by several Senators who support this idea and who have long tried to advance it. Senator FEINGOLD has a stand-alone bill, as do I. He has had it for several years. I certainly want to recognize his leadership and thank him for that. He is an original cosponsor of my amendment. Also Senators GRASSLEY and ENSIGN are original cosponsors of my amendment and our stand-alone bill.

This system of automatic, autopilot pay raises is offensive to the American people. Let me mention an experience I have had recently in Louisiana in the last several weeks. I have had well over a dozen townhall meetings, as I do on a regular basis all around the State. This past Friday I had two. The week before that during our recess week I had 12 all around the State.

As I went to parishes all around the State, smaller communities, Hahnville and Lake Providence, and larger places such as Gonzales in the Greater Baton Rouge area, I was struck by a message that came across loudly and clearly. The message was not about any one narrow issue, the message was the tone of all of those meetings. Because without exception, meeting after meeting after meeting, folks expressed not just concern, not just anxiety, folks expressed real anger about what was

going on in our country, to our country; what was going on here in the Halls of Congress in Washington, DC.

If I had to summarize the tone I heard at these meetings, not directed at me because they knew my voting record, but directed at what is going on here in this city, the tone was, to quote that movie from several years ago, "Network": I am as mad as hell and I am not going to take it anymore.

That was the tone over and over and over again. And why was that? Well, it is pretty simple. People see their 401(k)s cut in half, people see their life savings dwindling every day. People are facing, in some cases, real crisis in their lives: losing jobs, losing homes, with it losing crucial things such as health care.

And yet up here in Congress, a majority in Congress rolls along with policy they view as enormously irresponsible, and in some cases, downright offensive. One thing they point to as downright offensive is this system of pay raises for Members of Congress being on autopilot, happening every year without the need for any inconvenient debate, without the need for any inconvenient vote, the system that has been in place under the law since 1989.

My amendment would change that. It would simply say: We want to have a raise, we need to talk about it, we need to justify it out in public, in the open, have that open debate, and then have an actual vote on the floor of the Senate, on the floor of the House, and have a full, open, recorded rollcall vote.

That is the way we should do it whenever we debate the issue and consider the issue. That sure as heck is the way we should do it in the midst of a horrible recession, what will only surely be the worst recession we have faced as Americans since World War II.

In this omnibus spending bill, we do have a provision to forgo the one raise coming next year, and I applaud the leadership of the House and Senate for at least agreeing to that and inserting that in the underlying bill. That is the least we could do. We should have done that last December as well.

We have been suffering this horrible economy for several months. We have seen the financial collapse in September. The economy continued to go down and down and down and yet still under this system, Congress had a significant \$4,700 raise. So we should have done it then too. But at least this bill does it next time.

But, quite simply, that is not good enough. What is truly fair to the American people is to do away with this system altogether, to get these issues out in the open for public debate whenever we want them to come up and demand a rollcall vote on the issue.

That is what my amendment would do, purely and simply. My amendment is supported by Senators FEINGOLD, GRASSLEY, and ENSIGN. I urge Members, Democrats and Republicans, to

support this commonsense reasonable amendment that the American people surely support overwhelmingly.

In closing, let me say, in supporting this amendment, be aware of a lot of diversions and a lot of distractions and a lot of tricks that will no doubt be put before us. On Thursday night here on the floor, I finally secured a vote on the amendment. I had been trying to get a vote all last week. It was a significant amendment to the omnibus spending bill. It is even germane. Trying to get a vote never could happen.

I have to tell you, it was pretty frustrating. I would tune in my TV in my office and hear over and over the leadership say: Come on down. We are open for business. We are open for amendments. We want to make amendments in order. And then when I would try to do that, the door was inevitably shut.

Well, finally on Thursday night I secured a vote on this amendment for the very simple reason that the distinguished majority leader needed unanimous consent in order to call off the vote that was scheduled for that evening and therefore had to agree to give me a vote to get that unanimous consent. I am happy that happened.

Then the next day a funny thing happened. Out of the blue, after denigrating it, quite frankly, in our exchange on the floor, the concept of my amendment the night before, the distinguished majority leader, backed by his leadership on the majority side, introduced a stand-alone bill that was almost exactly my amendment.

Well, don't get me wrong. I am delighted to get any converts, folks who have long supported the concept, recent converts. But let's not be fooled by how the stand-alone bill might be used and abused, pointed to saying, we will get to that. We will have a debate. We have this stand-alone bill. That is not the way to enact change in the law. We all know the way to enact this change into law, if we truly support it, is to support this amendment, to put it on a spending bill that must pass at the end of the day in some form, and to hold everyone's feet to the fire. If we truly want to pass it into law, I urge all of us to come together, particularly in this moment of enormous economic suffering across all of America, come together around this reasonable amendment and support amendment No. 621.

With that, I yield for my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I rise in support of the Vitter amendment. Just so colleagues of mine don't think I am a latecomer to this battle on pay raises, I want to refer to a debate that went on in the House of Representatives, July 30, 1975, my first term in the House. There was a non-controversial bill that came up, re-

ferred to on page 25824, -825 and -826 of the CONGRESSIONAL RECORD for that day, a little noncontroversial postal safety bill came up for postal employees. Attached to that bill were the provisions of the law that have been a little bit changed in 1989 but go back to this postal bill in 1975, when included in it was a provision that is referred to here as section (c)(2):

Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 . . .

And I will not read the whole legislative language from the debate, but it essentially said that Members of Congress were going to get an automatic pay increase just as civil servants were already getting.

The stage on that day was set so that everybody was going to be on the floor of the House of Representatives. The idea of the Republican leadership and the Democratic leadership—and the Democrats were controlling the House at that time, with only 140 or 141 Republicans, as I recall—the idea was to get everybody on the floor so when unanimous consent was asked to bring up this bill, there would be unanimous consent and there wouldn't be a vote because everybody, even 34 years ago, didn't want to take a vote on raising pay; particularly, you didn't want to take a vote on the automatic increase in pay. So they had the stage all set. There are two words I want to refer you to after my name, "Mr. GRASSLEY." This is after unanimous consent was asked for. I said:

I object.

My point in objecting wasn't knowing whether I could kill that piece of legislation at that particular time. It was that I thought, as Senator VITTER thinks and as I think yet today, 34 years later, that if we are going to have a vote on a pay raise for a Member of Congress, we ought to have guts enough to stand up and cast a vote, yes or no.

Eventually, the bill passed that very day by just a 1-vote margin, 214 to 213. I remember after that vote there was a Mr. Hays, a Representative from Ohio, who was chairman of the Democratic Congressional Campaign Committee. It is still called the same thing today. He was chairman of it. He came up and he pointed to me and he said: We are going to get you. In other words, he was going to do everything he could as chairman of the Democratic Campaign Committee to defeat me in the next election. Well, he didn't defeat me in that next election, and I haven't been defeated since. That has nothing to do with it except I think I was reflecting what the attitude of the people at the grassroots of America was then, and I think Senator VITTER is expressing that same thing today. My colleagues at that time were not happy with me, and they probably aren't happy with

what Senator VITTER is doing today. I thank him for going out in front.

Then, in the 1980s, I sponsored legislation to reform the system where the President could recommend a congressional pay increase and have it go into effect without a vote of Congress because that system needed to be reformed further. I worked with several of my colleagues who felt letting pay raises take effect without a vote was wrong. The system did get reformed as part of the 1989 ethics reform bill but not in the way we had proposed at that particular time. That act just put congressional pay raises on autopilot. The congressional pay raise now takes effect every year unless Congress specifically rejects it.

I have consistently voted for measures to deny all the congressional pay raises. However, in recent years Congress has not considered the annual spending bills on time or under regular order. This has denied us the typical opportunity to consider amendments as Senator VITTER is offering now.

This massive omnibus bill we are now considering is a result of the failure to consider any of the fiscal year 2009 appropriations bills separately and on time. As a result, Congress gets a 2.8-percent pay raise without a vote. At a time when many Americans are being forced to tighten their belts, this sends a very bad message. It makes Americans cynical about government. Congress seems totally out of touch, taking a pay raise when the people who pay our salaries are struggling to make ends meet. I completely understand the frustration because I hear it from my own constituents. That is why I support this amendment.

I am not saying Congress should never consider increases to keep pace with inflation. We don't want only people who are independently wealthy to be able to afford to serve in Congress. What we are saying with this amendment is that if Congress decides it needs a pay raise, we had better be prepared to justify it to our constituents. When it can't be justified, like now, when Americans are facing a dismal economy and Congress just voted to double the deficit, then the least we can do is not boost our own salary.

Article I, section 6, of the Constitution establishes that:

Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law.

However, to prevent the conflict of interest inherent in Congress raising its own salary, the 27th amendment stipulates that:

No law, varying the compensation for services of Senators and Representative, shall take effect, until an election of Representatives shall have intervened.

This amendment was submitted to the States in 1789 as part of what became known as the Bill of Rights but was not fully ratified by the necessary

three-fourths of the States until 1992. The clear intent of the wise and forward-thinking men of 1789 was that the sitting Congress not be able to raise its own salary before the people could have their say. Congress should be held accountable.

The courts have ruled that the annual automatic congressional pay increase does not technically violate the 27th amendment, but it sure seems to violate the intentions of its authors. It is time to go back to the system originally envisioned by the Constitution without pay raises for Congress when the American people are not looking. In fact, I can't think of a better time to send that message to a public that is becoming increasingly cynical about the actions of the Congress.

I urge adoption of the Vitter amendment to take us back to pre-July 30, 1975, when Congress, by a 1-vote margin on an otherwise noncontroversial bill that was selected by the leadership of both the Republicans and Democrats at that time to let Congressmen get a pay raise without having a vote on it—that 1-vote margin was a controversy at that time, and I hope at this particular time we have a massive vote in support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. I thank my colleague from Iowa. I thank him for all of his leadership on this issue for several years. I also recognize again the leadership of our cosponsors of the amendment, Senator FEINGOLD and Senator ENSIGN. Others will join us, but I ask all colleagues to support this amendment when we present it and vote on it tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, most Americans have a healthy understanding of the difference between a pay raise and a pay adjustment based on inflation.

Most Americans will tell you that when they do receive a pay adjustment to their wages, they do not consider it a raise; they consider it being held harmless against the impact of inflation.

The pay adjustment provided to Members of the House and Senate is based on a method established by the 1989 Ethics Reform Act that requires the annual adjustment be determined by a formula based on certain elements of the employment cost index, an index that measures inflation of wages.

Basically the formula is tied to the pay adjustments given to Federal employees under the General Schedule.

Further by law, and under no uncertain terms, Members cannot receive an adjustment greater than the increase provided in the base pay of our GS level Federal employees.

Understanding that the substance of the matter before us is not about pay raises for Members but about pay adjustments tied to inflation. Everyone in this Chamber also is aware of the economic situation we are facing as a Nation.

Because of this economic crisis, section 103 was included in the underlying bill, stating that Members of Congress will not receive a cost-of-living adjustment in fiscal year 2010.

We have proactively addressed the issue of a Member pay adjustment and the current economic situation.

To offer this amendment today is simply playing politics.

This amendment is about trying to make it appear as if Members are against prohibiting a pay adjustment for themselves, when in fact they already have prohibited a pay adjustment for themselves.

This amendment is about trying to change the underlying bill, knowing that the House has indicated they will not take this bill back up, in an effort to force the Government to operate under a continuing resolution for the remainder of the fiscal year.

If the Senator from Louisiana is successful in having his amendment adopted and killing enactment of the underlying bill, the prohibition against the Member pay adjustment for fiscal year 2010 will not be enacted into law.

Further our Federal agencies will have to decide between eliminating programs or firing employees as they absorb the 2009 cost increases at fiscal year 2008 funding levels.

This amendment does not do anything that is not already addressed in the underlying bill, and its passage could in fact jeopardize the steps that have been taken.

I encourage my colleagues not to take the political bait here, and vote against this amendment which appears to do one thing, but in fact creates exactly the opposite situation.

I yield the floor.

AMENDMENT NO. 668

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 668 be made pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 668.

Mr. ENZI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to modify certain HIV/AIDS funding formulas)

At the appropriate place in title II of division F, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

Mr. ENZI. Madam President, I rise to discuss amendment 668. This amendment relates to the Ryan White Program. We reauthorized that program 3 years ago. We did it on a very bipartisan basis. I need to expose how one person has once again overruled a bipartisan, bicameral effort to create fair and equitable funding mechanisms for the program. I did this last year. It was funneling money specifically to one area that had less people. The idea behind the bill was to make sure we had money for the people with HIV/AIDS, and the money is supposed to follow the people. Why do I bring this up? I was involved in the original reauthorization. We will be doing that reauthorization later this year. I can tell Members that Wyoming is not affected one way or the other by my amendment. But 46 States are affected by this amendment; 46 States are affected adversely if this amendment does not pass.

If anybody wonders which States those are, I am more than happy to tell them who the losers will be. And it will probably be a lot easier to say who the winners would be. I will get to that in a little bit.

The Ryan White CARE Act provides funding to States across this country to provide HIV/AIDS treatment, care, and prevention to individuals in need. In 2006, the committee reauthorized the program and established new bipartisan, bicameral funding formulas that provided more equity in the program. It required funding determinations to be made based on the number of people with HIV and AIDS. This is a major distinction.

Before 2006, funding was only based on AIDS cases. The Omnibus Appropriations Act includes a provision that will modify and dramatically change these bipartisan funding formulas. It allows larger cities to receive more Ryan White funding simply because they received more money in the past. The cities that had a high number of people with AIDS before 2006 will benefit, and those that have seen an increase in HIV and AIDS since 2006 will not be awarded the funding they need. Sadly, larger cities, most notably San Francisco, will receive more money than other cities for all the wrong reasons.

Unfortunately, this is not new language. We have seen it in the appropriations bills in the past. We know exactly what the language does. It primarily benefits San Francisco—a city that continues to receive funding to care for people who are deceased. All the while, nearly every other city would have reduced funding so San Francisco can receive more riches.

According to data put together by GAO—these are not my numbers; these are GAO's numbers, provided last Friday—so according to data put out by the Government Accountability Office, the language in the bill will ensure an additional \$6.7 million will be awarded to San Francisco, while the other large cities will see a decrease in funding. I do not know why they did not ask to print \$7 million more and put it in there instead of taking it from other people. That is kind of what we are doing these days.

That additional funding is not based on the number of people they are treating or how many new cases they have. As a hold-harmless provision, it is related to what that city has received before. Let me expand on that. If your city's problem is increasing, under the omnibus, you will get less money. You will be penalized if your city's HIV/AIDS problem is increasing. Now, if your city's problem is decreasing, according to the omnibus, you will get more money. If we are giving cities with more people with HIV/AIDS less funding, and cities with less people with HIV/AIDS more funding, how fair is that?

What is even more egregious is that after being exposed more than a year ago, someone has the audacity to include the language again. Of course, that may be because in conference they were able to get that pulled out and it happened anyway, even after a very substantial vote on this side of the building.

Our bipartisan reauthorization was based on a pretty simple idea: The money should follow the patients. We modernized funding formulas in order to fight this deadly disease on its new front lines. More people in rural areas and the South, more women, and more African Americans are being infected with HIV/AIDS every day, and we made sure these populations could get the treatment they needed. It was a bipartisan, bicameral agreement. We were very clear about the implications of those new formula changes. In fact, we provided GAO reports with estimates on how the new formulas would change funding levels for grantees that were nearly identical to how the funding would be distributed today—but because of the language in the appropriations bill, it has not. Yes, that is how we did this vote last year, which, again, I repeat, Wyoming had no gain or loss in. We are not even involved in this issue. I have been involved in this issue trying to take care of HIV/AIDS patients. My amendment was taken out so the language can continue, and it is very unfair. It is unfair to the people in rural areas and the South, where more women, more African Americans are being infected with HIV/AIDS every day. We made sure treatment could be gotten. It passed this body. It passed the House. We agreed to these for-

mulas. We were clear about the implications of the new formula changes. As I have mentioned, the GAO reports are practically the same this time as they were a year ago.

Those funding formulas included hold-harmless provisions to ensure that the formula funding would not decrease by more than 5 percent for anybody. Now, when we did that, I think we all thought that was going to be 5 percent for each of 3 years. As it turned out, it was a total of a 5-percent decrease over the 3 years for anybody. I would have preferred no hold-harmless provisions or ones that allowed for more dramatic fluctuations so the money could follow the HIV-infected person, but that was what we agreed on. That is the agreement we reached in this bipartisan, bicameral bill.

We did not pull the wool over anyone's eyes. We provided clear information about the implications of those funding formulas. We found the third way. Now, with one simple pen stroke, someone is again undoing all those carefully crafted bipartisan, bicameral compromises by inserting another hold-harmless provision with little thought to how this change would affect others. Last year we had the list of people, and we have that again, of who gains and who loses, and it was an easy vote to win.

This change does not allow money to follow the patient. It allows money to follow those who are in power. We want to change that with this amendment.

I do not know about you, but I find this reprehensible. This is simply unfair to those cities and States that are struggling to come up with the moneys for basic HIV/AIDS treatments. What is worse, the majority—well, what is worse is that this bill continues to cheat others. Not just once, not twice, but this would be the third year that San Francisco will have benefited from this language.

In 2007, I brought up this exact issue. A very strong majority of the Senate agreed with me. Unfortunately, it did not change. They are still willing to try to institute an unfair and unjust formula. I object to that provision and the implications of it.

We changed the formula to have money follow the problem. In 2007, we passed my amendment to focus the funding on people living with HIV/AIDS. Most of the people in this Chamber voted with me. Of the ones who are still here, it is a vast majority.

Now, I understand that after passing it with those kinds of numbers, it was dropped in conference. I understand that will probably happen this year too. But I do think we need to send the message and hope for fairness. Without this amendment, there will be no fairness.

You realize that—last year—only a couple of States have a city that is helped. Most of you will be contrib-

uting money from your cities to help those with declining problems. Where I come from that is called cheating. So if you wonder if your State gains or loses, check with me.

The amendment I am offering is simple. It states that the language in the omnibus bill will not change the funding formulas we agreed to in a bipartisan, bicameral process in 2006. If you support an equitable system that distributes funding on the true basis of need, I believe you should support my amendment.

Madam President, I ask unanimous consent that a letter from GAO to me dated March 6, 2009, and relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNMENT ACCOUNTABILITY OFFICE,

Washington, DC, March 6, 2009.

Subject: Ryan White CARE Act: Estimated Effect of Proposed Stop-Loss Provision on Urban Areas

Hon. MICHAEL B. ENZI,

Ranking Member, Committee on Health, Education, Labor, and Pensions, U.S. Senate.

Hon. TOM A. COBURN,

U.S. Senate.

You asked us to estimate the effect on Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (CARE Act) funding to urban areas if certain stop-loss provisions are enacted. The CARE Act, administered by the Department of Health and Human Services's (HHS) Health Resources and Services Administration (HRSA), was enacted to address the needs of jurisdictions, health care providers, and people with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).¹ In December 2006, the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Modernization Act of 2006) reauthorized CARE Act programs for fiscal years 2007 through 2009.² In February 2009, the House of Representatives passed H.R. 1105, the Omnibus Appropriations Act, 2009, which contains a stop-loss provision covering CARE Act funding for urban areas that receive funding under the CARE Act.³ This bill has not been passed by the Senate.

Under the CARE Act, funding for urban areas—Eligible Metropolitan Areas (EMA) and Transitional Grant Areas (TGA)⁴—is primarily provided through three categories of grants:

(1) formula grants that are awarded based on the case counts of people with HIV/AIDS in an urban area; (2) supplemental grants that are awarded on a competitive basis based on an urban area's demonstration of need, including criteria such as HIV/AIDS prevalence; and (3) Minority AIDS Initiative (MAI) grants, which are supplemental grants awarded on a competitive basis for urban areas to address disparities in access, treatment, care, and health outcomes. Changes in grantee characteristics and funding formulas can cause increases or decreases in grantees' funding.

H.R. 1105, which was passed by the House of Representatives on February 25, 2009, contains a provision to ensure that decreases in total 2008 Part A funding for fiscal year 2008 for each EMA and TGA would not exceed levels specified in the bill.⁵ It would limit the total funding decrease for an EMA for the 2008 fiscal year to no more than 6.3 percent of what the EMA received for the 2006 fiscal

year. Decreases for a TGA for the 2008 fiscal year would be limited to 11.3 percent of its total funding for fiscal year 2006.⁶ The funding necessary to limit the decreases to urban areas would be given as increases to supplemental grants for fiscal year 2009.

To provide you with technical assistance, we developed an estimate of fiscal year 2009 Part A CARE Act funding for EMAs and TGAs with the stop-loss provision in H.R. 1105. We also developed an estimate of such funding without that provision. We used data from HHS, H.R. 1105, and an Explanatory Statement submitted by the Chairman of the House Committee on Appropriations to H.R. 1105 to estimate these amounts.⁷ In order to conduct these analyses, we made a number of assumptions. These assumptions are described in notes to the accompanying tables. See enclosure I for estimates of Part A CARE Act funding for EMAs with and without the stop-loss provision. See enclosure II for estimates of Part A CARE Act funding for TGAs with and without the stop-loss provision.

The objective of this work was to provide pertinent and timely information by showing the effect of the stop-loss provision on EMAs and TGAs for fiscal year 2009 that Congress can use in determining funding for CARE Act programs. We used data from agency reference documents to conduct our analyses. Because of time constraints, we did not conduct any additional analysis of the proposed

provision. We performed our work in March 2009.

We are sending copies of this letter to interested congressional committees. The letter will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions about this letter, please contact me. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this letter.

MARCIA CROSSE,
Director, Health Care.

Enclosures.

ENDNOTES

¹Pub. L. No. 101-381, 104 Stat. 576 (codified as amended at 42 U.S.C. 300ff through 300ff-121). Unless otherwise indicated, references to the CARE Act refer to current law.

²Pub. L. No. 109-415, 120 Stat. 2767. The CARE Act programs had previously been reauthorized by the Ryan White CARE Act Amendments of 1996 (Pub. L. No. 104-146, 110 Stat. 1346) and the Ryan White CARE Act Amendments of 2000 (Pub. L. No. 106-345, 114 Stat. 1319).

³H.R. 1105, 111th Cong. (2009). For purposes of this report, unless otherwise specified we use the term H.R. 1105 to refer to the bill as passed by the House of Representatives.

⁴In this report, we use the term urban areas to refer to both EMAs and TGAs. An EMA is a metropolitan area with a population of 50,000 or more that had more than 2,000 AIDS cases reported in the most recent 5-year period. The 2,000 AIDS-case criterion does not include cases of HIV that have not progressed to AIDS. In fiscal year 2008, there were 22 EMAs. The Modernization Act of 2006 created a new program for TGAs. A TGA is a metropolitan area

with a population of 50,000 or more, which had 1,000 to 1,999 AIDS cases reported in the most recent 5-year period. Under this program, urban areas that were eligible for EMA funding in fiscal year 2006 but that no longer meet the eligibility criteria for either EMAs or TGAs maintain their eligibility for funding and are considered TGAs until for 3 consecutive years they (1) fail to have at least 1,000 to 1,999 AIDS cases reported in the most recent 5-year period and (2) do not have more than 1,500 living cases of AIDS. In fiscal year 2008, there were 34 TGAs according to HRSA.

⁵Part A of the CARE Act covers funding to urban areas. Part B covers funding to states, territories, and the District of Columbia.

⁶The stop-loss provision in H.R. 1105 states that "within the amounts provided for Part A . . . , \$10,853,000 is available . . . for increasing supplemental grants for fiscal year 2009 to metropolitan areas that received grant funding in fiscal year 2008 . . . to ensure that an area's total funding under [Part A to an EMA] for fiscal year 2008, together with the amount of this additional funding, is not less than 93.7 percent of the amount of such area's total funding under part A for fiscal year 2006, and to ensure . . . that an area's total funding under [Part A to a TGA] for fiscal year 2008, together with the amount of this additional funding, is not less than 88.7 percent of the amount of such area's total funding under part A for fiscal year 2006." Because the provision would apply to an EMA's or TGA's "total funding" under Part A, we consider the total amount subject to the stop-loss provision to be formula, supplemental, and MAI grants made with Part A funds. MAI grants are authorized by 42 U.S.C. 300ff-121, which specifically directs HHS to provide funding under Part A.

⁷155 Cong. Rec. H1653, H2377 (daily ed. Feb. 23, 2009) (statement of Rep. Obey).

Enclosure I

Total Eligible Metropolitan Area Formula, Supplemental, and Minority AIDS Initiative Grants for Fiscal Year 2006, Fiscal Year 2008, and Projected Funding for Fiscal Year 2009 under Part A Funding Levels Identified in the Explanatory Statement to H.R. 1105

Eligible Metropolitan Area (EMA)	Fiscal year 2006 funding	93.7 percent of fiscal year 2006 funding*	Fiscal year 2008 funding	H.R. 1105: Estimated fiscal year 2009 funding before applying stop-loss ^b	H.R. 1105: Estimated stop-loss	H.R. 1105: Estimated fiscal year 2009 funding after applying stop loss	Estimated fiscal year 2009 funding without H.R. 1105 stop-loss provision in place
Atlanta, Ga.	\$18,869,561	\$17,680,779	\$17,942,992	\$18,337,471	\$0	\$18,337,471	\$18,660,212
Baltimore, Md.	20,628,895	19,329,275	20,594,272	23,889,479	0	23,889,479	24,292,574
Boston, Mass.	13,339,141	12,498,775	14,027,340	16,274,966	0	16,274,966	16,564,752
Chicago, Ill.	25,044,633	23,466,821	26,632,351	30,882,913	0	30,882,913	31,427,282
Dallas, Tex.	13,196,377	12,365,005	13,547,516	15,792,149	0	15,792,149	16,070,891
Detroit, Mich.	8,428,477	7,897,483	8,055,626	9,201,600	0	9,201,600	9,360,130
Ft. Lauderdale, Fla.	14,963,638	14,020,929	15,171,291	17,501,950	0	17,501,950	17,810,954
Houston, Tex.	19,953,520	18,696,448	20,094,436	22,938,330	0	22,938,330	23,338,238
Los Angeles, Calif.	34,895,377	32,696,968	36,013,941	41,310,363	0	41,310,363	42,038,454
Miami, Fla.	23,999,914	22,487,919	24,974,906	28,478,276	0	28,478,276	28,964,002
New Orleans, La.	7,434,812	6,966,419	7,669,652	8,838,306	0	8,838,306	8,994,183
New York, N.Y.	120,423,326	112,836,656	111,883,651	114,607,968	953,005	115,560,973	116,582,701
Newark, N.J.	14,752,254	13,822,862	14,038,197	15,447,478	0	15,447,478	15,713,291
Orlando, Fla.	8,561,273	8,021,913	7,968,264	9,047,025	53,649	9,100,674	9,204,349
Philadelphia, Pa.	22,384,551	20,974,324	22,773,161	25,550,597	0	25,550,597	25,994,618
Phoenix, Ariz.	6,519,338	6,108,620	7,522,978	8,762,472	0	8,762,472	8,923,024
San Diego, Calif.	9,269,256	8,685,293	10,955,986	12,877,535	0	12,877,535	13,109,380
San Francisco, Calif.	27,964,864	26,203,078	19,419,733	19,722,536	6,783,345	26,505,881	19,815,968
San Juan, P.R.	13,470,347	12,621,715	12,877,445	13,087,902	0	13,087,902	13,148,287
Tampa-St. Petersburg, Fla.	9,571,830	8,968,805	9,524,707	10,465,933	0	10,465,933	10,652,830
Washington, D.C.	26,923,066	25,226,913	27,911,311	31,591,530	0	31,591,530	32,142,719
West Palm Beach, Fla.	8,276,018	7,754,629	8,352,071	8,602,738	0	8,602,738	8,753,459
Total	\$468,870,468	\$439,331,629	\$457,951,827	\$503,209,515	\$7,789,999^c	\$510,999,514	\$511,562,296

Source: GAO analysis of HHS data, H.R. 1105, and the Explanatory Statement to H.R. 1105.

Notes: The projected fiscal year 2009 funding in this table is based on the funding amount for urban areas identified in the Explanatory Statement to H.R. 1105. We assumed that the percent of Part A funding allotted to EMAs and the percent allotted to Transitional Grant Areas (TGA) in fiscal year 2009 would be the same as the percent allotted to each in fiscal year 2008.

Because updated human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) case counts were not available, we used the HIV/AIDS case counts that Health Resources and Services Administration (HRSA) used to determine fiscal year 2008 funding.

We cannot determine the exact effect of the stop-loss provision on total funding for each EMA for fiscal year 2009. It is not possible to determine exactly how each EMA would be affected by the 6.3 percent stop-loss for EMAs because it is not known how HRSA will award fiscal year 2009 supplemental and Minority AIDS Initiative (MAI) grants and because the case counts on which formula grants will be based are not yet available.

To estimate fiscal year 2009 supplemental funding for EMAs, we calculated the percent of fiscal year 2008 total funding that each area's fiscal year 2008 supplemental funding represented. We then multiplied that percentage by the estimated total supplemental funding to be available for distribution in fiscal year 2009. For example, if an EMA received 2 percent of the total supplemental funding available for distribution to EMAs in fiscal year 2008, then we estimated that area's supplemental funding in fiscal year 2009 to be 2 percent of the amount of supplemental funding available for distribution to EMAs.

We based our estimate of fiscal year 2009 MAI funding for EMAs on the amount to be reserved for fiscal year 2009 Part A MAI funding in the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Modernization Act of 2006). (The exact amount used was 95.985 percent of the amount specified in the Modernization Act of 2006. This amount was used because this was the percent of the amount specified in the Modernization Act of 2006 for fiscal years 2007 and 2008 that had been distributed in those years.) We calculated the percent of fiscal year 2008 total funding that each area's fiscal year 2008 MAI funding represented. We then multiplied that percentage by the estimated total MAI funding to be available for distribution in fiscal year 2009. For example, if an EMA received 2 percent of the total MAI funding available for distribution to EMAs in fiscal year 2008, then we estimated that area's MAI funding in fiscal year 2009 to be 2 percent of the amount of supplemental funding available for distribution to EMAs.

^aUnder the stop-loss provision in H.R. 1105, an EMA is ensured that its total formula, supplemental, and MAI grants for fiscal year 2008 would not be less than 93.7 percent of what it received for fiscal year 2006.

^bThe total funding that an EMA would receive in fiscal year 2009 with the stop-loss provision in place can be found by adding the amount in this column to the amount in the column titled "H.R. 1105: Estimated stop-loss."

^cWe estimate the funding needed to satisfy the H.R. 1105 stop-loss provision for both EMAs and TGAs to be \$11,130,937. However, the amount specified in H.R. 1105 to cover the stop-loss provision is \$10,853,000, a difference of \$277,937. See enclosure II for the funding needed to satisfy the stop-loss provision for TGAs.

Enclosure II

Total Transitional Grant Area Formula, Supplemental, and Minority AIDS Initiative Grants for Fiscal Year 2006, Fiscal Year 2008, and Projected Funding for Fiscal Year 2009 under Part A Funding Levels Identified in the Explanatory Statement to H.R. 1105

Transitional Grant Area (TGA)	Fiscal year 2006 funding	88.7 percent of fiscal year 2006 funding*	Fiscal year 2008 funding	H.R. 1105: Estimated fiscal year 2009 funding before applying stop-loss ^b	H.R. 1105: Estimated stop-loss	H.R. 1105: Estimated fiscal year 2009 funding after applying stop loss	Estimated fiscal year 2009 funding without H.R. 1105 stop-loss provision in place
Austin, Tex.	\$3,719,076	\$3,298,820	\$3,780,228	\$4,162,255	\$0	\$4,162,255	\$4,232,183
Baton Rouge, La.	0	0	3,235,045	3,558,823	0	3,558,823	3,617,603
Bergen-Passaic, N.J.	4,485,650	3,978,772	3,772,874	4,151,023	205,898	4,356,920	4,219,835
Caguas, P.R.	1,648,356	1,462,092	1,063,691	1,167,262	398,401	1,565,663	1,185,745
Charlotte-Gastonia, N.C.-S.C.	0	0	4,676,968	5,143,544	0	5,143,544	5,228,264
Cleveland, Ohio	3,349,096	2,970,648	3,911,591	4,302,543	0	4,302,543	4,373,547
Denver, Colo.	4,283,042	3,799,058	7,298,643	8,048,873	0	8,048,873	8,187,495
Dutchess County, N.Y.	1,367,584	1,213,047	1,155,700	1,269,994	57,347	1,327,341	1,290,615
Fort Worth, Tex.	3,409,819	3,024,509	3,588,582	3,952,428	0	3,952,428	4,019,120
Hartford, Conn.	4,666,281	4,138,991	3,185,949	3,503,924	953,042	4,456,966	3,561,619
Indianapolis, Ind.	0	0	3,587,145	3,952,045	0	3,952,045	4,019,096
Jacksonville, Fla.	4,913,816	4,358,555	4,826,190	5,308,171	0	5,308,171	5,395,750
Jersey City, N.J.	5,145,142	4,563,741	4,593,150	5,048,353	0	5,048,353	5,130,699
Kansas City, Mo.	2,916,485	2,586,922	4,011,340	4,420,666	0	4,420,666	4,496,001
Las Vegas, Nev.	4,323,627	3,835,057	4,552,895	5,017,196	0	5,017,196	5,102,314
Memphis, Tenn.	0	0	5,859,876	6,438,653	0	6,438,653	6,543,133
Middlesex-Somerset-Hunterdon, N.J.	2,595,663	2,302,353	2,462,767	2,711,055	0	2,711,055	2,756,415
Minneapolis-St. Paul, Minn.	3,046,512	2,702,256	4,675,211	5,148,836	0	5,148,836	5,235,593
Nashville, Tenn.	0	0	3,743,376	4,123,916	0	4,123,916	4,193,729
Nassau-Suffolk, N.Y.	6,148,307	5,453,548	4,811,511	5,295,773	642,037	5,937,810	5,384,059
New Haven, Conn.	6,684,594	5,929,235	5,209,416	5,735,036	719,819	6,454,855	5,831,010
Norfolk, Va.	4,414,760	3,915,892	5,360,103	5,898,719	0	5,898,719	5,996,942
Oakland, Calif.	5,735,837	5,087,687	5,867,538	6,462,486	0	6,462,486	6,570,622
Orange County, Calif.	4,858,579	4,309,560	5,332,920	5,877,173	0	5,877,173	5,976,553
Ponce, P.R.	2,391,444	2,121,211	1,926,154	2,117,579	195,057	2,312,636	2,152,253
Portland, Ore.	3,401,956	3,017,535	3,310,036	3,714,698	0	3,714,698	3,779,492
Riverside-San Bernardino, Calif.	7,074,521	6,275,100	6,949,457	7,667,837	0	7,667,837	7,800,012
Sacramento, Calif.	2,778,729	2,464,733	2,325,684	2,565,172	139,049	2,704,221	2,609,095

Enclosure II

Transitional Grant Area (TGA)	Fiscal year 2006 funding	88.7 percent of fiscal year 2006 funding*	Fiscal year 2008 funding	H.R. 1105: Estimated fiscal year 2009 funding before applying stop-loss ^b	H.R. 1105: Estimated stop-loss	H.R. 1105: Estimated fiscal year 2009 funding after applying stop loss	Estimated fiscal year 2009 funding without H.R. 1105 stop-loss provision in place
San Antonio, Tex.	3,325,881	2,950,056	3,969,302	4,368,560	0	4,368,560	4,441,414
San Jose, Calif.	2,304,762	2,044,324	2,578,512	2,841,808	0	2,841,808	2,889,886
Santa Rosa, Calif.	1,028,634	912,398	1,072,099	1,182,455	0	1,182,455	1,202,669
Seattle, Wash.	5,445,484	4,830,144	6,316,558	6,969,212	0	6,969,212	7,089,141
St. Louis, Mo.	4,502,572	3,993,781	5,796,624	6,098,186	0	6,098,186	6,199,596
Vineland-Millville- Bridgeton, N.J.	849,715	753,697	723,408	795,232	30,289	825,521	808,204
Total	\$110,815,924	\$98,293,725	\$135,530,543	\$149,019,485	\$3,340,938^c	\$152,360,424	\$151,519,703

Source: GAO analysis of HHS data, H.R. 1105, and the Explanatory Statement to H.R. 1105.

Notes: The projected fiscal year 2009 funding in this table is based on the funding amount for urban areas identified in the Explanatory Statement to H.R. 1105. We assumed that the percent of Part A funding allotted to Eligible Metropolitan Areas (EMA) and the percent allotted to TGAs in fiscal year 2009 would be the same as the percent allotted to each in fiscal year 2008.

Because updated human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) case counts were not available, we used the HIV/AIDS case counts that Health Resources and Services Administration (HRSA) used to determine fiscal year 2008 funding.

We cannot determine the exact effect of the stop-loss provision on total funding for each TGA for fiscal year 2009. It is not possible to determine exactly how each TGA would be affected by the 11.3 percent stop-loss provision for TGAs because it is not known how HRSA will award fiscal year 2009 supplemental and Minority AIDS Initiative (MAI) grants and because the case counts on which formula grants will be based are not yet available.

To estimate fiscal year 2009 supplemental funding for TGAs, we calculated the percent of fiscal year 2008 total funding that each area's fiscal year 2008 supplemental funding represented. We then multiplied that percentage by the estimated total supplemental funding to be available for distribution in fiscal year 2009. For example, if a TGA received 2 percent of the total supplemental funding available for distribution to TGAs in fiscal year 2008, then we estimated that area's supplemental funding in fiscal year 2009 to be 2 percent of the amount of supplemental funding available for distribution to TGAs.

We based our estimate of fiscal year 2009 MAI funding for TGAs on the amount to be reserved for fiscal year 2009 Part A MAI funding in the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Modernization Act of 2006). (The exact amount used was 95.985 percent of the amount specified in the Modernization Act of 2006. This amount was used because this was the percent of the amount specified in the Modernization Act of 2006 for fiscal years 2007 and 2008 that had been distributed in those years.) We calculated the percent of fiscal year 2008 total funding that each area's fiscal year 2008 MAI funding represented. We then multiplied that percentage by the estimated total MAI funding to be available for distribution in fiscal year 2009. For example, if a TGA received 2 percent of the total MAI funding available for distribution to TGAs in fiscal year 2008, then we estimated that area's MAI funding in fiscal year 2009 to be 2 percent of the amount of supplemental funding available for distribution to TGAs.

^aUnder the stop-loss provision in H.R. 1105, a TGA is ensured that its total formula, supplemental, and MAI grants for fiscal year 2008 would not be less than 88.7 percent of what it received for fiscal year 2006.

^bThe total funding that a TGA would receive in fiscal year 2009 with the stop-loss provision in place can be found by adding the amount in this column to the amount in the column titled "H.R. 1105: Estimated stop-loss."

^cWe estimate the funding needed to satisfy the H.R. 1105 stop-loss provision for both EMAs and TGAs to be \$11,130,937. However, the amount specified in H.R. 1105 to cover the stop-loss provision is \$10,853,000, a difference of \$277,937. See enclosure I for the funding needed to satisfy the stop-loss provision for EMAs.

Mr. ENZI. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 630

Mr. KERRY. Madam President, I rise to talk about two amendments offered by the good Senator from Arizona, Mr. KYL, amendment No. 630 and amendment No. 629. I say to my friend from Arizona that I regret to sort of be in the position of opposing a couple of his amendments because these are subjects I would have loved to have worked with him on closely and I appreciate the relationship we have and the conversations we have had recently about a number of very important issues in front of the Senate.

So I find myself a little bit in an uncomfortable position, but nevertheless a necessary one, because, first of all, on amendment No. 630—which refers to the issue of requiring a report on whether more United States assistance to Egypt is going to improve Egyptian efforts to counter illicit smuggling in Gaza—we all agree we have to increase the efforts with respect to smuggling.

In fact, we agree so much that over the course of the last administration, and now continuing into this one, we have entered into new agreements with the Egyptians, with new technical means that are going to be applied to this effort, with an increased effort that is going to be taking place right now.

But the problem with the amendment is—it is a well-intended amendment, but again everyone here understands what the effect of this amendment is going to be. It is simply to keep us, if it were to pass, from enacting this bill before the current continuing resolution expires. Because given what we have heard from the House, a vote for the amendment is effectively a vote against the Omnibus appropriations bill and a vote for a year-long continuing resolution at last year's funding levels. That is what is at stake here.

But going from there, given the fact there are so many priorities in this bill we want to pass, and we need to, let me talk for a moment about the substance, just on the substance itself. I personally do not think this is the best moment or best way to go about achieving what we want to achieve with the Egyptians, who have been particularly helpful at this moment with respect to the efforts to try to seek Hamas-Fatah reconciliation, and particularly helpful with respect to some of the issues on the border at Rafah and with respect to the tunnels.

Moreover, the bill that is in front of us states that "not less than \$1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai." So there is additional money here. There is money available to be spent on this task.

It also reflects the fact we have recently upgraded our efforts with Egypt. I think if we come along now and pass this amendment, we wind up saying that the efforts we have made are insufficient, and it is a slap in the face to the Egyptians in the process. So this is a sensitive time. It is an important time. I hope Egypt's good interventions—and I recently was in Egypt. I met with President Mubarak. I met with General Suleiman and the people involved directly in this effort. I am absolutely confident about their focus on the border, as well as their focus on these reconciliation efforts. So in the context of those efforts, this amendment is, frankly, not helpful to the broader interests in the region at this moment.

AMENDMENT NO. 629

The second amendment, No. 629, would prohibit the use of any funds in the omnibus to resettle Palestinians from Gaza into the United States.

Now, let me first point out, in 2008 the United States did not resettle anyone from Gaza. So this is an amendment, this is a solution in search of a problem. The fact is, there is no problem currently. But let's assume—let's assume for the purposes of argument—in the future a Palestinian escaped from Gaza to get away from Hamas oppression and applied to be resettled in the United States. This amendment would prevent that resettlement.

Now, obviously, any Palestinian refugee ought to be subjected to a complete and thorough battery of security checks, screens, background checks, as we do already for any refugee from anywhere. And, of course, we want to be assured that an asylum seeker does not have ties with Hamas, with Islamic Jihadists or any other terrorist organization.

But the point is, we already have exactly those kinds of security screens and background checks. We have them in the regular Department of Homeland Security resettlement procedures. So I see no reason to make an exception to the normal procedures that suddenly singles out a resident of Gaza. It also sends a message, not just of indifference, but, frankly, of hostility to tens of thousands of Palestinians in Gaza who are victims of Hamas.

Now, I just was in Gaza. I became—unbeknownst to me; I did not realize it at the time—the highest ranking American to go into Gaza in something like 8 or 9 years, and I saw thousands of kids roaming around the rubble of Gaza. I met with Fatah businessmen and others, with people who are struggling to make ends meet and pull their lives together. If one of them were to escape because of the oppression of Hamas and wanted to come to the United States, it would seem, given the daily deprivations and brutality of Hamas militants, the United States, commensurate with our highest values

and the traditions of this country, would not want to refuse the possibility of asylum to those folks. In fact, this amendment assumes that every resident of Gaza, regardless of age, background, political opinion or any other distinguishing characteristic, is pro-Hamas and ineligible for consideration for resettlement in the United States, even if they are lucky enough to escape from Gaza. It ignores the fact that a whole bunch of folks in Fatah were killed by Hamas and some of them knee-capped and otherwise assaulted in the course of the recent war because they weren't part of Hamas.

It is unnecessary. There are ample laws on the books which prohibit entry into the United States of any person who has been involved in terrorism or other crimes. During the Cold War, we did not bar Russians from coming to the United States, just as we don't bar Cubans or North Koreans from entering the United States, even though they live in oppressive regimes that we object to—or did live, in the case of the Soviet Union, in that situation. This amendment, therefore, is not only unnecessary but it would establish for the first time since the passage of the 1980 Refugee Act a law that discriminates against a particular nationality in a particular geographic region.

I urge my colleagues to vote against both these amendments, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, while my colleague from Massachusetts is still here, let me advise him of two things with respect to amendment No. 629. First of all, it was certainly not my intention that we deal individually with political asylees, but the amendment could have been read that way and I appreciate the point. Secondly, it was a response to a news story which gained a great deal of attention from my constituents related to the January 30 order by the President, ordering \$20 million for urgent relief efforts to provide migration assistance to Palestinian refugees. That has gotten a lot of attention from folks. They wanted to know what we were doing.

We have talked to the State Department, and while I haven't withdrawn the amendment yet, we have received assurances from them orally that—and I believe and hope we will receive assurances in writing—that was not the intention of that order. Assuming that is the case, there would be no need for the amendment, and it would be my intention tomorrow to withdraw it. I hope they will have something to us in writing. If not, if they have a spokesman of high enough authority to provide the assurance orally, that will suffice as well, but we will want to get that.

I will speak to the other amendment, but I wished to respond to my colleague.

Mr. KERRY. Madam President, I appreciate the comments of the Senator. As I said, I know he works reasonably on these things and I look forward to working with him on it and I thank him.

AMENDMENT NO. 630

Mr. KYL. Madam President, if my colleague would like to hear a brief comment with regard to amendment No. 630, although I don't need to hold him here, it will be my intention to get a vote on that amendment. Let me explain why, even though I certainly recognize the validity of some of the points made by the Senator from Massachusetts.

This amendment deals with a problem that was violently brought to our attention again when the cease-fire between Hamas and Israel was broken and hundreds of rockets were again rained down on Israel, most of which had been smuggled across the Sinai and into the Gaza Strip; many of the weapons having come from Iran, or at least groups sponsored by Iran. We have partially, as a result—in fact, significantly, as a result of the assistance that I know the Senator from Massachusetts has supported, and we have all supported, to Egypt—gotten a lot of co-operation from Egypt in helping to bring this smuggling to a much lower level than it otherwise would have been. I am very cognizant of that. I have thanked the Egyptian Government for its efforts, and we want to continue to thank them for those efforts. The problem is smuggling does continue.

All this amendment does is to ask for a report about what other uses this money could be put to, to help the Egyptians, the Israelis, the United States, and others who engaged in the effort to stop the smuggling from the Sinai through primarily tunnels but by other means as well into Gaza so Israel can no longer be threatened. The amendment is not to denigrate these efforts of the Egyptians in any way. I understand there is some sensitivity by folks at the State Department, for example, that the amendment may look like we are not grateful for those efforts. Quite to the contrary. But I do think—and I will be happy to read some news reports—that illustrates it is the view of the Israeli Government that this smuggling is continuing and will continue unless more is done, including by the Egyptians. So the purpose of the amendment is simply to keep track of what else we might do to try to stop the smuggling.

If my colleague would like to intercede at this point, I would be happy to hear his comments.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I understand what the Senator is saying. Again, I was just in Israel and I know the smuggling continues. We all understand that.

Immediately after the war, the Hamas folks immediately began to try to restore those tunnels, and we understand that. But there are specific steps now to counter that in new means which I will not go into here on the floor of the Senate—I can't. But Egypt has agreed to engage in a significantly ratcheted-up effort. Since there is additional money and that is exactly what is contained, again, I say this is unnecessary, particularly given the impact that this might have on this bill if it were to pass.

So we have three reasons there. One, the problem is being addressed. Two, it does have an impact on the Egyptians in terms of what they have already agreed to, given the fact that we have agreed to it. Three, it has a huge damaging impact on the overall omnibus bill we are trying to pass. But I thank my friend.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I certainly acknowledge what my colleague has said. Let me quote from one news article which illustrates the reason why I think we need to do this. This is from March 3—very recent—from the Jerusalem Post. The authors of the article talk about Hamas's ongoing smuggling into Gaza—ongoing. They talk about the persistence of Hamas arms smuggling which almost ensures a resumption of hostilities in Gaza. That is the point of this: to try to prevent more hostilities. If those weapons are not smuggled into Gaza, they are not going to rain them down on the people of Israel and there won't be a need for Israel to engage in any hostilities. I am afraid that if it continues, they would have no choice but to try to defend itself.

I will conclude with these two paragraphs in this one article:

In most cases, following the exposure of a tunnel, Egyptian forces have either placed a guard at the mouth of the tunnel or blocked the tunnel's entrance rather than taking steps to demolish the tunnel completely. As such, smugglers have been able to employ these tunnels again after a short interval. When a tunnel entrance has been blocked, diggers typically cut a new access channel nearby and connect it with the existing tunnel closer to the border.

In addition, there is no evidence that Egyptian forces are taking steps to arrest and punish smugglers. These rings are rarely broken up, and in the absence of lengthy jail terms, there is little deterrence.

I ask unanimous consent that three of these similar reports be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Jerusalem Post, Jan. 1, 2009]

LATEST ROCKETS MANUFACTURED IN CHINA

(By Yaakov Katz)

The Grad-model Katyusha rockets that were fired into Beersheba on Wednesday were manufactured in China and smuggled into

Gaza after the Sinai border wall was blown up by Hamas in January, defense officials said.

The Chinese rockets have a range of 40 kilometers. They are very similar to the 122 mm Soviet-made Katyusha that was used extensively by Hizbullah during the Second Lebanon War and are slightly more sophisticated than an Iranian-made Grad-model Katyusha that is also in Hamas's arsenal.

The four rockets that hit Beersheba this week were filled with metal balls that can scatter up to 100 meters from the impact site, officials said. These rockets have also been fired into Ashkelon and Ashdod.

The three countries that manufacture Grad-model Katyushas are China, Russia and Bulgaria.

Defense officials told The Jerusalem Post the rockets were smuggled into Gaza in the 12 days after Hamas blew a hole in the border wall between Gaza and Egypt on January 23.

"Huge quantities of weaponry were smuggled into Gaza then from above ground, including the Grad rockets," an official said, adding that even after the border wall was sealed, Hamas continued to smuggle the long-range rockets into Gaza via tunnels under the Philadelphia Corridor.

From China, the rockets make several stops before reaching Gaza. In many cases, officials said, they are bought by Iran or Hizbullah and then transferred to Sinai.

In some instances, the Shin Bet (Israel Security Agency) has learned of weapons that came from Yemen and Eritrea, were moved to Sudan, then north to Egypt, and finally smuggled into Gaza.

"This is a complicated smuggling system that involves many different people around the world," one official said.

The Grad-model Katyushas, officials said, were packed with large quantities of ammonia and less-than-maximum explosives to increase their durability and lethality.

Last Thursday, Egyptian Foreign Minister Ahmed Aboul Gheit told Foreign Minister Tzipi Livni that Cairo was not responsible for Hamas's military buildup and that the long-range rockets in the group's arsenal were not smuggled through the tunnels from Sinai.

Defense officials said Wednesday that Aboul Gheit was partially correct, in that some of the rockets did not come into Gaza through tunnels, but that they did enter the Strip from Sinai.

[From the Jerusalem Post, Mar. 3 2009]

ANALYSIS: WHEN IT COMES TO TUNNELS,

EGYPT STILL HAS ITS HEAD IN THE SAND

(By Yoram Cohen and Matthew Levitt)

This week's Egyptian-hosted international conference on the reconstruction of the Gaza Strip underlined that the rehabilitation of Gaza is high on the international community's agenda.

But the implementation of any rebuilding project may be premature. Indeed, given Hamas's ongoing weapons smuggling into Gaza, Israel's mid-January unilateral ceasefire may be short-lived.

Although the United States and Israel reached an agreement on January 16 to counter the smuggling, Egypt and Israel have yet to forge a similar understanding. The persistence of Hamas's arms-smuggling almost ensures an eventual resumption of hostilities in Gaza.

Beyond small arms, Israeli intelligence estimates that some 250 tons of explosives, 80 tons of fertilizer, 4,000 rocket-propelled grenades, and 1,800 rockets were transported from Egypt to Gaza from September 2005 to December 2008.

According to Israeli figures, from June 2007 to December 2008, Hamas increased not only the quantity but also the quality of its arsenal in Gaza, improving the performance of its improvised explosive devices and expanding the distance and payload capabilities of its Kassam rocket warheads.

Most small-range rockets fired from Gaza prior to and during the recent conflict were locally produced. However, over the past year, Hamas has acquired a formidable collection of imported 122-mm. rockets—the longer-range Grads—brought in piecemeal through tunnels and reassembled in Gaza. These Grads, an Iranian-produced version of the Chinese-designed rocket, increase the reach of Hamas into Israel, making them a sought-after commodity and well worth the effort and expense of smuggling them all the way from Iran.

According to Israeli assessments, the arms-smuggling network is directed by Hamas offices in Damascus and aided by Iran's Islamic Revolutionary Guard Corps (IRGC), which provides the majority of the weaponry.

The arms travel overland to Egypt through a variety of routes that cross Yemen, Eritrea, Ethiopia, and South Africa and eventually meet in Sudan, where they are moved to Egypt's Sinai desert. After the material enters the Sinai, it is transferred into Gaza via tunnels underneath the Philadelphi Corridor.

Less frequently, arms are moved to Gaza via the Mediterranean Sea. The weapons are deposited in waterproof barrels submerged below the surface and tied to buoys eventually retrieved by fishermen.

Despite recent improvements to the countersmuggling effort in the Sinai, Egypt is averse to recognizing the severity of the issue. Egypt's approach to countering Hamas's extensive network of smuggling tunnels has been tentative, generally limited to exposing tunnel openings and seizing weapons arsenals inside the Sinai Peninsula.

In most cases, following the exposure of a tunnel, Egyptian forces have either placed a guard at the mouth of the tunnel or blocked the tunnel entrance, rather than taking steps to demolish the tunnel completely. As such, smugglers have been able to employ these tunnels again after a short interval. When a tunnel entrance has been blocked, diggers typically cut a new access channel nearby and connect with the existing tunnel closer to the border.

In addition, there is no evidence that Egyptian forces are taking steps to arrest and punish smugglers. These rings are rarely broken up, and in the absence of lengthy jail terms, there is little deterrence.

Moreover, cooperation between Egypt and Israel has been lacking. In mid-February, for example, Egypt announced it would not send a delegation to Israel as originally planned to discuss anti-smuggling and cease-fire negotiation efforts. Although Israel recognizes an effort is being made—Shin Bet (Israel Security Agency) chief Yuval Diskin told the cabinet on February 15 that Egyptian actions are indeed combating arms smuggling—Israeli officials note that the effort is, at best, “slow.”

Finally, the United States has provided Egypt with various technological devices—such as seismographic sensors—to expose the tunnels, but Egyptian forces still require training to make full use of these tools.

It is imperative that Egypt recognize that arms smuggling is not just an Israeli issue but an Egyptian national security priority. The head of the Egyptian parliament's foreign relations committee said on December

3, 2008 that it would not allow an Islamic state on its northern border. If arms smuggling continues, however, such an outcome will become more likely.

As such, Egypt needs to adopt a sustained and effective approach to its activities countering the movement of weapons from Sudan to the Sinai Peninsula, as well as the tunnels themselves. First, Egypt should close these tunnels for good rather than temporarily securing them. At the same time, Egyptian security forces should arrest smugglers, target their networks, and impose stricter penalties for these illegal activities. Finally, Egypt should better publicize these efforts to create a deterrent effect.

More effective bilateral cooperation between Israel and Egypt, with US oversight and active involvement, should be initiated. Discussions between all three parties would go a long way toward increasing coordination and efforts to combat this threat.

In this regard, the United States could play an important role as a watchdog, providing periodic reports on the effectiveness of Egyptian and Israeli action. Perhaps most importantly, the three countries' intelligence services should join forces and share information to successfully combat the Hamas weapons-smuggling networks.

Much of the weaponry is provided by Iran, and specifically by the IRGC, increasing Iran's regional influence while threatening the position of Fatah in Palestinian politics. Dealing effectively with these tunnel systems could curtail Iranian influence. Conversely, if Gaza remains a terror base—a safe haven for extremists and global jihadists—regional instability and Palestinian suffering will surely grow.

[From Haaretz, Feb. 26, 2009]

GAZA ROCKETS STRIKE NEGEV; IAF RETURNS FIRE

(By Amos Harel and Anshel Pfeffer)

While talks between rival Palestinian factions continue in Cairo, a near-daily ritual continues of Gaza militants firing Qassam rockets and the Israel Air Force retaliating by striking smuggling tunnels along the Philadelphi route.

Yesterday morning, two rockets landed in open fields in the Eshkol region, causing neither casualties nor damage. In the ensuing air strikes, an Israel Defense Forces spokesman said, pilots reported seeing secondary blasts from the smuggling tunnels, indicating that they contained explosives.

Security officials said yesterday the extended waiting period for a cease-fire agreement between Israel and Hamas could undermine the relative calm that currently prevails in the Gaza Strip.

Egypt has been trying to broker a long-term cease-fire between Israel and Hamas in the aftermath of Israel's 22-day military offensive.

The officials said Hamas look steps to reduce the rocket fire from smaller militant factions after Israel's withdrawal from Gaza. However, since then, the group has noticeably cut down its efforts. They added that Egypt is making only limited attempts to stem the tide of weapons flowing into the territory.

An Israeli intelligence source recently said that significant quantities of weapons and explosives, including Grad rockets, anti-aircraft missiles and explosive materials, had been transported from Egypt to Gaza through the Rafah crossing.

Israel tightened its blockade of Gaza after Hamas took control of the Strip in 2007. Egypt also limits the movement through its border crossing with the territory.

“The smuggling is part of a broad worldwide apparatus, from Iran to Yemen and other sources, to the Gaza Strip, by land and sea. We are working against them,” Defense Minister Ehud Barak said.

[From the Jerusalem Post, Feb. 26, 2009]

ISRAEL THANKS CYPRUS FOR CONFISCATING IRANIAN ARMS ON WAY TO GAZA

(By Herb Keinson)

President Shimon Peres thanked visiting Cypriot Foreign Minister Markos Kyprianou on Wednesday for confiscating Iranian arms that were believed to be headed to Gaza.

Peres, according to his office, said the confiscation of the ship's cargo was extremely important, and that fighting the arms smuggling to the Gaza Strip required this type of cooperation.

Last Wednesday, Cypriot authorities said the ship suspected of transporting the contraband cargo was free to go after the cargo was unloaded and stored at a Cypriot naval base.

Cypriot officials said that the cargo was “material that could be used to make munitions,” and the Cypriot government said the ship had breached the UN ban on Iranian arms exports.

The US military said it found arms aboard the ship after stopping it last month in the Red Sea.

The issue also came up in talks Kyprianou held with Foreign Minister Tzipi Livni.

“Iran must be made aware that the weapon smuggling to Syria, Lebanon and Hamas constitutes a severe violation of international agreements, and must cease,” Livni said. “The weapon smuggling organized by Iran is one of the central problems in the region. If the weapon smuggling to Gaza continues, Israel will have no other option than to initiate another defensive operation. That is why the international community must exhaust all the legal and operative means at its disposal to put an end to the arms smuggling.”

[From VOA News, Feb. 16, 2009]

ISRAEL POUNDS GAZA SMUGGLING TUNNELS AFTER MORE ROCKET ATTACKS

(By Luis Ramirez)

Israeli warplanes have attacked smuggling tunnels between the Gaza Strip and Egypt, after militants in Gaza fired at least two rockets into southern Israel. The tit-for-tat violence is further complicating prospects to draft a truce between Israel and the militant Islamic group Hamas.

The rocket attacks have again become an almost everyday occurrence in the four weeks since Israel called off its 22-day offensive on militants in Gaza.

Nearly a month after both sides declared separate cease-fires, efforts by Egypt to mediate a durable truce are deadlocked.

Hamas wants Israel to open all of its border crossings, including one to Egypt. Israel wants Hamas to stop militants from firing rockets into its territory and the smuggling of weapons into the seaside enclave.

Israeli officials say they will not consider reopening border crossings until Hamas returns Gilad Schalit, an Israeli soldier who has been held since he was captured in the Gaza Strip in 2006.

Hamas legislator Mushir al-Masri, a spokesman for the militant Islamist group, rejected any attempt by Israel to link the release of Schalit to a longer-term cease-fire.

Al-Masri says Hamas' position is obvious. He says Hamas wants a cease-fire and is not backing away on that issue. But he says the

Israeli attempt to connect the Schalit case with a cease-fire agreement is going to destroy the process and he says Hamas considers that "a stab in the face" of the Egyptian efforts to mediate peace.

Hamas is also demanding that Israel release hundreds of prisoners—including militants who were responsible for a number of suicide bombings—in exchange for Schalit.

Despite the setbacks, prospects for a truce remain alive.

Israeli officials say the country's security cabinet is due to meet Wednesday to discuss a response to Hamas' demands, and details of a possible peace deal.

Mr. KYL. Madam President, again, I wish to compliment the Egyptian Government and others who have insisted on trying to stop this smuggling. My amendment asks for a study by the Secretary of State and the DNI about whether additional taxpayer support out of the annual appropriation for Egypt would aid in stopping this smuggling activity.

That is one of the two amendments—amendment No. 630—that will be voted on this evening. The other amendment is amendment No. 631; that is to say, if the unanimous consent agreement goes into effect, which includes the four amendments we are likely to vote on, two of those would be my amendments, No. 630 and 631.

AMENDMENT NO. 631

Let me briefly describe amendment 631. It deals with the \$300 million for Gaza reconstruction that Secretary Clinton offered at the Sharm el-Sheikh Donors Conference last Monday. We don't have details from the administration on its plans to keep the \$300 million out of Hamas's hands. Clearly, obviously, we want to do that. What we do have is a general acknowledgment by the State Department of its concern that this is important to do. Obviously, we are all aware that Hamas controls nearly every means of power and leverage in the Gaza Strip. So I don't think we can be too careful in ensuring that none of our taxpayer dollars get into the hands of a terrorist group such as Hamas.

Section 7040(f) of the bill addresses this problem partly. It provides limitations on the disbursements of the main types of assistance funds—these are the bilateral economic assistance, international security assistance and multilateral assistance and export investment assistance—to the Palestinian Authority. So there are limitations on the funds going to the Palestinian Authority.

The problem is, some of this money goes through the United Nations and through nongovernmental organizations—the so-called NGOs. So what my amendment does is to close this loophole to ensure that none of our money goes to them and then Hamas as well. It adds the crucial step of making explicit that no funds from the omnibus shall be made available for reconstruction in Gaza until the Secretary of

State certifies that no such funds will be diverted to Hamas or entities controlled by Hamas. As I said, the reason is because some of the money is going to these other organizations.

There is a recent op-ed in *Forbes* magazine—and I will ask for its inclusion in a moment—by Claudia Rosett, the same intrepid reporter, incidentally, who first revealed the United Nations oil-for-food scandal. In it she wrote:

On the matter of how exactly the "safe-guards" will work, the State Department has been stunningly vague. At a State Department press briefing on Monday, while Clinton was in Egypt making her pledge, a spokesman said that up to \$300 million would go for Gaza's "urgent humanitarian needs" as identified by the U.N. and the Palestinian Authority. Those funds, he said, would flow via the United States Agency for International Development "in coordination with U.N. agencies, international organizations, and USAID grantees" and "through the State Department for the U.N. agencies, including the international committee of the Red Cross, and other humanitarian organizations."

Then she further notes that one of the institutions that the U.N. uses to funnel aid to the Palestinian Authority is the Commercial Bank of Syria. Here is what she says about that:

Under Secretary Stuart Levey alleged that the bank had been used by terrorists to move money, "and as a state-owned entity with inadequate money laundering and terrorist financing controls, the Commercial Bank in Syria poses a significant risk of being used to further the Syrian Government's continuing support for international terrorist groups." Among the terrorist groups cited as examples of such clients were Hezbollah in Lebanon, and such denizens of Gaza as Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine and Hamas.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From *Forbes* magazine, Mar. 5, 2009]

CAN WE GIVE TO GAZA WITHOUT GIVING TO HAMAS?

(By Claudia Rosett)

If stuffing billions worth of aid into the Palestinian territories could end Islamist terrorism out of Gaza, it might be worth the money. That seems to be President Obama's gamble, with Secretary of State Hillary Clinton jetting to a donors' conference in Sharm el-Sheikh, Egypt, this past Monday, to chip in \$900 million on behalf of U.S. taxpayers. All told, more than 70 countries, cheered on by United Nations Secretary-General Ban Ki-Moon, pledged a whopping total of \$4.5 billion in fresh aid to the Palestinians.

The focus was largely on repairing damage to Gaza, after Israel's recent three-week battle to shut down mortar and rocket attacks out of the terrorist-controlled enclave. But, as Clinton described it, this is a nuanced effort. The broad aim is to bypass the Iranian-backed Hamas terrorists who control Gaza, and shovel resources for strictly humanitarian uses into the enclave "in coordination with" the Palestinian Authority, which is run by the U.S.-favored Fatah faction, Hamas' rival, based in the West Bank.

Thus the long and winding title for the Sharm el-Sheikh powwow: "The International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza." Thus, also, the confusion and contradictory news accounts over how much of the multiple billions in aid will flow to the West Bank, how much to Gaza, when and how this will happen, and who will decide.

And so, despite a record which suggests that decades of aid to the Palestinians—bilateral, multilateral, you name it—have fostered not peace, but continuing violence, here we go again. The plan this time seems to be to flood the Palestinian Authority with funds that might somehow grease the way toward somehow easing Hamas out of the cockpit in Gaza.

Speaking of her aim to "foster conditions" to create a responsible, accountable Palestinian state, living in peace with Israel, Clinton pledged that America's \$900 million in new aid to Palestinians—still to be approved by Congress—would include \$300 million for Gaza. To blunt concerns that some of these taxpayer dollars might end up bankrolling Hamas, Clinton spelled out that "We have worked with the Palestinian Authority to install safeguards that will ensure that our funding is used only where, and for whom, it is intended, and does not end up in the wrong hands."

Good luck. The downside of this gamble, and the likelier scenario, is that this new multibillion-dollar wave of aid, pouring in from many sources, will boost Hamas. In case anyone needs a reminder, Hamas is an Islamist, terrorist group, spun out of the Egyptian Sunni Muslim Brotherhood but backed and trained these days by the Shiite mulloocracy of terrorist-sponsoring Iran—which looks close to acquiring a nuclear arsenal. Hamas is dedicated in its charter to the destruction of Israel and hostile in its principles to western democracy.

Hamas was elected in 2006 by a Gazan population that five years earlier had celebrated the Sept. 11 terrorist attacks on America by handing out sweets and dancing in the streets. Hamas consolidated its control over Gaza in 2007, kicking out Fatah in a bloody battle that included fighting in hospitals and apartment buildings, and both sides throwing prisoners off rooftops. Nor does Hamas mind putting Gaza's 1.5 million people at risk in order to pursue its terrorist "Death to Israel" agenda. Since Israel called a halt on Jan. 17 to its Operation Cast Lead, Hamas-controlled Gaza has continued to serve as a launching pad for attacks on Israel, firing more than 50 rockets, including 11 over the past weekend, one of them hitting a school in Ashkelon.

Were such attacks targeting, say, New York, one might hope they would be treated as terrorism and answered with force. But on Monday, the de facto reply of the "international community" to these assaults on Israel was to promise Gaza—already one of the developed world's top per-capita welfare clients—billions more in aid. Clinton, while making her pledge, and detailing rosy visions of the future, made just one ritual nod to the Hamas rockets of the here-and-now: "These attacks must stop." Expect more rockets.

As for the financial safeguards—somewhere in Gaza, or maybe Damascus or Tehran, members of Hamas must be smiling. As long as Gaza is controlled by Hamas, any aid funneled into the enclave is one dollar less that Hamas might be impelled to spend on upkeep of its turf, and one dollar more available for terrorist activities.

On the matter of how exactly the “safeguards” will work, the State Department has been stunningly vague. At a State Department press briefing on Monday, while Clinton was in Egypt making her pledge, a spokesman said that up to \$300 million would go for Gaza’s “urgent humanitarian needs” as identified by the U.N. and the Palestinian Authority. Those funds, he said, would flow via United States Agency for International Development “in coordination with U.N. agencies, international organizations and USAID grantees” and “through the State Department for the U.N. agencies, [International Committee of the Red Cross] and other humanitarian organizations.”

That’s just the U.S. agenda, before we get to the even less transparent donations, such as the \$1.65 billion pledged by the Gulf Arab States, to be handled out of the Saudi capital. To explore every rabbit hole on this list could be the work of an entire career. But let’s go down just one of the big ones.

Looking for further hints about what this three-ring aid circus might entail, I pulled up the Web site on Tuesday of the U.N.’s lead agency in Gaza, the U.N. Relief and Works Agency for Palestine Refugees in the Near East, best known as UNRWA. There, on UNRWA’s home page, as of this writing, is a photo of the U.N.’s Ban Ki-moon, standing in a damaged UNRWA warehouse, backlit by what appear to be rays of the sun, during his visit in January to Gaza. Next to Ban’s photo is a blurb about his appeal for “crucial funds needed for Gaza’s reconstruction after the recent Israeli offensive.”

But just below Ban’s photo is where it gets interesting. The same Web page lists several banks, complete with Society for Worldwide Interbank Financial Telecommunication (SWIFT) codes and account numbers through which benefactors are invited to send money to UNRWA for its “Special Gaza Appeal.”

One of them is the state-owned Commercial Bank of Syria, headquartered in Damascus, which is an intriguing choice for Ban and UNRWA to condone, because for the past five years this bank has been under sanctions by the U.S. Treasury as an institution of “primary money-laundering concern.”

In 2004, Treasury imposed sanctions on the Commercial Bank of Syria alleging it had laundered illicit proceeds from the U.N.’s Oil-for-Food program in Iraq, and had also handled “numerous transactions that may be indicative of terrorist financing and money laundering.” According to Treasury, this included two accounts “that reference a reputed financier for Osama bin Laden.”

In 2006, Treasury finalized its rule, which is still current, against the Commercial Bank of Syria. Under-Secretary Stuart Levey alleged that the bank had been used by terrorists to move money, and “as a state-owned entity with inadequate money laundering and terrorist financing controls, the Commercial Bank of Syria poses a significant risk of being used to further the Syrian Government’s continuing support for international terrorist groups.” Among the terrorist groups cited as examples of such clients were Hezbollah in Lebanon, and such denizens of Gaza as Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine and Hamas.

UNRWA’s choice of this bank is all the more curious in light of the lifestyle choices of a number of Hamas leaders, such as Khaled Meshal, who are based not in Gaza, but work “in exile” in Damascus. According to a Council on Foreign Relations backgrounder released in 2006, Meshal has served Hamas from Damascus as head of the

terrorist group’s politburo, and as chief strategist and fundraiser. In 2006 he was alleged by Israeli then-Vice Premier Shimon Peres to have ordered the kidnapping into Gaza of Israeli soldier Gilad Shalit, who has not been released.

It’s hard to know whether it is of any concern to UNRWA that one of the conduits headlined by Ban Ki-moon for its Gaza relief appeal is a U.S.-censured bank, headquartered in a country that hosts Hamas leaders such as Meshal, and is designated by the U.S. as a state sponsor of terrorism. The U.N. has no definition of terrorism. UNRWA, which employs mostly local Palestinian staff, and has never had an independent outside audit, is not bound by U.S. sanctions. My queries to UNRWA about this Syrian banking connection were answered evasively by a spokesperson, who stated in an email that “UNRWA’s strict financial regulations, and its close oversight of all resources contributed to it, serve to ensure that funds are used appropriately in our humanitarian relief activities.”

It’s likewise hard to say whether the U.S. State Department cares that U.S. funds might mingle via UNRWA with money flowing to Gaza through the Commercial Bank of Syria. My queries to the State Department received no reply.

These are, of course, busy times for American diplomacy in the Middle East. There are slows of new envoys setting out, and the new administration is stepping up “engagement” already begun during the final years of President Bush, by courting Syria as a potential U.S. partner. But if President Obama wants to try banking on multi-tiered diplomacy and massive aid to turn terrorist-infested, Iranian-armed Gaza into a place of peace, it looks like someone in his administration needs to be keeping a closer eye on who, exactly, might be cashing in on the largesse.

Mr. KYL. Madam President, I also ask that a press release from the ranking member on the House Foreign Affairs Committee and members of the House Republican leadership also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROS-LEHTINEN, BOEHNER, CANTOR, MCCOTTER, PENCE QUESTION OMNIBUS FUNDING FOR UN PALESTINIAN AGENCY PARTNERING WITH BANKS TARGETED BY U.S.

(WASHINGTON).—U.S. Rep. Ileana Ros-Lehtinen (R-FL), Ranking Republican on the House Foreign Affairs Committee, Republican Leader John Boehner, Republican Whip Eric Cantor, Republican Conference Chairman Mike Pence, and Republican Policy Committee Chairman Thaddeus McCotter called on the Senate to pull funding for UNRWA and the Palestinian Authority from a \$410 billion spending bill. Statement follows:

“The Administration should withdraw its pledge to provide \$900 million in bonus funding to the Palestinian Authority and Gaza reconstruction. These funds are proposed in addition to what is already included in the Omnibus appropriations bill pending in the Senate. And some of the funds will be going through UNRWA at a time when this UN agency is partnering with banks targeted by the U.S. for their roles in financing violent Islamist militants.

“We need to protect taxpayer funds from finding their way to the Commercial Bank of

Syria, an UNRWA partner subject to U.S. sanctions and run by the Syrian regime. Another UNRWA partner is the Arab Bank, which is under investigation for financing Palestinian militants and suicide bombers responsible for the deaths of Israelis and Americans in Israel.

“Yet, the Senate is poised to allow millions of taxpayer dollars to go to UNRWA, which also fails to vet its own staff and aid recipients for ties to violent Islamist groups. The bailouts and spending sprees have become so vast that even violent extremists and their enabling UN agencies are getting a ‘piece of the pie.’”

BACKGROUND: UNRWA’s website solicits donations for its “Special Gaza Appeal,” and directs donors to send money to accounts with the Commercial Bank of Syria, which the U.S. Department of the Treasury has designated as a “primary money laundering concern,” and with the Arab Bank, which is reportedly under investigation by the U.S. government for financing Palestinian militant groups. Treasury also states that the Commercial Bank “has been used by terrorists to move their money and it continues to afford direct opportunities for the Syrian government to facilitate international terrorist activity and money laundering.” The Arab Bank was reportedly fined \$24 million for extremist financing in 2005.

Mr. KYL. Madam President, what these all point out is that in addition to ensuring that money that goes to the Palestinian Authority doesn’t get into the hands of Hamas, which is assured by the legislation, we need to make sure that other funds that go to the United Nations or the NGOs also are not diverted to Hamas. That is what we have provided by this amendment.

Incidentally, I would say this: One of my colleagues said: Well, isn’t a secretarial certification a little bit much? My response is: Well, if the Secretary can’t certify it, we probably shouldn’t be sending taxpayer money. But I had also suggested language such as the following: That all possible steps have been taken to ensure that no such funds have been diverted by Hamas or entities controlled by Hamas. If there is any objection to the exact language of my amendment, I would be happy to amend the language to include the language I indicated.

So I hope my colleagues, when we vote at 5:30 this afternoon, will consider the arguments I have made with respect to these two amendments: to make sure that, first of all, our Egyptian friends have all the support they need to ensure that smuggling does not occur in the future and threaten the people of Israel; secondly, that no American taxpayer money is spent either through the Palestinian Authority or—and this is not controlled in the bill—through the United Nations or other NGOs to provide support to any terrorist groups, including Hamas, and my amendment would prevent that from happening.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, my friend from Arizona’s amendment No.

630 would require the Secretary of State to report on whether additional foreign military financing assistance provided for Egypt could be used to improve Egypt's efforts to counter illegal smuggling and intercept weapons into Gaza.

We all want Egypt to intercept those weapons. So on the face of it, it appears this amendment is very appealing. But I note for my friend from Arizona that the omnibus bill already explicitly authorizes the use of FMF assistance provided to Egypt "for border security programs and activities in the Sinai."

That was language put in by the distinguished ranking Republican member on the Appropriations Subcommittee, Senator GREGG, precisely for the purpose of the Kyl amendment—to enable those funds to be used to help police the border and reduce the smuggling into Gaza.

Now, I understand there is a concern about adding amendments to this bill and sending it back to the other body. All this does, if passed, is send the bill back to the other body because what the Senator from Arizona is asking for is already in the bill. Egypt is already cooperating with Israel and the United States to reduce smuggling of weapons into Gaza. We need Egypt's continued help. The Egyptian Government will—in fact, they already do—regard this amendment requiring a report by the Secretary of State as a public slap in the face. The distinguished Secretary of State has just come back from the region. The State Department says the bill gives them the authority and the money they want to do precisely what the Kyl amendment asks for. Why pass something that is a public humiliation of an ally in the area?

Egypt could undoubtedly do more. Everybody could. But publicly shaming them as they are trying to negotiate a lasting cease-fire between Hamas and Israel is in no one's interest. It is not in our interest or Egypt's interest, and it is certainly not in Israel's interest. Maybe some think this makes a good talking point.

I am more interested not in what makes great talking points, but in stopping the smuggling of weapons into Gaza. That is why Senator GREGG put the language into the foreign aid bill in the first place.

There is no question that the money can be used. We don't need a report from the State Department telling us what we already know. We wrote the law. We know what it says. We don't need the State Department to tell us what it says.

The key point is this: You can vote against the Kyl amendment and still be on record voting for everything in the Kyl amendment simply by voting for final passage of the omnibus bill.

Also, the Senator from Arizona has offered amendment No. 629, which

would prohibit the use of any funds in the omnibus to resettle Palestinians from Gaza into the United States. We are going to vote on that tomorrow.

Frankly, it is unnecessary and for the United States, a Nation of immigrants, it goes against everything we stand for.

We don't resettle anybody from Gaza, nor do we resettle anybody from Gaza who is living in the U.N. refugee camps in the West Bank, Lebanon, Syria, or Jordan. The amendment is a solution looking for a problem. If a Palestinian from Gaza gets to a place like Italy, or somewhere in Europe, the amendment would prevent the State Department from even considering that person for resettlement to the United States. We would have to tell them sorry, you can't come in, because you are from a place that has terrorists.

I think back to my family who came to Vermont about 150 years ago. On my father's side, they were Irish. If we had a law like this in place then, it is questionable whether they could have entered this country. If the Irish were fighting to keep their land, if they were fighting to keep their rights, if they were fighting for the ability to vote, and they lived in what is now the Republic of Ireland, they were considered terrorists. We have gone back through the record and found when they left Ireland, even though they had been offered free room and board for the rest of their lives. They were very small rooms, with bars on the windows, and they didn't know that the rest of their lives would come very soon. But they left for Canada, the United States, or Australia.

I was thinking about the birthday party for Senator KENNEDY the other night at the Kennedy Center. There were a number of Irish-Americans there who could speak about their roots, when their families came here, and why they had to leave Ireland to come here. They were hunted because they fought to practice their own religion. They were hunted because they spoke Irish. They were hunted because they wanted to keep their land. They were hunted because they would not renounce their religion. Thank goodness the United States had open arms for them.

We have very strict rules about who can come into this country. This, again, is an unnecessary amendment, saying that we in the Congress are going to pick and choose which groups of people can resettle here.

When my maternal grandparents came from Italy, a country that had numerous wars at that time, thank goodness they weren't blocked from coming here. My grandmother lived long enough to see her grandson run for the U.S. Senate. They came to this country not speaking English, not reading or writing it, learning English and raising six children. We could all tell stories like that.

I hope we don't start doing things that label whole groups of people as terrorists, no matter who they are as individuals.

The Senator from Arizona has also offered amendment No. 631 which prohibits funds for reconstruction efforts in Gaza until the Secretary of State certifies that none of the funds will be diverted to Hamas or entities controlled by Hamas. Again, it is an appealing amendment. We all want to be sure no funds are diverted to Hamas. But, of course, that is already in the bill. I don't know how many times we have to vote on it. We voted on that; all Republicans and Democrats voted on that in committee. It is already in the bill.

There is also permanent law in this country that prohibits any funds going to Hamas or entities controlled by Hamas. So the amendment is unnecessary—unless the intent of the amendment is simply to send the bill back to the other body and further delay its passage.

Anybody can read the bill. Section 7040(f) of the bill, on page 861, bans funding to Hamas and any entity effectively controlled by Hamas or a power sharing government.

Section 7039 of the bill, on page 856, requires that the Secretary of State take all appropriate steps to ensure that assistance doesn't go to any individual or entity in the West Bank or Gaza that advocates, plans, sponsors, engages in, or has engaged in terrorist activity. It cannot be any clearer than that.

Maybe every one of us should introduce our own amendment to say the same thing over and over again and have 100 of us saying we don't want any money to go to Hamas. The easy way to do that is to vote for the bill the way it was when the Senator from New Hampshire and I presented it to the committee, which adopted it with only one dissenting vote. It prohibits that.

The Palestinian Antiterrorist Act of 2006 prohibits money going to a Hamas-controlled Palestinian Authority. That is section 620(k) of the Foreign Assistance Act.

So we prohibited assistance to Hamas at least three times already. And there are undoubtedly other laws on the books that prohibit funding going to terrorist organizations, which Hamas is. Do we get extra political points for doing this? Why don't we all stand and say: I am against any assistance for Hamas? I have not heard a single Senator—Republican, Democrat, or Independent—say they do want to support Hamas. That is probably why we have all voted overwhelmingly in favor of laws to prohibit it.

It appears to me some of these amendments are intended simply to try to make a point, or to send the bill back to the other body.

Mr. GREGG. Will the Senator yield for a question?

Mr. LEAHY. Yes, without losing my right to the floor.

Mr. GREGG. I want to associate myself with the Senator's concern. I think a proper explanation of how the bill is structured is in order. As I understand it, as the bill left the subcommittee, and then the full committee, it made it unalterably clear no money that goes into Gaza can be used for Hamas. That doesn't need to be restated in an amendment. In fact, doing that might imply that the language in the bill isn't as strong as it should be. Also, on the issue of resettlement of Palestinian refugees, there may be many we would want to come to the United States—maybe physicists and other folks. This blanket approach that nobody can enter the country is really over the top and far too broad a brush to paint on the entire population of an area.

Obviously, we don't want terrorists or anybody who is sympathetic to the Hamas to come. But there are others we may wish to come to the United States because maybe they were opposition leaders to Hamas.

Thirdly, the issue of the language relative to Egypt concerns me, and I guess it concerned the Senator from Vermont. I will put this in the form of a question.

To complete my inquiry of the chairman of the subcommittee, the language relative to Egypt in using funds from the money that was allocated to Egypt, approximately \$1.3 billion for the purpose of making sure the border entries into Gaza and other entries that might affect Israel are adequately monitored, that language truly is not necessary because we have language in the bill that says it can be used for the purpose of limiting access on the borders.

There is an ongoing, good-faith effort, as I understand it, by the Government of Egypt to police those borders, using our resources to some degree. Further, Egypt has worked very hard to be an ally to us in the region. It is one of our key allies in the sense that it has always been reasonably supportive of what we have tried to do. I think we have a responsibility to be equally supportive of them when they make a legitimate request, which is that we not be overly officious in directing them under this language.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the senior Senator from New Hampshire is correct on every one of the points he has made. He and I worked closely together on this so all of these issues we have been discussing came out of our subcommittee with strong bipartisan support.

Both of us were sensitive to a number of things: One, we did not want money going to Hamas; two, we wanted to help Egypt because Egypt has, with some peril to itself, been cooperating with us. Obviously, we are committed

to the security of Israel. We put all that in here. So it becomes, in some ways, worse than redundancy.

The Senator from New Hampshire put his finger on it. It appears to be an officious way of telling Egypt: We don't trust you. I would rather continue as the Secretary of State has, as her predecessors in the past administration did, working cooperatively with Egypt to try to address this problem.

The last point about saying nobody should be allowed into the U.S. from Gaza, there are tens of thousands of Palestinians in Gaza who are victims of Hamas every day. Are we going to say that a Palestinian child cannot be considered for resettlement, because of his or her place or origin? Are we going to say to a child's parents, if they were being persecuted by Hamas, they are ineligible for resettlement? Are we going to say, as the distinguished Senator from New Hampshire suggested, to a scientist who has great skills, we cannot accept you because there are terrorists in Gaza? That is not what made this Nation great. We have that wonderful Statue of Liberty with the upraised torch in the New York Harbor—or the New Jersey Harbor, depending on where you live—saying we are a welcoming country. I trust our State Department and our intelligence agencies and others, that if somebody with an interest that is hostile toward the United States tries to come here, they will be barred. But let's not make a blanket rule against a whole group of people based solely on their ethnicity or place of origin.

I thank the distinguished senior Senator from New Hampshire for coming down here and pointing these things out. He and I worked hard to get a bipartisan bill that reflects the best interests of the United States no matter who the administration might be.

Madam President, I yield the floor.

Mr. REID. Madam President, I ask unanimous consent that at 5:30 p.m. today the Senate proceed to vote in relation to the following amendments in the order listed; provided that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote, the vote time be limited to 10 minutes each, with provisions of the previous order regarding intervening amendments remaining in effect: McCain amendment No. 593, Kyl amendment No. 630, Kyl amendment No. 631, Enzi amendment No. 668.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 665

Mr. BUNNING. Madam President, I call up Bunning amendment No. 665 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 665.

Mr. BUNNING. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of State to issue a report on investments by foreign companies in the energy sector of Iran)

On page 942, between lines 14 and 15, insert the following:

INVESTMENTS IN ENERGY SECTOR OF IRAN

SEC. 7093. (a) None of the amounts appropriated or otherwise made available by this Act may be made available for the Department of State until the Secretary of State, in consultation with the Secretary of the Treasury, submits to Congress a report on investments by foreign companies in the energy sector of Iran since the date of the enactment of the Iran Sanctions Act (Public Law 104-172; 50 U.S.C. 1701 note), including information compiled from credible media reports. The report shall include the status of any United States investigations of companies that may have violated the Iran Sanctions Act, including explanations of why the Department of State has not made a determination of whether any such investment constitutes a violation of such Act.

(b) In this section, the term "investment" has the meaning given the term in section 14 of the Iran Sanctions Act (Public Law 104-172; 50 U.S.C. 1701 note).

Mr. BUNNING. Madam President, I would like to send a modification to the desk, if possible.

The PRESIDING OFFICER. Is there objection? The Senator from Vermont.

Mr. LEAHY. I will have to object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUNNING. Then I will speak on the original amendment No. 665.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Madam President, we have had sanctions against Iran on our books since 1987. They, along with other multilateral efforts, have served to put a financial chokehold on Iran's rogue behavior. Now is the time to enforce these sanctions and deny Iran the financial capital it needs to fund its nuclear proliferation and support for international terrorism. This is why I have offered an amendment requiring the State Department to provide Congress with the report of potential violations of existing Iranian sanctions under the Iran Sanctions Act of 1996.

Under the act, a company is found in violation of our sanctions if it invests more than \$20 million in 1 year in Iran's energy sector. Since enactment, companies have invested more than \$29 billion in Iran's energy sector. This does not include the \$70 billion in pending transactions that are known about,

most of which are long-term contracts to purchase Iranian gas and oil.

As it stands, the State Department is not required to provide any type of report to Congress or publish in the Federal Registry a list of potential violations of our sanctions against Iran. Time and time again, I have asked the State Department for transparency on this issue, as well as imposing some sort of timeline on ruling on pending investigations of existing sanctions. The State Department has no enforceable guidelines on these sanctions and, thus, gives them little or no teeth. As it stands, pending investigations of companies in violation of our sanctions laws have gone on as long as 10 years. Furthermore, since enactment, there has only been one found violation of the Iran Sanctions Act by a French company. Through the use of a Presidential waiver, this violation was totally waived.

My amendment is in no way seeking to change or remove this flexibility. It simply asks the State Department for a report on pending violations of our existing sanctions laws against Iran.

I have long said that the danger of a nuclear Iran poses one of if not the greatest threat to our national security. As this rogue nation continues to ignore three U.N. Security Council resolutions, the time for Congress to act is now. I ask my colleagues to join me and support the Bunning amendment. Now more than ever, we need to tighten our economic chokehold on Iran.

I ask for the yeas and nays in a timely fashion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BUNNING. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 593

Mr. INOUE. Madam President, I wish to speak on amendment No. 593, an amendment submitted by the Senator from Arizona.

This amendment limits the flexibility of the executive branch. It has no impact on Government spending and will not add to congressional oversight. It is an amendment which will serve no useful purpose to either the Congress or the executive branch.

The amendment of the Senator from Arizona states that no funds for congressionally directed spending programs could be spent unless the items were included in bill language. The Senator seems to believe that the inclusion of the items in bill language affords the Congress greater oversight over the items. This is not correct. The Senate has the ability to review, debate, and vote in relation to any item, whether it is included in this measure as bill language or just identified in report language.

The Senator apparently believes that putting items in the bill language offers better control over spending. The opposite is true. When items are contained in bill language, the executive branch is afforded less opportunity to exercise management over use of the funds. For example, if the Congress appropriates \$1 million for an item in bill language, the funding can be used only for that purpose. Under current law, funds must be spent for the purpose for which the funds were appropriated unless the Congress has provided agencies additional authority to transfer funds. While most agencies have some ability to transfer funds, the rules are more often restrictive. The only other recourse an agency has is to propose the funding for rescission.

The effect of this amendment would be to require that every item specified in bill language could not be altered without either the use of authorized transfer authority or the passage of a new law governing the use of funds. If a product is allocated \$1 million in report language but only costs \$800,000 to complete, in most cases agencies are afforded some flexibility to reapply the remaining funds for other authorized purposes. However, once the items are included in bill language, unless additional legal authority has been enacted, they cannot be allocated for another purpose. If a Government program manager has an additional and unneeded \$200,000 but which can only be used for that one purpose, what incentive does he or she have to make certain all the funds that are approved for spending are really necessary? The unintended consequence of this amendment is to limit the ability of agencies to adjust to changing circumstances, such as reduced costs or resolution of environmental issues. This amendment needlessly ties the hands of agencies.

This amendment will not save funding. If it were to be enacted, the Congress would simply move items that currently appear in report language to bill language.

We shouldn't see this amendment as a way to reduce spending. It would probably necessitate the adding of an additional 1,000 pages to the bill, but it would not save a dime.

I am not sure what useful purpose this amendment is thought to have. Its enactment would limit the flexibility of our agencies to manage funds. The amendment provides no additional congressional oversight of funding. It would have no impact on spending. Its adoption would, however, force the Senate to send the bill back to the House, further delaying the passage of this important legislation. Therefore, I urge my colleagues to vote no on this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Arizona.

AMENDMENT NO. 593

Mr. MCCAIN. Mr. President, I have come to the floor today to discuss my pending amendment which would prohibit funds to be spent on thousands of earmarks that are listed in the statement of managers but are not included in the bill text.

Most Americans would say: Why don't you have what you want to spend in the bill itself? So far, obviously, the answer has been that this has just grown and grown over the years, as earmarks have grown over the years. And let me just also point out, there is an attempt to say: Look, we have always done this. This has always been the case. So we are just doing what we have always done. You know, the fact is, Mr. President, we haven't always done this. The fact is this porkbarrel and earmark spending has grown and grown and grown and grown over the years.

One of the people I admired most when I served in the other body was a Congressman from Tennessee, Congressman Natcher, who would not allow a single earmark in his appropriations bills, not a single one. He was proud of that, and he continued to get reelected.

I did a little research. It is a little hard to get the information, but up until the 1960s or the 1970s there was no such thing as earmarks. There was no such thing. Citizens Against Government Waste have tracked the growth of earmarks, and in 1991, according to that organization, there were 546 earmarks—546 earmarks in 1991. In this bill, we have nearly 9,000.

Now, that is how evil grows. That is what happens when this kind of activity continues to be allowed. There were 546 earmarks. In 2008, there were 11,610 earmarks. That is an increase of 337 percent in 17 years. The numbers for fiscal 2009: with the three bills already enacted, there were nearly 3,000, and this is another 9,000.

I don't enjoy bringing this up all the time, but the fact is, there is another article this morning in RollCall with the headline "Abramoff Case Keeps On Going." Quoting from the article, it says:

Disgraced former lobbyist Jack Abramoff may one day see an end to the scandal that he largely created—at least in his scheduled release from prison in 2011—but the complex criminal investigation spurred by his activities shows no sign of winding down any time soon.

It talks about former Senate aides who are either under indictment or in prison or, according to this article, going to be indicted. But that is what happens when you are able to put in an earmark without anybody knowing about it, without any scrutiny, without any oversight, but directly related to the influence of the individual Member or staff member.

You can't make up these stories. You can't make them up. We have various

staff members who became lobbyists, and obviously, as we know, we have former Members of Congress now residing in Federal prison. So I come to my opposition to these earmarks because it makes good people do bad things. A colleague from the other body, who was a great American hero, ended up making a list of the appropriations that he would get and the money that he would get in return, and now he resides in Federal prison.

May I also say we continue to hear that the President will do something about this. Last week Mr. Gibbs said we will see and hear the President outline a process of dealing with this problem in a different way and that the rules of the road going forward for those many appropriations bills that will go through Congress and come to his desk will be done differently. There is an easy way of doing that, Mr. President. Just authorize them. Just send these requests through the authorizing committees and have them authorized and you will never see the Senator from Arizona on the Senate floor again complaining about earmarks because then they will have done what we did for most of this Nation's history, and that is to authorize projects and then have the appropriators fund the projects. It is the way that the Congress should do business and the way we have gotten away from in recent years.

So I say to the President, if you really want to see something different, veto this bill. Just simply veto this bill and say: I am sending it back to you. Authorize those earmarks, don't put them in, all 9,000 of them.

I don't know if they are good or bad projects. I continuously see Members come to the floor on both sides of the aisle saying: This is a good project. This is a good project.

As you know, Mr. President, we are twittering over the top 10 every day—the top 10—and the responses we get are from local authorities to Members of Congress saying: This is a good, worthwhile project. Fine, get it authorized. Get it authorized and you will not hear a word of criticism from me.

Here we are, unemployment at 8.1 percent in February, the highest since late 1983—when we didn't do earmarks, 25 years ago—and employers having cut another 65,000 jobs. The Labor Department also reported that job losses in December were the biggest monthly decline in jobs since October 1949. So we are going to spend \$1.7 million for pig odor research—that has been bandied about a lot—and \$6.6 million for termite research, \$1.9 million for the Pleasure Beach Water Taxi Service Project in Connecticut, \$951,000 for Sustainable Las Vegas. And the list goes on and on. I have talked about many of them.

The message is this: As we are in the most dire economic times since the

Great Depression, in the view of many experts we are going to continue business here as usual with 9,000 earmarks for things which certainly do not have a priority for the American people at this time. So if the President really wants to change Washington, as soon as this bill reaches his desk he should veto it and send it back and say: Clean it up. Clean it up. Then let's fix the system, which is obviously badly broken.

I would remind my colleagues that back in January of 2007 we passed a pretty tough reform bill through the Senate, and then 7 months later, I believe it was, we then finally passed a much watered-down effort to bring in the porkbarrel earmark spending under control.

In the last week or so, the Senator from Wisconsin and I have introduced legislation which we call a line-item veto, which is more understandable but, frankly, is really an enhanced rescission. The President would issue a rescission and then the Congress would have to vote in order for it to take place.

There is another aspect of this, because I see my colleague from Alabama is here: policy changes. Policy changes have been enacted in an appropriations bill. Appropriations, as is the title, is funding for the Government. So what have we done? We have made changes in health care in both the stimulus package and in the omnibus bill; welfare changes, a number of changes that have been made in Government policy. There are several provisions that would weaken U.S. sanctions against the Castro regime in Cuba. That is a legitimate subject of debate. Why should it be put in an appropriations bill? The DC school vouchers, why should the vouchers for the District of Columbia schools, which provide financial assistance to 1,800 students in the District of Columbia who want to attend private elementary and secondary schools, why should that policy be changed under this bill?

NAFTA and trucking—you can argue whether we should allow Mexican trucks into the United States of America or not. It was part of the North American Free Trade Agreement many years ago. You could have that debate. But how can you rationalize a process that puts it into what is supposed to be an appropriations bill without debate or anything else?

We need to end this earmarking practice. We don't have the votes probably. I can count fairly well, not as well as some, but I can count fairly well. But I can tell you that this week's debate has aroused a lot of Americans. We have heard from them. We have heard from them. They voted for change. They voted for change, and they are not getting change. They are getting business as usual. They are getting 9,000 porkbarrel earmark projects that

have not received scrutiny nor authorization nor what they deserve if we are going to spend nearly \$8 billion of the taxpayers' money.

I would also like to respond to what one of my colleagues said—little porky projects. Another one said: Well, that is the way business is done. I would argue that it is time to do business differently.

An article appeared in the Chicago Tribune today entitled "Some Odor." The article said:

The bill may still pass this week and if it does, President Barack Obama is likely to sign it. But maybe, with the benefit of a few more days to digest how much this thing smacks of Washington business as usual, Democrats in Congress and the White House will feel some pangs of responsibility.

I ask unanimous consent to have printed in the RECORD this morning's Chicago Tribune article entitled "Some Odor," along with the Washington Post editorial this morning entitled "Truck Stop."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Mar. 9, 2009]

SOME ODOR

Democrats were pushing full speed ahead last week for the \$410 billion bill to finance the government for the rest of the year. That's the one that increases discretionary spending by 8 percent and is loaded with 8,570 earmarks worth \$7.7 billion. It's the one the White House has dismissed as "last year's business."

But Senate Majority Leader Harry Reid had to acknowledge Thursday night that he couldn't rustle up enough votes to break a Republican filibuster. He had to pull the bill.

And suddenly, \$1.7 million to study pig odor was in jeopardy. New Orleans might not get \$6.6 million to study termites. New York could have to forgo \$2.1 million to study grape genetics. California might have to struggle without \$200,000 for gang tattoo removal. Arkansas? No \$1.75 million for a fish hatchery visitors center. Texas? It could still study honeybees, but without \$1.7 million in federal money to do it.

All are earmarks in this spending bill.

The bill may still pass this week and if it does, President Barack Obama is likely to sign it. But maybe, with the benefit of a few more days to digest how much this thing smacks of Washington business as usual, Democrats in Congress and the White House will feel some pangs of responsibility.

[From the Washington Post, Mar. 6, 2009]

TRUCK STOP: CONGRESS FLASHES A YELLOW LIGHT ON FREE TRADE WITH MEXICO

PRESIDENT OBAMA seems to have resolved, for now, an incipient dispute with Canada over "Buy American" rules in the stimulus package. The law would have hurt Canadian steel exports to the United States, but, at the White House's insistence, Congress appended language that blunted the worst protectionist consequences. Now, however, Congress has turned on Mexico, the United States' other partner in the North American Free Trade Agreement. A \$410 billion omnibus spending bill contains a provision that would pretty much kill any chance that long-haul freight trucks from Mexico could operate in the United States, as had been promised under NAFTA.

Economically, giving U.S. and Mexican trucks reciprocal access to each other's markets makes a lot of sense. Currently, Mexican rigs can drive in only a small zone on the U.S. side of the border, where they must off-load their goods onto U.S. trucks. The process wastes time, money and fuel, harming the U.S. environment and raising the cost of Mexican goods to U.S. consumers. Yet access for Mexican trucks has been bitterly resisted by U.S. interests, most notably the Teamsters union—which claims that poorly regulated trucks from south of the border would be a menace on U.S. highways.

In an effort to disprove that, the Bush administration promoted a pilot project under which Mexican trucks, screened by U.S. personnel, could operate freely within the United States. The Mexican trucks compiled a safety record comparable to that of American rigs. Mexican participation was limited, however, because of the political uncertainty. And safety was always a smokescreen for the Teamsters' real concern—economic turf—anyway. Now the Democratic majority on the Hill has slipped into the omnibus bill a provision killing the program. The provision seems certain to survive, given that the president supported such a measure when he was a senator; his transportation secretary, Ray LaHood, backed it as a member of the House.

When the U.S. economy needs all the help it can get, this legislation perpetuates inefficiency and invites Mexican retaliation against U.S. exports. To a world looking for signs that Democratic rule in Washington would not mean revived protectionism, this can only be a disappointment.

Mr. MCCAIN. The Washington Post article I just referred to states:

When the U.S. economy needs all the help it can get, this legislation perpetuates inefficiency and invites Mexican retaliation against U.S. exports. To a world looking for signs that Democratic rule in Washington would not mean revived protectionism, this can only be a disappointment.

So I object to this legislation on grounds that there are fundamental policy changes which should be debated and be the subject of separate legislation. I also object to the 9,000 earmarks that are in this legislation, which sends the message to the American people that we are doing business as usual.

I am encouraged to continue to hear the news that the President will issue rescissions. He will say we are not going to do business like this anymore. Well, the best way that the President can send the message is, after we pass this legislation, to veto it and send it back and ask for clean legislation.

I urge my colleagues to vote for my amendment, which separates this 1,844 pages, which was supposed to be originally just a statement of the managers but is now full of thousands of earmark projects, and at least not have those have the force of law.

I yield the floor.

Mr. LEVIN. Mr. President, there are many reasons to oppose the amendment offered by the Senator from Arizona, but a principal reason is that passage would not reduce Federal spending by one dollar. The amendment would prohibit spending on specific programs

mentioned in the statement of managers but not included in the statutory bill language. But the money would be appropriated and available to be spent as the executive branch sees fit. So voting for this amendment thinking it will reduce spending would be a vote cast on a false assumption.

I ask unanimous consent to have printed in the RECORD a memo to me by the Congressional Research Service. Part of that memo reads that prohibiting the use of funds for “projects referred to in the McCain amendment number 593 would not have the effect of reducing the spending provided in the measure.” This is also true for the amendment which had been offered by the Senator from Oklahoma, Senate amendment No. 610. According to Congressional Research Service, “[t]he funds that might have been set aside for these projects could not be used to fund the projects, but would be available for other activities funded within the pertinent account.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 9, 2009.
MEMORANDUM

To: Honorable Carl Levin, Attention: Jack Danielson
From: Sandy Streeter, 7-8653, Analyst on the Congress and Legislative Process
Subject: Spending Effect of Two Specified Senate Amendments

This memorandum responds to your request for the spending effect of S. Amdt. 610 and S. Amdt. 593 to the Omnibus Appropriations Act, 2009 (H.R. 1105).

The texts of the two amendments are provided below. Senate amendment 610 stated:

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of this Act, none of the funds made available under this Act may be obligated or otherwise expended for any congressionally directed spending item for—

- (1) the Pleasure Beach Water Taxi Service Project of Connecticut;
- (2) the Old Tiger Stadium Conservancy of Michigan;
- (3) the Polynesian Voyaging Society of Hawaii;
- (4) the American Lighthouse Foundation of Maine;
- (5) the commemoration of the 150th anniversary of John Brown's raid on the arsenal at Harpers Ferry National Historic Park in West Virginia;
- (6) the Orange County Great Park Corporation in California;
- (7) odor and manure management research in Iowa;
- (8) tattoo removal in California;
- (9) the California National Historic Trail Interpretive Center in Nevada;
- (10) the Iowa Department of Education for the Harkin grant program; and
- (11) the construction of recreation and fairgrounds in Kotzebue, Alaska.

On March 4, 2009, the Senate rejected the amendment by a vote of 34-61.

Senate amendment 593 would have a broader impact; it states:

At the appropriate place, insert the following:

SEC. X. PROHIBITION ON THE USE OF FUNDS.

None of the funds in this Act may be used for any project listed in the statement of managers [joint explanatory statement] that is not listed and specifically provided for in this Act.

No Senate action has occurred on this amendment.

Total spending provided in the Omnibus Appropriations Act, 2009, generally equals the sum of numerous separate appropriations and obligation limitations as well as rescissions. The funding levels are provided in the text of the measure for individual accounts and would have statutory effect. The House and Senate Appropriations Committees provided more detailed instructions to agencies in a “joint explanatory statement” accompanying the bill. For example, the committees provided direction allocating funds within certain accounts for a variety of activities and projects. Such statements do not have any statutory effect and as a result, do not reduce spending provided in the accompanying bill. An amendment that would prohibit the use of funds for projects identified solely in a joint explanatory statement (including the 11 projects listed in S. Amdt. 610 and the projects referred to in S. Amdt. 593) would not have the effect of reducing the spending provided in the measure. The funds that might have been set aside for these projects could not be used to fund the projects, but would be available for other activities funded within the pertinent account.

If the provisions included in S. Amdt. 610 and/or S. Amdt. 593 become law, they would not have a direct effect on the spending provided in the Omnibus Appropriations Act, 2009.

If I can be of further assistance, please contact me.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Alabama.

AMENDMENT NO. 604

Mr. SESSIONS. Madam President, I ask unanimous consent to call up amendment No. 604, the E-Verify amendment. I believe it has been agreed to by the leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 604.

Mr. SESSIONS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend the pilot program for employment eligibility confirmation established in title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 for 6 years)

On page 1121, line 5, strike “143, 144,” and insert “144”.

On page 1121, between lines 10 and 11, insert the following

SEC. 102. Section 143 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329; 122 Stat. 3580) is amended by striking “shall” and all that follows through the end and inserting “is amended by striking ‘11-year’ and inserting ‘17-year’.”.

Mr. SESSIONS. Madam President, when we recently worked on the stimulus package, I attempted, on three different occasions, to get a vote on my amendment which incorporated E-Verify provisions that were included in the House version of the bill. I was extremely disappointed that all of my attempts were blocked by Democrats. The provisions I refer to were both unanimously accepted without a vote by the House Appropriations Committee. The provision that extended the E-Verify Program for another 4 years had, in addition to being included in the House-passed stimulus bill, overwhelmingly passed the House last July by a vote of 407 to 2.

The E-Verify system is the system that about 2,000 businesses a week are voluntarily signing up to use. Over 112,000 businesses are now using it voluntarily. They simply check a person's Social Security number when they make employment applications to verify they are lawfully in the country, and not here illegally.

The main purpose of the stimulus package was to put Americans back to work. It is common sense, therefore, to include a simple requirement that the people hired to fill stimulus-related jobs be lawful American citizens or residents. They could be here lawfully and obtain a job, whether through as a green card or otherwise. The actions of the majority in blocking that amendment seems to be a clear signal that they are indifferent to the utilization of American tax money to hire people who are unlawfully in the country and indifferent to the fact that would deny an American citizen that job.

So I tried to offer the amendment that incorporated both the House provision to the Senate bill. But it was blocked. That was interesting, because the House had it in their bill, we did not have it in ours. We could not get a vote on it. Had we had a vote on it, I am certain it would have passed. But we did not get a vote on it.

When they went to conference, it was not in the Senate bill, but it was in the House bill. So one side or the other had to give. So what happened? The House gave. Speaker PELOSI and her team gave in and they took the language out.

So I did not think that was good. I am pleased now that at least we will get a vote, apparently, on that portion of the amendment that would reauthorize the E-Verify Program for an additional 5 years. I will be introducing soon a bill to make the E-Verify system permanent and make it mandatory for contractors who get contracts with the U.S. Government, get money from the U.S. taxpayers. Every one of them should be using this program. In fact, it should have been law already. That would include the TARP spending or other bills we are passing that spend taxpayers' money. At a minimum what

employers should do is take the 2 minutes it takes to use E-Verify and determine whether a job applicant is legally authorized to work in the country.

Short-term extensions, such as the 6 month extension included in the underlying bill, are not the right way to go. It is baffling to me that we would go through the process of wanting to extend this program for 6 months. Why 6 months? If you are committed to it, if you understand, as almost every top official who has dealt with it understands, the E-Verify central component of creating a lawful system of immigration, a short term extension is simply unsatisfactory. E-Verify is a central component of eliminating the jobs magnet that draws people into our country illegally.

E-Verify is an on-line system operated by the Department of Homeland Security and the Social Security Administration. Participating employers can check the work status of new hires on line by comparing information from their I-9 form against the Social Security Administration and DHS databases. It is free and voluntary. It is the best means available for determining employment eligibility of new hires.

According to Homeland Security, 96 percent of employees are cleared automatically, and growth continues throughout the country voluntarily by businesses. As of February 2 of this year, there have been over 2 million inquiries run. In 2008, there were more than 6 million inquiries run. So we can see that those numbers are going up exponentially, since more than one-third of the number of inquiries made last year were already made from January 1 through February 2 of this year.

An employer who verifies work authorization under the E-Verify system will have established a rebuttable presumption that it did not knowingly hire an unauthorized alien. In other words, if law enforcement says you illegally hired someone knowing they were illegal and wants to prosecute, companies using E-Verify have a defense. That is one of the reasons people like to use it.

I was most disappointed to learn that on January 28 of this year, President Obama pushed back the implementation of Executive Order 12989 which would require all Federal contractors and subcontractors to use E-Verify. It was supposed to take effect on February 20, but now it has been pushed back to May 21.

Congress needs to act on this. My amendment that I called up today only incorporates one part of what we need to do, that is, a short 5-year extension. Though I do plan to offer the other provisions at some point later, it is imperative that we reauthorize this successful program which is currently set to expire when the CR runs.

It is important, particularly because of the economic downturn. The Bureau

of Labor Statistics reported that the unemployment rate in February jumped to 8.1 percent, 651,000 jobs lost in January, which equates to roughly 12 million workers without jobs. This is the highest unemployment rate since the mid 1980s.

Immigration by illegal immigrants and other poorly educated aliens has had a depressing effect on the standard of living of lower skilled American workers. This is a matter of very little dispute. The U.S. Commission on Immigration Reform, chaired by the late civil rights pioneer Barbara Jordan, found that immigration of unskilled immigrants "comes at a cost to U.S. workers."

The Center for Immigration Studies has estimated that such immigration has reduced the wage of average native-born workers in a low-skilled occupation by 12 percent or almost \$2,000 annually. Is there any doubt about that? I do not think so.

In addition, Harvard economist George Borjas, himself a Cuban refugee, an immigrant who came here as a young man, has estimated that immigration in recent decades has reduced wages of native-born workers with a high school degree by 8.2 percent.

It also takes jobs. A report in today's USA Today cites to studies by the Heritage Foundation and the Center for Immigration Studies which found that according to their estimate, out of the 2.5 million jobs projected to be created by the stimulus plan, 300,000 would be going to people illegally here. That is approximately 15 percent.

Doris Meissner, in February of this year, former head of the INS under President Clinton, said this.

"Mandatory," this amendment does not make anything mandatory, but she said:

Mandatory employer verification must be at the center of legislation to combat illegal immigration . . . the E-Verify system provides a valuable tool for employers who are trying to comply with the law. E-Verify also provides an opportunity to determine the best electronic means to implement verification requirements. The Administration should support reauthorization of E-Verify and expand the program . . .

This is an expert in this. She knows that E-Verify is the cornerstone of the entire effort to clear a lawful system of immigration.

Mr. Alexander Aleinikoff, the Clinton administration INS official and President Obama's transition team member, called it a "myth" that "there is little or no competition between undocumented workers and American workers."

It is a myth. Of course it does. Of course it pulls down the wages of lower hard-working American citizens. They are competition.

Even the distinguished majority leader, Senator REID, has indicated he supports the program. In a time of increased unemployment, our focus

should be on creating jobs for American citizens. It is critical that we extend the E-Verify Program in order to protect American jobs and to create a system we can be proud of.

Some critics have argued, the program is too cumbersome and costly. But in a recent letter to the Wall Street Journal, Mark Powell, a human resources officer executive for a Fortune 500 company, wrote this:

The E-Verify program is free, only takes a few minutes, and is less work than a car dealership would do in checking a credit score.

Well, that is correct. How else can you explain so many employers signing up voluntarily. Recent improvements have also made the system more accurate. The USCIS has begun to incorporate Department of State passport information into the E-Verify program. This allows the system to check passport numbers for citizens providing a U.S. passport as Form I-9. Additionally, foreign born workers who receive a tentative nonconfirmation can now directly call USCIS instead of visiting a Social Security Administration office to resolve the case. Both of these measures are steps toward greater accuracy by eliminating any unforeseen delays in this system.

I will conclude by saying I hope our colleagues will consider this amendment and will all vote for it. It would represent, in my view, a statement that the fundamental electronic system that will help businesses, particularly those that are doing business with the Government, to ensure the applicant who applies with them for a job is lawfully in the country. That system would continue, and it would give encouragement for other businesses to voluntarily sign up for the program. There are 12 States that have made it mandatory. I think this is a good amendment. My amendment is not as far as we should go; it simply reauthorizes the program. It is time to do that. I believe our colleagues are prepared to vote for it. I certainly hope so. I think it would send a very bad message were we not to do so.

We need to make it clear this foundational system will be continued and will remain a part of our enforcement mechanism and we will continue to enhance it, improve it in the years to come.

I would note, of course, if someone shows up as not being lawful, and they cannot be hired, we do not have investigators or police or arrest warrants or jail for them. The employer simply denies their employment eligibility; they are not hired. That is not too much to ask. I think it is the right thing. It is good policy.

I urge my colleagues to support it. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, how much time remains?

The PRESIDING OFFICER. One minute remains prior to the debate on the McCain amendment.

AMENDMENT NO. 668

Mr. INOUE. Madam President, I realize time is of the essence, so I will simply say I wish to oppose amendment No. 668, which was submitted by Senator ENZI, which would strip a hold-harmless provision enacted last year in the Ryan White Act, an act we passed several years ago to combat the spread of HIV/AIDS. It is an amendment that will cause some problems to the cities that are helping in this fight, and I hope my colleagues will oppose this amendment.

In 2006, the Ryan White Care Act programs were reauthorized, enacting some dramatic shifts in the formula by which funds are disbursed to municipalities. Without increased funding, some cities were slated to have more than 25 percent of their funding cut.

To reduce the impact of these extreme cuts, the Labor HHS Appropriations bill has included provisions since 2006 that accomplish two things.

First, the bill has provided increases in the formula funds to offset the cuts.

Second, the bill included language in Part A providing a fully funded partial hold-harmless account.

As the formula funding is increased every year, the funding needed for the hold harmless is decreased. The fiscal year 2009 Omnibus Appropriations bill ensures that no municipality receives more than a 6.3 percent cut from fiscal year 2006 funding levels.

The fiscal year 2009 Omnibus Appropriations bill includes a \$35 million increase for Part A grants, of which \$10.8 million is used specifically to hold cities to no more than a 6.3 percent cut in their funding level.

The remaining \$25 million is used to increase the formula allotments as the second part of efforts to reduce the impact of the authorized shift in the formula.

The Enzi amendment seeks to stop the efforts to soften the blow to those geographical regions negatively impacted from the authorized shift in formula.

When the reauthorization was debated, the best information out there was that there were 40,000 new cases of HIV per year in the U.S.

In 2007, just after that reauthorization passed, we learned that number is really more than 56,000. Between 2004 and 2007, we saw a 15 percent increase in HIV diagnoses. We knew none of this when the reauthorization passed.

With this many new infections happening, we cannot afford to cut HIV treatment funding to any one area so drastically.

We are not overriding the formula. All we are doing is ramping down the funding gradually. As the formula funding increases, the need for the hold harmless decreases.

The Enzi amendment seeks to stop the ramp down approach and impose draconian cuts when our cities simply cannot afford to keep up.

I urge my colleagues to agree to the modest adjustment included in the underlying bill and vote no on the Enzi amendment.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 593

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on amendment No. 593, offered by the Senator from Arizona, Mr. MCCAIN.

Mr. INOUE. I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—32

Barrasso	DeMint	Lugar
Bayh	Ensign	Martinez
Brownback	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Graham	McConnell
Cantwell	Grassley	Risch
Chambliss	Gregg	Sessions
Coburn	Hatch	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	

NAYS—63

Akaka	Conrad	Leahy
Alexander	Dodd	Levin
Baucus	Dorgan	Lieberman
Begich	Durbin	Lincoln
Bennet	Feinstein	Menendez
Bingaman	Gillibrand	Merkley
Bond	Hagan	Mikulski
Boxer	Harkin	Murkowski
Brown	Inouye	Murray
Burris	Johnson	Nelson (FL)
Byrd	Kaufman	Nelson (NE)
Cardin	Kerry	Pryor
Carper	Klobuchar	Reed
Casey	Kohl	Reid
Cochran	Landrieu	Roberts
Collins	Lautenberg	Rockefeller

Sanders	Specter	Warner
Schumer	Stabenow	Webb
Shaheen	Tester	Whitehouse
Shelby	Udall (CO)	Wicker
Snowe	Udall (NM)	Wyden

NOT VOTING—4

Bennett	Johanns
Hutchison	Kennedy

The amendment (No. 593) was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 630

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on amendment No. 630, offered by the Senator from Arizona, Mr. KYL.

Mr. KYL. Colleagues, this amendment is very simple. It simply calls for a study by the Secretary of State and the DNI about whether additional U.S. taxpayer support out of the annual appropriation for Egypt would aid in stopping smuggling activity from the Sinai into Gaza.

Egypt has been helpful to the United States but much more could be done. I put in the RECORD during my earlier remarks articles that demonstrate the degree to which Egypt is not helping. I think, therefore, those who argue this is a slap in the face at Egypt miss the point. Egypt has been recognized for its support, but it can do much more, and a mere study asking to identify what else it could do would be very appropriate when we are talking about spending U.S. taxpayer dollars.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, this amendment is unnecessary. As the senior Senator from New Hampshire and I both said on the floor this afternoon, the omnibus bill already explicitly authorizes the use of foreign military financing assistance to Egypt for border security programs and activities in the Sinai. Senator GREGG and I put that language in to help them police the border and reduce the smuggling into Gaza. Egypt is cooperating with Israel and the United States to do this. If we were to pass this it would be seen in Egypt as though we do not acknowledge their cooperation, it would be seen as publicly shaming Egypt.

Senators can vote against the Kyl amendment and still be on record supporting additional funds to stop smuggling into Gaza. That is already in the omnibus bill. This is an unnecessary roiling of the waters. Both Senator GREGG and I said this afternoon that it should be opposed.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 61, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—34

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Bayh	Feingold	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hatch	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Collins	Kyl	Thune
Cornyn	Martinez	Vitter
Crapo	McCain	
DeMint	McConnell	

NAYS—61

Akaka	Gillibrand	Murray
Baucus	Gregg	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burr	Klobuchar	Shaheen
Byrd	Kohl	Stabenow
Cantwell	Landrieu	Tester
Cardin	Lautenberg	Udall (CO)
Carper	Leahy	Udall (NM)
Casey	Levin	Voinovich
Cochran	Lieberman	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NOT VOTING—4

Bennett	Johanns
Hutchison	Kennedy

The amendment (No. 630) was rejected.

AMENDMENT NO. 631

The PRESIDING OFFICER. There is 2 minutes of debate, equally divided, prior to a vote on amendment No. 631, offered by the Senator from Arizona, Mr. KYL.

The Senator from Arizona is recognized.

Mr. KYL. Mr. President, this amendment deals with \$300 million in this bill that Secretary of State Clinton announced at the donors conference at Sharm el-Sheikh would go to support efforts of the Palestinians in Gaza.

The point of the amendment is to keep the money out of the hands of Hamas. Recognizing that this was important, there is a section of the bill that explicitly puts limitations on the money that flows to the Palestinian Authority to make sure it goes to the

Palestinian Authority and not to Hamas or other terrorists.

The problem is, according to a State Department spokesman, other parts of the money are going to go to NGOs and through the U.N. including potentially to a bank in Syria, which launders money to get to Hamas.

The point of this amendment is to provide that the Secretary certify that none of this money goes to Hamas, whether it is through the Palestinian Authority or the U.N. or these NGOs. This amendment is necessary to protect American taxpayer money from getting to terrorist organizations such as Hamas.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I am in complete agreement with the Senator from Arizona that no money should be diverted to Hamas. That is why the omnibus bill already does that. When Senator GREGG and I wrote this bill we included specific provisions. Section 7040(f) of the bill prohibits funding to Hamas, to any entity effectively controlled by Hamas, or to any power-sharing government.

When it comes to what the State Department might do, the State Department lawyers have said they would not do anything differently if the Kyl amendment were adopted, because laws that protect against the diversion of funds to Hamas are already in the bill. You can vote against the Kyl amendment and still be on record as voting for blocking funds to Hamas. Nobody in this body, Republican or Democrat, wants any funds to go to Hamas. This is an unnecessary amendment. I oppose it.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 56, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—39

Alexander	Chambliss	Enzi
Barrasso	Coburn	Feingold
Bond	Collins	Graham
Brownback	Cornyn	Grassley
Bunning	Crapo	Hatch
Burr	DeMint	Inhofe
Casey	Ensign	Isakson

Klobuchar
Kyl
Lieberman
Martinez
McCain
McConnell

Murkowski
Nelson (FL)
Nelson (NE)
Risch
Roberts
Sessions

Shelby
Snowe
Specter
Thune
Vitter
Wicker

NAYS—56

Akaka
Baucus
Bayh
Begich
Bennet
Bingaman
Boxer
Brown
Burris
Byrd
Cantwell
Cardin
Carper
Cochran
Conrad
Corker
Dodd
Dorgan
Durbin

Feinstein
Gillibrand
Gregg
Hagan
Harkin
Inouye
Johnson
Kaufman
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lugar
McCaskill
Menendez
Merkley

Mikulski
Murray
Pryor
Reed
Reid
Rockefeller
Sanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—4

Bennett
Hutchison

Johanns
Kennedy

The amendment (No. 631) was rejected.

Mr. INOUE. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 668

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on amendment No. 668 offered by the Senator from Wyoming, Mr. ENZI.

Mr. ENZI. Mr. President, this amendment is an issue of the fairness of HIV/AIDS funding on which most of my colleagues who were here last year voted with me. With just those votes again, my amendment would be adopted.

When we passed the last reauthorization of Ryan White 3 years ago, we changed the formula to follow the HIV/AIDS patients. We did not just keep increasing the amounts the cities got. The amount had to relate to HIV or AIDS patients who were still living. We even put in a hold harmless clause so no one would lose more than 5 percent over the 3-year period. The reauthorization passed unanimously with the House agreeing with our changes.

This amendment does not affect Wyoming, but I am sensitive as chairman of the committee when we passed the reauthorization. The omnibus has a provision which, according to the GAO, only four States gain money. Of the \$10 million being redistributed, San Francisco gets \$6.7 million. New York, New Jersey, Connecticut, and California are the only States that gain. This is redistributed money, which means it is not new money. This is money being taken from those with an increasing problem to pay for those with a decreasing problem.

This language is an attempt to change a formula for which most of my colleagues voted. I ask my colleagues to vote for the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, when the reauthorization of the Ryan White legislation came through, the best scientists who testified before us said there were about 40,000 new cases of HIV in the United States. In 2007, just after the reauthorization passed, the number was more like 56,000.

Between 2004 and 2007, we saw a 15-percent increase in HIV diagnoses. So we put this formula in without knowing this information. Some of the cities, such as San Francisco and New York—I know Senator DODD told me about a couple cities in Connecticut that will get up to a 25-percent cut in Ryan White.

What we did was we put in this bill a \$35 million increase for Ryan White. Mr. President, \$25 million goes for the Enzi formula. About \$10.8 million goes to help hold harmless those largest cities that will be facing a 25-percent cut. We cannot afford to have these cities take that 25-percent cut.

If we want to go after the HIV/AIDS, we have to go where the people are diagnosed with HIV/AIDS. That is what this bill does.

I urge the defeat of the Enzi amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER. Are they any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—42

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bond	Enzi	Nelson (FL)
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Carper	Hatch	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Kyl	Specter
Collins	Lugar	Thune
Corker	Martinez	Vitter
Cornyn	McCain	Voinovich
Crapo	McCaskill	Wicker

NAYS—53

Akaka	Brown	Dodd
Baucus	Burris	Dorgan
Bayh	Byrd	Durbin
Begich	Cantwell	Feingold
Bennet	Cardin	Feinstein
Bingaman	Casey	Gillibrand
Boxer	Conrad	Hagan

Harkin	Lieberman	Schumer
Inouye	Lincoln	Shaheen
Johnson	Menendez	Stabenow
Kaufman	Merkley	Tester
Kerry	Mikulski	Udall (CO)
Klobuchar	Murray	Udall (NM)
Kohl	Pryor	Warner
Landrieu	Reed	Webb
Lautenberg	Reid	Whitehouse
Leahy	Rockefeller	Wyden
Levin	Sanders	

NOT VOTING—4

Bennett
Hutchison

Johanns
Kennedy

The amendment (No. 668) was rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 637

Mr. BARRASSO. Mr. President, I call up amendment No. 637 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO], for himself, and Mr. ENZI, proposes an amendment numbered 637.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To remove the new application fee for a permit to drill)

On page 426, lines 18 through 22, strike “to be reduced” and all that follows through “each new application.”.

Mr. BARRASSO. Mr. President, I would like to talk a minute, if I could, on my amendment.

Imagine you run a small company, a small, independent oil-and-gas operation in Wyoming, and you have about a dozen people you employ—people who are getting good benefits, people who have health insurance, people who have retirement benefits—and you are applying for a permit to explore for energy. As a result, people are going to be put to work, your business is going to grow, and the economy of your community is going to prosper.

Well, the success of your business strategy relies on the Government, unfortunately. It relies on the Government to process your application and to provide you with a response—is it OK to explore or is it not OK? The law says the Government has to let you know in 30 days up or down, yes or no, is it OK. Well, you have 30 days to get geared up. You are waiting for your response.

Now, Mr. President, when you put in that application, you also had to send in \$4,000—\$4,000 for each well. So if you are applying to do 10, that is \$40,000, but you know you are going to get your

response in 30 days. Well, the calendar proceeds and the clock winds down and you begin checking your mail every day. Nothing arrives. Each day for 30 days you check your mail. Nothing. You have called the agency but no permit. They say they are deferring a decision. Another 30 days passes. Nothing. You wait another 90 days and still no permit. You have paid your \$4,000 but no permit.

Half a year has passed—as has happened to many people in Wyoming—and what do you have? Nothing. You have sent in \$4,000, you have waited 6 months, the Government has promised you an answer in 30 days, and you have nothing—not a yes, not a no, nothing.

That is the situation that small business owners in my State are facing every day. It is a sad state of affairs when the Government can't meet its own deadline.

Meanwhile, the backlog of these permits at the Bureau of Land Management continues to grow. As of February 14 of this year, in the field office in Buffalo, WY, Johnson County, the Bureau of Land Management has over 2,600 applications for permits that are still pending—2,609 permits still pending. For those applications in Buffalo, WY, Washington has collected \$4,000 per permit. That is over \$10 million. The energy producers in Wyoming continue to wait for an answer.

America's independent producers drill and manage 90 percent of America's wells. They produce 82 percent of America's natural gas and 62 percent of American oil. There are approximately 5,000 of these independent producers in the United States, and on average they have about a dozen employees. These are small businesses. These small business men and women create jobs in the United States. These folks are entrepreneurs whose hard work and innovative skills are integral to meeting our Nation's energy needs.

The fees to apply for a permit place an especially heavy burden on small independent producers without any tangible benefit whatsoever. Congress should be focused on promoting job growth not on imposing additional fees on U.S. energy investment and production. Unfortunately, the fee is just the beginning of what these independent producers are facing. The administration has already moved to restrict oil-and-gas exploration and development in the United States. The administration is proposing more fees, more taxes, and more restrictions on these activities. None of this will make the United States more energy independent. None of the administration's proposals will make the Federal Government operate more efficiently.

I have talked to a number of these folks who are in this business, and they tell me if the money that was collected from this application fee—this \$4,000 per permit—were actually used to hire

more people to help process the permits, then they could actually understand there is some purpose in this fee, that it is being used to help with studying this, looking at this, getting more people to work through these 2,600 applications for permits, for which they still have no answer.

Unfortunately, that is still not the case. The fee doesn't go to the Bureau of Land Management to reduce the permit backlog. It doesn't go to hire more people to look at these permits, to say if we should give them a yes or a no.

At the very least, all of the revenue should be spent on reducing this permit backlog so that the Government can keep its word to let people know in 30 days yes or no, up or down. Instead, this money is going into the Washington black hole.

So I urge my colleagues to support this amendment. We should not be rewarding the inefficiency of Washington and the way this Government is currently working.

Mr. President, I yield the floor.

Mr. WARNER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 637) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay and the table was agreed to.

PROJECT ATTRIBUTION CORRECTION

Mr. BOND. Mr. President, I rise today to join with our chair, Senator MURRAY, in a colloquy to correct a clerical error in the attribution table accompanying division I of H.R. 1105. Senator BARRASSO is listed as having requested the "Casper Civic Auditorium" project under HUD Economic Development Initiatives. My staff has confirmed that this project was not requested by Senator BARRASSO and, as such, Senator BARRASSO's name should not be listed as a requestor.

Mrs. MURRAY. My colleague and subcommittee ranking member, Senator BOND, is correct. This resulted from a clerical error involving confusion between two different projects in the city of Casper. Senator BARRASSO should not be listed as a sponsor of the Civic Auditorium project.

Mr. BOND. I thank the chair for her assistance in this matter.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 10, tomorrow, after the opening of the Senate, the Senate resume consideration of H.R. 1105; that the remaining amendments be considered, debated, and that after all debate is concluded on the remaining amendments, the Senate then proceed to vote in relation to the amendments in the sequence established under a subsequent order, with 2 minutes of debate equally di-

vided and controlled in the usual fashion prior to a vote in relation to each; and that after the first vote in the sequence, remaining votes be limited to 10 minutes each; that upon the disposition of all remaining amendments, there be 30 minutes of debate prior to a vote on the motion to invoke cloture on H.R. 1105 that will be equally divided and controlled between the leaders or their designees, with the remaining provisions of the order of March 6, 2009, remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. What this means is we will tomorrow debate all of the amendments. I think there are seven left. A number of those may not be brought to a vote. After the debate is completed, we will set a time to start voting, and we will go right through the sequence as indicated in the unanimous consent order.

It should work out very well. Everyone has had an opportunity to offer the amendments they want that are on the list.

EXECUTIVE SESSION

NOMINATION OF DAVID W. OGDEN TO BE DEPUTY ATTORNEY GENERAL

Mr. REID. I now move to executive session to consider Calendar No. 21, the nomination of David Ogden to be Deputy Attorney General.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination. The assistant legislative clerk read the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General.

Harry Reid, Patrick J. Leahy, Sheldon Whitehouse, Richard Durbin, Charles E. Schumer, Ron Wyden, Patty Murray, Amy Klobuchar, Debbie Stabenow, Bernard Sanders, Russell D. Feingold, Benjamin L. Cardin, Dianne Feinstein, Daniel K. Akaka, Herb Kohl, Jon Tester, Edward E. Kaufman.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I regret that we need to file cloture on the nomination of David Ogden to be the Deputy Attorney General.

Mr. Ogden is eminently qualified for this job. He is a graduate of Harvard Law School and clerked on the Supreme Court for Justice Harry Blackmun. During the Clinton Administration, he served as the Assistant Attorney General for the Civil Division and as Chief of Staff to the Attorney General. He is currently a partner in a major Washington law firm.

His nomination was reported favorably by the Judiciary Committee by a vote of 14-5, with 3 Republicans including Ranking Member SPECTER supporting him. So there is little doubt cloture will be invoked and he will be confirmed.

As I understand it, the argument of those who oppose him is that he took positions on behalf of law firm clients that some members do not agree with. In my view, that is an unfair basis for opposing a nominee.

In any event, it is unfortunate we could not enter into a unanimous consent agreement to debate the nomination and have a simple up/down vote. President Obama deserves to have his advisors, especially members of his national security team, in place as quickly as possible. If we are forced to file cloture on nominees who are obviously going to be confirmed, we are wasting up valuable time that should be used to address the pressing problems facing the nation.

LEGISLATIVE SESSION

Mr. REID. I now move that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF AUSTAN DEAN GOOLSBEE TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS

Mr. REID. Mr. President, I now move to executive session to consider Calendar No. 15, the nomination of Austan Dean Goolsbee to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Austan Dean Goolsbee, of Illinois, to be a member of the Council of Economic Advisers.

CLOTURE MOTION

Mr. REID. I now send a cloture petition to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Austan Dean Goolsbee, of Illinois, to be a Member of the Council of Economic Advisers.

Harry Reid, Christopher J. Dodd, Patrick J. Leahy, Sherrod Brown, Byron L. Dorgan, Jack Reed, Jeff Merkley, Michael F. Bennet, Charles E. Schumer, Amy Klobuchar, Richard Durbin, Patty Murray, John F. Kerry, Sheldon Whitehouse, Ben Nelson, Jeff Bingaman, Herb Kohl.

Mr. REID. Mr. President, I ask unanimous that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now move that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF CECILIA ELENA ROUSE TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS

Mr. REID. I now move to executive session to consider Calendar No. 16, the nomination of Cecilia Elena Rouse, of California, to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Cecilia Elena Rouse, of California, to be a member of the Council of Economic Advisers.

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been filed pursuant to rule XXII, the clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Cecilia Elena Rouse, of California, to be a Member of the Council of Economic Advisers.

Harry Reid, Christopher J. Dodd, Patrick J. Leahy, Sherrod Brown, Byron L. Dorgan, Jack Reed, Jeff Merkley, Michael F. Bennet, Charles E. Schumer, Amy Klobuchar, Richard Durbin, Patty Murray, John F. Kerry, Sheldon Whitehouse, Ben Nelson, Jeff Bingaman, Herb Kohl.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I now move that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENTIAL PROBLEM SOLVING

Mr. ALEXANDER. Mr. President, in the midst of much talk about bipartisanship and not much to show for it, I have a nomination for an issue upon which we can work together, and that is this: review the maze of conflicting forms, FBI investigations, IRS audits, ethics requirements, and financial disclosures to make it possible for President Obama and future Presidents to put together promptly a team to help them solve big problems.

This is an urgent problem today because during the worst banking crisis since the Great Depression, the man in charge of fixing the crisis, Treasury Secretary Timothy Geithner, apparently is sitting in his office without much help, at least from any Obama Presidential appointees.

According to news accounts, among the key vacant positions at the Treasury Department are the Assistant Secretary for Tax Policy; the Deputy Assistant Secretary for Tax Policy; the Deputy Assistant Secretary for Tax Analysis; the Deputy Assistant Secretary for Tax, Trade, and Tariff Policy; and the Deputy Assistant Secretary for International Tax Affairs. The first choice for Deputy Secretary of the Treasury appears to have withdrawn her name from consideration.

Four months after the President's election, according to TheBigMoney.com, the list of vacancies on the Treasury Department Web

site shows that “Main Treasury Building is a lonely place, conjuring up visions of Geithner signing dollar bills one by one . . . watering the plants, and answering the phones when he’s not crafting a bank rescue plan.”

Of course, there are the career employees available and at least one hold-over Assistant Secretary and various czars in the White House—but even one of the czars has expressed concern about the slow pace of filling Treasury Department jobs at a critical time.

Part of the problem may be attributed to the Treasury Secretary’s boss, our impressive new President, who is nevertheless subject to the criticism that he is living over the store but not minding it.

Presidents have many problems to solve, but no one ever suggested that the wisest course is to try to solve them all at once. There is a tradition that Washington, DC, can only do one thing well at a time. And Presidents are supposed to exclude from the White House the merely important issues so they may deal with the truly Presidential problems, which surely must not include being distracted by debates with radio talk show hosts.

President Eisenhower, who knew something about leading complex organizations, said in 1952: “I will go to Korea.” The country relaxed and elected him, confident that the general would end the Korean war.

We need for President Obama to say in Eisenhower fashion “I will fix the banks”—and then stay home long enough to do it. Then the country might relax a little and gain some confidence that this might actually happen, which is the first step and perhaps the main step in economic recovery.

But the President needs a team at Treasury to help persuade the American people that he can and will get the job done.

The President has brought on himself some of the difficulty of putting together a team. In addition to having too many balls in the air at once, in my opinion, his standards for hiring sometimes seem to have the effect of disqualifying people who know something about the problem from being hired to solve the problem.

But another part of the President’s difficulty in filling jobs—one that has afflicted every President since Watergate—is the maze of investigations and forms that prospective senior officials must complete and the risk they run that they will be trapped and humiliated and disqualified by an unintentional and relatively harmless mistake.

I voted against the nomination of Secretary Geithner because I thought it was a bad example for the man in charge of collecting the taxes not to have paid them. And I thought his excuse for not paying was not plausible. But that does not mean that we should

disqualify every Presidential nominee for minor tax discrepancies that result from the complexity of our Byzantine Tax Code, a Tax Code which has reached 3.7 million words, according to a January report by the National Taxpayer Advocate, and which is badly in need of reform.

I suspect very few Americans with complex tax returns can go through a multiple-year audit without finding something with which the IRS might disagree.

Take the case of former Dallas mayor Ron Kirk, President Obama’s nominee to be U.S. Trade Representative, who headlines report paid back taxes primarily because he failed to list as income—and then take a charitable deduction on—speaking fees that he gave away to charity. Common sense suggests, and his tax preparer thought, what Mr. Kirk did was appropriate. After all, he did not keep the money. The IRS apparently has a more convoluted rule for dealing with such things. In any event, the matter is so trivial as to be irrelevant to his suitability to be the trade nominee.

Tax audits are only the beginning. There is the FBI full field investigation during which friends of the nominee are asked such questions as: Does he live beyond his means?

When I was nominated for Education Secretary a few years ago, one of my friends replied to the FBI agent: Don’t we all?

There are Federal financial disclosures. Then there is the White House questionnaire, and, of course, the questions from the confirming Senate committee. The definition of what constitutes “income” on some forms is different than the definition of “income” on others. It is easy to make a mistake.

This is not as bad as it could be. We have a Democratic President and a Democratic Congress with big majorities in both Chambers. So the nominees have gone through fairly quickly. But when the Congress is of a different party than the President, the congressional questionnaires expand and sometimes delay the nomination for more weeks.

Washington, DC, has become the only place where you hire a lawyer, an accountant, and an ethics officer before you find a house and put your kid in school.

The motto around here has become: “Innocent until nominated.”

Every legal counsel to every President since Nixon would, I suspect, agree that in the name of effective government, this process needs to be changed. Most have tried to change it, but in Washington style, new regulations pile up on top of old ones, creating a more bewildering maze.

So I have this suggestion—and one of the Senators to whom I want to make the suggestion is here today, the Sen-

ator from Connecticut. I suggest Senator LIEBERMAN and Senator COLLINS, who are the chairman and ranking member of the committee with jurisdiction over this mess and who have a tradition of working well together, should set as a goal to clean it up by the end of the year. Invite all the former White House counsels of both parties to give their opinions. Consolidate and simplify the forms so we learn only what we need to know.

To help with this, I suggest that Senators LIEBERMAN and COLLINS form one of those “gangs” that we occasionally form in the Senate, maybe a dozen or more Senators equally divided among both parties—some from the Homeland Security and Governmental Affairs Committee and some not—in order to limit the possibility that everyone will run away from the final recommendations because they fear someone might think Senators are not interested in ethical and good government.

Good government right now means fixing the banks and having the best possible team to do it. As a Washington Post editorial writer said yesterday of the President:

As he convened his “health care summit” at the White House . . . the stock market was hitting another 12-year low, General Motors was again teetering on the brink of insolvency and the country was still waiting to hear the details of the Treasury’s proposal to bail out banks.

Maybe we can make this grand bargain with our new President: If you will keep your eye on the ball—in this case, fixing the banks so the economy will get moving again—we will work in a bipartisan way to make it easier for you and for future Presidents to promptly assemble a team and govern us properly.

PRESIDENT OBAMA’S STEM CELL EXECUTIVE ORDER

Mr. DODD. Mr. President, I wish to highlight the Executive order signed today by President Obama that will bring hope to millions of patients and their loved ones and relief to scientists and researchers throughout the country.

With this Executive order, President Obama has overturned the harmful restrictions on scientific discovery established by President Bush and his administration. And with his Presidential memorandum, President Obama has set our country on a path where science, not politics or ideology, will guide public policy and Government decision-making.

Today’s Executive order will help our Nation’s scientists perform promising stem cell research that may one day provide relief to the more than 100 million Americans suffering from Parkinson’s, diabetes, spinal cord injury, ALS, cancer, and many other devastating conditions for which there is still no cure.

Several of my Senate colleagues, led by Senators HARKIN, SPECTER, KENNEDY, HATCH and FEINSTEIN, and I, tried to allow embryonic stem cell research to go forward with the passage of the Stem Cell Research Enhancement Act in both the Senate and the House, but these efforts were consistently blocked by President Bush's veto.

I am joining my colleagues again on this legislation because we need to codify the protection of embryonic stem cell research in order to guard against the possibility that a future President might seek to undo the tremendous step taken today by President Obama.

In my own State of Connecticut, we lost a great pioneer in the global effort for stem cell research last month with the untimely death of Dr. Xiangzhong "Jerry" Yang. Since he came to the United States from China, Dr. Yang devoted his life's work to furthering science and working toward curing deadly and debilitating diseases.

Dr. Yang was a brilliant and precocious reproductive biologist at the University of Connecticut who conducted some of the world's leading work in the 1990's to refine the cloning of cows and bulls through the use of adult cells in order to improve the efficiency of cloning technology and improve the availability of cloned cattle for size and weight, high milk production, and other favorable genetic traits. Dr. Yang collaborated with Japanese scientists in 1998 to clone a prize bull with cells scratched from the animal's ear.

While at the University of Connecticut, Dr. Yang organized researchers to help found the university's Center for Regenerative Biology in 2001. As the center's director, Dr. Yang continued his work toward producing tissue to be used in heart surgery, organ replacement, and other medical procedures.

He was a leading force behind the Connecticut State Stem Cell Research Program which was signed into law in 2005. This \$100 million initiative to support stem cell research earned Connecticut the moniker "Stem Cell Central" by the New York Times. Dr. Yang will be missed, but with today's announcement by President Obama, the fruits of his persistence will inform generations of stem cell scientists to come who will now be able to conduct their work without the arbitrary restrictions put in place by President Bush.

Today is a momentous day for patients and their loved ones as well as researchers and scientists throughout the country. To the thousands of parents in the State of Connecticut whose children live every day with juvenile diabetes or who watched and suffered as their loved one succumbed to ALS, cancer, or Parkinson's disease, today's announcement can't bring that loved one back or immediately provide a

cure to their disease but it will mean that future generations of Americans may not have to suffer as they did. Today's announcement brings hope that not only can future discoveries be possible, but they are possible right here in the United States.

I applaud the President for his actions today in support of science and hope. And I congratulate the many advocates and researchers in Connecticut and around the country for their persistence in making this hard-fought victory for science a reality.

ALHURRA TELEVISION

Mr. KAUFMAN. Mr. President, I rise to call my colleagues attention to a promising development for U.S. public diplomacy efforts in the Middle East. Yesterday, Alhurra Television, the U.S. Government-sponsored Arabic language channel, launched a new groundbreaking live television show originating simultaneously from five countries and three continents including Dubai, Beirut, Cairo, Jerusalem and Alhurra's headquarters in Springfield, Va. The 3-hour daily program titled *Al Youm* (Today in Arabic), provides viewers a window to the world through its coverage of the latest news from the Middle East, the United States, and the world. The show also includes topics such as health, sports technology, entertainment news, and social and cultural issues. *Al Youm* includes interviews with everyone from politicians to athletes, leaders in business, and the arts.

On its opening broadcast, *Al Youm* carried an interview with House International Relations Committee Chairman Howard Berman and included a report from Alhurra's White House correspondent discussing the Obama administration's outreach to a moderate faction of the Taliban. Since its launch coincided with International Women's Day, *Al Youm* had a series of reports on the role of women in the Middle East, including a story on young girls being forced into marriage and a live interview with the Executive Director of Dubai's Social Development Institute. There was also a profile of the former First Lady of Lebanon and her work as the founder of a health center for children with blood diseases. *Al Youm* had the latest financial and sports news, as well as a health segment on the growing problem of obesity.

Al Youm's entertainment segments featured well-known singers and performers in the region. Popular Arab singer Myriam Fares introduced her latest song that has not been released to the public. Hisham Abbas, another famous Arab singer, joined *Al Youm* during its debut and sang his most popular hit song, *Feno*. Actress Nadine Al Rassi appeared live to discuss her program, *Assr El Harim*, one of the most

popular television programs in the Middle East. *Al Youm* also profiled the first Arab singer to represent Israel in the Eurovision Festival.

Al Youm further enhances the strong core of program options already offered by Alhurra Television. Launched in 2004 under the U.S. Broadcasting Board of Governors, the 24-hour broadcast network has gained traction in the competitive television marketplace of the Middle East. Recent surveys of the Middle East by research companies such as ACNielsen show that Alhurra has a weekly reach of an estimated 26 million adults. Alhurra is broadcast on the Nilesat and Arabsat satellites in the Middle East and the Hotbird satellite system in Europe. *Al Youm* is also streamed live on the Internet—Alhurra.com—at 4-7 p.m. GMT.

INTERNATIONAL WOMEN'S DAY

Mr. FEINGOLD. Mr. President, yesterday I joined people around the world in marking International Women's Day. Since the beginning of the 20th century, variations of this day have been observed as an opportunity to highlight the issues that directly affect the lives of women and girls. At the same time, it is a day to reflect upon the lives, accomplishments, and struggles of women in our personal and collective histories. Much has been achieved since the first celebrants of National Women's Day began advocating for voting rights, shorter working hours, and higher pay. I am pleased that this Congress has already added to those achievements by passing the Lilly Ledbetter Fair Pay Act of 2009 to help ensure protection from pay discrimination.

Nevertheless, the need for such activism continues and the theme selected by the United Nations for this year's International Women's Day reminds us of that. The theme is "Women and men united to end violence against women and girls." Throughout the world, whether in war-torn villages in eastern Congo or Darfur or Sri Lanka, this theme is tragically relevant. Here in America, too, this year's theme is tragically relevant. Despite all the progress we have made, gender-based violence and sexual assault remain a devastatingly regular occurrence.

We must do more to protect women and girls here at home and abroad whose lives are affected by this violence. I believe one way we can affirm our commitment to improving the status of women domestically and internationally is by ratifying the Convention on the Elimination of All Forms of Discrimination Against Women—CEDAW—now. The Convention was signed by the U.S. in 1980 and favorably reported by the Senate Foreign Relations Committee in 2002 with several reservations, understandings and declarations clarifying the Senate's position. Nevertheless, it still hasn't been

considered by the full Senate. Our ratification would send an important message to the international community about our commitment to the rights of women and girls.

We still have a long way to go, but International Women's Day reminds us that transformation is possible. We recognize the awesome power of our heroes who have struggled for change, especially women who have refused to give in or remain silent in the face of injustice. Many famous women come to mind, but there are also so many more whose names may not be noted in the pages of history but whose courage and compassion have made a lasting difference in the lives they've touched. Let's commit today to honor their legacy and to work for a lasting end to violence against women and girls.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My husband and I are not feeling the effects as much as others, except perhaps at the supermarket. I use Valley Transit or walk because I am legally blind and cannot drive. My husband has been a cyclist most of his life and also has the mindset of using alternative transportation. We live close to his place of employment, so he walks to work. Our 19-year-old daughter, who has a vehicle of her own, has parked it for the most part and rides her bike to work from the Northwest Boise to Zoo Boise. We are pleased that she has been influenced by our lifestyle of not being tied to a vehicle for transportation.

It has been my opinion for many years that many Boiseans are greedy motorists. They must have their cars, a huge part of their image...too good for public transportation, and they are rude behind the wheel. As a pedestrian, I cannot tell you how many times I have almost been hit in the crosswalk when I had the walk signal. Many times a turning

motorist has accelerated to beat me through the crosswalk. Also, I have been in the middle of a busy intersection with the walk signal and had to stop for turning drivers as they were not going to stop for me. That infuriates me!

And then, we have the air quality issues in the Treasure Valley that most greedy motorists totally ignore...it is not their problem, apparently. How irresponsible!!

So, to be honest with you, I am not so unhappy about the situation, and only hope that people will start using alternative modes of transportation and that there will be less cars on the street for both the safety of pedestrians and the improvement of air quality. Maybe it will take a bigger price hike to alert citizens to their responsibility for the issues of their community and the environment.

MARILYN.

PS. I am a respected, educated native of Boise and my motto is, "If the bus is good enough for me, it is good enough for everyone." I know the local transit system is not the best, but if perhaps increased rider-ship increases revenue, perhaps there could be an increase in routes and efficiency.

Our lives have been greatly affected by rising energy costs. My local store prices are high and we have been unable to afford gas to go 65 miles to a cheaper outlet grocery store.

Gas prices have made it almost impossible for us to visit our children and grandchildren who live 4-1/2 hours and 2-1/2 hours away respectively. We used to visit them (and they visited us) about once a month. Now we are reduced to twice a year.

Propane and electricity have risen too, making eating out or a movie impossible. We are a lower middle class family making about \$40,000 a year, yet we cannot afford anything but the basics. How are we supposed to "tighten our belts" any further?

These energy considerations should have been taken into account while President Clinton had his first term. At least then we would be in a much better position today. Not that I am excusing this Congress or President from their responsibility. Please do not wait any longer to protect our citizens from slowly going broke. Otherwise we may not be able to afford Congress at all!

RENATA, Kamiah.

I absolutely agree with your policy of using our own resources to keep America's economy going. Our electrical company has diesel-powered trucks to travel a six-state area, and we are not able to pass along all our overhead because of the tight bidding of jobs. Also, our employees have to have more wages just to keep even or we are not able to keep them. Bottom line—our net return is down.

The time to act was several years ago, but in reality ANWR and coastal drilling has to be on fast track along with oil refining capacities increased. Some time when we reach a crisis mode other alternatives are explored but in the infancy stage the timing is not here yet to allow an impact, although we need to proceed ahead with incentives so other forms of energy can come on line. Has the federal land bank been explored to use fees paid for no production to be applied to raise (example: safflower seed for diesel fuel)??

I appreciate the effort you are doing for our nation and state.

TOM.

I do not support more drilling or any other method of increasing the oil supply. Rather,

I would see our money go to sustainable sources. Fund quality research and development of alternative energy (other than those that will compete with food supply) rather than throwing good money after bad.

SIMONSONS, Boise.

Like most Idahoans, the escalating price of gasoline is hitting my family very hard. We do not drive SUVs; we drive small 4-cylinder vehicles. But, when the price of gasoline is four times higher than it was a few years ago, and our wages have not increased, we are having a hard time, even living paycheck to paycheck.

I believe that the ban on domestic drilling for oil is another of many senseless acts of national suicide. Moreover, I believe that the idea of human-caused global warming is a grab for political power by the elites over our sovereign people. I watched a Nova program on PBS several years ago called "Cracking the Ice Age" where the statement was made that the majority of greenhouse gases in the atmosphere come from volcanoes and deep-sea geothermal vents.

The environmental policy implications of this statement are staggering. It means we are not harming the environment by driving our cars. The high price of gasoline may be making the radical environmentalists feel good, but it is destroying our nation's families. I admonish you to lift the ban on oil exploration and to firmly resist the idea of some in the Democrat Party to nationalize our country's oil companies, with the ensuing Soviet style rationing of gasoline that would inevitably result.

DUANE, Hayden.

The effects of rising gasoline prices are hugely negative!!!!

We chose to keep our home in Bingham County because of rural living expenses seem to be less than city taxes, etc. However that creates the need to drive 50 miles round trip for me and 100 mile round trip for my husband each day. Our budget is strangling as a result of the inflated fuel prices. They have removed the flexibility we once had to visit our families who live in southeastern Idaho. My father is approaching 90 and needs more visits. How do you prioritize visiting my father or saving the money so I can get to work each day? Or visiting my son and grandchildren or saving the money to get to work each day! Mind you, I am also in a carpool to help with the current gouge to the pocketbook as a result of the super-inflated gasoline prices. We are conserving in every way possible but it still is adding to the pain every time we need to put gasoline in our vehicles. Media refers to the prices and "feeling the pinch". That connotation does not even begin to describe the "pain at the pump."

My daughter and her family, who lives in Kansas City, Missouri, cannot afford to drive to Idaho due to the exorbitant prices of fuel. The gouging affects our basic needs of being with our family, caring for the aging people in our society because we have to cut back in every way possible. Where we used to feel like supporting local restaurants and other places, we do not anymore because we simply cannot afford to take a drive, go see a part of Idaho and support the residents in those locations. It is too expensive to enjoy simple pleasures such as driving to the mountains or to visit relatives.

The food prices are hugely affected, also. We are forced to cut back on what we buy at the grocery store. The food budget just does not go as far anymore. And for those of us

who are trying to add a little each grocery visit to have a small food supply on hand, that just is not happening as a result of the gouging of fuel prices. It affects everything in our current lifestyle. And for why?

So those at the head of oil companies can continue to stuff their already over-inflated earnings. It is a travesty! The greed of [our leadership and the oil companies is] well-known. They should not be able to sleep at nights if they had any conscience at all.

Something must be done so that the rich governing bodies of the oil companies in their greed are held at bay. I have always respected free enterprise in America, but now, as a result of greed, I ask, "Why do they profit from crushing our economy, jobs, and destroy lives of the American citizens"? It is not right! We are told American does not have any fuel reserves yet other reports say we have a tremendous supply and oil companies are playing the game to drive up prices. Is anyone in Congress willing to stand up to the oil companies and special interests that control so many issues that are in disarray??

We aren't rich folks in Idaho. Most of us live a relatively simple life style and families all over are negatively affected because of the greed and dishonesty of our governing officials. They are raking and destroying the citizens of this great country and the economy for their own gain. They will have accountability for their greed at some point, whether in this life or the next. Feel free to pass along my opinion.

RONDA.

We will have to pay it, but with a 95-year-old mother 450 miles away and a very ill sister about 425 miles away. It is tough. We cannot fly to get to either so we have to drive. A couple of hundred dollars to get to either place is tough when you are retired on fixed income. Drilling is great but too late to do any good now. The speculators are the problem not so much the source or availability. We need new refineries too!

GEORGE, Boise.

Thank you for representing our family's interests on the Senate floor. We appreciate your diligent efforts that push for common-sense efforts.

Like most of our neighbors, our family has been impacted by the rising costs of fuel and groceries. My husband is a student at BSU, and I am a stay-at-home mom with our beautiful one-year-old daughter. My husband works hard in school and has a part time job, but it is getting harder to budget for the skyrocketing prices we see.

We are in support of energy conservation efforts. We ride our bikes to the grocery store and fill up the bike trailer with groceries. We walk, run or bike where we can. We support technology that reduces the need of oil. There are many things we can do to use less oil, however, we still need it. We support exploring U.S. oil reserves. We support corn and sugar ethanol exploration. We want the United States to prepare so we will be strong enough to stay true to the principles we were founded upon. We have plenty of opportunities within the States to drill for oil. Why do the environmentalist liberals care more for the caribou than for humans? We can have both. Dependence on foreign oil does not lessen pollution, it just means someone else will drill with less environmentally friendly machinery. We have better technology and can more efficiently drill.

Please keep up your hard work. We offer our support and gratitude for your service.

NATE and AMY, Boise.

Before all of the energy garbage, we had a pretty good life. My newly married wife and I both had good jobs, afforded everything we needed and did not have a lot of worries. Now with the energy problems, people have cut back on spending, so my wife may lose her job because of the lack of work. She is looking for a second job just so we can afford fuel to get to work. My job is getting more and more unstable being in the construction market. Our company is a small company, and the fuel is really making the work almost not worth doing. It is costing \$150 a week for each truck if it stays pretty close to town.

My wife and I are pretty young and have not built up a big savings to draw from so we now have to watch every penny like it is our last. We no longer can afford eating out, let alone eating at home. We are not sure how much longer we can keep up on our bills and such, especially if our jobs crash.

It is pretty sad and I do not see any reason for it, especially fuel. We did not just all of a sudden start using more fuel. Then when the demand drops even a little they cut back production and the cost shoots for the stars. I think it is time the government steps in and does something.

Idaho Power seems to be capitalizing on the fuel shortage. Knowing people will be staying home more, so they have raised their prices to get their extra dollars.

I think now we have more of a war trying to survive in our own country then we do across seas.

Thanks for your time.

BRYCE.

We are frantically searching for some other way to heat our home. Our home was built in 1916 and there is no space for a furnace. We have never heated our 4 upstairs bedrooms, even the year we had 45 days in a row of below zero weather. We have no heat in our bedroom on the main level or in our bathroom. We heat by propane. We used to heat by coal but could not find replacement parts for our Stokermatic coal stove. We switched to propane. In January, it cost us \$702 for a fill-up on our tank and, just last week, it cost us \$847 for a fill-up because the price is going up. We are trying to find a way to get our old, old, wood-burning stove repaired so we can heat our kitchen by wood but have to do some serious thinking to find a way to get the heat into our dining room and living room so we only turn on the propane stove when we have to leave for a few days in the winter. We are making enough to get by but no more. My husband is 67 years old and retired, but still reads meters for Rocky Mountain Power three days a week so we can try and keep warm in the winter. Something needs to be done. We do not qualify for assistance because we make too much money. We had to buy a new car and are still paying house payments. We barley make ends meet. We do without a lot and we do spend our evenings, in the spring fall and winter, covered up in blankets because our house is cold. That is without heating the whole house, just the kitchen and dining room and living room and what little heat trickles into the bathroom.

GRANT and DIANE, Liberty.

As a native Idahoan I have always loved the rural, small-town lifestyle of living in the country, enjoying the beauty of the quite, still landscape and the aroma of pure, clean air. Yet the distance I have to travel in order to shop at the store, visit friends or family, or go to the doctor places me at a

definite disadvantage to those who dwell in larger cities and more populated states when one considers the astronomical price of gasoline. Visiting family in distant cities has now become a greater challenge as we spend more and more of our family's single income to buy fuel for our car. As I reflect on alternate forms of transportation in my rural area, I find that I can either walk or ride a bike several miles to accomplish my daily tasks. I would not consider this a problem until I factor in my infant who accompanies me everywhere and the extreme temperatures we have in the Rocky Mountain States, which range below freezing in the winter to near 100 degrees in the summer.

Generally I do not believe in turning to the government to solve problems, but since Congress has helped create our current energy crisis and has put into place roadblocks that require citizens to address her for help, I am writing to urge the United States Senate to act. I believe that we can drill for oil in our own country safely and without endangering our environment while we explore other energy options. Someone once raised the concern that logging endangered forests and the environment but we have found that simply removing access to certain areas has not solved the problem. Instead new problems have risen in the form of diseased trees and ruined forests. Similarly, removing access to areas that house oil reserves does not solve the problem. It only creates a much larger problem in the form of dependence on foreign oil. The reality is that our country cannot remain dependent on other countries. We need to drill domestically while exploring other forms of energy production. Hybrid cars, while presenting themselves as a wonderful alternative to gas only cars, would also create problems of electrical shortages if everyone drove them. Not to mention the fact that the vast majority of citizens cannot afford such expensive cars. We need to look at real solutions and not just more band aids and temporary fixes.

One Congressman stated that our country could conserve a large amount of energy if every individual would telecommute to work one day each week. While it is true that we could conserve much energy, I question how they plan for individuals who work in farming, retail, production, construction, and transportation trades to telecommute. Simply stated, not all individuals have jobs suited to telecommuting.

I hesitate to support the creation of an incentive program to reward those who conserve energy because it most likely would reward those who live in metropolitan areas who do not have to travel very far to work or shop and would punish those who live in spread out areas of the country where alternate forms of transportation (subway, light rail, buses, etc) do not exist. Of course, our Idaho farmers could cut back on crop growth in order to return to the use of horse and plow in order to receive conservation incentives, but then what would the urbanites eat?

KIMBERLEE, Burley.

ANWR must be opened to drilling. This \$4+ gasoline is going to stop our already fragile economy in its tracks. It is bad enough now with gas prices this high, but add to that this winter the cost of natural gas doubling, and most families are going to have to decide—heat or eat.

We have enough energy in the ground in the United States to become nearly energy independent. Let us use it and in the mean time continue to develop alternative fuels

and allow proven technologies such as nuclear to be built.

A majority of Americans support using our own supplies. Congress needs to get out of the way and open things up and make it easy for us to develop these resources. Stop being a hinderance.

MARK, *Boise*.

ADDITIONAL STATEMENTS

REMEMBERING WYMAN HICKS

• Mrs. BOXER. Mr. President, I wish to share with my colleagues the memory of a remarkable man, Mr. Wyman Hicks of Marin County. Mr. Hicks passed away on February 4, 2009, at the age of 90. Mr. Hicks was a passionate activist, educator, and inventor who contributed selflessly to the military, government, and his community.

Wyman Hicks was born in Oakland, CA, on June 25, 1918. A bright child whose family experienced the hardships of poverty, Mr. Hicks developed a strong sense of justice and community service early in life. While attending the University of California at Berkeley, Mr. Hicks spent his summers in Alaska helping laborers and workers form a union.

In 1938, Mr. Hicks traveled to Germany, where he helped German Jews find sponsors to help them escape to America. After receiving warnings from the U.S. consul that the Gestapo wanted to arrest him, Mr. Hicks returned to California to help farm workers in the Central Valley.

During the Second World War, Mr. Hicks enlisted in the Army. He became a captain in the Signal Corps serving in New Guinea and the Philippines, and worked to rebuild Japan after the war. Mr. Hicks returned to Berkeley on the GI bill, where he received his bachelor's and master's degrees in economics. Later, as the director of new product development at Crown Zellerbach, Mr. Hicks contributed to the development of the strap-handled shopping bag.

Wyman Hicks demonstrated a lifelong dedication to education, community governance, and civil rights. He served on the Sausalito City Council and the Bay Area Air Quality District Board, and was an active member of the American Civil Liberties Union and the Congress of Racial Equality. Mr. Hicks served as president of the Marin County Day School, and later became a professor in the management department of Sonoma State College. In 1987 he married Diana King.

From 1988 until 1991, Mr. Hicks was a member of my staff. His service to the U.S. Congress was invaluable, and for that I am grateful. Mr. Hicks was a generous man who dedicated his life to public service. He will be deeply missed.

Wyman is survived by his wife Diana King; his sons Kevin Hicks and Todd

Hicks; his wife's sons Avi Rappoport and Richard Haven, and his five grandchildren.●

TRIBUTE TO DR. SAM HOLLAND

• Mr. JOHNSON. Mr. President, today I would like to recognize the career of a remarkable veterinary professional who has influenced livestock health in the State of South Dakota and across the Nation: South Dakota State veterinarian Dr. Sam Holland. Dr. Holland has earned the respect of his colleagues, farmers and ranchers, and Congressmen and Congresswomen and government officials on a national basis. His talent and commitment to his profession have not only influenced the physical health of our livestock herds but also improved the economic health and viability of agricultural communities across America.

As South Dakota State veterinarian since 1995 and most immediate past president of the National Assembly of State Animal Health Officials, Dr. Holland's guidance and extensive expertise have helped to effectively navigate livestock health concerns. As a practicing large-animal veterinarian for 15 years, he made monumental impacts to a sector of the animal health front that, now in the midst of shortages of veterinarians for underserved populations, especially has needed his contributions. Dr. Holland's involvement has shaped responses on a national basis to a number of livestock health issues, from developing a national model to respond to chronic wasting disease to a Veterinary Medical Reserve Corps for emergency situations. His expertise has also influenced discussions and action to diseases such as brucellosis, pseudorabies, and trichomoniasis, just to name a few.

Dr. Holland's involvement in South Dakota's State-based meat inspection program is arguably no small factor why this most recent Federal farm bill finally included language to allow for the transportation of State-inspected meat across State lines. And he has long adopted a commonsense approach to trade, to maintain and address the integrity of our livestock herd health before opening our borders to more food imports.

On the subject of trade, I am particularly grateful for the time and knowledge Dr. Holland dedicated to shaping the Foot and Mouth Disease Prevention Act to ensure this legislation was targeted and effective on the animal health front. I am confident that the successes we achieved on this measure as a team would have been impossible if not for his input and leadership.

I am very pleased to hear that Dr. Holland will continue to be involved with the South Dakota Medical Examining Board, through which he will maintain a presence on the South Dakota animal health front. Dr. Holland,

thank you for everything you have done for the health of our livestock sector and agricultural communities in South Dakota and across the Nation. I wish you the very best in your retirement.●

150TH ANNIVERSARY OF VERMILLION, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Vermillion, SD. The city of Vermillion will commemorate the 150th anniversary of its founding this year.

Located in Clay County, Vermillion was founded in 1859 on the banks of the Vermillion River. Originally settled by French fur traders, Vermillion's name was translated from its native title Wase Wakpala, which means red stream. The city is home to the University of South Dakota, the State's oldest institution of higher education, which was founded in 1862. Since its establishment 150 years ago, the community of Vermillion has served as a strong example of South Dakota values and traditions and I am confident it will continue to prosper.

I would like to offer my congratulations to the citizens of Vermillion on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the Senate of January 6, 2009, the Secretary of the Senate, on March 6, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 38. An act making further continuing appropriations for fiscal year 2009, and for other purposes.

Under the authority of the Senate of January 6, 2009, the enrolled joint resolution was signed on March 6, 2009, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

MESSAGE FROM THE HOUSE

At 2:11 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1106. An act to prevent mortgage foreclosures and enhance mortgage credit availability.

The message also announced that pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a)

and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Migratory Bird Conservation Commission: Mr. DINGELL of Michigan and Mr. WITTMAN of Virginia.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 542. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-911. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred within the U.S. Army Information Technology Agency, and has been assigned case number 08-01; to the Committee on Appropriations.

EC-912. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the adverse health events of exposure to depleted uranium munitions; to the Committee on Armed Services.

EC-913. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination, discontinuation of service in acting role, and action on a nomination in the position of Secretary, received in the Office of the President of the Senate on March 4, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-914. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, (11) reports relative to vacancy announcements and designated acting officer notifications within the Department, received in the Office of the President of the Senate on March 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-915. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Civil Money Penalties: Certain Prohibited Conduct; Technical Correction" (RIN2501-AD23) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-916. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a report relative to the disclosure of financial interest and recusal requirements; to the Committee on Commerce, Science, and Transportation.

EC-917. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the increase of the maximum award ceiling for U.S. Department

of Energy Biomass Technology Specific Super Energy Savings Performance Contracts; to the Committee on Energy and Natural Resources.

EC-918. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the status of all extensions granted by Congress regarding the requirements of Section 13 of the Federal Power Act; to the Committee on Energy and Natural Resources.

EC-919. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Financial Officer, received in the Office of the President of the Senate on March 4, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-920. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-921. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a vacancy for the position of General Counsel, received in the Office of the President of the Senate on March 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence:

Special Report entitled "Report of the Select Committee on Intelligence for the 110th Congress" (Rept. No. 111-6).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself and Mr. BARASSO):

S. 544. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. SPECTER, Mr. AKAKA, Ms. SNOWE, Mr. WHITEHOUSE, and Mr. CARPER):

S. 545. A bill to develop capacity and infrastructure for mentoring programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 546. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service of Combat-Related Special Compensation; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. CASEY, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 547. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Finance.

By Mr. SCHUMER:

S. 548. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURRIS:

S. 549. A bill for the relief of Simeon Simeonov, Stela Simeonova, Stoyan Simeonov, and Vania Simeonova; to the Committee on the Judiciary.

By Mr. BURRIS:

S. 550. A bill for the relief of Francisca Lino; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Ms. STABENOW, Mr. LEVIN, Ms. MIKULSKI, Mr. VITTER, and Mrs. MURRAY):

S. 551. A bill to amend the Internal Revenue Code of 1986 to exempt certain shipping from the harbor maintenance tax; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 552. A bill to amend the Food Security Act of 1985 to encourage owners and operators of privately held farm, ranch, and forest land to voluntarily make their land available for access by the public for maple-tapping activities under programs administered by States and tribal governments; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. KLOBUCHAR:

S. 553. A bill to revise the authorized route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along Lake Superior's north shore and in Superior National Forest and Chippewa National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWN (for himself and Mrs. HUTCHISON):

S. 554. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. HARKIN, Mr. KENNEDY, Mr. REED, Mr. COCHRAN, Ms. SNOWE, Mr. KERRY, and Mr. JOHNSON):

S. Res. 69. A resolution designating March 2009 as "National Reading Month" and authorizing the collection of nonmonetary book donations in Senate office buildings during the period beginning March 9, 2009 and ending March 27, 2009 from Senators and officers and employees of the Senate to assist elementary school students in the Washington, D.C. metropolitan area; considered and agreed to.

By Mr. DURBIN (for himself, Mr. VOINOVICH, and Mrs. FEINSTEIN):

S. Res. 70. A resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWNBACK):

S. Res. 71. A resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights; to the Committee on Foreign Relations.

By Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CHAMBLISS, Mr. ISAKSON, Mr. LUGAR, and Mr. DODD):

S. Con. Res. 10. A concurrent resolution congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 277

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 307

At the request of Mr. WYDEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 423

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing

two-fiscal year budget authority, and for other purposes.

S. 435

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 435, a bill to provide for evidence-based and promising practices related to juvenile delinquency and criminal street gang activity prevention and intervention to help build individual, family, and community strength and resiliency to ensure that youth lead productive, safe, health, gang-free, and law-abiding lives.

S. 450

At the request of Mr. BAUCUS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 450, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 462

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 486

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 486, a bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs.

S. 487

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 527

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 527, a bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 542

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 542, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 542, *supra*.

S.J. RES. 7

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 7, a joint resolution proposing an amendment to the Constitution of the United States relative to the election of Senators.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the names of the Senator from Missouri (Mr. BOND), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. ROBERTS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 4, a concurrent resolution calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 60

At the request of Mrs. SHAHEEN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. BAYH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

AMENDMENT NO. 593

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 593 proposed

to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 546. A bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation; to the Committee on Armed Services.

Mr. REID. Mr. President, I take a great deal of pride in the work done by the 110th Congress to fulfill our Government's obligations to our Nation's veterans. Our legislative accomplishments in those 2 years were significant.

We significantly increased funding for the Department of Veterans Affairs; we enacted a comprehensive program that provides tuition and benefits to every veteran who serves after 9/11; we refused to allow our wounded warriors to fall through the cracks, remedying the substandard care that many were receiving, and broadening eligibility for treatment programs to address the war's physical and psychological toll; we brought attention and funding to veterans' mental health issues, improving the level of care and access to treatment for both veterans and their family members; and we added provisions to the Housing and Economic Recovery Act to help protect our veterans from becoming victims of the housing crisis.

Indeed, we can be proud of these accomplishments, but I rise today to bring to light one area in which Congress can and must do more. For eight years I have been working to eliminate an unconscionable policy under which a veteran who is classified as 'disabled' by the Veterans Administration is required, in essence, to pay his or her own disability compensation out of retirement pay received from the Department of Defense.

As it stands now, a disabled veteran is, by law, prevented from collecting both disability pay and retired pay. Despite the fact that a veteran is eligible for each for a different reason, the law prohibits receiving both. The end result of this prohibition known as "Concurrent Receipt" is that for every dollar a veteran receives as disability compensation, a dollar is deducted from his or her retirement pay. In some cases, this ban takes away a veteran's full retirement pay, wiping away the benefits he or she earned in 20 or more years of service.

Since 2000, I have been working to end this absurd policy. In 2003, Con-

gress passed the first legislation in this vein, which allowed veterans with at least a 50 percent disability rating to become eligible for concurrent receipt of benefits over a 10-year phase-in period. The following year we successfully eliminated the ten year phase-in for those veterans with a 100 percent disability rating. In 2005, we passed legislation that permitted the concurrent receipt of retired and disability compensation to veterans who have been classified by the VA as "unemployable," however this group of veterans has had to wait until this year to receive the benefit of this legislation. Our Nation's veterans should have to wait no longer.

It is past time to eliminate the remaining bar to concurrent receipt of disability compensation and military retirement pay. I am proud to introduce the Retired Pay Restoration Act of 2009.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retired Pay Restoration Act of 2009".

SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

"(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0."

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation"

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009, and shall apply to payments for months beginning on or after that date.

SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 2(a), is amended—

(A) by striking "a member or" and all that follows through "retiree)" and inserting "a qualified retiree"; and

(B) by adding at the end the following new paragraph:

"(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

"(A) is entitled to retired pay (other by reason of section 12731b of this title); and

"(B) is also entitled for that month to veterans' disability compensation."

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

"(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

"(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

"(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009, and shall apply to payments for months beginning on or after that date.

By Mr. BINGAMAN (for himself, Mr. CASEY, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 547. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am introducing legislation today with Senators CASEY, STABENOW, and WHITEHOUSE entitled the Drug Rebate Equalization Act of 2009.

The Medicaid drug rebate ensures that State Medicaid programs receive the best price for prescription drugs for their beneficiaries. Unfortunately, health plans that serve over 10 million Medicaid beneficiaries cannot access the same discounts through the federal drug rebate program. Plans typically get no rebate on generic drugs and about a third of the rebate on branded drugs that states receive. States are paying more for the acquisition of prescription drugs for these health plan enrollees than for beneficiaries in fee-for-service Medicaid, thereby raising costs for Federal and State governments. In fact, the December 2008 Congressional Budget Office Health Operations report found that equalizing the

drug rebate between Medicaid fee-for-service and managed care would save Federal taxpayers \$11 billion over 10 years.

Even with this price disadvantage, the total cost of prescription drugs for health plans is less on a per member per month basis because of health plans' greater use of generics and case management. Unfortunately, many States are considering, or have already begun, carving out prescription drugs from health plans for the sole purpose of obtaining savings under the rebate—this undermines the plans' ability to maintain a comprehensive care and disease management program that includes prescription drugs. Not only will this legislation save money, it will eliminate this incentive and ensure that health plans can maintain a comprehensive care coordination system for their patients.

This present drug rebate policy was passed by the Senate in 2005 as part of the Deficit Reduction Act. This year's version of the bill improves on last year's bill in several important ways. First, it requires States—not health plans—to collect the rebate. To protect plans against inappropriate cuts in payment, it requires states to publicly disclose information about savings obtained under the legislation. Second, the bill will reiterate that nothing in the legislation prevents a State from maintaining oversight control of its contracts with the health plans. Finally, the bill maintains the fee-for-service prohibition against health plans "double dipping" into the Medicaid drug rebate and the 340b discount drug pricing program. These changes significantly improve the bill and will help improve its chances of passage.

Extending the Medicaid drug rebate to enrollees in health plans is supported widely and includes the National Governors Association, the National Association of State Medicaid Directors, the National Medicaid Commission, the National Association of Community Health Centers, the Partnership for Medicaid, the Association for Community Affiliated Plans, and the Medicaid Health Plans of America. Last week, President Obama highlighted changes in Medicaid prescription drug rebates in his fiscal year 2010 budget to help pay for an expansion of health coverage for more Americans. I welcome President Obama's support and look forward to working with him to make this policy a reality.

This legislation modernizes the Medicaid program, protects the ability of health plans to effectively coordinate prescription drugs as part of their care coordination systems, and will save Federal taxpayers \$11 billion over 10 years.

I urge my colleagues to join me in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Rebate Equalization Act of 2009".

SEC. 2. EXTENSION OF PRESCRIPTION DRUG DISCOUNTS TO ENROLLEES OF MEDICAID MANAGED CARE ORGANIZATIONS.

(a) IN GENERAL.—Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—

(1) in clause (xi), by striking "and" at the end;

(2) in clause (xii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(xiii) such contract provides that (I) payment for covered outpatient drugs dispensed to individuals eligible for medical assistance who are enrolled with the entity shall be subject to the same rebate required by the agreement entered into under section 1927 as the State is subject to, and (II) capitation rates paid to the entity shall be based on actual cost experience related to rebates and subject to the Federal regulations requiring actuarially sound rates.".

(b) CONFORMING AMENDMENTS.—Section 1927 (42 U.S.C. 1396r-8) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by adding at the end the following:

"(C) Notwithstanding the subparagraphs (A) and (B)—

"(i) a Medicaid managed care organization with a contract under section 1903(m) may exclude or otherwise restrict coverage of a covered outpatient drug on the basis of policies or practices of the organization, such as those affecting utilization management, formulary adherence, and cost sharing or dispute resolution, in lieu of any State policies or practices relating to the exclusion or restriction of coverage of such drugs, provided, however, that any such exclusions and restrictions of coverage shall be subject to any contractual requirements and oversight by the State as contained in the Medicaid managed care organization's contract with the State, and the State shall maintain approval authority over the formulary used by the Medicaid managed care organization; and

"(ii) nothing in this section or paragraph (2)(A)(xiii) of section 1903(m) shall be construed as requiring a Medicaid managed care organization with a contract under such section to maintain the same such policies and practices as those established by the State for purposes of individuals who receive medical assistance for covered outpatient drugs on a fee-for service basis."; and

(B) in paragraph (4), by inserting after subparagraph (E) the following:

"(F) Notwithstanding the preceding subparagraphs of this paragraph, any formulary established by Medicaid managed care organization with a contract under section 1903(m) may be based on positive inclusion of drugs selected by a formulary committee consisting of physicians, pharmacists, and other individuals with appropriate clinical experience as long as drugs excluded from the formulary are available through prior authorization, as described in paragraph (5)."; and

(2) in subsection (j), by striking paragraph (1) and inserting the following:

"(1) Covered outpatients drugs are not subject to the requirements of this section if such drugs are—

"(A) dispensed by health maintenance organizations, including Medicaid managed care organizations that contract under section 1903(m); and

"(B) subject to discounts under section 340B of the Public Health Service Act.".

(c) REPORTS.—Each State with a contract with a Medicaid managed care organization under section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) shall report to the Secretary on a quarterly basis the total amount of rebates in dollars and volume received from manufacturers (as defined in section 1927(k)(5) of such Act (42 U.S.C. 1396r-8(k)(5))) for drugs provided to individuals enrolled with such an organization as a result of the amendments made by this section for both brand-name and generic drugs. The Secretary shall review the reports submitted by States under this subsection and, after such review, make publically available the aggregate data contained in such reports.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date of enactment of this Act and apply to rebate agreements entered into or renewed under section 1927 of the Social Security Act (42 U.S.C. 1396r-8) on or after such date.

By Mr. BROWN (for himself and Mrs. HUTCHISON):

S. 554. A bill to improve the safety of motorcoaches, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BROWN. Mr. President, last week was the two year anniversary of a horrific motorcoach crash involving the Bluffton University baseball team. Seven Ohioans—Tyler Williams, Cody Holp, Scott Harmon, Zack Arend, David Joseph Betts, and Jerome and Jean Niemeyer—lost their lives that day.

As their bus rolled along Interstate-75 on March 2, 2007, the Bluffton players and coaches were hours away from beginning their spring break in Florida. But as the team slept in preparation for their season opener later in the week, their motorcoach crashed through a retaining wall and fell thirty feet to the highway below.

Since then I have talked with family members of the players on the bus that day and other passenger safety advocates, and time and again the conversations came back to one thing: we need commonsense motorcoach safety measures that will protect both passengers and other motorists on the road.

In the 110th Congress, Senator HUTCHISON and I introduced the Motorcoach Enhanced Safety Act to finally require basic safety devices like seat belts and stronger windows on motorcoaches.

Bus trips should not turn into tragedies, and that is why today we are again introducing the Motorcoach Enhanced Safety Act of 2009. We need these new standards now to ensure the safety of every rider and driver on the road.

In 2007, the American Bus Association reported that over 750 million passenger trips covering more than 60 billion miles were made by motorcoaches in the United States.

More and more people are choosing buses for their transportation, and it seems every week you read about another serious motorcoach accident . . . the crash involving a minor-league hockey team from Albany, New York; the fatal motorcoach accidents in Texas; the tour bus crash in Arizona that killed 7 passengers. The number of serious accidents and tragic deaths will only grow if we do not take action.

Our legislation directs the Secretary of the Department of Transportation to implement numerous safety regulations already recommended by the National Transportation Safety Board. Incredibly, many of these recommendations—including seatbelts, fire extinguishers, increased driver training, and stronger windows—have languished for years.

Our bill places firm timelines on the development and implementation of these rules and does so in a manner consistent with the recommendations of the National Transportation Safety Board—the guardian of our Nation's travel safety.

This includes safety belts and stronger seating systems to ensure occupants stay in their seats in a crash.

Stronger and better glazing on windows to prevent passengers from being easily ejected out of the motorcoach, crush-resistant roofs that can better withstand rollovers, improved protection against fires by reducing flammability of the motorcoach interior, and better training for operators in the case of fire.

John Betts' son David was a second baseman on the Bluffton baseball team and was on the bus when it crashed in Atlanta 2 years ago. Mr. Betts lost his son in that tragic accident, but has since been a tireless advocate for motorcoach safety reform.

In testimony before the Senate Commerce Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, Mr. Betts said:

Motorcoach transportation may be one of the safest modes when you look at statistics of lives lost per miles traveled compared to other modes of transportation. However, as family members here today representing those who had a loved one die in such a crash, our first response is that such statistics are not comforting. As a father, am I to disregard David's death as his being one of the unlucky few? As NTSB recommendations languish here in the United States, Europe and Australia have already required basic occupant safety protection measures such as seat belts.

Mr. Betts eloquent words challenge Congress to take action so that other Americans do not tragically, needlessly, lose their lives, and it is my hope that we will swiftly pass this long overdue bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 69—DESIGNATING MARCH 2009 AS “NATIONAL READING MONTH” AND AUTHORIZING THE COLLECTION OF NONMONETARY BOOK DONATIONS IN SENATE OFFICE BUILDINGS DURING THE PERIOD BEGINNING MARCH 9, 2009 AND ENDING MARCH 27, 2009 FROM SENATORS AND OFFICERS AND EMPLOYEES OF THE SENATE TO ASSIST ELEMENTARY SCHOOL STUDENTS IN THE WASHINGTON, D.C. METROPOLITAN AREA

Mr. LAUTENBERG (for himself, Mr. LEVIN, Mr. HARKIN, Mr. KENNEDY, Mr. REED, Mr. COCHRAN, Ms. SNOWE, Mr. KERRY, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas literacy is a learned skill that is improved through practice and regular reading;

Whereas public and school libraries play an important role in helping children learn to read and gain critical information literacy skills by providing easy and free access to books and other information on a wide range of topics;

Whereas the reading of books with children improves children's language, cognitive, and literacy skills;

Whereas research demonstrates that reading aloud with children is the single most important activity for helping them become successful readers;

Whereas quality children's books and the continued efforts of educators, parents, and volunteer reading partners can instill a love of reading that will last a lifetime;

Whereas school reading programs provide students with a chance to improve their reading skills and take pleasure in stories;

Whereas such programs have a profound and lasting positive impact on a child's life through improved reading comprehension, motivation, and achievement, as well as improved overall academic performance, classroom behavior, self-confidence, and social skills; and

Whereas all people of the United States can help celebrate the importance of reading by donating children's books, volunteering to read to and mentor young students, and supporting public policies aimed at improving literacy rates: Now, therefore, be it

Resolved, Notwithstanding any other rules and regulations of the Senate—

(1) the Senate designates March 2009 as “National Reading Month”;

(2) a Senator or officer or employee of the Senate may solicit another Senator or officer or employee of the Senate within Senate buildings for nonmonetary book donations during the period beginning March 9, 2009 and ending March 27, 2009 to assist elementary school students in the Washington, D.C. metropolitan area, if such solicitation does not otherwise violate any rule or regulation of the Senate or any Federal law; and

(3) a Senator or officer or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described in paragraph (2).

SENATE RESOLUTION 70—CONGRATULATING THE PEOPLE OF THE REPUBLIC OF LITHUANIA ON THE 1000TH ANNIVERSARY OF LITHUANIA AND CELEBRATING THE RICH HISTORY OF LITHUANIA

Mr. DURBIN (for himself, Mr. VOINOVICH, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 70

Whereas the name “Lithuania” first appeared in European records in the year 1009, when it was mentioned in the German manuscript “Annals of Quedlinburg”;

Whereas Duke Mindaugas united various Baltic tribes and established the state of Lithuania during the period between 1236 and 1263;

Whereas, by the end of the 14th century, Lithuania was the largest country in Europe, encompassing territory from the Baltic Sea to the Black Sea;

Whereas Vilnius University was founded in 1579 and remained the easternmost university in Europe for 200 years;

Whereas the February 16, 1918, Act of Independence of Lithuania led to the establishment of Lithuania as a sovereign and democratic state;

Whereas, under the cover of the Molotov-Ribbentrop Pact, on June 17, 1940, Latvia, Estonia and Lithuania were forcibly incorporated into the Soviet Union in violation of pre-existing peace treaties;

Whereas, during 50 years of Soviet occupation of the Baltic states, Congress strongly, consistently, and on a bipartisan basis refused to legally recognize the incorporation of Latvia, Estonia, and Lithuania by the Soviet Union;

Whereas, on March 11, 1990, the Republic of Lithuania was restored and Lithuania became the first Soviet republic to declare independence;

Whereas on September 2, 1991, the United States Government formally recognized Lithuania as an independent and sovereign nation;

Whereas Lithuania has successfully developed into a free and democratic country, with a free market economy and respect for the rule of law;

Whereas Lithuania is a full and responsible member of the United Nations, the Organization for Security and Cooperation in Europe, the European Union, and the North Atlantic Treaty Organization;

Whereas, in 2007, the United States Government and the Government of Lithuania celebrated 85 years of continuous diplomatic relations;

Whereas the United States Government welcomes and appreciates efforts by the Government of Lithuania to maintain international peace and stability in Europe and around the world by contributing to international civilian and military operations in Afghanistan, Iraq, Bosnia, Kosovo, and Georgia; and

Whereas Lithuania is a strong and loyal ally of the United States, and the people of Lithuania share common values with the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the people of the Republic of Lithuania on the occasion of the 1000th anniversary of Lithuania;

(2) commends the Government of Lithuania for its success in implementing political and economic reforms, for establishing political, religious and economic freedom, and for its commitment to human rights; and

(3) recognizes the close and enduring relationship between the United States Government and the Government of Lithuania.

SENATE RESOLUTION 71—CONDEMNING THE GOVERNMENT OF IRAN FOR ITS STATE-SPONSORED PERSECUTION OF THE BAHAI MINORITY IN IRAN AND ITS CONTINUED VIOLATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Mr. WYDEN (for himself, Mr. MENENDEZ, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 71

Whereas, in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, and 2008, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas, in November 2007, the Iranian Ministry of Information in Shiraz jailed Baha'is Ms. Raha Sabet, age 33, Mr. Sasan Taqva, age 32, and Ms. Haleh Roohi, age 29, for educating underprivileged children and gave them 4-year prison terms, which they are serving;

Whereas Ms. Sabet, Mr. Taqva, and Ms. Roohi were targeted solely on the basis of their religion;

Whereas, on January 23, 2008, the Department of State released a statement urging the Government of Iran to release all individuals held without due process and a fair trial, including the 3 young Baha'is being held in an Iranian Ministry of Intelligence detention center in Shiraz;

Whereas, in March and May of 2008, Iranian intelligence officials in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Baha'i community in Iran;

Whereas, on February 11, 2009, the deputy prosecutor in Tehran, Mr. Hassan Haddad, announced that those seven leaders will go on trial at a Revolutionary Court on charges of "espionage for Israel, insulting religious sanctities and propaganda against the Islamic Republic";

Whereas the lawyer for these seven leaders, Mrs. Shirin Ebadi, the Nobel Laureate, has been denied all access to the prisoners and their files;

Whereas these seven Baha'i leaders were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation

of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders and all other prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi; and

(3) calls on the President and Secretary of State, in cooperation with the international community, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi.

Mr. WYDEN. Mr. President, I rise today to speak in support of a resolution that I am offering with my colleagues, Senators BROWNBACK, MENENDEZ, SNOWE, and WHITEHOUSE. This resolution condemns the Iranian government's persecution of its own Baha'i community and urges the Obama administration to speak out strongly against this continued injustice.

The Baha'i Faith, the world's youngest independent monotheistic religion, was founded in Iran in 1844. Today, it is practiced by more than 5 million people across the planet, from Bangalore, India to Beaverton, Oregon. Roughly 300,000 of these adherents still live in Iran. Although Baha'i teachings emphasize equality, unity, and peace, Iranian authorities have viewed the religion as an apostasy and have treated it as a threat since the beginning.

The current Islamic Republic has been particularly hostile to Baha'i practitioners since its establishment in 1979. In 1983, Iran's government formally banned all Baha'i religious institutions and criminalized membership in them and service to them. The regime has officially recognized Christians, Jews, and Zoroastrians as religious minorities. It refuses to extend this same status to the Baha'is, even though they make up Iran's largest religious minority. According to the State Department's 2008 International Religious Freedom Report, the regime continues to create "a threatening atmosphere for nearly all non-Shi'a religious groups, most notably for Baha'is." The government routinely seizes personal property from members of the Baha'i community, denies access to education and employment opportunities, and detains Baha'is based solely on their religious beliefs.

Last year, the Iranian regime imprisoned seven leaders of the Baha'i community. In February 2009, Tehran's deputy prosecutor announced that these seven leaders would be tried on charges of "espionage for Israel, insulting religious sanctities, and propaganda against the Islamic Republic." Not surprisingly, the regime provided

no evidence to support these preposterous accusations and has refused to allow a lawyer for the seven to even meet with them. These actions are clear and unambiguous violations of Iran's international commitments under the International Covenant on Civil and Political Rights. Some in the international community have already condemned this mockery of justice, and rightly so. My colleagues and I believe the time has now come to add the United States Senate to this growing chorus of voices.

Our resolution is simple and straightforward. It denounces the Iranian government's persecution of the Baha'is and calls on the regime to immediately release all prisoners held for their religious beliefs, including the seven Baha'i leaders. It further calls on President Barack Obama and Secretary of State Hillary Clinton to work with the international community in condemning the Iranian regime for its repeated human rights violations.

I hope that colleagues will join me and Senators BROWNBACK, MENENDEZ, SNOWE, and WHITEHOUSE in supporting this commonsense resolution.

SENATE CONCURRENT RESOLUTION 10—CONGRATULATING THE SAILORS OF THE UNITED STATES SUBMARINE FORCE UPON THE COMPLETION OF 1,000 OHIO-CLASS BALLISTIC MISSILE SUBMARINE (SSBN) DETERRENT PATROLS

Ms. CANTWELL (for herself, Mrs. MURRAY, Mr. CHAMBLISS, Mr. ISAKSON, Mr. LUGAR, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 10

Whereas the Sailors of the United States Submarine Force recently completed the 1,000th deterrent patrol of the Ohio-class ballistic missile submarine (SSBN);

Whereas this milestone is significant for the Submarine Force, its crews and their families, the United States Navy, and the entire country;

Whereas this milestone was reached through the combined efforts and impressive achievements of all of the submariners who have participated in such patrols since the first patrol of USS Ohio (SSBN 726) in 1982;

Whereas, as a result of the dedication and commitment to excellence of the Sailors of the United States Submarine Force, ballistic missile submarines have always been ready and vigilant, reassuring United States allies and deterring anyone who might seek to do harm to the United States or United States allies;

Whereas the national maritime strategy of the United States recognizes the critical need for strategic deterrence in today's uncertain world;

Whereas the true strength of the ballistic missile submarine lies in the extremely talented and motivated Sailors who have voluntarily chosen to serve in the submarine community; and

Whereas the inherent stealth, unparalleled firepower, and nearly limitless endurance of

the ballistic missile submarine provide a credible deterrence for any enemies that would seek to use force against the United States or United States allies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; and

(2) honors and thanks the crews of ballistic missile submarines and their devoted families for their continued dedication and sacrifice.

AMENDMENTS SUBMITTED AND PROPOSED

SA 674. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 674. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I of division F, insert the following:

SEC. _____. No funds made available under this Act shall be used to implement the Executive Order dated January 30, 2009, entitled "Notification of Employee Rights Under Federal Labor Laws" to the extent that the implementation of such order is in conflict with Executive Order 13201, dated February 17, 2001.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, March 11, 2009, at 10:00 a.m. to receive testimony on "Voter Registration: Assessing Current Problems."

Individuals and organizations that wish to submit a statement for the hearing record are requested to contact the Chief Clerk, Lynden Armstrong, at 202-224-6352.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee 202-224-6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 12, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of David Hayes to be Deputy Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda Kelly at amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Monday, March 9, 2009, at 5 p.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate, to conduct a hearing entitled "Preventing Worker Exploitation: Protecting Individuals with Disabilities and Other Vulnerable Problems" on Monday, March 9, 2009. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I wish to make a request for the distinguished Senator of Connecticut and ask unanimous consent that Ellen Cohen, a fellow on the staff of Senator LIEBERMAN, be granted floor privileges for the duration of this debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that Gustavo Delgado, Jr., be granted the privilege of the floor for the remainder of the consideration of the omnibus bill. Mr. Delgado is a member of my staff.

The PRESIDING OFFICER. Without objection it is so ordered.

RAISING THE CASE OF ROBERT LEVINSON

Mr. DURBIN. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 4 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 4) calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NELSON of Florida. Mr. President, exactly two years ago today, Bob Levinson went missing while on a business trip to Kish Island, Iran. Bob Levinson checked out of his hotel on March 9, 2007, and got in a taxi cab to head to the airport.

But he never checked in for his flight. The authorities in Dubai and surrounding countries have verified that Mr. Levinson never arrived on any flight from Iran or passed through passport control.

I would like to recognize that Bob Levinson's wife Christine Levinson is in the Senate today with her sister Suzi Halpin.

Many of my fellow Senators and their staffs have met with Christine and cosponsored the resolution we are aiming to pass today. She is a tireless advocate of her husband's case and I thank her and her sister for coming to Washington on this sad, but important day.

So what happened to Bob Levinson? We still do not know, although a man named David Belfield, an American fugitive from justice residing in Iran, and one of the last people to see Bob Levinson on Kish Island before his disappearance, has claimed that the Government of Iran imprisoned Mr. Levinson.

Mr. Belfield himself was detained by Iranian security services after meeting Bob Levinson at the hotel on March 8, 2007, the night before Mr. Levinson vanished.

The Iranians claim they do not know what happened to Bob Levinson, but I believe they are not being completely forthcoming. They promised in December 2007 that they would share the results of their investigation into Bob Levinson's case with his family. President Ahmadinejad stated in July 2008 that Iranian authorities would cooperate with the FBI. We are still waiting for the promised assistance.

Meanwhile, Christine and the rest of the Levinson family pray every day for Bob's return. The past 2 years have been incredibly hard on the family.

In the intervening time, Bob Levinson has missed graduations and report cards and sports events. He has missed the first steps of his grandson

Ryan, and the birth of his granddaughter Grace Olivia.

I want to recognize the great personal courage Christine has shown in travelling to Iran in December 2007 to seek answers from the Iranians on what happened to her husband.

She has steadfastly pursued this case for 2 years now, giving press interviews to publicize Bob's plight and seek leads on the case, engaging the Iranian Mission to the U.N., talking to Swiss diplomats, speaking at rallies, making trips to Washington to meet with Members of Congress and officials at the White House, the State Department and the FBI.

At the same time, she also had to juggle all her other duties as a mother of seven and grandmother of two. I do want to salute Mrs. Levinson, as well as her family and friends who have supported her during these trying times.

So what is the next step? What can we do now?

President Obama has called for a renewed diplomatic effort on Iran. Our new U.N. Ambassador Susan Rice has stated that the new administration will engage in "direct diplomacy" with the Iranians. Secretary Clinton said Tehran would be invited to an Afghanistan neighbors conference in the Netherlands at the end of the month.

We obviously have serious disagreements with Tehran on a number of issues, including its nuclear program, its despicable policy towards Israel, and its support for the terrorist groups Hamas and Hezbollah.

But the U.S. and Iran have common interests as well. Peace in Iraq, as well as in Afghanistan, is in the interests of both Tehran and Washington. We can jointly confront the scourge caused by the narcotics drug trade.

Cooperation on the case of Bob Levinson a humanitarian issue in my mind—must be a top issue if any future improvement in relations is to occur. It is but one small step we can take toward working together on this range of issues of mutual concern.

During her confirmation hearing in January, I asked Secretary of State Hillary Clinton about Bob Levinson's case. She stated that "it would be an extraordinary opportunity for the government of Iran to make such a gesture to permit contact, to release him, to make it clear that there is a new attitude in Iran, as we believe there will be with the Obama administration toward engagement, carefully constructed, and with very clear outcomes attempted."

We do not have direct diplomatic relations with Iran and our relations with Iran are difficult, to say the least. But I again call on the government of Iran to work with the U.S. and our allies to ensure Bob Levinson's return to this country and allow the Levinsons to return to a normal life.

Those points are included in S. Con. Res. 4 which I introduced on February

3. I hope that we will be able to pass this resolution by this evening. I want to thank Senator VOINOVICH, as well as 16 other Senators, for joining me as cosponsors of this resolution.

We cannot and we will not forget Bob Levinson or his family.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 4) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 4

Whereas United States citizen Robert Levinson is a retired agent of the Federal Bureau of Investigation, a resident of Florida, the husband of Christine Levinson, and father of their 7 children;

Whereas Robert Levinson traveled from Dubai to Kish Island, Iran, on March 8, 2007;

Whereas, after traveling to Kish Island and checking into the Hotel Maryam, he disappeared on March 9, 2007;

Whereas neither his family nor the United States Government has received further information on his fate or whereabouts;

Whereas March 9, 2009, marks the second anniversary of the disappearance of Robert Levinson;

Whereas the Government of Switzerland, which has served as Protecting Power for the United States in the Islamic Republic of Iran in the absence of diplomatic relations between the United States Government and the Government of Iran since 1980, has continuously pressed the Government of Iran on the case of Robert Levinson and lent vital assistance and support to the Levinson family during their December 2007 visit to Iran;

Whereas officials of the Government of Iran promised their continued assistance to the relatives of Robert Levinson during the visit of the family to the Islamic Republic of Iran in December 2007; and

Whereas the President of the Islamic Republic of Iran, Mahmoud Ahmadinejad, stated during an interview with NBC News broadcast on July 28, 2008, that officials of the Government of Iran were willing to cooperate with the Federal Bureau of Investigation in the search for Robert Levinson: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the Embassy of Switzerland in Tehran and the Government of Switzerland for the ongoing assistance to the United States Government and to the family of Robert Levinson, particularly during the visit by Christine Levinson and other relatives to Iran in December 2007;

(2) expresses appreciation for efforts by Iranian officials to ensure the safety of the family of Robert Levinson during their December 2007 visit to Iran, as well as for the promise of continued assistance;

(3) urges the Government of Iran, as a humanitarian gesture, to intensify its cooperation on the case of Robert Levinson with the Embassy of Switzerland in Tehran and to share the results of its investigation into the

disappearance of Robert Levinson with the Federal Bureau of Investigation;

(4) urges the President and the allies of the United States to engage with officials of the Government of Iran to raise the case of Robert Levinson at every opportunity, notwithstanding other serious disagreements the United States Government has had with the Government of Iran on a broad array of issues, including human rights, the nuclear program of Iran, the Middle East peace process, regional stability, and international terrorism; and

(5) expresses sympathy to the family of Robert Levinson during this trying period.

CONGRATULATING SAILORS OF THE U.S. SUBMARINE FORCE

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 10 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 10) congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, it is with great pleasure that I cosponsor this concurrent resolution with the Senator from Washington to congratulate the sailors of the United States submarine force upon their completion of 1,000 Ohio-class ballistic missile submarine deterrent patrols. Ballistic missile submarines serve as our Nation's primary and most secure nuclear deterrent. This milestone is a testament to the hard work and dedication of the sailors who provide our security against the rising threats that are permeating the globe. I stand here today to urge my colleagues to join me in supporting this concurrent resolution in honor of all those who made this milestone possible.

The strategic deterrence capability provided by the Ohio class remains as critical to our national security today as it did when we commissioned the first Ohio-class submarine in 1981. As result of the rapid advancements in the information and technology industries, our adversaries across the globe are developing weaponry at a much faster rate than they were two decades ago. Because of this, we must always be prepared for the next generation of threats. No other weapon can provide deterrence against these threats like the ballistic missile submarine. It is imperative that we continue to fund the research and development to maintain this fleet, thereby ensuring the future of ballistic missile submarines in our naval force. I, along with many of my colleagues, am committed to improving and embracing new technologies that will allow us to maintain

and operate the finest submarine force in the world.

The successful completion of 1,000 patrols is a testament to the achievements and hard work of the sailors who support and operate this incredible fleet of submarines. At the same time, we realize that this security is not provided without cost and sacrifice. Thousands of submariners in our Navy spend months and possibly years of their lives underneath the sea to ensure our safety and our freedom. Additionally, we must remember the countless hours spent by Connecticut laborers to design and construct the Trident submarines, also made possible by vendor support from all around the country. It is extremely important that we take the time to thank those service members and those American workers for their sacrifice and their service to our great Nation.

Again, my sincerest congratulations go to all the sailors who made the successful completion of 1,000 deterrent patrols possible. I hope that my colleagues will join me in supporting this resolution in their honor.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 10) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 10

Whereas the Sailors of the United States Submarine Force recently completed the 1,000th deterrent patrol of the Ohio-class ballistic missile submarine (SSBN);

Whereas this milestone is significant for the Submarine Force, its crews and their families, the United States Navy, and the entire country;

Whereas this milestone was reached through the combined efforts and impressive

achievements of all of the submariners who have participated in such patrols since the first patrol of USS Ohio (SSBN 726) in 1982;

Whereas, as a result of the dedication and commitment to excellence of the Sailors of the United States Submarine Force, ballistic missile submarines have always been ready and vigilant, reassuring United States allies and deterring anyone who might seek to do harm to the United States or United States allies;

Whereas the national maritime strategy of the United States recognizes the critical need for strategic deterrence in today's uncertain world;

Whereas the true strength of the ballistic missile submarine lies in the extremely talented and motivated Sailors who have voluntarily chosen to serve in the submarine community; and

Whereas the inherent stealth, unparalleled firepower, and nearly limitless endurance of the ballistic missile submarine provide a credible deterrence for any enemies that would seek to use force against the United States or United States allies: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; and

(2) honors and thanks the crews of ballistic missile submarines and their devoted families for their continued dedication and sacrifice.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105, opted April 13, 1989, as amended by S. Res. 149 adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senators as members of the Senate National Security Working Group for the 111th Congress: The Senator from Michigan, Mr. LEVIN, as Democratic Co-Chairman;

the Senator from Massachusetts, Mr. KERRY, as Democratic Co-Chairman; the Senator from New Jersey, Mr. LAUTENBERG, as Democratic Co-Chairman; the Senator from North Dakota, Mr. DORGAN; the Senator from Illinois, Mr. DURBIN; the Senator from Maryland, Mr. CARDIN; and the Senator from West Virginia, Mr. BYRD, as Majority Administrative Co-Chairman.

ORDERS FOR TUESDAY, MARCH 10, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, March 10; that following the prayer and pledge the Journal of proceedings be approved to date; the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1105, the Omnibus appropriations bill, as provided under the previous order; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly part conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. We expect to be in a series of votes tomorrow afternoon in relation to the remaining pending amendments to the omnibus bill, in addition to a vote on cloture on the bill and, hopefully, a vote on passage of the legislation.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Tuesday, March 10, 2009, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING DOUG WARNER

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor and recognize an outstanding citizen of Germantown, Tennessee, Mr. Doug Warner.

For the past 22 years, Doug has volunteered for the Mountain Tennessee Outreach Project (T.O.P.) which attends to the spiritual, physical, emotional or social needs of rural Tennessee residents. Doug has led more than 50 trips to the counties in Tennessee this organization aids and brought much comfort to those families in distress. Doug has also been there in times of tragedy by collecting and distributing supplies to aid in the recovery efforts after natural disasters such as the Ivan, Katrina and Rita hurricanes.

Besides his work with Mountain T.O.P., Doug has organized numerous other volunteer projects in order to help the lives of his fellow citizens and make his community better. Through his service on the Habitat for Humanity Board, Doug has sponsored and built more than 29 Habitat houses as well as collecting donated furniture and accessories to help these families to a new beginning. Doug and his family continue to be an active part of the Germantown United Methodist Church.

Through this service and countless other accomplishments, the quality of life of many Tennesseans has been greatly improved because of Doug's leadership, experience and willingness to give. Congratulations to Mr. Doug Warner on being named Citizen of the Year 2008 by the Germantown, Tennessee Lions Club.

MARY KELLIGREW KASSLER: 25 YEARS OF HER BEST

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. FRANK of Massachusetts. Madam Speaker, after 25 years of extraordinary service in the WIC Program, Mary Kelligrew Kassler is retiring. I know literally no one who has worked harder to make this the kind of country that we all want to live in. Her dedication to providing needed assistance at the critical time in their lives to lower-income women and their children is unsurpassed.

I will personally miss her as a source of absolutely reliable advice in this area. She combined a zeal for the important work she was doing with a balanced outlook and a realistic understanding of how to get things done that made her an advisor on whom I could always rely without any question.

For 25 years Mary Kelligrew Kassler has exemplified public service in a critical area. Madam Speaker, I hope that young people contemplating careers will learn about the extraordinary work she did and that she will be, at least for some, a role model.

HONORING CENTRAL CALIFORNIA HISPANIC CHAMBER OF COMMERCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Central California Hispanic Chamber of Commerce upon the celebration of their 25th anniversary. The anniversary will be celebrated on Friday March 13, 2009 in Fresno, California.

In 1983 a small, influential group of Hispanic business owners in the Fresno area came together and identified a need for a business organization that was aimed toward growing and developing Hispanic owned businesses. The leaders began to develop strong ties to the California Hispanic Chamber of Commerce. Together they built the foundation and began to gather support from local businesses and leaders to form the Central California Hispanic Chamber of Commerce (CCHCC). Under the leadership of Hugo Morales, Carmen Navarro, Jo Ann Orijel, the late Albert Ramirez, Jorge Acuna, David Mendoza, Rose Molina, and others, the CCHCC was formed.

The focus for the first couple of years was to become incorporated, obtain non-profit status, to expand and cover the Central Valley and to create by-laws and establish a board of directors. This was accomplished by 1985. The CCHCC further gained momentum when State Center Community College District, California State University, Fresno, Pepsi-Cola and other corporations pledged their support. These early supporters help catapult CCHCC into becoming a viable business organization.

Today, CCHCC is involved in addressing the quality of life for the Hispanic community. The CCHCC has hosted several events to promote and revitalize local Hispanic businesses and boost the economy for the entire Central Valley.

Madam Speaker, I rise today to commend and congratulate Central California Hispanic Chamber of Commerce on 25 years of business. I invite my colleagues to join me in wishing CCHCC many years of continued success.

CELEBRATING THE 100TH BIRTHDAY OF NORTHEASTERN STATE UNIVERSITY

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. BOREN. Madam Speaker, I rise today to honor a significant milestone for a prestigious institution of higher learning in my state of Oklahoma. Northeastern State University, located in Tahlequah, is turning 100 years old this month.

Founded in 1909, Northeastern State University has been a center of learning and excellence for thousands of Oklahomans.

One hundred years ago this month, Governor Charles Haskell signed the document creating Northeastern State Normal School on the site of the former Cherokee National Female Seminary. Since that day, NSU has become a highly regarded academic institution and the fourth largest university in the state of Oklahoma.

With a student body of more than 9,000, NSU brings a broad swath of diversity to the learning environment. 29% of the students who attend Northeastern State are self-identified Native Americans.

NSU offers degree programs in four academic colleges and is home to Oklahoma's only College of Optometry.

On the athletic field, things look just as promising for Northeastern. NSU is a member of the NCAA Division II LoneStar Conference and fields teams in basketball, baseball, football, golf, soccer, softball and tennis.

In these times of limited educational dollars, it is important for the United States Congress to remember the local and regional universities that educate so many of our citizens. Northeastern State University is an enormous asset to eastern Oklahoma and I come to the floor today to honor all they do.

Happy Birthday Northeastern State University!

EARMARK DECLARATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. STEARNS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Cooperative State Research Education and Extension Service, SGR

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Legal Name of Requesting Entity: Florida Citrus Mutual

Address of Requesting Entity: P.O. Box 89, Lakeland, FL 33802

Description of Request: I have secured \$1,217,000 for Florida Citrus Mutual. The funding will be used to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating citrus diseases. After two unprecedented, devastating hurricane seasons in 2004 and 2005, APHIS determined in January 2006 that eradicating citrus canker from Florida is no longer feasible. As a result, the scientific community work is working to find disease resistance and/or a cure for these diseases. In addition, in 2005, USDA-Animal Plant Health Inspection Service (USDA-APHIS) detected citrus greening in Florida. Greening is another severe citrus disease that must be addressed to ensure the sustainability of the industry. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Alachua County, FL

Address of Requesting Entity: 12 SE 1st Street, Gainesville, FL 32602

Description of Request: I have secured \$550,000 for Alachua County, FL. The funding will be used by Alachua County to manage offenders with co-occurring mental illness and substance abuse disorders. Alachua County proposes an integrated, coordinated continuum of care using evidence-based practices where there will be “no wrong door” to enter treatment. Persons will be assessed and provided with a level of treatment consistent with individual need. This innovative approach could prove to be an effective keystone to alleviate jail overcrowding by reducing the recidivism rate that is prevalent with offenders suffering from a mental illness compounded by drug abuse. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Lake County, FL

Address of Requesting Entity: 315 W. Main St., Tavares, FL 32778–3813

Description of Request: I have secured \$150,000 for Lake County, FL. The funding will be used by Lake County for a 800 MHz Radio System to serve the public safety needs and Emergency Operations Center of the County. An 800 MHz radio system will allow for the coordination of Lake County's emergency response services. The project would allow for the first time portable radio communications across the county. After the recent tornados that struck the County February 2, 2007, and in previous years Hurricanes, having an 800 MHz radio system will better equip the County's public safety personnel to respond and offer assistance. The project is

supported by both the Sheriff's office and the municipalities in Lake County. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: Jacksonville Port Authority

Address of Requesting Entity: 2831 Talleyrand Avenue, Jacksonville, FL 32206–0005

Description of Request: I have secured \$3,349,000 for the Jacksonville Port Authority. The funding will be used to increase the Corps of Engineers' capability for completing Phase II dredging of the federal ship channel to the Talleyrand Terminal. Prompt completion of this deepening project, which began seven years ago, is critically important to meet the needs of fully loaded cargo ships and for the continued commercial viability and operational safety of the Jacksonville Port. Navigation safety issues will be addressed in the vicinity of the Chaseville Turn where docked oil tankers are in close proximity to vessels attempting to navigate the restricted turning area. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Small Business Administration

Legal Name of Requesting Entity: Central Florida Community College

Address of Requesting Entity: 3001 SW College Rd, Ocala, FL 34474–4415

Description of Request: I have secured \$100,000 for Central Florida Community College. The funding will be used to support an initiative to identify growth industries compatible with the research strengths of the University of Florida and the workforce training strengths of Central Florida Community College and Santa Fe Community College. The educational institutions, in cooperation with regional economic development entities, would develop a strategic plan to recruit and/or expand identified industry groups, such as those related to the bio-medical industry at the University of Florida. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Department of Education, Higher Education

Legal Name of Requesting Entity: Central Florida Community College

Address of Requesting Entity: 3001 SW College Rd, Ocala, FL 34474–4415

Description of Request: I have secured \$238,000 for Central Florida Community College. The funding will be used by Central Florida Community College for expansion of the Public Policy Institute. The Public Policy Institute (PPI) of Marion County was established in 1999 as a non-profit, non-partisan citizen-based organization to provide a careful analysis of the issues and trends that shape and affect public policy. Its mission is to give the community a sense of hope and optimism by creating a broad base of community involve-

ment in identifying, researching, and establishing dialogue on community issues, and then in recommending and helping to implement timely solutions. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Department of Transportation, Airport Improvement Program

Legal Name of Requesting Entity: Jacksonville Aviation Authority

Address of Requesting Entity: P.O. Box 18018, Jacksonville, FL 32229

Description of Request: I have secured \$722,000 for the Jacksonville Aviation Authority. The funding will be used to make taxiway improvements at Cecil Field. The project consists of the 2,000 foot parallel Taxiway Echo east of existing Runway 18L/36R and the 500 foot Taxiway A–1 connector, along with the 120,000 square foot apron. These improvements will open new areas of the airport east of the existing runway for new economic development and job creation. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman CLIFF STEARNS

Bill Number: FY 2009 Omnibus

Account: Department of Transportation, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Marion County, FL

Address of Requesting Entity: 601 SE 25th Ave., Ocala, FL 34471

Description of Request: I have secured \$475,000 for Marion County, FL. The funding will be used for construction of 9.2 miles of a new 4-lane, rural, divided roadway (Bellevue Bypass) and improvements to State Road 35 (Baseline Road) in the Bellevue area. The new managed access 4-lane roadway begins south of the City of Bellevue at US 441 and loops around the city on the east to tie into Baseline Road north of the city at 92nd Place. Improvements to Baseline Road begin south of this intersection and include reconstruction of this 2-lane road to a 4-lane divided arterial up to CR 464. I certify that neither I nor my spouse has any financial interest in this project.

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. CROWLEY. Madam Speaker, on March 6, 2009, I was absent for one rollcall vote. If I had been here, I would like the RECORD to reflect that I would have voted “yes” on rollcall vote No. 109.

RECOGNITION OF MEADOW BRIDGE
HIGH SCHOOL'S 100% SENIOR
CLASS REGISTRATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. RAHALL. I rise today in recognition of Meadow Bridge High School in Meadow Bridge, West Virginia. With encouragement from their principal, Al Martine, 100% of the senior class has submitted voter registration forms to the County Clerk in Fayetteville, West Virginia.

Meadow Bridge High School has an eight-year history of registering their entire senior class, and they are the only known school in West Virginia with such an accomplishment to call their own. Not only that, but Meadow Bridge High School was recently honored as a bronze level school in US News and World Report. They were singled out because every student, even the most disadvantaged, has standardized test scores that are above the state average. If that doesn't take hard work or doesn't deserve recognition here, I don't know what does.

Were he still with us today, I am certain West Virginia Senator Jennings Randolph, who proposed the 26th Amendment to our Constitution to lower the voting age to 18 in 1971, would be very proud of each and every student at Meadow Bridge High School. As your elected representative to Washington, I am especially moved by the faculty's efforts to get young people involved in the political process at a young age. By registering to vote, they have achieved the highest office in our land, that of a citizen.

West Virginians have a long, proud history of serving their country. It brings me great pleasure to be able to recognize the efforts of our youngest new voters as they continue in the grand tradition of their classmates, parents and neighbors who registered to vote before them. These students take great pride in doing their civic duty, and I look forward to having their voices heard at the polls come election season.

Let us take this moment to recognize the truly spectacular achievement they have attained with this milestone.

IN TRIBUTE TO HARRY SCHWARTZ
BOOKSHOPS

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to Milwaukee's landmark bookstore chain, Harry W. Schwartz Bookshops. After 82 years of business and service to the entire Greater Milwaukee community, the company will close its doors at the close of business on March 31, 2009.

The chain was founded two years before the Great Depression, in 1927, by Harry W. Schwartz, who opened his first shop on Downer Avenue. Mr. Schwartz soon became known

for the books that he chose to sell. He championed then-controversial 20th-century authors such as William Faulkner and Ernest Hemingway. His son, David, took over the business in 1972 and under the younger Schwartz's leadership the company added more stores. New stores were placed in neighborhoods where national chains could not build. Books were carefully selected to reflect local customer preferences and coffee and other soft items were offered. The company began mentoring and assisting other small bookstores including the Cultural Connection Bookstore.

Schwartz unleashed his biggest innovation, readings with big-name authors including President Barack Obama, then Senator Obama, with the introduction of his book *The Audacity of Hope*, in 2006. Schwartz Bookshops became known for their great author events throughout the national book industry. Schwartz Bookshops' parent company, Dickens Books Ltd., also began an operation that sells business books, which today is a separate division, 800-CEO-Read. Despite the advent of the big box booksellers, Schwartz prospered in the 1980s and 1990s. After the death of David Schwartz in 2004 his widow, Carol Grossmeyer, took over as president and his daughter, Rebecca Schwartz, became chairman of the company.

Booksellers now have competition not only from the national chains, but also from online booksellers, digital books, and the economic downturn that affect how people both read and purchase books. Although the Schwartz brick and mortar Bookshops will close, two of the stores will continue operating under new owners. Ms. Grossmeyer and Ms. Schwartz will continue to run Dickens Books Ltd and the 800-CEO-Read Division which remains profitable.

Madam Speaker, my district and Greater Milwaukee will experience a profound loss with the closing of the Harry W. Schwartz Bookshops; I thank them for their immeasurable achievements and salute their legacy.

IN RECOGNITION OF MR. MICHAEL
E. PRICKETT

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to a constituent of mine, Mr. Michael Prickett, and his steadfast service to his community.

Mr. Prickett has served as the Fire Chief of the Alexandria Fire Department since 1979. His 39 years of service have helped further strengthen the department as an institution the people of Calhoun County can rely upon to provide safety and peace of mind. On March 14th, Mr. Prickett's family and friends will gather to honor his service during a special retirement dinner.

I am proud to join the members of the Alexandria Fire Department in thanking Mr. Prickett for his service and wish him and his family the best at this important occasion to honor his dedication and leadership.

INTRODUCTION OF THE SCHOOL
FOOD RECOVERY ACT OF 2009

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. WOLF. Madam Speaker, I rise today to introduce the School Food Recovery Act of 2009. The purpose of this legislation is simple: to keep excess school food out of the garbage and get it into our food banks.

Our Nation's food banks and food pantries are struggling to keep up with demand. On average, client visits are up more than 30 percent over the past year. Families in northern Virginia and all around the Nation are going hungry. Our food banks and food pantries are their last resort.

Consider that for a family earning \$45,000 a year, it costs an extra \$1,000 today to maintain the same food, gas, and basic good purchases compared to 2006—a 9.6% increase. That reality has led some families in my district who had been donating food in the past to now turn to the same pantries for food assistance.

Unfortunately, we are not doing enough to prevent the waste of perfectly good food as these families go hungry. According to a USDA report on waste in the National School Lunch Program, it was reported that an estimated "30 million Americans were in danger of going hungry and 96 billion pounds of food were being wasted at the retail and food services level."

To address this, former Agriculture Secretary Dan Glickman awarded twelve \$10,000 grants to school districts during the 1998–1999 school year to develop models to donate unused food to local food banks and food pantries and the results were published in a "best practices" manual in 1999. However, since the conclusion of the one-year grants, little has been done at the Federal level to encourage school districts to donate surplus food to food banks.

In 1993, Congress passed the Bill Emerson Good Samaritan Act, which protects donors who give to food banks in good faith from all liability. This law has helped encourage many businesses and civic organizations to donate more and to build connections with food agencies.

Unfortunately, the same cannot be said about our school cafeterias. Far too few school districts have been willing to donate excess food, primarily due to administrative resistance and a misperception that Federal regulation doesn't allow it.

The School Food Recovery Act will clarify—once and for all—that schools are covered from liability under the Good Samaritan Act and will allow each school to authorize an employee who has the discretion to release excess school food to local food banks on a regular basis.

I believe this legislation will cut through the red tape and ensure that excess school food is used to feed the hungry, not to fill a school's dumpster. It only requires schools to identify local food banks and pantries, identify the employee authorized to release food to those agencies, and create a database of

these contacts at each school that food banks can use to connect with these individuals.

Madam Speaker, I encourage my colleagues to join me in cosponsoring this straightforward legislation to help feed the hungry.

FREEMAN IS NOT THE MAN FOR
THE JOB

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. WOLF. Madam Speaker, I would like to bring to my colleagues' attention the following letter I recently sent to President Obama regarding the appointment of former Ambassador Charles W. Freeman to serve as chair of the National Intelligence Council.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
March 6, 2009.

Hon. BARACK H. OBAMA,
*The President, The White House,
Washington DC.*

DEAR MR. PRESIDENT: I write today to share my deep concern regarding the appointment of Chas W. Freeman Jr. as chairman of the National Intelligence Council.

Particularly disturbing is Mr. Freeman's position on the international advisory board of the China National Offshore Oil Corp. (CNOOC), which he has held since March 2004. The communist government of China, along with other state-owned companies, are majority stakeholders in CNOOC. This connection would require Mr. Freeman to recuse himself from certain matters involving China.

The 2007 United States-China Economic and Security Review Commission's Classified Report to the Congress addresses Chinese activities in the areas of espionage, cyber warfare, and arms proliferation. In 2006 four of the computers in my Capitol Hill office were hacked. It was confirmed by the FBI that these attacks originated in the People's Republic of China. The economic stimulus plan recently rolled out by Chinese Premier Wen Jiabao includes a 14.9 percent increase in military spending. It is evident that China poses an increasing national, security threat to the United States. How is national security policy enhanced by having a chairman of the NIC who must recuse himself from matters involving a regime which poses one of the most serious national security risks to the United States?

In an April 25 speech given by Mr. Freeman at the National War College Alumni Association, he described the March 2008 protests in Tibet as "a race riot." The Tibetan people have suffered for decades at the hands of the authoritarian Chinese government, and such a characterization of the March uprising is deeply insulting. I traveled to Tibet in 1997 where I heard endless accounts of violent oppression by the Chinese government. I spoke to Buddhist monks and nuns who recounted their experiences of torture and imprisonment in Tibet's notorious Draphchi Prison. Just last week, the Associated Press reported that a Tibetan monk was shot three times by Chinese security forces after he set himself on fire.

Additionally, CNOOC's substantial investment in Sudan's oil sector has served as the lifeline to the regime of President Omar al

Bashir, recently indicted by the International Criminal Court for war crimes and crimes against humanity. Senator Sam Brownback and I traveled to Darfur in 2004, where we saw first hand the suffering and destruction that has taken place under the Bashir regime. We heard first hand accounts of women who were brutally abused at the hands of the janjaweed forces. During our visit we captured the haunting images of the terror and destruction, and we will share those photographs with your administration at your request. Mr. Freeman's appointment to this high level post undermines the policy of U.S. divestment from the genocidal regime of Sudan.

Most recently, Mr. Freeman served as president of the Middle East Policy Council, a think-tank funded by the Kingdom of Saudi Arabia. On September 20, 2006, in an interview with the Saudi-US Relations Information Service, Mr. Freeman said that "thanks to the generosity of King Abdullah bin Abdulaziz of Saudi Arabia we have managed to accumulate an endowment" for the Middle East Policy Council. According to filings with the Internal Revenue Service, Mr. Freeman drew an annual salary from the Middle East Policy Council. However, the foundation has never publicly released its list of contributors.

In his Pulitzer Prize winning book, *The Looming Tower*, Lawrence Wright states on page 170 that "Saudi Arabia, which constitutes only 1 percent of the world's Muslim population . . . supports 90 percent of the expenses of the entire faith," including "thousands of religious schools around the globe, staffed with Wahhabi imams and teachers." I have enclosed a copy of this book and strongly encourage you to read it. Wahhabi teachings exported by the Saudis have inspired a generation of young radicals that have proven themselves ready to take up arms in the name of faith. Many experts believe that the notorious Taliban leader Mullah Omar was educated in a Saudi-funded radical madrassah. How can Mr. Freeman possibly be expected to confront this challenge head on after taking home years of paychecks from the Saudis?

The reprehensible regimes with which CNOOC does business does not end there. The company rebuffed public calls to withdraw from Burma in October 2007 after the ruling military junta opened fire on peaceful protestors in a movement known as the Saffron Revolution. CNOOC also has invested in Iran, a country which is actively seeking to build nuclear weapons and has vowed to "wipe Israel off the map." Such activities starkly contrast with the national security interests of the United States.

The evidence strongly suggests that Mr. Freeman is not the right person for this job and for the good of our country I urge you to reconsider your choice.

Best wishes.
Sincerely,

FRANK R. WOLF,
Member of Congress.

INTRODUCTION OF THE MAPLE
TAPPING ACCESS PROGRAM ACT

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. McHUGH. Madam Speaker, I rise today to introduce the Maple Tapping Access Pro-

gram (TAP) Act, which is designed to increase maple syrup production in the United States. It would also further economic development in rural areas like Northern and Central New York, which I am honored to represent.

The United States has the potential to greatly increase its maple syrup production. In fact, there are nearly two billion potential taps dispersed across 20 states. However, despite this wealth of resources, the United States currently imports four times as much maple syrup as is produced domestically. In fact, we only tap 7.5 million or one in every 250 maple trees. According to Cornell University, if the United States' maple industry increased its rate to just 2.1%, 42 million more trees could be tapped. This increased production would have an annual economic impact in excess of \$300 million.

In an effort to enhance U.S. maple syrup production, the Maple Tapping Access Program Act would direct the U.S. Secretary of Agriculture to establish a public access program, for which \$20 million would be authorized annually. Through this program, State and tribal governments could apply for competitive grants to design and implement programs to encourage landowners to provide access to their land for maple tapping activities.

My friend, Mr. SCHUMER, is introducing the companion measure in the Senate. It is important to note that my legislation differs slightly. Specifically, my bill clarifies that participating landowners may provide access to their land for maple tapping purposes voluntarily or by lease or other means. Additionally, my version of this measure would allow states and tribes to use grant funds to encourage landowners to initiate or expand maple tapping activities on their land.

The Maple Tapping Access Program Act would provide the impetus necessary to stimulate an underdeveloped American maple industry and foster much-needed rural economic development. Accordingly, I ask my colleagues to join with me to enact this important measure.

HONORING ROBERT JONES ALLEN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 09, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise today to honor Robert Jones Allen in celebration of his recent 86th birthday. He is a remarkable man who, with passion and dedication, has worked tirelessly throughout his career to advance our knowledge of Antarctica and cartography.

Mr. Allen devoted his professional life to studying and learning about Antarctica while performing his cartographic tasks of studying, handling and compiling photographic materials and maps concerning Antarctica. Allen Peak, which sits on the northern edge of the Sentinel Range's main ridge, is named in his honor. Dr. Robert Bindshadler, one of our nation's foremost experts of the continent and a friend of Mr. Allen's, stated that "there is no one else that holds such broad and deep historical knowledge of Antarctic movements" and refers

to Mr. Allen as his "Antarctic Encyclopedia." His words shed light on Robert Allen's importance to the scientific community.

Bob Allen's contributions to Antarctic science put him in a class all his own. There is no one else that holds such broad and deep historical knowledge of Antarctic measurements. He remembers who did what, when, where, what they saw and (most importantly) where to get the information. His recollections start with the first scientific expeditions to Antarctica in the 1940's and continue to the present day. Much of what he knows was never written down, making his anecdotal record absolutely unique. Often Bob is able to show us what we thought was "new" had been noted previously. That kind of expertise and knowledge is priceless.

Robert Allen began his career with the U.S. Department of Agriculture's Aerial Photo Lab. He served his country in the military's 656th Engineering Topography Battalion and later in the 11th Airborne Division. For over 50 years he worked at the U.S. Geological Survey.

His work on the mapping of the Antarctic region has proved invaluable to the scientific community. He has a long-time, intimate relationship with most of the over 1/2 million photographs as well as negatives in the U.S. Antarctic Mapping Photography collection. The Antarctic scientific community would, therefore, consult with him not only to help their expeditions avoid potentially dangerous areas, but also to pinpoint locations that would be conducive for their studies. In a time when satellites and computers were rudimentary instruments, Mr. Allen became the first to determine the speed of the Thwaites Glacier, the fastest moving ice stream in west Antarctica. His vast experience has led numerous explorers and scientists to call on him for answers and advice.

Mr. Allen's expertise is not limited to Antarctica. In the 1960's he helped create a map of Mars via satellite images. He also used photographs from the Apollo 6 mission to create mosaic maps of the United States. He compiled maps of China and the Red Sea using satellite data.

Today Mr. Allen spends his time at the United States Antarctic Resource Center where he still amazes his co-workers with his ability to retrieve information from the early days of U.S. studies of Antarctica and then apply it to current studies. His devotion to studying this extraordinary region of our planet merits our praise and gratitude.

Madam Speaker, I ask my colleagues to join me in saluting Mr. Allen for his 60 years of public service, for his accomplishments, and for all he has done to advance scientific understanding.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. EHLERS. Madam Speaker, due to illness, I unfortunately was unable to be present and to vote on legislation considered by the House on March 3, 4, 5, and 6, 2009.

On rollcall numbers 91, 92, 93, 94, 95, 96, 98, 99, 106, 108, and 109, had I been present, I would have voted "yes".

On rollcall numbers 97, 105, and 107, had I been present, I would have voted "no".

On rollcall number 104, had I been present, I would have voted "no". Though the Helping Families Save Act of 2009 (H.R. 1106) included some good provisions, the bill also included troubling bankruptcy provisions. On the amendments considered, had I been present, I would have voted "yes" on rollcalls 101 and 102 and "no" on rollcall 100. Also, had I been present, I would have voted "yes" on the Motion to Recommit with Instructions (rollcall 103).

I regret that I did not have the opportunity to vote on these important measures.

HONORING MATTHEW C. GARCIA

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew C. Garcia a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew C. Garcia for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE 100TH ANNIVERSARY OF THE DENTON CHAMBER OF COMMERCE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. BURGESS. Madam Speaker, I rise today to honor the Denton Chamber of Commerce, which will celebrate its 100th Anniversary on April 21, 2009.

The Denton Chamber of Commerce is an alliance of businesses, professionals, and organizations working to support and promote the principles for a prosperous economic environment.

Established April 21, 1909, the Chamber has grown to involve over 860 members. In its 100 years of operation, the Chamber has a record of promoting, supporting and expanding the Denton business community. Small businesses have long benefited from the efforts of the Denton Chamber of Commerce and have also found it an avenue to give back to their community. Many members are not only successful in business, but also volunteer and

serve on boards of local charity and community groups.

The Chamber has played a significant role in the community's economic health, establishing an Economic Development Partnership with the City of Denton focused on helping create new jobs, supporting existing career opportunities and expanding the property tax base. A prime example of this success was the partnership's work to attract the largest local employer, the Peterbilt Motors plant, and later, Peterbilt's division headquarters.

Helping in the efforts to secure the sites for the Denton State School, and the sites for FEMA's underground center and National Teleregistration facility, the Denton Chamber of Commerce's contributions have gone beyond just helping the business community.

With programs such as Leadership Denton, Chamber members have learned the inner workings of policy. It has worked to supplement communications with state and federal officials with the initiation of county wide events such as Denton County Day in Austin and the Washington Fly-In. A tribute to their role in community service and leadership development is evidenced by the dozens of members that have served on local city councils, school boards and in other elected positions.

It is with great pride that I stand here today to join others in celebrating the 100th Anniversary of the Denton Chamber of Commerce. I wish the membership, staff and board all the best and I am proud to represent them in the U.S. House of Representatives.

SENATOR EDWARD M. KENNEDY, RECIPIENT OF THE "SCHOLAR-PATRIOT AWARD"

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. CAPUANO. Madam Speaker, I rise in tribute to the Senior Senator from Massachusetts, EDWARD M. KENNEDY, and to the American Academy of Arts and Sciences which has just honored Senator KENNEDY with its "Scholar-Patriot Award."

Nearly 230 years ago in Cambridge, in what would become the Eighth Congressional District of Massachusetts, John Adams, James Bowdoin, John Hancock, and other "scholar-patriots" established the American Academy of Arts and Sciences.

The Academy was created, during the American Revolution, to provide a forum for leaders from science, scholarship, business, public affairs, and the arts, to work together as citizens in support of a democratic republic. In the words of the Academy's charter, enacted in 1780, the "end and design of the institution is . . . to cultivate every art and science which may tend to advance the interest, honor, dignity, and happiness of a free, independent, and virtuous people."

Today, the Academy, still in Cambridge, flourishes as an independent policy research center. Its members remain true to the original mission, conducting multidisciplinary studies of complex and emerging problems. Current

Academy research focuses on science and global security; social policy; the humanities and culture; and education.

On March 9, 2009, the American Academy of Arts and Sciences convened a meeting in Washington, D.C. on the topic of The Humanities in a Civil Society. As part of the program, the Academy announced the presentation of its Scholar-Patriot Award to the dean of our state's congressional delegation, Senator EDWARD M. KENNEDY. Throughout his career, Sen. KENNEDY has been a stalwart champion of the humanities. I am proud to enter into the CONGRESSIONAL RECORD the citation from the Academy, and I congratulate my friend and colleague for this well-deserved recognition. "The American Academy bestows its Scholar-Patriot Award on EDWARD M. KENNEDY for his extraordinary service to the Academy, the community, and the nation.

"For four decades you have been a fierce defender of the ideals of opportunity, equity, and justice. Master of quiet collaboration and inspired oratory, you have achieved an unparalleled legislative record. Your efforts to insure quality education and health care for all Americans, including your leadership on the Americans with Disabilities Act, the State Children's Health Insurance Program, and The Elementary and Secondary Education Act, have earned you the respect of men and women across the political spectrum. From your first major bill on immigration reform to your recent call for a renewed commitment to community service, you have championed an open and inclusive society. To your family and the nation, you are a profile of courageous leadership, the guardian of a dream that lives on.

"The founding members of the American Academy were pragmatic visionaries, anticipating the needs of a young republic for both wise governance and fresh ideas. You follow in their footsteps as a Scholar-Patriot for our time. Asserting that "our future does not belong to those who are content with today," you have fulfilled the Academy's historic mission, translating knowledge into action and celebrating the life of the mind in service to the community, the nation, and the world."

RECOGNIZING WEN CHYAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. BURGESS. Madam Speaker, I rise today to acknowledge Wen Chyan, from the 26th District of Texas, who was the winner of the Siemens Westinghouse Competition in Math, Science, and Technology.

Wen Chyan's curiosity about chemistry was sparked by his parents, both scientists, at an early age. Wen's astuteness has earned him recognition from the U.S. National Chemistry Olympiad, U.S.A. Biology Olympiad, and the Texas Science and Engineering Fair. His ambition and desire to contribute to medical advancements prompted him to create an anti-microbial coating for medical devices, a development that has the potential to save lives. Wen is the first TAMS student to advance to such a high level in this competition, which

features the research of more than 1,000 students. Wen's hard work has earned him high recognition and a \$100,000 scholarship.

I am proud to recognize Wen Chyan for the stunning research he has accomplished, the award he has received, and the promise he holds for the future of American science. It is a privilege to represent Mr. Chyan in the 26th District of Texas.

INTRODUCTION OF THE "THOMASINA E. JORDAN INDIAN TRIBES OF VIRGINIA FEDERAL RECOGNITION ACT"

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. MORAN of Virginia. Madam Speaker, in 2006 representatives and leaders of Virginia's Native American tribes left their communities and flew to England to participate in ceremonies that were a prelude to the 400th anniversary of the first permanent English settlement in America. Some of the distinguished Virginia residents who made this trip are the blood descendants and leaders of the surviving seven tribes that once were a part of the Great Powhatan Confederacy that initially helped sustain the colonists during their difficult first years at Jamestown. Virginia's best known Indian, Pocahontas, traveled to England in 1617 with her husband John Rolfe and was received by English royalty. She died a year later of smallpox and is buried in the chapel of the parish church in Gravesend, England.

Two years ago, this nation celebrated the 400th anniversary of the settlement of Jamestown. But it was not a celebration for Native American descendants of Pocahontas, for they have yet to be recognized by our federal government. Unlike most Native American tribes that were officially recognized when they signed peace treaties with the federal government, Virginia's six Native American tribes made their peace with the Kings of England. Most notable among these was the Treaty of 1677 between these tribes and King Charles II. This treaty has been recognized by the Commonwealth of Virginia every year for the past 331 years when the Governor accepts tribute from the tribes in a ceremony now celebrated at the State Capitol. I had the honor of attending last November what is understood to be the longest celebrated treaty in the United States.

The forefathers of the tribal leaders who gathered last Thanksgiving in Richmond were the first to welcome the English, and during the first few years of settlement, ensured their survival. As was the case for most Native American tribes, as the settlement prospered and grew, the tribes suffered. Those who resisted quickly became subdued, were pushed off their historic lands, and, up through much of the 20th Century, were denied full rights as U.S. citizens. Despite their devastating loss of land and population, the Virginia tribes survived, preserving their heritage and their identity. Their story of survival spans four centuries of racial hostility and coercive state and state-sanctioned actions.

The Virginia tribes' history, however, diverges from that of most Native Americans in two unique ways. The first explains why the Virginia tribes were never recognized by the federal government; the second explains why congressional action is needed today. First, by the time the federal government was established in 1789, the Virginia tribes were in no position to seek recognition. They had already lost control of their land, withdrawn into isolated communities and stripped of most of their rights. Lacking even the rights granted by the English Kings, and our own Bill of Rights, federal recognition was nowhere within their reach.

The second unique circumstance for the Virginia tribes is what they experienced at the hands of the state government during the first half of the 20th Century. It has been called a "paper genocide." At a time when the federal government granted Native Americans the right to vote, Virginia's elected officials adopted racially hostile laws targeted at those classes of people who did not fit into the dominant white society. The fact that some of Virginia's ruling elite claimed to be blood descendants of Pocahontas in their view meant that no one else in Virginia could make a claim they were Native American and a descendant of Pocahontas' people. To do so would mean that Virginia's ruling elite were what they decreed all non-whites to be: part of "the inferior Negroid race."

With great hypocrisy, Virginia's ruling elite pushed policies that culminated with the enactment of the Racial Integrity Act of 1924. This act directed state officials, and zealots like Walter Plecker, to destroy state and local courthouse records and reclassify in Orwellian fashion all non-whites as "colored." It targeted Native Americans with a vengeance, denying Native Americans in Virginia their identity.

To call oneself a "Native American" in Virginia was to risk a jail sentence of up to one year. In defiance of the law, members of Virginia's tribes traveled out of state to obtain marriage licenses or to serve their country in wartime. The law remained in effect until it was struck down in federal court in 1967. In that intervening period between 1924 and 1967, state officials waged a war to destroy all public and many private records that affirmed the existence of Native Americans in Virginia. Historians have affirmed that no other state compares to Virginia's efforts to eradicate its citizens' Indian identity.

All of Virginia's state-recognized tribes have filed petitions with the Bureau of Acknowledgment seeking federal recognition. But it is a very heavy burden the Virginia tribes will have to overcome, and one fraught with complications that officials from the bureau have acknowledged may never be resolved in their lifetime. The acknowledgment process is already expensive, subject to unreasonable delays, and lacking in dignity. Virginia's paper genocide only further complicates these tribes' quest for federal recognition, making it difficult to furnish corroborating state and official documents and aggravating the injustice already visited upon them.

It wasn't until 1997, when Governor George Allen signed legislation directing state agencies to correct state records, that the tribes were given the opportunity to correct official

state documents that had deliberately been altered to list them as "colored." The law allows living members of the tribes to correct their records, but the law cannot correct the damage done to past generations or recover documents that were purposely destroyed during the "Plecker Era."

In 1999, the Virginia General Assembly adopted a resolution calling upon Congress to enact legislation recognizing the Virginia tribes. I am pleased to have honored that request, and beginning in 2000 and in subsequent sessions, Virginia's Senators and I have introduced legislation to recognize the Virginia tribes.

There is no doubt that the Chickahominy, the Eastern Chickahominy, the Monacan, the Nansemond, the Rappahannock and the Upper Mattaponi tribes exist. These tribes have existed on a continuous basis since before the first European settlers stepped foot in America. They are here with us today.

I know there is resistance in Congress to grant any Native American tribe federal recognition. And I can appreciate how the issue of gambling and its economic and moral dimensions has influenced many Members' perspectives on tribal recognition issues. The six Virginia tribes are not seeking federal legislation so that they can build casinos. They find this assertion offensive to their moral beliefs. They are seeking federal recognition because it is an urgent matter of justice and because elder members of their tribes, who were denied a public education and the economic opportunities available to most Americans, are suffering and should be entitled to the federal health and housing assistance available to federally recognized tribes.

To underscore this point, the legislation I am introducing includes language approved last session by the House of Representatives that would prevent the tribes from engaging in gaming on their federal land even if everyone else in Virginia were allowed to engage in Class III casino-type gaming.

In the name of decency, fairness and humanity, I urge my colleagues to support this legislation and bring closure to centuries of injustice Virginia's Native American tribes have experienced.

HONORING AARON R. KLEINMEYER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron R. Kleinmeyer a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron R. Kleinmeyer for

his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MAYOR LYNDA BELL OF THE CITY
OF HOMESTEAD, FLORIDA

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to honor a remarkable woman and friend from Florida's 25th District, Mayor Lynda Bell of the City of Homestead. She was elected Mayor in November 2007 and serves as Homestead's first woman mayor in the city's 94-year history. Prior to this accomplishment, she served four years on the city council from 2003–2007 and was Vice Mayor for two years.

Born in Hollywood, Florida, Mayor Bell was raised in South Florida and attended Miami-Dade College. She has been a resident of Homestead since 1979 and understands the needs of the diverse community she represents. She has a strong personal belief in volunteerism and service, and is completely dedicated to our community. What most stands out about Mayor Bell is the energy she puts into her work. Her positive attitude is what enables her to get things done and encourages others to join her in working towards achieving the goals she has laid out for the City of Homestead.

In 2004, Mayor Bell was chosen as the recipient of the Athena Award from the Greater Homestead/Florida City Chamber of Commerce and was a finalist for the Florida League of Cities' Councilperson of the Year Award in 2007.

In addition to putting the needs of our community first, Mayor Bell also makes life at a home a priority as a dedicated wife to husband Mark, and loving mother and grandmother to three children and seven grandchildren.

Mayor Lynda Bell exemplifies the true meaning of public service and does so by always prioritizing the needs of others first. As we celebrate Women's History Month, I ask you to join me in congratulating Mayor Bell for her invaluable service and contributions to our community.

HONORING ARIZONA PIONEER AND
NATIONAL TREASURE MS. CELE
PETERSON

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to honor a Tucson, Arizona icon, a state of Arizona pioneer and a national treasure—Ms. Cele Peterson. Cele Peterson, a visionary and an activist, will turn 100 on March 14, 2009 and she is still busy as a catalyst for business, cultural, environmental, and children's organizations in Tucson, Arizona. She

grew up in the wildest days of Bisbee, a little mining town in Arizona close to the border with Mexico. She tells stories about watching skirmishes of the Mexican Revolution from high on the hills across the valley, sitting at the knee of an old "mule skinner" listening to tales of the West, and of her brother dynamiting their backyard to build a garden for their mother. Cele maintains that her strength and persistence is due to the 365 steps she climbed up and down the steep hills of Bisbee to and from school every day.

At fifteen, she graduated from high school and began attending the University of Arizona. She went on to Sullins College in Bristol, Virginia and George Washington University in Washington, D.C. Cele worked at the Library of Congress in the manuscript division in the late 1920's. She was sent to Mexico City where she continued her work of translating old Spanish manuscripts pertaining to the history of the Southwest.

In 1931, when Cele opened a dress shop in Tucson, she began a career that integrated her love of history, creativity as a designer, business acumen and intelligence with her values and desires to improve the community. Today, Cele will still tell you that her most important priority always was her love for her husband Tom and their five children. Her love today continues to be centered on her on children, her 14 grandchildren and her 10 great grandchildren.

For the last 78 years, Cele Peterson Fashion's has grown and changed with the times, yet Cele claims she has never worked a day in her life. She loves what she does, and has adventures and honors that reflect her enthusiasm. In the 1940's she initiated a daily radio broadcast from her downtown store. In the 1950's she was selected as a young American designer to participate in the Merrimack fashion show at New York's Metropolitan Opera. Her denim tailored "Station Wagon Togs" drew international recognition. Her designs celebrated Arizona's special resources: copper, cotton, climate, and cattle.

Along the way, Cele founded what is now known as the Tucson Children's Museum, was a co-founder of the Casa de Los Niños, the first crisis nursery in the United States, and was very involved in the beginnings of the Arizona Theater Company and the Tucson Opera Company. She was the instigator of a non-profit organization that celebrates Tucson's Birthday and culture every August. Cele created the idea for Kids International Neighborhood, a non-profit organization that promotes cultural understanding, acceptance and respect among children of the world.

Cele served on University of Arizona boards for the College of Humanities, the School of Architecture and the Steele Memorial Children's Research Foundation. She also served on the boards of the Tucson Trade Bureau, Tucson/Mexico Sister Cities, the Tucson Local Development Corporation, the Industrial Development Authority, the Tucson Association for the Blind and Visually Impaired, the Tucson Symphony Orchestra, Angel Charity for Children, the Tucson Community Foundation and the Tucson Downtown Alliance.

Over the years her achievements have been recognized and honored with numerous awards including: the City of Hope Woman of

the Year Award, the Tucson Metropolitan Chamber of Commerce Founders Award, the University of Arizona College of Agriculture Distinguished Citizen Award, the YWCA's Lifetime Achievement Award and the Ernst & Young/INC. Magazine 1995 National Socially Responsible Entrepreneur of the Year Award. Cele was named a Doña de Los Descendientes del Presidio de Tucson, the group of women responsible for maintaining Tucson's historic culture. Cele received a Crystal Apple from the Metropolitan Education Commission and was honored as one of the Four Women Who Helped Build Tucson by the Concerned Media Professionals. In 2004, the America-Israel Friendship League honored her with a Cycle of Life Award. In the same year she was named Grand Marshal of the Tucson Rodeo Parade. In 2007 the Tucson Pima Public Library designated the Cele Peterson Arizona Collection, as an ongoing resource of local history.

As of February 2009 Cele is working on a youth apprentice program for the Rodeo Parade Committee, actively recruiting additions for the Cele Peterson Collection at the library, and encouraging the exchange of cultural ideas for children through the distribution of *I Love You in Many Languages*, a Kids International Neighborhood book. Cele is also continuing her involvement with a coalition of environmental groups to restore and preserve native growth and wildflowers on a centrally located urban lot.

Clearly Cele Peterson is committed to finding beauty, and changing the world. She often quotes her mother, "Look into that field out there. You'll see whatever you want to see. You can see wildflowers and beauty or waste and junk." Cele has always made a clear decision to look for beauty. In the process, she became a community legend.

HONORING THE LIFE OF MARWAN
BURGAN

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to pay tribute to the life of Marwan Burgan, community activist, human rights leader, Democratic Party stalwart and dear personal friend. Marwan's long struggle with cancer has ended, but the contributions he made to Northern Virginia, particularly within the Arab American community, will continue as a lasting tribute to his life.

By his own example of civic engagement and leadership, Marwan served as a remarkable model for other first-generation Palestinian Americans. In 2008, he founded PACE (Project for American Civic Engagement), to facilitate placement of underrepresented young people into Congress as interns and staff. His devotion to public service and efforts to politically empower young people, especially in the Arab American community, has charted a course for a next generation of engaged, enlightened and energetic leaders.

A lifelong civil servant, Marwan worked in Congress for eight years, first as a Foreign Af-

fairs Legislative Assistant, then Legislative Director, and finally as Chief of Staff for former Congressman Mervyn Dymally. Later in his career, he dived into local government, serving as Chief Aide to Penny Gross, a member of the Board of Supervisors of Fairfax County.

Ever since moving to Northern Virginia in the late 1980's, Marwan was heavily involved in local politics and the Democratic Party in Virginia. In his home county of Fairfax, he served as Vice-Chair of Fairfax County Democratic Committee (FCDC) for Voter Registration, chaired the Local Affairs Committee for FCDC and until his death, served on the Steering Committee for the Democratic Party of Virginia.

On the night he passed away, Marwan was planning to attend a dinner with Speaker PELOSI and Northern Virginia leaders at my home. He was feeling especially weak that day and had to decline. I wish he had been able to come. Despite his pain, it would have brought a smile to his lips to hear the Speaker explain how close we are to achieving universal healthcare and economic opportunity for all Americans and the renewed hope for peace throughout the world—issues he had spent his life fighting for.

Madam Speaker, when someone dies so young, it's important that we bear in mind the real tragedy of life is not at death but what dies inside of us while we live. In that sense Marwan lived a long and fruitful life. He never lost his passion, courage or commitment for justice and human rights. Without Marwan it's now up to us to stand up and speak out all the louder for what he cared about: dignity of all human beings, the end of the violence and oppression which in many parts of the world is taken for granted, and the love of each other as precious instruments of our God.

HONORING BENJAMIN P. CARR

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin P. Carr a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Benjamin P. Carr for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF MAREYJOYCE
GREEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mareyjoyce Green, a profoundly respected and influential member of the Greater Cleveland Community, and in recognition of her dedication to civic engagement, education and the advancement of women.

Dr. Mareyjoyce Green earned her undergraduate degree from Wiley College in Marshall, Texas, where she double majored in Education and Sociology. Prior to continuing her education in dance on a scholarship from the University of Wyoming at Laramie, she married her college sweetheart, Charles Green, and began her career as a teacher in local schools. The couple later moved to Cleveland where Dr. Green taught dance and earned her PhD from Case Western Reserve University (CWRU), with a focus on the sociology of poverty. Dr. Green has taught at a number of local universities including the Ash-tabula Branch of Kent State University and Tri-C. Her ability to create unique curricula earned her an appointment by the Chair of CRWU's Sociology Department to head Ohio State University's (OSU) Sociology Department in Lakewood in 1962. Four years later, she became the first woman to head Cleveland State University's (CSU) Sociology Department.

During her tenure at CSU, Mareyjoyce established a number of groundbreaking programs that had a profound effect on both the students of CSU and the residents of the Greater Cleveland Community. Her commitment to social issues manifested in the establishment of Push to Achievement, a program she developed with a fellow professor, Roberta Steinbacher. The program was formed as a partnership between the Cuyahoga County Department of Human Services and the Urban Affairs College of CSU and enabled residents who were receiving public assistance to earn college degrees. Additionally, she co-founded WomensSpace; and has served as Director of the CSU Women's Comprehensive Program for twenty years—the only such program in Northeast Ohio that offers Women's Studies as a major. Dr. Green has tirelessly dedicated her personal and professional time in order to ensure that women obtain the necessary resources to earn advanced degrees and emerge as leaders in their communities.

Dr. Mareyjoyce Green's ability to mobilize the community and to advocate for the social welfare of others has been manifested in the various leadership roles she has played and has served as an undeniable source of inspiration to all those working for social justice. Upon the occasion of her retirement earlier this year as Associate Professor of Sociology and Director of the Women's Comprehensive Program, the Department of Sociology at CSU is establishing the annual Mareyjoyce Green Graduate Assistantship.

Madam Speaker and colleagues, please join me in honoring the leadership and outstanding achievements of Dr. Mareyjoyce Green for her

work in both the Greater Cleveland Community and at Cleveland State University.

HONORING JUSTIN RICHARD
WHEELER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Justin Richard Wheeler a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop participating in many scout activities. Over the many years Justin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Justin Richard Wheeler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE FLIGHT CREW OF
DELTA CONNECTION FLIGHT 5202

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. On February 12, 2009, in the heart of Black History Month, four African-American women accomplished a feat which has never before been performed. They were the first all-female, African-American flight crew to operate a flight in the United States. These women truly are an inspiration to all of us, and I am so honored and pleased to recognize the crew of Delta Connection Flight 5202: Captain Rachelle Jones, First Officer Stephanie Grant, and flight attendants Diana Galloway and Robin Rogers.

When these women operated a flight from Atlanta, Georgia, to Nashville, Tennessee, and the return flight back to Atlanta, they had no idea that they would be making history. Captain Jones is one of only a handful of female African-American pilots in the country, and after her first-officer became sick and was replaced with First Officer Grant, Captain Jones knew that this flight was going to be special. Together these women have positively challenged our ideas of what it means to be in aviation in modern America.

It is important to realize, however, that this feat is merely the extension of a legacy of black female pilots which began with Elizabeth "Bessie" Coleman. Born in Atlanta, Texas, to a poor background, Bessie Coleman overcame numerous obstacles to show the world that a Black woman can indeed be a pilot. After realizing that no American flight school would train her, she studied French and went to Europe to train at a foreign institute. In June

of 1961, she became the first African-American woman in the world to obtain a pilot's license.

Let us applaud the efforts of these heroes who have paved the way for African-American women in aviation. From Bessie Coleman to the modern day flight crew of Delta Connection Flight 5202, barriers are being broken to assure that our daughters have the opportunity to truly become whatever they wish to be. I am proud to recognize the accomplishments of these women and we are all honored by their efforts.

INTRODUCTION OF THE "LABEL-
ING EDUCATION AND NUTRITION
ACT OF 2009"

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. MATHESON. Madam Speaker, I rise today along with my colleague Rep. FRED UPTON to introduce the "Labeling Education and Nutrition Act of 2009".

I am introducing this legislation so we can move toward providing consumers with key nutritional information they seek while hopefully providing restaurants with a workable framework to deliver this information to their customers. This legislation is a bipartisan effort to address nutritional labeling in this Congress. Senators CARPER and MURKOWSKI will introduce the companion bill in the coming days. With the introduction of the LEAN Act in both chambers, I believe we have an opportunity to have a constructive national conversation about uniform nutrition labeling requirements and standards.

Since 1994, the Nutrition Labeling and Education Act (NLEA) has required food manufacturers to provide nutrition information on nearly all packaged foods. However, the NLEA exempts restaurants. Due to this exemption, states, cities and counties have acted to provide nutritional information to consumers. This has led to at least 20 states introducing varying degrees of labeling requirement legislation in 2009.

From New York City to the state of California, more and more cities, counties, and states are passing differing laws mandating that chain restaurants put calories and other nutritional information on menus and menu boards. The result of this increasing state activity is a patchwork of regulation that can be confusing to the consumer and is burdensome to restaurant chains.

The LEAN Act requires restaurants and grocery stores that serve prepared foods and have 20 or more locations to disclose calories for each menu item so that consumers can access this information before making a meal choice. Under this bill, calories will be posted directly on the menu, menu board or in one of the approved alternative ways, such as a menu insert or a sign directly next to the menu board.

As we see in our own lives and daily eating habits, consumers increasingly choose to eat in restaurants. According to a 2009 Forecast report by the National Restaurant Association,

Americans are looking for healthier options when they dine out. In my home state of Utah, restaurant jobs represent about 8% of the employment. American adults buy a meal or a snack from a restaurant 5 times per week on average and spend 48% of their food budget on food away from home, almost \$1078 per person annually. Unfortunately, we have also seen the toll diseases such as obesity and diabetes have taken on society. By providing nutritional information, individuals with special dietary needs will be able to make the right nutritional decisions for them regarding caloric intake or sodium levels.

I appreciate the interest and leadership my colleagues have demonstrated on this issue in the past. I believe this legislation represents a compromise effort that will allow consumers to make informed decisions while also providing for greater individual responsibility in dietary choices. Finally, I hope my colleagues will work with me on this piece of legislation and I look forward to working in a bipartisan way to build upon this legislative proposal.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. EHLERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 1105

Account: Health Resources and Services Administration—Health Facilities and Services
Legal Name of Requesting Entity: Saint Mary's Health Care

Address of Requesting Entity: 200 Jefferson Street SE, Grand Rapids, MI 49503

Description of Request: Provide \$143,000 for an electronic medical records initiative for the Intensive Care Unit (ICU). Physicians will have real-time access to electronic records before, during, and after the ICU stay. The result will be increased patient safety and reduced errors. The technology improves care by supporting real-time access to cross-disciplinary patient results and evidenced-based information for clinical decisions. Funding will support labor, hardware and software costs.

TRIBUTE TO JULIA RANSOHOFF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to an outstanding young student, researcher, and scientist, Julia Ransohoff. A senior at Menlo-Atherton High School in my Congressional District, Julia was recently named an Intel Science Talent Search Finalist. She is one of only 40 finalists given this prestigious award out of over 1,600 students who entered the competition.

Julia was recently recognized by the Society for Science and the Public for her groundbreaking research entitled "The Gender Divide: Does Donor Gender Matter for Mesenchymal Stem Cell Transplantation?" She completed this project as a student investigator at the Robbins Laboratory of Cardiothoracic Transplantation at the Stanford School of Medicine.

While working at the Stanford Institutes of Medicine Summer Research (SIMR) Program, Julia received the Jessica Lynn Saal Fellowship, which is awarded for exemplary performance and achievement in the summer program.

Not only is this young woman an accomplished scientist and researcher, she is a philanthropist and community activist. Julia is a leader in promoting peer health education. Along with her sister, Katie Ransohoff, Julia created an online peer education program for teens to prevent bullying and promote healthy relationships. She also works to encourage teen literacy through the global reading and writing initiative, Teenlit. Julia is a founder of the "Running for a Reason Club" at her high school, which raises money for end of life care for children.

Madam Speaker, I ask my colleagues to join me in honoring an extraordinary young American who represents the spirit of innovation and ingenuity that has guided our country for so many generations.

PERSONAL EXPLANATION

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to state how I would have voted on March 6, 2009. With the expectation the Senate would pass the omnibus appropriations bill, and it would not be necessary to pass a continuing resolution on Friday, I returned home to Houston on Thursday night to attend meetings in our district.

On Rollcall vote No. 107, to approve the journal, I would have voted "Yea."

On Rollcall vote No. 108, on the motion to recommit on H.J. Res. 38, I would have voted "Aye."

On Rollcall vote No. 109, on the final passage of H.J. Res. 38, I would have voted "Aye."

IN RECOGNITION OF JEFF COOPER:
GULF WAR VETERAN, FATHER,
HERO

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. JONES. Madam Speaker, I rise today in recognition of Sgt. Jeff Cooper (Ret.), a North Carolina resident and a U.S. Army Veteran.

The Cooper family was recently chosen by the ABC television show *Extreme Makeover: Home Edition*, as the recipients of a new

home. They have been living in a deteriorating double-wide trailer that is not only uncomfortable, but also is not suitable for the disabled members of their family. With the help of Edenton Builders, Inc. and thousands of volunteers from northeastern North Carolina, their home will be rebuilt in just one week. On March 13th, when the Cooper family returns home to Jamesville, North Carolina, from their vacation here in Washington, D.C., they will be welcomed into their new home.

Madam Speaker, Sgt. Cooper (Ret.) is someone who truly deserves this honor. He has earned several medals of honor for his service as an Army Combat Medic in Operation Desert Shield/Desert Storm. I remember that when my father, Congressman Walter B. Jones, Sr., passed away, Sgt. Cooper (Ret.) paid him the great respect of placing one of the medals he had earned on my father's casket. I will always remember this meaningful gesture and kind display of appreciation for my father's service.

Unfortunately, Sgt. Cooper's (Ret.) service on behalf of our nation left him with symptoms of Gulf War Syndrome; he suffers from multiple sclerosis as well as serious immune disorders. Due to these illnesses, he is now confined to a wheelchair. Since he returned from combat, Cooper has been a tireless advocate for his fellow veterans. He has lobbied the North Carolina General Assembly for a special license plate honoring Gulf War veterans and has become an outspoken supporter of rights for the disabled.

Sgt. Cooper (Ret.) deserves to be commended not only for his service to our nation and his fellow veterans, but also for the acts of heroism he has demonstrated within his own family. When his young son Aaron was run over by a garbage truck two years ago, he used his medic skills to save his son's life, though Aaron still lost most of his right arm and has undergone several surgeries since. Cooper has served as a role model to his children, as his daughter Windy has followed her father's example by signing up for medical lab technician training with the Army National Guard.

Madam Speaker, I am pleased to offer my congratulations to the family of Sgt. Jeff Cooper (Ret.), a special person whose service to his nation and fellow veterans has made him well-deserving of this new home and special honor.

ON THE 25TH ANNIVERSARY OF
THE ALEXANDRIA TRANSIT COM-
PANY'S (ATC) OPERATION OF
THE CITY'S DASH BUS SYSTEM

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. MORAN of Virginia. Madam Speaker I rise today to recognize the 25th Anniversary of the Alexandria Transit Company's (ATC) Operation of the City's DASH Bus System. DASH stands for Driving Alexandrians Safely Home.

Back during the early 1980s, Alexandria Mayor Charles "Chuck" Beatley had a vision of a local bus system that would serve the

transit needs of the Alexandria community and provide high quality transit service for its residents, workers, and visitors.

Mayor Beatley could have done no better than to name Mr. William B. "Bill" Hurd as the first chairman of the Alexandria Transit Company. In Mr. Hurd, Mayor Beatley found not only a person who shared his vision of a new transit service, but also a supremely competent administrator who worked tirelessly for the next 22 years to create and sustain the DASH service. During his tenure as chairman, he delivered safe and reliable service with clean buses and friendly, courteous drivers.

Today, ATC is recognized nationally and throughout the Commonwealth of Virginia for the service it provides and has won many outstanding achievement awards over the years, including the American Public Transportation Association's (APTA) System Safety Award for five consecutive years, the APTA Public Transportation System Outstanding Achievement Award, the Governor's Transportation Safety Award, the APTA first place AdWheels Marketing Award for innovative and creative marketing efforts for four years, the Virginia Department of Rail and Public Transportation (VDRPT) Outstanding Urban Public Transportation System Award, the Virginia Department of Rail and Public Transportation (VDRPT) Innovative Program Award for six years, and the Virginia Transit Association (VTA) Outstanding Public Transportation Marketing Award for the "Dash About" service and "DASHing Around Alexandria" campaign. ATC was also recognized three years in a row by the Alexandria community as one of the top five city services for quality.

Today DASH continues to provide clean, safe, affordable and reliable service every day to thousands of commuters, city residents, and visitors, but it has also grown to meet the needs of a growing city and the changing times. Over the past 25 years ridership has grown by more than 330 percent. Annual ridership has eclipsed four million. Fourteen thousand people ride DASH everyday and 10,000 ride on weekends. Service has grown from 582,000 service miles in the first full year of service in 1985 to more than 1.5 million service miles today.

Alexandria has many amenities as a charming, livable community; its historic homes and gardens, its street side restaurants and shops, the Potomac waterfront and its engaged, civic-minded citizenry. DASH contributes to Alexandria's high quality of life by preserving the city's livability, mitigating traffic, improving circulation and mobility throughout the City, and providing easier access to local businesses, retail and employment centers, residential developments, and the regional Metrorail and the Virginia Railway Express commuter rail systems.

And as we begin to focus on the environmental challenges of air pollution and global warming, DASH has a key roll to play in promoting a less carbon intense alternative to the automobile. To demonstrate its commitment to a greener, eco-friendly city, the new DASH building under construction will be a LEED Certified Silver building.

I salute ATC and DASH for twenty-five years of superb service. I also salute its employees and the Board of Directors, for their

contributions and efforts to improve public transportation service throughout the City, for their achievements that have been recognized both nationally and by the Commonwealth of Virginia, and in providing the highest quality of service to Alexandria.

I wish them a successful future.

HONORING DEREK JAMES STRICKLAND

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Derek James Strickland a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 357, and in earning the most prestigious award of Eagle Scout.

Derek has been very active with his troop participating in many scout activities. Over the many years Derek has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Derek James Strickland for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 10, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 11

10 a.m.

Budget

To hold hearings to examine the President's proposed budget request for fis-

cal year 2009 for the Department of Energy.

SD-608

Judiciary

Constitution Subcommittee

To hold joint hearings with the House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties to examine S. J.Res. 7 and H. J.Res. 21, proposing an amendment to the Constitution of the United States relative to the election of Senators.

SH-216

Homeland Security and Governmental Affairs

To hold hearings to examine violent Islamist extremism, focusing on al-Shabaab recruitment in American.

SD-342

Rules and Administration

To hold hearings to examine voter registration, focusing on assessing current problems.

SR-301

10:30 a.m.

Joint Economic Committee

To hold hearings to examine Troubled Asset Relief Program (TARP) accountability and oversight, focusing on achieving transparency.

SD-106

MARCH 12

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine proposed legislation regarding siting of electricity transmission lines, including increased federal siting authority and regional transmission planning.

SD-366

Indian Affairs

To hold hearings to examine the President's proposed budget request for fiscal year 2009 for tribal priorities.

SD-628

Veterans' Affairs

To hold joint hearings to examine legislative presentations of veterans' service organizations.

SD-106

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine sustainable transportation solutions, focusing on investing in transit to meet 21st century challenges.

SD-538

Budget

To hold hearings to examine the President's fiscal year 2010 budget and revenue proposals.

SD-608

Commerce, Science, and Transportation

To hold hearings to examine climate science, focusing on empowering our response to climate change.

SR-253

Finance

To hold hearings to examine workforce issues in health care reform, focusing on assessing the present and preparing for the future.

SD-215

Judiciary

Business meeting to consider S. 49, to help Federal prosecutors and investiga-

tors combat public corruption by strengthening and clarifying the law, and the nomination of Dawn Elizabeth Johnsen, of Indiana, to be an Assistant Attorney General.

SD-226

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

SD-366

Intelligence

Closed business meeting to markup certain intelligence matters.

SH-219

MARCH 17

9:30 a.m.

Armed Services

To hold hearings to examine United States Southern Command, United States Northern Command, United States Africa Command, and United States Transportation Command.

SH-216

MARCH 18

9:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.

334, Cannon Building

10 a.m.

Judiciary

To hold hearings to examine the National Academy of Science's report Strengthening Forensic Science in the United States: A Path Forward.

SD-226

MARCH 19

9:30 a.m.

Armed Services

To hold hearings to examine United States Pacific Command, United States Strategic Command, and United States Forces Korea.

SH-216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine cybersecurity, focusing on assessing our vulnerabilities and developing an effective defense.

SR-253

MARCH 25

9:30 a.m.

Veterans' Affairs

To hold hearings to examine State-of-the-Art information technology (IT) solutions for Veterans' Affairs benefits delivery.

SR-418

2:30 p.m.

Commerce, Science, and Transportation Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine Federal Aviation Administration reauthorization, focusing on NextGen and the benefits of modernization.

SR-253

HOUSE OF REPRESENTATIVES—Tuesday, March 10, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. MCINTYRE).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 10, 2009.

I hereby appoint the Honorable MIKE MCINTYRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HOUSE REPUBLICANS ARE ON THE SIDE OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, the American people are hurting. Congress was right to take action to get this economy moving, but higher taxes and massive Federal spending is not the cure for what ails this economy. The American people know that, too. They know we cannot tax and spend and bail our way back to a growing economy.

Raising taxes during a recession on almost every American is a prescription for economic decline. The stock market and other indicators are showing that.

More than half of the Americans paying higher taxes under the Democrat plan are small business owners filing as individuals. Raising taxes on small businesses where a majority of Americans go to work every day will not put American families back to work. Raising utility rates on every household in America will place an undue burden on families struggling to make ends meet. Cutting deductions for charitable giving will harm higher education, sci-

entific research, and religious organizations struggling to do good in our society.

Democrats are on the side of more government and more taxes. House Republicans are on the side of the American people. And let me talk just a minute about that so-called stimulus bill which passed here a couple of weeks ago.

We were told that the stimulus bill had to be passed, had to be passed immediately because it was going to create 3 to 4 million new jobs in this country. Now, some of us were skeptical about that from the very beginning, but we want to make sure that what is promised is kept.

Now, I come from the State of North Carolina, Mr. Speaker, as you do. The State's motto in North Carolina is "To Be Rather Than to Seem." I think it is a good motto for all of us to live by. And let me give an example of how the stimulus package is a package "to seem" rather than "to be."

Here's a Democrat stimulus myth in the State of Montana. A press release from Senators BAUCUS and TESTER claimed that \$1.3 million in stimulus money would create 40 new jobs for the Flathead City County Health Department; sounds great, sounds like a good excuse for voting for a waste of money. But here's the reality; the money will simply provide another year of funding for the Department's community health center, which already has 10 full-time positions. The community health center plans to add only two more jobs—two, not 40. We need to be dealing with what is rather than what the Democrat majority and the President want the American people to believe.

Let me say again, the budget, the stimulus, spend too much money. They tax too much—the largest tax increase in history. They borrow too much money—the highest level of borrowing ever. This is not the way to get our economy back on track. The Democrats are going in the wrong direction.

House Republicans understand that the American people are hurting. We had an alternative plan that created twice as many jobs for half the cost, but it was summarily dismissed.

Republicans aren't saying "no" to everything, we're presenting better alternatives, but the Democrat majority and the President want you to believe that all we're saying is no. That's not right. We're "being" rather than "seeming."

BETTER CHOICES FOR AMERICANS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, it was interesting to listen to my good friend from North Carolina with her interpretation.

You know, it's interesting. My Republican friends simply had no solution other than to gut the infrastructure investments that are so critical, the important health care initiatives, and replace them with more tax cuts, most of which would not meet the needs of people who need help the most.

I will tell you, I invite people to look at what we did. Indeed, the \$6 billion that is flowing to my State of Oregon over the next 2 years has made a critical difference to support State services, to be able to invest in cleaning up the environment, to save and create jobs. I've posted a guide on my Web site to each and every one of those provisions—62 pages in all—where people can track for themselves. There are not, for example, tax increases for most Americans. My friend from North Carolina is just flat wrong. If she would research the bill that we approved here on the floor, she would find that in fact 95 percent of the people get tax cuts. Nobody is having tax increases over the next couple of years, even the very wealthy. And it's what, in fact, America has asked for.

I would suggest that it's time for us to step back from some of this goofy back and forth because I think there are a wide range of areas that we can agree that reform needs to be made.

I like what I heard from President Obama on the campaign trail and what I heard from the rostrum here when the President addressed his first joint session of Congress. There are a number of areas of health, energy, tax, and agriculture that actually can bring people together. Now is not the time for commissions and study groups or for mindless political bickering; now is the time to actually do what we know we can accomplish.

There are multiple areas where it isn't so much picking low-hanging fruit, it's actually picking that fruit up off the ground. We need to articulate a vision of how we're going to accomplish that. For example, in the area of agriculture, it's not just the problem in the past that rich sugar farmers have had more clout than poor hungry children. There are ways in reforming agriculture that we can put more money in

the pocket of more ranchers and farmers and less into the pockets of the wealthy few who don't need it.

We can implement reforms to help change the bureaucracy with things like crop insurance reform, that independent observers have identified for years, but Congress hasn't had the will to follow through on fixing it. We can pay farmers and ranchers to protect the environment, not to damage it. We can concentrate on strengthening American agriculture and producing more healthy food rather than a few commodities, frankly, that the world has enough of.

In the area of health, the research is in. There are a number of communities across the country that are low cost, high performing where people live longer and get sick less often. In fact, we see some of the areas of the country where we are spending the most government money in Medicare actually is not helping people. Rather, many of those areas actually have worse results because people get unnecessary tests and procedures, not concentrating on things that will make them healthy. We can reward the low-cost, high-performing areas while we send signals to those that are spending lots of money and not performing very well. Let's send the message there's a bipartisan consensus that we're going to fix that.

In the area of transportation, there is a vast coalition that has emerged around the country that wants to help the Federal Government get more money and streamline the Federal partnership. They are willing to work with us so that there are more choices, higher standards, and sustainable revenue. The Chamber of Commerce, organized labor, environmentalists, transit advocate bicyclists, all combine in an approach to make America's transportation partnership with State and local governments better and stronger.

We don't need to rely on the same old patterns. We can, in this Congress, take action that unite people all across the spectrum all across the country. We've got a President who can use the bully pulpit. I strongly urge that we work with him for a new vision, more value, better choices for Americans, and to do it now.

2009 OMNIBUS SPENDING BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, the omnibus spending bill is not an example of change here in Congress and continues the Democrat's spending spree in the first 2 months of the 111th Congress. Even a record \$1.4 trillion budget deficit has not stopped Congress' culture of spending on special projects. While families and business owners are cutting back and bringing their budgets under control, Congress, under Demo-

crat leadership, is spending and earmarking as if nothing has changed.

Here are a few highlights of the bill that is being debated in the Senate right now. There is an 8 percent discretionary spending hike. After passing an unprecedented massive spending bill that is the largest this country has ever seen, the Democrat leadership ushered through this House an omnibus bill that will give a staggering 80 percent increase to discretionary programs when coupled with a \$1 trillion stimulus package. This bill will contribute to a permanent \$2,000 per household tax hike for every household. It contains 9,300 special funding requests, projects that cost nearly \$13 billion. Now, the argument is made that Members have a right to make these special district funding requests, but I, for one, would gladly place a moratorium on all district funding requests until the economy is corrected.

Let me say again, this omnibus spending bill increases discretionary spending by 8 percent when less than 3 weeks ago Congress and the President, under Democratic leadership, ran through a massive stimulus package where the same discretionary programs received much of the unprecedented \$1.1 trillion in government spending.

Now, counting those funds, this omnibus spending bill will institute an 80 percent spending increase for those programs in 2009 from \$378 billion to \$680 billion. This spending increase by the Democratic Party is unprecedented in American history.

The domestic spending programs which the omnibus focuses on have not been cut in the past decade; in fact, they have only increased from 2001 through 2008. These programs grew 23 percent faster than inflation, including increases for education at 35 percent, health research at 37 percent, and veterans benefits at 54 percent. It is apparent that during these fiscally challenging times these programs could have survived without some of these large increases.

Regrettably, the omnibus bill does not offset this new spending. It does not attempt to cut spending or institute reductions in inefficient or duplicate or worthless government programs. And let me just give you further example, Mr. Speaker, where some savings could be made; \$55 billion in annual program overpayments, \$60 billion for corporate welfare, \$123 billion for programs for which government auditors can find no evidence of success; \$140 billion in potential budget savings identified in the CBO Budget Options document.

Program duplication: There are 342 economic development programs; 134 programs serving the disabled, they're all duplicate; 130 programs serving at-risk youth, these are duplicate; and there's 90 duplicate early childhood development programs.

□ 1045

While some of these programs may be important, I find it hard to believe that each of the 342 economic development programs paid for by the American taxpayer, each and every one is vital to the American people. This has been identified, all these programs that duplicate.

Unfortunately, taxpayers should not expect change in the future. The administration and the Democrat party have already signed into law a large expansion of the State Children's Health Insurance Program, putting middle class children who already have private health insurance on taxpayer-funded, government-run health care programs; weakened the 1996 welfare reforms in the \$1.1 trillion stimulus package; and instituted permanent government growth in the areas of education, infrastructure and Medicaid.

Last year, President Bush signed an executive order stating that Federal agencies must ignore earmarks that appear in nonbinding conference reports and instead implement only those in the bill text itself. That executive order currently remains in effect. President Obama, who campaigned on ending politics as usual in Washington, could strike a blow to the earmark culture in Congress by simply leaving this executive order in place. Doing so would eliminate all earmarks that Congress has not incorporated by reference into the omnibus bill text. He should go one step further and veto any omnibus bill that explicitly has earmarks.

In the past six months, Congress has enacted a \$700 billion financial bailout and a \$1.1 trillion stimulus. I say it is time to end the culture of pork, and stop spending money that our children will have to pay back in the future.

SOLVING AMERICA'S HEALTH CARE PROBLEM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, for the first time in 15 years we have a real chance to solve America's health care crisis. The stars are aligning as has never been seen before. The American people want a solution, American business needs a solution to stay competitive and retain their best employees, segments of the health care industry, such as doctors, want a solution, and the President and the Congress have started a dialogue. Yet despite all those positive signs, we must not make the mistake of believing a solution is at hand or that it will come easily.

As a nation we stand at a crossroads, either sweeping reform or sweeping this crisis under the rug with another Band-Aid. We have to translate the national dialogue into legislation that makes access to affordable health care

coverage what it must be in a free and Democratic society, a right and not a privilege.

There are lot of pieces to that puzzle and some are more readily solved more than others. In fact, I think some early victories might help instill confidence in the American people. Let me give you an example.

When I graduated from medical school, I was \$500 in debt after my entire medical education. Today, the average medical student is well over \$100,000 in debt. When you are underwater by that much money, you are forced to make decisions based on debt service, not on public service. Across America, from inner-cities to rural communities, we are woefully short of primary doctors. And as long as new doctors have to chase high paying jobs to pay off their debt, we are going to remain short staffed in these underserved areas in our country.

Today I am introducing legislation that would offer scholarships that would pay for most all of tuition for medical students in public colleges if they will apply their medical training in underserved areas when they graduate; an even exchange, one year of tuition for one year of service.

The American Medical Association says there were 45,000 students enrolled last year in public medical colleges and the mean cost of tuition was \$20,000. For a total investment of less than \$1 billion per year, my legislation would provide a workforce so that every American can have access to affordable health care wherever they live. The scholarships would be accessible to a medical student enrolled full time and in good academic standing at a public institution.

Imagine the positive impact that we would have if we empowered new doctors to serve their country and the highest ideals of their profession instead of serving their debt load. It is important to make the financial commitment at the beginning of medical school so that students can study areas that are related to primary care.

Anyone who knows me knows I have long advocated a universal health care system, providing a minimum set of benefits for everyone. But we cannot get universal coverage or any interim step on the way to universal coverage without addressing, and reducing, the cost of health care education for our doctors.

We could make a significant impact by lowering the cost of the health care workforce if my bill were accepted. But we would do something else. There are a lot of talented young people who don't have the financial means to go to medical school and fear a crushing debt burden even if they qualify. By removing that mountain of debt, we could use that rock to build a foundation for a permanent solution.

We can solve America's health care problem and we can do it before the

end of this year, but this is a first step that must happen. We must think about the workforce that will provide that universal access to everyone in the country. We cannot continue with the present funding of health care education and expect that we are going to have the people to provide the primary care, to do the wellness care, to do the prevention. They will all go into high-paid specialties to pay off their debt.

This bill is a step that we must take, and it is one where we can make a step forward for all the people in this country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Today we bless You and praise You Lord for friends. Friendship is a gift, Lord, freely given by one person to another. Not merited, not purchased, never manipulated, never demanded, friendship is uncovered in mutual self-revelation and common exchange. Desirous of the comfort found in another's companionship and tested by time, friendship spontaneously grows from within.

Friends truly know who we are. Friends stand with each other in good times and in bad times. True friends tell the truth without ever hurting. We steer friends away from what is wrong and seek only what is good for their friends.

Lord, strengthen Members of Congress with friends who will prove faithful no matter what transpires. Give them friends who will support them when they are right in spite of pressure from others and who will correct them when they are wrong no matter who agrees with them.

A friend may not change your taste, your reading, or your opinion, but a true friend will change what you long for and what you love. As different as they are from each other, true friends will accept each other as they are and share their differences—until they simply enjoy being together.

Lord, for lasting friends of the past, those we hold in friendship now and those we are yet to meet, we thank You, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina (Ms. FOXX) come forward and lead the House in the Pledge of Allegiance.

Ms. FOXX led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 4. Concurrent resolution calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation.

S. Con. Res. 10. Concurrent resolution congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols.

The message also announced that pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275 (adopted October 21, 1998), further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted November 21, 2004), the Chair announces, on behalf of the Majority Leader, the appointment of the following Senators as members of the Senate National Security Working Group for the One Hundred Eleventh Congress:

The Senator from Michigan (Mr. LEVIN) as Democratic Co-Chairman.

The Senator from Massachusetts (Mr. KERRY) as Democratic Co-Chairman.

The Senator from New Jersey (Mr. LAUTENBERG) as Democratic Co-Chairman.

The Senator from North Dakota (Mr. DORGAN).

The Senator from Illinois (Mr. DURBIN).

The Senator from Maryland (Mr. CARDIN).

The Senator from West Virginia (Mr. BYRD) as Majority Administrative Co-Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 requests for 1-minute speeches on each side of the aisle.

DEEP VEIN THROMBOSIS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, I rise today to speak to the need for raising awareness about deep vein thrombosis, commonly known as DVT. Two million Americans are affected by DVT every year. That is more than breast cancer and AIDS combined.

However, many Americans are not aware of what DVT is, or how to recognize its signs and symptoms. We may see people wearing pressure stockings following surgery or on long plane flights.

The tragic loss of our former colleague, Congresswoman Jennifer Dunn, to DVT demonstrates how close to home this disease can be for all of us. Not only is DVT killing too many Americans every year, it is also taking a toll on our Nation's hospital systems, costing approximately \$860 million annually.

That is why I am so proud to join with my colleague, Representative CATHY MCMORRIS RODGERS, in introducing a resolution recognizing Deep Vein Thrombosis Awareness Month and National DVT Screening Day. I hope we can count on all of our colleagues to join us in supporting this resolution and in raising awareness about this disease.

OBAMA BUDGET

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I returned to Washington yesterday from my weekly visit home, and had the privilege of spending time with many of my constituents. They asked that I carry back a message to Washington, a simple message: stop the spending binge.

Right now families across the country are hurting. Many have lost their jobs, and many more worry they will be next. Families are tightening their budgets and small businesses are cutting expenses. The American people are making the sacrifices necessary to weather this storm. And yet they hear on their local news that it is business as usual in Washington. It is more spending and more taxes from the Democrat Congress and from President Obama, who promised a new direction.

The people in my district know we cannot borrow and spend our way back to a healthy economy. Let's follow the example set by the American people. Let's make the tough choices that are necessary to get our economy back on track. Let's start putting fiscal restraint and the American people first.

HEALTH CARE REFORM

(Mr. WALZ asked and was given permission to address the House for 1 minute.)

Mr. WALZ. Mr. Speaker, I am proud to rise today and know that this Congress has started tackling the issue of health care reform in a real, meaningful way. Already this Congress has passed legislation that will provide health insurance to millions of uninsured children, bring health care into the 21st century with new health information technology, and start us on the path of providing high-quality care at a lower cost.

My home State of Minnesota has been a leader in this. In my district, the Mayo Clinic, in particular, is a renowned medical institution that has always been at the forefront of efforts to reform and improve health care. They helped pioneer the use of electronic medical records. Electronic medical records reduce the time patients spend in waiting rooms filling out forms, and they also let doctors access a patient's history immediately, reducing errors. They cut down on administrative costs, saving our entire system billions of dollars. In addition to leading the way on medical technology, Mayo has been a leader in providing high-quality care.

As we move forward on health care reform, we need to acknowledge our current rewards quantity over quality. We can look to Mayo, which has been lauded for its ability to produce the highest quality outcomes at the lowest possible cost.

I am proud to represent my district, and I think we can lead the way to meaningful reform.

DEEP VEIN THROMBOSIS

(Mrs. MCMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today in honor and recognition of a good friend, a mentor, and someone who proudly represented the great State of Washington, former Representative Jennifer Dunn. She tragically died of a pulmonary embolism in 2007.

Today, my colleague and I, Congresswoman LOIS CAPPS, are introducing a resolution marking the second Tuesday in March as the National DVT Screening Day. It is appropriate that we do so because deep vein thrombosis is killing

about 300,000 people in the U.S. today. It is common, but preventable. It is time to make screening a health priority, and urge health care providers and patients to be aware of this silent killer.

Jennifer had an unwavering commitment to women and families in America and around the world. Let us remember her and others as we recognize the risks and treatment for DVT.

COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, last month the Department of Homeland Security reported that over 100,000 parents of U.S. born children were deported between 1998 and 2007. And the Homeland Security inspector stated that these figures are incomplete because the agency does not keep track of how many children each parent has.

This past Saturday, I hosted an event in my district for families to come and share their stories about how they have been impacted by the broken immigration system. The audience on several occasions had to hold back their tears as they heard the stories of how families, like the Serrano family from Bloomington, California, have been separated from their parents.

Children like those in the Serrano family are the real victims of this outdated immigration system that separates families.

As Speaker PELOSI said this morning at a meeting with Latino leaders, "We must immediately end raids that separate families."

I urge my colleagues in the House and the Senate and President Obama to work with CHC toward comprehensive immigration reform.

OIL AND GAS LEASE SALES

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, the Interior Department is going forward with the oil and gas production lease sale in the central Gulf of Mexico. I welcome the Interior Secretary to my home State of Louisiana this March.

While visiting our great State, I would like to remind Secretary Salazar that although it is a positive gesture to move forward with this lease sale, the benefit of these leases will greatly be diminished under tax hikes—that is removal of exploratory incentives that are included in this administration's budget proposal.

This \$30 billion tax increase could devastate an industry that directly and indirectly employs over 300,000 Louisianans. This tax increase will wreak havoc on small independent producers and third-party services. It will

also continue to perpetuate the cycle of high fuel prices and our addiction to foreign sources of energy who want to see our democracy fail.

In short, this proposed budget does nothing to solve our energy needs. If anything, it will lead to more cost and massive job loss for many Americans, especially in Louisiana, who are suffering in this economic recession.

ECONOMIC STIMULUS PACKAGE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, we have had a change in America. We have gone from a previous President who for 8 years didn't believe in regulation and believed in tax cuts, which led us to the greatest economic crisis which we have faced in this country in 76 years, to a President who believes in regulation and believes in stimulating the economy.

There are two ways you can help get the economy moving. One is monetary policy and the other is fiscal. Right now the only way we can do it is fiscal because monetary has gone down to about zero. We have done all we can do with monetary. So the stimulus package, the Recovery Reinvestment Act, is what America needs. Some would suggest we haven't done enough. Mr. Krugman suggests that. I tend to agree with him. But the fact is we can only get three Republican votes in the Senate, one vote more than we needed for the bill in the Senate, so you get what you can get from the Senate.

I support my President because he has a policy and a program that will get us out of this recession and move America forward to being the great national and international leader that we need to be in the 21st century, and we can only do that by supporting our President with a stimulus package.

CARD CHECK

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, there is an effort underway in Washington to take away the right of the secret ballot vote from American workers.

Colleagues on the other side of the aisle will introduce today a bill misnamed Employee Free Choice Act, also called the Card Check bill.

This is a bill that would allow for the establishment of a union not by secret ballot vote, but simply if the majority of employees at a company sign a card lending their support. This process, called "card check," opens employees up to coercion and intimidation.

The secret ballot is a fundamental principle of American democracy. If individuals want to join a union, they are entitled to that right. They can show

their support with their vote. But if workers do not want to pay union dollars to be used to advance a political agenda they disagree with, they should also be afforded the same right, to cast their vote free of coercion and intimidation in a secret ballot election.

Card check is an assault on the principles of our Nation and would be a job killer during a time when we cannot afford to lose more jobs.

□ 1215

LIFTING THE BAN ON STEM CELL RESEARCH

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise today to applaud President Obama's executive order lifting the ban on Federal funding of embryonic stem cell research.

I join scientists across the country, especially researchers at the University of Louisville, who are excited about the opportunities that expanded research presents.

But as we all know, there is another dimension to this issue, and it involves moral questions about the use of discarded embryos for scientific purposes. I fully respect the views of those who raise moral objections to embryonic stem cell research; their convictions are just as valid and unassailable as the scientific arguments made about the potential of stem cell research. On the other side, however, are equally valid and, to my mind, unassailable moral arguments that support President Obama's decision this week. They are analogous to the arguments made in support of organ donation and transplantation. Here, human material that has the potential to save life is not being squandered.

Like those who raise moral objections to stem cell research, I would have problems with the production of embryos for scientific purposes, but to me, the destruction of embryos that can be used to advance science in the service of life raises similar moral problems.

I congratulate President Obama on his action.

VETERANS PASS ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Here in Washington, D.C., we are always reminded that freedom isn't free. Whether it's the self-reflective Vietnam War Memorial or the solemn Tomb of the Unknown Soldier in Arlington National Cemetery, the freedom we Americans enjoy today was paid for by the blood and sacrifice of our men and women in uniform.

While our veterans have paid this price with their sacrifices, there is an-

other price they must pay which we can now alleviate. I have introduced the Veterans Pass Act, which will provide veterans an annual National Parks and Federal Lands pass at a sharp discount of \$10, down from the normal cost of \$80. I encourage my colleagues to join me in cosponsoring this legislation.

The majestic beauty of our Nation's national parks are just as fitting a monument to the sacrifices of our soldiers as is a monument made of marble. We should make visiting these living monuments easier for our veterans. Please join me in cosponsoring the Veterans Pass Act.

HEALTH CARE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, health care reform is an essential component to our Nation's economic recovery. The expansion and reauthorization of the State Children's Health Insurance Program that was passed by this Congress and signed into law by President Obama expands health insurance to an additional 4 million children, covering 11 million children in all, including dental coverage and mental health parity.

The \$20 billion investment that we have made in health information technology in our Recovery and Reinvestment Act will modernize the health care system, saving money, reducing medical errors, improving quality, and creating health care jobs across all sectors.

The recovery package's \$87 billion in funding to the State Medicaid programs is a significant boost to our State's economy in Maryland. It is a budget gap filler for our State.

And finally, the President's budget, with an over \$630 billion down payment, prioritizes health care reform. At long last, the nearly 50 million people without health care will finally get their health care for all, quality, affordable, accessible health care for all. And I thank the President and this Congress for their leadership on health care.

STOCK MARKET RECOVERY ACT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the stock market has rendered a bipartisan verdict on the policies of this Congress. From the year end to the inauguration, it fell 5 percent. From Secretary Geithner's speech to the budget, it fell 12 percent. From the budget to today, it fell another 11 percent.

We are now suffering from the fastest market decline ever, faster than even

under Presidents Hoover or Roosevelt. The market has fallen in part because it has learned more about this Congress—record borrowing, rigged union elections, 9,000 earmarks, and nationalizing health care.

I think it's time to look at new policies to help stocks, like suspending the mark-to-market rule that triggers bank runs and restarting the uptick rule to undercut the short sellers.

Today, I will introduce the Stock Market Recovery Act with these two key reforms. We are digging an economic hole, and it's time to get out, and these reforms will help.

GIVE OUR TEACHERS A HEAD START ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I rise today to introduce the Give Our Teachers a Head Start Act, a bill which makes strong investments in today's Head Start teachers and teachers' aides.

In this challenging economy, Head Start programs around the Nation are feeling the consequences. And when budget shortfalls hit these programs, it is the children who suffer. Many teachers and teachers' aides attempt to fill the gap and make personal financial sacrifices to provide their students with classroom supplies. The average Head Start teacher with a B.A. degree earns almost half of the average Kindergarten teacher, but is excluded from the current law permitting K-12 teachers an income tax deduction. This legislation would permit Head Start teachers and teachers' aides the ability to subtract from their gross income up to \$250 in expenses that would be associated with the purchase of classroom supplies.

When funding falls short and teachers sacrifice to fill the gap, it seems only fair that they should at least get a tax deduction. I urge my colleagues to support this bill.

FEDERAL GOVERNMENT TAKING LARGER PIECE OF TAXPAYERS' WALLETS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it appears the latest definition of fiscal responsibility in Washington is just to raise taxes in order to raise spending. The Federal Government takes a larger and larger piece of taxpayers' wallets.

At a time when American families and small businesses across our country are making tough decisions, Washington is borrowing more money. Never mind that tax hikes during a recession

would only prolong the downturn or reduce job creation made in a recovery. This is the taxpayers' money, it does not belong to the government.

Let's take a lesson from the American taxpayer and promote tough decisions here that will reduce spending and not mortgage our children's futures. This spending will mean a \$9,014 principal obligation, along with adjustable interest, beginning now for every person 21 years old or younger.

In conclusion, God bless our troops, and we will never forget September the 11th.

WORKING TO IMPROVE HEALTH CARE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, one of the most serious challenges facing our Nation is the need for health care reform to ensure access to quality and affordable health care for all families.

It is shocking that nearly 46 million Americans in the United States have no health care coverage. Unless we act, estimates from the Congressional Budget Office warn that the number of Americans without health insurance will grow to about 54 million during the next 10 years.

In meeting with health care professionals and with my constituents in New Jersey, everyone agrees that changes in our current system are needed. Congress has already taken some important steps. Working with President Obama, we have enacted into law a much-needed expansion of the State Children's Health Insurance Program, SCHIP, to ensure that the 7 seven million children who currently participate in the program continue to receive coverage.

We also worked to provide \$20 billion in crucial funding in the economic recovery package to modernize our health care system through the adoption of health information technology.

Mr. Speaker, we want to see these moves continue.

AMERICANS MAKE SACRIFICES WHILE WASHINGTON CONTINUES TO SPEND

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. After months of runaway spending at the Federal level on bailouts, so-called stimulus bills, and big government spending in last year's budget, just last month President Obama unveiled his budget, a more than \$3 trillion blueprint for even more spending.

At a time when middle class families and small businesses are making sac-

rifices, Washington continues to spend trillions of dollars on bailouts and new government programs. One independent estimate suggests that the Federal Government will have to hire 250,000 new bureaucrats just to pass out all the money. And the President's plan includes the largest tax increase in history. The majority of his tax increases will hit small business owners. And the new national energy tax will cost every American household up to \$3,100 per year.

The chairman of the Budget Committee, the Democrat, JOHN SPRATT, said, "This is not an easy budget to market for sure. The reason? Well, the President's budget spends too much, taxes too much, and borrows too much, and the American people know it."

INVESTING IN AMERICA

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, it's very interesting to me to watch people stand there and start talking about the spending of the Federal Government over the past few months because the party that was in charge for the previous decade—even longer—in Congress and in the White House ran up record deficits while the American middle class income stayed flat. And yet, I didn't hear them on the floor worried about the middle class until just very recently.

I'm not really sure what they're upset about, except I think they're upset that we have decided to invest in ourselves and our country. We're going to invest in jobs; we're going to invest in the middle class; we're going to invest in infrastructure; we're going to invest in education. President Obama said, "Those who out-teach us will out-compete us." So we're investing in this country. We're investing in health care for the children, and investing for the elderly as well.

We cut taxes for the middle class. Yes, times are very difficult, and unfortunately, we are going to have to spend to stimulate, and spend to support our people and support our country. But where were they for the past decade?

EMPLOYEE FREE CHOICE ACT

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Today, congressional Democrats are introducing the curiously named Employee Free Choice Act, which actually does the opposite of its title by taking away an employee's free choice to choose in secret whether or not to join a union. Union leadership is elected by secret ballot, I was elected by a secret ballot, and the President of the United States was elected by a secret ballot.

In these tough economic times, no one can blame American workers for supporting measures they believe will create new jobs for them. I grew up in a union household, so I understand why workers support this legislation when they hear their leadership talk about how this is needed because workers' influence is declining in the United States. Unfortunately, their leadership's rhetoric just doesn't square with reality. According to the Bureau of Labor Statistics, union membership was just over 16 million in 2008, a 2.6 percent rise over 2007. This legislation lays waste to an employee's right to choose whether to join a union by secret ballot, which is too steep a price to pay.

FEDERAL TAXPAYER DOLLAR

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, a wise man once said, "Treat each federal tax dollar as if it was hard earned; it was—by a taxpayer."

The Democrats of this House need a reminder that every dollar they have been signing away is a hard-earned American dollar.

Let's take that \$787 billion stimulus bill that they passed and that the American taxpayers will have to repay. That's going to cost every taxpayer in this country over \$4,000. We know that Americans are hurting, that we are in a recession, and that now is no time to raise taxes and increase their share of this national debt. That's all money that they could be using for household necessities.

And they are a little bit weary when they hear about projects they're going to be required to fund, like a foot bridge in St. Louis, or \$8 billion for the Disneyland to Las Vegas train, or \$200,000 for tattoo removal, or millions for the Speaker's mouse.

So let's remember those wise words before we start signing off on all these pork barrel spending projects for special interests. Let's treat every Federal taxpayer dollar as what it is, hard earned by the Federal taxpayer.

AMERICANS DESERVE THE FULL STORY ON IMMIGRATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Americans deserve accurate stories about immigration issues, but the national media prevent that from happening.

Too often, the media only feature stories that support their bias, that include more quotes from pro-amnesty sources than pro-enforcement sources,

and they prey on emotions while ignoring facts. These articles paint a one-sided sympathetic picture of illegal immigrants, but fail to acknowledge they intentionally broke our laws, burdened taxpayers, and displaced legal workers.

For example, five out of six immigration stories in the New York Times over a recent 2-week period were obviously slanted. The same was true of six out of eight immigration articles in the Washington Post. Americans deserve better, and should insist that the media provide all the facts and not just give one side.

□ 1230

CARD CHECK

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. Mr. Speaker, secret ballots say a lot about the societies that defend and preserve them. They say that society trusts the people, and given the facts and the arguments, the people themselves are trusted to make the right decisions. You can be persuaded. You can be begged. But in the privacy of the voting booth, your vote is your own.

When government attempts to abolish the private ballot, it says that people are not trusted. It says to every citizen, you, do not know what is good for you.

For over 60 years, American workers have decided whether to unionize in secret ballot elections, for the very same reasons that in political elections we cast our votes in private. Card check assaults that right. It imposes coercion over conscience, force over freedom.

Since 1776 Americans have expected Congress to defend their democratic rights, not abolish them. Card check denies fundamental democratic rights to over 100 million Americans. Congress should defend this right.

CAP AND TRADE CONCERNS

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, I rise today with deep concerns about the so-called "cap and trade" proposal. This is a new tax, a carbon tax, that would be levied upon every single American.

We were told that 95 percent of Americans would not see even "one dime" of increase in their taxes. Despite this rhetoric from the administration, 100 percent of Americans will pay this new tax. Every person, every business, every family will pay this new tax. Even Warren Buffet refers to this as a "regressive tax."

At a time when business is struggling and all Americans across the country are worried about the expenses of their

daily lives, now, especially now, is not the time to raise taxes.

The President's budget spends too much, it taxes too much, and it borrows too much.

The new carbon tax, disguised in the green robe of "cap and trade," is not a tax the American people are willing to pay. I urge the American people to rise up against this tax and reject this unwarranted tax upon our families.

RECOGNIZING AND HONORING OUR TROOPS IN IRAQ AND AFGHANISTAN

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, last weekend I had the opportunity to visit our troops in Iraq and Afghanistan and was able to thank them personally for their selfless sacrifice and for their service to our country.

From the moment that I arrived in country along with five of our colleagues, there was an extreme sense of pride, purpose, and confidence in the soldiers we met. These troops are led by the finest military leaders in the world, such as General Ray Odierno, General David McKiernan, General Lloyd Austin, to name just a few, with each of their commands providing superb support.

So I come to the floor today with a message from the troops, a message that I found somewhat selfless, but not at all surprising coming from these fine men and women.

Mr. Speaker, they asked me to tell the stories of their success, that they're making a difference. That the cut-and-run strategy that politicians, who have absolutely zero battlefield let alone military experience, preach from this floor is not the support that they and their families expect or deserve.

So with that I tell you a story about a women's health clinic in Baghdad. This clinic, like many in Iraq, has intermittent electricity throughout the day and little, if any, after the sun goes down. After spending 28 years in healthcare, I can tell you that I know firsthand you cannot decide when a baby decides to be born or when an emergency occurs.

So what did our soldiers do? Well, they did a lot.

For example, they installed solar panels on the roof of the clinic and batteries to store that energy. That clinic is now operational 24 hours a day, 7 days a week, providing much needed care to women and babies in need.

And I assure you, Mr. Speaker, this is one of countless examples of what occurs daily in Iraq.

No, you won't read this in the newspaper or see it on cable TV, but, Mr. Speaker, it is precisely the type of action and goodwill that our young men

and women in uniform perform on a daily basis that deserves recognition.

So I appreciate the opportunity to thank our troops and to share their message with you.

WHAT WAS HE THINKING?

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in determining his pick for the new head of the SEC, President Obama called for a "shift in ethics on Wall Street" and then subsequently announced his selection of Mary Schapiro for the SEC chairmanship. The irony of this selection is hard to miss, especially given Schapiro's reputation for favoring brokers and the securities industry over investors.

As head of the Financial Industry Regulatory Authority, Ms. Schapiro completely missed both the mortgage crisis and the Madoff \$50 billion Ponzi scheme defrauding hundreds of unknowing investors. Furthermore, Ms. Schapiro's record as a regulator demonstrates she has seldomly pursued tough action against big Wall Street firms who, we all know, have atrociously abused our regulatory processes.

And while President Obama has openly stated that "the regulators who were assigned to oversee Wall Street dropped the ball," he has picked Schapiro, someone who was "asleep at the switch," to steer the reform of the SEC.

Which leaves me with the question: What was he thinking?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R.813) to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Court-

house".

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, shall be known and designated as the "J. Herbert W. Small Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Herbert W. Small Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 813.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 813, a bill to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse."

Judge Small has been a lifelong resident of Elizabeth City, North Carolina, and has dedicated 52 years to civil service. He served in the United States Navy for 3 years during World War II and, after leaving the service, received a law degree from the University of North Carolina Law School at Chapel Hill. He began his public career as a special counsel to the Congressional Committee on Intergovernmental Relations and later served for 8 years as county attorney for Pasquotank County. In 1979 he was elected Superior Court judge of the First Judicial District of North Carolina and served in that position for 17 years.

Judge Small has been an active volunteer serving on the board of directors of the Albemarle Hospital and the American Red Cross. He has received numerous awards and honors from the Jaycees, the Boy Scouts, Volunteer Firemen, Chamber of Commerce, and the Rotary and Elks clubs.

In the 110th Congress, the House passed a similar bill, but unfortunately the Senate was unable to act on the legislation. I would like to thank the

gentleman from North Carolina (Mr. BUTTERFIELD) for reintroducing this bill.

Judge Small is an outstanding jurist, mentor, and civic leader. I urge my colleagues to join me in supporting H.R. 813.

Mr. Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

As you have just heard, this bill names a United States courthouse located in Elizabeth City, North Carolina, the "J. Herbert W. Small Federal Building and United States Courthouse." I too support this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Let me start by thanking the gentlewoman for yielding 4 minutes to me to speak on a very important issue in my congressional district, and that is the naming of this Federal courthouse in Elizabeth City, North Carolina. I also want to thank the gentleman from Florida for his kind remarks about my good friend Judge Small.

Mr. Speaker, I rise today to pay honor to a constituent, a friend, and a community leader by naming the Federal building in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building." I would also like to thank the chairman of the full committee, Mr. OBERSTAR, and the ranking member, Mr. MICA, for their leadership in ushering this bill through the committee process. I would also like to thank each member of the North Carolina delegation, both Democrat and Republican, for their support of this legislation.

Almost 2 years ago, Mr. Speaker, this identical bill passed the House with unanimous support, but, regrettably, it was not taken up in the other body. I am confident that the Senate will see the bill through the process this session so we can now bestow this great honor upon Judge Small.

Mr. Speaker, Judge Small is a lifelong resident of Elizabeth City, North Carolina. He has dedicated 52 years of his professional life to improving the lives of the residents of Eastern North Carolina and in particular the Albemarle region. He began to practice law in Elizabeth City 2 years after I was born, 1949, after graduating from the University of North Carolina Law School at Chapel Hill. So the UNC fans have two reasons to celebrate today: the naming of this Federal building as well as the great victory that we saw this weekend.

Judge Small served as special counsel to the Congressional Committee on Intergovernmental Relations and later

served 8 years as county attorney for Pasquotank County. He was elected district attorney for the First Judicial District of North Carolina for three consecutive terms.

As a young lawyer, I opposed Herb Small in the courtroom on several occasions. I was a defense lawyer; he was the prosecutor. He was a strong and effective district attorney. During his tenure, he served as chairman of the District Attorneys Advisory Committee, was president of the District Attorneys Association, and was appointed by the Governor to the State "Jail Study" Commission.

In 1979 Herb Small was elected Superior Court judge for the First Judicial District. In the early years of his judgeship, I again had the opportunity to argue cases before his court. He was a firm but fair judge, always treated everyone who came before him with great respect. Herb Small served as resident Superior Court judge for 17 long years and was elected president of the North Carolina Conference of Superior Court Judges and represented the Conference on the North Carolina Policy and Sentencing Commission. I am proud to have been able to call Judge Small my judicial colleague when I became a judge after I was elected as a resident Superior Court judge in 1988. While Judge Small preceded me on the bench by almost a decade, he welcomed me among the ranks and always offered guidance and insight.

Judge Small served as chairman of the Albemarle Hospital board of directors and as chairman of the American Red Cross Chapter. He has been actively engaged in other civic, charitable, and service organizations, including Jaycees, Boy Scouts, Volunteer Firemen, Chamber of Commerce, Rotary Club, Elks Club, and Red Men. He was given the Distinguished Service Award by the Jaycees, the Volunteer of the Year Award by the Chamber of Commerce, and the Order of Long Leaf Pine by our great State of North Carolina for outstanding community involvement. During World War II, Judge Small served 3 years in the United States Navy.

Judge Small has been married for 57 years to Mrs. Annette Ward Small, a very delightful lady. They have four children, Elizabeth, John, Fran, and Carol; and they have nine grandchildren.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. EDWARDS of Maryland. I yield an additional 1 minute to the gentleman.

Mr. BUTTERFIELD. I thank the gentlewoman for the additional minute. When I get talking about Judge Small, I get carried away, Mr. Speaker. He's such a dear friend.

Judge Small has been married for 57 years to Mrs. Annette Ward Small. They have four children, and I men-

tioned their names. They have nine grandchildren, Rachel, Matthew, John, Mary, Margaret, Ruth, Allison, Katie, and Chris.

I can think of no finer individual, no person who's more deserving of this honor than Judge J. Herbert Small. The people of Elizabeth City and the First Congressional District of North Carolina are grateful for his commitment to community and his great and extraordinary leadership.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself 15 seconds.

I would be remiss without thanking the gentleman from North Carolina for his persistence, for his leadership, for fighting for this. And as you have heard today he does so with great passion for someone who he admired greatly.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 813, a bill to designate the Federal building and United States courthouse located at 306 East Main Street, in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

Judge Small has been a life-long resident of Elizabeth City, North Carolina, and has dedicated 52 years to civil service.

He served in the United States Navy for three years during World War II and, after leaving the service, received a law degree from the University of North Carolina Law School at Chapel Hill.

In 1949, he began his legal career as a Special Counsel to the Congressional Committee on Intergovernmental Relations and later served for eight years as a county attorney for Pasquotank County.

In 1979, he was elected Superior Court Judge of the First Judicial District of North Carolina, and served in that position for 17 years.

Throughout his life, Judge Small has been an active volunteer, serving on the Board of Directors of the Albemarle Hospital, and the American Red Cross. He has received numerous awards and honors from the Jaycees, the Boy Scouts, Volunteer Fireman, Chamber of Commerce, and the Rotary and Elks clubs.

In the 110th Congress, the House passed a similar bill but, unfortunately, the Senate was unable act on the legislation. I would like to thank the gentleman from North Carolina, Mr. BUTTERFIELD, for reintroducing this bill.

Judge Small is an outstanding mentor and volunteer. For over five decades, he has been an exceptional jurist and civic leader. It is fitting and proper to honor his outstanding contributions with this designation.

I urge my colleagues to join me in supporting H.R. 813.

□ 1245

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms.

EDWARDS) that the House suspend the rules and pass the bill, H.R. 813.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDWARDS of Maryland. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RONALD H. BROWN UNITED STATES MISSION TO THE UNITED NATIONS BUILDING

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 837) to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 799 United Nations Plaza in New York, New York, shall be known and designated as the "Ronald H. Brown United States Mission to the United Nations Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald H. Brown United States Mission to the United Nations Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) will each control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 837.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 837, a bill to designate the U.S. Mission to the United Nations Building located at 799 United Nations Plaza, New York City, New York, as the Ronald H. Brown United States Mission to the United Nations Building.

We all acknowledge Ron Brown as an extraordinary man. He wore many hats—lawyer, pragmatic bridge builder, statesman, mentor and trusted and true friend. As we are all aware, he was the first African American Secretary of Commerce. In that position he became a powerful and influential voice for promoting American products and trade abroad.

He left the National Urban League in 1979 to work for Senator EDWARD M. KENNEDY, who sought the Democratic Party's Presidential nomination. In 1981, Brown began a career as a lawyer and lobbyist. In 1988, he was elected chairman of the Democratic National Committee. From 1989 to 1992, he served as chairman and used his skills as a negotiator and pragmatic bridge builder to help reunite the Democratic Party after its defeat in the 1988 Presidential election.

In 1993, President William J. Clinton appointed Ron Brown as Secretary of Commerce. During his tenure, Secretary Brown effectively utilized and expanded the role of the U.S. Department of Commerce. Secretary Brown was known for his amiable political style and his deft skill in negotiations. As secretary, he used these qualities effectively to promote U.S. trade, expand foreign markets for American businesses and spur domestic job growth and economic development.

Secretary Brown's life was tragically ended in April 1996 when he was killed in a plane crash while in service to his country. It is fitting and proper we honor his civic contributions by this designation, and I urge passage of H.R. 837.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

As you just heard from the gentlewoman from Maryland, this bill names the Federal building located in the United Nations Plaza in New York as the Ronald H. Brown United States Mission to the United Nations Building.

This bill has already passed the House once before and, as you have heard the explanation, here it is in front of us.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 837, a bill to designate the United States Mission to the United Nations Building located at 799 First Avenue, New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

Enactment of this legislation is long overdue. I commend the gentleman from New York (Mr. RANGEL) for his steadfastness in supporting this bill. Congressman RANGEL introduced similar bills in the 108th, 109th, and 110th Congresses.

Last Congress, the House passed H.R. 735, to designate the United States Mission to the United Nations in honor of Ron Brown. Unfortunately, the Senate was unable to act on the

bill. I am pleased that today we will again pass this bill and pay a fitting tribute to the life and achievements of this extraordinary American.

Ron Brown was a man who served his country in many capacities: lawyer, pragmatic bridge builder, statesman, mentor, and trusted friend.

He may be best known for his service as the first African-American Secretary of Commerce. In that position, he became a powerful and influential voice for promoting American products and trade abroad. He championed expanding markets for U.S. goods and services, in order to increase job opportunities and foster job creation here at home.

He also served President Clinton on the National Economic Council, the Domestic Policy Council, the Task Force on National Health Care Reform, the Trade Promotion Coordinating Committee, and the U.S.-Russia Business Development Committee.

Secretary Brown served on the Board of Trustees for Middlebury College and received his law degree from St. John's University in New York City. Prior to entering public service, he worked as a welfare caseworker in New York City.

In addition to his many talents and strengths, Secretary Brown was a passionate civil rights activist with a distinguished record of service to his community. His commitment to this nation and its citizens provides a model for us all.

Secretary Brown's life tragically ended in April 1996, when he was killed in a plane crash in Croatia while on an official Department of Commerce trade mission.

The Department of State requested that Secretary Brown personally undertake the trade mission to highlight and find opportunities for U.S. businesses to boost economic reconstruction of the war torn region of former Yugoslavia.

Congress has previously designated four Federal buildings that serve as Department of State facilities. In 2000, Congress designated the Department of State headquarters as the "Harry S Truman Federal Building" (P.L. 106-218). In 2004, Congress designated the Foreign Service Institute as the "George P. Schultz National Foreign Affairs Training Center" (P.L. 108-136). In 2005, Congress designated the United States Embassy Annex in Rome, Italy, as the "Mel Sembler Building" (P.L. 108-447) and designated the Federal building in Kingston, Jamaica, as the "Colin L. Powell Residential Plaza" (P.L. 109-89).

Secretary Brown died in service to his country. It is fitting and proper to honor this Federal building as the "Ronald H. Brown United States Mission to the United Nations Building".

I urge my colleagues to join me in supporting H.R. 837.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 837, the "Ronald H. Brown United States Mission to the United Nations Building". I would like to thank my colleague CHARLIE RANGEL for introducing this legislation. H.R. 837 moves to designate the federal building at 799 United Nations Plaza in New York as the Ronald H. Brown United States Mission to the United Nations Building.

Former United States Secretary of Commerce under President Clinton, Ronald Brown,

has always been a dedicated U.S. servant. Born in Washington, DC, he quickly showed an interest in public service, as a young man he was a member of the African-American social and philanthropic organization. Brown also worked for the Jack and Jill foundation, an organization that works to help children to have cultural opportunities, develop leadership skills, and form social networks even in a segregated society.

Having not only a passion for public service Brown had a strong desire to serve his country as well. In 1962 upon graduation of Middlebury College he enlisted in the army, where he served in Korea and Europe.

Upon being discharged Brown joined the National Urban League, an organization that aims at advocating on behalf of African Americans and against racial discrimination in the United States. He would excel within the organization where he moved all the way up to Deputy Executive Director for Programs and Governmental Affairs. Following his service with the National Urban League, he immediately began fighting for another great American public servant, EDWARD M. KENNEDY. Brown served as campaign manager for the now second most senior member of the United States Senate.

After running KENNEDY's successful Senate campaign, Brown began a string of political occupations that include lobbying for the law firm Patton, Boggs & Blow, Head of the Jesse Jackson convention team for the Democratic National Convention in Atlanta. Finally Brown was elected chairman of the Democratic National Committee in February of 1989. Tragically, on April 3, 1996 on an official trade mission, his plane carrying him and 34 other passengers struck a mountain while attempting a procedural landing.

Ronald H. Brown was a man that dedicated his entire life to bettering the lives of others. Whether it be young African Americans in New York, fighting for the freedom of all Americans in some of the world's most dangerous battlefields, or working day in and out to help promote and excel the careers of others whose ideals and policies he believed would better the nation. Brown's is a story that deserves to be recognized everyday. I feel designating a building in his name is the perfect way to recognize this true American public servant. This building will stand long after generations have gone and will hopefully remind all generations to come, that a dedicated spirit and a devotion to country are qualities that deserve recognition.

Mr. Speaker I urge my colleagues to support H.R. 837, designating the federal building at 799 United Nations Plaza in New York as the "Ronald H. Brown United States Mission to the United Nations Building". To recognize a great American man who devoted his life to the betterment of his country.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the remaining part of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 837.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

R. JESS BROWN UNITED STATES COURTHOUSE

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 842) to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 842

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Courthouse to be constructed at the site bounded on the north by Court Street, on the west by West Street, on the south by South Street, and on the east by President Street in Jackson, Mississippi, shall be known and designated as the "R. Jess Brown United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "R. Jess Brown United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 842.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 842, a bill to designate the courthouse to be built in Jackson, Mississippi, as the R. Jess Brown United States Courthouse. Attorney Brown was a towering figure in the history of the civil rights movement in the South and especially in Mississippi. He was a native son of Kansas, born in Coffeyville, Kansas, and raised in Muskogee, Oklahoma. He received his law degree from Texas Southern University and practiced law in Mississippi in the 1950s, 1960s and 1970s.

As Associate Counsel for the National Association for the Advancement of Colored People Legal Defense

and Educational Fund, Brown filed the first civil rights suit in Mississippi in the 1950s in Jefferson Davis County seeking the enforcement of the right of black citizens to become registered voters.

In 1961, Brown represented James H. Meredith in his suit to be allowed to enter the University of Mississippi. His victory in this case opened the doors of that university to all of Mississippi's citizens.

While with the NAACP Legal Defense Fund, he played a major role in fighting discrimination in the areas of transportation and other public accommodations working alongside Thurgood Marshall, who had later become Associate Justice of the United States Supreme Court.

During his lifetime, he received numerous awards and honors, including the NAACP's Lawyer of the Year award, National Bar Association C. Francis Stradford Award, which is their highest award, and Mississippi Teachers Association award for extraordinary service to education in Mississippi.

I support this legislation and urge my colleagues to join me to pass H.R. 842.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

As we just heard, this bill names the United States Courthouse to be constructed in Jackson, Mississippi, as the R. Jess Brown United States Courthouse.

R. Jess Brown grew up and was educated in the public school system of Muskogee, OK. He attended Illinois State University, Indiana University, and the Texas Southern Law School.

Mr. Brown was actively involved in civil rights issues and dedicated his career to pursuing equality for all citizens.

In 1948, he was a co-plaintiff in a lawsuit brought on behalf of African-American teachers in Jackson, MS, seeking equal pay.

After being admitted to the bar in Mississippi, he became Associate Counsel for the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund.

As Associate Counsel, he filed a civil rights case in Mississippi seeking to enforce the right of African Americans to register to vote.

Later, in 1961, Mr. Brown represented James H. Meredith in a lawsuit that was filed and won. This case opened the door to allow Mr. Meredith and other African Americans to enter and study at the University of Mississippi.

Mr. Brown was active in many other cases that helped to break down barriers related to discrimination in the areas of public transportation and accommodations.

He was a leader not only in the civil rights movement, but also more broadly in the legal community. Among his many accomplishments, he co-founded the Magnolia Bar Association, served on the Board of the National

Bar Association, and was admitted to practice law before the United States Supreme Court.

I have no objections to the passage of this bill and support its adoption.

I understand the other side has a speaker, and I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield as much time as he may consume to the gentleman from Mississippi (Mr. THOMPSON), the sponsor of the bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to support H.R. 842, a bill to designate the United States Courthouse under construction in Jackson, Mississippi, as the R. Jess Brown United States Courthouse.

Mr. Speaker, R. Jess Brown was born September 12, 1912, in Coffeyville, Kansas. His parents, Ernestine and Joe Brown, were jazz musicians, vaudeville performers and theater managers.

Jess received a bachelor of science in industrial arts from Illinois State Normal University and a master of science in education in the area of industrial education from Indiana University in Bloomington, Indiana.

After teaching at Alcorn State University, Mr. Brown moved to Jackson, Mississippi, where he taught industrial arts at Lanier High School, the only black high school in the City of Jackson, Mississippi, at that time. While teaching at Lanier, Mr. Brown became an intervening plaintiff in a lawsuit that sought equal pay for all teachers in Jackson, Mississippi.

After teaching in Jackson, Jess attended Texas Southern University Law School. Jess left the law school before receiving his juris doctorate, but was able to go back to Mississippi and pass the Mississippi bar in 1953. After passing the bar, Mr. Brown began practicing law in Vicksburg, Mississippi.

As a young lawyer, Jess confined his practice to cases involving divorces, deeds, land titles and other practices that did not disturb white members of the bar. However, after the Brown v. Topeka Board of Education ruling, Brown felt compelled to defend the civil rights of African Americans.

In the fall of 1955, the conditions and hardships endured by black lawyers in the courts led Mr. Brown and seven other black attorneys to establish the Magnolia Bar Association. Mr. Speaker, Mr. Brown is credited with filing the first civil rights lawsuit in Mississippi. This lawsuit, on behalf of a Jefferson County minister, challenged laws that prevented blacks from voting.

Mr. Speaker, R. Jess Brown has an extensive record as a civil rights lawyer. Among his many cases, Mr. Brown represented Clyde Kennard after he was arrested while trying to enroll at the University of Southern Mississippi.

Jess served as co-counsel for James Meredith's lawsuit to enter the University of Mississippi. This case was the

ultimate cause of the integration of that university.

Mr. Brown represented Dr. Gilbert Mason when he and others were arrested in their efforts to end racial segregation on the beaches of Biloxi, Mississippi.

He represented Medgar Evers and Dr. Aaron Henry as they fought for civil rights in the 1960s and 1970s.

Mr. Speaker, Mr. Brown was admitted to practice law before all courts in Mississippi, the United States District Court for the Northern District of Mississippi, the United States District Court for the Southern District of Mississippi, the United States Court of Appeals for the Fifth Circuit and the United States Supreme Court. Mr. Brown also served on the executive board of the National Bar Association for approximately 15 years.

Mr. Speaker, on January 2, 1990, R. Jess Brown died in Jackson, Mississippi, at the age of 77.

Mr. Speaker, R. Jess Brown did many great things for the people of Mississippi, and he has received many accolades for his accomplishments. As I stand here today, in part because of the efforts of Jess Brown, I can think of few other people as worthy of having their name on the Mississippi courthouse under construction in Jackson, Mississippi, as R. Jess Brown.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 842.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 842, a bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse".

R. Jess Brown was born in Coffeetown, Kansas, on September 2, 1912. He was educated in the Muskogee, Oklahoma public schools, and later received a Bachelor of Education from Illinois State Normal University in 1935, a Master of Education from the University of Indiana in 1943, and a Juris Doctorate from Texas Southern Law School.

He was admitted to the bar for the State of Mississippi in 1953 and admitted to practice before the United States District Court for the Southern District of Mississippi. In 1955, he co-founded the Magnolia Bar Association, and he later served on the Board of the National Bar Association for nearly 15 years. In 1958, he was admitted to practice before the United States Supreme Court.

As associate counsel for the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, Brown filed the first civil rights suit in Mississippi seeking the enforcement of the right of black citizens to become registered voters. In 1961, Brown represented James H. Meredith in his suit to enter the University of Mississippi, and his victory in this case opened the doors of that University to all of Mississippi's citizens. During his time at the NAACP, Brown also played a major role in fighting discrimination in the areas of transportation and other public accommodations working alongside Thurgood Marshall, who would later become a United States Supreme Court Justice.

Brown also served as counsel for the American Civil Liberties Union, where he was successful in obtaining reversals of convictions of black defendants because of discrimination in jury selection. He represented numerous black defendants in cases where the State sought the death penalty, and as a result of these appeals, none of these defendants were ever executed.

R. Jess Brown died in Jackson, Mississippi, on January 2, 1990. He will be remembered as a brilliant attorney, an accomplished civil rights leader, and as a great American. It is appropriate that the U.S. Courthouse in Jackson, Mississippi be designated the "R. Jess Brown United States Courthouse".

In the 110th Congress, the House passed a similar bill to name the U.S. Courthouse in Jackson, Mississippi, after R. Jess Brown. Regrettably, the Senate was unable to act on the legislation. I urge my colleagues to join me once again in supporting this designation and I urge the passage of H.R. 842.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if I may inquire from the gentlelady from Maryland if she has any other speakers at this time?

Ms. EDWARDS of Maryland. I have no further speakers at this time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 842.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDWARDS of Maryland. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SCOTT REED FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 869) to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 101 Barr Street in Lex-

ington, Kentucky, shall be known and designated as the "Scott Reed Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Scott Reed Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 869.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

□ 1300

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 869, a bill to designate the Federal building and United States Courthouse located at 101 Barr Street, Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse.

From 1964 until 1969, Judge Reed was a member of the First Division of the Fayette Circuit Court when he was elected to the Kentucky Court of Appeals, then the highest court in the State, and was chosen by his colleagues on the Court of Appeals as Chief Justice. He became the first Chief Justice of the Commonwealth of Kentucky. His opinions from the Supreme Court of Kentucky were highly regarded and often cited by other jurisdictions. Judge Reed was a member of the American, Kentucky, and Fayette County Bar Associations.

On November 2, 1979, President Jimmy Carter appointed him as a United States District Judge for the Eastern District of Kentucky. He became a Senior Judge August 1, 1988, and retired April 1, 1990.

He was a frequent lecturer to the National College of Trial Judges and was named to the Hall of Distinguished Alumni of the University of Kentucky on April 11, 1980.

Judge Reed was an exemplary lawyer and outstanding jurist. His public career serving the citizens of Kentucky spanned over 30 years. He served with great distinction at both the State and Federal judicial levels. It is both fitting and proper to honor his civic contributions with this designation, and I urge support for passage of H.R. 869.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

Again, this bill designates the Federal building and United States Courthouse located on Barr Street in Lexington, Kentucky, the Scott Reed Federal Building and United States Courthouse.

At this time, I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Thank you so much for giving me this opportunity to speak on behalf of the building, 799 United Nations Plaza, being named after my late friend, Ronald Brown. I want to thank his family and his community, the central Harlem community, for the support that they have given to this bill, as well as the community who loved and respected him all of his life. I want to thank Chairmen OBERSTAR and HOLMES NORTON for allowing this to become a part of our American history.

Ron Brown was an extraordinary human being. He was born in 1941. My relationship to him was really outstanding since, while I was in school, I was the desk clerk at a rather famous hotel in Harlem called the Theresa Hotel. Ron Brown's father was the manager of that hotel. So I got to know Ron at a very, very early age, and was able to see the remarkable career that he staked out for himself. Bright, articulate. He was one of those type of Americans that could do most anything that he wanted to do.

He worked for Senator KENNEDY; he went to St. John's Law School; he worked for the Urban League. He became an outstanding member of the Democratic Party. But the most remarkable thing about Ron Brown is that as Secretary of Commerce under the Clinton administration, he became one of the greatest ambassadors that the American government ever had abroad.

It wasn't that he was just extending trade and getting people to buy our goods and services. It's that he was extending love, attention, sensitivity and, especially in the developing countries, where we had not spent the time that we should have, he not only sold our wares, but he was able to sell our reputation as a country that wanted to help other countries.

And so it is with a great deal of pleasure for those of us from Harlem, those of us from New York, those of us who understood and knew Ron Brown, and even the Clinton administration, who gave him this great opportunity to have a building named right across from the United Nations, which would have the responsibility for all of the member nations, as well as the employees there, to be able to establish Amer-

ican policies and embassies throughout the world, that there will be a little bit of Ron Brown's reputation as being a great American in everything that we are able to do in that building.

So, I thank you so much for giving me this opportunity to join with the millions of Americans who believe that Ron Brown made us taller, made us more proud, and certainly more respected. God has taken his life far too early, but we praise God for allowing him to share his wonderful life with us.

Mr. CHANDLER. Mr. Speaker, H.R. 869 is a bill to designate the Federal Building and United States Courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse."

I can think of no other individual more deserving, no other public servant more worthy, and no other action more appropriate than naming the federal courthouse in Lexington after the Honorable Scott Elgin Reed. Prominent Central Kentucky attorney, first Chief Justice of the Kentucky Supreme Court, and federal judge—Scott Reed exemplifies the definition of honor and dignity.

Born in Lexington, Kentucky, on July 3, 1921, Scott Reed graduated with distinction from the University of Kentucky. While in college, he was editor-in-chief of the Kentucky Law Journal and awarded the order of Coif, the highest academic award that can be given to a law graduate. He was also a member of the Phi Delta Phi Fraternity. He achieved many honors at the University of Kentucky, including the Algernon Sydney Sullivan Medallion—a prestigious award recognizing outstanding character and humanitarian service.

Prior to his time on the bench, Scott Reed was County Attorney, retained as counsel for the Fayette County School Board, and distinguished himself as a trial lawyer of great integrity.

He served from 1948 through 1956 as an acting associate professor at the University of Kentucky College of Law. From 1964 until 1969, he was judge of the First Division of the Fayette Circuit Court. He then was elected to the Kentucky Court of Appeals.

As Chief Judge of the Kentucky Court of Appeals, Judge Reed oversaw the passage of a constitutional amendment that unified and modernized Kentucky's court system. As part of the modernization, the Court of Appeals became the Kentucky Supreme Court. Reed was elected by his fellow justices to be the first Chief Justice of Kentucky.

As Chief Justice, he oversaw the implementation of a constitutional amendment leading Kentucky to have one of the most efficient court systems in the country. The Chief Justice of the Commonwealth holds equal rank with the Governor, the latter being the head of the Executive Branch and Chief Justice serving as head of the Judiciary.

He was elected as a Fellow in the National College of the Judiciary in 1965 and was a voting member of the American Law Institute, a body of scholarly people who shape the laws of our nation. The opinions written by Scott Reed during his time on the Supreme Court of Kentucky have received national acclaim for their scholarly content. Judge Reed

was a frequent lecturer to the National College of Trial Judges and has achieved the highest honors that can be bestowed on a member of his profession.

In 1979, he was appointed by Jimmy Carter to be U.S. district judge for the Eastern District of Kentucky. He served as a U.S. district judge until he retired in 1990. His federal legal scholarship was widely regarded and likened to that of Justices Brandeis, Holmes and Marshall. Scott Reed was named to the University of Kentucky College of Law Hall of Distinguished Alumni on April 11, 1980.

Judge Scott Reed passed away on February 17, 1994, but his legacy will always be a part of Kentucky's rich history. He deserves this honor, one that is indeed long overdue.

Mr. Speaker, I want to thank Mr. ROGERS of Kentucky for being a cosponsor of this legislation. I also want to thank my colleagues Ms. HOLMES NORTON and Mr. OBERSTAR for their help in bringing this legislation to the floor.

I support H.R. 869, and I strongly urge its passage.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 869, a bill to designate the Federal building located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse." The bill was introduced by the gentleman from Kentucky (Mr. CHANDLER) and his colleague from Kentucky (Mr. ROGERS).

Scott Reed was born in Lexington, Kentucky in 1921. He attended local schools and graduated from the University of Kentucky College of Law in 1945. While at the University, Reed received many awards and honors, including the Algernon Sydney Sullivan Medallion for excellence.

The first years of Judge Reed's career were spent in private practice, during which he distinguished himself as a trial lawyer of great integrity. During this time, he also taught at the University of Kentucky College of Law.

From 1964 to 1969, he was judge of the First Division of the Fayette Circuit Court. From 1969 until 1976, Judge Reed served on the Court of Appeals, 5th Appellate District. In 1976, he became the Chief Justice of the Commonwealth of Kentucky, a position which holds equal rank with the Governor. His opinions from the Supreme Court of Kentucky have received national attention for their scholarly content and careful judicial reasoning.

In August 1979, Judge Reed was nominated by President Carter to serve as the U.S. District Judge for the Eastern District of Kentucky. He was confirmed in October 1979, and served until his death in 1994.

In the 110th Congress, the House passed similar legislation to designate the U.S. Courthouse in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse." Unfortunately, the Senate was unable to act on the bill.

Judge Reed enjoyed a rich and rewarding career. His contributions to the American judicial system are exceptional. It is fitting that the courthouse in Lexington bear his name to honor his distinguished career and enduring legacy.

I urge my colleagues to join me in supporting H.R. 869.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 869.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES A. LEACH UNITED STATES COURTHOUSE

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 887) to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 131 East 4th Street in Davenport, Iowa, shall be known and designated as the "James A. Leach United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James A. Leach United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 887.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 887, a bill to designate the federal building in Davenport, Iowa, as the James A. Leach United States Courthouse.

Former Representative Leach began his public service career in 1965 as a staff person to then-Congressman Donald Rumsfeld. In 1968, Jim Leach joined the United States Department of State as a Foreign Service Officer and subse-

quently served as a special assistant to director at the Office of Economic Opportunity.

In the 1970s, Representative Leach served in various capacities with the United Nations, the United States Advisory Commission on International Education and Cultural Affairs, and the Federal Home Loan Bank Board.

Our former colleague, Jim Leach was elected to the Congress in 1977 from Iowa and served for 14 consecutive Congresses. His contributions to, and interests in the House of Representatives, are numerous, including his longstanding support for use of HOPE VI HUD funds to help smaller cities develop affordable housing.

Jim Leach was hardworking, highly respected on both sides of the aisle, and dedicated to the welfare of his constituents. It is fitting and proper to honor his public service with this designation. I support H.R. 887, and urge the passage of the bill.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I yield myself such time as I may consume.

This bill names the United States Courthouse located on East 4th Street in Davenport, Iowa, as the James A. Leach United States Courthouse. As we recall, he was also a former colleague of ours here in this distinguished body.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentlewoman for yielding. I would like to take a few minutes today to honor the many accomplishments of my predecessor, former Congressman Jim Leach.

Mr. Speaker, I introduced H.R. 887, to rename the United States Courthouse in Jim's hometown of Davenport, Iowa, as a tribute to his 30 years of service to Iowa's Second Congressional District. Jim's legacy of statesmanship; his leadership in foreign affairs and financial services issues; his dedication to public service; and his capable representation of his constituents left a lasting impact on the district I am now honored to represent.

As chairman of the Banking and Financial Services Committee, the Subcommittee on Asian and Pacific Affairs, and the Congressional-Executive Commission on China, Jim was a leader on some of the most important financial and foreign affairs issues of the past 30 years.

A native son of Iowa, Jim represented his constituents with grace, commitment, and the Iowa values with which he was raised. Indeed, his legacy of service has been highlighted through several awards, including the Norman Borlaug Award for Public Service.

Jim is now continuing that legacy as a faculty member at the Woodrow Wil-

son School of Public and International Affairs at Princeton University, his alma mater. As a former member of the Foreign Service, where he served as a delegate to the Geneva Disarmament Conference and the United Nations General Assembly, I am confident that Jim brings a unique perspective to Princeton that is surely a tremendous asset for his students.

Indeed, as a former professor at Cornell College in Iowa, I invited Jim to guest lecture at the college. His knowledge and personal experiences were a highlight for my students, and make it clear why he holds eight honorary degrees.

I would like to take this opportunity to thank Jim for his many years of service to Iowa and our Nation, and I urge my colleagues to support this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I rise in support of H.R. 887, to honor my friend, former colleague and Congressman, Jim Leach. Jim's survival for three decades, winning election 14 times, and his strong record of principled, bipartisan leadership is a superb example to all of his colleagues, to all of us.

He was born in Davenport, Iowa, where he made a name for himself by winning the 1960 State Wrestling Championship for Davenport High School. He went on to earn an impressive set of degrees from Princeton University, Johns Hopkins University, and the London School of Economics.

Jim began his public service career in 1965 as a staffer to then-Congressman Don Rumsfeld. In 1968, he entered the Foreign Service, where he served as a delegate to the Geneva Disarmament Conference and the U.N. General Assembly. He resigned his commission in 1973 to protest President Richard Nixon's firing of the first Watergate special prosecutor, Archibald Cox.

Jim was first elected to represent Iowa's Second District in 1976. A political moderate who was always willing to reach across the aisle, Jim chaired the Ripon Society and the Republican Mainstream Committee, two organizations formed to encourage bipartisan policymaking. In Congress, Jim distinguished himself as a steadfastly ethical and independent-minded public servant.

Throughout his career, Jim supported diplomacy before unilateralism, pushing for full funding of U.S. obligations to the U.N. As chairman of the Arms Control and Foreign Policy Caucus, Jim pressed for a comprehensive test ban and led the House debate on a nuclear freeze. Jim was also one of the only six House Republicans to vote against the 2002 Iraq War resolution.

Jim's post-congressional career has been no less extraordinary. He holds eight honorary degrees, and has received decorations from two foreign governments. He is a recipient of the Wayne Morse Integrity in Politics Award; the Woodrow Wilson Award from Johns Hopkins; the Adlai Stevenson Award from the United Nations Association; the Edgar Wayburn Award from the Sierra Club; and the Norman Borlaug Public Service Award.

Jim continues to serve the public on the boards of several public companies and nonprofit organizations, including the Century Foundation; the Carnegie Endowment for International Peace; the Social Sciences Research Council; Pro Publica; and Common Cause, which he chairs.

Additionally, he is currently a member of the Council on Foreign Relations and teaches at Princeton University's Woodrow Wilson School as the John L. Weinberg Visiting Professor of Public and International Affairs.

Jim is not only a remarkable public servant, but a good friend. It was a tremendous honor to serve alongside him.

Just in closing, I'd like to say this. Jim Leach reminded me of a person that I knew in the legislature named Horace Daggett. Outstanding people in their own right in every way. Truly, community people. Iowans, Americans. And they put the country first.

Jim was a privilege to know, as the person he was, the person that he is, the person that reaches out and continues to serve us with distinction, and someone that we all can be very, very proud of.

So, I urge all to support H.R. 887.

Mr. LATHAM. Mr. Speaker, I rise in support of this resolution to honor our great friend, Jim Leach, by naming the courthouse in Davenport, Iowa, after him. It is a well-deserved honor.

Jim Leach is missed around the Capitol because he was a resource of institutional knowledge, he shared his tremendous sense of humor and his insight. I always enjoyed his ability to bring thoughtfulness to the debate. Most importantly, Jim Leach was and remains a great advocate for the State of Iowa. Jim is also a great Iowa Hawkeye supporter because, of course, he had the Hawks in his district. I represent the University of Iowa's state rival, Iowa State University. Obviously, we had a lot to tease each other about throughout the years.

Jim Leach will be remembered here in this body for his 30 years of dedicated service and his great intellect. He was a well-rounded member. You could call on him to stop gambling predators over the Internet or, as someone who knew and understood the many facets of foreign affairs; we could seek his counsel during an international crisis. His talent was being able to bring that forth and convey complex subjects in a very kind and thoughtful way.

Jim Leach represents the very best of what constituents expect from their Representatives in Congress. His legacy is promoting biparti-

sanship, protecting the dignity of the House by standing as an example of putting thought before politics and actions over posturing. Jim is someone who I have the greatest personal respect for.

I'm pleased that Mr. LOESACK has brought this resolution to the floor of the House, and I urge my colleagues to support this resolution in honor of former Representative James Leach.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 887, a bill to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa in honor of former Congressman Jim Leach.

I thank the gentleman from Iowa (Mr. LOESACK) and the Iowa delegation for reintroducing this bill to honor one of Congress's most well-respected and well-liked Members. The House passed a similar bill, H.R. 1505, in the 110th Congress but unfortunately, the Senate was unable to act on the legislation.

Jim Leach was a learned Member of this Body and, to many of us, a trusted friend.

James Albert Smith Leach was born in Davenport, Iowa on October 15, 1942. He attended public schools in Davenport, received a Bachelor of Arts from Princeton University, and attended the London School of Economics.

In 1965, Congressman Leach began his public service career as a staff person to then-Congressman Donald Rumsfeld. In 1968, he joined the U.S. Department of State as a Foreign Service Officer and subsequently served as special assistant to the director at the Office of Economic Opportunity. In the 1970s, he served in various capacities with the United Nations, the United States Advisory Commission on International Education and Cultural Affairs, and the Federal Home Loan Bank Board.

In 1976, Congressman Leach was elected to the United States House of Representatives; he would represent the 2nd District of Iowa for 30 years (1977–2007). During his time in Congress, he chaired the Committee on Banking and Financial Services, the Subcommittee on Asian and Pacific Affairs, and the Congressional-Executive Commission on China.

He holds eight honorary degrees, has received decorations from two foreign governments, and is the recipient of the Wayne Morse Integrity in Politics Award, the Woodrow Wilson Award from Johns Hopkins University, the Adlai Stevenson Award from the United Nations Association, and the Edger Wayburn Award from the Sierra Club.

In February 2007, Congressman Leach joined the faculty of Princeton's Woodrow Wilson School of Public and International Affairs as a visiting professor.

In all aspects of his public career, he served the citizens of Iowa with distinction, hard work, and honor. This designation properly honors his outstanding public career and it is fitting to designate the Davenport, Iowa courthouse as the "James A. Leach United States Courthouse."

I support the bill and urge my colleagues to join me in honoring Jim Leach.

□ 1315

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 887.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR GREATER WASHINGTON SOAP BOX DERBY

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 37) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 37

Resolved by the House of Representatives (the Senate concurring).

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to sponsor a public event, soap box derby races, on the Capitol Grounds on June 20, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Concurrent Resolution 37.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 37 authorizes the use of the Capitol grounds for the annual Soapbox Derby. As Members are aware, the Committee on Transportation and Infrastructure authorizes use of the Capitol grounds each year for this worthwhile event.

The 2009 Greater Washington Soapbox Derby will take place on Constitution Avenue between Delaware Avenue and Second Street Northwest on June 22, 2009. The Greater Washington Soapbox Derby has been held on the U.S. Capitol grounds since 1991. It has attracted more than 60 youth participants in each of those years.

The D.C. metropolitan race winners from each of the stock, super stock, and master's division soapbox derby races throughout the world will compete in Akron, Ohio for scholarships and other prizes in the All-American Soapbox Derby.

The All-American Soapbox Derby Youth Program is administered by International Soapbox Derby, Incorporated, an Akron-based nonprofit corporation. Activities planned for this event will be coordinated with the Office of the Architect of the Capitol and, like all events on Capitol Hill grounds, will be free and open to the public.

I extend my thanks to Majority Leader HOYER, who is and has been such a steadfast supporter of this event, and I urge passage of the resolution.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Florida. The timing around this place being such as it is, I appreciate a chance to speak to the Jim Leach Resolution, the resolution that names the United States Courthouse at 131 East 4th Street in Davenport, Iowa, as the James A. Leach United States Courthouse.

Jim Leach served in this Congress for over a quarter of a century and he had friends on both sides of the aisle. If you know Jim Leach, you know that he is

an intellectual. He is an individual that his cerebrum, his cerebellum, and medulla oblongata were all connected and all functioning. And I say that because he has a significant ability to retain in his memory and manipulate the information.

He also is a champion wrestler. So his athletic and intellectual capabilities that he demonstrated here, mostly his intellectual capabilities on the floor of this House. Although I have felt that temptation on the athletic from time to time, not Jim Leach. Jim Leach was a consummate statesman, someone who could work with Democrats and the Republicans, and is an individual who was the epitome of the balance between the two as he served here in Congress and today contributes to our overall broader society.

So I am very pleased to rise in support of the resolution naming the Federal Courthouse in Davenport, Iowa, the James A. Leach Courthouse. And I am happy to call him a friend, a former colleague, and someone who has brought honor upon this institution every day of his service here in the United States House of Representatives. I thank the gentleman for yielding.

Ms. EDWARDS of Maryland. Mr. Speaker, I want to take this opportunity to say that the soapbox derby on Capitol Hill is a way that young people are fully engaged, they are creative, in building their participant vehicles. And it is an excellent opportunity for parents to have a direct involvement in their children's activities right here on the Capitol grounds.

The Derby's mission is to provide children with an activity that promotes technical and social skills that will serve them throughout their lives. And the Derby organizers of course work with the Architect of the Capitol to make sure that the appropriate rules and regulations are in place during the event. I am confident that, once again, the event this year will be a huge success.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I want to thank the gentlewoman from Maryland for her description of this bill. This is something that this House has done for many, many years. And for many years the distinguished majority leader, Mr. HOYER, has sponsored a resolution to authorize the use of the Capitol grounds for this event, and Congress has clearly supported it. It provides children a fun way to allow children to show off their dedication, their work, and creativity as they compete for trophies and the opportunity to race in other competitions.

Girls and boys between 8 and 17 will race down the Capitol Hill in their home-made cars. We are all looking forward to that. The winner of each division will then be qualified to compete

in the National Soapbox Derby. I support this resolution and encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in support of House Concurrent Resolution 37, to authorize the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

I especially want to acknowledge the dedication of our distinguished Majority Leader (Mr. HOYER), who annually introduces this resolution to authorize use of the Capitol Grounds for such a worthwhile event.

This year's Greater Washington Soap Box Derby is scheduled to take place on Constitution Avenue between Delaware Avenue and Third Street, N.W., in Washington, DC, on June 20, 2009. This will be the 68th running of the Greater Washington Soap Box Derby.

This annual event encourages all boys and girls, ages nine through 16, to construct and operate their own soap box vehicles. The event is supported by hundreds of volunteers and parents.

It is an excellent opportunity for parents to have direct involvement in their children's activities. The derby's mission is to provide children with an activity that promotes technical and social skills that will serve them throughout their lives.

The derby organizers will work with the Architect of the Capitol and the Capitol Police to ensure the appropriate rules and regulations are in place during the event. I am confident that this year's event will once again be a huge success.

I urge my colleagues to join me in agreeing to H. Con. Res. 37.

Mr. HOYER. Mr. Speaker, today I rise as a proud sponsor of House Concurrent Resolution 37, legislation which will allow the Greater Washington Soap Box Derby Association to hold the 68th Annual Greater Washington Soap Box Derby on the grounds of the United States Capitol on Saturday, June 20.

Since 1938, when 223 racers descended on Washington, DC, soap box derby racing has had a long and rich tradition in our Nation's Capital.

Although the race location has moved from the original site on New Hampshire Avenue to Capitol Hill, with stops on Massachusetts Avenue, Pennsylvania Avenue, and Eastern Avenue along the way, the ingredients of the race remain the same: home-made engine-less, gravity-powered cars, the spirit of competition, and the pure exhilaration of racing.

The soap box derby consists of dozens of drivers, boys and girls ranging in age from 8 to 17, who have designed and built the cars they race.

These racers are divided into three divisions: stock, super stock, and masters. The local winner of each division will automatically qualify to compete with racers from around the country in the 72nd All-American Soap Box Derby in Akron, Ohio on July 25.

Community groups, police departments, fire departments, and others sponsor children each year, children who may not otherwise be able to participate.

Over the years thousands of the region's young people have participated in this great race. I am proud to report that the last two winners of the Soap Box Derby competition have been neighbors of mine and constituents of the Fifth District of Maryland.

In 2007 Miss Kacie Rader, a neighbor of mine from Mechanicsville, Maryland, and a rising senior in high school at the time, won in the masters division of the 66th Greater Washington Soap Box Derby. Kacie then went on to become the first Marylander to win the national soap box derby title, after competing against 550 other soap box champions.

Kacie's great success was followed last year by another winner, Miss Courtney Rayle. Sixteen years old and also a neighbor from Mechanicsville, Maryland, Courtney won the Greater Washington Soap Box Derby in June 2008. She became the seventh person in her family to do so.

Mr. Speaker, this event has been called "the greatest amateur racing event in the world" and it is an excellent opportunity for the contestants from the District of Columbia, Maryland and Virginia to learn basic building skills while gaining a real sense of accomplishment.

The soap box derby is not just a race. It is an enriching way to engage our youth, and teach them the importance of ingenuity, commitment, and hard work.

I strongly encourage my colleagues to join with me and the other original cosponsors, Representatives CHRIS VAN HOLLEN, FRANK WOLF, JAMES MORAN, ELEANOR HOLMES NORTON, DONNA EDWARDS, and GERRY CONNOLLY, in supporting this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 37.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 38) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 38

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 28th annual National Peace Offi-

cers' Memorial Service (in this resolution referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2008.

(b) DATE OF EVENT.—The event shall be held on May 15, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlelady from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on House Concurrent Resolution 38.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 38, which authorizes the use of the Capitol grounds for the 28th National Peace Officers' Memorial Service.

According to the National Law Enforcement Fund, 140 Federal, State, and local law enforcement officers were killed in the line of duty in 2008. These officers will be honored at this memorial service. During 2008, 15 women officers were killed; the average age of all officers killed was 40 years; and the average years of service was 12 years. According to the National Law Enforcement Officers Memorial Fund, there are more than 900,000 sworn law en-

forcement officers now serving in the United States.

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day, and the week in which that date falls as Police Week. This first official memorial service took place on May 15, 1982, at which 91 law enforcement officers were honored. Over the past 28 years, the memorial service has honored over 3,000 law enforcement officers from around our Nation. This event has become one in a series of well-attended events during Police Week. I urge support for this resolution.

Activities on the Capitol grounds conducted under House Concurrent Resolution 38 will be coordinated with the Office of the Architect of the Capitol, and will be free and open to the public. I support this resolution and urge its passage.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, the gentlewoman from Maryland has done a great job explaining this bill.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 38, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service on May 15, 2009.

In October 1962, President John F. Kennedy signed a proclamation which designated May 15th as National Peace Officers' Memorial Day, and the week in which that date falls as "Police Week". Each year on this day, our country honors the devotion and service of the peace officers who protect our neighborhoods, our cities, our friends, and our families.

This year's Memorial Service will honor the more than 140 Federal, state, and local law enforcement officers who died in the line of duty during 2008, and will mark the 28th time the Capitol grounds will be used for this noteworthy event. During 2008, 41 officers were killed by gun fire, 71 officers were killed in traffic related accidents, and 15 women were killed in the line of duty.

Activities on the Capitol Grounds conducted under H. Con. Res. 38 will be coordinated with the Architect of the Capitol, will be free, and open to the public.

The selfless work of our police and firemen has always been a model of courage and moral strength. I urge my colleagues to join me in supporting H. Con. Res. 38.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 38, "Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service", introduced by Delegate ELEANOR HOLMES NORTON, of the District of Columbia. I would also like to thank Delegate ELEANOR HOLMES NORTON for her leadership on this.

Everyday, men and women from all over the nation put their lives on the line to protect the freedoms that we all enjoy. They have taken an oath to serve and protect us from dangers both seen and unseen, and do so with distinction and great diligence. This very brave group of people put aside all fears and inhibitions,

risking their health, well-being, and comfort of their families to serve in a capacity that few desire. I believe it to be a worthy honor to have the Capitol grounds used for the memorial services.

Many believe that police officers have the most stress filled jobs. There's no question that police officers experience stressful situations with more frequency than most people. While municipalities hire and pay individual policemen, they seldom consider that the entire family endures the pains of the job, many of which have a deleterious affect on the family. The job and family simultaneously creates an environment that can be managed by few. Given the many sacrifices officers make during their lives for our rights and privileges, the burdens on the family should be few and minimized. Using the Capitol grounds for memorial services offers appreciation to not only the officer, but to the entire family, which they so graciously deserve.

Washington, DC, our nation's capital, is filled with memorials and museums that help us to remember the countless sacrifices that men and women have made for the freedoms of our great nation. We are a nation who knows the importance of erecting these symbols to help us remember those who fought and died for the greater good.

The World War II Memorial honors the 16 million who served in the armed forces of the U.S., the more than 400,000 who died, and all who supported the war effort from home. Symbolic of the defining event of the 20th Century, the memorial is a monument to the spirit, sacrifice, and commitment of the American people.

The Veteran's Memorial, which is a gleaming black granite wall etched with the names of the 60,000 soldiers who died in Vietnam or remain missing in action. While it does nothing to diminish the tears of families who visit year after year; however, it permanently helps them recognize that their dying was not in vain and that the government of the United States remembers their sacrifice.

There are veterans and other exceptional individuals buried at Arlington National Cemetery from the Revolutionary War to the present military action in Iraq and Afghanistan. Since May of 1864, Arlington has been a fully operational National Cemetery. Today, the cemetery performs services for military casualties from the Iraqi and Afghanistan war fronts, as well as the aging World War II veterans.

This country has a long history of recognizing soldiers who have fallen fighting foreign threats. This country must also recognize those who fall fighting domestic threats. Therefore, I stand in support of H. Con. Res. 38, "Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service."

Ms. EDWARDS of Maryland. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 38.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDWARDS of Maryland. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AUTHORIZING USE OF CAPITOL GROUNDS FOR DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN

Ms. EDWARDS of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 39) authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 39

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 5, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2009 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Ms. EDWARDS) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland.

GENERAL LEAVE

Ms. EDWARDS of Maryland. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend

their remarks and to include extraneous materials on House Concurrent Resolution 39.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Ms. EDWARDS of Maryland. Mr. Speaker, I yield myself such time as I may consume.

House Concurrent Resolution authorizes the use of the Capitol grounds for the District of Columbia's Special Olympics Law Enforcement Torch Run. The Capitol Police, along with the D.C. Special Olympics, will participate in the torch run to be held on June 5, 2009.

The Law Enforcement Torch Run for the Special Olympics is run nationwide by law enforcement officers, leading up to each State or national Special Olympics summer games.

Each year, nearly 50 local and Federal law enforcement agencies in Washington, D.C., participate to show their support of the D.C. Special Olympics. This torch relay event is a traditional part of the opening ceremonies for the Special Olympics.

Since its inception, over 15,000 District of Columbia citizens with disabilities have participated in the Special Olympics. Funds raised from the Law Enforcement Torch Run for the Special Olympics helps support year-round training and programs for Special Olympics in the District of Columbia. This type of support led to seven Special Olympics athletes competing in the Penn relays in Philadelphia, Pennsylvania, in 2008.

The D.C. Special Olympics will work closely with the Capitol Police and the Architect of the Capitol to make sure that the event is in full compliance with the rules and regulations governing the use of the Capitol grounds. The event will be free and open to the public. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 39 authorizes the use of the Capitol grounds for the District of Columbia's Special Olympics Law Enforcement Torch Run to be held on June 5 of this year.

The Special Olympics is an internationally recognized organization dedicated to enriching the lives of children and adults with disabilities through athletic competition and through athletic events in general.

The Law Enforcement Torch Run is the largest grassroots effort that raises funds and awareness for the Special Olympics program, Mr. Speaker. The event in D.C. is one of the many law enforcement torch runs throughout the country and across 35 Nations leading up to the summer Special Olympics.

□ 1330

The Torch Run is a special event during which members of law enforcement run the "Flame of Hope" to the site of the local Special Olympics games.

Mr. Speaker, this event has become a regular occurrence on the Capitol Grounds. And this year's event will represent the 24th time it has occurred on these grounds. I am pleased to be a cosponsor of this resolution along with the chairwoman of our Subcommittee on Economic Development, Public Buildings and Emergency Management.

I support this resolution and encourage my colleagues to do the same.

If I may at this time, Mr. Speaker, if I might inquire of the gentlewoman from Maryland if she has any further speakers.

Ms. EDWARDS of Maryland. I may have additional speakers, and I reserve the time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I reserve the time.

Ms. EDWARDS of Maryland. Mr. Speaker, the D.C. Special Olympics is a really premier event in this region that highlights the athletic accomplishments of children and adults with disabilities. I would like to recognize and give special thanks to the tenacity of Eunice Kennedy Shriver and her family for exceptional work on behalf of persons with disabilities.

Mr. Speaker, as a young person I volunteered with the Special Olympics each year. And I recognize the talents, training and athleticism of young people from around the country and even from my congressional district. And each year law enforcement officers around the world participate in the local Torch Run events to raise money and awareness for the Special Olympics. In fact in 2008, the Law Enforcement Torch Run raised over \$34 million for the Special Olympics. And here in the Washington, D.C. area, law enforcement officers who are part of the extensive volunteer network that support the games carry the "Flame of Hope" across the Capitol Grounds through the District of Columbia to Catholic University.

It is an amazing event. The event is scheduled of course to occur on June 5, 2009. And it will be open to the public and is free of charge on the Capitol Grounds. The games are a wonderful expression of inclusiveness and confirmation of individual contribution.

I enthusiastically support this resolution. And I thank the gentlewoman from the District of Columbia (Ms. NORTON) for presenting the resolution to us and this very worthwhile endeavor of the Special Olympics.

I have no further speakers, and I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding. I certainly support this resolution. The Special Olympics is a wonderful program. Certainly using Capitol Grounds is appropriate. Americans all over the country and certainly here revere this Capitol, as well we all should.

In a couple of minutes, we will be voting on a privileged resolution that I have offered. This is the third one. It is similar to the others that have been offered but it differs a little. It is a bit narrowed.

Right now, Mr. Speaker, as much as we revere this institution, there is a cloud hanging over it. And that cloud is that there are investigations going on right now at the Department of Justice investigating the relationship between earmarks and campaign contributions. And as long as that is occurring without this body doing anything, there will be a cloud hanging over this institution.

Now some may say as long as other bodies outside of Congress are investigating this issue, that Congress has no obligation to do so. I think that is wrong. We have an obligation to uphold the dignity and decorum of this body. And we haven't been doing it very well. And as long as these investigations are swirling around us and we fail to act, then this cloud remains.

Some have mentioned that, in fact in one of the papers today, it referenced that this investigation is a Republican-led effort to embarrass the Democrats because the Democrats embarrassed Republicans beforehand. It is nothing of the sort. I did not consult with my party leadership before offering this resolution. I have not consulted with them during it. This is not a partisan resolution.

This is a bipartisan problem. The problem is that the perception is that earmarks are influencing campaign contributions and that campaign contributions are influencing earmarks. And there is really no other way to look at the situation but to draw that conclusion. That is why we need to vote on this resolution and allow the Ethics Committee to look into it.

Again this is not a partisan issue. This is a problem that afflicts both sides. I hope my colleagues see it that way. And we simply cannot allow this body to have the cloud hanging over it as it is right now.

And so I would encourage my colleagues, when it comes time to vote for this resolution, I'm sorry, vote against the tabling of the resolution, which would allow the Ethics Committee to look into it.

And I thank the gentleman for yielding.

Ms. EDWARDS of Maryland. I have no further speakers at this time on this resolution.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, before I yield back, I

want to thank the gentlewoman from Maryland for doing a great job in leading us through all the bills. She has done a wonderful job. I thank her for her leadership today.

And with that, Mr. Speaker, I would yield back.

Ms. EDWARDS of Maryland. Mr. Speaker, I also thank the gentleman from Florida for his patience today.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of House Concurrent Resolution 39, authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

The District of Columbia Special Olympics is the premier event in this region that highlights the athletic accomplishments of children and young adults with disabilities. I'd like to recognize and give special thanks to the tenacity to Eunice Kennedy Shriver and her family for exceptional work on behalf of persons with disabilities.

Each year, law enforcement officers around the world participate in local Torch Run events to raise money and awareness for the Special Olympics. In 2008, the Law Enforcement Torch Runs raised over \$34 million for the Special Olympics.

In the Washington D.C. area, law enforcement officers, who are part of the extensive volunteer network that support the games, carry the "Flame of Hope" across the Capitol Grounds through the District of Columbia to Catholic University.

This event, scheduled to occur on June 5, 2009, will be open to the public and free of charge. The sponsors will work with the Capitol Police Board to ensure that all rules and regulations pertaining to the use of the Capitol Grounds are followed.

These games are a wonderful expression of inclusiveness and a confirmation of individual contribution. I enthusiastically support this resolution and the very worthwhile endeavor of the Special Olympics.

I urge my colleagues to join me in agreeing to H. Con. Res. 39.

Ms. EDWARDS of Maryland. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 39.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore (Mr. ROSS). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 228

Whereas The Hill reported on February 10, 2009, that "a top defense-lobbying firm" that

"specializes in obtaining earmarks in the defense budget for a long list of clients" was "recently raided by the FBI.";

Whereas the Associated Press reported on February 25, 2009 that the "FBI searched the lobbying firm. . . and the residence of its founder. . .";

Whereas The Hill reported on March 4, 2009, that the firm "has given \$3.4 million to 284 Members of Congress";

Whereas Politico reported on February 13, 2009, that "federal investigators are asking about thousands of dollars in campaign contributions to lawmakers as part of an effort to determine whether they were illegal 'straw man' donations.";

Whereas Roll Call reported on February 20, 2009, that they have "located tens of thousands of dollars worth of [the raided firm]-linked donations that are improperly reported in the FEC database.";

Whereas Roll Call also reported that "tracking Federal Election Commission records of campaign donations attributed to [the firm] is a comedy of errors, misinformation and mysteries, providing more questions than answers about how much money the lobbying firm actually raised for Congressional campaigns.";

Whereas CQ Today reported on February 19, 2009, that "104 House members got earmarks for projects sought by [clients of the firm] in the 2008 defense appropriations bills," and that 87 percent of this bipartisan group of Members received campaign contributions from the raided firm;

Whereas The Hill reported on February 10, 2009, that in 2008 clients of this firm had "received \$299 million worth of earmarks, according to Taxpayers for Common Sense.";

Whereas The Hill reported on February 23, 2009, that "clients of a defense lobby shop under investigation are continuing to score earmarks from their patrons in Congress, despite the firm being on the verge of shutting its doors permanently" and that several of the firm's clients "are slated to receive earmarks worth at least \$8 million in the omnibus spending bill funding the federal government through the rest of fiscal 2009...";

Whereas the Washington Post reported on June 13, 2008, in a story describing increased earmark spending in the House version of the fiscal year 2009 defense authorization bill that "many of the earmarks serve as no-bid contracts for the recipients.";

Whereas the Associated Press reported on February 25, 2009, that "the Justice Department's fraud section is overseeing an investigation into whether [the firm] reimbursed some employees for campaign contributions to members of Congress who requested the projects.";

Whereas Politico reported on February 12, 2009, that "several sources said FBI agents have spent months laying the groundwork for their current investigation, including conducting research on earmarks and campaign contributions.";

Whereas House Resolution 189, instructing the Committee on Standards of Official Conduct to investigate the relationship between earmark requests already made by Members and the source and timing of past campaign contributions, was considered as a privileged matter on February 25, 2009, and the motion to table the measure was agreed to by recorded vote of 226 to 182 with 12 Members voting present;

Whereas House Resolution 212, instructing the Committee on Standards of Official Conduct to investigate the relationship between earmark requests already made by Members on behalf of clients of the raided firm and

the source and timing of past campaign contributions, was considered as a privileged matter on March 3, 2009, and the motion to table the measure was agreed to by recorded vote of 222 to 181 with 14 Members voting present;

Whereas the reportedly fraudulent nature of campaign contributions originating from the raided firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of the institution; and

Whereas the fact that cases are being investigated by the Justice Department does not preclude the Committee on Standards of Official Conduct from taking investigative steps: Now, therefore, be it

Resolved, That (a) the Committee on Standards of Official Conduct, or an investigative subcommittee of the committee established jointly by the chair and ranking minority member, shall immediately begin an investigation into the relationship between earmark requests for fiscal year 2009 already made by Members on behalf of clients of the raided firm and the source and timing of past campaign contributions related to such requests.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of this resolution.

The SPEAKER pro tempore. The resolution qualifies.

MOTION TO TABLE

Mr. CLYBURN. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on tabling the resolution will be followed by 5-minute votes on suspending the rules with regard to:

H.R. 813, by the yeas and nays, and

H.R. 842, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 228, nays 184, answered "present" 14, not voting 5, as follows:

[Roll No. 113]

YEAS—228

Ackerman	Boren	Cleaver
Adler (NJ)	Boswell	Clyburn
Altmire	Boucher	Cohen
Andrews	Boyd	Connolly (VA)
Arcuri	Brady (PA)	Conyers
Baca	Braley (IA)	Costa
Baird	Brown, Corrine	Costello
Baldwin	Capps	Courtney
Barrow	Capuano	Crowley
Becerra	Cardoza	Cuellar
Berkley	Carnahan	Cummings
Berman	Carney	Dahlkemper
Berry	Carson (IN)	Davis (AL)
Bishop (GA)	Childers	Davis (CA)
Bishop (NY)	Clarke	Davis (IL)
Blumenauer	Clay	Davis (TN)

DeFazio	Langevin	Rodriguez
DeGette	Larsen (WA)	Rohrabacher
Delahunt	Larson (CT)	Ross
DeLauro	Lee (CA)	Rothman (NJ)
Dicks	Levin	Roybal-Allard
Dingell	Lewis (GA)	Ruppersberger
Doggett	Lipinski	Rush
Doyle	Lowe	Ryan (OH)
Driehaus	Lujan	Salazar
Edwards (MD)	Lynch	Sanchez, Linda T.
Edwards (TX)	Maffei	Sanchez, Loretta
Ellison	Maloney	Sarbanes
Engel	Markey (CO)	Schakowsky
Eshoo	Markey (MA)	Schauer
Etheridge	Marshall	Schiff
Farr	Massa	Schrader
Fattah	Matheson	Schwartz
Filner	Matsui	Scott (GA)
Frank (MA)	McCarthy (NY)	Scott (VA)
Fudge	McCollum	Serrano
Gonzalez	McDermott	Sestak
Gordon (TN)	McGovern	Shea-Porter
Grayson	McIntyre	Sherman
Green, Al	McMahon	Shuler
Green, Gene	Meek (FL)	Sires
Griffith	Meeks (NY)	Skelton
Grijalva	Melancon	Slaughter
Gutierrez	Michaud	Smith (WA)
Hall (NY)	Miller (NC)	Snyder
Hare	Miller, George	Space
Harman	Mollohan	Speier
Hastings (FL)	Moore (KS)	Spratt
Heinrich	Moore (WI)	Stark
Herseth Sandlin	Moran (VA)	Stupak
Higgins	Murphy (CT)	Sutton
Hill	Murphy, Patrick	Tanner
Hinchey	Murphy, Tim	Tauscher
Hinojosa	Murtha	Taylor
Hirono	Nadler (NY)	Thompson (CA)
Holden	Napolitano	Thompson (MS)
Holt	Neal (MA)	Tierney
Honda	Nye	Titus
Hoyer	Oberstar	Tonko
Inslie	Obey	Towns
Israel	Olver	Tsongas
Jackson (IL)	Ortiz	Van Hollen
Jackson-Lee	Pallone	Velázquez
(TX)	Pascrell	Wasserman
Johnson (GA)	Pastor (AZ)	Schultz
Johnson, E. B.	Payne	Waters
Jones	Perlmutter	Watson
Kagen	Peters	Watt
Kanjorski	Peterson	Waxman
Kaptur	Pingree (ME)	Weiner
Kennedy	Polis (CO)	Wexler
Kildee	Pomeroy	Wilson (OH)
Kilpatrick (MI)	Price (NC)	Woolsey
Kilroy	Rahall	Wu
Klein (FL)	Rangel	Yarmuth
Kratovil	Reyes	Young (AK)
Kucinich	Richardson	

NAYS—184

Aderholt	Cantor	Garrett (NJ)
Akin	Cao	Gerlach
Alexander	Capito	Giffords
Austria	Carter	Gingrey (GA)
Bachmann	Cassidy	Gohmert
Bachus	Castle	Goodlatte
Bartlett	Chaffetz	Granger
Barton (TX)	Coble	Graves
Bean	Coffman (CO)	Guthrie
Biggert	Cole	Hall (TX)
Billray	Crenshaw	Halvorson
Bilirakis	Culberson	Harper
Bishop (UT)	Davis (KY)	Heller
Blackburn	Deal (GA)	Hensarling
Boccieri	Diaz-Balart, L.	Hерger
Boehner	Diaz-Balart, M.	Himes
Bono Mack	Donnelly (IN)	Hodes
Boozman	Dreier	Hoekstra
Boustany	Duncan	Hunter
Brady (TX)	Ehlers	Inglis
Bright	Ellsworth	Issa
Brown (GA)	Emerson	Jenkins
Brown (SC)	Fallin	Johnson (IL)
Brown-Waite,	Flake	Johnson, Sam
Ginny	Fleming	Jordan (OH)
Buchanan	Forbes	Kind
Burgess	Fortenberry	King (IA)
Burton (IN)	Foster	King (NY)
Buyer	Foxo	Kingston
Calvert	Franks (AZ)	Kirk
Camp	Frelinghuysen	Kirkpatrick (AZ)
Campbell	Gallegly	Kissell

Kosmas
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loeb sack
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)

Minnick
Mitchell
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock

Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walz
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

ANSWERED "PRESENT"—14

Barrett (SC)
Bonner
Butterfield
Castor (FL)
Chandler

Conaway
Dent
Hastings (WA)
Kline (MN)
Latham

Lofgren, Zoe
Poe (TX)
Walden
Welch

NOT VOTING—5

Abercrombie
Blunt

Cooper
Miller, Gary

Putnam

□ 1410

Messrs. SMITH of Texas and TEAGUE and Ms. JENKINS and Mrs. MYRICK changed their vote from "yea" to "nay."

Messrs. BERMAN and McMAHON and Mrs. MCCARTHY of New York changed their vote from "nay" to "yea."

Mr. BUTTERFIELD changed his vote from "yea" to "present."

Mr. WALDEN changed his vote from "nay" to "present."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 813, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 813.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 427, nays 0, not voting 4, as follows:

[Roll No. 114]
YEAS—427

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson

Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxo
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Hерger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel

Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick

Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier

Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Abercrombie
Cooper

Miller, Gary
Putnam

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1418

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

R. JESS BROWN UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. BLUMENAUER). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 842, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Ms. EDWARDS) that the House suspend the rules and pass the bill, H.R. 842.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 7, as follows:

[Roll No. 115]
YEAS—424

Ackerman	Cummings	Jackson (IL)
Aderholt	Dahlkemper	Jackson-Lee
Adler (NJ)	Davis (AL)	(TX)
Akin	Davis (CA)	Jenkins
Alexander	Davis (IL)	Johnson (GA)
Altmire	Davis (KY)	Johnson (IL)
Andrews	Davis (TN)	Johnson, E. B.
Arcuri	Deal (GA)	Johnson, Sam
Austria	DeFazio	Jones
Baca	DeGette	Jordan (OH)
Bachmann	Delahunt	Kagen
Bachus	DeLauro	Kanjorski
Baird	Dent	Kaptur
Baldwin	Diaz-Balart, L.	Kennedy
Barrett (SC)	Diaz-Balart, M.	Kildee
Barrow	Dicks	Kilpatrick (MI)
Bartlett	Dingell	Kilroy
Barton (TX)	Doggett	Kind
Bean	Donnelly (IN)	King (IA)
Becerra	Doyle	King (NY)
Berkley	Dreier	Kingston
Berman	Driehaus	Kirk
Berry	Duncan	Kirkpatrick (AZ)
Biggart	Edwards (MD)	Kissell
Bilbray	Edwards (TX)	Klein (FL)
Bilirakis	Ehlers	Kline (MN)
Bishop (GA)	Ellison	Kosmas
Bishop (NY)	Ellsworth	Kratovil
Bishop (UT)	Emerson	Kucinich
Blackburn	Engel	Lamborn
Blumenauer	Eshoo	Lance
Blunt	Etheridge	Langevin
Boccieri	Fallin	Larsen (WA)
Boehner	Farr	Larson (CT)
Bonner	Fattah	Latham
Bono Mack	Filner	LaTourrette
Boozman	Flake	Latta
Boren	Fleming	Lee (CA)
Boswell	Forbes	Lee (NY)
Boucher	Fortenberry	Levin
Boustany	Foster	Lewis (CA)
Boyd	Fox	Lewis (GA)
Brady (PA)	Frank (MA)	Linder
Brady (TX)	Franks (AZ)	Lipinski
Braley (IA)	Frelinghuysen	LoBiondo
Bright	Fudge	Loeb
Brown (GA)	Gallegly	Lofgren, Zoe
Brown (SC)	Garrett (NJ)	Lowe
Brown, Corrine	Gerlach	Lucas
Brown-Waite,	Giffords	Luetkemeyer
Ginny	Gingrey (GA)	Lujan
Buchanan	Gonzalez	Lummis
Burgess	Goodlatte	Lungren, Daniel
Burton (IN)	Gordon (TN)	E.
Butterfield	Granger	Lynch
Buyer	Graves	Mack
Calvert	Grayson	Maffei
Camp	Green, Al	Maloney
Campbell	Green, Gene	Manzullo
Cantor	Griffith	Marchant
Cao	Grijalva	Markey (CO)
Capito	Guthrie	Markey (MA)
Capps	Gutierrez	Marshall
Capuano	Hall (NY)	Massa
Cardoza	Hall (TX)	Matheson
Carnahan	Halvorson	Matsui
Carney	Hare	McCarthy (CA)
Carson (IN)	Harman	McCarthy (NY)
Carter	Harper	McCaul
Cassidy	Hastings (FL)	McClintock
Castle	Hastings (WA)	McCollum
Castor (FL)	Heinrich	McCotter
Chaffetz	Heller	McDermott
Chandler	Hensarling	McGovern
Childers	Herger	McHenry
Clarke	Herseth Sandlin	McHugh
Clay	Higgins	McIntyre
Cleaver	Hill	McKeon
Clyburn	Himes	McMahon
Coble	Hinchey	McMorris
Coffman (CO)	Hinojosa	Rodgers
Cohen	Hirono	McNerney
Cole	Hodes	Meek (FL)
Conaway	Hoekstra	Meeks (NY)
Connolly (VA)	Holden	Melancon
Conyers	Holt	Mica
Costa	Honda	Michaud
Costello	Hoyer	Miller (FL)
Courtney	Hunter	Miller (MI)
Crenshaw	Inglis	Miller (NC)
Crowley	Inslee	Miller, George
Cuellar	Israel	Minnick
Culberson	Issa	Mitchell

Mollohan	Rogers (KY)	Stark
Moore (KS)	Rogers (MI)	Stearns
Moore (WI)	Rohrabacher	Stupak
Moran (KS)	Ros-Lehtinen	Sullivan
Moran (VA)	Roskam	Sutton
Murphy (CT)	Ross	Tanner
Murphy, Patrick	Rothman (NJ)	Tauscher
Murphy, Tim	Roybal-Allard	Taylor
Murtha	Royce	Teague
Myrick	Ruppersberger	Terry
Nadler (NY)	Rush	Thompson (CA)
Napolitano	Ryan (OH)	Thompson (MS)
Neal (MA)	Ryan (WI)	Thompson (PA)
Neugebauer	Salazar	Thornberry
Nunes	Sánchez, Linda	Tiahrt
Nye	T.	Tiberi
Ober	Sanchez, Loretta	Tierney
Olson	Sarbanes	Titus
Olver	Scalise	Tonko
Ortiz	Schakowsky	Towns
Pallone	Schauer	Tsongas
Pascarell	Schiff	Turner
Pastor (AZ)	Schmidt	Upton
Paul	Schock	Van Hollen
Paulsen	Schrader	Velázquez
Payne	Schwartz	Visclosky
Pence	Scott (GA)	Walden
Perlmutter	Scott (VA)	Walz
Perriello	Sensenbrenner	Wamp
Peters	Serrano	Wasserman
Peterson	Sessions	Schultz
Petri	Sestak	Waters
Pingree (ME)	Shadegg	Watson
Pitts	Shea-Porter	Watt
Platts	Sherman	Waxman
Poe (TX)	Shimkus	Weiner
Polis (CO)	Shuler	Welch
Pomeroy	Shuster	Westmoreland
Posey	Simpson	Wexler
Price (GA)	Sires	Whitfield
Price (NC)	Skelton	Wilson (OH)
Radanovich	Slaughter	Wilson (SC)
Rahall	Smith (NE)	Wittman
Rangel	Smith (NJ)	Wolf
Rehberg	Smith (TX)	Woolsey
Reichert	Smith (WA)	Wu
Reyes	Snyder	Yarmuth
Richardson	Souder	Young (AK)
Rodriguez	Space	Young (FL)
Roe (TN)	Speier	
Rogers (AL)	Spratt	

NOT VOTING—7

Abercrombie	Miller, Gary	Rooney
Cooper	Oberstar	
Gohmert	Putnam	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1425

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. FUDGE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 20, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to 44 U.S.C. 2702, I hereby reappoint as a member of the Advisory Committee on the Records of Congress the following person: Mr. Bernard Forrester, Houston, Texas.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk.

HELP IS ON THE WAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, we have seen the unemployment numbers continue to climb in our Nation. We're watching the Dow tremble. But I think it is important that we understand help is on the way, that the American people are watching a process in this body and in the other body that will generate not earmarks but dollars for communities. For many people think that earmarks are moneys that we grab and put in our pocket. It is only the direction given to money already there to help the people in your community: rural Appalachia, Iowa.

So in addition to this appropriations bill that is now in the other body, this Congress voted against their salary increase. And for those who don't understand that, as the debate is going on in the other body, we have already done it. We have already put forward a bill that speaks to the people's needs and makes sure that our salary increase is not there. Our leadership demanded that.

So I ask the other body to get on with their work and vote for the bill.

□ 1430

GREEN HARD HATS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, someday we may be using alternative energy, and we must work to that end. But right now we need clean crude oil for energy.

We should drill safely off our own shores because that will make us energy independent. It will increase jobs. Some of those offshore jobs pay up to \$100,000 a year. The leases that oil companies pay for are expensive, and that lease revenue comes to the U.S. Treasury.

Madam Speaker, we are also going to need crude oil in the future for other things, and here is why. Last week on one of the coldest days in D.C. during 8 inches of snow, the global warming folks were in town. They were all wearing green hard hats, and I asked one did she know what that hard hat was made out of, and she told me plastic. Well, I asked her where did the plastic come from, and she said, "Well, it's plastic. It's made out of plastic."

Madam Speaker, plastic is not an element or mineral. That plastic helmet and much of what we use daily is a derivative of crude oil. We are always

going to need crude oil for the thousands of products that come from it.

We need to take care of America and drill safely off our shores and keep jobs and revenue in America instead of sending it to the Middle East.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ONE TEAM—ONE FIGHT—ONE NAME: REDESIGNATING THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, earlier this year I introduced H.R. 24, legislation to redesignate the Department of the Navy as the Department of the Navy and Marine Corps.

For the past 7 years, the language of this bill has been part of the House version of the National Defense Authorization Act. Last year, 152 Members of the House cosponsored the bill to support this change. This session, the bill has gained 58 cosponsors so far. I hope many of the new Members of the House will consider supporting H.R. 24.

This year, I am grateful to have the support of Senator PAT ROBERTS, a former Marine, who recently introduced a companion bill in the Senate, S. 504. I hope that the Senate will support the House position and maybe this will be the year that Congress sends legislation to the President to bring proper respect to the fighting team of the Navy and Marine Corps.

Changing the name of the Department of the Navy to the Department of the Navy and Marine Corps is a symbolic gesture, but is important to the team. I would like to read a statement by one supporter of this change, the Honorable Wade Sanders, Deputy Assistant Secretary of the Navy for Reserve Affairs from 1993–1998:

"As a combat veteran and a former Naval officer, I understand the importance of the team dynamic, and the importance of recognizing the contributions of team components. The Navy and Marine Corps team is just that: a dynamic partnership, and it is important to symbolically recognize the balance of that partnership."

Madam Speaker, the Marines who are fighting today deserve this recognition. Before I close, I would like to point out there are many, many justifications for renaming the department Navy and Marine Corps. We all know that the Navy and Marine Corps are one fight-

ing team, and that is the history of both the Navy and the Marine Corps.

Madam Speaker, on this poster is a condolence letter from the Department of the Navy. This was sent to the wife of a Marine who was killed in Iraq for this country.

Madam Speaker, on the letter sent by the Secretary of the Navy, it says "The Secretary of the Navy." Then the first sentence, it says, "On behalf of the Department of the Navy, please accept our very sincere condolences."

Well, Madam Speaker, that is very kind of the Secretary of the Navy, and I am sure that the Marine family that gave a loved one who died for this country during warfare appreciates that letter, but I respectfully say that even more important to the Marine family who lost a loved one would be that if the letter had said, "The Secretary of the Navy and Marine Corps," with the flag of the Navy and the flag of the Marine Corps, and then it further stated, "Dear Marine Corps Family: On behalf of the Department of the Navy and Marine Corps, please accept my sincere condolences."

Madam Speaker, before I close, I have Camp Lejeune Marine Base and Cherry Point Air Station in my district, and also Seymour Johnson Air Force Base. Other parts of the Armed Forces have the Secretary of the Army, the Secretary of the Air Force. Now we need to have a Secretary of the Navy and Marine Corps. It's only right to the Marine Corps that they be equally represented and equally respected.

With that, Madam Speaker, I ask God to please continue to bless our men and women in uniform and their families, and may God continue to bless America.

END OCCUPATION OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, today I rise to deliver my 300th speech on the floor of the House, speeches demanding an end to the occupation of Iraq.

I take no pleasure in marking this milestone, except that in this great democracy we have it is possible for one Member of the House to stand here and express her opinions. But instead of pleasure, it deeply saddens me, for it reminds me just how long the Iraq occupation has been dragging on.

America's invasion and occupation of Iraq began 6 years ago this month. On March 21, 2003, the previous administration gave us "Shock and Awe." There were big explosions on our TV sets, but innocent people were being killed that night in Baghdad. And for the next 6 years, the body count continued to rise as Iraq became a hell on Earth.

Today conditions on the ground have improved, but the occupation goes on. Over 140,000 American troops remain in harm's way. Over 100,000 military contractors continue to roam the streets of Iraq, unaccountable to anyone but themselves. Military families continue to suffer here at home and tens of thousands of veterans suffer from injuries that will last a lifetime.

I voted against authorizing the use of force in Iraq, and I was the first Member of Congress to introduce a resolution calling for the withdrawal of our troops. For 6 years I have made the case that the occupation makes no sense.

On February 2, 2005, I said on the floor of the House "The sad irony is that after our Nation was attacked on 9/11 by al Qaeda, (our) response was to bomb and kill civilians in one of the few countries in the Middle East that was inhospitable to al Qaeda."

I also pointed out that the occupation wasn't making America any safer. On March 19, 2007, I said, "The rate of fatal terror attacks worldwide was increased by a factor of seven since the Iraq war began."

And I noted that the occupation was bleeding our Treasury dry and threatening our economy. On October 25, 2007, I said, "It's incredible to me that my colleagues on the other side of the aisle, who lecture us daily about fiscal constraints, (do) not make a peep about the fiscal catastrophe" of Iraq.

I also raised my voice over and over again to decry the other tragic consequences of the occupation, which included the tragic loss of over 100,000 American and Iraqi lives, the refugee crisis, the torture at Abu Ghraib and elsewhere, the shabby treatment of our veterans at Walter Reed, the "Mission Accomplished" and weapons of mass destruction fiascos, the manipulation of intelligence to create a false cause for war, the cynical use of the 9/11 tragedy to justify military action against Iraq that the Bush administration had been planning all along, the scandal of sending our troops into battle without proper body armor and the terrible damage to our Nation's moral standing and reputation in the world.

I also spoke about the tremendous bravery and the skill of our troops and the amazing courage of the mothers of section 60 at Arlington National Cemetery, and I rose time and time again to offer a real alternative to the occupation, a smart security plan, a plan that would defeat terrorism without the need to wage immoral and unnecessary wars.

Most recently, I rose to declare that the current plan to leave 50,000 residual troops after August 2010 in Iraq is unacceptable. I believe the best approach now is to withdraw all our troops by August 2010 and coordinate their removal with reconciliation and reconstruction efforts, efforts to promote the unification of the Iraqi people.

Madam Speaker, the occupation of Iraq violates America's core values of peace, freedom and human rights. I will continue to raise my voice on the floor of the House for these values until we bring all our troops home to their families and the peace and sovereignty of Iraq is restored.

I will also continue to raise my voice on this floor for a new and better foreign policy based on diplomacy and peaceful international cooperation.

I shall soon deliver speech number 301.

CUT GOVERNMENT SPENDING AND TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, the Washington Post the other day commented about the President's support of the \$410 billion omnibus spending bill that's crawling through the Senate, and they said that it borders on the irresponsible for the administration to try to blame this on last year's administration because they are the ones that are going to sign the bill into law and spend the money.

In another newspaper here in Washington D.C., the Washington Examiner, they wrote "In quick succession, (President) Obama rolled out a \$2 trillion financial services bailout, \$2 trillion, a \$788 billion stimulus package, the \$13.4 billion preliminary bailout for automakers, a \$410 billion spending plan to cover the rest of the current fiscal year, a proposed \$275 billion foreclosure rescue plan, and a \$3.5 trillion budget that includes a \$634 billion fund for health care."

People in America, their eyes glaze over when they hear this. Trillions and trillions of dollars that we don't have are going to be spent for all of these programs.

And so people say, well, how are you going to solve the economic problems facing this country if you don't spend that money? If we spend the money, we are not going to solve the problems. The economic conditions will continue to go in the wrong direction, but we will be loading on the backs of our kids and grandkids and future generations, higher inflation and higher taxes and a quality of life that won't be anything like what we have today.

The key to solving these problems is to cut government spending, and to cut taxes for every American so they have more disposable income, and to cut taxes on capital gains so people will take stocks, bonds and property they have and sell it and reinvest it somewhere else, thus creating money for investment in business and industry so they can create jobs and cut business taxes across the board.

□ 1445

If we did those three things, we would have an immediate movement toward improvement in our economy, and we wouldn't be doing it by loading trillions and trillions of dollars on the backs of our kids and grandkids.

This chart here shows what's happened in the last several years as far as the growth in the money supply. It was pretty consistent up until the year 2000, and now it's going straight up. That means to every single American that the cost of living is going to go up because there's more money in circulation, fewer goods and services, and the cost of everything is going to rise because of the inflation that's created by printing all this money.

John F. Kennedy said that the way to solve these problems—back in the early sixties, a Democrat—that it was to cut taxes. Here's exactly what he said. "Our true choice is not between tax reduction, on the one hand, and the avoidance of large Federal deficits on the other. It is increasingly clear that no matter what party is in power, so long as our national security needs keep rising, an economy hampered by restricted tax rates will never produce enough revenues to balance our budget, just as it will never produce enough jobs or enough profits. In short, it is a paradoxical truth that tax rates are too high today, and tax revenues are too low, and the soundest ways to raise the revenues in the long run is to cut taxes now."

The best way to raise revenues for the Treasury is to cut taxes. The best way to stimulate economic growth is to cut taxes. Yet, this administration is going to be raising taxes in one way or another on every single family in this country, either through the tax that is going to be on energy or the taxes they are going to levy on the upper income people. But there's going to be taxes levied on every single American, and that is the wrong way to stimulate economic growth.

What they are doing is they are throwing money at this problem, saying that that will solve the problem. It has never worked in the past. It will not work now.

Back in the 1970s, under Jimmy Carter, this was tried. And we ended up with double-digit inflation—14 percent inflation, 12 percent unemployment—and they ended up raising interest rates to 21.5 percent to stop the runaway inflation that was killing the economy of the United States, and they put us into another real bad recession. It wasn't until Reagan came in in 1980 and cut taxes across the board that we ended up with the longest period of economic recovery in the United States history.

History shows that cutting taxes in times of economic stress is the way to work our way out of this situation. And throwing money, trillions and tril-

lions and trillions of dollars, and move us toward a socialistic economy, is not the solution.

I hope my colleagues will look into history. Look at what John F. Kennedy, what Ronald Reagan, and others said about this, because it's extremely important that we profit from history.

RON BROWN FEDERAL BUILDING NAMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. I rise to celebrate the life of former Secretary of Commerce Ron H. Brown, who was the first African American to hold that position, and the first African American to serve as chairman of the Democratic National Committee. I want to thank Chairman RANGEL for bringing this resolution to the floor, designating the Federal building located at the United Nations Plaza in New York City as the "Ron H. Brown United States Mission to the United Nations Building."

At the time of his death in 1996, Mr. Brown was a figure of global importance and an advocate for American businesses at home and abroad. Through his example, Ron was a pioneer for many African Americans, and a role model, and was respected for his leadership, intelligence, and public service.

Born in Washington, DC, on August 1, 1941, and raised in Harlem, New York, he spent most of his life working for the people of New York and the citizens of the United States. As Secretary, he circled the globe spreading goodwill with his enthusiasm.

I remember traveling with Ron once to Africa as he was cultivating opportunities and markets for American products. It was on one of these trade missions that he died in a plane crash in war-torn Eastern Europe on April 3, 1996.

Ron left behind a wife, Alma, two devoted children, Michael and Tracey, and a record of commitment to the job he loved. Since his death, Ron has been recognized with many awards and scholarships, including the Ron Brown Award for Corporate Leadership and Responsibility, established by President William J. Clinton; the annual Ron H. Brown American Innovator Award, established by the U.S. Department of Commerce; and the largest ship in the National Oceanic and Atmospheric Administration's fleet named in honor of his public service, the *Ronald H. Brown*.

Please join me today in celebrating the life and service of one great American statesperson and pioneer, Mr. Ron H. Brown.

EARMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. I would like to address the subject of earmarks today. I think there's a lot of misunderstanding here among the Members as to exactly what it means to vote against an earmark. It's very popular today to condemn earmarks, and even hold up legislation because of this.

The truth is that if you removed all the earmarks from the budget, you would remove 1 percent of the budget. So there's not a lot of savings. But, even if you voted against all the earmarks actually, you don't even save the 1 percent because you don't save any money.

What is done is, those earmarks are removed, and some of them are very wasteful and unnecessary, but that money then goes to the executive branch. So, in many ways, what we are doing here in the Congress is reneging on our responsibilities, because it is the responsibility of the Congress to earmark. That is our job. We are supposed to tell the people how we are spending the money, not to just deliver it in a lump sum to the executive branch and let them deal with it, and then it's dealt with behind the scenes.

Actually, if you voted against all the earmarks, there would be less transparency. Earmarks really allow transparency, and we know exactly where the money is being spent.

The big issue is the spending. If you don't like the spending, vote against the bill. But the principle of earmarking is something that we have to think about, because we are just further undermining the responsibilities that we have here in the Congress.

If we want to get things under control, it won't be because we vote against an earmark and make a big deal of attacking earmarks because it doesn't address the subject. In reality, what we need are more earmarks.

Just think of the \$350 billion that we recently appropriated and gave to the Treasury Department.

Now everybody's running around and saying, Well, we don't know where the money went. We just gave it to them in a lump sum. We should have earmarked everything. It should have been designated where the money is going.

So, instead of too many earmarks, we don't have enough earmarks. Transparency is the only way we can get to the bottom of this. And if you make everything earmarked, it would be much better.

The definition of an earmark is very, very confusing. If you would vote to support the embassy, which came up to nearly \$1 billion in Baghdad, that is not called an earmark. But if you have an earmark for a highway or a building here in the United States, that is

called an earmark. If you vote for a weapons system, it would support and help a certain district, and that's not considered an earmark.

When people are yelling and screaming about getting rid of earmarks, they're not talking about getting rid of weapons systems or building buildings and bridges and highways in foreign countries. They are only talking about when it's designated that certain money would be spent a certain way in this country.

Ultimately, where we really need some supervision and some earmarks are the trillions of dollars spent by the Federal Reserve. They get to create their money out of thin air, and spend it. They have no responsibility to tell us anything. Under the law, they are excluded from telling us where and what they do.

So, we neglect telling the Treasury how to spend TARP money, and then we complain about how they do it. But just think literally; the Treasury is miniscule compared to what the Federal Reserve does.

The Treasury gets hundreds of billions, which is huge, of course, and then we neglect to talk about the Federal Reserve, where they are creating money out of thin air, and supporting all their friends and taking care of certain banks and certain corporations. This, to me, has to be addressed.

I have introduced a bill, it's called H.R. 1207, and this would remove the restriction on us to find out what the Federal Reserve is doing. Today, the Federal Reserve under the law is not required to tell us anything. So all my bill does is remove this restriction and say, Look, Federal Reserve, you have a lot of power. You have too much power. You're spending a lot of money. You're taking care of people that we have no idea what you're doing. We, in the Congress, have a responsibility to know exactly what you're doing.

This bill, H.R. 1207, will allow us for once and for all to have some supervision of the Federal Reserve. They are exempt from telling us anything, and they have stiffed us already. There have been lawsuits filed over the Freedom of Information Act. Believe me, they are not going to work, because the law protects the Federal Reserve.

The Constitution doesn't protect the Federal Reserve. The Constitution protects the people to know exactly what is going on. We should enforce the Constitution. We should not enforce these laws that protect a secret bank that gets to create this money out of thin air.

So, the sooner we in the Congress wake up to our responsibilities, understand what earmarks are all about, and understand why we need a lot more earmarks, then we will come to our senses, because we might then have a more sensible monetary and banking system, the system that has brought us

to this calamity. So, the sooner we realize that, I think it would be better for the taxpayer.

CONGRATULATING
CONGRESSWOMAN WOOLSEY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Madam Speaker, I come to the floor today to join my distinguished colleague, Congresswoman LYNN WOOLSEY, and recognize her for her 300th Special Order, or 5-minute speech, on the ongoing war and the occupation in Iraq. I also stand here calling yet, again, for an end, and I mean an end, to this unjust war, and for the return of our troops and military contractors from Iraq.

Congresswoman WOOLSEY, let me just commend you for being such an unparalleled leader and a guiding light in Congress for peace, for smart security, and for justice. Congresswoman WOOLSEY, if you may remember, offered the first resolution calling for the withdrawal of our young men and women and the redeployment and bringing them home, and that was years ago.

Today, Congresswoman WOOLSEY, thanks to your leadership, I think we are closer to that first resolution, where you stepped out on faith but knew that that was the right thing to do. I think we are closer to that day.

Congresswoman MAXINE WATERS, founder of the Out of Iraq Caucus, and Congresswoman WOOLSEY and myself cofounded the Out of Iraq Caucus in order to really amplify this important message and the call to action to end this war of choice. And that is what it is.

But Congresswoman WOOLSEY has been the one who's been down here representing us and representing the voices of peace in the entire country each and every day to make sure that she shone light on the untold hazards and costs of the United States military presence in Iraq.

As cochair of the Progressive Caucus, Congresswoman WOOLSEY has worked tirelessly to bring attention to these vital issues of global peace and national security. And so, today, 300 times, this is really an amazing milestone.

So, I am very, very pleased to be able to be with you today, Congresswoman WOOLSEY, and also just to say I am proud that you're my colleague and sister next to my district from the north.

It's really, though, with a heavy heart that I note next week that our country will enter into the seventh year of this unnecessary and immoral war in Iraq. Six years of unnecessary bloodshed in Iraq. We have wasted too much American treasure, drained too much and too many of our American resources and, most importantly,

Madam Speaker, we have, unfortunately, claimed too many American lives.

As of February 25, 2009, according to the Defense Department, 4,252 brave servicemen and women have given their lives, and more than 30,000 United States troops have been injured. This war has already cost the American people more than \$650 billion—this is \$10 billion a month—as the economy spirals further and further into crisis.

□ 1500

The costs to the people of Iraq also have been far greater. Tens of thousands of Iraqi men, women, and children have been killed. More than a million Iraqis have fled their homes and live as refugees. Hundreds of thousands have been internally displaced.

As we have watched our Federal resources go toward the continuation of violence and strife in Iraq, Congresswoman WOOLSEY has reminded us over and over and over again, 300 times now, that these are dollars that are not coming back into our communities or toward vital programs to help our neighbors most in need. We have committed more than a half trillion dollars to an occupation that, yes, has undermined our standing and credibility in the world, the enormous costs of which will no doubt be exacted on the physical and economic security of future generations. Of course we know the simple truth, that no unjust war ever produced a just and lasting peace. We look forward to working with our new administration to continue our efforts to bring our troops and military contractors home.

I have to say again to Congresswoman WOOLSEY, thank you for your unwavering leadership and commitment. I am truly proud to serve with you in this body. When this unfortunate chapter in American history is written, especially the foreign policy chapter, your consistency and your courage and your resolve before this body will be long remembered. Moreover, your Special Orders should be acknowledged for their effort in rallying the American people to demand an end to this war and to finally bring our troops home.

So this is a milestone today. Hopefully we won't have too many more 300 times of your sounding the alarm, and that we can bring our young men and women home and begin to really move forward in seeking global peace and security.

EARMARKS AND NO-BID CONTRACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, when most people think about earmarks,

they think of the silly earmarks that we hear about like the one in the omnibus spending bill that will pass the Senate today, \$1.7 million to combat swine odor in Iowa. And there are a lot of earmarks like that. Or one for the Rock and Roll Hall of Fame, or one for a hippie memorial. That is typically what is on people's minds when they think of earmarks. But today there is a different type of earmark, and it is not your grandfather's earmark. It is something that has really come about in the last several years or really been perfected in the last several years. These earmarks are no-bid contracts to private companies.

Now, when the Federal Government spends money, there are stipulations in how they spend that money. It is very difficult for a Federal agency to award a no-bid contract. If they do, they have to jump through a lot of hoops. There has to be a national security exemption. There have to be other exemptions. It is difficult to do, and gratefully so.

President Obama announced the other day that he is going to try to make sure that there are no more no-bid contracts from Federal agencies. And that is a great move. But what hasn't been talked about are the no-bid earmarks, no-bid contracts that are in the form of earmarks that come from Congress that is congressionally directed no-bid contracts. And what it leads to is what I like to call circular fundraising, and this is what has been the subject of a few of the privileged resolutions that have been offered here in the House in the last couple of days.

What happens is you have money here that Congress has from the U.S. taxpayer. Earmark spending which will be some \$8 billion to \$10 billion this year, goes this way. It goes to the earmark recipient. Say it is a defense contractor. And in this case if a defense contractor is getting a no-bid contract to make some widget for the Navy or for the Army or something else, or to make a shirt or a pair of gloves for our Armed Forces, they will get that contract, a no-bid contract, and then what you will see is money will come right back to the Member of Congress who secured that earmark in the form of a campaign contribution. That is represented by the line that goes around there. And in some cases, in most cases now, those who secure the earmark for a no-bid contract receive campaign contributions from those who they got no-bid contract for.

Oftentimes the earmark recipient will hire a lobbying firm, and that lobbying firm will also make contributions to the Member. And then sometimes the lobbying firm will also have a PAC, and that PAC will make contributions to the Member. So, in some cases, a Member of Congress will get what could be called the trifecta: They will get regular contributions from the

earmark recipient, money from the lobbying firm, and also money from the lobbying firm's PAC.

For one defense contract, say, for a few million dollars, a no-bid contract, sometimes the Member of Congress can receive as much as \$50,000 to \$100,000 for one earmark, for what appears to be for one earmark. By the time the earmark recipient and the lobbying firm and the lobbying firm's PAC contribute to the Member, that is a lot of money that makes it back into the Member of Congress' hands. So what happens? It is easier then to earmark more spending the next year and to do more no-bid contracts.

This is the essence of the privileged resolution that was offered. There is a lobbying firm called PMA that has been raided by the FBI in recent weeks, or we learned of it in recent weeks. That lobbying firm contributed millions and millions of dollars to Members of Congress who had secured earmarks for the client of this lobbying firm. The lobbying firm's PAC had contributed millions and millions of dollars as well to those Members of Congress who secured earmark spending.

Madam Speaker, it simply isn't right for Members of Congress to get a no-bid contract for anyone, let alone those who turn around and contribute money back to that Member. It simply doesn't look right. There may not be a quid pro quo here, but it should not be allowed by the House to happen. The House should set a higher standard. We are charged with upholding the dignity and decorum of the House. And when you have circular fundraising like this happening and investigations swirling around, we simply can't allow this to continue, Madam Speaker.

I hope that the next time a privileged resolution is up that we will all vote to carry it to the Ethics Committee.

COMMEMORATING THE TENTH ANNIVERSARY OF HUNGARY'S ACCESSION TO NATO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, today I rise to commemorate the 10th anniversary of Hungary's accession to NATO. Hungary is the first former Soviet nation, followed soon thereafter by Poland and then the Czech Republic, to join NATO. I stand here today to express gratitude for that historical moment and being given the opportunity to witness it and to recognize Hungary's pioneering commitment to solidarity, freedom, and security.

Despite years of Soviet rule, Hungary maintained a posture that looked both east and west. She became one of the first countries to institute meaningful political and economic reform after the fall of the Berlin Wall. And during the

Cold War, Hungary struggled mightily not to let the door to her people close completely.

The country's exceptional acumen also boasts an impressive mathematical and scientific legacy that includes 13 Nobel Prizes, inventing the BASIC programming language, and even creating Rubik's cube. This is a nation of major measure.

When Hungary joined NATO on March 12, 1999, an enduring relationship was cemented between Hungary, Europe, and the United States. This partnership means more than a military alliance. It marked a rebirth of freedom with an end to oppression by the then Soviet Union. This historic achievement was celebrated from Budapest to Ohio, which boasts the largest Hungarian American population in our country according to the last census. This new era was marked importantly by our congressional district of Toledo that adopted two cities in Hungary, Szeged and its county, Csongrad County.

Hundreds of citizens since 1999 have been involved in cultural, educational, and political exchanges of extraordinary impact. And through the lifelong efforts of major leaders in our community, including now deceased Monsignor Martin Hernady, Ohio Representative Peter Ujvagi, the Hungarian Club of Toledo and its leader Mr. Andy Raikay, Holy Rosary, Calvin United and St. Stephen's Churches, Dr. Elizabeth Balint and Mr. Al Baldwin of the Great Lakes Consortium for International Training and Development, along with the University of Toledo, Bowling Green State University and Lords College, all are working together to build freedom forward.

Because of the new opportunities presented by NATO, the United States and Hungary were able to enrich our friendship. Our Ohio National Guard began an early partnership with the Republic of Hungary for the express purpose of demonstrating through the example of the citizen soldier the proper role of the military in a democratic society. Hungary's rich history, as well as its embrace of a new post-Soviet era governance, sets a strong example for other countries in the region that are still grappling with a meaningful identity as newly independent states. By working with our allies, America continues to nurture democracy and advance political freedoms in Eastern Europe and around the world.

An independent film that I was able to view last year, called *Torn From the Flag*, which has won all kinds of international awards, traces the history of Hungary from World War II through its current independence. I commend this film to all of our citizenry.

Tonight, I rise to pay tribute to Hungary, our great sister nation in liberty's cause. What a great joy it has been to get to know her people and her

traditions in greater measure. And I thank the people of my community who truly have been, each and every one of them, ambassadors of freedom from the United States to our great sister state of Hungary.

AUTO INDUSTRY FACTS AND FIGURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Madam Speaker, I appreciate the opportunity to rise today.

Madam Speaker, over the course of the last 30 years, pockets of our country have been facing some very difficult times. And I have the honor of representing an area in Northeast Ohio, from Akron over to Youngstown. This is an area that was built on steel and rubber and auto and manufacturing. And I want to make one comment, as I rise to talk a little bit about the auto industry, about my friend, the gentleman from Arizona, who was commenting about earmarks and investments that Members of Congress are constitutionally required to make and spend money on behalf of the people of this country.

In areas like mine who, for 30 or 40 years, were booming, had the highest per capita income in the country when the steel mills were going, we were taking our tax dollars and we were sending that money to Washington, D.C.; Washington, D.C. was sending that money to help build the West, to help build up States like Arizona, and to implement water projects and dam projects to take the Colorado River into the desert.

These congressional districts in Arizona and New Mexico, they didn't just pop up. There was a significant Federal investment to say that we want to develop the West. And now, Members of Congress who are looking for the opportunity to rebuild their community, to take specific projects and specific money and invest it in Youngstown State University, Akron University for Polymers, Youngstown State for Defense Center of Excellence, Youngstown State for Metrology and Materials Science Development, these are investments that we need to make to rehabilitate some old industrial areas to get them on the cutting edge, and I think our obligation is to do that. But in our area, what has transpired just over the last few months has been significant. And I will give you one example.

Earlier last year, in the summertime, General Motors at a local Lordstown plant said that they were going to put on a third shift. We had the governor in; there were state tax incentives, \$350 million. And eventually, because of the credit crisis and globalization and 30

years of bad trade agreements, the third shift was pulled. Then the second shift was pulled. And now we have a fraction of the workers that we used to have there.

But the minute GM announced that they were going to lay off 900 workers, a couple days later the seat manufacturer laid off a few hundred; a couple days later the logistics company laid off a couple hundred workers; Delphi laid off. And on and on and on the ripple effect goes throughout the community, to the point where Trumbull County's unemployment rate last year, Madam Speaker, was 7 percent.

□ 1515

It is to the point where Trumbull County's unemployment rate last year, Madam Speaker, was 7 percent. Today it is 14 percent. It doubled in a year.

And the point of my rising here today is to say to anyone who will listen and to the powers that be in Washington, D.C., that we need a manufacturing policy in the United States of America. We can look at the Dutch, the Spanish and the Brits. When 20 to 25 percent of their gross domestic product became finance, where people are just shuffling money around, where it is a Ponzi scheme and Wall Street is making a lot of money, and wages don't ever go up, then eventually you get to where we are today. And that is a collapse of the financial system.

We have a system now that is set up, Madam Speaker, that if an average family makes some mistakes, they are on their own. We cut them loose. But if the financial markets make a major mistake and do illegal and unethical acts, that they have the system so rigged that the whole thing collapses. And so everyone has to jump in to save it.

And so as we move over the course of the next few weeks and next few months, we need to recognize that the auto industry has a multiplier effect of five jobs for every one job in the plant, and finance has two jobs for every job in the finance industry. And we can talk about companies like Wheatland Tube, who have closed factories down in northeast Ohio and western Pennsylvania because of the tubing coming in from China. We could talk about auto. We could talk about Severstal Steel, who laid off 1,000 people. We could go on and on and on, Madam Speaker.

So let me suggest that as we talk about financial reform and universal health care, that we also add a manufacturing policy to the United States plan for the future.

IN RECOGNITION OF COAST GUARD PETTY OFFICER FIRST CLASS LAVELAS LUCKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. First of all, Madam Speaker, I would like to associate myself with the words of Mr. RYAN of Ohio. He is absolutely right. And we can do better in this country with regard to the issues of making sure that we have a manufacturing base. Not only must we have a manufacturing base, but we must have an innovation base. And in order to have that, certainly we have to build up our educational systems throughout these United States.

Madam Speaker, I come before the House today as chairman of the Subcommittee on Coast Guard and Maritime Transportation to pay a special tribute to a true American hero, Coast Guard Petty Officer First Class Lavelas Luckey. Last week, a 33-year-old woman tragically lost her life when her car was struck from behind and pushed into the path of a garbage truck as she was preparing to drop her daughter off at a nursery school in Glen Burnie, Maryland.

Petty Officer Lavelas Luckey, an electrical equipment specialist at the nearby Engineering Logistics Center's Equipment Management Division at the Coast Guard Yard in Curtis Bay, Maryland, happened to be in the area at the time. And he immediately sprung into action. According to authorities, after realizing people were still in the badly damaged vehicle, Petty Officer Luckey immediately pushed through a crowd of onlookers and pulled the 5-year-old girl from her car seat minutes before the car burst into flames. The little girl's mother was freed from the car by a police officer.

Unfortunately, the girl's mother, Christine Schoppert, was pronounced dead at the scene. Thankfully, however, the child survived the crash and was immediately taken to the Johns Hopkins Hospital with life-threatening injuries. Recent reports indicate that she is improving. My prayers, and I know the prayers of this Congress, are with the family of Christine Schoppert and her daughter as she begins to make what we hope will be a speedy and complete recovery.

I'm extremely grateful that I have a chance to thank Petty Officer First Class Lavelas Luckey for putting his own safety at great risk in saving this precious young life. After speaking to his commanding officers and fellow members of the Coast Guard, none of them were surprised by Petty Officer Luckey's actions. Petty Officer Luckey has been described as being an extremely dedicated member of the United States Coast Guard—and as a great human being. These are powerful words that should not be taken lightly. Far too often we look to the red carpets of Hollywood and our local football stadiums to find our heroes while overlooking the individuals who perform truly heroic actions in our own neighborhoods.

I take my hat off to Petty Officer First Class Lavelas Luckey for his act of bravery and applaud the entire United States Coast Guard and the rest of our armed services for their efforts to protect this country from all harm. I also extend a special salute to all of the Nation's first responders who risk their lives every day to save others.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-35) on the resolution (H. Res. 229) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

OUT-OF-CONTROL SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Madam Speaker, I appreciate this opportunity to be able to speak this afternoon to the American people about something that has been on all of their minds for the last 5 months, and that is spending, the out-of-control spending that they see occurring here in their Nation's Capital. And they are worried. They are worried, Madam Speaker, about what they are seeing.

And there is an old adage that we have heard as a precursor to a joke. Since we have been children, we have heard the adage that asks a simple question: What comes first, the chicken or the egg? And we ask that question in public policy: What comes first, spending or taxes? And clearly, spending is the precursor to taxes. And what we have seen the Obama administration and the Democrats who currently control both the House and the Senate embrace is a new initiative never seen before in the history of our country, a level of spending that is unprecedented.

Joining me now in this hour that we have to speak to the American people is one of our new freshmen. His name is Mr. JASON CHAFFETZ. And he hails from Utah's Third Congressional District. We are very excited to have him join us and to have him speak now to this body and to the American people on spending and what that means for our economy. Mr. CHAFFETZ, I yield.

Mr. CHAFFETZ. I thank the gentlewoman. It is a pleasure and honor to serve in the United States Congress. I'm a freshman here. I didn't create this problem, but I am here to help

clean it up. I argued for a long time that the Republican spending was far too egregious, that we were spending far too much money and continued to propel ourselves into debt that was unsustainable and unacceptable in my opinion.

It is funny, though, that as I hear the Democrats argue that while there was all this out-of-control spending when the Republicans were in charge, that somehow that has changed, that somehow deficit spending has changed. It has not. It is partly what got us into this problem.

We, on an average day, have added \$2.8 billion to our national debt since January of 2007. That doesn't count the stimulus. That doesn't count the bailout. That doesn't count any of these nearly \$2 trillion, trillion, of additional spending that we have seen this Congress all too often just quickly go off and give away.

We cannot run this government on a credit card. Our families can't do that. My family can't do that. The American people can't do that. This Federal Government has got to stop doing that. We don't have a revenue problem in this country for our Federal Government. We do have a spending problem. We have a huge spending problem.

I remember when I was in college, not too long ago, but it was a while ago, and I had my monthly stipend for the month. And at about week 3, I ran out of money. And I thought I will just call mom and dad and they will just send me the money. So I called up and talked to my mom. And she said, no, I'm sorry, you're going to have to figure it out. And my dad, whom I really didn't want to call, said, you had your allowance, you have got to learn to live within it. It is one of the most valuable lessons that I ever learned. I learned more about Top Ramen noodles than anyone in this country in that week. And it was a good thing. It was a healthy thing. It made me reprioritize what was important. And it made me think through what was a priority in my life, that I couldn't just go on the credit card and continue to spend more money.

The primary reason I ran for the United States Congress is because I care about the future and because we are on a trajectory that is unsustainable. Until we return to those core principles of fiscal discipline, limited government, accountability and a strong national defense, we will continue to suffer as a Nation. And right at the top, right at the top of that list is fiscal discipline. Because there are things, there are roles and responsibilities that our government has to execute on. And we can all point to failures. We can all point to successes. But fundamentally, the spending in this Congress, the spending that is proposed by the Obama administration, is simply unacceptable.

We cannot be all things to all people. And my concern is that the rhetoric is not matching the reality. I sat right here at in this Chamber, row 7, thrilled and honored to watch the President of the United States address the joint session of Congress. He asked in that session that we present appropriation bills free of earmarks. And yet the very next day, it hadn't even been 24 hours, the House of Representatives passed a bill with more than 8,500 earmarks. I'm proud to say I voted "no" on that. There was a presentation that said that they wanted more openness, that we wanted more transparency, that we were going to get 5 days to review a bill online, that the American people would get to see what is in these bills, and that we as a body here in the House of Representatives would have 48 hours, 48 hours, to be able to see what is in a bill before we voted on it. It unanimously passed this body in a resolution. And yet just over 12 hours later, we got the single largest spending bill in the history of the United States. It was more than 1,000 pages. We had just over 12 hours.

That is not openness. That is not transparency. And the consequence is this out-of-control spending. It was \$1 trillion, a number so big it is not even fathomable. And now we look and we hear people say, well, 95 percent of Americans are not going to pay one dime more in taxes. That is not true. It is not true. American people, I hope you digest this, it is not true.

The so-called carbon tax, or the cap-and-trade, is a tax that will be paid by 100 percent of Americans, 100 percent of Americans. If you consume or use any form of energy, you're going to have to pay this tax. Now, I want to take care of the environment. I care about the environment. But this is simply not the time and the way to do it. And if you look at this chart here, what is sickening to me and our future is what is going to happen with our debt. Based on the President's presentation, based on the spending plan that he has put together, based on the President's budget, we are going to double, double, our national debt to \$20 trillion. Somebody has to pay that. It is the American people that are going to pay that, my kids and their grandkids. We have got to cut the size and scope of government. We cannot be all things to all people.

Somehow, some way, we have got to find a way to be disciplined enough to say, enough is enough. Let's prioritize those things that are most important that we have to do to protect and take care of the American people. But we cannot continue this out-of-control spending.

Just over 10 years ago, our Federal budget was \$1.5 trillion. Now we are over \$3 trillion on our way to \$4 trillion. And that doesn't count the bailouts, the stimulus and the others who

are already beating the drum saying, we need more. No, you don't. We need to cut spending and cut back the size and scope of government, because in my opinion this government right now is spending too much, the administration is taxing too much, and this administration is absolutely borrowing too much money.

□ 1530

Mrs. BACHMANN. I thank Representative CHAFFETZ from Utah's Third Congressional District, and what an honor to serve with you. What an honor to know that we have freshmen who have learned the true lessons of life, that you live on Ramon noodles rather than get money from mom and dad. That's where it all comes from. Our country is well served from having his representation.

Spending is the issue that we need to address right now. It comes down to a philosophical claim and a philosophical shift. That may not seem like much, but we are here debating ideas on the floor of the House of Representatives. And there is a big idea that we are grappling with right now: where are the answers to the problems that lie before our Nation? Where are those answers? Who is the best person to solve those problems?

What we have seen in just the last 50 days is a decided shift, a transformational shift, a groundbreaking shift from the way America has previously done business, and it says this. It says that there is a real belief that the genius of America lies in government, and that it lies in Washington, D.C., and that it lies with the Federal Government making more and more decisions over the personal areas of our lives. And that the Federal Government is far wiser with our money than the individual is with their own money, or that a private business is with their money, or a local community is with their money.

These are troubling times to be sure, but is the answer to be found in a larger government that comes about through greater levels of spending? Well, that is not what a Harvard study found back in about 2002. Researchers from Harvard made an exhaustive study, one of the largest of its kind done over a series of years. This is what they studied. They studied over 18 different economies across the world. Of course not all of them are free market-based economies like America's economy. It was the whole gamut of economies across the world, and they asked a very simple question and one that would be prudent for us to look at now as we are engaging in this economic debate, and it is this: What are the courses of action that causes an economy to climb and to grow and to find prosperity? Just exactly what we are trying to find now here in the midst as we grapple with these very

real problems. What is the way out? And conversely, what is not the way out? What causes economies to contract, to fail, to have hyperinflation ensue, to see a misery index go up? What is that policy? And this is the result. I think for the common sense quotient that makes up most Americans today, the answer is not real startling.

This Harvard study from 2002 that looked at 18 different economies said this: When nations have contracted their spending, when they have brought their spending under control and reduced their spending, when they have lowered the amount of spending that they pay for government wages so they aren't increasing government public wages, in fact they are lowering government wages, and when those same economies cut taxes for the people of the government, then you see the economies turnaround and you see the economies thrive and you see the economies grow.

The study also found just the converse. It found that where nations decided that the answer to the economic problem would be to grow spending, in fact dramatically increase spending, to increase wages for public employees in the government sector, where taxes would be increased on the people and burdens would be heaped up on both businesses and on private individuals, again the common sense quotient that makes up the great majority of American people won't be surprised by the results from this Harvard study.

These are the results: the results are when governments decide to dramatically increase spending, as the current Obama administration and the current Democrat-controlled Congress is about to engage in and in fact have engaged in, then government economies at that point fall into a spiral. It becomes negative, the revenue that comes in, and there is not growth out of the economy.

That only makes sense because where do governments have to go to finance what they have to do. There is one place that they have to go, and that is in my pocket and in the pocket of the American consumer and that is in the pocket of private industry.

Now there are some nations that don't allow for private industry. They have government-controlled economies. We have seen that in the living laboratory of the last 100 years of history across the world. We have seen the engine, the greatest engine of prosperity known to man through the annals of history which would be the United States free market capitalist-based system.

You look at the dramatic growth and increase of standard of living, opportunity and freedom, it has occurred on America's watch from 1900 to the year 2000. You saw dramatic growth and wealth creation like we have never seen before in the history of the world.

In fact, up until about 2006, we saw the greatest wealth enhancement in recent times. Under six of the eight years of President Bush, we saw some of the greatest increases in private wealth enhancement than we had ever seen in all of history. How did that happen? How did that occur? Well, it didn't occur because of dramatic increases in government spending. Where it occurred was the genius of private wealth creation. That is what America has given to our people. We have given the genius of freedom which in turn has given us the genius of prosperity and the genius of private wealth creation. It is what I wish for my parents. It is what I wish for my children. It is what I wish for my neighbors, that they would have private wealth sufficient to be able to satisfy not only themselves, but so that they can give out of their bounty to others. And that is what we have seen occur in this country, and the genius of wealth creation in private hands that has led to some of the greatest levels of compassion and of charitable giving that we have ever seen in the history of our country.

But what has been the response of the Obama administration? President Obama in his State of the Union address stood in this Chamber addressing this body as well as the United States Senate and the American public. And he said very simply and unashamedly, he planned to cut the deduction that Americans can take for charitable giving.

Now I don't know about you, but I think it is very good, Madam Speaker, to encourage Americans to give more money to the charity of their choice. Whether it is their local church, and local churches and religious groups were the groups which began America's hospital system. In every community across the United States, we boast wonderful hospitals—Presbyterian hospitals, Lutheran hospitals, Catholic hospitals, Baptist hospitals. Denominations saw to it that in their local communities, they weren't just meeting the needs of their parishioners only—only of Catholics, only of Presbyterians, only of Lutherans—they saw as Christ reached out to the infirm with his own hand, that they wanted to reach out in a charitable context and reach the needs of people beyond their own denominational doors, reach out to literally give a glass of cold water to those who were infirm, and meet the health care needs of those in their community.

I worry, Madam Speaker, I fear, Madam Speaker, that as President Obama is seeking to cap the gift giving that Americans will now be able to do to their local churches, to their local hospitals, to their local charitable institutions, that we will see these great givers of gifts, local charities, dry up. Why, because the Federal Government, the philosophical direction that Presi-

dent Obama has taken is that he believes the Federal Government can do a far better job spending your money than the American people can spending their own money. Madam Speaker, I beg to differ. No one spends their money better than the individual, and no one needs their money more right now than the individual. No single mother needs their money more right now than that single mother who may have three kids, who may have four kids.

I know personally in my own life when my mother found herself a single mother after a divorce that left her with four children, she had to take a low-paying job because she was determined that her children would be fed, sheltered and clothed. There wasn't much money available. We went immediately overnight from being middle class to being below poverty. But I had a mother who was determined that her children would have shelter. We didn't have a home any longer in the suburbs. That had to be sold. But we had an apartment, we had somewhere to live, and my mother made sure that she worked. And I began at about age 12 getting baby-sitting jobs. My brothers got newspaper routes. We did what families are doing today. They are doing whatever it takes so they can survive so their children can have a meal tonight when they come home from school. They are doing whatever they can.

So, Madam Speaker, it strikes me as cruel that a philosophical decision has been made by the Obama administration and by the Democrat leadership that runs both the House and the Senate now in Washington, D.C., every lever of power today is controlled by the Democrat majority, and that decision has been made. Clearly it has been made affirmatively, and it has been made time and time again in the last 50 days of this administration. And it has been that we need to spend more money which in turn will mean the poor American people will have to be taxed almost into poverty to pay for this profligate spending.

Madam Speaker, I would ask: what is this emergency spending that the President believes must be done to save the economy? And I think, Madam Speaker, that it would sicken the American people if they knew what some of these spending projects are. Here are some among them. My colleague, Representative JASON CHAFFETZ of the Third Congressional District of Utah talked a little bit about the stimulus bill that is costing the American taxpayers well over a trillion dollars with debt service.

We received that bill and had only limited hours to be able to debate and vote on that bill. But the nasty little secret, Madam Speaker, that the American people are sadly learning is that not one Member of Congress was given

an opportunity to read this bill before we were asked to vote on the highest spending bill that has ever come before this body. Ever in the history of man, no one has ever spent in one fell swoop a trillion dollars before in a spending measure. And the Members of this body, the people's representatives, weren't even given the courtesy of reading this bill which broke every promise that was made to the American people during the course of the last election.

On the campaign trail, we heard over and over again from then-Senator Obama that he wished to give the American people 5 days to read these bills online so the people's representatives would have time to read these bills before we vote on them. He wanted to ensure complete transparency, complete openness. We cheered President Obama when we heard that, and we are sadly disappointed that President Obama has chosen, together with the Democrat leadership that runs Congress, that they did not want, that they were so ashamed, could it be, of the stimulus bill, we don't know what their motives were, we don't know. But what would lead them to keep this bill in hiding?

As a matter of fact, there isn't one Republican word in the trillion-dollar spending bill, not one word of bipartisan support. There were some offers of bipartisanship that we heard in the press, but no real extending of the hand to the American people to have true bipartisan intervention in this bill.

As a matter of fact, President Obama came over to meet with the Republicans, and we were so delighted. When President Obama came over to the Capitol, the Republicans in the House came together. We welcomed President Obama. When he came in our closed-door meeting, we prayed for our President and we promised him that we will pray for him at every meeting and that we will also have an open door to him. We have an eternal olive branch held out to President Obama because we want to be able to work with him. However, what we saw was that olive branch was not extended to the House Republicans.

□ 1545

We were not invited to those negotiations. As a matter of fact, the ranking member, the House Republican, lead member on the House Ways and Means Committee—and that would be Ranking Member U.S. Representative DAVE CAMP from the great State of Michigan—he said he was walking to the rotunda, and never in his career here in Congress has this ever happened to him. He walked past Senator HARRY REID, who was at a microphone announcing that a deal had already been struck in negotiations on the stimulus bill. Where was Representative CAMP going? He was going to attend the conference committee that was supposed

to come up with the agreement on the stimulus bill. Representative CAMP, the Republican, hadn't even yet made it into the conference committee meeting and Senator HARRY REID was already at the microphone announcing that an agreement had been made.

The Republicans had been had. But what was worse, Madam Speaker, the American people had been had because there was no bipartisan agreement. We questioned President Obama. One of our Members, Representative ROSCOE BARTLETT from the State of Maryland, said, Mr. President, I have lived through the Great Depression, I have seen it. What evidence do you have that this radical spending and radical government intervention into a troubled economy will be able to pull our economy out of these current doldrums? Because it's never occurred before in the history of America where radical spending has literally brought us back to American prosperity. Prosperity does not follow spending. Prosperity follows the belt tightening that government has to do so the American people have more of their own money to spend.

When our Member, Representative BARTLETT, asked this question of the President, here was the President's response; he said, I disagree with your premise. He said, I believe that the problem with President Roosevelt is that he failed to spend too much in the 1930s. I, for one, was incredulous, Madam Speaker, when I heard President Obama say that he believed that President Roosevelt failed to spend too much to bring the economy out of the doldrums. That was amazing. No President has ever intervened more, has ever spent more. In fact, many historians agree that what was a recession that President Roosevelt inherited turned into a Great Depression. And we don't want to see that happen again for the sake of our children, for the sake of the United States economy.

And then the question was asked about taxes to our President. He was asked about the massive tax increases that will surely result as night follows day from all these dramatic spending increases. And President Obama said simply this—he was attempting to be humorous, and he said, Well, I live down the street in a very nice house, Pennsylvania Avenue, 1600. I really like it there. And he said, I don't have a lot of expenses and I don't pay property taxes; I can afford to pay a little more. And again, I was incredulous by that statement. It almost reminded me of Marie Antoinette when she said, "Let them eat cake," meaning that the rest of us aren't living in public housing, the rest of us are struggling with the day-to-day expenses that we deal with. We are all in need of as much money as we can keep in our own hands, not sending it on to the Federal Government.

We have joining us in the Chamber right now another representative from the great State of Missouri. His name is TODD AKIN. And TODD AKIN has long been a champion against dramatic increases in government spending. He has long called on this body to get its house in order. And I will now yield to the gentleman from Missouri.

Mr. AKIN. Well, thank you, gentlelady. It's a treat to be able to join you this afternoon on the topic that I think arrests the attention of Americans everywhere, the state of our economy, and what should and could the government be doing about it?

If we just back up a small amount and try to frame the question, we go back to a time, a number of years ago, when there were created these Freddie and Fannie quasi corporate entities. And what happened was, under President Clinton what happened was that they decided they were going to increase the number of loans that were going to be made to people who couldn't afford to pay their loans—which is a little bit of a risky thing. And so we created these entities and we issued a whole bunch of loans to people.

And while the real estate market was doing well, it looked okay on the surface. And then, as everybody knows, what happened was the real estate bubble popped, and now all of a sudden you have this socialistic kind of policy that was implemented by the Democrats that was supposedly to help people with loans, and now the whole thing is collapsing and people say, well, this is a failure of free enterprise. It's not. It's a failure of another one of these government programs that's trying to take two plus two and get eight out of it. So that's essentially what happened.

If you want to take a look at the New York Times, you can look at September 11, 2003. And you can see what happened in 2003, and that was the President, President Bush at that time, was saying, hey, we've got problems with Freddie and Fannie, you've got to give me authority to regulate these guys. And a Member of the House here, Congressman FRANK, said there's no trouble with Freddie and Fannie. A couple of years later it turned out he was radically wrong, and now the whole world is in an economic tailspin because we had these loan programs. Well, that's where we are.

So the question then becomes, what should we do? Well, obviously we shouldn't keep making loans to people who can't afford to pay them. But the other thing that you know in a recession is this; you don't want the government spending too much money. Well, why would that be? Well, because there is an effect that goes on. When the government spends too much money, it's like a big vacuum, it sucks that liquidity out of the regular private sector. And the private sector are the very ones that have to fix the problem.

To get the economy going, you've got to get the private sector going. The government can do anything it wants, it can do hand springs and all this sort of stuff, but the government makes no wealth whatsoever, all it does is spend wealth. It can print money, it can tax people, it can spend money, but it doesn't create prosperity, it doesn't create efficiencies. It simply can hamper the process.

So what's going on here? You've got two basic theories about what you do in a recession. One of them was started by FDR. And he had a guy, this fellow here that I have a quote, his name was Morgenthau. Morgenthau was Secretary of Treasury under FDR—and this is the first theory of what to do. And Morgenthau's idea was, we're going to spend a whole lot of money to stimulate the economy, and that will make everything better—because we're starting to enter into a recession back in the 1930s. And so Morgenthau, along with this Little Lord Keynes—who was a little weird—came up with this idea that they were going to spend a whole lot of money. And so they did it. And here at 1939, after he's done this for 8 years, Morgenthau meets with the Ways and Means Committee, and he takes a look and says, we've tried spending money. We've spent more than we've ever spent before, and it doesn't work. I say after 8 years of the administration, we have just as much unemployment as when we started, and enormous debt to boot. So that's one theory. The theory is—and this is one that the liberals have always liked because they love to spend money—is if you spend enough money, you can get out of trouble.

It's a little bit like if I were to tell those of you here today, reach down, grab your shoe laces and lift hard and fly around the House Chamber. That's what this is like doing. And, you know, there isn't hardly an American family I can think of that's dumb enough to support this idea, and Morgenthau finally figured it out in 1939. There's not an American family that would say, when you're in economic trouble, go buy a brand new car, spend money like mad because maybe things will be better the next day. We just know intuitively, when you get in trouble, you've got to hunker down a little bit. That's what you do in Missouri, you've got to hunker down and use a little common sense. So this theory doesn't work.

Now, what's the other approach? What do you do when you have a recession? Can the government do anything? Well, it can. What it should be doing is not spending so much money, which is the topic of the congresswoman's discussion this afternoon. We're doing the wrong thing, we're spending too much money. The reason that that doesn't work is it pulls money out of the basic, particularly out of the places in the economy that need to have money in order to create jobs and productivity.

So, you see, jobs here, they had a big problem with unemployment. Eight years of government spending, they still had a big problem with unemployment. Now, what we've done is spent money like mad in the last couple of months, and people say, I'm not sure it's going to work. The stock market is saying, I don't think that's going to work. And history says, I don't think that's going to work. And the Japanese tried it and they say, that didn't work for us. You don't want to go spending a whole lot of money when you're in trouble.

What do you want to do? Well, here's what you want to do. You want to make sure particularly that the small business people have enough liquidity to get their companies going. And so what you want is policies that are going to keep money in small businesses so they will invest because 80 percent of the jobs are in small business. You've got unemployment? You want small businesses going like mad to create more jobs.

And so how do you do that? You let the small businessman keep money so that he can plow it back into the business, create the jobs that create the productivity. You need people who are entrepreneurs and who are inventors and investors. You want those people with the liquidity to be able to get the economy jump-started. And that means the government has got to stop spending money.

Well, what way are we spending money? Wow, we're really spending money. This last thing that they called the stimulus package—I call it the porkulous package—I'm on Armed Services, we deal with things like military things. And one of the biggest, most expensive things in our budget is called an aircraft carrier. We have ships surround them to protect them. We've got 11 of them. They're really expensive and they're really big, and we protect them because 11 of them are very valuable. And they cost about \$3 billion apiece.

So what we passed in the House, do you know how many aircraft carriers you could buy for the money we borrowed that our kids and grandchildren have to pay back? You could make 250 aircraft carriers. Can you picture 250 aircraft carriers in a row? That's an incredible number. Or if you want to look at it a different way, you've heard us complain, you've heard the media complain about how big the spending was in the war in Iraq and Afghanistan. Add the spending in Iraq and Afghanistan together totally for both wars, add it up. Well, we spent more than that in the first 5 weeks we were here in Congress this year. That's a lot of spending.

And now here we've got, on top of that, here's the President's tax increases for 2010. And what exactly does this big tax policy do? One, this is cap

and trade. What this is is global warming, which means your electricity and your power is going to be more expensive. Guess who uses that? Small businesses. This is going to be hammering not only to small people, not people making a lot of money, the little guys. You have to pay an electric bill? You're going to get hit with this tax. This bit about this is just for rich people is baloney. If you have an electric bill, you're going to pay this tax.

And this one over here is on small business. Both of these things affect small business. This is exactly the wrong thing to be doing. Tax increases is not what we should be doing. We should be going in the opposite; we should leave the money in the small businessman's pocket to create the jobs.

And the gentlelady, Congresswoman BACHMANN, I really appreciate you taking some time to talk about the economics because this is on the minds and hearts of Americans. I appreciate your sharing a little bit of your time on the floor with me.

I see you have some other distinguished colleagues here that are very qualified to talk on this subject, so I don't want to rattle on too long. But I thank you very much for giving me a few minutes.

Mrs. BACHMANN. Thank you for yielding back.

The gentleman from Missouri, TODD AKIN, is so well respected in Missouri for a reason; he's a great historian and a lover of history. And I had done some reading myself on depression-era economics because that's really, I think, a very important area for us to look at right now when you look at the parallel and compare and contrast between the policies that are being implemented today and the parallel nature that they have with the 1930s. Eleanor Roosevelt said that there were only two people who could say anything to her husband and cross him; one of them was Henry Morgenthau. And Henry Morgenthau, the United States Treasurer, as Mr. AKIN had stated, was one of the people who came to the very clear conclusion that overspending had been a huge mistake. And that is the focus of this Special Order hour this evening is on spending. And we saw that, throughout the 1930s, a misery index unlike any other had been created because of rampant out-of-control spending. And Henry Morgenthau said—probably the person who could testify the best to that level of government intervention—it was wrong, it was a mistake, it didn't work. And the one thing we know about history is if we don't learn from it, we will live to repeat it.

And I believe, Representative AKIN, you can correct me, that it seems that you are saying clearly to the American people, let's not, President Obama and the Democrats who run the House and

Senate here in Washington, repeat that same mistake.

I will yield to the gentleman.

Mr. AKIN. I think you're absolutely right. And that is definitely my point. The point is it was tried under FDR. You can at least say they were trying a new theory of how to get the economy going. And they tried it and it didn't work and he made it clear it didn't work. And now, apparently the Japanese didn't learn too much from our history, so they tried it for 10 years, did all kinds of government spending like mad, and they basically wasted 10 years of the productive use of their own economy because the Japanese knew it didn't work.

And the thing that's ironic is, not only do we know what doesn't work, we know what does work. JFK and Ronald Reagan, both of them did the right kind of tax cuts. The economy turned around. We had long periods of very productive, good economic times in America because they did the right thing. Why don't we use the good example? Well, I think part of the reason is because we have a mindset now in Washington, DC, that big government is God and it knows better how to spend our money. And we just like spending a whole lot of money, but it's not what's going to make the economy better. And there are going to be more and more of your and my constituents who are going to be suffering because they don't have jobs, they've got mortgages that are too big, and they're really feeling the squeeze.

And it's a shame when you can't learn when history is staring you right in the face. But I really appreciate your putting the focus where it belongs in this excessive government spending. And you can take a look at billions and billions of dollars—and the numbers just seem so big, but when you put it in perspective, the whole war in Iraq, the whole war in Afghanistan, added together, spent by this House in the first 5 weeks of this year, that's a lot of money, that's an awful lot of money. But I do see we have some experts on the floor, and I thank the gentlelady for yielding me time.

Mrs. BACHMANN. I thank the gentleman from Missouri again, Mr. AKIN.

And this is a tremendous historic shift in philosophy that has occurred in the last 50 days. Again, the Obama administration, what's occurring—and this just came out in the Washington Times, "The world loses over \$50 trillion." The markets are responding, the markets aren't happy.

□ 1600

When they take a look at this massive government spending and, as Mr. AKIN had said, the new shift that says that government is God, what we are doing now is we are embarking on a new level of tyranny never seen before in the history of this country. And

that's really the divide: liberty/tyranny. There is a constitutional scholar, Dr. Mark Levin, who's writing a book that's about to come out that talks about that chasm between liberty and tyranny. America was birthed out of liberty. We want to make sure that that continues.

And a cradle of liberty was the great State of Tennessee, and hailing from the Second Congressional District of Tennessee is Mr. JIMMY DUNCAN, one of the great gentlemen of this body, Mr. DUNCAN, with his words of wisdom on spending.

Mr. DUNCAN. I certainly want to first commend the gentlewoman from Minnesota. She has been a real leader in the Congress here in attempting to call attention to the great problems that we're going to face if we don't get our fiscal house in order.

And she just showed an article from the Washington Times. Just yesterday there was another article in the Washington Times that said the Polish currency had dropped 60 percent in value since last August and the Ukrainian currency had dropped in value 43 percent just since last September. And those are the kinds of things that we're going to face.

A few years ago, I was told that in Argentina, they got into such bad fiscal or financial shape that suddenly they had to start raising the prices in the grocery store every 4 hours. And the American people, I don't think, realize how tough and how difficult and how extreme our problems are going to become if we don't get our fiscal house in order.

It's mind-boggling, in fact, it's incomprehensible, that Congress voted a few months ago, and we voted against it, but they voted to raise our national debt to \$11.315 trillion. And nobody can really comprehend a figure like that, but what it really means is that it's not going to be long at all before we're not going to be able to pay all of our Social Security and veterans' pensions and all of the things we've promised our own people with money that will buy anything, and people are going to face some really tough times if we're not careful.

Some of our leaders are looking dreamily back at the New Deal, and our colleague from Missouri just gave a quotation from one of President Franklin Roosevelt's Cabinet members. What we are doing now is, unbelievably to me, astoundingly to me, we're almost making Franklin Roosevelt look conservative by what we're doing. And I have talked about debt that we have. Under the administration's most optimistic predictions, we are going to add \$4 trillion more to our debt over the next 3 years. I'm in my 21st year in the Congress. I never believed that we would be facing the kinds of deficits and debt that we're taking on and facing over these next 3 years. So I want

to commend our colleague from Missouri, Congressman AKIN, for his remarks. I heard a lot of the things he had to say, and I know that Judge CARTER, our colleague from Texas, is going to speak shortly, and I'm going to just take just another minute or two. But I think this problem that's being discussed here is so very important, we can't emphasize it enough because it overrides and affects everything else that we are talking about here in the Congress.

David Walker, who's the former head of the GAO, has been going all over this country over the last few months trying to be a Paul Revere and sound the warning about what we're facing and what we're getting into, and he talks about the \$11 trillion debt that we have, as mind-boggling as that is.

But what is even worse, in one of the Capitol Hill newspapers today, he has a column and he mentions, as he has mentioned before, that we have over \$56 trillion of unfunded future pension liabilities. Under our law if a private company sets up a pension plan for its employees, it has to fund it, and its leaders can be put in jail if they don't fund those private pension plans. But our leaders, we've done this very thing over these last few years. It started with the Great Society because President Lyndon Johnson didn't think people would stand in the late 1960s for huge deficits at that time, but what we did back then was just nothing, was minuscule, compared to what we're doing today.

We talked about the New Deal. A few days ago in the Washington Times, 203 leading university economists signed a full-page ad, and they said this:

"We, the undersigned, do not believe that more government spending is a way to improve economic performance. More government spending by Hoover and Roosevelt did not pull the United States economy out of the Great Depression in the 1930s. More government spending did not solve Japan's 'lost decade' in the 1990s. As such, it is a triumph of hope over experience to believe that more government spending will help the U.S. today."

These economists, as I said, 203 leading university economists, continued and said this: "To improve the economy, policymakers should focus on reforms that remove impediments to work, saving, investment, and production. Lower tax rates and a reduction in the burden of government are the best ways of using fiscal policy to boost growth."

Unfortunately, we're going in the opposite direction now, and it is a very dangerous road. We're going down a socialist path, and socialism, my colleagues, has never worked anywhere in this world. If it had, the Soviet Union and Cuba would have been heavens on Earth. Instead, every place where we have let the government get too big

and get out of control from a financial standpoint, we have ended up with a few elitists at the top, almost no middle class, and a huge starvation or underclass. That's the only thing government is good at is wiping out the middle class.

And what we have got to make more people realize is this: There's waste in the private sector, I recognize, just like there's waste in government. But the waste in the private sector pales in comparison to the waste that is in government. So every dollar that we can keep in the private sector does more to hold down prices and create jobs than does any money that's turned over to government, and that's been proven all over the country. And the best way we can help the poor and the lower income and the working people of this country is by keeping more of our money in the private sector where it will be spent much more economically and efficiently than it will be if we turn it over to the government.

I know there are others that want to speak, and I have taken up more time than I should have, but I once again want to thank the gentlewoman from Minnesota for taking out this Special Order and for all the good work that she does in this Congress.

Mrs. BACHMANN. I appreciate the gentleman from Tennessee's Second Congressional District, Mr. JIMMY DUNCAN. He's a tremendous gentleman of the South but also a tremendous fighter for the people, the common man, who understand how they have to run their own family budget. And they look at this Congress and they look at this current Obama administration, and they are shaking their heads. In coffee shops and barber shops and beauty parlors all across the United States, Americans are disgusted because they know in their own life, they can't begin to spend that kind of money and think that their family can possibly remain afloat. And they know that they are going to suffer, that their local neighbor is going to suffer, that small businessmen are going to suffer, and suffer they will.

But that does not have to be our story in the United States. It can be completely different. The House Republicans have a very positive solution to all of this, and we can come out of these economic doldrums very quickly, and the solution is this: If we would zero out capital gains, the taxes that you have to pay when you invest your money, if we would zero that out for 4 years, people would invest in this economy. And if we would take the business tax, it's the small businesses, after all, that create 70 percent of all jobs in the United States. If we would take away their crushing burden and, instead of the second highest tax rate in the world, give them about one of the lowest rates in the world, 9 percent, make that a permanent tax.

Right now all across the world, nations are scared to death financially. They want to go somewhere where they can invest their money. Imagine if we would make the United States the premier place in the world to invest for business creation and advancement. We would bring jobs into the United States, high-paying jobs. Zero out the capital gains tax, 9 percent corporate tax, and then lower everyone's income tax by 5 percent. And the death tax, the most immoral tax there ever could possibly be, that Uncle Sam would reach into your coffin at the time of your death and say now you pay taxes once again. Get rid of that tax. Get rid of the alternative minimum tax. Our problem would then be finding enough workers to fill all the jobs.

Someone who understands this very well is a southerner named Judge John Carter from middle central Texas, representing Texas's 31st Congressional District. He has been a champion. He understands the devastation of overspending, and he's here to bring that, Mr. Speaker, to our body.

Mr. CARTER. I thank the gentlewoman for yielding. She has done a wonderful job in expressing, I think, the mood of the country and the mood of the people in the country.

This weekend I had a great weekend. I opened up a park in one part of my district, then moved to another part of my district and opened another park. And then I went to something called a Daffodil Festival, which is put on by the elderly in our area to raise funds for their center. And there was a huge crowd there, and I just wandered around talking to people. I wasn't there to make a speech or do anything like that, just to talk. And it was amazing how much people wanted to talk about what's going on in Washington.

Maybe my part of the world is different from everybody's part of the world, but everybody that I talked to said we are scared to death about what we're spending our money on and how much of our money we're spending.

When you start tossing around trillions of dollars, those are numbers that the American people, it's so big, they don't conceive what it means. But when somebody gives them an example like it's a stack of \$1,000 bills 63 miles high or if you started giving \$1 million away on the day Jesus was born, you still wouldn't have given away \$1 trillion today. Those kinds of numbers make people say, wow, that's a lot of money.

The average person, they know what they've got in their pocket. They know what the government takes out of their check every month. At least most of them do. And they know what they care about. They want to live a life where they can live the comfortable life of being a free American, the life of liberty that we created when we found-

ed this country. And they see this spending to be enslaving not only this generation but generations and generations to come. And especially, especially, this is such a risk because we have the experience of the New Deal, which, according to the Secretary of Treasury Morgenthau, after 10 years, 9 years of trying, didn't work. He was the guy in charge of the program, and he said the spending didn't work.

Now, today there was a fact that came out and it was given to me as the truth. I don't know what the source was, but I think it is the truth, that we have now seen the most rapid fall in the stock market in American modern history, that history going back to 1900. Now, that means during the Great Depression the stock market didn't fall at the rate it has fallen now.

Now, I'm not telling people that to scare everybody because everybody is already scared. The truth is it's time for us to step up and say what would you do in your house if the ski was falling, as it seems to be falling in Washington, D.C. today? Most everybody would say, man, you know what we're doing? I'll tell you what we're doing. We're making sure we hold on to our jobs. We're making sure that we are going to have the resources to feed, clothe, and shelter our family first and foremost. We're going to take care of the basics, and we are not going to waste a dime in our budget.

I know waste is in the eye of the beholder, and, of course, I probably don't agree with many of the programs that the President has put into the budget and the stimulus package because we have a different view of government and of society. But I can tell you that there was so much put into the package that didn't even have a target to stimulate but rather was to promote an agenda which was a part of political promises that were made on the campaign trail. And when you're talking about three-quarters of \$1 trillion, almost, then you're talking about an awful lot of money being spent on promise and not on production.

□ 1615

What our job is here in Washington is to produce jobs for the American people.

Mrs. BACHMANN. I just wanted to give one illustration of this, and it caused me to think of this when you were speaking, if you take a look at just the money that's been spent in the last 50 days, just in the past 50 days, let alone the debt that the Comptroller General David Walker said the American people owe, which is \$53 trillion in unfunded Federal debt liabilities, just in the last 50 days, the Obama administration and the Democrats that control the House and the Senate have spent and committed and put a burden on the back of every American household, \$18,500, \$18,500.

So not only do the American people have to figure out how to pay their water bill and their electric bill, they have got to figure out how to come up with \$18,500 just to come up with the spending of the last 50 days.

Mr. CARTER. And that spending was new spending.

Mrs. BACHMANN. That's correct.

Mr. CARTER. That was new spending. You see, we are creating new spending. Well, just for example, we are expanding welfare spending by \$2.9 billion.

We were proud, and the Democrats and the Republican puffed our chests out when we said we fixed welfare in the 1990s. We did, but we turned it right back around in 2009 and put it right back where it was when we fixed it.

Mrs. BACHMANN. I think the American people would be shocked to learn, because the welfare reform that passed in the 1990s was with a Republican House and a Democrat President, President Clinton, has been dramatically effective to reduce even illegitimate rates and reduce welfare rolls and reduce costs to taxpayers all across the country.

I think the American people would be shocked to learn that all of those positive reforms have been repealed in one fell swoop. In the stimulus package the Obama administration rolled back the positive reforms that Republicans, working hand-in-hand in a bipartisan way, were able to bring about for the American people.

Mr. CARTER. Here we have got some other things that are curious, Barney Frank's Affordable Housing Trust Fund of \$1 billion. Here is one, this is something that concerns me.

And I am going to state this on the record so it's very, very clear, that I did not vote for the stimulus bill, and I will tell you why I didn't vote for the stimulus bill. I spent almost the whole night before that vote talking with the former chairman of the FDIC, and the question that he couldn't answer, the question I couldn't get anybody in this House to answer, including my President, the President from my party and the Treasury Secretary from my party, the answers I wanted were what exactly are you going to do with this money?

And they said buy bad assets and other things. It was the "and other things" that I didn't like. It was the "and other things" that said who in their right mind gives a blank check to anybody? I don't care who they are.

Mrs. BACHMANN. That's a tremendously powerful point that you are making, tremendously powerful. You cannot spend trillions of dollars and not see massive waste, fraud and abuse. In fact, it's so bad that a lawsuit was filed by Bloomberg Media to the Federal Reserve saying we would like the American people to see the data.

Who is getting these loans out of this \$350 billion, now \$700 billion, that have

been spent on these bailouts? Every day the Federal Reserve is spending money in bailouts, but no one knows. No one knows, no one knows who is getting these loans, what is it for?

The American people deserve answers. The American people aren't getting them, and that's the kind of immorality that occurs when we have dramatic spending like we have never heard before. This is real people, real people are paying out this money. This is no joke. These are people that literally will become slaves to the government in order to pay their taxes in future years, and this is a crime for the next generation.

Mr. CARTER. I bring this up because I want to point out that one of the things we are about to do in the omnibus is health care reform fund, \$634 billion. Now, what does that mean, health care reform fund?

Well, we don't know what it means. Just yesterday the President was asked, are you a socialist, and he said, in several different answers, no, he was not. And yet you hear people say it's for some form of single-pay socialized medicine, but you don't get any commitment that's what it for. In fact, it just says "fund."

Mrs. BACHMANN. I wonder if this bill will come to us the same way that stimulus bill came after midnight, and then we are expected to take up the debate at 9:00 in the morning. In fact, experts said we had 23 seconds per page to read that bill.

It was a slap in the face to the American people to spend that kind of money in stimulus, and now you are talking socialized medicine. This is nationalizing. This administration loves to nationalize every aspect of every American industry that there is. The health care industry, which could be 18 percent of our economy, in one fell swoop, could be nationalized.

Mr. CARTER. Even more important, the Constitution of the United States says the Congress initiates spending, not the executive, the Congress.

I have absolutely nothing against the President, this is not any criticism, any man sitting in that office, not just Barack Obama, but any person, male or female, and if you give them a blank check and they don't tell you what they are going to use it for—\$634 billion, then Congress is not doing its duty.

Mrs. BACHMANN. It doesn't matter which person is in that office, which party.

EXCESSIVE GOVERNMENT SPENDING AND WASTE

The SPEAKER pro tempore (Mr. LUJÁN). Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes.

Mr. CARTER. Well, it's hard to change from one bicycle ride to an-

other one, but we will give it a shot anyway and finish up what we were talking about on that spending.

I just want to tell a story to you about a little old, a real good little school that's in my district, Tarleton State University, who took on a project which was started by Congressman Stenholm and then later supported by me to do a little data mining on crop insurance. This is a relatively small but important program used in the farm community, crop insurance.

And they wanted to see if they could find, by doing data mining, waste, fraud and abuse. And, in reality, they found and actually, I guess, went forward on, prosecuted, \$500 million, a half a billion, \$500 million of waste, fraud and abuse in the crop insurance program. This is a little small but good university in central Texas.

They also, by going actually going after these people, turned around, they estimated, another \$1 billion worth of crop insurance fraud that was out there. Now, if Tarleton State University, this fine little school in my district, can go out and do a data mining project on a small program and find that kind of waste, fraud and abuse, what could we find in a put together rapidly massive spending program like we have been describing in the previous hour?

I think that's what the American people want this government to do. They want to find out where we are cheating and wasting the government and getting rid of it, and they want us to put together a tax structure that encourages businesses to hire people. I had a conversation, and this will be the last thing I will say on this, I had a conversation with a family, a Hispanic family, four or five, I forget, at that fiesta I was telling you I went to.

They were talking about one of them lost his job, the other two had gone on reduced hours, and you know what their comment was? They made a joke about I haven't received my check yet, about the famous percentage check they thought they were going to get.

And then they laughingly said and got serious, they said, we don't want a check, we want a job. And we want something to turn around to where people want to keep their jobs open. Let us work a full, 40-hour week. We want to work. We are not looking for a handout.

I really think that's the American people and that's what they stand for, and I think that is our challenge that we go forward on that. But today there are some other issues that I think there are issues that go hand-in-hand with what we are doing with the economy, because in reality, the real issue of what drives the markets and what drives the confidence of the American people support the trust issue.

It's can we trust the people we put in charge of this mess in Washington to

be doing this thing as straight and as straightforward as they honestly can without any particular person or agenda or personal profit from the procedure, but, rather, to be doing the best they can for the American people. Can we trust them?

And that's really what we are up here about. You know, when I ran for Congress, I made the statement, which I was loaned from JOHN CULBERSON, his campaign, that it's all about who do you trust to go a couple of thousand miles away from home and do what they say they are going to do.

Well, that's the real issue. The real issue is trust. If we start to see it, and in the last Congress, our colleagues on the other side of the aisle, they came up with the culture of corruption and used it very effectively to defeat Republicans and raised issues, certain issues that ended up with people going to prison, and I understand that.

But that doesn't mean when we change that those issues all of a sudden don't matter any more to be discussed, because they need to be discussed, and we have issues right now that are destroying the underpinnings of trust that the American people have for those who are in charge.

And I have, on a couple of occasions prior to today come in and talked about the Rangel rule. I was interested to see this morning on the news, some gentleman wrote in to the IRS that he had failed to pay his taxes and he was going to catch up when he could. Until that time, he was exercising the Rangel rule, and he named three or four other people's rule, and that he didn't expect to pay penalties and interest when he got caught up with his taxes.

Well, I didn't tell you that was the law, I told you that's what I thought the law ought to be. But the point is somebody gets it, that's not fair. Somebody gets it, how can you trust somebody when they get special privileges and you don't?

Then I picked up this morning's newspaper, Roll Call, and I find that we have got another issue that ought to be talked about, and these are people that we work with and we respect, and there may be an explanation, but I think we are owed an explanation. Congressman MOLLOHAN, according to this morning's paper, his family foundation received \$75,000 worth of free rent from a group that he helped start and he got millions of dollars of earmarks for so they could exist, and he got \$75,000 worth of free rent for his family foundation.

I don't know if that's a bad thing or a good thing, but it doesn't sound right. It doesn't meet the "taint right test." Maybe it does meet the "taint right test," and something needs to be explained.

I am not calling anybody corrupt, like we were called corrupt, which, by the way, irritated the heck out of me. But, I am saying it ought to be explained, and I am saying that it is part

of what I have been talking about, that there is accountability that's required of folks in this House.

Besides the things that I have raised against Chairman RANGEL and the taxes, there are those and other things. I have a poster over there, which I guess I am not going to put up, I forgot to, but it shows a long line of people waiting in New York City to sign up for rent-subsidized apartments.

And by Mr. RANGEL's own admission on the floor of this House, he had four rent-subsidized apartments—and I understand none of which qualified to live in—that he knocked out walls and made it into one big apartment and a campaign headquarters in a building where lines were going around the corner for families who were entitled to live in rent-subsidized apartments were waiting to get in.

I think that needs to be more adequately explained than it was. Just by turning yourself into the ethics department does not mean that you have answered the question.

□ 1630

So these issues are issues that are with us. They are issues that, if we are going to talk about trust in Washington, we have got to also be able to talk about trust from the American people about the activities that are going on in Washington.

We learned that the Chief of Staff of the White House, Rahm Emanuel, he lived rent-free in an apartment that was owned partially by one of our Members, Ms. DELAUNO, but also owned by her husband, who the DCCC, which Rahm Emanuel is in charge of, gave \$500,000 in projects to do I think it was surveys and such and so and so. So, he benefited of a value of \$100,000 worth of free rent over a 5-year period of time, and it can be argued that he gave contracts to the people that he benefited from. Now, maybe that's not what happened.

You know, I used to tell juries all the time—for 20 years, I looked every juror in the eye and said, You're not to read anything about this case in the newspaper, watch anything on television, or listen to anything on the radio about this case. Because, believe it or not, sometimes the newspapers get things wrong. And they would all laugh because they knew that was the truth.

And I'm just saying, we have at this time probably the biggest crisis in American history, certainly in my lifetime, and I have been around much longer than the Speaker has, and I can tell you that this is the biggest crisis. And I had a man, one of the most highly respected former Members of this body, both sides of the aisle respect and love him—I won't use his name because I don't want people to know how he feels—but he said, Never, in all the things I have been through, war, recessions, and other things, have I ever

been so concerned for the future of my country as I am today.

When that kind of statesman makes those kind of statements, we are in a time where at least it is the feeling of our Nation that we are worried about the future. And we are worried and want to trust those we have put in office. And I want them to be able to trust us.

So, I am saying when I raise these issues, these are issues that cause more distrust. And they need to be responded to, and they need to be resolved. Quite frankly, they need to be resolved, in many instances, by a body of this House—the Ethics Committee. The Ethics Committee needs to function.

And I don't know if the American people would think, if they don't know the Ethics Committee, they would say, Why wouldn't it function? I don't know. I'm not on the Ethics Committee. But I can tell you this. It's a committee made up of 50 percent Democrats and 50 percent Republicans. If everybody votes their party line, nothing happens, because it's 50-50.

So, it's a serious committee to be assigned. It's a committee that requires you to sit in judgment upon your fellow Members and to do what is right for America, not what is right for either party or any Member of this House, but what is right for the United States of America under the rules we operate under.

That Ethics Committee needs to function, and it needs to function now.

Mrs. BACHMANN. If the gentleman would yield, I appreciate the remarks that you're making regarding ethics. Ethics, after all, is the study of what's right and what's wrong. That is really, if you want to get down to the brass tacks, that is what ethics is all about—what is right, what is wrong.

And what the gentleman has been talking about is the behavior of Members of this body, as well as the actions that Members of this body take, that lead to what's right and what's wrong.

If we look at this current economic mess that we are in the middle of, what is the morality, what are the ethics that got us into this mess, what are decisions that Members of this body made?

We are taking our fingers right now—and our mothers often said to us, If you point your finger at someone, remember, there's always three fingers that point back at yourself.

One thing that I think would be a credit to this body is if we examine—now, I am a fairly new Member of this body. This is just the beginning of my second term. But we need to look, how did government contribute to this economic meltdown. How did individual Members, individual Senators, individual House Members contribute to this economic meltdown.

I believe that my colleague, Judge JOHN CARTER, is asking the right ques-

tions when it comes to ethics. And I commend Speaker PELOSI, who said she wanted this to be the most open, ethical Congress ever when she took the gavel as Speaker of the House. We agreed with her. We applauded her for making that statement. However, what we have seen since that time has given us great concern.

The same with President Obama. He has said he wants the most open, ethical administration. But we have been very concerned about what we have seen. And I would just bring up one example of that, and that would be one of our former colleagues—my colleague, Judge JOHN CARTER, brought that up himself.

Again, we don't necessarily know the answers. We aren't a court of jurisdiction here. But we are asking questions that I think the American people have the right to know.

We know that the Chief of Staff of President Obama was one of our former colleagues. A very bright, intelligent man. But we wondered what was missed during the Obama team's vetting process because the Chief of Staff served on the Freddie Mac Board of Directors. Why is this important?

When you look at the economic meltdown, what we often hear is that all roads lead to Freddie and Fannie. That is the government-sponsored entity that was the guarantor of all of these mortgages that are now falling—many of which are falling into disarray.

Well, our former colleague, the new Chief of Staff of the President, served on the Freddie Mac Board of Directors during the time that the Freddie Mac lied about its earnings. It was a leading contributor to this current economic meltdown.

The Federal Housing Enterprise Oversight Agency later singled out Freddie Mac, that Board of Directors of which the current Chief of Staff sits on. And, again, we are not condemning. We just don't know. We are asking questions. That is all we are doing. We are not trying to cast aspersions.

But the Federal Housing Enterprise Oversight Agency said this; that the Board of Directors of Freddie Mac, of which the current Chief of Staff to the President sits on, contributed to the fraud that took place in 2000 and 2001 for, "failing in its duty to follow up on matters brought to its attention." In other words, the Board of Directors ignored the red flags that we are waving in their faces.

Later on, the Securities and Exchange Commission fined Freddie Mac \$50 million for deliberate fraud for those years, 2000, 2001, 2002.

The Chief of Staff currently for President Obama was paid more than \$260,000, again, according to records and, again, this has to be answered, for the service that he gave while he sat on that Board of Directors for Freddie Mac. And after he resigned from that

Board to run for Congress in 2002, Freddie Mac, or the troubled agency's PAC, gave the current Chief of Staff of the President, gave his campaign \$25,000, the largest single gift to a House candidate.

Well, again, this is incredible because currently the Chief of Staff to the President of the United States is in the process of trying to dig us out of the mess that it appears Freddie Mac started, all while he sat on the Board of Directors and information was given to that Board.

Again, we don't know. And I agree with my colleague, Judge CARTER, we don't know what those answers are. But surely the American people deserve to have answers. They deserve to have answers about Freddie Mac and Fannie Mae. Who knew what; what did these Board of Directors know; what did they attempt to do, what was their role in all of this? After all, they were fined by the FDIC for their failure to be diligent. Who would have suspected that that failure could have resulted in a multitrillion-dollar meltdown that has brought a terrible disservice to our country, as well as the Community Reinvestment Act.

We need to know what did, for instance, Chairman FRANK, who's currently the chairman of the Financial Services Committee, of which I am a member, what did he know during his time? We know that he has made statements that Freddie Mac was in good condition, Fannie Mae was in good condition, when in fact they weren't in good condition.

What we need to get are answers. What did Members of Congress know about these organizations? Did they contribute or didn't they contribute to their failure? The American people know these are ethical questions because ethics is an issue of what is right, of what is wrong, and we all stand before the American people. None of us are perfect. We don't pretend to be perfect. But the American people deserve answers because we are in a very precarious situation right now and, Judge CARTER, I want to thank you for bringing these questions up before the American people.

Mr. CARTER. I thank the gentlelady. Reclaiming my time, I want to point out this is the same Rahm Emanuel who I think flippantly said, A crisis is a terrible thing to waste. As he added all these programs that had been promised programs of various sorts into the various spending bills that we had, he made that statement.

That statement has been quoted on multiple occasions in the newspaper. Probably a flippant statement. But it shows the cynicism within which this whole thing is viewed, and it undermines the trust that we are supposed to have for the people that are in charge.

Mrs. BACHMANN. If the gentleman would yield, I would just add to that.

That statement has been repeated many times, and American people wonder exactly what that means. But it's not a standalone statement. That was something that the current Chief of Staff to the President said, but also our Secretary of State, Hillary Clinton, just last week in Brussels, advised a European audience to, Never waste a good crisis.

Those were her words. Exactly what the Chief of Staff to the President said. In fact, 5 days before President Obama became President, he said that we are, "5 days away from fundamentally transforming the United States of America."

Judge CARTER, I think you would agree with me, the last 50 days of American history we have seen a fundamental transformation of the United States of America, and Americans have questions.

Mr. CARTER. Reclaiming my time, that is exactly what we have seen. And that is exactly what I think these statements mean. I mean, when we're talking about that trust factor, I don't think that anyone, including the President of the United States, ran on that he was going to fundamentally change the United States of America. What he said was: Hope. Give hope a chance. We are going to bring a new world to this world. But he didn't say, I'm going to change the whole United States government. And maybe it won't. We are still a democracy. And life changes as we move through this 4-year period of time.

But getting back to what I'm here to talk about, which is what we've been talking about, is accountability and ethics. And I want to continue to emphasize that I do this out of no malice toward any of the individuals, and I would hope that all of those issues are resolved favorably. The reason I would hope that is I'm not in the business, as others have been, of burning down this House. That's a slogan that's been used for years, but nobody ever went that far. That is far enough to where the American people distrusted the Congress. Yet, we are sitting still at around a 20 percent approval rating, both sides, the Senate and the House. So that means 80 percent of the people don't approve of us.

It's because we burn down the Congress. We called each other corrupt. I'm a person who believes that every person has the right to be heard and every person has the right to a fair defense. Everyone. And I would hope that we hear those defenses and see those defenses, because the list goes on and on.

John Murtha, with the millions of dollars he's funneling to companies in his district, with the explanation that they create jobs. Yet, those questions by Defense Department to see if they even have a purpose. Hilda Solis, who is the Treasurer of the America's Right

to Work Association, which were fiduciary duties, and she lobbied Congress and took direction action. None of those things would entitle her to be holding office. She failed to pay taxes to the IRS for 16 years. Nothing has been done about that.

William Jefferson is under indictment for \$90,000 in cash in his freezer. The cold cash case. I'm sure that's going to be resolved sometime, now that it is in the court system. And it goes on and on.

We have Tim Mahoney, who was using taxpayer funds to pay extortion to a former staffer to keep his mistress a secret from his wife. The voters kept him from coming to Congress. Recently, Senator BURRIS, who now it's pretty clear that there are accusations that he perjured himself when he gave testimony about the Governor's campaign funds, and yet no one seems to be wanting to do anything about that. This just goes on and on and on.

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And, quite frankly, there is so much more to go, I don't really want to go into it. I have talked about some of these things previously.

And what is the issue that I am trying to bring forth here? The issue that I am trying to bring forth here is: Government, when you send someone to Washington, whether you send them 100 miles or 50 miles away from home, or whether you send them 2,000 miles away from home, you expect to be able to trust those people to do what they said they would do and to stand for what they say they stand for. And one of the things you want to know is that these people are trustworthy.

Now, when we have issues like this that are raised without being answered and we have a body whose job it is to resolve those issues, the Ethics Committee, and the Ethics Committee is not doing their job, or if they are we are not seeing the results, then you can't expect people in Wichita, Kansas, or Round Rock, Texas, or San Francisco, California, to hear these things and see these things and not wonder, are those people trustworthy enough to be taking care of my business in the Nation's capital? And I think many of them would then say, if it sticks to one, it sticks to all; which is basically the message that was put out by the Democrats in the last Congress.

I don't agree that if it sticks to one, it sticks to all. I think any time you gather the amount of people that gather in this Congress there are going to be mistakes made. I don't think you can get past it. And I think you can take any body of people, even any membership in a church, and you are going to find that there are issues that would cause people to be concerned. That is not our job. Our job is to make sure that we are the most honest, ethical Congress in history, as the Speaker has challenged us to be. And it is her

job as the Speaker, I think, to promote going forward on these issues in every way she can to get these matters resolved; because until they are resolved, they deserve to be talked about, and when they are talked about they can't help but cause people to be concerned.

I am going to tell you that I have been in Congress now since 2002, and prior to that time I served 20 years as a trial judge in Georgetown, Texas, trying felony cases among other things. But I can tell you, I have encountered an awful lot of people on both sides of the aisle in this Congress, and the vast majority of these people are beyond reproach and outstanding individuals and great Americans. They are working long, terrible hours, and wearing out a lot of shoe leather marching up and down these halls to subcommittee and committee hearings to make sure that the Nation's business is done to best of their ability. And that is why, as someone who believes that there is a world of right and wrong, good and evil, that it isn't what each person thinks it is, but there is a concept among humanity that says certain things are right and certain things are wrong. And you can't make it relative to anything. It is a fact.

As one who believes that way, I think it is our duty, and, in particular, it is my mission to point these things out and say let's resolve these issues. And that is part of my message here, because I don't want the vast, vast majority of the people in this Congress tainted. I don't care what party they are in, I don't want them tainting the whole body politic of the Congress. There are just too many good people here working too hard to do the right thing, what they and their constituents perceive to be the right thing. That is as it should be.

But for us to not address these issues, allow them to be swept under the carpet and forgotten, whenever you mention something and it just logs a little thought pressed in the back of somebody's brain, it is always there until it is resolved. We need to resolve these issues and they need to be resolved properly. And if we are going to put people who have unresolved issues in a position of authority in this Congress, I think that brings consequences that are grave to the Congress and this Nation.

So, therefore, if people are in a position where ethics is questioned, morality is questioned, it is for the good of the Congress that they not serve in those positions. It happens to be a Republican party rule that if someone is indicted, they must step down from the position of leadership. And that actually occurred in the last Congress.

I happen to be someone who, for 20 years, told juries every week: An indictment is nothing but a legal accusation. It is no proof of guilt, and no assumption of guilt should be taken by

any member of the jury based upon the indictment. It is a legal acquisition, a form by which the State knows what it has to prove and the defense knows what it has to defend. But the Republicans decided that was enough to require someone to step down, which is kind of above and beyond the call of duty; but if that is the standard, it ought to be the standard for everybody. Everyone should choose to adopt the high standards that are set by the highest of standards in this body.

So that is what I have been talking about in these days when I have come in here, and that is what I will continue to talk about, because I believe in our court systems. I believe that our court systems are good sources of justice for the people who use them. And every time somebody walks out the door, one party is unhappy. But the fact is, they resolve the conflict, and they do it justly and fairly between the parties.

I believe we should justly and fairly deal with each other in this Congress, and I believe that we should justly and fairly respect each other in this Congress. And I believe that when there are issues which taint the Congress, we should be willing to demand those issues be resolved; and, if they aren't resolved, we should demand that the persons who are not trying to get it resolved step down from positions of authority that they may hold.

Now, that may be harsh, but I believe in justice. If you believe in justice, right is right and wrong is wrong. And if there is wrong and it goes unresolved, it is bad for the entire Nation and the world. And for that reason, I have been standing before this House many days all by myself, kind of the voice crying in the wilderness. Let's get to be a just body again. Let's get to be where people look at congressmen and say, I am proud to know that Congressman.

You know, when I ran for the Congress, I was in College Station, Texas, and I ran into three of my colleagues in the judiciary, trial judges, district judges, in College Station. And they asked me, why would anybody leave the branch of government that generally makes sense to go to the branch of government that never makes sense? And I laughed and I said, well, maybe an old judge can help make some of it make sense. And maybe not. But I also at that time thought they thought, and as I thought and still think, that the Congress is worthy of respect.

So that we may be a body worthy of respect, I raise these issues. I will continue to raise these issues until we have resolved these issues, and hopefully we can go forward in raising the standards for this body so that people look with respect upon the Congress of the United States of America.

I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 17.

Mr. PAUL, for 5 minutes, today, March 11 and 12.

Mr. JONES, for 5 minutes, March 17.

Mr. GOODLATTE, for 5 minutes, March 11.

Mr. FLAKE, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

SENATE CONCURRENT RESOLUTIONS REFERRED

Concurrent Resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 4. Concurrent resolution calling on the President and the allies of the United States to raise the case of Robert Levinson with officials of the Government of Iran at every level and opportunity, and urging officials of the Government of Iran to fulfill their promises of assistance to the family of Robert Levinson and to share information on the investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation; to the Committee on Foreign Affairs.

S. Con. Res. 10. Concurrent resolution congratulating the Sailors of the United States Submarine Force upon the completion of 1,000 Ohio-class ballistic missile submarine (SSBN) deterrent patrols; to the Committee on Armed Services.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 11, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

809. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Women's Final Four Fireworks Display, Ybor Turning Basin, Tampa Bay, Florida. [Docket No. USCG-2008-0095] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

810. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay Area Destination Fireworks Display Seddon Channel, Tampa Bay, Florida [Docket No. USCG-2008-0089] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

811. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fort Lauderdale Super Boat Grand Prix, Atlantic Ocean, Offshore Fort Lauderdale, FL. [USCG-2008-0058] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

812. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Provision Fireworks Display [Docket No. USCG-2008-0023] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

813. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Old Tampa Bay, FL. [Docket No. USCG 2008-0024] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

814. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Haulover Cut, St. Thomas, USVI [Docket No. USCG-2007-0174] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

815. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Thames River Channel, New London, Connecticut [Docket No. USCG-2008-0004] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

816. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Columbia River, all water within 200 yards radius around the Ship ZHEN HUA 17. [USCG-2008-0139] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

817. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; M/V Magdalena, Columbia River bank to bank from River Mile 75 to River Mile 77. [USCG-2008-0144] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

818. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Langley Air Force Base Air Show. Willoughby Point, Hampton, VA. [Docket No.: USCG-2008-0159] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

819. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Air Race; San Diego Bay, CA [Docket No.: USCG-2008-0162] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

820. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Island Creative Management, LLC Fireworks Display, San Francisco Bay, CA. [Docket No.: USCG-2008-0194] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

821. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; National Fish and Wildlife Foundation Benefit Fireworks Display, San Francisco Bay, CA. [Docket No.: USCG-2008-0195] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Olympic Torch Ceremony, San Francisco Bay, CA [Docket No.: USCG-2008-0262] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

823. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; KFOG Kaboom Fireworks Display, San Francisco, CA. [Docket No.: USCG-2008-0261] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

824. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA [Docket No.: USCG-2008-0260] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

825. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boat Fire Miami Beach Marina Salvage Operations [Docket No. USCG-2008-0257] (RIN: 1625-AA00) received February 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

826. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 90th annual National Convention of the American Legion, held in

Phoenix, Arizona from August 22-28, 2008 and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 111-23); to the Committee on Veterans' Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 813. A bill to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse" (Rept. 111-27). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 837. A bill to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building" (Rept. 111-28). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 842. A bill to designate the United States Courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse" (Rept. 111-29). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 869. A bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse" (Rept. 111-30). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 887. A bill to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse" (Rept. 111-31). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 37. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 111-32). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 38. Resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service (Rept. 111-33). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Concurrent Resolution 39. Resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run (Rept. 111-34). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 229. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 111-35). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. RAHALL (for himself, Mr. GRIJALVA, Mr. DICKS, Mr. SIMPSON, and Mr. WALDEN):

H.R. 1404. A bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of Ohio:

H.R. 1405. A bill to amend the Internal Revenue Code of 1986 to allow Head Start teachers the same above-the-line deduction for supplies as is allowed to elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 1406. A bill to direct the Securities and Exchange Commission to reinstate the "uptick rule" on short sales of securities and to suspend the application of mark-to-market accounting principles; to the Committee on Financial Services.

By Mr. DOGGETT (for himself, Mr.

LINCOLN DIAZ-BALART of Florida, Mr. ARCURI, Mr. BOSWELL, Mr. KENNEDY, Mr. LANGEVIN, Ms. MCCOLLUM, Mr. SNYDER, and Mr. SOUDER):

H.R. 1407. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. FARR, Mr. MCGOVERN, Ms. BORDALLO, Mr. GUTIERREZ, and Mr. KIRK):

H.R. 1408. A bill to require all newly constructed, federally assisted, single-family houses and town houses to meet minimum standards of visitability for persons with disabilities; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. SCOTT of Georgia, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. KILDEE, Mrs. CAPPS, Mr. WALZ, Ms. LEE of California, Ms. SCHAKOWSKY, Mrs. NAPOLITANO, Ms. LINDA T. SANCHEZ of California, Ms. DELAURO, Mr. KENNEDY, Mr. DOGGETT, Mr. FILNER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. GRIJALVA, Ms. MCCOLLUM, Ms. WOOLSEY, Mr. LYNCH, Mr. GUTIERREZ, Mr. YARMUTH, Ms. SUTTON, Mr. MARKEY of Massachusetts, Mr. HARE, Mr. LEVIN, Mr. SARBANES, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. TIERNEY, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. ABERCROMBIE, Mr. JOHNSON of Georgia, Mr. HOLT, Mrs. MALONEY, Mr. NADLER of New York, Mr. CAPUANO, Mr. HIGGINS, Mr. BLUMENAUER, Mr. SMITH of Washington, Mr. ELLISON, Mr. McDERMOTT, Ms. RICHARDSON, Mr. McNERNEY, Mr. SCHIFF, Mrs. LOWEY, Mr. OLIVER, Ms. ZOE LOFGREN

of California, Mr. ACKERMAN, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. WILSON of Ohio, Mr. KUCINICH, Mr. WELCH, Mr. AL GREEN of Texas, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. CLARKE, Mr. ISRAEL, Mr. CUMMINGS, Mr. COSTELLO, Mr. LANGEVIN, Mr. FARR, Ms. PINGREE of Maine, Ms. CORRINE BROWN of Florida, Mr. BERMAN, Mr. PETERS, Mr. ANDREWS, Ms. SHEA-PORTER, Mr. CARNAHAN, Mr. WU, Mrs. DAVIS of California, Mr. SCOTT of Virginia, Ms. CASTOR of Florida, Mr. SERRANO, Mrs. HALVORSON, Mr. MURPHY of Connecticut, Mr. SHERMAN, Mr. MOORE of Kansas, Mr. CONYERS, Mr. WEINER, Ms. TSONGAS, Mr. BISHOP of New York, Mr. KIND, Mr. PETERSON, Mr. LIPINSKI, Mr. MAFFEI, Mr. DEFazio, Mr. WEXLER, Ms. ESHOO, Mr. DINGELL, Mr. McMAHON, Mr. SCHRADER, Mr. STUPAK, Mr. GENE GREEN of Texas, Mr. LOEBSACK, Mr. CARDOZA, Mr. HALL of New York, Ms. SLAUGHTER, Mr. RAHALL, Mr. FRANK of Massachusetts, Ms. MATSUI, Mr. RUPERSBERGER, Mr. CLEAVER, Mr. HINCHEY, Mr. ROTHMAN of New Jersey, Mr. GRAYSON, Ms. BALDWIN, Mr. JACKSON of Illinois, Ms. BEAN, Mr. NEAL of Massachusetts, Mrs. TAUSCHER, Mr. WAXMAN, Ms. KILPATRICK of Michigan, Mr. HASTINGS of Florida, Ms. KAPTUR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CARSON of Indiana, Mr. ADLER of New Jersey, Mr. MEEK of Florida, Ms. KILROY, Mr. RYAN of Ohio, Mr. MASSA, Mr. FOSTER, Mr. TOWNS, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Mr. RUSH, Mr. HODES, Mr. CLYBURN, Mr. BOSWELL, Mr. MOLLOHAN, Mr. MICHAUD, Mr. KISSELL, Mr. PASCRELL, Mr. MELANCON, Mr. BECERRA, Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, Mr. INSLEE, Mr. PALLONE, Mr. BOCCIERI, Mr. MCHUGH, Mr. DRIEHAUS, Mr. HONDA, Mr. CLAY, Mr. OBERSTAR, Mr. TONKO, Ms. WATERS, Mr. SCHAUER, Mr. VISCLOSKEY, Mr. MILLER of North Carolina, Mr. RANGEL, Mr. SPACE, Mr. LUJAN, Mr. CROWLEY, Ms. MOORE of Wisconsin, Mr. STARK, Ms. JACKSON-LEE of Texas, Ms. SCHWARTZ, Mr. BACA, Mr. PASTOR of Arizona, Mr. FATTAH, Mr. HOYER, Mr. LARSON of Connecticut, Ms. WATSON, Ms. LORETTA SANCHEZ of California, Mr. PRICE of North Carolina, Mr. SIRE, Mr. SMITH of New Jersey, Mr. LARSEN of Washington, Ms. FUDGE, Mr. MEEKS of New York, Ms. NORTON, Mr. THOMPSON of Mississippi, Mr. BAIRD, Ms. KOSMAS, Mr. DICKS, Mr. BISHOP of Georgia, Mr. HEINRICH, Mr. COURTNEY, Mr. TEAGUE, Mr. MURTHA, Ms. HARMAN, Mr. VAN HOLLEN, Mr. LOBIONDO, Mr. REYES, Mr. HIMES, Mr. OBEY, Mr. BOUCHER, Mr. KANJORSKI, Mr. HOLDEN, Mr. SALAZAR, Mr. ARCURI, Mrs. DAHLKEMPER, Mr. SKELTON, Mr. ALTMIRE, Mr. CONNOLLY of Virginia, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. MORAN of Virginia, Mr. KAGEN, Ms. MARKEY of Colorado, Ms. DeGETTE, Mr. PIERLUISI, Ms. HERSETH SANDLIN, Ms. SPEIER, Mr. THOMPSON of California, Mr. DONNELLY of Indiana, Mr. WATT, Mr. SABLAN, Mr. SESTAK, Ms. BERKLEY, Mr. DAVIS of Alabama, Mr. FALEOMAVAEGA, Mr. POLIS, Mr. PERLMUTTER, Mr. COSTA, and Ms. TITUS):

H.R. 1409. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Education and Labor.

By Ms. MCCOLLUM (for herself, Mr. REICHERT, Mrs. CAPPS, Mr. PAYNE, Mr. BLUMENAUER, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. GRIJALVA, Ms. MOORE of Wisconsin, Ms. JACKSON-LEE of Texas, Mrs. TAUSCHER, Mr. McDERMOTT, Mr. MCGOVERN, Mr. WALZ, Mr. MORAN of Virginia, Ms. WATSON, Ms. WOOLSEY, Ms. DELAURO, Mr. HINCHEY, Mr. CARSON of Indiana, Mr. YOUNG of Alaska, Ms. LEE of California, Mr. OBERSTAR, Mr. MURPHY of Connecticut, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HIRONO, Mr. SERRANO, Ms. SLAUGHTER, Mr. FILNER, Ms. DeGETTE, Mr. CROWLEY, Mr. HONDA, Mr. OLIVER, Mr. SNYDER, Mr. SHIMKUS, Mr. JACKSON of Illinois, and Mrs. MALONEY):

H.R. 1410. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McDERMOTT:

H.R. 1411. A bill to amend the Public Health Service Act to establish a Primary and Public Health Scholarship Program; to the Committee on Energy and Commerce.

By Mr. COHEN (for himself, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. FUDGE, Mr. PAYNE, Ms. NORTON, Mr. DAVIS of Illinois, Mr. GRIJALVA, Ms. CLARKE, Mr. HINCHEY, and Mr. GUTIERREZ):

H.R. 1412. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Mr. CROWLEY (for himself and Mr. MCHUGH):

H.R. 1413. A bill to amend the Internal Revenue Code of 1986 to allow certain public employees a deduction for distributions from governmental plans for health and long-term care insurance, and for other purposes; to the Committee on Ways and Means.

By Ms. FOX (for herself, Mr. JONES, Mr. PAUL, Mr. ROHRBACHER, Mr. AKIN, and Mr. BILBRAY):

H.R. 1414. A bill to amend title 31, United States Code, to end speculation on the current cost of multilingual services provided by the Government, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. GORDON of Tennessee:

H.R. 1415. A bill to provide for a demonstration project regarding Medicaid reimbursements for stabilization of emergency medical conditions by non-publicly owned or operated institutions for mental diseases; to the Committee on Energy and Commerce.

By Mr. LOBIONDO (for himself, Mr. SMITH of New Jersey, and Mr. ANDREWS):

H.R. 1416. A bill to direct the Secretary of Veterans Affairs to expand the capability of the Department of Veterans Affairs to provide for the medical-care needs of veterans in southern New Jersey; to the Committee on Veterans' Affairs.

By Mr. MATHESON:

H.R. 1417. A bill to protect public health and safety, should the testing of nuclear

weapons by the United States be resumed; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York:

H.R. 1418. A bill to eliminate the exemption from State regulation for certain securities designated by national securities exchanges; to the Committee on Financial Services.

By Mr. PAUL (for himself and Mr. JONES):

H.R. 1419. A bill to sunset Federal laws and regulations which treat the American people like children by denying them the opportunity to make their own decision regarding control of their bank accounts and what type of information they wish to receive from their banks, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL (for himself, Mr. BURTON of Indiana, Mr. JONES, and Mr. BARTLETT):

H.R. 1420. A bill to amend title 5, United States Code, to provide for the establishment of a precious metals investment option in the Thrift Savings Fund; to the Committee on Oversight and Government Reform.

By Mr. SHUSTER:

H.R. 1421. A bill to amend title XIX of the Social Security Act to provide Medicaid coverage of drugs prescribed for certain research study child participants; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. POE of Texas, Mr. GALLEGLY, Mr. GOHMERT, Mr. SENSENBRENNER, Mr. HARPER, Mr. ROONEY, Mr. COBLE, Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, and Mr. CARDOZA):

H.R. 1422. A bill to reauthorize through 2014 certain programs under the Adam Walsh Child Protection and Safety Act of 2006; to the Committee on the Judiciary.

By Mr. STARK (for himself and Mr. RYAN of Wisconsin):

H.R. 1423. A bill to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 1424. A bill to name the front circle drive in front of the Oscar G. Johnson Department of Veterans Affairs Medical Facility in Iron Mountain, Michigan, as "Sergeant First Class James D. Priestap Drive"; to the Committee on Veterans' Affairs.

By Mr. WEXLER (for himself, Ms. BORDALLO, Mr. GRIJALVA, Mr. HOLT, Mr. HONDA, Mr. KIRK, Mr. ROTHMAN of New Jersey, Mr. SIREN, Mr. BOSWELL, Mr. GUTIERREZ, and Mr. MCMAHON):

H.R. 1425. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN (for himself, Mr. BOEHNER, Mr. McKEON, Mr. ISSA, Mr. LATHAM, Mr. CRENSHAW, Mr. MICA, Mr. FRANKS of Arizona, Mr.

CHAFFETZ, Mr. GARRETT of New Jersey, Mr. EHLERS, Mr. RADANOVICH, Mr. SAM JOHNSON of Texas, Mr. PETRI, Mr. TIBERI, Ms. FOXX, and Mr. MANZULLO):

H. Con. Res. 70. Concurrent resolution expressing support for the District of Columbia school scholarship program; to the Committee on Oversight and Government Reform.

By Mr. FLAKE:

H. Res. 228. A resolution raising a question of the privileges of the House.

By Mr. BACA (for himself, Mr. MORAN of Virginia, Mr. HONDA, Ms. VELÁZQUEZ, Mr. PIERLUISI, Mr. CUELLAR, Mr. AL GREEN of Texas, Mr. BECERRA, Mr. SABLÁN, Mr. GRIJALVA, Mr. RODRIGUEZ, and Mr. COSTA):

H. Res. 230. A resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on Foreign Affairs.

By Mrs. CAPPS (for herself, Mrs. McMORRIS RODGERS, Mr. REICHERT, and Mr. HASTINGS of Washington):

H. Res. 231. A resolution supporting the goals and ideals of "Deep Vein Thrombosis Awareness Month" and "National DVT Screening Day" and supporting efforts to educate the public about deep vein thrombosis, in memory of former Representative Jennifer Dunn; to the Committee on Energy and Commerce.

By Mr. GRAVES:

H. Res. 232. A resolution recognizing and commending the Toys for Tots Literacy Program for its contributions in raising awareness of illiteracy, promoting children's literacy, and fighting poverty through the support of literacy; to the Committee on Education and Labor.

By Mr. LATTA (for himself, Mr. HALL of Texas, Mr. TERRY, and Mr. SKELTON):

H. Res. 233. A resolution recognizing the thousands of Freemasons in every State in the Nation and honoring them for their many contributions to the Nation throughout its history; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BISHOP of New York, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. COURTNEY, Mr. HARE, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LOEBSACK, Mr. LUJAN, Mr. McDERMOTT, Mrs. MILLER of Michigan, Mr. ROSS, Mr. SARBANES, Mr. SCALISE, Mr. STUPAK, Mr. SHULER, Mr. WALZ, Mr. FILNER, Mr. ROHRBACHER, Mr. RODRIGUEZ, Ms. EDWARDS of Maryland, Mr. GONZALEZ, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. CHANDLER, Mr. INSLEE, Mr. CAPUANO, and Mr. CARNAHAN):

H. Res. 234. A resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day"; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. PIERLUISI and Mr. SABLÁN.

H.R. 19: Mr. COFFMAN of Colorado.

H.R. 22: Ms. VELÁZQUEZ, Mr. BAIRD, Mr. BOUSTANY, Mr. DENT, Ms. TITUS, Mr. ALEXANDER, Ms. BERKLEY, Ms. HARMAN, Mr. LANCE, and Mr. TIM MURPHY of Pennsylvania.

H.R. 24: Mr. DREIER, Mr. REHBERG, Mr. MURTHA, Mr. WALZ, Mr. CONAWAY, Mr. KINGSTON, Mr. NEAL of Massachusetts, Mr. PLATTS, Mr. DINGELL, Mr. THORNBERRY, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. LOEBSACK, Mr. BONNER, and Ms. SHEA-PORTER.

H.R. 52: Mr. CONNOLLY of Virginia and Ms. WOOLSEY.

H.R. 98: Mrs. CAPITO.

H.R. 111: Mr. LANCE, Mr. MURTHA, and Mr. PAYNE.

H.R. 154: Mr. AL GREEN of Texas.

H.R. 159: Mr. LOEBSACK and Mr. LANCE.

H.R. 179: Mr. SCOTT of Virginia.

H.R. 197: Mr. BARTON of Texas, Mr. CARNEY, Mr. PUTNAM, Mr. HALL of Texas, and Mr. POSEY.

H.R. 265: Mr. BISHOP of Utah.

H.R. 269: Mr. WU.

H.R. 272: Mr. MINNICK and Mr. BRADY of Pennsylvania.

H.R. 303: Mr. SCOTT of Georgia and Mr. KLINE of Minnesota.

H.R. 333: Mr. INSLEE and Mr. TEAGUE.

H.R. 422: Mr. MEEKS of New York.

H.R. 426: Mr. TONKO and Mr. MASSA.

H.R. 444: Mr. MICHAUD.

H.R. 503: Mr. STARK.

H.R. 510: Mr. MINNICK, Mr. WELCH, and Mr. CARNEY.

H.R. 574: Mr. SARBANES, Mr. STEARNS, Mr. SCHAUER, Mr. GERLACH, Mr. TERRY, Mr. ABERCROMBIE, Mr. LOEBSACK, Mr. KIRK, Mr. HALL of Texas, Mr. BROWN of South Carolina, and Mr. DENT.

H.R. 578: Mr. KUCINICH.

H.R. 606: Mr. MORAN of Virginia.

H.R. 610: Mr. BARROW and Mr. LANGEVIN.

H.R. 613: Mr. WITTMAN, Ms. FOXX, Ms. GINNY BROWN-WAITE of Florida, Mr. MCMAHON, Mr. FORBES, Mr. COBLE, Mr. TEAGUE, Mr. TIAHRT, Mr. MINNICK, and Mr. HODES.

H.R. 618: Mr. COURTNEY.

H.R. 626: Mr. LATOURETTE.

H.R. 627: Mr. SCHAUER, Ms. NORTON, Mr. LIPINSKI, Mr. MAFFEI, Mr. KRATOVIL, Ms. PINGREE of Maine, Mr. DELAHUNT, and Mr. BLUMENAUER.

H.R. 664: Mr. GALLEGLY.

H.R. 669: Mr. COHEN.

H.R. 847: Mr. MURPHY of Connecticut, Mr. HOLT, and Mr. LARSON of Connecticut.

H.R. 848: Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROTHMAN of New Jersey, Ms. CLARKE, Ms. NORTON, and Mr. ISRAEL.

H.R. 855: Mr. VAN HOLLEN.

H.R. 872: Mr. BOSWELL.

H.R. 873: Mr. DINGELL and Ms. HARMAN.

H.R. 875: Mr. RUPPERSBERGER.

H.R. 877: Mr. BOEHNER and Mr. PENCE.

H.R. 878: Mr. MCCOTTER.

H.R. 919: Mr. BURGESS.

H.R. 930: Mr. COOPER.

H.R. 939: Mr. MANZULLO.

H.R. 980: Ms. WATSON.

H.R. 983: Mr. COLE.

H.R. 997: Mr. OLSON.

H.R. 1023: Mr. COLE, Mr. BARTLETT, and Mr. McCLINTOCK.

H.R. 1054: Mr. BROUN of Georgia.

H.R. 1058: Mr. GOODLATTE.

H.R. 1103: Mr. WESTMORELAND.

H.R. 1135: Mr. LATTA.

H.R. 1147: Mr. MCGOVERN, Mr. OLVER, Mr. SERRANO, Mr. FARR, Mr. ENGEL, Mr. MASSA, and Mr. CLEAVER.

H.R. 1151: Mr. BRADY of Pennsylvania.

H.R. 1152: Mr. BRADY of Pennsylvania.

H.R. 1153: Mr. BRADY of Pennsylvania.

H.R. 1154: Mr. BRADY of Pennsylvania.

H.R. 1167: Mr. MCMAHON, Mr. GRIJALVA, and Mr. BRADY of Pennsylvania.

H.R. 1190: Mr. GOODLATTE and Mr. SCHRA-
DER.

H.R. 1204: Mr. GORDON of Tennessee.

H.R. 1205: Mr. ROTHMAN of New Jersey,
Mrs. TAUSCHER, Mr. HOLT, Mr. HARE, and Ms.
NORTON.

H.R. 1207: Mr. ALEXANDER, Mr. PRICE of
Georgia, Mr. PETRI, and Ms. FOXX.

H.R. 1211: Mr. PETERSON.

H.R. 1240: Mr. COLE, Ms. TITUS, Mr. FRANK
of Massachusetts, Mr. FALCONER, and
Mr. PERLMUTTER.

H.R. 1242: Mr. TURNER.

H.R. 1245: Mr. ROONEY.

H.R. 1256: Mr. MEEKS of New York, Mr.
LANCE, Mr. ROSS, Mr. FRANK of Massachu-
setts, Mr. CLEAVER, Ms. ZOE LOFGREN of Cali-
fornia, Mr. POLIS, Mr. ARCURI, Mr. KENNEDY,
Mr. COSTA, Mr. TIBERI, Mr. HARE, Mrs. TAU-
SCHER, Mr. HONDA, Ms. GIFFORDS, Ms. SHEA-
PORTER, Mr. BISHOP of Georgia, and Mr.
MARSHALL.

H.R. 1264: Mr. AL GREEN of Texas.

H.R. 1276: Mr. COSTA.

H.R. 1285: Mrs. MILLER of Michigan.

H.R. 1289: Mr. ELLSWORTH and Mr. KING of
New York.

H.R. 1293: Mr. ROGERS of Kentucky.

H.R. 1317: Mr. PATRICK J. MURPHY of Penn-
sylvania, Mrs. MYRICK, and Mr. SIMPSON.

H.R. 1319: Mr. DEAL of Georgia.

H.R. 1326: Mr. VAN HOLLEN, Mr. GEORGE
MILLER of California, Mr. SCHIFF, Mr. GRI-
JALVA, and Mrs. TAUSCHER.

H.R. 1337: Mr. STARK.

H.J. Res. 18: Mr. GONZALEZ, Mr. ELLISON,
Ms. SLAUGHTER, Mr. HODES, and Mr. COHEN.

H. Con. Res. 36: Mr. KING of New York.

H. Con. Res. 50: Mr. BRADY of Pennsyl-
vania.

H. Con. Res. 55: Mr. SHULER, Mr. ROSKAM,
Mr. KLINE of Minnesota, Mrs. BACHMANN, and
Mr. ACKERMAN.

H. Res. 81: Mr. BARRETT of South Carolina.

H. Res. 171: Mr. BOOZMAN, Ms. JACKSON-LEE
of Texas, Mr. COSTA, Mr. OLVER, Ms. SCHA-
KOWSKY, Mr. CHANDLER, and Mr. COHEN.

H. Res. 174: Mr. LEVIN.

H. Res. 175: Mr. YOUNG of Alaska and Mr.
MARSHALL.

H. Res. 178: Mr. OLSON.

H. Res. 182: Ms. KILPATRICK of Michigan,
Mr. POLIS, and Mr. EHLERS.

H. Res. 209: Ms. TITUS.

H. Res. 211: Mr. ISRAEL, Mr. VAN HOLLEN,
Mr. GUTIERREZ, Mr. MCNERNEY, Mrs.
BIGGERT, Ms. HERSETH SANDLIN, Mr. NADLER
of New York, and Mr. KENNEDY.

H. Res. 223: Mr. SHUSTER, Mr. LUCAS, Mr.
BISHOP of New York, Ms. GIFFORDS, Mr. CON-
AWAY, Mr. BOOZMAN, Mr. MACK, Mrs. BONO
MACK, Mr. KIND, Mr. MCCARTHY of Cali-
fornia, Mr. FRANKS of Arizona, Mr. CALVERT,
Mr. WESTMORELAND, Mr. LOBIONDO, Mr. LEE
of New York, Mr. MCHUGH, Mr. CRENSHAW,
Mr. NUNES, Mr. FRELINGHUYSEN, Mr. ALEX-
ANDER, Mr. DAVIS of Kentucky, Mr. PAUL,
Mr. SENSENBRENNER, Mr. MORAN of Kansas,
Mr. COLE, Mr. BLUNT, Mr. SHIMKUS, Mr.
TIAHRT, Mr. HALL of Texas, Mr. LANCE, Mr.
POE of Texas, Mr. PASCRELL, Mr. MILLER of
Florida, Mr. GINGREY of Georgia, Mr.
MCHENRY, Mr. TIERNEY, Mr. BUYER, Mr. ROO-
NEY, Mr. RYAN of Wisconsin, Mr. PETRI, Mr.
CAMPBELL, Mr. HOLT, Mr. CAPUANO, Mr.
BRADY of Texas, Mr. KLEIN of Florida, Mr.
MCCAUL, Mr. LATHAM, Mr. PENCE, Mr. BON-
NER, Mr. REHBERG, Mr. BOUSTANY, Mr. LAM-
BORN, Mr. TIM MURPHY of Pennsylvania, Mr.
DENT, and Ms. FALLIN.

SENATE—Tuesday, March 10, 2009

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, eternal and unchangeable, shine Your light upon our path as we work today. Lord, You have led America through troubled times in the past. Be now to our lawmakers a source of life, light, and wisdom. Give them the wisdom to follow Your light and to trust You, finding their strength in Your presence. Teach them what they should think and do, so they will not stumble along the way. Replace fear with faith in You and one another, as You remove from their lives the things that thwart the doing of Your will.

And, Lord, bless today our military men and women in harm's way. Protect them from danger and sustain their loved ones.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of H.R. 1105, the appropriations bill. The Senate will recess from 12:30 until 2:15 to allow for the weekly caucus luncheons. All the amendments are before the Senate. We have seven of them. It is expected that probably five of them will require votes. So I hope Senators would come and debate their amendments. We have a number of Democrats who are wanting to speak in opposition to the amendments.

I will be discussing a time to begin voting with the distinguished Republican leader. What we are going to do is have stacked votes, and finish the votes once we start them. I hope we can do that sometime late afternoon. I do not think there are any events going on off the Hill that would prevent us from doing that. But I will be working with Senator MCCONNELL to see what we can do in arranging an appropriate time to start the votes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OMNIBUS APPROPRIATIONS

Mr. MCCONNELL. Madam President, the bill the Senate will vote on later today represents a missed opportunity. In the midst of a serious economic downturn, the Senate had a chance to show it could impose the same kind of restraint on itself that millions of Americans are being forced to impose on themselves at the moment. The bill costs far too much for a government that should be watching every dime. If the President is looking for a first bill to veto, this is it.

The original version of the bill showed no recognition whatsoever of the current economic climate. With the stock market plunging, unemployment at a 25-year high, and millions struggling to pay their mortgages, the bill sent over from the House included an across-the-board 8-percent increase in spending over last year. That is twice the rate of inflation.

Republicans in the Senate tried to cut the bill's cost. Our ideas would have saved billions of taxpayer dollars. Unfortunately, every single effort was turned aside.

The senior Senator from Arizona proposed an amendment that would have

held spending in the omnibus at last year's level. The senior Senator from Texas offered an amendment that would have cut spending on the 122 programs that were already funded in the stimulus bill—the so-called double dipping that many of us warned would take place if Congress moved the stimulus before the omnibus. Remarkably, even that was too much for some. The junior Senator from Oklahoma proposed an amendment that would have cut projects that benefited a lobbying firm under Federal investigation. That too was rejected.

These Republican ideas were sensible, commonsense ways to cut spending. Unfortunately, the majority did not like any of them. This would have been irresponsible in good economic times. At this moment, this total unwillingness to cut a single dollar from this bill is simply indefensible.

Just as troubling as the lack of restraint is a provision to literally shut down the DC Opportunity Scholarship Program which helped 1,700 students in the District of Columbia attend private schools last year at a fraction of what the city spends per pupil on public education. This program is clearly—clearly—popular among parents, since the city receives four applications for every available slot. Yet our friends on the other side will reject an amendment to preserve it.

On this issue, it is incredibly difficult to see how the majority can match their rhetoric with their actions. It should be unthinkable to terminate a program aimed at giving inner-city students the same educational opportunities that middle-class or affluent students enjoy.

Republicans tried to improve the omnibus with commonsense proposals that Americans support. The junior Senator from Arizona proposed an amendment that would have required the Secretary of State to certify that none of the funds made available for reconstruction efforts in Gaza are diverted either to Hamas or to entities controlled by Hamas. The junior Senator from South Dakota offered an amendment that prohibits the use of funds for any effort aimed at reviving the fairness doctrine, which limited free speech until its repeal more than two decades ago. Unfortunately, the majority said no.

In the midst of an economic crisis, a government has an obligation to show restraint. But as our friends turned aside every effort to trim back spending on the omnibus bill, it became clear that many in Congress still think Government operates in a different

realm of reality than the rest of the country. Apparently, they do not think the Federal Government is obligated to make any of the tough decisions that millions of American families are making every single day.

Spending and borrowing at this dizzying rate is simply unacceptable. We need to be thinking about the long-term sustainability of our economy and creating jobs and opportunity for future generations. We should have started on this bill by insisting that it include some of the hard choices on spending that Americans themselves are making every single day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

OMNIBUS APPROPRIATIONS

Mr. REID. Madam President, I direct everyone's attention to today's column in the New York Times written by David Brooks. David Brooks is a Republican columnist, conservative, but basically he is saying that the Republicans are opposing everything. It does not matter what it is, they are opposing it. And I think that is basically what we have here today with Senator MCCONNELL. I mean, I cannot imagine how he could stand before this body, after having talked favorably of this bill in the past—and his statements have been read in the RECORD on previous occasions about how much he believed in this omnibus bill. In fact, he said—and I am paraphrasing—that there had been input by Democrats and Republicans, it had been fully vetted. But suddenly—using the David Brooks theory of Government—they are opposed to everything.

It is not helping the Republicans around this country. You have to be in favor of something. And for my friend, the senior Senator from Kentucky, to stand before this body and lament the deficits—“this spending that has to stop”—where were they during the 8 years of the red ink of George Bush? The biggest deficits in the history of this country are all held by George Bush: the unending spending on the Iraq war, not putting that in the budget in an effort to hide it from the American people—how much it cost—the tax cuts that were never big enough for the Republicans that ran us into this deep hole President Obama has inherited.

So everyone should read David Brooks. Let's have the Republicans start being in favor of something. That would be the right thing to do.

The fairness doctrine. What a ghost that does not exist. None of us wants to go back to the way it was before. It is an issue they brought up to talk about. No one wants to reestablish the fairness doctrine, Democrats or Republicans.

I know the State of Nevada is proud in determining what the education standards should be in the State of Nevada. I think we should do more in the State of Nevada. I am not happy about where our educational levels are, the spending levels in the State of Nevada. But Nevada determines that, and that is the way it is around the other 49 States, that it is a prerogative Governors have protected for many generations—that the Federal Government should stay out of local education. But when it comes to the District of Columbia, they do not count, I guess. So how would the rest of the States feel if we suddenly determined what was going to happen in those States as it related to vouchers, school choice, charter schools?

So I hope we can get these amendments out of the way and pass this legislation and go on to other things. I am sorry I had to file cloture on three nominations. I hope we do not have to take those votes because it goes in opposition to what the Republicans always told us: What right does the party in the minority have to hold up Presidential nominations or judges? We are finding that is happening. I hope we can work our way through that.

This legislation is important. It is important because it takes care of these Government agencies that had been, over the Bush years, so underfunded, underresourced that we had—because of the 8 years of neglect—to increase spending for these Government agencies so they can do their job. I met yesterday with new Secretary of the Interior Ken Salazar. He is lamenting how the parks in our country are in such bad shape, terrible shape. The Mall out here, because the Republicans complained about the money for the Mall—there was a major feature on all public radio stations yesterday about the Mall, what terrible shape this Mall is in. It is used. It is an American landmark. But they do not want money spent on that.

When I read David Brooks this morning, I thought: Gee whiz, he has an understanding of what is wrong with the Republican Party. And no one more than a Republican can probably say it as strongly as he did. David Brooks—I have told him how on a number of occasions I disagree with his end line, but his reasoning is always brilliant, as it was today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of

H.R. 1105 which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Ensign amendment No. 615, to strike the restrictions on the District of Columbia Opportunity Scholarship Program.

Kyl amendment No. 629, to provide that no funds may be used to resettle Palestinians from Gaza into the United States.

Bunning amendment No. 665, to require the Secretary of State to issue a report on investments by foreign companies in the energy sector of Iran.

Sessions amendment No. 604, to extend the pilot program for employment eligibility confirmation established in title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 for 6 years.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 673

Mr. CORNYN. Madam President, I ask unanimous consent to set aside any pending amendment and call up Cornyn amendment No. 673 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 673.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent collection of excessive contingency legal fees by lawyers hired to protect the public interest)

On page 366, line 24, strike “rule.” and insert the following: “rule, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term ‘contingency fee agreement’ means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained.”

Mr. CORNYN. Madam President, I rise to offer an amendment 673 to the Omnibus appropriations bill. As a former State attorney general, I am very concerned that the current bill lets State attorneys general outsource their responsibilities on behalf of their citizens to enforce the Truth in Lending Act. This is a very important piece of legislation that was passed in 1968 to protect consumers in credit transactions by requiring clear disclosure of key terms of the lending agreement at all costs. As I said, this is an important

piece of legislation. However, the current provision in the bill allows the attorney general, the elected representative of the people—the people's lawyer—to basically hire trial lawyers on a contingency fee arrangement. Thus, the litigation that might follow under this piece of legislation would benefit not just the citizens, not just the public, not just the taxpayers but trial lawyers too. I don't believe that should be the intent of Congress.

Specifically, this amendment clarifies that State attorneys general may not outsource these lawsuits to outside lawyers or expert witnesses on a contingency fee basis. As we all know, contingency fee means you get a piece of the pie if you win. This would not prohibit attorneys general from hiring lawyers on a more reasonable basis, such as a set fee or an hourly rate, but the new causes of action created by this bill could add up to significant money damages, and this money, as I indicated, should be paid to the people, not to private lawyers.

Both Democrats and Republicans have expressed some concerns about the enforcement of this Truth in Lending Act by State attorneys general. Senator DODD, the distinguished Senator from Connecticut, said that "giving such broad authority to State attorneys general would be a departure from the current regulatory regime," and he is right.

This amendment prevents the authority to enforce the Truth in Lending Act from being further disbursed by State attorneys general delegating it to trial lawyers on a contingency fee basis. Without this amendment, it is likely that plaintiffs' lawyers will develop class action lawsuits, then go to their State attorney general proposing to pursue these cases on a contingency fee basis, perhaps reaping millions of dollars in attorneys' fees awards.

My colleagues have expressed concerns the bill would increase the number of authorized enforcers from 1 to 51. I would submit that unless this amendment is adopted, we are effectively increasing the number of authorized enforcers of this legislation from 1 to 5,100 or more.

Hiring outside counsel on a contingency fee basis, unfortunately, as we have learned through hard experience, can lead to other problems, including the appearance of corruption or outright corruption. For example, my predecessor in office, the Texas attorney general, entered into contingency fee agreements with outside lawyers in the tobacco litigation, which was then being pursued across the country. These lawyers ended up making roughly \$3 billion in attorneys fees through contingency fee provisions that my predecessor in office entered into. Unfortunately, my predecessor also falsified records in an attempt to funnel some of that money to a friend, and he

paid the price. He went to the Federal penitentiary.

This is not just a problem in my State; this is a national problem as well. Last year, the Wall Street Journal reported and editorialized about the appearance of corruption in Mississippi, where the State attorney general had retained as many as 27 law firms as outside counsel to pursue at least 20 different State lawsuits over a 5-year period. In 2007 alone, the attorney general received almost \$800,000 in political contributions from those same lawyers and law firms and, thus, the appearance of conflict of interest, if not an outright conflict, was created.

This kind of conflict of interest has no place in the attorney general's job, which is to protect the legal interests of the people of his or her State. Amendment No. 673 would ensure that State attorneys general either do the work themselves in enforcing this law or hire an outside lawyer at a reasonable, competitive hourly rate or flat rate; no windfall attorneys' fees for hitting the long ball over the fence.

When Federal agencies bring suits to enforce the Truth in Lending Act, they are barred from hiring outside counsel on a contingency fee basis. All I am suggesting is that this same rule should apply to the State attorneys general who are now authorized enforcers under the law. Particularly at this time in our Nation's economic history, it should hardly be one of Congress's priorities to increase the number of lawsuits. We cannot sue our way to recovery. Unless amendment 673 is adopted, the bill would give trial lawyers a share of the public's money and will disrupt the Federal credit regulatory regime and, as I indicated a moment ago, create dangerous incentives to corruption. I ask my colleagues to support amendment No. 673.

AMENDMENT NO. 674

Madam President, I have another amendment, Cornyn amendment No. 674, so I now ask unanimous consent to set aside temporarily my previous amendment and ask for the immediate consideration of amendment No. 674.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 674.

Mr. CORNYN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to implement an Executive Order relating to employee notice of rights under Federal labor laws)

At the appropriate place in title I of division F, insert the following:

SEC. _____. No funds made available under this Act shall be used to implement the Executive Order dated January 30, 2009, entitled "Notification of Employee Rights Under Federal Labor Laws" to the extent that the implementation of such order is in conflict with Executive Order 13201, dated February 17, 2001.

Mr. CORNYN. Madam President, my second and final amendment to this Omnibus appropriations bill would help protect workers' paychecks and increase transparency, something we all heard our new President speak about just a few short weeks ago—I believe about 50 days ago now—when he said he believed increased transparency would increase accountability and help restore the public's confidence in their Government. This amendment is offered in that vein.

The U.S. Supreme Court, in *Communication Workers v. Beck*, said workers could not be forced to pay dues for purposes other than collective bargaining. That means workers have the right to keep more of their money rather than support political action committees, lobbying and gifts, things they may not even agree with.

We know every dollar counts in this economy, and many workers object to scenes such as the one we saw last week in Miami. There, the AFL-CIO held a meeting at the Fontainebleau Resort, which describes itself as "the epicenter of style, fame, and glamour." Now, if workers don't want to support that kind of extravagance based on their union dues, they shouldn't have to. And, frankly, who can blame them?

The Bush administration issued an Executive order that required employers to post signs at the workplace that informed workers of these rights regarding union dues. These notices are similar to those that inform workers of their rights regarding family and medical leave, workplace safety, equal employment opportunity, and other rights they have under the law.

Now, this chart shows what the notice says. It says:

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration, and grievance adjustment.

It goes on to say:

If you do not want to pay that portion of dues or fees used to support activities not related to collective bargaining, contract administration, or grievance adjustment, you are entitled to an appropriate reduction in your payment.

Meaning your payment of your union dues.

If you believe that you have been required to pay dues or fees used in part to support

activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to appropriate reduction in future payments. For further information concerning your rights, you may wish to contact the National Labor Relations Board, either at one of its regional offices or at the following address.

The Supreme Court has said when a worker pays their dues, they cannot be forced to financially support things they don't agree with, whether it is extravagant spending at the Fontainebleau Resort or perhaps even a political speech where a union might use those dues to help finance a campaign against a political candidate or perhaps an incumbent.

President Obama, unfortunately, has signed an Executive order that, among other things, rescinds the requirement to inform workers of their rights regarding union dues. This Executive order, contrary to what we heard a few short weeks ago, actually reduces transparency in the workplace, and it places unnecessary limits on the information available to help workers make informed decisions about their union dues.

Amendment No. 674 would prohibit Federal funds from being used to implement that part of President Obama's Executive order related to this notice to workers. It would have no other effect on the Executive order, other than to reinstate this notice to workers that you don't have to join a union; and, No. 2, if you do not join a union, you cannot be forced to finance points of view or activities you disagree with, and you can assure that your money can only be used for legitimate collective bargaining contract administration and grievance adjustment.

I urge my colleagues to support amendment No. 674.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 673

Mr. PRYOR. Madam President, I rise today to speak against an amendment filed by Senator CORNYN of Texas. The amendment deals with the ability of State attorneys general to hire outside counsel for various lawsuits they may be pursuing. I wish to talk about that amendment for a few minutes and tell my colleagues how that works in the real world.

One of the things we did when I was in the State attorney general's office is we looked at several cases on which we considered hiring outside counsel be-

cause the State did not have the resources to front the costs of the litigation. We ended up not retaining any outside counsel. We did not pursue those matters. Nonetheless, the fact that we had the ability to look at that option is very important for States. It is also very important for State sovereignty. In fact, I am not convinced—I have to look at the U.S. Constitution—I am not convinced that the U.S. Congress can limit a State's ability to file a lawsuit. My sense is that the States have that authority. They can do what they want to do. They are sovereign. My guess is that this amendment may be unconstitutional. I have not yet done a thorough analysis of it, but that is my suspicion.

I say this too. One of the points my colleagues need to remember about the State AGs is that most of them—I think over 42, 43, 44 State attorneys general are just like us: they are elected by the people. There are a few appointed one way or another—by a supreme court, a legislature, a Governor. That happens State to State, but the vast majority of them are elected just as we are. They have accountability. They are responsible to the people who elected them. There is that check and balance that already exists. I am not sure about other States because I don't know how their outside counsel statutes work, but in our State, in order for us to hire outside counsel, we have to go to the legislature and get their approval, and we also have to get the Governor to sign off on it. Again, States are going to be different on point.

Again, in Arkansas, we have another check and balance beyond just that the State attorney general is elected and is accountable to the people. There is also a check and balance between the State attorney general's office and the legislature and the Governor. Everyone has an interest to make sure this is done right and done well. It works very well in our State. If we had a lot of State attorneys general here, they would agree that it worked very well for them as well.

Another point I wish to address in the Cornyn amendment is the underlying premise of this amendment. My understanding is it is based on some language dealing with the Federal Trade Commission in the omnibus bill we are discussing today and will vote on later today. We have to recognize that the Federal Government does not always have the manpower or the attention span or the ability, for one reason or another, to go after some bad actors out there. The States do not always have that manpower, attention span, or ability either, but the fact that the States can help augment and supplement the enforcement of the Federal Trade Commission and other Federal agencies can be very good for the people of this country.

Again, we need to allow the States the flexibility to be on the team. They need to be on the team because these folks—again, most of them—are elected by their people. Most of them have some sort of consumer protection function or some sort of public safety function. Most of them have an office that is ready, willing, and able to make sure their State's citizenry is protected and taken care of sometimes when the Federal Government cannot do it or is not able to do it or is not willing to do it. The State AG enforcement can be a very important part of that protection.

With regard to the narrow issue of whether States can hire outside counsel, let me speak about that point for a moment.

When I was elected to the State attorney general's office in Arkansas in 1998—we all remember the tobacco case, the big, mammoth tobacco case. I was elected and within weeks it settled. By the time I became attorney general, sworn into office, the case was over. It was done, and we were in the enforcement phase. The case itself was behind us.

One of the first things I had to do—this literally happened on the first day I was in office—is I had to undo an outside counsel agreement my predecessor had entered into. Here, again, not only have I never entered into an outside counsel agreement as an attorney general, but I undid one my predecessor tried to enter into. That puts me in a different position than most people because I had been around this issue a lot during my years in the attorney general's office.

The other point we need to keep in mind about the tobacco case—and this is just true for how State AGs work—one of the reasons, and I would say the primary reason, that the States brought that case in the first place is because Washington failed to act. Washington failed to act. We may remember those days in the nineties. President Clinton wanted to do something with the tobacco companies. He wanted to have a global settlement of these claims. I was not around then. A lot of my colleagues were around then and remember the details of those discussions and the bill that came through. It got bogged down in the Congress. In fact, I remember listening to the news media saying it came like a Christmas tree—everybody was adding an ornament as it went through the process. It never passed. It got burdened down, and it never passed and never got to the President's desk for his signature. So when Congress did not act, the States did.

We have seen that in other context as well. When there is a void, when there is a vacuum and the Federal Government is not out there trying to take care of an issue, whatever it may be, oftentimes the States want action. It could be the Governors, it could be the

State AGs, it could be the State legislatures, but—what is the old saying about power abhors a vacuum? That is what happens in this country. Again, we need to keep the States' flexibility in bringing lawsuits if they need to do that.

The other point we need to keep in mind is that a lot of today's litigation, a lot of the litigation the States are either involved in or are looking at is very complex and very expensive. I personally believe that an outside counsel contract can make a lot of sense. Again, we looked at these contracts when I was in the attorney general's office. We never did one, but we looked at them very closely because there are cases where it is very complex, it is very expensive, and you can structure an agreement with an outside counsel. It is not a get-rich-quick scheme by the outside lawyers, by the plaintiffs' attorneys, but it really is good for public policy, and if it is done right and done well, the public interest is very much served.

I think we should look at the Cornyn amendment. With all due respect to my colleague and friend from Texas, I think we should vote against the Cornyn amendment. We should not limit the States' ability to hire outside counsel if they feel they need to. Let the States make that decision. As I mentioned before, constitutionally, I am not sure we have the authority to limit the States anyway.

In the end, the interest of our people back home would be disserved if we adopted this amendment because what we would do would be to take some of the authority, some of the ability away from the State to protect its citizenry. As this amendment is voted on—apparently later this afternoon; I don't know exactly when it will be voted on—as it is voted on, I strongly urge my colleagues to vote no on the Cornyn amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Madam President, I take the floor to give a little background, important background on the amendment I will call up later today. That Vitter amendment would do away with the system that is now in place under the law whereby Members of Congress get automatic pay increases annually without any open debate and without any open, clear rollcall vote.

Madam President, I have to say, Americans—certainly Louisianans in my State—are frustrated about a lot that is going on in Washington and in Congress. They are frustrated about the direction of the country, about runaway spending, about bailouts, but they are also frustrated with how we in Congress often seem to do our business. They are not frustrated so much with disagreement. People can have legitimate disagreements, vast differences in

points of view and philosophy and approaches to issues. What they are most frustrated about is pure partisanship for partisanship's sake, political games, and a cynical approach to doing what should be the people's business in the Halls of Congress.

Unfortunately, a lot of voters and citizens in Louisiana and across the country are going to view some of the maneuvering and some of the political strategizing over attempts to defeat my amendment in that light, and they are certainly going to consider it more of the same. What am I talking about? Well, we have a big omnibus spending bill on the floor of the Senate, and last week the majority leader took great pains to say—including from his spot on the floor several times—we are going to have an open amendment process; that the floor is open for business, it is open for amendments. He invited Members to come on down. We will consider them. We are moving forward and taking care of amendments, having votes, and getting back to the proper procedure of the Senate.

I was excited to hear that because I had an amendment I very much wanted to call up for debate and a vote. The problem is, when I tried to do that, both through staff and individually, we were blocked every step of the way. At every turn, my amendment would never be put in order. It was never allowed to be called up, and I was never allowed to get that vote on this pay raise amendment.

Thursday night, that changed, and it changed for one simple reason: The majority leader needed to cancel a vote. He needed 60 votes for cloture. He didn't have the votes, as he explained from his podium. To cancel that vote, under the rules of the Senate, he needed unanimous consent—the consent of each and every Member of this body. Well, I took the opportunity—after a week of being frustrated and blocked and hemmed in at every turn from getting a vote on my amendment—to say very simply, in a straightforward way: I will be happy to grant that unanimous consent request with regard to my role in this if—and only if—I will finally be guaranteed a vote on my amendment. The majority leader had to agree, and he did agree.

So here we are today, the following week, debating the Vitter pay raise amendment to stop pay raises on autopilot. This will finally lead to a vote. But as soon as that vote was scheduled, a sort of funny thing happened. The next day the majority leader introduced his own bill, coauthored by the entire Democratic leadership, which would do the same thing. Now, if I thought I had gained that many enthusiastic converts to the cause, I would be excited. But even though I was born at night, I wasn't born last night. I know—and every observer to the process knows—something else is going on.

The something else is simple: The majority leader filed his own bill regarding automatic pay raises simply to be able to point to it and say: I am offering this bill, we can push this forward through this vehicle, and therefore you must vote against the Vitter amendment to the omnibus spending bill.

Again, I think the American people are going to be frustrated by the maneuvering and the cynical political games. I think they want a full, straightforward open debate. I think they want to hear where people are coming from. If folks support this idea of changing and doing away with automatic pay raises—pay raises on autopilot and no debate, no votes, they just happen every year—then I think they are going to want to see those Members vote for the Vitter amendment on the floor of this body today.

Quite frankly, I think it is a cynical maneuver to point to a bill that will never pass, that is controlled by individuals who don't want the measure to pass, in order to defeat an amendment that can pass and that can be the vehicle for this important change and reform. So I would encourage all Members to support the Vitter amendment, to support the idea in the form in which it can actually be passed into law.

This is a must-pass bill. This is an appropriations bill—something to fund this part of the Government. Something has to pass within the next several days. In this bill—in the original version of this bill—the pay raise issue is already there. It is a perfectly germane and natural amendment to the bill and agrees with my provision to do away with automatic pay raises. Nothing could be more natural than to debate the issue on this bill, to offer this amendment on this bill, and it is the legitimate and appropriate and effective way if we actually do want to pass this into law.

The way to never pass it into law is to have a stand-alone straw man; to point to a separate bill that will never be passed, certainly in the House.

Now, I expect what will happen is, the majority leader will not only point to this stand-alone bill, but he will actually ask unanimous consent that it be passed through the Senate and sent down the road to the House in the process. Well, that would be very promising if there was any hope whatsoever that the Speaker of the House and the House leadership would take up the matter and put it on the House floor. So I would ask the majority leader and the Speaker of the House if they have had those discussions. Is there a commitment to putting any stand-alone bill passed through the Senate on the House floor for a vote in the very near future?

If there is that commitment, I would love to hear that expressed publicly, clearly, and in a straightforward way,

and then that would rebut my argument that this is all a cynical, political game. I am afraid we are not going to hear those assurances. We are not going to hear that public commitment because I am afraid what is swirling around my amendment is a cynical political game. Let us treat the people's business the way it should be treated. Let us come to the floor, let us express our opinions. If we have legitimate differences of opinion, let us express them and let us debate them. But let us do it in that straightforward way and then let us have a vote on the Vitter amendment—the amendment that would do away with automatic pay raises—which is the true effective way to pass this reform into law on a must-pass appropriations bill.

I urge all my colleagues to come to the floor in that spirit. I urge all my colleagues to express themselves and wherever they are coming from in that straightforward way, in that straightforward spirit and not to drop in standalone bills the day after I was finally able to secure a vote on this matter, particularly when this proposal—thanks to my good friend, Senator RUSS FEINGOLD—has been around at least since the year 2000, 9 years. Neither the majority leader nor any of his Democratic leadership who are cosponsors to his brand new bill have ever reached out to Senator FEINGOLD to express support and join him in supporting his bill, which, as I say, has been around since the year 2000.

I am now happy to yield to the distinguished Senator from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

AMENDMENT NO. 621

Mr. GRASSLEY. Madam President, I rise to speak on another amendment. I spoke on Senator VITTER's amendment yesterday, and I spoke in support of it. I will now speak on the Sessions amendment.

I rise in support of the Sessions amendment to extend the E-Verify Program for a period of 5 years. The E-Verify Program is an effective Web-based tool that provides employers with a process for the purpose of verifying the Social Security numbers and, at the same time, for the main purpose of determining the legal status of newly hired employees.

As my colleagues know, it is unlawful for employers to knowingly hire or employ aliens not eligible to work in the United States. Under current law, if the documents provided by an employee reasonably appear on their face to be genuine, then the employer has met the obligation to review the worker's documents. Unfortunately, counterfeit documents and stolen identities have made a mockery of this law. But with the E-Verify Program, employers can electronically verify a new hire's employment authorization through the Social Security Administration and, if

necessary, follow it up with the Department of Homeland Security databases.

E-Verify has been an extremely successful program for employers who are seeking to comply with the law. The program is voluntary and free for all employers. Right now, over 100,000 employers have signed up for the program, and, in addition, each week more than 2,000 employers sign up. E-Verify has a proven track record—more than 5 million queries by employers were made last year and, of those, 96.1 percent were verified automatically.

The small percentage of applicants who receive a tentative nonconfirmation must sort out their records with the Social Security Administration. I would think if the Social Security Administration has bad information about you, you would want to clear that up for sure anyway. Many times this is a simple misunderstanding with the Social Security Administration or a case in which records were not updated. In the event a person receives a tentative nonconfirmation after his employment application, that person can still continue to work and cannot be fired.

The Sessions amendment would extend the E-Verify Program for 5 more years. Now, frankly, I would like to see more reforms to the E-Verify Program. For example, I would like to make E-Verify mandatory for all businesses. I would like employers to check all their employees through E-Verify, not just new hires. I would also like to see the program made a permanent provision in our immigration laws. But for now, I am happy to support this first baby step in extending E-Verify for 5 years.

There is a bottom line to everything we do around here, and the bottom line is that this amendment is a jobs amendment. Our economy is on the skids. Americans are losing their jobs. The E-Verify Program will help stimulate the economy by preserving jobs for a legal workforce. It will help root out illegal workers who are taking jobs from Americans. We need the E-Verify Program to encourage employers to use the system to prevent them from hiring foreign labor that has come here illegally.

I wish to make clear this has nothing to do with whether we have people coming to this country. It has nothing to do with whether we have people coming to this country to work. It only has to do with laws being followed—following the rule of law—to make sure people are working here legally and are conforming with our laws. That is all this is about, and E-Verify is a process—not mandatory, but a process to help people who are employers to verify whether the people who apply for the jobs are here legally and are registered with our Social Security system in a legal way.

I urge my colleagues, then, to support the Sessions amendment. Of

course I appreciate very much the leadership of Senator SESSIONS in this E-Verify Program extension for 5 years, which is what the amendment calls for.

I yield the floor and I don't see anybody yet ready to speak so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 621

Mr. GRASSLEY. Madam President, for Senator VITTER, I ask his amendment be called up. It is amendment No. 621.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY), for Mr. VITTER, for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. ENSIGN, proposes an amendment numbered 621.

Mr. GRASSLEY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To repeal the provision of law that provides automatic pay adjustments for Members of Congress)

At the appropriate place, insert the following:

SEC. ____ . **ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.**

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, I rise today to speak a little bit about where we are in our economic situation in this country and specifically as it is affected by the President's budget as he

has brought it forward. I want to begin by acknowledging my respect and appreciation for what this administration has tried to do in the area of stabilizing the financial industry of this country. They, in conjunction with the Chairman of the Federal Reserve, Treasury Secretary Geithner, and Larry Summers, the Special Adviser to the President, along, obviously, with the input of Chairman Volcker, have put together a very comprehensive effort to try to use the strengths of the Federal Reserve and the Federal Government to basically inject liquidity into the system and put stability into the financial system of the country.

There has been a tremendous amount of commentary on this and much of it has reflected a lack of confidence in the initiatives that have been brought forward by this administration because, in many instances, they have not been as specific as they might have been. But the general thrust of what the administration has done in this area has been positive and I believe we are starting to see it work. The initial TARP dollars, which were put in by the prior administration, did stabilize the banking industry during a critical time. That has been followed on with additional TARP dollars from this administration, followed on by the initiatives from the Fed in the area of TALF, which basically is potentially over \$1 trillion of support for new loans in the area of consumer credit and maybe commercial real estate; trying to do something in the mortgage area—initiatives have begun there using the FDIC and also the Treasury and the Fed again; in the area of basically underwriting the stability of major banking systems in the country, significant efforts have been made; and we are now hearing there is going to be an additional effort made to take toxic loans off the balance sheets of the banks using the leverage from the private sector.

All this has been, in my opinion, the right way to go. I didn't support the stimulus package because I thought it was unfocused and I did not think the dollars were used as effectively as they might. I wanted to see the dollars in the real estate area. But as a very practical statement, on balance the efforts of this administration to try to stabilize the financial industry, because stabilizing the financial industry is critical to getting the economy going, have been positive in my opinion. There is still a long way to go and there are more specifics that need to come and I guess more of that is going to come this week.

But that initiative to try to get this economy going and try to address the issue of people's concerns about their jobs and the value of their homes and their ability to live their lives in a constructive way in the face of severe financial distress which is being caused

by this recession, stands in juxtaposition to this budget they have sent up. It is as if they have a ying and yang personality down there at the White House because they sent us up a whole group of ideas in the area of stabilizing the financial industries and trying to get the economy going with their stimulus package, the purpose of which is to lift the economy using the Federal Government.

Then they sent us up a budget which essentially creates a massive expansion in spending, a massive expansion in taxation, a massive expansion in borrowing, not only in the short run when you might be able to justify more spending, when you can justify more spending and borrowing, but as far as the eye can see with the practical effect of having a dampening effect, throwing a wet blanket on top of this country's productivity capabilities and this country's ability to be moving forward as an entrepreneurial society.

Look at the budget in specifics. The budget, in the short run, spikes the deficit dramatically. I am not going to argue with that. That may be necessary—maybe not at the levels they are doing it, but it may be necessary. It is necessary in order to put liquidity into the market, put liquidity into the American economy.

But then it continues to expand the size of Government; 28 percent of GDP will be the size of the Government this year. That is massive compared to our historical size of the Government as part of the GDP. That has got to come down. It does come down, but it does not come down all that much. By the fifth, sixth, seventh year, we still have Government spending that is 22, 23 percent of GDP. We have a deficit in the fifth year that is 3 to 4 percent of GDP.

The debt of the Federal Government, the public debt, is doubled in 5 years under this budget. It is tripled in 10 years under this budget. Taxes are increased by \$1.4 trillion under this budget, \$1.4 trillion. What are those taxes used for? Not to reduce the deficit but to expand the size of the Government even further.

Health care is essentially put on a track toward nationalization. Educational loans are nationalized. Discretionary spending goes up by almost three-quarters of a trillion dollars. And there is absolutely no restraint in any accounts of any significance on the spending side of the ledger in this budget. So that by the time we get to the fourth and fifth year of this budget, rather than seeing the numbers come down to something that is manageable for our society, rather than seeing the debt-to-GDP ratio come down to what might be a manageable number, it remains at a very high level, 67 percent.

Historically, debt to GDP in this country has been about 40 percent. Those are numbers. What do they mean? Well, essentially, instead of hav-

ing a traditionally strong industrialized society, where your debt is manageable at 40 percent of your GDP, you are heading toward a banana republic society or country where your GDP-to-debt ratio is up around 70 percent. You cannot sustain that. Yet this budget presumes we are going to have a debt-to-GDP ratio of the banana republic type as far as the eye can see.

And the deficit? It is claimed that it is cut in half. Well, if you increase the deficit four times, and then you cut it in half, you do not gain very much. That is like taking four steps backward and only two steps forward. The practical effect of that is that we still end up with a deficit 4 or 5 years out, well after we are past this recessionary period, hopefully. I am sure we will be past it by then because we are a resilient nation. A deficit which is still way above the historical norm for this country, a \$712 billion deficit is projected by the year 2019 under this budget, 3 to 4 percent of GDP. That is not sustainable. What is the practical effect of this?

Well, the practical effect is that we give our kids a country they cannot afford. We put on them a debt burden which basically stymies their ability to succeed and prosper.

In addition to this, you have got to look at the policies underlying this budget. What are the policies that are driving this massive expansion of Government in this massive expansion of debt? Well, they are basically policies which say, we are going to take the Government and we are going to explode its role relative to the private sector activities.

There is a proposal in this budget, as I mentioned earlier, to nationalize the student loan program. That is certainly an unnecessary act. We had a very vibrant private sector student loan program and a vibrant public sector student loan program. There is no reason we cannot have both. That is no longer acceptable. We are going to nationalize the student loan program.

There is a \$636 billion place holder in this budget for the expansion of health care. They say it is a downpayment. Well, if it is a downpayment, we are talking about health care expenditures exceeding \$1 trillion under this budget, growth in health care costs. Well, health care already absorbs 17 percent of the gross national product. That is about 5 percent higher than any other industrialized nation. It is not that we do not put enough money in our health care system, it is that we do not use it very well. And to increase the dollars going into health care by those numbers means what you are proposing is essentially for the Government to take over the entire health care system at some point in the future—another great expansion in the size of Government.

Then you have got this expansion on the discretionary side of the account.

Every discretionary program expanding, except for defense, where they play a gimmick for the purposes of claiming budgetary savings that do not even exist on spending that will not occur.

So the goal of this budget is not to contain or to slow the rate of growth of Government in the outyears after we are past this recession, it is rather to explode the size of Government as we move out of this recession, and put in place a government that continues to grow at a rate which the economy cannot afford and which obviously our children cannot afford.

How is this paid for, this dramatic expansion of Government? Well, most of it is borrowed, borrowed money. But some of it comes out of taxes. There are major new taxes proposed. We have all heard about the taxes on the wealthy. Let me point out that essentially what is being proposed here is that if you make more than \$250,000, your income is going to be nationalized. Well, there are a lot of wealthy people who make more than \$250,000, but there are also a lot of small businesses in this country that make \$250,000.

That is where jobs come from in this country—the person running the local restaurant, the person running the local garage, the person who started a software company, the person who has initiated a new product, a new catalog product, maybe, selling something. All of these are small businesses, and they are across this Nation, and they are what create jobs. When you say to those folks, well, we are going to tax away whatever you make above a certain amount, \$250,000, you are saying to them they do not have the assets to reinvest in their small businesses. You are basically going to create a huge disincentive. This creates a huge disincentive for small businesses to expand and for people to be added, for employees to be added to their businesses. It throws a wet blanket on the expansion of small business.

There is another tax in here that is not talked about too much. They call it a carbon tax. This is a massive new tax on everybody's electric bill. If you described it fairly, it should be described as a national sales tax on electricity. If you use electricity for anything, something in your home, if you use energy basically for anything—and almost every American does; I cannot think of anyone who does not—you are going to find yourself hit with a new tax, this carbon tax, this national sales tax on energy.

And what does it amount to? It is not a small sum. It is scored in this budget. It is understated in this budget. It is scored at, I think, \$70 billion a year or something like that. That is still a lot of money, by the way. But it is understated. According to the MIT study and according to the numbers which were being used last year when this was

being discussed, the actual number is closer to \$300 billion, \$300 billion in a brandnew tax burden on the American consumer.

And what is this tax used for? Well, it is used, in large part, for walking-around money for various constituencies who have an interest in getting money from the Federal Government. It is not used to contain the Federal Government or to reduce its size by reducing the deficit. A large percentage of these tax revenues are going to be added to various initiatives around here which are the projects of Members—worthwhile, I am sure.

But it is pretty hard to justify hitting Americans with a brandnew national sales tax on their energy bills for the purposes of expanding this Government, which is already too large to begin with. And, remember, none of this expansion in the Government taxes takes into account the huge costs which we have coming at us which we do not know how we are going to handle. Those are the costs of the retirement of the baby boom generation, for as this baby boom generation continues to retire—it has begun retiring now—it is going to generate massive costs on our Government.

We know we have \$60 trillion of unfunded liability to pay for Medicare, Social Security, and Medicaid for the baby boom generation as it retires. And why is that? Why are there all of those trillions of dollars? Why is all of that money out there and obligated?

Because we have created a massive cost, and we have the largest generation in America retiring that is going to push that cost onto our children. We go from 35 million retired people to 70 million retired people, and most of that is going to occur by the end of this administration's term in office should the President be reelected.

So you would think that in this budget they would have said, well, we better start addressing that issue. We better start disciplining ourselves relative to how we are going to handle this massive increase in spending, which we know is coming at us—I call it a fiscal tsunami—as a result of the baby boom generation retiring. But, no, not one word in this budget about containing or slowing down or in any way addressing the issue of entitlement spending as a result of retirement of the baby boom generation.

The practical effect is there is an elephant in the room that we know we are going to have to address relative to cost that is not addressed, but at the same time the budget radically expands the size of Government, using resources that might have been used to address entitlement reform.

It is a budget which, if you look at it, essentially says to the productive and entrepreneurial side of our Nation: We are going to tax you. We are going to regulate you. And we are going to cre-

ate an atmosphere where we are going to crowd out your ability to borrow money because the Federal Government is going to borrow so much money.

It is simply an attack on the entrepreneurial elements of our society, the people, the small business people who go out there and create jobs. That is why I said there is a conundrum here. On the one side this Government is proposing all sorts of initiatives, which I agree with, to try to float the economy using the liquidity of the Federal Government in a lot of different areas but primarily focused on getting stability back into our financial system and helping people who have mortgages that they cannot pay.

But, on the other side, you have this budget sent up here which is a clear and present attack essentially on the productive side of our ledger as a nation, while it expands radically the size of Government. So you can understand why the stock market and others are saying, whoa, what is happening here? Who am I to believe, the part of the administration which says we are going to try to get this economy going or the part of this administration that says, once we get it going, we are going to stuff it down with a major new tax burden and a dramatic expansion in Government?

So much more could have been accomplished in this budget than what has been proposed. If it had come forward with any reasonable ideas in the area of disciplining and managing the entitlement accounts, there would have been strong bipartisan support for that. But none were put on the table.

The opportunity to move forward in the area of Social Security was not taken. The opportunity to do something significant in the area of Medicare was certainly not taken in this budget, and the practical effect of that is, that if you are looking at this budget, and you are an investor from somewhere around the world buying American bonds—and, remember, most of our debt today is being bought by people outside the United States. They are basically funding our capacity as a nation to function—you are going to look at this budget and you are going to say, do I have confidence that the bonds I am buying are going to have the value that I am putting into them 5 or 10 years from now?

If I look at this budget, I am going to conclude that the American Government is not going to discipline itself, that it is going to continue to run a debt-to-GDP ratio that is not sustainable, and that, therefore, it is very likely that maybe my debt that I am buying from the United States, the Treasury bonds I am buying, are not going to be the value I am paying for them.

This budget not only stifles the entrepreneurial spirit of America in the

outyears—and people looking 4 or 5 years down the road are not thinking that far now, but in October, this budget repeals many of the tax initiatives which create entrepreneurship and tax people at a heavier rate; it starts pretty soon here—at the same time it is putting at risk the value of our currency and the value of our debt. It is saying to the world: We are not going to discipline ourselves in the outyears.

When we raise taxes, which this administration is proposing—and that is what they said they would do—one presumes they would do what President Clinton did when he raised taxes. He used it to try to reduce the deficit. With the help of a Republican Congress, which limited spending, we were able to accomplish that. This budget does not accomplish that. This budget takes \$1.4 trillion in new taxes and spends it on a massive expansion of the Federal Government in the area of health care and the way we finance student loans, all the different initiatives basically expanding Government's role.

The practical effect of that will be to weaken the dollar, our currency, and to cause people to question the value of our debt. That is serious. That is very serious for us as a nation.

I agree with those who say the market is confused by this administration. It is confused because, on one hand the administration is pursuing what is a necessary policy to get liquidity into the market and stabilize the financial industry, stabilize the housing industry, but, on the other hand, it has put forward a budget which is probably the largest expansion of Government in the history of the country or the largest proposed expansion of Government in the history of the country, unpaid for and, therefore, threatening the future of our children with debt they can't possibly afford.

As we move forward in this effort, I suggest a better course of action would be for this administration to come forward with some fiscal discipline. Why don't they propose some specific ideas which will address the impending fiscal tsunami? There are bipartisan initiatives in the Senate to do so. Senator CONRAD and I have proposed a procedure which would allow us to put in place a process which would lead to policy, which would lead to a vote, which would actually limit and make affordable a large percentage of the outyear cost of entitlement programs as we try to fund the retirement of the baby boom generation.

Take us up on that offer. It has very significant bipartisan support. Why not take up an initiative in the area of trying to get the deficit and the debt back to the prerecession period? When we went into the recession, the debt was 40 percent of GDP. The deficit was down to about 1.5 percent of GDP. Let's get back to those numbers. If we are going

to raise revenues, let's use them to reduce the deficit, not to expand the size of Government.

These are initiatives that would get a lot of Republican support, certainly on the first point. There might even be some support on the second idea of getting the deficit down. I would certainly support lowering the debt. But the proposal as put forward now is confusing. Not only is it confusing, but if it were actually put in place, it would put our country in a very serious situation as our children try to lead their lives and move forward in a nation which gives them an opportunity for prosperity.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 629 WITHDRAWN

Mr. KYL. Madam President, yesterday I spoke to my pending amendment No. 629, an amendment that would have required an assurance that none of the funds in the underlying legislation would be used to resettle Gazans in the United States. There had been a flurry of news stories suggesting that an Executive order by the President might have that result.

In contacting the State Department, we have been assured that is not the case. As a result, I ask unanimous consent to withdraw the amendment and to have printed in the RECORD a letter from the U.S. Department of State, Michael Polt, Acting Assistant Secretary, addressed to me, dated March 9.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, March 9, 2009.

Hon. JON KYL,
U.S. Senate.

DEAR SENATOR KYL: Thank you for your inquiry regarding Presidential Determination No. 2009-15, signed on January 27, 2009, which approved a \$20.3 million drawdown from the Emergency Refugee and Migration Assistance Fund (ERMA) to assist Palestinian refugees and conflict victims in Gaza. These funds will be used to provide humanitarian assistance to Palestinian refugees and conflict victims in Gaza. None of these funds will be used to resettle Gazans in the United States.

We appreciate your inquiry regarding this U.S. humanitarian program. If we can be of further assistance on this or any other issue, please do not hesitate to contact us.

Sincerely,

MICHAEL C. POLT,
Acting Assistant Secretary,
Legislative Affairs.

Mr. KYL. Madam President, I will read the two specific sentences from the letter that cleared up this matter. The letter says:

These funds will be used to provide humanitarian assistance to Palestinian refugees and conflict victims in Gaza. None of these funds will be used to resettle Gazans in the United States.

As a result of that assurance, the amendment is not necessary, and that is one less vote my colleagues have to take this afternoon.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 615

Mr. ENSIGN. Madam President, I wish to talk about my amendment dealing with the DC Opportunity Scholarship Program. Unfortunately, if the current bill should pass, this program will end. There is specific language in the bill that says unless this program is reauthorized and the DC City Council approves it, 1,700 children will lose their opportunity scholarships that allow them to attend a private school in the District of Columbia. That is unfortunate, and that is why my amendment must be adopted.

When we take a close look at the data on DC schools, it is no wonder the DC opportunity scholarship parents are so vocal about keeping this program alive. Here in the District of Columbia, public schools spend, on average, over \$14,000 per year per student. The DC class size has one of the lowest student-teacher ratios in the country, 14 to 1. Yet reading scores continue to languish at or near the bottom in every national assessment. Recent data shows that 69 percent of fourth graders in the DC Public Schools are reading below basic levels as defined by the Department of Education. DC students in DC Public Schools ranked last in the Nation in both SAT and ACT scores. About 42 percent of DC students drop out of school.

Beyond the low performance in the classroom, DC schools are often violent and dangerous. A Federal government study found that roughly 12 percent of DC students were threatened or injured by someone possessing a weapon on school property during a recent school year. This percentage is well above the national average. Perhaps, it is because of these statistics, that President Obama chose to enroll both his daughters in a private school.

Let's see what his Secretary of Education said about the DC scholarship program:

I don't think it makes sense to take kids out of a school where they're happy and safe and satisfied and learning. I think those kids need to stay in their school.

Secretary Duncan was referring to the D.C. Opportunity Scholarship Program, the same program we are trying to save today.

Michelle Rhee, the Chancellor of DC city schools said:

I would never, as long as I am in this role, do anything to limit another parent's ability to make a choice for their child. Ever.

That is what she said.

DC Mayor Fenty said:

We should not disrupt the education of children who are presently enrolled in private schools through the DC Opportunity Scholarship Program.

Last Friday, Senator DURBIN, the senior Senator from Illinois, made some charges against this DC Opportunity Scholarship Program that I wish to address. Senator DURBIN claims the program doesn't work. He claimed the Department of Education study proves the DC Opportunity Scholarship Program doesn't work. What Senator DURBIN failed to mention were some of the fundamental flaws of the Department of Education study. First, the study fails to examine the performance of students who actually took advantage of the scholarship and actually attended private school versus the performance of those who attended public schools. Instead, it compares the students who were just offered the scholarships to those in public schools. In fact, over a quarter of the students who were considered private school participants for purposes of this study did not even attend the private schools.

This study has many flaws and we could go through all of them. How can the program be considered not working yet there are 1,700 kids whose parents showed they are satisfied and that think their kids are getting a better education? The parents are happier, and they can sleep well knowing their kids are going to safer schools. I believe that if there were more than 1,700 scholarships available, there would be a lot more people who would be enrolled in the program because of the satisfaction of both the parents and the teachers.

According to the Heritage Foundation, 37 percent of the members in the House of Representatives and 45 percent of Senators send their children to private schools. That is almost four times the rate of the general population. The senior Senator from Illinois, Mr. DURBIN, stated on Friday that he and his wife sent their children to private Catholic schools. He said this was their choice, and it was a personal family decision. I respect Senator DURBIN's choice to send his own children to private schools, but why should the choice to send children to private schools be the right of only a privileged Senator's family or those who make a lot of money?

Keep in mind, the 1,700 children we are talking about come from families whose average income is less than \$23,000 a year. A good education is a civil right, and this should not be the exclusive purview of the rich or the well connected.

Before closing, I wish to highlight some of the stories of success in the DC Opportunity Scholarship Program so it can be clear who is losing out because of the Democrats' efforts to kill the Program. I wish to put some names with some of the faces and show how important this program truly is.

Sarah and James Parker attend the Sidwell Friends School in our Nation's Capital with President Obama's children. Here they are right here. Unlike the Obama girls, they could not afford this school without the \$7,500 voucher they received from the DC Opportunity Scholarship Program. Now, keep in mind, these two students are funded at half what it costs to send a child to DC Public Schools. Every time we take these students out of the public schools in Washington, the DC Public Schools save money. So why would we want to end this program? Plus the fact that these kids love going to school where they are going.

Now, Sanya Arias is a scholarship recipient who lives in Adams Morgan. She said some of her friends she went to school with in middle school and who now attend public high school speak using profanities and aren't making the kind of progress she is making academically. This is Sanya, here. Sanya said in middle school she started slacking off and she would have probably followed her friends' path if she didn't receive the scholarship to attend private school. Sanya currently has a GPA of 3.95. She is vice president of her class, captain of the soccer team, a player on the lacrosse team, president of the International Club, and a peer minister. This is the type of student the Democrats are going to take out of a school that she loves so much.

Rashawn is 16 years of age and started school in 1996. His father had him tested and found he was 3 years behind his grade level. The scholarship program gave him the opportunity to attend Academia De La Recta Christian Day School where Rashawn has said: "I can now do my classwork with very little help" because of this scholarship.

Dominique, who is Rashawn's sister, is a 14-year-old girl who lives in Washington, DC. She is now attending the same school and, in Dominique's own words, she says: "I love my school, and I am working on my level and my grade."

Breanna Williams is a 9-year-old girl in the fourth grade. She loves her new school, St. Peter's, because she is getting all As and Bs. She loves to read and is doing that at a level above her grade. In addition, Breanna plays the clarinet in the school band and when Breanna grows up, she wants to be a translator who travels the world.

I would be remiss if I did not reintroduce you to Ronald Holassie. He is a 10th grader at Archbishop Carroll High School in the District, where he is thriving—running track, studying

physics, mentoring middle-school students. Further, he has just been appointed as DC's deputy youth mayor. Ronald said that maintaining the DC opportunity scholarship is his chief legislative priority. Ending the program will send Ronald, who is just a sophomore, to Woodson High School, a failing school under the No Child Left Behind Act, for his senior year.

Individually and collectively, these students demonstrate just how important it is to continue the DC Opportunity Scholarship Program and just how wrong the program's opponents are to eliminate it for political purposes. We should continue this scholarship program and help students like the ones I just pointed out—help them to continue to succeed and to develop in our Nation's Capital. I ask President Obama and the Democrats to keep Sarah, James, Sanya, Rashawn, Dominique, Breanna, and Ronald in mind before deciding to kill the DC Opportunity Scholarship Program. I ask my colleagues to please join me in supporting this critical program.

Madam President, I will close with this. I met Ronald last week. I met him and his folks. I met his little brother who is also in the program. I looked in their eyes and saw their heartfelt pleas to keep this program going. I challenge any member to look into their eyes and then vote against this program. We should be putting kids before special interest groups. Shouldn't our educational system be about kids? Shouldn't it be about their education and providing them the opportunities to compete in the 21st century?

I think the people who are against this program are afraid of this program for one reason—because it is actually working. This program is very popular. The senior Senator from Illinois sends his kids to private school. Parents choose to send their kids to private schools because they want better education for their kids.

Let's give these children a chance at a better education. Let's prove that it is working. Let's study the students and the program. Don't stop this program when it is still in its infancy. Let's decide how we need to measure it, prove it is working or not working. But I predict that at the end of the day, if we really follow these kids in an objective manner, we will show this program has great promise, and maybe we can even take it to other places in the country and help other low-income kids get a better chance at a better education.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I am glad I am here to speak in reference to the Ensign amendment. Senator ENSIGN mentioned my name several times during the course of that debate, which he is entitled to do on the floor of the Senate. I would like to respond.

Five years ago, we started a program in the District of Columbia. It was never tried before by the Federal Government. Here is the program. We said we would give to the parents of up to 2,000 students Federal money to pay for the tuition costs of sending their kids to private schools. It was called the DC Voucher Program. At the time—it was proposed 5 years ago—it was proposed as a pilot program. It basically said we are going to do this on an experimental basis to see whether it works, whether at the end of the day these kids going into private schools will turn out to be better and more successful students, and then at the end of the authorizing period Congress will make a decision whether to proceed forward with this program.

Sometime last year, I ended up with the responsibility of funding this program just as it was about to expire. It was going to expire this June, at the end of this school year. I said: I don't think that is fair. We have not done the evaluation we were supposed to do. We have not considered reauthorizing the program as we planned to do. And we do not want to leave 1,700 students and their families in suspense about their future. So, unlike the statement made by the Senator from Nevada, I did not end the program in the bill. I think he knows I did not. Instead, we extended it an additional year beyond the authorization period. We said that we will cover the kids in this program for not only the school year we are in right now but the next school year, 2009 to 2010. I did not think it was fair for these kids to be uncertain about where they would be in the next school year while Congress did its work.

What has happened to this DC Voucher Program? Let me tell my colleagues what happened initially to the DC Voucher Program. I offered three amendments in the Senate Appropriations Committee to this program. Here is what they were, I say to Senator ENSIGN:

No. 1, I said that any DC voucher school teacher had to have a college degree. Is that a radical idea? Do you have any public schools in Nevada where the teachers do not have a college degree? We don't in Illinois. We put this up for a vote, and the people who were supporting the DC Voucher Program voted it down. They said: We can't require teachers in these private schools to have a college degree. Imagine that.

The second amendment I offered said the buildings that we will call DC voucher schools have to pass the Life Safety Code. They have to be safe buildings so that if there is a fire in the building, the kids will survive. I don't know of a single school in Nevada or Illinois that is not in a safe building, an inspected building. Do you know what happened to the amendment in the committee? They voted it down. They

told me: Don't get in the way of creativity. We have these voucher schools that are very creative. The teachers may not have college degrees and the building may not be judged safe, but these are creative ideas. This could work, Senator, step aside.

The third thing I said was that it is only fair, since we are all critical of the current DC public schools and what is happening there, in most instances, that we have the same achievement test offered in the voucher school as in the DC public school so that at the end of a year or 2 years or 3 years, we can compare the results. Are the kids really doing better? It was voted down.

DURBIN, you are standing in the way of creativity. These are voucher schools. They don't need teachers with college degrees. They don't need to be in buildings that are inspected and safe. We don't need to have comparable tests. You are missing the point.

I guess I did miss the point. Do you know what happened when the General Accountability Office took a look at these schools? They found that many of them were world-class schools. And I bet you the students the Senator from Nevada was pointing to were the products of those schools. Do you know what they also found, I say to Senator ENSIGN. They also found schools where somebody's mom or somebody's wife declared themselves principals and teachers and went in to teach without college degrees and received Federal subsidies to do it.

Mr. ENSIGN. Madam President, will the Senator yield?

Mr. DURBIN. I will yield when I finish.

They also found schools that did not pass the Life Safety Code inspection. They found schools where they had misrepresented what the building was being used for. And, of course, there were no comparative tests they could use.

In my mind, if this were to be an experimental program, a pilot program, and we wanted to make sure that the kids were protected and that at the end of the day we could measure the results honestly and accurately, you would have included these provisions. Unfortunately, they were not included.

So now the question is, Should the Federal taxpayers continue to subsidize the education of the students in the DC voucher schools? It is a legitimate question, and it is one that a serious committee should look at. In fact, I think it should be a committee the Senator serves on, and that is what we suggested. He is a member of the Homeland Security and Governmental Affairs Committee, chaired by Senator LIEBERMAN. He came to the floor when the Senator asked 2 weeks ago and stated publicly: Yes, I will have a hearing on the reauthorization of the DC Voucher Program, and, in fact, has indicated to many of us that he supports

the program. He is no enemy of the program.

So when our bill says we ought to take a look at the total results of the millions of dollars we put into DC voucher schools, let's judge how the students are doing—incidentally, in the first year or two, it turned out that the test scores, when they tried to compare them, they said there doesn't seem to be much difference between students in voucher schools and those in public schools. Maybe that has changed. It is certainly worth asking the question.

In this bill, I also require now that the teachers in the DC voucher schools in this next year have a college degree. Is that what you call ending the program? I think it makes the program more responsible. I think it makes the program more likely to produce students with a good education.

Let me tell you what else happened. When the Department of Education took a look at this program, they raised questions about whether the people administering the program were spending the money wisely, whether they were watching how the resources were gathered and spent. There is a lot of talk about oversight here and a lot of criticism that taxpayers' money and Government funds are being wasted. That is a fair criticism of everything we do on the floor. Why should this program be any exception? Why should we create a standard for this program that is different from any other program in Government or any agency of Government? I think it ought to withstand the oversight and review that every single program does.

I want to also tell you that this provision which created these schools—the law is a DC City Council ordinance. It was codified. It was made a law in the DC City Council, where it said specifically:

The Secretary may make grants under this section for a period of not more than 5 years.

We have gone beyond 5 years. I have not only allowed it, I said we should. It is only fair it go beyond at least an additional year. Now the Senator from Nevada objects to the DC government itself deciding whether to continue this program. For a lot of people who come to this floor and talk about home rule, local control of schools, they are basically saying to DC: You don't have any voice in this matter. You are our laboratory. We will decide what happens to your school right here in Congress.

The Senate and the House of Representatives are filled with many gifted politicians, people who have served in many offices throughout their careers and bring that service as an experience to help them serve in the Senate. But it turns out that many of them, more than anything else, always wanted to be mayors, and in particular Mayor of the District of Columbia. Time and again, this Congress—and an attempt is being made right now—tries

to preempt the District of Columbia from making its own choices for its own citizens. I would no more think of imposing on Las Vegas, NV, an education program that its school district did not want, would not accept, without saying to them: You ought to have a voice in this as well.

So at the end of the day, we say the program needs to be reauthorized to make sure it is working, that the money is not being wasted, and the program needs to be approved by the DC City Council.

I have met some of these students to whom Senator ENSIGN has referred. They are truly impressive. They tell a wonderful story about lives that were turned around and new opportunities. And that is exactly what I wanted to create for my children and what everyone else wants to create. But believe me, we are not going to create new opportunities when we have DC voucher schools stuck in the basement of a home where the principal has no academic credentials and the teachers do not have college degrees. We are not going to create excellence in buildings which are dangerous for kids to be in. We are not going to create excellence until we have accurate measurement between the progress students are making in the DC voucher schools and in the public schools as well.

While we are engaged in this conversation, many on the other side—I am not pointing at the Senator from Nevada when I say this—many on the other side have completely given up on the DC public schools. They are wrong. Michelle Rhee is the new chancellor of education in the District of Columbia. She is an extraordinarily talented young woman who has come from the Teach For America Program, one of the most successful new programs and largest employer of college grads in America. She was successful in Baltimore in bringing back a classroom that had fallen behind. She went up to New York to recruit nontraditional teachers. And she is now here with the same dedication and commitment. I am not about to give up on DC public schools. I honestly believe the vast majority of kids are going to be in those public schools, and they deserve a decent education. As much as we can help them, we should. To despair and say there is no hope for these public schools is not fair to Michelle Rhee, to the new Mayor, Mayor Fenty, or to those who want to see this new day in education in the District of Columbia.

I think an honest evaluation of the DC voucher schools, as well as the DC charter schools, and a commitment to reform in the DC public schools is the answer. For those who want to stop and say no evaluation, no reauthorization, no investigation, spend the money on the program, no questions asked, I am going to say no. I am going to fight this amendment because I

think it is a move in the wrong direction. It is a move away from accountability. It is a move away from a local voice in the future of the education of kids in the District of Columbia. And it is a movement away from quality and back to the DC voucher original model that did not include the most basic standards we require of virtually every public school in America.

I can tell you that many who are participating in the DC Voucher Program agree with the reforms I have suggested. I have talked with them about it. There are those who will resist it. We cannot let them win the day by adopting the Ensign amendment.

Now I will yield for a question.

Mr. ENSIGN. I thank Senator DURBIN for yielding.

Madam President, is the Senator aware that in all of the private schools these kids are attending the core subject teachers have 4-year degrees and that it was only in subjects such as art and wood shop that they did not necessarily have 4-year degrees? Madam President, I ask the Senator from Illinois, through the Chair, whether he is aware of that.

Mr. DURBIN. Madam President, I say to the Senator from Nevada that the complement of teachers in the DC voucher schools has changed and improved over the years, there is no question about that. But it is also true to say that the standards imposed on the DC public school teachers are not being followed by the teachers in the DC voucher schools. We have created a double standard. As far as I am concerned, if you are arguing that we shouldn't require all teachers to have the appropriate academic credentials based on the course they teach, I ask in response, through the Chair, is that the standard you are suggesting for your home State of Nevada?

Mr. ENSIGN. Madam President, I actually send my kids to schools where not all of the teachers in core subjects have 4-year degrees. But if a teacher is teaching art, if a teacher is teaching woodshop, or some other kind of program, I would ask: Does the Senator from Illinois really believe imposing that on private schools is necessary?

You send your kids to private schools just as I am sending my kids to private schools. We sent them where we thought they would get a good education. Does the Senator think these parents who are taking advantage of these programs don't care enough about their kids to send them to the best schools? That is why they are choosing to get them out of public schools. Wouldn't the Senator from Illinois agree those are wise parents signing up voluntarily for this program because they care about their kids?

Mr. DURBIN. I would like to respond to the Senator—I know our time is about to end—by saying that when the GAO did their study, incidentally, they

found what you stated on the floor was not exactly the case. It turned out there were teachers in so-called “core academic subjects” without college degrees. Those subjects include English, reading, and language arts, math, science, foreign language, civics and government, economics, art, history, and geography. That is the definition of core academic subjects. And the teachers in many voucher schools did not meet those requirements.

I might also say to the Senator from Nevada that my wife and I made a personal decision to send our children to Catholic schools, knowing we would be paying public property taxes in my hometown of Springfield, IL, to support public education, and we had an additional financial burden on our family to pay for tuition, as you have. We accepted that burden, and I believe it is part of the bargain. We support public education, but we made a family decision to pay for our kids to go to Catholic schools.

I have supported public school referenda throughout my time in my hometown. I believe public education is the core when it comes to the development of the community. In my hometown of East St. Louis, when the public schools went to Haiti, the Catholic schools followed quickly behind. They are all in this together.

Madam President, I know we have run out of time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

OMNIBUS APPROPRIATIONS ACT, 2009—CONTINUED

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, what is the pending order?

The PRESIDING OFFICER. There is no pending order. There has been no unanimous consent. The Senator is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to speak in opposition to the Omnibus appropriations bill that is before us. I think this debate has been good. We have had amendments. I thank the majority leader for allowing amendments to be offered. I note that not one amendment has been agreed to, but nevertheless we have had the debate and I think the American people do deserve to know more about this bill and why there are so many objections to it.

I am speaking against it today because of its sheer size. It is a \$408 billion bill. But when you account for the

previous bills that have already passed appropriations this fiscal year for defense, military construction, veterans affairs, and homeland security, the bottom line is for fiscal year 2009 we are going to spend \$1 trillion. Passage of this bill will mark the first time in U.S. history that our regular appropriations process, funding Government in the routine and regular order, will surpass \$1 trillion.

Last week I offered an amendment. Senator MCCAIN offered an amendment, Senator COBURN offered several amendments, Senator DEMINT, Senator VITTER, Senator KYL—so many amendments have been offered but they were basically different ways to bring down the cost of this bill to some kind of responsible, agreed-upon area so we can say we are doing the people's bidding by taking care of taxpayer dollars. That is what we tried to do.

First, Senator MCCAIN offered an amendment to say let's do a continuing resolution that funds Government at 2008 levels until October 1, the end of the fiscal year. Next, an amendment was offered by Senator ENSIGN that basically said 2008 spending levels, but with the new bill, with the new authorizations. It will have all of the congressional imprint but it will be 2008 levels. That failed.

My amendment was 2008 levels with the rate of inflation, so instead of an 8-percent increase in spending in a 1-year period, double the rate of inflation, it would have been a 3.8 percent increase from 2008, which I thought was quite reasonable. Furthermore, I said let's decide that we will only take it from the accounts in the bill before us that duplicate what we passed in the stimulus bill weeks ago. In that way, we would say to the American people we are going to fund the Government at 2008 levels plus the rate of inflation, and the way we are going to cut it back is to let the Appropriations Committee decide which of the duplicated accounts that were passed in the stimulus bill 2 weeks ago would be taken out—either the stimulus bill or the bill before us. That was my amendment and it too failed.

We have tried everything we know how to do in a reasonable and responsible way to say to the American people: Everyone is hurting right now and we should not be spending in the regular order on regular Government business, 8 percent above last year's rate. My amendment would have been a 1-percent cut from this bill and the Appropriations Committee could have chosen where that went. I also suggested that we take it out of the duplicate measures that we passed within 1 month of each other. The American people expect more responsible actions from Congress than spending without restraint.

I hear from my constituents all the time. A lot of common sense is coming

out of my constituents. I wish we could export the good old Texas common sense to the Congress because what we are saying is why don't we look at the big picture here? Instead of a \$1 trillion stimulus spending package on top of \$1 trillion to fund Government for the next 9 months, and furthermore we have not even dealt with the financial institutions yet, why don't we step back and look at the problem we have, which is that our financial institutions are not working, our small businesses are not getting credit so they are not able to borrow to stay in business, and the housing market is in the tank? We have not addressed those issues yet and here we are, spending as if there is no restraint, adding to the debt because we do not have the money in the bank. I cannot think of anything more irresponsible than what we are doing in these last couple of months in the Congress.

Actually, the stimulus packages from last year were also erroneous. But couldn't we have learned from the mistakes? Couldn't we have learned from what did not work in the first stimulus package? But, no, we do not seem to have learned, even though it was less than a year ago. I think the American people are showing the concern they have because the stock market is low, and is not getting stabilized.

Now we have coming on the heels of this omnibus bill, which we are not accounting for, a \$3.6 trillion budget proposed by the President with a deficit for 2010 projected at \$1.75 trillion. The cumulative debt of America today is \$11 trillion. The proposed budget plan recently suggested a doubling of this debt over the long term.

Mr. President, 25 percent of the national debt that we are accumulating is owned by foreigners. The Chinese Government owns almost \$700 billion of our debt. This is the same Chinese Government that last weekend took a rather hostile action toward one of our naval vessels in the South China Sea. I think we should be looking at the national security implications of having so much of our country's debt in the hands of any foreign country or any foreign national.

In addition to the concerns about whether the borrowers are going to buy our debt—what if they say: \$10 trillion, \$11 trillion, you know, maybe we will buy your debt, but the risk is too great and we will have to jack up the interest rate? What is that going to do to an economy that is teetering so badly?

I do not think we can turn a blind eye to the long-term consequences of this debt burden. It is not only irresponsible but it borders on being reckless. When are we going to stop it? If not today, then when? We have a chance today to say to the American people we will go back to the drawing boards and we will put reasonable limits on the amount of debt we are accu-

mulating. We will put limits on the deficits that are being created. I think we should go back to 2008 levels because we passed a \$1 trillion spending plan. Why not go back to 2008 levels and take out the duplication from the stimulus bill and what is in the bill before us today? That would be a responsible action that might start giving confidence to the American people that the Congress and the President will be able to work together in a bipartisan way to act responsibly, with the big picture in mind. I urge the President of the United States not to go forward with the budget that he has put forward, not to go forward with an energy plan that is going to start increasing taxes on every electric bill that every consumer in this country will have, but instead to step back and say let's fix the financial industries. Let's fix the financial institutions. The idea has been propounded is that the FDIC is going to start putting an assessment on every bank deposit to pay for these other schemes that have no impact whatsoever.

There are a lot of things coming out of here that do not make sense. I think it is time for us to begin to show the American people we are going to step back. We are going to fix the financial markets so people can borrow to make payroll and keep people working, so people can stay in their homes and not get foreclosed, and to shore up the housing industry and help them start building and selling homes again.

If we can start there, then we will know what kind of stimulus we need, or what kind of further spending would be in the best interest of this country to get our economy going again. But until then, we should not pass the bill before us today. We should go back to the drawing board and begin responsible, bipartisan leadership from Congress and the President on behalf of the American people.

I yield the floor.

THE PRESIDING OFFICER. Who seeks recognition?

The Senator from South Dakota.

AMENDMENT NO. 662

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 662, and make it pending.

THE PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI, proposes an amendment numbered 662.

The amendment is as follows:

(Purpose: To prohibit the use of funds by the Federal Communications Commission to repromulgate the Fairness Doctrine)

On page 410, after line 2, insert the following:

SEC. 753. None of the funds appropriated in this Act may be used by the Federal Communications Commission to prescribe any rule,

regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the "Fairness Doctrine", as such doctrine was repealed in *In re Complaint of Syracuse Peace Council against Television Station WTVH*, Syracuse New York, 2 FCC Rcd. 5043 (1987).

Mr. THUNE. Mr. President, 2 weeks ago, 87 Members of the Senate voted to uphold our first amendment rights by supporting a statutory prohibition on the so-called fairness doctrine. The amendment was offered by Senator DeMINT and was accepted as part of the DC voting rights bill which is currently awaiting consideration by the House of Representatives. I am concerned that once the House considers this bill, whenever that might occur, and the Senate and House versions are conferenced together, this provision will no longer be a part of the final DC voting rights bill.

I will say I am hopeful that the DeMint amendment is retained in the final version of the DC Voting Rights Act, but I am fearful it will be stripped out behind closed doors when the conference committee gets underway.

So I filed an amendment to the Omnibus appropriations bill that would prohibit the FCC from using any funds to reinstate the fairness doctrine during the current fiscal year.

If this amendment is accepted to the omnibus bill, then the 87 Senators who supported this prohibition last week will have assurances that the fairness doctrine will not be reinstated for the remainder of this year regardless of whether the DeMint amendment remains part of the DC Voting Rights Act.

I would also like to remind my colleagues a similar provision was included as part of the fiscal year 2008 Omnibus appropriations bill, section 621, that was enacted into law last year. However, that language was not included as part of the fiscal year 2009 Omnibus appropriations bill.

Now, one of the arguments that has been made against this amendment from my colleagues on the other side is, well, this issue is not that important. Nobody really cares about it. It is not going to happen.

If that is the case, then why is it that the prohibition on funding to reinstate the fairness doctrine was stripped out of this bill after it had been included in the fiscal year 2008 appropriations bill?

The so-called fairness doctrine has a long and infamous history in our country. The FCC promulgated the fairness doctrine in 1949 to ensure the contrasting viewpoints would be presented on radio and television. In 1985, the FCC began repealing the doctrine after concluding that it actually had the opposite effect.

They concluded then what we still know today, and that is the fairness

doctrine resulted in broadcasters limiting coverage of controversial issues of public importance.

Now, recently, many on the left have advocated reinstating the doctrine. They argue that broadcasters, including talk radio, should present both sides of any issue because they use the public airwaves. However, recent calls to reinstate the fairness doctrine failed to take into account several considerations, which I will mention in just a moment. But in the event that there would be any question about whether there are those out there who would like to see this happen—because that has been one of the arguments raised in the course of the debate, that nobody in here is very serious about really doing this—if you look at what the Speaker of the House said when she was asked: Do you personally support revival of the fairness doctrine? She said, "Yes."

The leader of the Democrats in the House of Representatives recently said:

There is a real concern about the monopoly of information and the skewing of information that the American public gets.

First, as to the monopoly. Obviously if one group or a large group controls information and only allows one perspective to be presented, that is not good for democracy. That is not good for the American public.

That is, of course, what the fairness doctrine is directed at. It can have great merit. Those are the two top Democrats in the House of Representatives, and those are statements made within the last year.

Then perhaps even more telling is what was said by a top staffer in the House. And it says:

Conservative radio is a huge threat and political advantage for Republicans, and we have had to find a way to limit it.

I would submit that really is what this is all about. We have had Members on this side, in the Senate, on the other side of the aisle, who have made similar statements. Recently, on a radio program one of my colleagues on the other side was asked: Do you think there will be a push to reinstate the fairness doctrine? "I don't know; I certainly hope so" was the answer.

Do you support it? "I do."

I mean, would you want this radio station to have to change? "I would. I would want this station and all stations to present a balanced perspective and different point of view."

What we are talking about is a first amendment right. In reality, the fairness doctrine resulted in less, not more, broadcasting of issues that are important to the public because airing controversial issues subjected broadcasters to regulatory burdens and potentially severe liabilities. They simply made the rational choice not to air any such content at all.

Now, the number of radio and TV stations and development of newer broadcast media, such as cable and satellite

TV and satellite radio, have grown dramatically in the past 50 years. In 1949, there were 51 television stations and about 2,500 radio stations in the entire United States.

In 1985, there were 1,200 television stations and 9,800 radio stations. Today, there are nearly 1,800 television stations and nearly 14,000 radio stations. There is simply no scarcity to justify content regulation such as the fairness doctrine.

The third point I will make is this: Development of new media, social networking, and access to the Internet has changed media forever. Supporters of government-mandated balance either ignore the new multiple sources of media or they reveal their true intention, which is to regulate content on all forms of communication and ultimately stifle certain viewpoints on certain media such as talk radio.

Fourth, broadcast content is driven by consumer demand. Consumers of media show whether they are being served well by broadcasters when they choose either to tune in or turn off the programming that is being offered. The fairness doctrine runs counter to individual choice and freedom to choose what we listen to or see on the air or read on the Internet.

The fairness doctrine should not be reinstated, and 2 weeks ago the Senate acted in a strong bipartisan manner in opposition to the fairness doctrine. I am asking the Senate to agree to my amendment because it simply prohibits any funding from being used to reinstate the fairness doctrine just as we included as part of last year's Omnibus appropriations bill.

Adoption of my amendment would ensure that our first amendment rights are protected and that consumers have the freedom to choose what they see and hear over our airwaves. This amendment ensures that the Federal Communications Commission does not use any resources to reinstate the fairness doctrine through the end of the fiscal year until a more permanent solution can be reached through a statutory prohibition.

As I said, 2 weeks ago, the Senate adopted this by a vote of 87 to 11. There were 87 Senators in the Senate who agreed to language that was contained in the DeMint amendment to the DC Voting Rights Act.

Similar language prohibiting the FCC from reinstating the fairness doctrine again, as I said earlier, was contained in last year's Omnibus appropriations bill. The administration of President Obama is on record opposing efforts to reinstate the fairness doctrine. It makes sense, in my judgment, that we echo all of those statements and the vote that was made by the Senate a couple of weeks ago by including a prohibition on funding for the FCC to reinstate the fairness doctrine.

Again, we do not know what is going to happen in the DC Voting Rights Act,

whether this provision is going to be stripped out, whether the DeMint amendment is going to be stripped out. So it is important, in my view, that we reinforce the vote by making a strong statement, at least for this fiscal year's funding, that funding in the FCC cannot and will not be used to reinstate the fairness doctrine.

There is no reason for the Senate not to vote for this language. I hope my colleagues will join me in supporting this amendment and putting us on record when it comes to the funding that would be used to reinstate the fairness doctrine that this appropriations bill will not do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to engage my colleagues, Senator NELSON and Senator MARTINEZ, in a colloquy. And as I do, let me start off by saying, we want to take a moment to discuss some important provisions in the omnibus bill. I discussed these provisions at length last week on the Senate floor, and I want to give an update as to where things stand today.

As I discussed last week, this bill includes three important foreign policy changes with respect to Cuba that have not been subjected to debate in this body. They have not gone to the Foreign Relations Committee, they have not been subject to a vote in either body, and these modifications deserve a full examination. This has not taken place. Instead, this body would have been forced to swallow these changes in the crudest process I can imagine, without analysis, and without inclusion.

Since we have been unable to debate the substance of these provisions, I have asked for a clarification, along with my colleagues, to the Secretary of the Treasury on the implementation of these provisions and expressed my concern for their possible implications and the unproductive signals they might send to those who are fighting for democratic change on the island.

We did this to get clear, first, of what might have been major loopholes that could have been exploited by individuals or organizations seeking to circumvent the longstanding and necessary economic embargo. In response, Secretary Geithner has provided me with two letters that I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, March 5, 2009.

Senator ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.
Senator BILL NELSON,
U.S. Senate,
Washington, DC.

DEAR SENATORS: I understand that you have concerns with provisions of the Omni-

bus Appropriations Act, 2009 that would amend Cuba sanctions on travel and agricultural and medical trade. As you know, the Obama Administration had nothing to do with these or any other provisions of that bill.

We are, however, currently reviewing United States policy toward Cuba to determine the best way to foster democratic change in Cuba and improve the lives of the Cuban people. Your views and the views of others on Capitol Hill will be important to that review, and the President remains committed to consulting with you as we consider changes to Cuba policy.

I understand that one of your chief concerns with the Omnibus is Section 622, which would prohibit the Treasury Department from using funds to administer, implement, or enforce the current definition of "cash in advance," which is one of the permissible ways to finance exports to Cuba. Treasury believes that this change likely will have no influence on current financing rules. The term "cash in advance" is in the Trade Sanctions Reform and Export Enhancement Act of 2000 and therefore private parties are and will continue to be statutorily required to comply with those payment terms. Because the bill's language does not modify or negate the statutory requirement in the 2000 Act, exporters will still be required to receive payment in advance of shipment and will not be permitted to export to Cuba on credit other than through third-country banks.

I also understand you are concerned about Section 620. As you know that is a provision that will also be administered by the Department of the Treasury. I can assure you that regulations promulgated pursuant to that provision will seek to ensure that only travel for credible sales of food and medical products is authorized.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

DEPARTMENT OF THE TREASURY,
Washington, DC, March 9, 2009.

Hon. ROBERT MENENDEZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR MENENDEZ: You have expressed concerns to me about provisions of H.R. 1105, the FY 2009 Omnibus Appropriations bill, regarding Cuba sanctions. You have also shared your views regarding Section 620 of the bill, which relates specifically to travel to Cuba for the commercial sales of agricultural and medical goods pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000.

Section 620 would be administered by the Department of the Treasury. The regulations promulgated pursuant to that provision would provide that the representatives of only a narrow class of businesses would be eligible, under a new general license, to travel to Cuba to market and sell agricultural and medical goods. Any business using the general license would be required to provide both advance written notice outlining the purpose and scope of the planned travel and, upon return, a report outlining the activities conducted, including the persons with whom they met, the expenses incurred, and business conducted in Cuba. All travelers who take advantage of the general license would also have their daily expenses limited to the then-applicable State Department per diem rate.

It is my hope that this letter has assisted you in understanding how the Treasury Department would implement Section 620 of

H.R. 1105, the FY 2009 Omnibus Appropriations bill. If there is anything that I can do to be of assistance in the future, please do not hesitate to contact me.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

Mr. MENENDEZ. Section 620 liberalizes individual travel regulations to Cuba for the promotion of agricultural and medical sales. This provision would systemically broaden the category of licenses available and allow individuals, in a self-policing manner, to travel to the island under the auspices of selling such supplies.

While I am sympathetic to the U.S. agricultural industry, I remain concerned that provision was written with the aim not of benefitting the private sector but, rather, of undercutting the current travel regulations for individuals and putting a wedge in a broader issue of denying our currency to the Castro regime. Depending on how this provision was implemented, it could encourage a radical break in existing travel regulations and provide the Castro regime with enhanced financial benefit in the pursuit of its repressive policies.

As a result, we asked Secretary Geithner specifically how the provision would be implemented. Secretary Geithner assured us in his letter dated March 5, 2009:

Regulations promulgated pursuant to that provision, [Section 620] will seek to ensure that only travel for credible sales of food and medical products is authorized.

In his letter dated March 9, 2009, Secretary Geithner wrote:

The regulations promulgated pursuant to that to provision [Section 620] would provide that the representatives of only a narrow class of business would be eligible, under a new general license, to travel to Cuba to market and sell agricultural and medical goods. Any business using the general license would be required to provide both advance written notice outlining the purpose and scope of the planned travel and, upon return, a report outlining the activities conducted, including the persons with whom they met, the expenses incurred, and business conducted in Cuba.

Section 622 concerns cash in advance payments. This provision would strip the ability of the Department of the Treasury to enforce a 2005 amendment that defined the term "cash in advance."

In his March 5 letter, Secretary Geithner wrote that the U.S. Treasury "believes that this change likely will have no influence on current financing rules. The term 'cash in advance' is in the Trade Sanctions Reform and Export Enhancement Act of 2000 and therefore private parties are and will continue to be statutorily required to comply with those payment terms. Because the bill's language does not modify or negate the statutory requirement in the 2000 Act, exporters will still be required to receive payments in advance of shipment and will not be

permitted to export to Cuba on credit other than through third-country banks."

Which is the law today.

This comes particularly at a moment that is very important. The Paris Club recently announced that Cuba has defaulted on over \$9 billion of obligations. At a time that we are facing challenges in the United States in terms of our financial institutions and credit, in general, to be giving credit to a country that has not only a repressive policy but has \$30 billion in default is not, in my mind, good policy.

President Obama said:

My policy toward Cuba will be guided by one word: *Libertad*—

Which means freedom—

and the road to freedom for all Cubans must begin with justice for Cuba's political prisoners, the rights of free speech, a free press and freedom of assembly; and it must lead to elections that are free and fair.

I could not agree more with President Obama on this point, and I fully support him in moving forward in this direction.

Finally, I know some of my colleagues might be confused about my persistence with this issue over the last couple of weeks. So let me clarify what, for me, is a principled position.

First, I have many citizens in New Jersey whose personal stories speak powerfully to the repression of the Castro regime. Many of them have spent 10 to 20 years of their lives in a prison cell. Their only crime was trying to seek peaceful change in their country. They are now proud U.S. citizens. But they languished in a jail for a decade or two decades simply for seeking to make peaceful change. Many of them were tortured in that process. They are a powerful reminder to me every day, when I am back in New Jersey, of that reality.

Second, let me propose that for some it is difficult to imagine the deep personal significance these changes have for the human rights and democracy activists on the island who fight for the ability to speak freely and think freely, as well as my own personal convictions on this issue that my family has both lived under and died trying to change.

Changes in our Nation's policy toward Cuba, such as changes in our Nation's policy toward any nation our country determines a state sponsor of terrorism—such as Iran, Sudan, and Syria—are extremely delicate policy issues. Any such changes in our policy with these countries deserve a democratic debate and careful deliberation. It is simply undemocratic to tuck them in the middle of a large unrelated but must-pass spending bill.

I thank Secretary Geithner for his understanding of the sensitivity of these issues, working with Senator NELSON and myself to ensure that the spirit of the legislation is carried out

in a responsible manner. I also thank my colleagues in the Senate who have worked with us on this and others who have understood and Majority Leader REID for working with me on getting clarification on the implementation of these provisions. It is disappointing that the process unfolded in this way. We will look just as unkindly upon any future attempts to make significant foreign policy decisions of any sort, not only about Cuba, in this type of secretive and undemocratic manner. Instead, I wish to work with my colleagues in an open and transparent manner to deliberate the substance before we get to this point, even though, at the end of the day, we may still not find common ground. I would, of course, prefer that the provisions not be in this bill at all. But the assurances I have received from Secretary Geithner have allayed my most significant concerns, and I will vote in favor of the Omnibus appropriations bill.

I yield to the distinguished senior Senator from Florida, who has been an ally in this effort to ensure that the clarifications needed were there. He is a tremendous advocate for freedom and democracy for the people of Cuba. I was privileged to work with him in getting the clarifications and making sure we are in a position so human rights activists and political dissidents in Cuba still have their opportunity to create change.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I commend Senator MENENDEZ for the conviction and passion with which he comes to this important position of influencing the Senate on this particular issue. I likewise wish to say the same thing about my colleague from Florida who has been my good friend for 31 years and who comes to this issue with equal passion and commitment. I thank my colleague from Florida for coming out here on the floor. Even though this issue was negotiated among Senator MENENDEZ and myself and Secretary Geithner, he is willing to come and stand to embrace the product of our work.

I wish to call to the attention of the Senate that our majority leader, Senator REID of Nevada, came up to me and indicated he supports this and wanted me to state that to the Senate.

I came to Congress 30 years ago. This issue has been an issue that any Floridian has lived with for a long time. I have supported an economic embargo against Cuba along with a ban on tourist travel to the island. I am a supporter of isolating the regime in Havana and giving the Cuban people the democracy they so desperately seek. The provisions in this omnibus that came out of the Appropriations Committee did not do away with the embargo but did weaken it. I think the better course is to allow our new Presi-

dent to undertake his own review of U.S. policy toward Cuba before pushing hasty and ill-advised language through on an omnibus bill, as Senator MENENDEZ said, that was crafted behind closed doors, kept from public view, and kept from the rest of the Senate's view until it was disgorged from the full committee only a couple weeks ago; "it" being the omnibus, a must-pass piece of legislation to keep the Government functioning.

As Senator MENENDEZ has outlined, we reached out to the Secretary of the Treasury and to the White House to clarify the implementation and enforcement of these regulations. Senator MENENDEZ has already put into the RECORD Secretary Geithner's letter of March 5 and his responsive clarification in a letter of March 9. I wish to enter into the RECORD the letter Senator MENENDEZ and I sent to Secretary Geithner on March 6, memorializing the personal conversation we had with him, to which he so graciously then followed up with his letter of March 9.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, March 6, 2009.

Hon. TIMOTHY F. GEITHNER,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR SECRETARY GEITHNER: We appreciate your recent correspondence clarifying the implementation of Sec. 622 of the Omnibus Appropriations Act of 2009. As we discussed last night, we continue to have serious concerns with Section 620. Thank you for your personal commitment that the Department of the Treasury will promulgate regulations pursuant to Section 620 that:

1. Provide a narrow definition of the eligible businesses that may travel to Cuba to sell agricultural and medical products under a general license;
2. Require written notice to the Office of Foreign Assets Control (OFAC) in advance of travel to Cuba outlining the purpose and scope of such travel to Cuba, pursuant to the provisions as defined above;
3. Require a filing upon return of travel to Cuba by travelers outlining activities conducted, including persons with whom they met, the amount of expenses incurred, and the business conducted; and
4. Limit such travelers to the current Department of State per diem.

Currently, the Office of Foreign Assets Control (OFAC) pursues significant enforcement with regard to travel regulations relating to Cuba. We would expect that such enforcement would not be diminished in the ultimate enforcement of the regulations outlined above.

Sincerely,

ROBERT MENENDEZ.
BILL NELSON.

Mr. NELSON of Florida. I would like to engage my colleague from Florida, Senator MARTINEZ, in this colloquy.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I thank my two colleagues from New

Jersey and Florida for what they have had to say but most of all for the work they have done. They have done good work. We have stood together, the three of us, along with others but particularly the three of us with the most immediate concern with this issue, in a way that is heartening. To me, often-times I have seen our names written as hardliners on Cuba. I prefer to think of ourselves as voices of freedom standing to oppression. That is what is at stake. People in the district of Senator MENENDEZ and people in Florida, countless of them, we know their stories. We know their names. We know their suffering. It isn't about settling an old score because these conditions continue even today. Oscar Elias Biscet, to name one. He is in jail. His family seldom gets to visit him. His health is in peril. It is because of all these things that are not only part of history, but they are also part of today's reality, that we stand on the side of freedom. That means a state that is a sponsor of terror needs to be treated differently.

I daresay that while I might not agree with everything that might be done, I trust President Obama and Secretary of State Clinton to do a review of our policy toward Cuba and then, perhaps in the light of day, have a discussion about what would and would not be appropriate. What I would object to is anything that would be unilateral, that simply would say: We will do this, that and the other thing and expect nothing on behalf of those oppressed people of Cuba. We need to expect that there will be reciprocity of some type, that there will be steps taken by the Cuban Government contrary to what they seem to have done last week, which is to circle the wagons and hint of more military control of the Government and more repression for the people.

I deeply thank both Senators NELSON and MENENDEZ for what they were able to accomplish in this misguided piece of legislation. I agree with them, it was inserted in the dark of night with no debate and discussion. The letters and the understanding they have reached with the Secretary of the Treasury handles the problem as it relates to agricultural sales to Cuba as well as the related licensing for travel relating to doing business in Cuba.

We talk often about an embargo. This embargo supposedly is limited to trade sanctions because we sell almost a billion dollars in agricultural goods to Cuba. We sell medicine. More humanitarian aid flows to Cuba from here than any other country in the world, hundreds of thousands, into the billions of dollars in remittances that go from folks in this country to those in Cuba. Sadly, the Cuban Government takes too big a cut out of it.

I look forward to this implementation, which I think fixes the problem

created by this misguided legislation. I thank both the Senators for their yeoman work in getting this accomplished. I remain concerned about travel by family members. While I am not one to begrudge anyone who wants to see an uncle or aunt, there will be a need for regulations that will enshrine what I know will be a different policy under President Obama, and I respect that completely. But there needs to be some regulation about the frequency of travel and also about the amount of per diem dollars carried back and forth to Cuba. I am sure those will be forthcoming down the road.

I believe it is important we continue to request that if there is going to be legislating on this topic, that it be done in the open air, that we have an opportunity for fair debate and for a legislative process that is worthy of the kind of institution we are.

I thank both my colleagues for the great work and appreciate the fact that we have been able to maintain what is an important foreign policy initiative that should never be disturbed in the way this was done but should be left in the hands of the Executive and be done carefully, measuredly and after study and consideration.

Mr. NELSON of Florida. Mr. President, I thank Senator MARTINEZ again. It is important we understand that when we have that full and fair and open debate in the sunshine, we remember what Candidate Obama said during the campaign. He said what he wanted to do was go back to the status quo ante on travel to Cuba by family members every year instead of once every 3 years and to have more remittances every quarter than was cut back a few years ago by the previous administration. That seems to be common sense and family value oriented. That is what the candidate who became our next President articulated.

Then once the new President announces his declaration of that policy, we can come out here and openly debate that issue. While there has been disagreement within this body over the most effective way for us to help the Cuban people, I believe if there is to be a new strategy toward Cuba, we must have the opportunity for the Commander in Chief to lay it out, not have it come from the tinkering of a few lawmakers inserting language in a must-pass appropriations bill without any opportunity for debate.

I stand with our Cuban American families, many of them in Florida, who have ties to loved ones still on the island. That is why I support President Obama's efforts to allow increased family travel once a year, instead of only once every 3 years, and the increased remittances to family members.

Our job in guiding U.S. foreign policy toward Cuba is to isolate the Castro regime but not to prevent families from being able to take care of their loved

ones. On the basis of these letters entered in the RECORD today and on the personal assurance of the Secretary of the Treasury, which we appreciate very much, I have been assured by the administration as to the implications and enforcement of these regulations. Although I agree with many of my colleagues that this omnibus bill is far from perfect, I believe it is in the best interests of the country to provide the badly needed operational funding for the U.S. Government and for other important initiatives.

This bill includes funding for life-saving equipment at Florida hospitals, for sheriffs' offices, and for police departments to upgrade communications systems or to prevent kids from joining street gangs. It provides money for cleaning up blighted downtown neighborhoods, for retraining workers who are losing their jobs, and for projects to save one of the world's greatest natural treasures, the Florida Everglades. These are just a few of the reasons why this legislation is so important.

If this bill, shepherded through this body by our esteemed chairman of the Appropriations Committee, Senator INOUE, were not to pass, NASA's contractors would have to start laying off skilled aerospace workers developing the replacement of the space shuttle. So it is my intention to vote for cloture on the 2009 omnibus bill, and I urge our colleagues to do so.

Mr. President, I yield to Senator MENENDEZ.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from New Jersey.

Mr. MENENDEZ. Thank you, Mr. President.

Let me now make some broader comments about the omnibus, having expressed my concerns. And, again, in recognition and in light of the assurances we have received on the matter that Senator NELSON, Senator MARTINEZ, and I have discussed, I have come to the floor today to support the omnibus bill.

It is an important measure to help our economy recover and keep essential public services running. It includes important funding for my home State of New Jersey, including everything from an initial burst of capital for a new trans-Hudson tunnel—incredibly important to move large numbers of people across the Hudson River to New York, and also for reverse commutes, for economic opportunity, access to hospitals, a whole host of critical issues in a way that is promoting mass transit and does so not only in terms of economic opportunity and an enormous number of jobs that will be created as a result of that but also as it relates to the quality of life and the environment by moving a lot more people in a high-speed, nonpolluting process versus through a car—to support for flood control and protection of our shore—

which is incredibly important in terms of the tourism and fishing industry and the economy of New Jersey—to grants that allow local law enforcement to have the latest technology to help the police officer on the beat.

This bill invests in education, strengthening our commitment to science over the next decade so we can have a workforce that can compete on a global playing field and be second to no one in terms of that ability in those fields that are going to be the competitive future opportunities for our citizens and for our Nation.

It makes strong advances in health care. It includes more than \$30 billion for lifesaving research so that the National Institutes of Health leaves no stone unturned in the search for treatment for cancer, for diabetes, and the Alzheimer's that I have watched take over my strong and proud mother.

The bill allows us to immunize an additional 15,000 children against debilitating diseases. And it funds the Patient Navigator program I established to help citizens make their way through a complicated health care system.

The legislation puts resources toward revitalizing local communities and keeping families in their homes—because the housing crisis is at the root of our overall economic crisis. It funds community and economic development in over 1,000 cities and towns, gives competitive grants to revitalize neighborhoods, and renews section 8 vouchers to help nearly 45,000 families keep a place to call home.

In short, the omnibus makes a broad range of the kind of worthy, needed investments that will help our economy recover and our citizens get through this difficult time. I am happy to see the Senate move forward on this vitally important legislation. Although I know I am not the only Senator to have felt frustration in this process, I wish to take this opportunity to express that I am always open to discussions with my colleagues, and I hope we can work together in the future to make sure in the greatest deliberative body in the world we will all do our part to deliberate before we take significant action.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 662

Mr. INOUE. Mr. President, I rise in opposition to amendment No. 662, an amendment offered by the Senator from South Dakota. This amendment would prevent the Federal Communications Commission from reinstating the fairness doctrine.

This amendment is totally unnecessary. There is no funding in this bill for the FCC to reinstate the fairness doctrine. This bill does not contain any provisions directing the FCC to reinstate the fairness doctrine.

Further, President Obama does not support reinstating the fairness doctrine. The FCC repealed this doctrine in 1987, and has no plans to bring it back.

Finally, last week, 87 Senators, including myself, voted to include a similar amendment to the voting rights bill that would prevent the FCC from reinstating the fairness doctrine, which is exactly what this amendment would do. So there is no question about Democratic support for the position being proposed by the South Dakota Senator.

I wish to take a few seconds and talk about the history of this issue. The fairness doctrine, which was originally adopted by the FCC in 1949—60 years ago—is a concept that broadcasters should cover issues fairly, allowing for different viewpoints to be presented in a balanced way.

I agree with the goals the fairness doctrine advanced, but the need for this policy today has become obsolete. In the 1950s, there were only three nationwide broadcast stations—NBC, ABC, and CBS. There was a legitimate public concern that the small number of media outlets could abuse their power and present a biased public agenda. At that time, the fairness doctrine was the right answer to a small and heavily concentrated media world.

A lot has changed since the 1950s. Technology has exploded. There are more ways than ever to hear a variety of perspectives and opinions on any number of issues. There are hundreds of channels on cable TV. We have public broadcasting, which was nonexistent at that time. We have more than 14,000 AM and FM radio stations, and hundreds of satellite radio stations. We also have the Internet.

As I stated earlier, the FCC repealed the provision in 1987, and has no plans to reinstate this doctrine. The amendment is simply an attempt to take an issue on which a vast majority of the Members of this Chamber voted in agreement last week and offer it to an unrelated bill of significant importance to the day-to-day operation of our Government.

It does not belong in this bill. I urge my colleagues to oppose this matter so we can send the bill to the President of the United States.

AMENDMENT NO. 604

Mr. President, if I may, I wish to speak on another amendment. This is amendment No. 604.

The bill before us, the Omnibus appropriations bill, would provide funding for the majority of the Federal Departments which have been funded under a continuing resolution since October of 2008.

This bill, the omnibus bill, is not an authorization bill. At the request of both the chairman and ranking member of the authorizing committee of jurisdiction, this bill includes a simple 1-

year extension of the E-Verify employment verification system, known as the Basic Pilot Program, and includes a simple extension of the EB-5 program.

The Appropriations Committee chose not to include the controversial authorization measures associated with the E-Verify Program. Rather, the extension provided in the Omnibus appropriations bill provides the authorizing committee ample time during this session of Congress to consider the 6-year authorizing legislation contained in this amendment.

The continuing resolution expires at midnight this Wednesday, March 11 and, therefore, I urge my colleagues to oppose this controversial authorization language, particularly since this bill provides time to the authorizing committees to address this issue through the authorizing process.

I oppose that amendment.

AMENDMENT NO. 674

Mr. President, now, if I may, I wish to speak on another amendment. This is amendment No. 674, which would prohibit the use of funds to implement Executive Order 13496 which was issued on January 30 of this year.

This Executive order requires Federal contractors to post a notice informing workers of their existing labor rights under Federal labor laws. The pending amendment, however, prohibits President Obama's order from being implemented unless it uses the same exact language as a prejudiced order issued by former President George W. Bush in 2001.

The Bush Executive order required Federal contractors to post a Federal labor rights notice, but that notice only provided one-sided material about the right to not join a union or pay certain union dues. Unlike President Bush's order, President Obama's executive order does not limit the notice to pro- or anti-union material, and it does not dictate what specific language must be used. It simply requires the Department of Labor to issue guidelines within 120 days from January 30 of this year about the notice, and for the notice to be more comprehensive and informative than the Bush Executive order.

Mandating that the one-sided Executive order from the previous administration be restored defies logic. Many new federally funded projects to improve our Nation's infrastructure are underway and productive labor relations are more important than ever. Ensuring that workers are aware of their rights promotes better working relationships between labor and contractors.

Federal law gives the President discretion to determine what is in this notice. President Bush exercised that right during the 8 years he served as President, and issued an Executive order on this matter that many of us in

this Chamber believed to be one sided. President Obama deserves the same authority and discretion that was afforded to President Bush to issue Executive orders. The Congress should not take steps to intercede on this matter by adopting this amendment and, therefore, I urge my colleagues to vote no.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 615

Mr. ENSIGN. Mr. President, I wish to speak once again about my amendment dealing with the DC Opportunity Scholarship Program we have here in the District of Columbia. Currently, 1,700 children from lower income families are able to attend a private school with a \$7,500 voucher thanks to this program, a program we implemented about 5 years ago.

It seems the No. 1 priority for the National Education Association, one of the largest unions in the country, is to eliminate this program. We are talking about real children here. These are two of the kids who attend school with President Obama's children. It is a great school. The President and Mrs. Obama could afford to send their kids to any school. They chose this particular school because it is an excellent school. They chose not to send them to a public school in Washington, DC. After seeing some of the statistics on the DC public schools, it doesn't surprise me. Why should these two happy, healthy kids who are enrolled at the same school as the President's children be forced to leave?

The bill before us allows the program to continue for one more year, then, if not reauthorized and approved by the DC City Council, the bill de-funds the program and forces 1,700 children out of private schools where they are happy, healthy and learning.

I quoted these statistics earlier: forty-five percent of Senators and 37 percent of members of the House send their children to private schools. That is almost four times the rate of the general population. Quality education shouldn't be only for a privileged few. We should be able to send kids such as Sarah and James here to the schools where they can get a better education, where they are safer.

The safety of DC public schools is a major concern. One-half of all teenagers attending DC public schools are in a school that has enough criminal activity to be classified as persistently dangerous. In school year 2006-2007, DC Metropolitan Police reported that over

6,500 crimes were committed in D.C. public schools. Too many of these schools are not safe.

It is a civil right to get a good education. So we came up with a plan a few years ago that took up to 2,000 poor children in the metro DC area and sent them to a school of their parents' choice. Washington, DC, spends more than any school District in America per student. The District of Columbia spends over \$15,000 per student per year—three times as much as we spend in my home State of Nevada. Yet the public schools are failing here in Washington. So we decided to design a program to see if we can help some of those kids escape the failing public schools in Washington. We thought: if it works as a pilot project, maybe we can expand it to other places.

Well, the National Education Association has come out with their No. 1 priority, which is to destroy this program. My question is, Why? I believe they are afraid this program is working, so it is a threat to their power. It is a threat to union member dues. That is unfortunate because when it comes to education, our only concern should be in the quality of education for our children. They need that kind of quality education to compete in the 21st century.

I have a couple other kids to tell my colleagues about.

This is Sanya. She is a beautiful, happy young lady, and is receiving a great education in a private school here in DC. Today, she has a 3.95 GPA. She is the vice president of her class. She is the captain of her soccer team, a player on the lacrosse team, president of the International Club, and she is a peer minister. She is a future leader whom we are going to be taking out of the school she loves if this bill is enacted without my amendment.

Rashawn is 16 years old and a handsome devil. He started school in 1996. His father had him tested and found out he was 3 years behind his grade level. The scholarship program provided him the opportunity to go to the Academia De La Recta Christian Day School. Rashawn said he can now do his classwork with very little help because of the scholarship. His sister, Dominique, who is 14 years of age, is now attending the same school, and these are her words. She says: "I love my school now. I am working on my level on my grade."

Do we really want to take these kids out of their schools? Do we really want to do that? We have to ask ourselves, Do we want to protect this bill and the special interests this bill is addressing so much that we are actually going to pull 1,700 children from lower income families out of the schools they are attending today? I think it is unconscionable that we are going to be doing that.

Breanna Williams is 9 years of age and in the fourth grade. She loves her

new school, St. Peters. She is getting all A's and B's. She loves to read and is reading at a level above her grade. In addition, Breanna plays clarinet in the school band. When she grows up, she wants to be a translator and travel the world.

Lastly, I wish to tell my colleagues about Ronald Holassie. He is currently Washington, DC's deputy youth mayor. I had the honor of meeting this young man, and I had the honor of meeting his little brother, Richard. His little brother, Richard, 8 years of age, came to our press conference and stole the show. These are two incredibly bright young men. Ronald, a tenth grader, runs track, he is studying physics, mentoring middle-school students, and absolutely loves every minute of it. As the Youth Deputy Mayor, he considers saving this program his chief legislative priority, because he has seen what it has done for him and what it has done for his little brother.

So individually and collectively these programs are working. We just have to put ourselves in a common-sense position.

There have been some studies quoted here claiming that this program wasn't working. First of all, the studies were incredibly flawed. We pointed out all of the flaws of the study. But we just have to ask ourselves, if 45% of the Senators send their kids to private schools, and they pay a lot of money to do that, would they do that if they thought the educational opportunity was inferior? Of course not. It just makes common sense. Do you think the parents of these 1,700 children would voluntarily send their kids to the DC schools of their choice if these schools were inferior or if their kids weren't getting a better education? Well, of course not.

This is what President Obama's Education Secretary said about the DC scholarship program. He said:

It is a mistake to take kids out of a school where they're happy and safe and satisfied. I think those kids need to stay in their school.

So we need to adopt my amendment to keep the DC scholarship program funded. It is the right thing to do for these kids. Showing them we care more about their education than we do some special interest group is the right thing to do.

So I urge all of my colleagues, when they are voting, to think of Ronald. Think of the kids we have talked about and many others. Instead of doing away with this program, let's study it. Let's study what is working about it. If it is working, let's expand it to other places in the country.

America leads the world when it comes to higher education. Our colleges and universities are the best. One of the reasons they are the best is because you can take a GI bill, student loan or Pell grant, and you have the opportunity to attend any college you desire. You have a choice. About 5

years ago, this program gave these kids a choice. Our public, K-12 school system is in bad shape when compared to the rest of the industrialized world. We are falling behind, especially in science, math and in the technical fields. If we want our kids to have the chance to compete in the 21st century, we have to improve our school system. One of the ways to do that is through competition. This is just a little experiment and a little competition that some people now want to come to this floor and destroy.

So let's think of these kids, and let's think of kids all over America when we are thinking about the educational choices we are going to be making in the Senate. Let's give children in DC a choice. We, as senators, are fortunate enough to have a choice for our children. Forty-five percent of the Senators chose private schools, including the chief opponent of this amendment, Senator DURBIN.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 604

Mr. SESSIONS. Mr. President, I hope that in a little bit we will vote in favor of the amendment I have offered to extend the E-Verify system for 5 years. It is time we do that. It is a proven, effective system that brings integrity to our immigration system.

The E-Verify system is up and working today all over America. Between 1,000 and 2,000 businesses a week are signing up voluntarily. Over 112,000 have already signed up. When an applicant submits an application for a position with a company, the company can input their Social Security number into an electronic system, and the computer checks it to see whether it is a valid Social Security number.

People who are not authorized to be in the U.S. know they can use any Social Security number you choose. We found a few years ago that hundreds of people were using the exact same Social Security number to get a job. People were also using the same fake ID and getting jobs in that fashion. E-Verify is a program that would help eliminate the jobs magnet, the ability of a person who enters America illegally to get a job. If employees aren't authorized to work after they have been checked through E-Verify, nobody will be arrested. Police officers are going to be called out. Nobody is going to be put in jail under this system. What would happen is the employer would simply say: You don't qualify. You are not a legal resident. If there is

any doubt about it, the applicant has a mechanism to very quickly validate their status if they have a legitimate status to validate. It can make a big difference.

The Heritage Foundation and I believe the Center for Immigration Studies a few days ago did a study, and they estimate that under the stimulus bill, 300,000 people who are not legally American will be given jobs.

My colleagues probably saw the article—I am sure many of my colleagues did—a couple of days ago where 700 people signed up for a janitor's job in Ohio. The American people are seeing an increase in unemployment. I don't think the numbers are going to reach as high as they did in the 1980s—at least that is the testimony we just had at the Budget Committee at two different hearings—where employment reached 9.4 percent, 8.6 percent. People were estimating what unemployment will reach. I don't know what it will reach, but I know a lot of good people are out of work and looking for a job. We created a stimulus package, \$800 billion worth, and that stimulus package was supposed to create jobs. The President says he wants to create 3 million, and we have just been given a report that says almost 10 percent of those jobs could go to people who are in the country unlawfully.

Let me just say as an aside something that worries me. I think every Member of this Congress should be worried about it. Under President Bush's Executive order 12989, which was supposed to be implemented in February of this year, every business that got a contract with the U.S. Government must use the E-Verify system. As I said, over 112,000 are using it voluntarily today.

What worries me is that President Obama pushed back implementation of that Executive Order. He has now put it off until May 21. At the same time, our Democratic leadership is blocking an effort to make E-Verify permanent or even extend it for just 5 years.

What does that signal, I ask? Do we want people here unlawfully in this country to get jobs working for the Government when there are hundreds of people applying for a janitor's job? Do we want contractors who hire illegals to get Government work while Americans cannot get the jobs? I don't think so.

I will just say with regard to extending the E-Verify Program, in the House they had a square vote on it last July. It passed 407 to 2. So now we are not going to put that in this legislation. I was blocked 3 times in my attempt to get a vote on the amendment as part of the stimulus package. At least, I have to say, I am pleased I will apparently get a vote on this bill. But I am troubled with what I am hearing that the leadership is going to put pressure on Democratic Members to vote no. There

is a majority there, and if they do, it will not even pass today.

I urge my colleagues to listen to the telephone calls. I am getting calls asking that I vote for it. It is my amendment. People care about this issue. The American people wonder what it is we are doing here. Do we not get it? Do we not understand what this is all about? It is about a jobs package to create jobs for lawful American workers. They can be noncitizens, but they need to be lawfully present in the country.

The first thing you do in dealing with a situation of illegality is stop rewarding it. You do not give them good jobs.

I am amazed there is an objection to this amendment. I had a suspicion that a move was afoot to keep my amendment from passing on the stimulus bill, and that turned out to be correct. In addition to a 5 year extension, the House accepted an amendment making E-Verify mandatory for stimulus money recipients without objection in the House Appropriations Committee. It was in their bill, but Senate leadership was able to block us from getting a vote on it. So we did not get a vote and it was not in the Senate bill.

What happened when they went to conference? Speaker PELOSI and the majority leader meet. They control the conference. And, oh, goodness, they decided the House would concede and the amendment would be taken out of the bill. Since the Senate had not put it in the bill, it would be stripped from the legislation. That is how the stimulus package passed without any E-Verify extension. I think it has expired now, actually.

We need a long-term extension because it is going to cause businesses that don't use it to wonder whether they should sign up if they do not even know it is going to be a continuing system. It would be very bad.

The new Secretary of Homeland Security, Secretary Napolitano, President Obama's Secretary, says she does favor this program. Michael Chertoff, the previous Secretary of Homeland Security, strongly supported this program. A bipartisan group of people support it. We need to extend it. We need to actually make it permanent, and we need to make it apply to all Government contractors, as even President Bush required in his Executive order, which has now been abrogated by President Obama.

To sum up, this amendment does not make E-Verify required for Government contractors. All it does is extend the E-Verify system for another 5 years. I cannot imagine we would let this cornerstone of a plan to establish a lawful system of immigration to expire. We are on the verge of that now.

I urge my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

AMENDMENT NO. 622

Mr. INHOFE. Mr. President, one of the amendments we are going to have the opportunity to vote on this afternoon is the Thune amendment. I have some strong feelings about it. I wish to make a couple observations that I think are necessary dealing with the fairness doctrine.

As indicated by the vote on Senator DEMINT's amendment to the DC Voting Rights Act, any attempt on the part of any Senator to reinstate the fairness doctrine clearly goes against the will of Congress and the American people. It is a dangerous policy to enact more Government policing of our airwaves.

With the onset of the Internet and other media technology, there are countless sources of information at our fingertips. I can remember, and you can remember, I say to the Chair, many years ago when we had nothing but three networks, and we didn't even have talk shows at that time. Then CNN came along. I guess it was the first cable network.

At the time, there was limited opportunity. As it is now, with all the information that is going around, that is no longer a problem.

Senator DEMINT's amendment addressed this issue. It was similar to the intent of the Thune amendment that will be coming up this afternoon. The DeMint amendment was adopted by a margin of 87 to 11. One would believe, then, that the Thune amendment would pass by an equally substantial margin. However, it was obvious at the time the vote on the DeMint amendment was merely a political game on the part of some of my colleagues to mask their true intent to regulate broadcast media, and I suspect the vote on this amendment will be different. I encourage my colleagues on the other side of the aisle to hold true to their earlier conviction and pass this measure by an equally substantial margin.

A lot of mail went out after that vote. People were talking about how they were going to protect first amendment rights, and we were not going to try to infringe on the airwaves with the fairness doctrine.

While reinstatement of the fairness doctrine still poses a threat to free speech on the airwaves, the debate over Government regulation of broadcast media has changed. Media ownership diversity and broadcast localism are the new liberal tools they intend to use to regulate the airwaves.

Two weeks ago, in a straight party-line vote, Democrats chose to adopt an amendment—it was amendment No. 591 sponsored by Senator RICHARD DURBIN of Illinois—which calls on the FCC to “encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.”

That is very nebulous, very vague language, just enough to scare people

who are in business but not enough to define what they are trying to do. There is no indication in the legislation as to what “encourage and promote diversity” and “in the public interest” means. These clauses can be interpreted by the FCC in any manner they choose.

The Durbin doctrine, as I refer to it, is legislation that is so incredibly vague and so potentially far reaching that there is no certainty what the end result will be. This is not good governance. This is not a good idea.

Another threat to our freedom of speech is a proposal called broadcast localism. We have two different issues. We have localism and then we have, of course, the diversity issue. Neither one is well defined. The FCC gave notice of proposed localism regulations in January of 2008. While the proposal was ultimately dropped, it is indicative of future attempts to regulate the airwaves and is something all Americans need to know about.

Among other things, the proposal would have required radio stations to adhere to programming advice from community advisory boards. It doesn't say what kind of advice. It doesn't say who these boards are. It could be ACORN. It could be just about anybody, I suppose. Then to report every 3 months on the content of their programming, they have to report what the content is when it has been a matter of public record anyway. They talk about how their program reflects the community interest. If you have one biased source of localism, they can dictate the content of broadcast material.

The localism rule, if it were promulgated, would mean that radio stations would have to comply with blanket regulations and broadcast programming that may not be commercially viable and be forced to take into account the advice of community advisory boards over their regular listeners.

Right now it is market driven. That is what people do not understand. The reason we have content—I admit it is biased on the conservative side because most people are biased on the conservative side. In my State of Oklahoma, it does not matter if you are Democrat or Republican. They are people who are conservative. They want limited Government. They want limited taxation. I think Oklahoma is not the only State that is unique in that respect. Although the rule was ultimately abandoned, President Obama has expressed support for a new localism regulation, and it is expected to come up again under this administration.

Both localism and diversity—those are the keywords—in media ownership will force radio stations to comply with blanket regulations and to broadcast programming that is not commercially viable rather than taking into account the needs of their communities.

I was in Bartonsville, OK, last week. There is a guy up there named Kevin Potter who owns a station. That is his whole livelihood. He has been doing it for as many years as I can remember. It is a very competitive business he is in. He has to comply with something if it is specific, but this is so nebulous he doesn't know what he has to comply with. He is panicking that they would have the power under this new regulation to shut him down.

I think what is most concerning to me is the enforcement procedure for breaches of localism and diversity. Certainly, no one has been able to determine what that is or what the definition is.

Senator DURBIN's amendment requires affirmative action on the part of the FCC stating “the Commission shall take actions to encourage and promote diversity.” It doesn't stipulate what actions or to what degree but instead leaves the enforcement mechanism up to the determination of the FCC, which is likely to be emboldened by the affirmative language of the amendment. I find it to be extremely dangerous and this, too, should be a concern of everyone.

We tried to do this on the Senate floor, I think it was 2 years ago, when there was an objection that most of the broadcast radio talk shows and television shows were biased on the conservative side. I admit they are. There is no question about that.

There was an attempt made—I think it was Senator HARKIN at that time—to change the content of what our troops overseas would be listening to on the overseas radio.

Frankly, that probably would have passed. We arranged to have a survey done through the Army Times of all those overseas, and it was 97 percent wanting the market to determine—in other words, the conservative type of programming.

I hope when the Thune amendment comes up that we will support it. To do otherwise, to me, is a little bit disingenuous and would show that the 87 people who voted in favor of the DeMint amendment are not really concerned about it.

I have often been concerned. I hear all over my State of Oklahoma that it is a tough enough business to deal with, to have a station that makes money and survives. On the issue of localism, Kevin Potter told me: We pay attention to localism because we have to sell products. We interrupt these nationally syndicated programs with weather reports and with all the local things.

So localism is there, and it is there because the market demands it, not because Government says you have to do it. I just think, let's let the market take its effect. I will certainly support the Thune amendment and hope that our colleagues will do what they did with the DeMint amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 615

Mr. DURBIN. Mr. President, later this afternoon, the Senate will consider an amendment by the Senator from Nevada, Mr. ENSIGN, relative to the DC Voucher Program. Senator ENSIGN has been on the floor several times today to discuss this program. I wanted to make certain the record was clear on both sides as to the issue before us.

This was an experimental program that was started 5 years ago. At that time, under the Bush administration, with a Republican Congress, they made a proposal to the District of Columbia. They basically said: We will give you somewhere in the range of \$14 million to \$18 million for your public schools—which any school district would gladly accept—and another \$14 million to \$18 million for your charter schools if you will use a similar amount to start a DC voucher program. So we started this program 5 years ago and had some \$14 to \$18 million, and it was said to the District of Columbia, we will pay tuition, we will give families up to \$7,500 to pay the tuition of children who want to attend private schools.

The argument was made that the DC Public Schools were not as good as they should be; that many of these children would have a much better opportunity if they attended these voucher schools. So this was an experiment. It had never been tried before. There was some controversy associated with it. I offered amendments in the Appropriations Committee to try to establish what kind of standards there would be at these DC voucher schools. In fact, I thought my amendments were rather straightforward—the kind of amendments most people would take for granted.

The first amendment I offered in the committee said: I hope all the teachers in the DC voucher private schools will have college degrees. That amendment was defeated. The argument was made that we shouldn't restrict the teachers in those schools, who may be nontraditional. They may not have a college diploma. Though we require in the public schools that all teachers have college degrees, they didn't want to require that in the DC voucher schools.

The second amendment I offered said the buildings where the DC voucher schools are being conducted should meet the basic life safety codes—health and fire safety code of the District of Columbia. That was rejected as well because these would be nontraditional buildings. Now what kind of comfort does that give a parent whose kids are going to school—whether it is a public school, a charter school or a voucher school—if there is any question of safety? But my amendment was rejected.

The third amendment I suggested was one I thought was only fair. If we

are trying to create a private school voucher so students can have a better learning opportunity, at the end of a year or two we need to measure success. The only way to measure success is if the DC Public Schools and the voucher schools use the same achievement test so we can see if a fourth or fifth grader in one school or the other is doing better. That was rejected too. They wanted no comparison.

Excuse me if I am suspicious of this program if you can't mandate bachelor's degrees for teachers, if you can't mandate the buildings pass the health and safety code of the District of Columbia, and you can't mandate they have the same basic tests so we can compare them. So I went into this skeptical. I thought the fix was on. They were going to create this program with few, if any, rules and take it or leave it.

Well, it went forward and it was funded. After a year or two, the Department of Education and the General Accountability Office took a look at it and they raised serious questions about all this money—these millions of dollars coming into this program in a hurry—and whether they had the proper management techniques, whether they were handling the money right, whether they were giving it out properly, and whether the right families were receiving it—some fundamental accounting and bookkeeping issues which we should ask of every program, particularly those using taxpayers' money. So there was a question of the administration of the program. Then they went on to find some things which were troubling. For example, the GAO report said schools that didn't traditionally charge tuition were now being funded. In other words, they were free schools before we created this program and now they were charging tuition.

What does that mean? For the school year 2006–2007, they offered scholarships to about 30 students in one of these schools, and a school that traditionally had asked only for a small monthly fee as a sign of commitment to the school. They raised their money from charity and donors. Now, since the Federal Government was here with this DC voucher scholarship program, they decided that 30 of their students should qualify for these scholarships. Well, that comes out to \$210,000 being spent by the Federal Government in a school that traditionally didn't even charge tuition. Does that raise a question? It raised a question in my mind.

They also found out there were a number of schools that lacked these occupancy certificates. Even after I offered this amendment raising a question about the safety of the schools, the schools went on to operate without filing the adequate certificates with the District of Columbia—the City of Washington, DC—that they were safe and that they, in fact, offered the kind

of facilities they said they did. The GAO report said District officials provided documentation indicating that 3 of 18 schools the GAO selected for review lacked certificates of occupancy—3 out of 18. Six of them had permits that did not specify their use as a private school, child development center or before and after school care center, and 7 of the 18 appeared to have occupancy permits that designated use as child development centers with before and after school care.

It turned out there wasn't a consistent presentation by these schools of what they were. They included in the GAO report photos of two of these schools. One of these schools looked like a single-family residence in a neighborhood where they were supposedly holding school in the basement. Another one looked like some kind of commercial building. It didn't look like a school at all. It raised a question in my mind as to why we would allow them to get by with this. If they were receiving Federal money to sustain their program, at a minimum they ought to have teachers with a bachelor's degree, they ought to meet the requirements of safety, and they ought to have a test they can compare with the DC Public Schools. They didn't.

Now, what happened? The program was 5 years in duration. It was described as a pilot program—an experimental program—and the idea was, at the end of the day, to take a measurement as to whether this worked: Did this provide better education for the millions of dollars we put into it? Well, if we followed the law, that program would have expired in June of this year. I was in charge of the Appropriations Committee for the District of Columbia, and I decided that wasn't fair to the 1,700 students currently in the DC voucher scholarship program. To cut them off as of June of this year, without any certainty as to what is going to happen the next year, I thought was unfair to the students and their families. So instead of ending the program, which would have happened without an authorization, I extended it 1 year so it will cover the students in these programs for the school year 2009–2010.

I thought that was fair. And I said in that period of time Congress had to do its job. We had to go in and ask these questions about the schools: Are they working? Are they worth the money spent? Are the teachers doing a good job? Are the students better off at the end of the day?

Senator ENSIGN has brought some impressive photographs of young students who have been successful using this program, but we have to ask about 1,700 students and what is working and what isn't.

The second thing we said in the bill which we are considering is that this is

a program that affects one public school district—Washington, DC—that is managed by the DC City Council. I believe that if they are going to extend this program beyond next school year, the government of Washington, DC, should decide whether they want it in their school district. I wouldn't want it in Chicago—which I am proud to represent, or in Springfield, IL, my hometown—to have someone come in from the Federal Government and say: We are creating a new school program here. We don't care what the local voters say or the local school board says. We are from the Federal Government; we are only here to help you.

I don't buy that logic. So we said those two things are required: Reauthorize the program, have the DC City Council approve the program, and then we can consider going forward. Now, the committee that considers this reauthorization is not a hostile and angry committee. It is chaired by Senator JOE LIEBERMAN from Connecticut, who has expressed his support for the DC voucher program. So it isn't as if I am sending it to a committee that is going to deep six it and forget it. He is going to have a hearing about the future of the DC voucher schools. Senator ENSIGN, who comes to the floor and argues we should not ask the questions, we should not demand reauthorization, we should not ask the DC City Council whether they want the program to continue, is also a member of that committee. So he will have his chance under the bill that is before us to make this evaluation.

Now, let me be very candid about this. Half the students are in Catholic schools. The archdiocese of Washington is offering education to many of these students. I have had teachers and parents and others who have come to me and said it is working. A lot of these kids who otherwise wouldn't be getting a good education are getting a good education. I don't believe the archdiocese and schools should be frightened by this examination. If they are doing what they say they are doing—and I trust they are—this examination is going to prove it, and they are going to find out, at the end of the day, that the money is being well spent.

In the recent version of the Catholic newspaper here, which was published in the Washington, DC, area—and I will not read it in detail—there was some language about how a reauthorization could take years. Well, that is not the fact. It can be done on a very expeditious basis by the committee. Senator REID, the majority leader, has said he will bring this matter to the floor for consideration.

Let us assess where we are with this DC voucher program, which would have expired in June of this year. We have extended it another year. We have said the 1,700 students are protected. They can continue to go to the schools they

are attending right now. We have said that in that period of time Congress will take a look at the program and decide if the money is well spent and then report a bill if they want to reauthorize the program to the Senate floor for consideration. I think that is fair.

I hope those who are opposed to my language in this bill can come before the Senate and explain the alternative. If we are going to continue this program, literally for millions of dollars each year, and never ask any questions, it is not only unfair to taxpayers, it is unfair to the students. We have to make sure this is working and working effectively.

I had it within my power, I believe, to have ended this program, as promised, in June of 2009. I didn't do it. I extended it for an additional year. So those who argue the language in this bill kills this program are ignoring the obvious.

Mr. President, I yield the floor.

AMENDMENT NO. 665, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that at 4:15 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed, with the time until 4:15 p.m. equally divided and controlled between the leaders or their designees, that the Bunning amendment No. 665 be withdrawn as soon as this order is entered: Cornyn No. 673; Cornyn No. 674; Thune No. 662; Sessions No. 604; Ensign No. 615; that there be 4 minutes equally divided and controlled prior to the Ensign vote; and Vitter No. 621; provided further that prior to the vote in relation to amendment No. 621, the majority leader be recognized, and that the time the majority leader consumes not count as time against the debate time previously provided under the orders of March 6 and 9; further that the other relevant provisions of those previous orders remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, amendment No. 665 is withdrawn.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that during the quorum call the time remaining between now and the time the vote is scheduled be evenly divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) Without objection, it is so ordered.

AMENDMENT NO. 673

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 673, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, if amendment No. 673 is adopted, State attorneys general could still enforce the Truth in Lending Act, they can still hire outside counsel, they just could not do so on a contingency fee basis.

Contingency fee contracts offer three hazards in this context that are not presented with more traditional fee arrangements. First, there is a serious risk of overcompensating the lawyer at a loss to taxpayers, since typically they work on 30 percent up to 50 percent of whatever is recovered goes to the lawyers and not to the taxpayers, as should be the case.

Second, the proposed prospect of contingency fees actually creates an incentive for trial lawyers to encourage litigation that State would not otherwise bring. State attorneys general could initiate this litigation when it is in the public interest. With contingency arrangements, too often the lawyer decides who should initiate the case because, of course, of the profit motive. And this undermines the current regulatory regime.

Third, contingency fee agreements have been proven to be a temptation for corruption.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. For that reason I ask my colleagues to support the amendment.

Mr. PRYOR. Mr. President, I rise in opposition to the Cornyn amendment, and I do this for three reasons. First, the Federal Trade Commission does not have the resources to pursue all bad actors in the lending markets under their jurisdiction.

The States need the ability to enforce what the FTC is doing in their State. Occasionally State governments do not have adequate resources or the expertise on these very complicated matters. Sometimes they need outside counsel. And in order to get outside counsel, they need to put that in a contingency fee in many cases.

Also, I have great concern that this amendment may be unconstitutional. I am not sure that the Congress can

limit the States' ability to bring an action or to structure a contract for outside counsel.

So for those three reasons, I would respectfully ask my colleagues to vote against the Cornyn amendment.

I thank everybody for their hard work.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. GILLIBRAND) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 64, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—32

Alexander	Cornyn	McCain
Barrasso	DeMint	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Snowe
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Wicker
Corker	Lugar	

NAYS—64

Akaka	Graham	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Inouye	Reid
Bennett	Johnson	Risch
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Shelby
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NOT VOTING—3

Gillibrand	Johannes	Kennedy
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The amendment (No. 673) was rejected.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote.

Mr. BEGICH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 674

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate equally divided prior to a vote in relation to amendment No. 674 offered by the Senator from Texas, Mr. CORNYN.

Mr. CORNYN. Mr. President, my amendment would protect workers' paychecks and promote transparency. Currently, the NLRB permits an employer and union to enter into a contract that requires all employees in a bargaining unit to pay union dues as a condition of employment whether or not the employee actually is a member of the union.

In a Supreme Court case recently, *Communication Workers v. Beck*, the Court ruled that nonunion workers could get a refund for that portion of their dues which would be used for political action or other purposes other than collective bargaining. President Obama has now changed the rules by Executive order, and now Federal contractors are no longer required to post signs in the workplace informing workers of their rights regarding union dues. President Obama's Executive order does not change the law, for workers are still entitled to the refund. It is just that now, under the Executive order, employers don't have to tell the workers of their rights, which they should.

My amendment prohibits omnibus funds from being used for this provision of the Executive order. I ask my colleagues for their support.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DURBIN. Mr. President, I rise to oppose the Cornyn amendment and urge my colleagues to oppose it as well.

On January 30, President Obama issued Executive Order 13496 to inform Federal contractor employees of their rights under Federal labor law. Under the Executive order, there are 120 days of rulemaking to prescribe the size, form, and content of this notice to be posted. In other words, it is underway at this moment.

I am opposed to this amendment because we didn't restrict the ability of former President Bush to inform employees of Federal employers of their labor rights. We should allow President Obama the same opportunity.

I urge Members to vote no.

The PRESIDING OFFICER. All time has expired.

Mr. MARTINEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—38

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Kyl	Wicker
Cornyn	Lugar	

NAYS—59

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	

NOT VOTING—2

Johannes	Kennedy
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The amendment (No. 674) was rejected.

AMENDMENT NO. 662

The PRESIDING OFFICER (Mrs. MCCASKILL). Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 662, offered by the Senator from South Dakota, Mr. THUNE.

Who yields time? The Senator from South Dakota is recognized.

Mr. THUNE. Madam President, amendment No. 662 is simply a prohibition on funding being used to implement the fairness doctrine.

A couple of weeks ago, the Senate had a vote, and 87 Members of the Senate voted for a statutory prohibition on reinstating the fairness doctrine. In fact, the appropriations bill last year included similar language to what I am proposing in my amendment that would prohibit the FCC from using funds, appropriating funds to implement the fairness doctrine. So it is consistent with what the appropriations bill included last year. It was not included in this year's bill. All this simply does is makes it consistent with what we did in last year's appropriations bill.

Furthermore, the legislation that was actually passed by the Senate 2 weeks ago, the DC voting rights bill, my hope is the prohibition on implementing the fairness doctrine will stay in that legislation, but I have a fear that when it gets to conference with the House, it might be stripped out.

This is yet another way of ensuring that funds will not be used to implement this very bad idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, this amendment is unnecessary. There is no funding in the bill to reinstate the fairness doctrine. The bill does not contain any provisions directing the FCC to reinstate the doctrine. President Obama does not support it. The FCC has no plans to reinstate the doctrine. Opposition to the amendment is not based on substance, it is based on fact. It does not belong in the bill.

Things have changed since the fairness doctrine was adopted in 1949. Today, there are more ways than ever to hear a variety of opinions on any issue. We have hundreds of channels on cable TV, over 14,000 AM and FM stations, and we have the Internet. Therefore, we don't need it.

I urge a "no" vote.

Mr. THUNE. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—47

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Begich	Feingold	Risch
Bennett	Graham	Roberts
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Bunning	Hatch	Snowe
Burr	Hutchison	Specter
Chambliss	Inhofe	Thune
Coburn	Isakson	Udall (CO)
Cochran	Klobuchar	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Webb
Cornyn	Martinez	Wicker
Crapo	McCain	

NAYS—50

Akaka	Gillibrand	Mikulski
Baucus	Mrs. Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kaufman	Reid
Burr	Kerry	Rockefeller
Byrd	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feinstein	Merkley	

NOT VOTING—2

Johanns

Kennedy

The amendment (No. 662) was rejected.

Mr. KERRY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 604

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided prior to a vote in relation to amendment No. 604 offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama is recognized for 2 minutes.

Mr. SESSIONS. Madam President, 1 minute or 2 minutes?

The PRESIDING OFFICER. Excuse me, 1 minute.

Mr. SESSIONS. Madam President, this amendment simply will extend the authorization for the E-Verify system for 5 years. On this current bill, it will be extended only for 6 months. I ask why we would not make it a more extended period of time unless we have doubts about it, unless we don't like it, unless we are looking for a way to eliminate it.

It is the core system businesses are signing up to use voluntarily. Over 100,000 are now using it. They punch in a Social Security number and determine whether the job applicant who is before them is legally authorized to be employed, if they are legally in the country. That is what it is. It is not required to be used even in Government contracts. It does not require there to be any police officers, detention spaces, or any enforcement. It simply allows businesses to use this system voluntarily.

We cannot allow it to expire. I am amazed we are not extending it permanently. We need to do that. And we need to soon pass legislation, which this bill does not do, that would require all Government contractors to use the system because that would have been the law as of January until President Obama stopped that Executive Order.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, my good friend from Alabama knows that the bill contains an extension of the E-Verify Program through September 30 of this year. I share his frustration about short-term extensions. Similarly, I have been trying to work in good faith to extend the EB-5 Regional Center Program, which is as important to Alabama as it is to Vermont.

Much to the detriment of the economic benefits created by the EB-5 program, such as capital investments and new jobs in American communities, the Senator from Alabama and others have refused to pass an EB-5 extension without simultaneously ex-

tending the E-Verify Program. I believe they should both be extended. While I have no objection to reauthorizing the E-Verify Program for a longer term, so long as it remains voluntary and free of mandates, I cannot vote for one that leaves the EB-5 program behind.

Besides, in the context of this bill which has to be passed and enacted to keep the Federal Government running, this amendment is inappropriate. It is the wrong action at this time and would jeopardize the swift passage of this legislation.

I support the efforts of Chairman INOUE, Senator BYRD, and others to oppose it.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEAHY. Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Madam President, I ask the Senate to allow me to make a statement prior to this next vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR LEAHY

Mr. REID. Madam President, I pause to honor the senior Senator from Vermont, PATRICK LEAHY, chairman of the Judiciary Committee. He will cast his 13,000th vote.

(Applause.)

This is a remarkable tally that few men or women in the hallowed history of this Chamber can match. But I guess what we note most about our friend from Vermont—I think I can say "we"—is not the quantity of his votes so much as the quality. In his 3½ decades of service in the Senate, PAT LEAHY has been a reliable friend in the cause of justice.

PAT was elected to the Senate at the age of 34. Few gave this young prosecutor from Burlington much of a chance to win. After all, not a single Democrat had ever been elected to the U.S. Senate from Vermont. And, of course, Vermont was one of our early States.

Senator LEAHY recalls that the Republican Senator George Aiken was asked by some to resign his seat a day early to give Senator LEAHY a headstart in seniority among his fellow freshmen, which you could do. Senator LEAHY recalls Senator Aiken replying:

If Vermont is foolish enough to elect a Democrat, let him be number 100.

On the contrary, the people of Vermont acted wisely by sending PATRICK LEAHY to Washington and sent him again and again and again and again.

As chairman of the Judiciary Committee, Senator LEAHY has been a national leader for an independent judiciary, the promotion of equal rights, and the protection of our Constitution. He also has been chairman in the past of our Agriculture Committee, where he did remarkably good work protecting the State of Vermont and all agricultural interests. As a senior member of the Appropriations committee, Senator LEAHY has ensured that all communities throughout Vermont and across America have access to the tools they need to grow and to prosper. Senator LEAHY is a leading voice for conservation and environmental protection. He has led the charge to expand broadband access to rural communities.

Senator LEAHY is also a leader on foreign policy, working to protect human rights across the world while ensuring our men and women in uniform have the training, equipment, and respect they need and deserve.

This is a fine man, and it can best be shown as a result of his wonderful wife Marcelle. I am fortunate to call Senator LEAHY my friend. I am fortunate I have had the good fortune of being able to serve in the Senate with this senior Senator from the State of Vermont, PATRICK LEAHY.

Congratulations, PATRICK, on your 13,000th vote as a U.S. Senator.

(Applause.)

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Madam President, let me add to our friend and colleague from Vermont for this side of the aisle how much we admire and respect his extraordinary record. He and I had an opportunity to serve together as either ranking member or chairman—we switched hats several times—of the Foreign Operations Subcommittee of Appropriations.

I will pick out one area for which I think PAT LEAHY is known around the world, and that is his efforts with regard to demining all over the world.

He has made an extraordinary contribution, not only to his State but his Nation. I know I speak for all Republicans in congratulating my friend from Vermont for his—how many votes is this?—13,000th vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I join in congratulating the distinguished senior Senator from Vermont. I have had the pleasure of knowing him longer than his Senate colleagues because we met in 1970 at a district attorneys convention where I was the host in Philadelphia. We have been fast friends ever since, going on the 29th year I have been working with him on the Judiciary Committee and on the Appropriations Committee. We have disagreed very infrequently. Mostly, we have been able to carry forward bipar-

tisanship, which has been in the interest of the Senate and in the interest of the country.

I could commend him for many of his votes, but I would pick out his vote in favor of Chief Justice Roberts at a time when there were considerable political considerations and strengths against an affirmative vote. He saw the importance of a unifying factor being the ranking member—I chaired at that time—and saw the importance of a unifying factor with a courageous vote.

He has been an extraordinary Senator. I look forward to seeing him serve many years, and I hope to serve with him.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I don't want to hold up the votes, but I do want to thank my dear friend, the majority leader, and my good friend, the Republican leader, for their kind remarks and, of course, my friend, the senior Senator from Pennsylvania. As he said, we first knew each other when we were much younger and prosecutors.

I will just take a moment. When Marcelle and I first came here in January 1975 with three young children—Kevin, Alicia, and Mark—we never thought we would be here this long. I have enjoyed every moment of it. But especially, I have served with hundreds and hundreds of Senators, both Republican and Democratic Senators. I have enjoyed my relationship with every single one of the men and women with whom I have had the privilege to serve.

We have often said we are the conscience of the Nation—the Senate. Only 100 of us have the privilege to serve here at any given time to represent a great and wonderful Nation of 300 million people. It is a privilege, and it is an honor.

I thank my colleagues for this tribute. This is something I will long remember.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—50

Akaka	Burris	Conrad
Begich	Byrd	Dodd
Bennet	Cantwell	Dorgan
Bingaman	Cardin	Durbin
Boxer	Carper	Feingold
Brown	Casey	Feinstein

Gillibrand	Levin	Rockefeller
Hagan	Lieberman	Sanders
Harkin	Lincoln	Schumer
Inouye	Menendez	Shaheen
Johnson	Merkley	Stabenow
Kaufman	Mikulski	Udall (CO)
Kerry	Murray	Udall (NM)
Kohl	Nelson (FL)	Warner
Landrieu	Pryor	Whitehouse
Lautenberg	Reed	Wyden
Leahy	Reid	

NAYS—47

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Nelson (NE)
Bayh	Graham	Risch
Bennett	Grassley	Roberts
Bond	Gregg	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Specter
Chambliss	Isakson	Tester
Coburn	Klobuchar	Thune
Cochran	Kyl	Vitter
Collins	Lugar	Voinovich
Corker	Martinez	Webb
Cornyn	McCain	Wicker
Crapo	McCaskill	

NOT VOTING—2

Johannes Kennedy

The motion was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. CARPER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 615

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 615, offered by the Senator from Nevada, Mr. ENSIGN.

The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, in the underlying bill there is language addressing the DC Opportunity Scholarship Program that would effectively, after next year, kill the program. It requires that not only it be reauthorized by Congress but also that the DC City Council approve the program. There are 1,700 kids from families making an average of less than \$24,000 a year that now participate in this program. The parents love this program. The kids love this program. I am a big believer in the public school system, but the DC Public Schools, which spend more than any other school district in the country, over \$15,000 per student per year, are failing too many kids in Washington. So this program was put in to give some low-income kids the opportunity to succeed.

Guess what. They are thriving in this program. Earlier, the senior Senator from Illinois said we have to make sure all the teachers have 4-year degrees. The omnibus bill before us requires that. My amendment does not touch that requirement. He also says we have to make sure they are in structurally safe schools. The bill before us requires that. My amendment does not touch that. So those are both side issues that are not affected at all by my amendment.

We need to put special interests aside and focus on the children from Washington, DC, especially those low-income children.

I ask unanimous consent that this letter from the Mayor of Washington, DC, Adrian Fenty, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
March 10, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for contacting me about the DC Opportunity Scholarship Program. I appreciate your continued interest in matters that are vitally important to the residents of the District of Columbia.

As my staff had the opportunity to advise your staff last week, the position of the Administration is consistent with our position during the last two budgets—we support the three sector approach initiated by the Williams Administration because in the past two years the District has made tremendous strides toward improving the educational experience of all students.

Accordingly, we do not support any measures that would reverse the three sector approach or strategy. We further agree with Secretary of Education Arne Duncan: that while the ultimate goal is to fix the entire school system it would not be productive to disrupt the education of children who are presently enrolled in private schools through the DC Opportunity Scholarship Program.

Once again, thank you for your inquiry and continued support of the District of Columbia. If you have any questions please feel free to contact me or Bridget Davis in my Office of Policy and Legislative Affairs.

Sincerely,

ADRIAN M. FENTY,
Mayor.

Mr. ENSIGN. Mayor Fenty is agreeing with the Education Secretary, who says these kids should not be pulled out of this program, and this program should not end. There are so many scholarship recipients across this town who want to stay in their private schools. We should stand up for the kids and not the special interest groups, such as the National Education Association, that want to end this program.

Mr. VOINOVICH. Madam President, I rise in support of the amendment by Senator ENSIGN to continue funding for the DC Opportunity Scholarship Program, which has given thousands of children in the District of Columbia a chance to escape failing schools. Unfortunately, the underlying bill contains language which would have a devastating impact on low-income families in the District of Columbia by prematurely ending the program.

Many of us are outraged that a Member of the Senate has included a provision to kill the program. The provision has not gone unnoticed. On March 6 The Washington Post asked why “anyone would want to force children out of schools where they are happy, safe and

satisfied” and on March 9, Newsweek asked why lawmakers would consider stopping a \$14 million program which is a “rounding error” on the General Motors bailout figure. Finally, The Wall Street Journal calls it what it is: “perhaps the most odious of double standards in American life today: the way some of our loudest champions of public education vote to keep other people’s children—mostly inner-city blacks and Latinos—trapped in schools where they’d never let their own kids set foot.” Whoever is responsible should be ashamed and admit who put them up to it. I think I know who is behind efforts to end this program.

The program provides 1,700 children with scholarships of up to \$7,500 each to attend the school of their choice. To qualify, students must live in the District and have a household income of no more than 18 percent of the poverty line. For 2008–2009, the average income for families using the program was just over \$23,000 a year.

Since 2004 when the program began, approximately 7,200 families have applied for spots in the program—nearly four applicants for each available scholarship. It is a program that has repeatedly shown improved family satisfaction and increase parental involvement.

The students themselves are perhaps the best testimonials. Tiffany Dunston, valedictorian of Archbishop Carroll High School’s class of 2008, who was a four year scholarship recipient, is now studying biochemistry at Syracuse University. Tiffany’s thoughts on the program underscore why this program must continue: “I am determined to build a better life and want others in my community to have that chance as well.” Another scholarship student, Ronald Holassie, was recently sworn in as deputy youth mayor for the District. Ronald says he “wouldn’t be where he is today” without his scholarship.

It is premature to add conditions to this important program. This spring, Congress will have the results of the comprehensive analysis of the program. Chairman LIEBERMAN has committed to holding a hearing to review the program and discuss proposals for improvement in advance of the Senate’s debate on reauthorization. I appreciate the majority leader’s commitment to a fair debate on long-term reauthorization.

My colleagues know that I have been through this fight before. As Governor I supported opportunity scholarships for Cleveland in 1992. With hard work and dedication, we managed to get the bill through in 1995 and within 3 years, over 3,600 children were attending the school of their choice. Just last year, there were over 6,000 students participating!

It wasn’t easy. After we stood-up the Cleveland Scholarship and Tutoring Program, the American Federation of

Teachers, National Education Association, and others filed a lawsuit and for nearly a decade Ohioans fought for the program. All along I had advocated that the program was constitutional. I will never forget the day when the U.S. Supreme Court agreed the program was constitutional in *Zelman v. Simmons-Harris*, 536 U.S. 639, on June 27, 2002. The program continues to thrive and expand because of its success. I consider it one of the major contributions to our country’s educational system. It is a morsel on our smorgasbord of educational opportunities.

And the benefits go far beyond the academic. A study by the Buckeye Institute found that students involved in the Cleveland program are gaining access to a more integrated school experience. Here in Washington, a Georgetown University study found that with their children in safer schools, parents were free to focus on their child’s academic development and the school’s curriculum.

Now, after so much progress and money invested, some Members of Congress wish to establish premature roadblocks for the program. What is lost in the underlying language is the need for the children of the District of Columbia to have every opportunity to receive a high-quality education. How offensive for Members of Congress, many with the means to send their children to any school, to limit the ability of District students to do the same.

Just last week, one of my esteemed colleagues came to the floor and discussed how he had sent his children to private Catholic School. He said that it was a family decision and that they made the “extra sacrifice” to pay for it. What my colleague fails to realize is that many of the parochial schools that participate in the program do so because they are giving witness to the Second Great Commandment.

During the State of the Union, President Obama said that “good education is no longer just a pathway to opportunity—it is a prerequisite . . . to ensure that every child has access to a complete and competitive education—from the day they are born to the day they begin a career.” The DC Opportunity Scholarship Program provides District students the pathway to meet the President’s goal. Shame on the President for not getting involved and telling his friends in the Senate how embarrassed he is about what they are attempting to do to the DC Opportunity Scholarship Program in this bill.

Two weeks ago, the Senate voted by supermajority to give voting rights to the District of Columbia—which I was proud to cosponsor. I am sure if we were to let parents in the District vote on this amendment—let the parents tell Congress what they want for their children—their answer would be to continue funding the DC Opportunity Scholarship Program.

The language in the base bill takes away the opportunity for parents of limited means to choose the best education available for their children. The Omnibus appropriations bill provides \$410 billion to fund Federal programs through the end of the fiscal year. Surely my colleagues would be willing to continue to spend \$14 million on a program that continues to give quality education to thousands of deserving children.

I urge my colleagues to support the amendment.

I wanted to briefly comment on the remarks by the senior Senator from New York in opposition to Ensign amendment 615 to H.R. 1105. The Senator emphasized the importance of local support for educational programs. My colleagues may be interested to know that the DC Opportunity Scholarship Program had the support of the District of Columbia government when it was created.

On June 24, 2003, in testimony before the House Committee on Government Reform, then District of Columbia Mayor Anthony Williams testified, "I support the President's desire to create a scholarship program in the District. I believe, if done effectively, such a program could truly expand choice to low-income families, who currently do not have the same freedom of choice enjoyed by more affluent families."

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Madam President, 5 years ago we created an experimental pilot plan for 5 years that would expire in June of this year. Rather than let it expire and these 1,700 students and their families be disadvantaged, we extended it for a year in this bill. What is going to happen in the course of that year? Senator LIEBERMAN's committee is going to take a close look to see if the over \$70 million we spent on this program has worked. Are the students getting a good education, better than they would in public schools, better than in charter schools? Are the teachers competent in this program? Are the schools they are learning in safe buildings?

These are fundamental questions we should ask of every school program. I do not understand reluctance on the other side to have an honest evaluation of the program that has cost us over \$70 million in taxpayer funds.

At the end of the day, those schools that are doing a good job will be given good grades. Those that are failing in this process do not deserve to be renewed. I have extended this program for a year in the bill, and the other provision, which I am going to allow Senator SCHUMER to address, gives to the DC City Council the same thing you would want the Las Vegas City Council to have if Congress tried to impose a program on them.

I yield my remaining time to Senator SCHUMER.

Mr. SCHUMER. I thank my colleague for his excellent remarks. The bottom line is this: On the issue of vouchers in DC schools, some people are for them; some people are against them. We are all for our local school districts determining what they ought to do. I would not want Washington to tell any of my 800 school districts in New York they must have vouchers or they can't have vouchers. Yet this law, which was put on the books 5 years ago, forces DC to use the program.

The amendment is very simple. It says leave it up to the DC City Council. I think every one of us would support that kind of independence and autonomy for our local school boards.

I yield the floor.

Mr. ENSIGN. Is there any time remaining?

The PRESIDING OFFICER. There is no time remaining. The question is on agreeing to the amendment.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—39

Alexander	Cornyn	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Byrd	Hatch	Shelby
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voinovich
Collins	Kyl	Warner
Corker	Lieberman	Wicker

NAYS—58

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lincoln	Udall (CO)
Crapo	McCaskill	Udall (NM)
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murkowski	
Feinstein	Murray	

NOT VOTING—2

Johannes Kennedy

The amendment (No. 615) was rejected.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 542

Mr. REID. Mr. President, last week the junior Senator from Louisiana offered an amendment to the Omnibus appropriations bill that would change the way the cost-of-living adjustments are given to Members of the House and the Senate. The bill before us, which has already passed the House, ensures there will be no cost-of-living adjustment in 2010. Most Senators, me included, have indicated support for that provision that is in this bill.

Senator VITTER's amendment would require the House and the Senate to vote every year on cost-of-living adjustments rather than having those adjustments take effect immediately. I agree with Senator VITTER that cost-of-living adjustments for Members of Congress should not be automatic. That is why I introduced a freestanding bill last week that would do just that. That is why we seek consent to pass this bill before we are scheduled to vote on the amendment by the Senator from Louisiana.

By passing this legislation as a stand-alone, it can become law without threatening completion of this appropriations bill. If Senators want to demonstrate their support for the proposed automatic cost-of-living adjustments, they can and should support my stand-alone legislation. It is fiscally responsible, responsible to the state of our economy, and will allow us to continue the good progress we have made toward passing this bill.

Objecting to this request will have two negative results: It will jeopardize our ability to pass legislation ending the automatic COLAs, and it will deal a serious blow to our efforts to pass this appropriations bill. Any Senator who wishes to end the automatic COLA should support this consent request I will shortly make. Likewise, any Senator who wishes to move forward with the omnibus will support my request. The only way to accomplish these objectives is to support my request, take up and pass the stand-alone pay adjustment bill.

I urge all of my colleagues to support this unanimous consent pay request.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 29, S. 542, a bill which repeals the provisions of law to provide for an automatic pay adjustment to Members of Congress; that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

This is a serious piece of legislation. It accomplishes what the Senator from

Louisiana obviously wants to accomplish. I would hope we can do this tonight. It would end all discussion on autopay adjustments. We should do that.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I believe the way to actually get this done, to actually pass this into law, is to include it in a must-pass bill, such as the appropriations bill before us, not to point to a stand-alone to give people cover for votes; a bill that would not be taken up on the floor of the House. So in that regard I would simply ask the majority leader, does he have a commitment from the Speaker of the House that his bill will be given a vote on the House floor in the near future?

Mr. REID. Mr. President, it is obvious that this is an important issue. We have an economy that is in distress. That is why we should pass this. I have not gotten commitments from anyone in the House. But it seems to me there is tremendous movement to get this accomplished.

I say to my friend from Louisiana, this is an important piece of legislation. We should go ahead and pass this. We know there are not going to be any amendments to the appropriations bill that I can get through the House. That is clear.

Everyone read in the newspaper what happened there Thursday night. So I would hope that in good faith this is not an effort to avoid anything, this is not an effort to try to play any legislative games. This is important legislation, I repeat for the third time, that we should adopt, and the House will take care of this itself.

Now, for me to stand and say what the House is going to do—I think it is pretty clear that with what is going on around the rest of the country, there is going to be significant support for this legislation, as I hope there is here in this body.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Mr. President, reserving the right to object.

Ms. STABENOW. Would the majority leader yield for a question?

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Well, certainly I agree with the distinguished majority leader on one point: there is movement on this issue. Just 12 hours after I was finally able to secure a vote on my amendment, after being blocked at every turn for a week, the majority leader himself adopted the cause and introduced, out of the blue, a stand-alone amendment. I wish he had been with his colleague, Senator FEINGOLD, on this issue since at least the year

2000, when Senator FEINGOLD has had legislation on the topic. I applaud Senator FEINGOLD for that.

But, again, I renew my objection because I think this stand-alone bill is nothing more than cover, nothing more than something to point to, when it will not be taken up on the floor of the House. I would be happy to lift my objection to the majority leader's stand-alone bill if the Speaker of the House publicly commits to a vote of his bill on the House floor in the very near future.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I will certainly yield to my friend from Michigan.

Mr. President, I did not block his amendment last week. I never heard from him until we were here Thursday night, late. I have had a number of Republicans come to me—as I look through this crowd here, there were a number of Senators who came to me and said: We would like our amendments to be offered. There was general agreement Thursday night after final passage did not take place; Senators told me they wanted to offer amendments. They talked during the week the same way.

So I did not block his amendment. The Democrats did not block it. No one knew he wanted to offer it, that I know of, on this side of the aisle.

I am using leader time so no one feels constrained.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I say to the majority leader, is it not true that if this amendment were to pass on this bill, that, in fact, it would never take effect because it will not be taken up in the House? But if we pass it independently, as our leader has put forward, and we all support it, it would, in fact, pass immediately in the Senate and then go to the House for consideration?

Mr. REID. I say to my friend from Michigan, it is clear as the daylight hour that my friend from Louisiana doesn't want the underlying bill to pass. Common sense dictates the best way to go is by adopting this consent agreement I made.

Let me also say this: I will be happy to ask consent—I ask unanimous consent the Senate proceed to consideration of Calendar No. 29, this legislation, S. 542, tomorrow, March 11, at 3 p.m. I make a commitment that I will bring this bill up. If there are people who don't want to agree to this tonight, assuming the Senator from Louisiana is that person, I will bring it up some other time. I am committed to doing this.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Reserving the right to object, again, unfortunately, the same game is at work. I would object. I

would also be happy to lift my objection if the Speaker of the House would offer a public commitment to give Senator REID's bill a vote on the House floor in the near future.

Mr. REID. Mr. President, to show how—what is the right word—how Senator VITTER is not serious, he knows that I can't represent what the Speaker is going to do. She doesn't know I am here doing this. She runs her little show over there, and I do my best to have some input on what happens here. But I can't make that kind of commitment.

I can't imagine why anyone would object to our passing this. It would move this down the road a long way. I am sorry the Senator from Louisiana obviously is not serious about passing this legislation, because I have asked that we do it right now. I have asked that we go to it tomorrow. He objects.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. There is objection.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 621

Under the previous order, there is now 2 minutes of debate equally divided prior to a vote in relation to amendment No. 621 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana.

Mr. VITTER. Mr. President, in this economy there are millions of Americans who are seeing their savings dwindle to nothing, who are losing their jobs, their homes. Yet they also see, as recently as last January 1, Members of Congress getting an automatic pay raise, in that instance \$4,700. It is wrong. The system that has these pay raises on autopilot is wrong. We should have full, open debates and votes. That is what my amendment would ensure.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, Senator VITTER wants to bring this bill down. He wants to score political points. Do you know what is in this bill? We stop our pay raise from next year. He wants to bring this bill down. We stop our pay raise in this bill. Senator REID offered a unanimous consent request. All of us could have gone right down the aisle here together saying every year we vote on a cost-of-living raise. So don't be fooled by this. The people need our help, the help that is offered in this bill. People are unemployed. There is funding in this bill to get them back to work, to do the business of government. This bill stops our pay raise. This is a cheap shot, in my opinion. We ought to vote no.

The PRESIDING OFFICER. The majority leader.

Mr. REID. The Senator from California is absolutely right. If this bill goes down, the work we have done, in keeping with Senator FEINGOLD—that

is, to not have a cost-of-living adjustment next year—we would have to start all over. This is wrong. We should move forward and defeat this amendment.

Mr. VITTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 22 seconds.

Mr. VITTER. People do need our help and the people are watching. So if you want to change the law that puts our pay raises on autopilot while they suffer, that system, not pass on it one year but change that law, vote for this amendment. If you want to kill that concept, vote against the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. I move to table the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. REID. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second on the yeas and nays on the motion to table?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—52

Akaka	Gillibrand	Mikulski
Baucus	Gregg	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burr	Kerry	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Conrad	Lugar	Whitehouse
Dorgan	Martinez	Wicker
Durbin	Menendez	
Feinstein	Merkley	

NAYS—45

Alexander	Collins	Grassley
Barrasso	Corker	Hatch
Bayh	Cornyn	Hutchison
Bennett	Crapo	Inhofe
Bond	DeMint	Isakson
Brownback	Dodd	Klobuchar
Bunning	Ensign	Kyl
Burr	Enzi	Lincoln
Chambliss	Feingold	McCain
Coburn	Graham	McCaskill

McConnell	Sessions	Thune
Murkowski	Shelby	Vitter
Nelson (NE)	Snowe	Voinovich
Risch	Specter	Webb
Roberts	Tester	Wyden

NOT VOTING—2

Johannes

Kennedy

The motion was agreed to.

Mr. KERRY. Mr. President, I opposed the amendment offered by Senator VITTER to the Fiscal Year 2009 Omnibus appropriations bill that would repeal the automatic cost of living adjustment, COLA, for Members of Congress starting in fiscal year 2010. The Omnibus appropriations bill already eliminates the Members of Congress COLA for fiscal year 2010. I choose to give my COLA to worthy charities because I know that many families in Massachusetts and across the Nation are struggling to make ends meet and need help.

I opposed the Vitter amendment because it could have jeopardized the enactment of the omnibus legislation which includes critical investments in America's future. Given the process of the bill winding its way through Congress, the Vitter amendment would have essentially stopped the omnibus in its tracks. We can't afford to have this bill delayed. The bill increases our energy security by prioritizing research and development of renewable energy and energy efficiency including solar power, biofuels, vehicle technologies, energy-efficient buildings, and advanced energy research. It also includes strong investments into cutting-edge science so that our Nation will maintain its preeminence in the global economy and create new jobs. The bill also keeps Americans safe by supporting the Community Oriented Policing Services, or COPS program, and the Byrne justice assistance grants, which help State and local law enforcement fight and prevent crime in communities across America.

The Vitter amendment should be considered on another legislative vehicle that would not jeopardize our national priorities.

Mr. CASEY. Mr. President, I support annual votes on congressional pay raises to avoid automatic cost of living increases. I was a cosponsor of an alternative by Senator REID that would have accomplished this goal without derailing the Omnibus appropriations bill. The underlying Omnibus appropriations bill cancels the pay raise that would have gone into effect in January 2010. Additionally, I have previously stated that I will give the 2009 cost of living increase to charity.

Unfortunately, this amendment was nothing more than political grandstanding and a poison pill designed to block necessary appropriations bills from passing and I was forced to vote against the amendment.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the 30 minutes prior to the cloture vote be reduced to 10 minutes, to be divided as previously ordered, with the remaining provisions of the previous order in effect, meaning that Senator INOUE will control 5 minutes and Senator COCHRAN will control 5 minutes.

Let me say this, Mr. President: I simply want to tell everyone—Democrats and Republicans—this has been very difficult, but I think it has been good for this institution. And I, frankly—I do not want to lay out all of my dirty laundry, but I think it has been good for me. I think the situation that has developed on the Republican side—I had a number of Republican Senators come to me and say: We need a few more amendments, and I had enough votes to pass it, and I ignored them. That will not happen in the future. I am going to try to be more aware of trying to create a better feeling in this body, not necessarily count 60 or 51, whatever it is.

So I appreciate what everyone has done here, but especially do I appreciate the two managers of this bill. This has been extremely difficult for them. All of the difficult issues had to be resolved by them. I think people looking at this Senate today should know how fortunate we are as a country to have two people such as DAN INOUE and THAD COCHRAN being the managers of this bill. These are two of the best, and I want to personally extend my appreciation. I applaud and commend both of them for doing an excellent job on a very difficult piece of work.

I have spoken to both of them. Everyone should understand, we are going to move into an appropriations process we can all be proud of. No more of these big, lumpy bills. We are going to move forward and try to do a bill at a time.

Again, thanks for everyone's cooperation.

Mr. President, there is a unanimous consent request pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

There is now 10 minutes equally divided.

LOAN GUARANTEE PROGRAM

Mr. BENNETT. Mr. President, for the benefit of the Senate, I would like to discuss with the chairman of the Appropriations Subcommittee on Energy and Water the congressional intent with respect to the funding provided by the pending legislation, H.R. 1105, regarding the Department of Energy's loan guarantee program.

The pending legislation provides a total of \$47 billion for eligible projects pursuant to title XVII of the Energy

Policy Act of 2005, to remain available until committed, of which \$18.5 billion shall be for nuclear power facilities.

In order to address budget scoring issues raised by the Congressional Budget Office, regarding third party financing, the conferees included legislation recommended by CBO counsel. CBO staff believes there is concern that the Federal Government might incur mandatory spending as a result of entering into power purchase agreements for energy projects that also receive loan guarantees from the Department of Energy.

While CBO acknowledges that this scoring issue is separate from the 1-percent subsidy cost that CBO has assessed the title XVII since fiscal year 2007, the conferees were obliged to include language drafted by CBO that would mitigate the possible scoring impact.

The language is drafted to capture as many possible third party financing options and as a result has created several unintended consequences. Specifically, the omnibus language could inadvertently have an adverse impact on a number of pending projects, for numerous title XVII eligible projects including the American Centrifuge Plant, ACP. The ACP project will employ more than 3,000 people in Ohio and thousands of employees with contracts to build this facility including ATK and Hexcel located in Utah.

First, I would like to thank the chairman of the Subcommittee on Energy and Water for his work since taking over this subcommittee in 2007 to support the loan guarantee program and his willingness to find the necessary resources, when budget requests were insufficient.

I know the chairman is familiar with this frustrating interpretation and ask if he would be willing to work with me and others to find a solution to these inadvertent problems and to correct them in the first possible legislation following the enactment of this legislation?

Would the chairman of the Subcommittee on Energy and Water also agree with me that the Department of Energy should therefore continue to work on the pending loan guarantee applications for those projects which could be adversely impacted by this legislation if not corrected, such as those for renewable projects and for USEC's loan guarantee application for its ACP project?

Mr. DORGAN. Mr. President, I agree with the ranking member of the Subcommittee on Energy and Water that the House-passed language contains flaws that we would all like to see remedied. In response to his two questions I will state the following.

First, I am willing to work with him and any other Member who has a similar concern about the unintended impact of the language on these energy projects.

Second, I agree that the Department of Energy, including its Loan Guarantee Office, should not cease, delay or slow down its processing of any of these pending loan guarantee applications.

The Department of Energy should continue to take all actions and steps necessary and predicate for the issuance of a final loan guarantee so that a final loan guarantee can be issued upon enactment of the necessary technical corrections and competitive selection.

I can assure the ranking member of the Energy and Water Subcommittee that I will work with him to try to correct this situation. Accordingly, the Department of Energy and its Loan Guarantee Office should proceed to process these loan guarantee applications expeditiously so as to be prepared to act immediately on these pending loan guarantee applications to issue final loan guarantees if corrective legislation is enacted.

Mr. VOINOVICH. Mr. President, I am very pleased with the commitments of the chairman and ranking member of the Appropriations Subcommittee on Energy and Water to fix these flaws in the pending legislation. All of these energy projects are very important to the future of our country as we work towards achieving energy independence and cleaner environment.

USEC's American Centrifuge Plant project is not only very important to Ohio, it is particularly important to the Nation.

The ACP project is shovel-ready and is estimated to create over 3,000 jobs in Ohio where it is located, and another 3,000 or more jobs in 11 other States around the country through manufacturing and engineering contracts.

The ACP project will have the capacity to provide domestically enriched uranium to fuel over one-half of the 104 domestic nuclear powerplants that provide nearly all of our emission-free base-load electricity.

Once built, the ACP project will be the only U.S.-owned source of nuclear fuel that is critically important for various national security reasons.

I would like to observe that the Governors of Ohio, Maryland, Tennessee and Kentucky strongly support USEC's ACP project.

Mr. President, I will ask unanimous consent that the letter from the Governors of Ohio, Maryland, Tennessee and Kentucky be printed in the RECORD following my statement.

I would also like to observe that President Obama, during his campaign visits to Ohio last summer, expressed his support for USEC's ACP project, as articulated in his letter to Governor Strickland of Ohio dated September 2, 2008, and I will ask unanimous consent that that letter also be printed in the RECORD following my statement.

I thank the chairman and the ranking member of the Appropriations Subcommittee on Energy and Water.

Mr. BROWN. Mr. President, I also thank the chairman and the ranking member of the Subcommittee on Energy and Water for their willingness to work on addressing the unintended consequences associated with this language. Ensuring that the language is appropriately modified is crucial to ensure the U.S. has the flexibility to maintain a domestically owned and produced source of enriched uranium, rather than relying on other nations.

I am not happy with the long delay in getting the next generation enrichment technology up and running in Piketon, OH. Good paying jobs are at stake. Our national security is at stake. And, freedom from dependency on foreign sources of uranium is at stake.

I look forward to working with the senior Senator from Ohio and the chairman and ranking member to address the concerns arising from this language.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the 2 letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 19, 2008.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Our states provide the domestic infrastructure to support the proposed American Centrifuge Plant (ACP) in Piketon, Ohio. We are asking that you direct your Administration to act promptly within existing funding authorities and take the steps needed to reach a Department of Energy (DOE) conditional loan guarantee agreement for this project. Prompt action is essential in order to avoid demobilization of the project and workforce layoffs within the next several months.

Also, ACP represents the only U.S. advanced technology for uranium enrichment that can meet both domestic energy security and national security needs; the use of which would mitigate the present need to import over half of the domestic nuclear fuel supply from Russia. It is critically important that we develop our domestic enrichment capabilities so we as a Nation do not create an unhealthy reliance on foreign nations for our sources of enriched uranium. It is especially important to our States that ACP will create a new domestic manufacturing infrastructure of 6,000 high-skilled jobs in 12 states. In addition, many of the technologies ACP would utilize, such as high precision machining and carbon fiber fabrication, will be able to support the growth of other new domestic industries.

Your Administration has taken a leadership role in promoting the resurgence of safe and secure domestic nuclear energy. The ACP project offers the opportunity to put a tangible capstone on this effort.

While DOE has made significant progress with its loan guarantee program, continued implementation of the ACP project is vulnerable without timely action and a conditional loan guarantee agreement. Therefore, we are seeking your commitment to set the appropriate timetable for decision-making, without compromise to the creditworthiness

standards set for the program. Your leadership also would send a strong message that the business of government has not been diminished during this time of turmoil in the financial markets.

We will continue to work with your staff to reach a conditional loan guarantee agreement by the end of this Administration.

Sincerely,

TED STRICKLAND,
Governor of Ohio.

MARTIN O'MALLEY,
Governor of Maryland.

PHIL BREDESEN,
Governor of Tennessee.

STEVEN L. BESHEAR,
Governor of Kentucky.

SEPTEMBER 2, 2008.

Governor TED STRICKLAND,
Riffe Center,
Columbus, OH.

DEAR GOVERNOR STRICKLAND: You have continued to be a strong advocate for the workforce and surrounding communities of the Piketon Enrichment Plant and throughout Ohio. This workforce and community have made significant contributions to our nation's defense and energy security needs for over the past half-century.

There are a number of steps I will take as President to assure the future health and prosperity of this community and its workforce. Under my administration, the Piketon site workforce and the surrounding communities will play a central role in our nation's domestic energy supply through private sector and government initiatives. The Piketon site is ideal for either traditional or advanced energy programs, or both. The Piketon site has vast infrastructure and potential reuse applications are very promising.

Under my administration, energy programs that promote safe and environmentally-sound technologies and are domestically produced, such as the enrichment facility in Ohio, will have my full support. I will work with the Department of Energy to help make loan guarantees available for this and other advanced energy programs that reduce carbon emissions and break the tie to high cost, foreign energy sources.

I will ensure that workers' rights, pensions and retirement health care benefits are fully protected and facilitate pension portability for workers among the various contractors and subcontractors as new missions unfold with the Department of Energy. We will work with the respective union leadership at the Portsmouth site to assure that their members' rights are fully protected.

I will assure that the benefits due under the "Energy Employee Occupational Illness Compensation Program Act" of 2000 will be provided in a timely and equitable manner. I understand that it is imperative to help those workers who were made sick or ill while serving in our nation's defense nuclear facilities. The delays and foot-dragging over the past several years is simply inexcusable. If necessary, I will support legislative reforms to assure that workers will be promptly compensated. I will not tolerate further excuses or delays in the implementation of this important legislation, which has left deserving workers waiting. I will also support the on-going medical screening program to help workers identify occupational illnesses that may have been caused from work at this facility.

I will work with Congress to provide adequate funding and will direct the Energy De-

partment to commence Decontamination and Decommissioning activities of those facilities which are no longer needed, and maximize the employment of site workers to achieve this end. The failure to clean up this site quickly will delay future economic development opportunities and only add additional mortgage costs and pose undue environmental risks.

I will help assure the Depleted Uranium Hexafluoride (DUF-6) Conversion Facility in Piketon will be operational on an expedited time schedule. This project was authorized through legislation in July 1998, however, it is still not operational. I will work with Congress to fund this project and the disposition of the 20,000 plus cylinders of legacy uranium material. This project will create jobs for at least 20 years and remove thousands of tons of depleted uranium.

I will support funding the cleanup of soil, groundwater and hazardous waste from legacy operations. I want to assure that when we declare the Piketon site is cleaned up, it will mean that health and environmental hazards are not left behind so that new businesses can locate at the Piketon facility without concern.

I will direct my Administration to work with the community leadership to develop a long-term site plan to include opportunities to reuse the Portsmouth plant site and maximize the vast infrastructure while creating needed jobs in the Southern Ohio region. I am committed to making the Piketon facility a "multi-mission site" to drive economic development and environmental improvements.

Combined, I recognize these steps will assure energy security, environmental restoration and job creation for Southeastern Ohio and I look forward to working with you on this important project for the state.

Sincerely,

BARACK OBAMA.

CLERICAL ERROR ON BEEF IMPROVEMENT RESEARCH

Mr. BENNETT. Mr. President, I rise today to join with our Chair, Senator KOHL, in a colloquy to correct a clerical error in the attribution table accompanying Division I of H.R. 1105. Senator BOND is listed as having requested the "Beef Improvement Research" project under the Agriculture, Rural Development, Food and Drug Administration, Cooperative State Research Education and Extension Service. My staff has confirmed that this project was not requested by Senator BOND and, as such, Senator BOND's name should not be listed as a requestor.

Mr. KOHL. My colleague and former subcommittee ranking member, Senator BENNETT, is correct. This resulted from a clerical error involving confusion between two different projects on beef research. Senator BOND should not be listed as a sponsor of the Beef Improvement Research project.

Mr. BENNETT. I thank the Chair for his assistance in this matter.

Mr. BROWNBACK. Mr. President, I rise today to address a provision in the statement to accompany the fiscal year 2009 Omnibus appropriations bill that seeks to address a critical issue in our country, the rising rate of childhood obesity. Over the last several

years, Senator HARKIN and I have worked jointly to address this issue.

During this time, we have focused our efforts on bringing together the different sectors in our society that are equipped to address this crucial issue for our Nation's children. It is my firm belief, that there is not just one solution to reducing the rates of childhood obesity but this should be a collective effort.

To that end, I am encouraged that there are those in the food and beverage industry, the advertising industry and media industry that have taken voluntary steps to address this issue.

I am pleased that the Ad Council has also worked to address childhood obesity as well with donated multimedia efforts since October 2005 that have equaled \$170 million. This initiative includes creative partnerships with NFL, Qubo, an NBC-owned children's network, and the U.S. Olympics.

It is my firm belief that the best option to address this issue is not by rushing into government regulation but by working together to address this issue within our spirit of a free-market society—and that is the intention behind this language that directs the Federal Trade Commission to create a working group among the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Secretary of Agriculture. I also hope that as this working group convenes they will first study the Better Business Bureau's Children's Food and Beverage Advertising Initiative, and determine whether initiatives such as these would suffice to address this crucial issue, before they implement the remainder of the directive. And, consistent with the current focus of self-regulatory initiatives, I think it would be more appropriate to limit the scope of the working group activities to children under the age of 12.

I have found that oftentimes the best results are rooted in industry-led reforms and it is my intention that this working group will keep this intent in mind as they study and develop ways in which to address foods marketed to our children. For example, in July 2007 and again in September 2008, the Grocery Manufacturers Association commissioned studies of U.S. advertising trends through Georgetown Economic Services. These studies have shown that as food and beverage marketers have shifted the mix of products advertised to children, not only are children today seeing fewer food, beverage and restaurant ads on television, they are seeing far fewer ads for soft drinks, cookies, snacks and candy, while being exposed to more ads for soups, juices, fruits, and vegetables and water than they were in 2004.

I truly believe that with everyone coming together around a free market principled approach that we will have

more expedient and effective results for our children.

Mr. AKAKA. Mr. President, I support the Omnibus Appropriations Act. I appreciate all of the efforts made by my friend, the senior Senator from Hawaii, to develop and manage this tremendously important bill. I also value the effort of the ranking member of the Appropriations Committee as well as all of the work done by the subcommittee chairmen and ranking members to draft the omnibus.

Continuing resolutions hinder the ability of agencies to meet the needs of our communities and address changing circumstances. We must enact this legislation in order to have a more effective and responsive Federal Government in dealing with many of the problems that our Nation is confronted with currently. This legislation improves access to health care, education, housing, and economic development opportunities. It also provides essential support for financial literacy programs, transportation infrastructure investments, sustainable energy development, natural resource preservation, and investor protection efforts.

This bill will help further promote medical research. Investments in medical research have tremendous potential to improve the lives of so many people by developing better methods to prevent, detect, and treat different illnesses. I am also proud that the legislation increases the ability of our federally qualified community health centers to better meet the medical needs of our communities.

The fiscal year 2009 omnibus bill will help ensure that our Nation's students are prepared for the challenges of the 21st century. This includes funding for programs to help disadvantaged students reach their potential as well as funding to help recruit and retain highly skilled and talented teachers. The fiscal year 2009 Omnibus also includes \$1.2 million in funding for Impact Aid. Impact Aid assists school districts that have lost property tax revenue due to the presence of tax-exempt Federal property, including Indian lands and military bases. It is vital to a State like Hawaii where there is a significant military presence.

This legislation also provides vital resources for housing. Ten million dollars is provided for the Native Hawaiian housing block grant, which is administered in the State of Hawaii by the Department of Hawaiian Home Lands, DHHL. DHHL is the largest affordable housing developer in the State of Hawaii. Although these resources provide only about one-tenth of the DHHL's spending, it is extremely important to support additional home ownership opportunities for residents throughout Hawaii.

I also appreciated the inclusion of funding for the Laiopua 2020 Community Center. Economic Development

Initiative resources will facilitate the development of this comprehensive community center. The community center will improve the quality of life for residents in the growing Kona community by increasing access to social services, recreational facilities, and educational and economic opportunities.

The omnibus provides a slight increase in resources for the Community Development Block Grant, CDBG, Program. CDBG provides essential Federal resources to help meet the specific needs of communities. In Hawaii, our counties utilize CDBG resources to help provide affordable housing, assist the homeless, expand day care facilities, provide meals to low-income families, strengthen our medical infrastructure by making physical improvements to our community health centers, and expand opportunities to help individuals with disabilities find employment.

This bill provides essential resources intended to improve our Nation's financial literacy lending and improve individual understanding of economics and personal finance. This bill includes \$1.447 million in funding to implement the Excellence in Economic Education Act, which promotes economic and financial literacy among students in kindergarten through high school. An additional \$1.6 million is provided for the Department of the Treasury's Office of Financial Education to increase access to financial education and protect consumers against predatory lending. Also, I applaud the inclusion of a directive in the bill that requires the Internal Revenue Service, IRS, in consultation with the National Taxpayer Advocate, to educate consumers about the costs of refund anticipation loans and expand access to alternative methods of obtaining timely refunds.

The act also will improve our roads, transit, and airports; strengthen Hawaii's transportation infrastructure; and increase the mobility of our residents.

Provisions contained within the act enable the U.S. Army Corps of Engineers to address our Nation's critical navigation, flood control, and environmental restoration needs. I was pleased that more than \$1.6 million was provided for Hawaii projects.

Recognizing that shoreline erosion threatens upland development and coastal habitats along much of Hawaii's shoreline, I worked to provide funding for a regional sediment management demonstration program to further understand the dynamics of complex coastal processes and promote the development of long-term strategies for sediment management. On the island of Molokai funding has been provided to complete a much needed water resource study in order to more effectively manage ground-water resources. Wise stewardship and management at a watershed level has a significant im-

pact on the health and quality of numerous natural resources. Inclusion of funds to address stream management and restoration is critical for Hawaii. These resources will assist and protect communities in Hawaii from destruction caused by severe weather and flooding, as well as promote conservation and revival of our islands' ecosystems.

The fiscal year 2009 omnibus includes provisions that will go a long way to improve advancements in science and technology, as well as enhance U.S. competitiveness. In Hawaii and the Pacific, we are uniquely confronted by climate fluctuations and its impact on the public, economic development, and health of our ecosystems and wildlife. I am proud to have supported the inclusion of \$1.75 million for the International Pacific Research Center at the University of Hawaii to conduct systematic and reliable climatographic research of the Pacific region. Improving our understanding of climate variability empowers us to use data and models to mitigate adverse impacts.

Hawaii is home to some of the world's most critically threatened and endangered species, including the endemic Hawaiian monk seal. For years I have been an advocate for the conservation and recovery of the critically endangered monk seal and other cetaceans in the Pacific. The National Marine Fisheries Service issued the first Hawaiian monk seal recovery plan in 1983 and a revised plan in 2007. The Hawaiian monk seals are vulnerable due to a variety of influences, including human disturbances of birth and nursery habitats, entanglement in marine debris, and commercial fisheries. In the last 50 years the Hawaiian monk seal population has fallen by 60 percent. To address this need, I worked to include \$2.6 million in this act to address female and juvenile monk seal survival and enhancement, as well as efforts to minimize monk seal mortality. In addition, these funds will strengthen coordinated regional office efforts for field response teams and enhance implementation of the 2007 recovery plan.

The preservation of our national parks, forests, and public lands has been a priority of utmost importance. Public lands are valued assets that must be properly managed for the benefit of all Americans and future generations. I am encouraged that the act supports the preservation of our natural landscapes, furthers conservation of wildlife, expands water resource assessment, and fosters wise management of our Nation's natural resources.

Given the unique needs of Hawaii, I supported funding in the Fiscal Year 2009 omnibus to fortify the preservation of four endangered Hawaiian waterbirds located within the James Campbell National Wildlife Refuge, as well as combat the threat of invasive

species on our natural and cultural heritage. Invasive species are the primary cause of decline in Hawaii's threatened and endangered species, and cause hundreds of millions of dollars in damage to Hawaii's agricultural industry, tourism, real estate, and water quality. Funding will continue the ongoing, collaborative, interagency, and community-based effort to address invasive species impacts. Such joint action, cooperative agreements, and collaboration will be needed to control invasive species that are crossing geographic and jurisdictional boundaries.

I am pleased that the omnibus supports the development of sustainable and clean energy. We must continue to invest in development and implementation of energy from renewable, efficient sources as this Nation transitions away from foreign oil. Our energy security and independence depend on conducting advanced research and better utilizing energy from sources including the sun, wind, ocean.

Included in the act is \$3.1 million to support the ongoing Hawaii-New Mexico Sustainable Energy Security Partnership. In order to develop, demonstrate, and deploy technologies that enhance usage of renewable resources, the Partnership evaluates electric and transportation infrastructure, tests technologies, and provides sound science to inform debate and the implementation of public policy. Building upon its successful development of a comprehensive model of the transportation and electricity infrastructures on the Big Island and Maui, these funds will be used to support promising projects identified for implementation on those islands, as well as extend efforts to evaluate and address the energy infrastructure needs on Oahu and Kauai.

I am encouraged by the inclusion of funding to improve Hawaii's infrastructure and nurture sustainable agriculture production. Our agricultural industry is a key component of our State's economy, and I have long supported the policies and programs cultivating opportunities for our farmers and rural communities. Further, funds supporting research, extension, and teaching efforts are necessary as we prepare a skilled and thriving workforce focused on developing sustainable solutions that improve the health of our environment, as well as the quality and efficiency in production.

Another important provision I want to highlight is the critical support included for the Securities and Exchange Commission, SEC, to better protect investors. I will continue to work with the SEC to ensure it has the statutory authority and resources necessary to better protect and educate investors and promote market stability.

In conclusion, I want to thank the senior Senator from Hawaii for all of his extraordinary efforts to develop

and shepherd this comprehensive bill through the legislative process. The Nation and our home State of Hawaii will benefit tremendously from its passage.

Mr. LEVIN. Mr. President, Congress will hopefully with this vote finally complete action on the fiscal year 2009 appropriations bills. This bill addresses some of the Nation's critical needs. It also addresses some of Michigan's special needs such as protecting the Great Lakes, improving our transportation infrastructure, and supporting our manufacturers and small businesses. In addition, it supplies our local law enforcement with tools they need to protect our citizens and provides support for our communities to help our most vulnerable citizens during this economic crisis.

This bill includes funding for a number of important Great Lakes programs. With the funding in this bill, the Thunder Bay Marine Sanctuary and Under Water Preserve will be able to complete the exhibits in the new visitor's facility. The bill provides a \$2 million increase for the Great Lakes Legacy program which has made a positive impact on the Lakes by removing contaminated sediment. This bill also provides funds to the Corps of Engineers to complete construction of the permanent dispersal barrier in order to stop Asian carp and other invasive species from entering the Great Lakes.

I am pleased that funding of over \$50 million that I requested for dredging and other operation and maintenance needs for Michigan's ports and harbors was included in this bill. The Great Lakes navigational system faces a backlog of 16 million cubic yards of dredging needs, which has had very real negative impacts on Great Lakes shipping. Several freighters have gotten stuck in Great Lakes channels, ships have had to carry reduced loads, and some shipments have simply ceased altogether. While an increase in some water levels is helping somewhat in this regard, the Great Lakes navigational system has an accumulation of maintenance needs. The additional funding that was included will help address this backlog, and I will keep working to increase appropriations and the budget so this important maritime highway, so that one of the lowest cost ways to transport supplies to industry and products to consumers, is not impeded.

The bill also provides \$17 million to the Corps of Engineers for the Soo Lock replacement project, which would serve as a backup for the current Poe Lock. Total annual shipping on the Great Lakes exceeds 180 million tons, over half of which goes through the Soo Locks. Funding for the lock is critical to ensuring that this system remains operational.

This bill provides a boost in funding for our Nation's transportation infra-

structure which will put people to work while improving mobility, safety and competitiveness in Michigan and around the country. The bill provides \$15.39 billion for the Federal Aviation Administration, an increase of \$865 million over the fiscal year 2008 levels. Included in that total is \$9.04 billion for Federal Aviation Administration operations that would be used to improve safety and air traffic organization, and to increase the hiring and training of air traffic controllers and aviation safety inspectors. The bill provides \$40.7 billion in highway funding, \$483.9 million above fiscal year 2008 levels. It also provides \$1.45 billion for the National Railroad Passenger Corporation, Amtrak, a \$128.1 million increase over the fiscal year 2008 level. It also provides \$10.1 billion for Federal Transit Administration, \$773 million over fiscal year 2008 levels.

This bill also includes a number of programs to help technology companies and manufacturers in Michigan and throughout the country, including funding for the Manufacturing Extension Partnership, MEP, and the Technology Innovation Program, TIP. The bill includes \$110 million for the MEP program. President Bush proposed to eliminate the program in his fiscal year 2009 budget. MEP is the only Federal program dedicated to providing technical support and services to small- and medium-sized manufacturers. MEP is a nationwide network of proven resources that enables manufacturers to compete globally, supports greater supply chain integration, and provides access to information, training and technologies that improve efficiency, productivity, and profitability. In fiscal year 2007 alone, based on services provided in fiscal year 2006, MEP helped to: create or retain over 52,500 jobs, generate more than \$6.765 billion in sales, and stimulate more than \$1.65 billion in economic growth. MEP is needed now more than ever as our small and medium manufacturers struggle to survive in this serious recession.

The bill includes \$65 million for the Technology Innovation Program, TIP, the successor to the Advanced Technology Program, ATP. While slightly less than the fiscal year 2008 level it is still significant given the fact that President Bush proposed zeroing out the program in his fiscal year 2009 budget. TIP is a cost-sharing program that promotes the development of new, innovative products that are made and developed in the United States, helping American companies compete against their foreign competitors and contribute to the growth of the U.S. economy. During this terrible recession the TIP program is an important way to stimulate job growth and high technology R&D in the United States.

I am pleased that this bill continues the current ban on using Federal funds

for future Federal contracts to so-called "inverted" U.S. companies that, to avoid certain U.S. taxes, have re-incorporated in an offshore tax haven country but left their offices and production service facilities here in the U.S. We should not further reward inversion by granting them Federal contracts. It is unfair to the U.S. companies left to operate on an uneven playing field, and it is unfair to the rest of our taxpayers who pay their fair share.

The fiscal year 2009 omnibus bill includes an increase in funding over fiscal year 2008 in a number of important areas at the Department of Energy. In particular, this bill includes \$273 million for advanced vehicle technologies, an increase of \$58 million over fiscal year 2008, with additional funding included for research and development on advanced battery technologies. The bill also includes \$217 million for biomass and biorefinery systems, an increase of \$17 million over fiscal year 2008, which should allow for continued and increased support of innovative technologies for production of ethanol and biofuels produced from cellulosic materials. The omnibus also includes modest increases for both solar and wind energy research and development that will contribute to ongoing efforts to improve the efficiency and decrease the cost of commercialization of these technologies. I am also pleased that this bill includes additional new funding for loan guarantees for advanced innovative technologies, specifically providing up to \$18.5 billion for loan guarantees for renewable energy, energy efficiency, and manufacturing that will be available for important projects such as biofuels production and advanced battery manufacturing.

This bill includes a significant increase in several areas of funding for science and technology. Within the Department of Energy, this bill includes an increase of \$754 million for the Office of Science, which will increase federal support for basic research and support the goals and programs of the America Competes Act, which called for a doubling of the U.S. investment in science over 10 years. It also includes increases in science programs at the National Science Foundation and the National Institute of Standards and Technology, both of which have a significant role to play in development of advanced technologies that will keep the U.S. competitive in the global market.

This legislation provides funding for state and local law enforcement and crime prevention. It includes much needed funding for the Community Organized Policing Services, COPS, program, which provides our police departments with the technology and training tools needed to prevent and detect crime and for the Office of Justice Programs that provides funding for Byrne justice assistance grants, juvenile jus-

tice programs, and drug courts. It also provides \$415 million to the Office on Violence Against Women so that we can better prevent and prosecute violent crimes against women. Finally, I am pleased that the legislation includes \$185 million for interoperable radio systems.

During this economic crisis, it is especially important that this bill includes vital funding for our Nation's nutrition, housing and economic development programs that will provide much-needed help to our communities. This bill includes increased funding for the Supplemental Nutrition Program, SNAP, and the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, which help provide nutritious food to many in this country who are in need. It also includes increased funding for public and affordable housing programs that provide housing to low-income Americans and \$1.7 billion, which is \$91 million above the 2008 funding level, for homeless assistance grants which provide rental assistance, emergency shelter, transitional and permanent housing, and supportive services to homeless persons and families to help break the cycle of homelessness and to move homeless persons and families into permanent housing. In addition, this bill provides \$3.9 billion, \$34 million above the 2008 funding level, for the community development block grant, CDBG, program which will fund community and economic development projects to revitalize our communities.

This bill includes funding I requested for the redevelopment of part of the old Tiger Stadium and its ball field. This funding will help the surrounding community move forward on a plan to preserve part of the old Tiger Stadium and its ball field as a premier baseball field for youth leagues and to redevelop part of the stadium structure and adjacent land to be used for retail shops and restaurants and other commercial and entertainment attractions. This funding will not only help preserve this part of Detroit and baseball history, but also bring much needed jobs and economic activity into this neighborhood and to the city of Detroit.

I am glad that we have finally completed the fiscal year 2009 appropriations bills. While it is unfortunate that we once again had to consider nine different bills packaged into a single omnibus spending measure, I am very pleased that this bill includes funding for many important national programs and projects that will especially benefit Michigan. It is my hope that we will be able to complete a timely, open and transparent appropriations process in the coming year.

Mr. ROCKEFELLER. Mr. President, these are difficult times in our country. American families are facing challenges that we have not seen in decades, we have record budget deficits, and we are fighting two wars.

The national economic crisis is affecting so many people across our Nation and in West Virginia, and we must give the economic recovery plan time to do what it was designed to do—create jobs and reinvest in the American dream.

In West Virginia, factories and businesses are closing their doors. Unemployment rose in all 55 counties in January 2009. Our statewide unemployment rate jumped from 4.4 percent in December to 6.2 percent in just 1 month. And February and March have brought additional plant closures, and more employees have lost their jobs.

As we work in Congress on ways to get our economy back on track and create new jobs, I stand ready to help and take bold action that will deliver real, workable solutions to families. And I am committed to working with our State leaders to do everything we can to bring opportunities to West Virginia.

It is very important that we in Congress do everything possible to uphold the public trust, protect taxpayer dollars, and show with our actions and not just our words that we take seriously our obligation and honor to serve the people.

One of the ways the legislation before us today, H.R. 1105, the Omnibus Appropriations Act of 2009, does that is by prohibiting the annual cost-of-living pay adjustment, COLA, for Members of Congress from taking effect in calendar year 2010. This is a good, small, but important step, and I thank our leadership for including this important provision. Now is not the time for an increase in the COLA for Members of Congress.

I represent constituents who earn \$25,000 to \$35,000 annually, and the notion that we in Congress would allow a COLA increase for ourselves, while they are just trying to put food on the table and make ends meet, is completely unacceptable. Given the state of the economy, and the income and job losses across this Nation, I strongly oppose a congressional pay increase in this bill.

I also strongly support efforts to suspend permanently the automatic congressional COLA. It will be some time before our economy turns around and the American people feel a sense of financial security again. And especially in a recession, any congressional pay increase should be subject to an up-or-down vote each year, and not simply occur automatically.

That is why I am glad to be a cosponsor of S. 542, legislation introduced by Majority Leader REID to repeal the provision of law that provides automatic COLAs for Members of Congress. I do not believe we should amend the pending bill to do this—the amendment, like so many others offered by the minority over the past week, is really a Trojan horse to kill or delay

the Omnibus Appropriations Act, which is already overdue and meets our basic obligation to keep the government running. But the issue is an important one, deserving of immediate action and I appreciate the leader's commitment to act quickly on it.

I believe having transparency, accountability, and an up-or-down vote on the COLA every year makes a lot of sense—both for Congress and the American people. The American people deserve to be represented by Members of Congress who are in touch with the everyday struggles of the very people who elected them. Just like their family budgets, Congress has to budget and live within our means and make careful spending decisions based on our most pressing priorities.

I support this bill today because it is the absolutely right thing to do and West Virginia families deserve no less.

The PRESIDING OFFICER. Who yields time?

The Senator from Hawaii.

Mr. INOUE. Mr. President, I rise to support the Omnibus Appropriations Act and encourage my colleagues to vote for cloture.

This bill provides additional resources so our Government will be better able to meet the challenges of the economic crisis we face today.

I would remind my colleagues that without enactment of this bill, the Securities and Exchange Commission will not get the additional funding it needs to increase the integrity of the financial markets. The Federal Housing Administration will have to stop helping families facing foreclosure to refinance into affordable mortgages at the worst possible time for such a stoppage to occur.

The Food and Drug Administration will not receive the funding it needs to significantly increase the number of food and medical product safety inspections, both domestic and overseas, that it could otherwise perform.

If the Omnibus is not enacted, \$550 million less would be provided for the FBI to protect our Nation and our communities from terrorism and violent crime. Not passing this bill means 650 fewer FBI special agents, and 1,250 fewer intelligence analysts and other professionals fighting crime and terrorism on U.S. soil.

In conclusion, I ask the fundamental question: Will the United States be better off in the next year, and will the Federal Government be in a better position to help lead our country out of this deep recession, if we pass this bill? The answer is obviously, yes. It is in America's best interests to close the book on the last administration and to help the new administration hit the ground running.

Now is not the time to relitigate past policy battles. Now is the time to clear the decks and look to the future. For all these reasons, I urge my colleagues

to join me in supporting cloture on H.R. 1105.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I know the hour is a bit advanced, so I will not take much time. I think it is pretty clear what the outcome of this vote will be, so I will not take a lot more time of this body. I have spent a lot of time on the Senate floor in the last week or so talking about this legislation before us.

I think there are a couple things that need to be mentioned again. Somehow it seems to be accepted around here that earmarks are a standard practice and that they have been going on forever, and it is somehow the purview of the Appropriations Committee to do these earmarks, which Americans have become pretty familiar with, I am happy to say, in the last week or so.

That is not so. It is not so. In 1991, there was a total of 537 earmarks for the entire appropriations process. This evil has grown, and it has grown, and it has grown—to the point where we now have close to 9,000 earmarks. All we are asking is to authorize. We have talked a lot about the individual earmarks. But the fact is, they are not authorized. I heard one of my colleagues today, on this side of the aisle, say: Well, the authorizing committees are too busy. Really? Really? So all we are asking is to go back to what this body had done and the Congress had done for a couple hundred years; that is, authorize the projects.

So what has happened? It has grown and grown and grown. Today, a former staffer on the Appropriations Committee pled guilty in Federal court. What did it have to do with? It had to do with earmarks, and we have former Members of Congress now residing in Federal prison because of this gateway drug, as my colleague from Oklahoma, Senator COBURN, calls it.

So last November the American people, as I am keenly aware, voted for change. They voted for change, and somehow we are saying: This is last year's business—only this is funding this year's operations.

So we will vote to pass this bill, and the message is, my friends and colleagues, that it is business as usual in Washington, while unemployment is 8.1 percent and employers have to cut another 651,000 jobs.

So if the President were serious about his pledge for change, he would veto this bill. He will not. Now, he will say we are going to outline a process of dealing with this problem in a different way. I quote from Mr. Gibbs:

... and that the rules of the road going forward for those many appropriations bills that will go through Congress and come to his desk will be done differently.

Well, the first chance we get to show people change is business as usual in

the Senate and the House. It is very unfortunate. It is very unfortunate. We should not be astonished at the low approval ratings we have here when Americans see the expenditure of their hard-earned tax dollars in the projects we have talked about in the past without scrutiny, without authorization, and certainly not in a fashion the American people want their tax dollars spent. So we will invoke cloture and we will move forward. The bill will go to the President's desk, he will sign it, and the signal to the American people is: You voted for change, but you are not getting any change today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, before yielding the time so we can vote, I wish to commend and thank the distinguished Senator from Hawaii for his leadership of the Appropriations Committee, particularly in our negotiations that we have had with Members of the other body. We are not legislating in a vacuum. These proposals and provisions of this bill have been carefully reviewed by our committee. In this case, it includes I think about seven bills that were individually written and proposed to the full committee by the subcommittees, after a series of hearings reviewing the administration's requests for funding, listening to outside groups that had opinions and views about the level of appropriations for many accounts and programs. But our true leader who deserves praise for this final work product, as I said, is the distinguished Senator from Hawaii.

I yield back the remainder of our time.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Has all time been used, Mr. President?

The PRESIDING OFFICER. Yes.

Mr. REID. Mr. President, the order that is now in effect indicates that if there are 60 votes on this cloture vote, there will be just a voice vote on final passage. I ask the Chair if that is factual.

The PRESIDING OFFICER. The yeas and nays have not been ordered on the measure.

Mr. REID. So that is the understanding we have. If that, in fact, is the case, then we would—this will be the last vote today.

People are asking: What are we going to do the rest of the week? First of all, we are going to spend the rest of this week on nominations. We are going to try to get one up tomorrow that we can debate and hopefully vote on. We may not be able to do that.

I would say to everyone there has been a lot of pent-up desire to come out

and give speeches on other issues. I think we will have plenty of time to do that tomorrow. So we will set aside a couple hours, at least, tomorrow for morning business. I look forward to this vote and ending this long process on this appropriations bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 1105, the Omnibus Appropriations Act:

Harry Reid, Daniel K. Inouye, Bernard Sanders, Tom Udall, Patrick J. Leahy, Ron Wyden, Christopher J. Dodd, Benjamin L. Cardin, Mark R. Warner, John D. Rockefeller IV, Debbie Stabenow, Patty Murray, Richard Durbin, Edward E. Kaufman, Jim Webb, Mark Begich, Byron L. Dorgan, Carl Levin, Dianne Feinstein, Roland W. Burris.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on H.R. 1105, an act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Nebraska (Mr. JOHANNES).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—62

Akaka	Gillibrand	Nelson (NE)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Bond	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown	Kohl	Shelby
Burris	Landrieu	Snowe
Byrd	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (CO)
Casey	Lincoln	Udall (NM)
Cochran	Menendez	Warner
Conrad	Merkley	Webb
Dodd	Mikulski	Whitehouse
Dorgan	Murkowski	Wicker
Durbin	Murray	Wyden
Feinstein	Nelson (FL)	

NAYS—35

Barrasso	DeMint	Lugar
Bayh	Ensign	Martinez
Bennett	Enzi	McCain
Brownback	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Collins	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Voinovich
Crapo	Kyl	

NOT VOTING—2

Johannes	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INOUE. Mr. President, I wish to recognize the staff of the Senate Committee on Appropriations. Since I assumed the chairmanship of the committee less than 2 months ago, on January 21, the staff of the committee has accomplished some extraordinary things.

The committee held a markup on the American Recovery and Reinvestment Act less than a week after I assumed the gavel, on January 27. We passed the Recovery Act on February 10, held an open conference with the House and then passed the conference report on February 14. On February 17, the President signed the Recovery Act into law.

The committee then moved immediately to take up the 2009 Omnibus Act, which we have passed today. I want to recognize the many late nights, the weekends, and the lost family time that have all been sacrificed by staff in order that we might accomplish the passage of two significant appropriations bills in less than 2 months.

As is our tradition, the committee operated in a fully bipartisan fashion in all of our efforts, and our non-partisan support staff did their usual superb job of allowing the policy staff to complete their work under such tight deadlines.

Without the hard work, dedication and extraordinary effort of all the staff members of this committee, we would not have passed the Recovery Act or the 2009 omnibus. As the chairman of this committee, and on behalf of the American people who they serve so well, I thank them for their exceptional efforts and for providing me such an outstanding start to my time as leader of this committee.

I submit the names of all of the staff members of the Senate Appropriations Committee for the RECORD.

The list is as follows:

Carrie Apostolou, Alex Avanni, Michael Bain, Dennis Balkham, Gabrielle Batkin, Katie Batte, Ellen Beares, Rebecca Benn, Suzanne Bentzel, Lisa Bernhardt, Jessica Berry, Rob Blumenthal, David Bonine, John Bray, Dale Cabaniss, Art Cameron, George A. Castro, Doug Clapp.

Roger Cockrell, John J. Conway, Erin Corcoran, Carol Cribbs, Margaret Cummysky,

Teri Curtin, Allen Cutler, Scott Dalzell, Rebecca Davies, Nicole Di Resta, Mary Dietrich, Drenan Dudley, Fitz Elder, Kate Eltrich, Christina Evans, Bruce Evans, Alycia Farrell, Erik Fatemi, Kate Fitzpatrick.

Leif Fennesbeck, Galen Fountain, Jessica Frederick, Lauren Frese, Brad Fuller, Barry Gaffney, Colleen Gaydos, Paul Grove, Katy Hagan, Adrienne Hallett, Diana Hamilton, Ben Hammond, Jonathan Harwitz, Lila Helms, Stewart Holmes, Charles Houy, Doris Jackson, Virginia James, Rachel Jones.

Jon Kamarck, Dennis Kaplan, Kate Kaufer, Charles Kieffer, Peter Kieffhaber, Jeff Kratz, Mark Laisch, Richard Larson, Ellen Maldonado, Nikole Manatt, Stacy McBride, Matthew McCardle, Meaghan McCarthy, Rachel Milberg, Mark Moore, Fernanda Motta, Ellen Murray, Scott Nance.

Hong Nguyen, Nancy Olkewicz, Scott O'Malia, Thomas Osterhoudt, Sudip Parikh, Melissa Petersen, Brian Potts, Dianne Preece, Bob Putnam, Erik Raven, Gary Reese, Tim Rieser, Peter Rogoff, Betsy Schmid, Rachelle Schroeder, Chad Schulken.

LaShawnda Smith, Renan Snowden, Reggie Stewart, Goodloe Sutton, Rachael Taylor, Bettilou Taylor, Christa Thompson, Marianne Upton, Chip Walgren, Chris Watkins, Jeremy Weirich, Augusta Wilson, Sarah Wilson, Brian Wilson, Franz Wuerfmannsdobler, Michele Wymer, Bridget Zarate.

The PRESIDING OFFICER. Under the previous order, cloture having been invoked, all postcloture time is yielded back. The question is on the third reading and passage of the bill.

The bill (H.R. 1105) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is on passage of the bill.

The bill (H.R. 1105) was passed.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 73, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 73) authorizing expenditures by committees of the Senate for the periods March 1, 2009, through September 30, 2009, and October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider

be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 73) was agreed to, as follows:

S. RES. 73

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period March 1, 2009, through September 30, 2009, in the aggregate of \$69,152,989, for the period October 1, 2009, through September 30, 2010, in the aggregate of \$121,593,254, and for the period October 1, 2010, through February 28, 2011, in the aggregate of \$51,787,223, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2009, through September 30, 2009, for the period October 1, 2009, through September 30, 2010, and for the period October 1, 2010, through February 28, 2011, to be paid from the appropriations account for “Expenses of Inquiries and Investigations” of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$2,735,622, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$4,809,496, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,048,172, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,639,258, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,158,696, of which amount—

(1) not to exceed \$80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,475,330, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,204,901, of which amount—

(1) not to exceed \$11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,393,024, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,148,531, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,384,507, of which amount—

(1) not to exceed \$35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$70,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,711,049, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,284,779, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,529,245, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,963,737, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,391,751, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,833,400.

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,740,569.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,870,923.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,529,786, of which amount—

(1) not to exceed \$4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,204,665, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,641,940, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,210,765, of which amount—

(1) not to exceed \$17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$5,833, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$9,161,539, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,901,707, of which amount—

(1) not to exceed \$12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,291,761, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,546,310, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010,

through February 28, 2011, expenses of the committee under this section shall not exceed \$3,214,017, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,973,747, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$10,503,951, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,473,755, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance

with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,742,824, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,856,527, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$5,049,927, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the

rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2009, through February 28, 2011, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 89, agreed to March 1, 2007 (110th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through

September 30, 2009, under this section shall not exceed \$6,528,294, of which amount—

(1) not to exceed \$116,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$11,667, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,481,341, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,890,862, of which amount—

(1) not to exceed \$83,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,333, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,797,669, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,161,766, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,346,931, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,693,240, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,976,370, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,267,330, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof

(as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,565,089, of which amount—

(1) not to exceed \$59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,752,088, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,172,184, of which amount—

(1) not to exceed \$42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and

the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,892,515, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,327,243, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,416,944, of which amount—

(1) not to exceed \$85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,151,023, of which amount—

(1) not to exceed \$37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the

period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,298,438, of which amount—

(1) not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,108,302, of which amount—

(1) not to exceed \$27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the continuing fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,449,343, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,546,445, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,083,838, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional

staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) ESTABLISHMENT.—Within the funds in the account “Expenses of Inquiries and Investigations” appropriated by the legislative branch appropriation Acts for fiscal years 2009, 2010, and 2011, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$4,375,000, shall be available for the period March 1, 2009, through September 30, 2009; and

(2) an amount not to exceed \$7,500,000, shall be available for the period October 1, 2009, through September 30, 2010; and

(3) an amount not to exceed \$3,125,000, shall be available for the period October 1, 2010, through February 28, 2011.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

SENATOR LEAHY JOINS THE 13,000 VOTE CLUB

Mr. BYRD. Mr. President, in the entire history of the U.S. Senate, only eight Senators have cast 13,000 votes. Today, our honorable colleague, Senator LEAHY, has become the ninth Senator to do it.

Mr. President, I congratulate the distinguished senior Senator from Vermont upon achieving this monumental milestone in his life and career. As a 34-year veteran of the Senate, and as chairman of the Senate Agriculture Committee and chairman of the Senate Judiciary Committee, Senator LEAHY has already provided invaluable service to his state and our country.

Now he has become a member of one of the most exclusive clubs in our country, “U.S. Senators who have cast 13,000 votes club.”

As the charter member of this exclusive club, I welcome Senator LEAHY into it.

TRIBUTE TO KENTUCKY CHEERLEADING SQUADS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the accom-

plishments of the North Laurel Middle and High School cheerleading squads from the city of London in my home State of Kentucky. Recently, both teams won national championships in the Universal Cheerleaders Association, at competitions held in Orlando, FL.

Both teams overcame setbacks and injuries but still triumphed. Through hard work and dedication, they were able to clinch the national titles for Kentucky. Recently, the Sentinel-Echo newspaper in London, KY, published an article detailing the victories of both teams.

Mr. President, I ask my colleagues to join me in honoring the cheerleaders and coaches from North Laurel Middle and High Schools for their performances in the national competition. I further ask unanimous consent that the full article be printed in the RECORD, as well as the names of the participants and coaches.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sentinel-Echo, Feb. 13, 2009]

LAURELS FOR NORTH LAUREL

(By Tara Kaprowy)

With full police and fire truck escort, marching band fanfare and thousands of students waiting to greet them, North Laurel middle and high school cheerleaders came home wreathed in victory Tuesday. The teams both clinched first place last weekend at the Universal Cheerleaders Association National High School Cheerleading Championship, the be-all end-all of cheerleading competitions.

North Laurel Middle School coach Christy Jones was thrilled.

“It’s all the buzz down here,” she said of the North Laurel wins. “They loved the girls, they loved the routine.”

North Laurel High School coach Kim Wood was likewise pleased.

“We’re celebrating like we’ve never celebrated before,” she said.

Wood’s team has had a heart-stopping couple of days. The team arrived in Orlando, Fla., a few days before the weekend competition to have time to practice their highly technical routine.

But on the first day, tragedy struck.

“We had one of our strongest bases get injured,” Wood said. “She blew her knee out.”

With Lindsey Lewis now forced to the sidelines, it was up to Laura Robinson—who had never even competed before—to step in.

“She was so nervous,” Wood said.

To incorporate Robinson into the performance, the girls had to adjust their formations and rework the routine, practicing six hours a day to get things right.

“Each girl had to work even harder,” Wood said.

By the end of the second round of competition, the girls were in seventh place; one of the girls had fallen, which cost the team points. Nevertheless, they advanced to finals. This time, their 2½-minute routine was flawless.

“It was perfect,” Wood said. “They were awesome.”

When the winners were being announced, the judges asked the girls to maintain their composure out of respect for the other teams. But Wood said when the runner-up

was named—and it wasn't North Laurel—her girls were ecstatic.

"They were bawling and crying and jumping for joy," Wood said.

Over in the middle-school competition, the girls were up against the fearsome Mount Pisgah and Houston girls, cheerleaders from two middle schools who finish first and second year after year.

This year, Jones said she was ready for the Tennessee teams, with North Laurel's choreographer crafting a routine that was at the highest level of difficulty. The performance incorporates 13 full-ups, a move in which the girls complete a 360-degree turn before they hit the top of their stunt.

"We do them to one leg, which is even more difficult," Jones said.

The girls pulled off the stunts, even though they were also plagued by injuries.

Dani Flannery, who tore the ligaments in her ankle last year, reinjured her leg while in Florida.

She chose to compete anyway.

"She battled back," Jones said. "And she did it with a smile on her face."

In the end, the NLMS girls pulled off their routine and, by 12 points, were named the champions.

Jones said the win was sweet.

"It's been very difficult to gain respect," she said. "It's kind of the (Tennessee team) club, but we broke into it this year. And they didn't like it."

Jones said she and her girls are thankful for the support they received throughout the year.

"We are just so appreciative of our principal (David Hensley)," she said. "He is so supportive of our program. And our parents, listen, our parents raised the money so every child could come to Florida for free. And the community. Every time they buy a T-shirt or a box of donuts, it lets these girls achieve their dream. I'm so thankful."

NORTH LAUREL MIDDLE SCHOOL CHEERLEADERS

Katie Mays, Caitlyn Adams, Sammantha Tolliver, Maddie Wood, Hannah Robinson, Ashley McCowan, Whitney McCowan, Ryvers Loomis, Meagan Stewart, Hannah McWhorter, McKayla Vaughn, Taylor Hubbard, Dani Flannery, Kristen King, Whitney Reams, Miranda Browning, Savannah Goozeman, Sydney Herrell, Farris Strong, Sherri Gray, Lane Mitchell, Breanna Binder, Morgan Bill, Sammantha Nalley, Kelsey Guidi, Amy Corum, Gabrielle Skript, Addison Woods, Taylor Eversole, Hayley Whitman, Tara McClure, Taylor Hamilton. Coaches: Jamie Winkfein, Sidney Hubbard, Christy Jones.

NORTH LAUREL HIGH SCHOOL CHEERLEADERS

Alex Blair, Bailie Camp, Taylor Forbes, Brittney Hodges, Ashley Hollin, Destiny Inman, Ally James, Kayla Johnson, Mercedes Lester, Whitney Lawson, Lindsey Lewis, Kelsey Maggard, Mackenzie Martin, Brittany Moore, Ashley Partin, Sarah Pennington, Laura Robinson, Jenny Tillery, Gabrielle Woods. Coaches: Kim Wood, Toni Blake Greer.

SENATOR PATRICK LEAHY'S 13,000TH VOTE

Mr. DURBIN. Mr. President, I rise to honor Senator PATRICK LEAHY on the occasion of his 13,000th vote.

I have had the privilege of serving on the Senate Judiciary Committee under Senator LEAHY's leadership for more than 10 years. The Judiciary Com-

mittee is one of the original standing committees of the U.S. Senate and its role is unique. It is the Judiciary Committee's special charge to ensure that we remain faithful to our Founders' vision of America as a nation of laws.

As chairman of the Judiciary Committee, PATRICK LEAHY takes this responsibility very seriously and he has continually demonstrated his fidelity to the rule of law. Chairman LEAHY has repeatedly risen in defense of our fundamental constitutional rights, even when it is not politically popular.

He particularly distinguished himself in the aftermath of the 9/11 terrorist attacks. At a time when some were calling for us to sacrifice our rights in the fight against terrorism, PAT LEAHY said that we could be both safe and free.

He worked to include important civil liberties protections in the PATRIOT Act. He led the opposition to controversial Bush administration policies relating to torture, indefinite detention, and the warrantless surveillance of innocent American citizens. He was one of the first Members of Congress to speak out against the Guantánamo Bay detention center. Chairman LEAHY led the fight against the Military Commissions Act. He was particularly eloquent and persistent in defending the right to habeas corpus and he was vindicated when the Supreme Court held that the habeas-stripping provision of the Military Commissions Act is unconstitutional.

Chairman LEAHY has also been a giant in the Senate when it comes to judicial nominations. He has fought to preserve the integrity and independence of our Federal judiciary throughout his career and long tenure on the Senate Judiciary Committee.

Despite the highly charged atmosphere that has beset the judicial nominations process in recent years, Chairman LEAHY handled judicial nominations fairly and expeditiously during his chairmanship of the Senate Judiciary Committee under President George W. Bush. In the approximately 3 years in which he chaired the Senate Judiciary Committee under President Bush, 168 of the President's judicial nominees were confirmed. By comparison, during the 4-year period under President Bush when Republicans had a majority in the Senate and chaired the Senate Judiciary Committee, only 158 judicial nominees were confirmed.

Chairman LEAHY also led the fight to enhance the security of Federal judges and courthouses in the wake of several tragic incidents of violence our Nation witnessed in recent years. This record is a tribute to Chairman LEAHY's deep respect for the Federal bench and his commitment to bipartisanship in the advice and consent process.

Senator LEAHY has fought for human rights at home and abroad. As the lead sponsor of the Innocence Protection

Act, he has worked to ensure that innocent people are not subject to the death penalty. He has been the foremost champion in Congress in the campaign against antipersonnel landmines, authoring the first legislation by any government to ban the export of landmines.

I want to pay tribute particularly to Chairman LEAHY for creating the Human Rights and the Law subcommittee in January 2007 and for giving me the opportunity to chair this subcommittee during the 110th Congress. I was proud to work with Senator LEAHY in the 110th Congress to enact the Genocide Accountability Act, which makes it a crime to commit genocide anywhere in the world; the Child Soldiers Accountability Act, which makes it a crime and violation of immigration law to recruit or use child soldiers anywhere in the world; and the Trafficking in Persons Accountability Act, which makes it a crime to engage in human trafficking anywhere in the world.

Mr. President, America is fortunate to have Senator PATRICK LEAHY's leadership at this challenging moment in our history. I look forward to working with him as we strive to restore the rule of law at home and to reclaim America's role as a champion for human rights around the world.

ADOPTION INCENTIVES PROGRAM

Mr. GRASSLEY. Mr. President, last year, working together, Republicans and Democrats produced one of the most far-reaching improvements to our Nation's child welfare system in over a decade. The Fostering Connections to Success and Increasing Adoptions Act of 2008 included a number of policies designed to increase the number of adoptions of special needs children in foster care.

Unfortunately, the Omnibus appropriations bill that the Senate is considering this week includes a provision that overrides the Adoption Incentives improvements included in the Fostering Connections to Success and Increasing Adoptions Act of 2008.

I have been told that it was not the intention of the drafters of the Omnibus appropriations bill to override the improvements to the Adoption Incentives Program and the Democratic leadership intends to correct this problem in the future.

The right thing would be to correct this problem in the underlying bill and I filed an amendment that would have accomplished this. Unfortunately, I was told by the Democratic leadership that they would not allow the bill to be changed at all.

I am not happy that I was not permitted to fix this problem in the omnibus bill. This unfortunate outcome, where real progress in increasing the number of adoptions is potentially

jeopardized, highlights the perils of rushing legislation through in a partisan manner and not consulting with the committees of jurisdiction.

Mr. BAUCUS. I thank Senator GRASSLEY. We worked together on the Fostering Connections to Success and Increasing Adoptions Act of 2008 in what was a model of bipartisan and bicameral legislating. I do not want to see any provisions of that work jeopardized.

While I am certain that our colleagues on the Appropriations Committee in no way mean to jeopardize the adoption incentive provisions of the Fostering Connections and Increasing Adoptions Act, I also feel that communication with the Finance Committee would have led to an easy remedy. My staff, working with the Congressional Research Service, caught the error as soon as the language was introduced and made available.

We need to work together toward a solution. I am prepared to introduce legislation to correct the error and preserve the work of the Finance Committee, Ways and Means Committee, and child welfare community.

Mr. GRASSLEY. I do want the members of the adoption community to be assured that I will do everything in my power to make sure this correction is made and that adoption incentive funds are made available. I will be happy to introduce legislation with my partner on the Senate Finance Committee, the chairman of that committee, Senator BAUCUS. We can base the legislation on my amendment to reinstate the adoption incentives improvements.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am sure you are fully aware of the impact high gasoline prices is having on Idahoans. A large portion of the population are on fixed incomes that do not rise with inflation or energy costs. Another large portion of the population barely earned enough to feed their families when gas was \$1.25 a gallon. Many of those same Americans are still earning the same or slightly better wages, though inflation and higher energy costs have effectively caused a net reduction in their incomes.

Personally, it is hard to find work, I have turned in dozens of applications without even a single interview. So, I decided to get my degree online, since it was out of the question to commute to a campus because of fuel costs. My best friend commuted for his entire two years of community college, roughly 60 miles round trip every day. However, it is prohibitively expensive to do so now. I am also self-employed, doing whatever work I can find, though it never amounts to much more than paying what expenses I do have. Lately I have been selling firewood to help cover the increases in gas prices, since I am a small-scale miner/gold prospector and wish to explore some gold-producing regions in this great state this year.

I recall hearing that the government removed gasoline from the Consumer Price Index in the 80s; if this is true, it was a grave mistake. These gasoline and oil prices will cause inflation almost as fast as the Federal Reserve having a license to print money as fast as they can.

As an American, and Idahoan, I want to state that we need to lift the bans on offshore oil drilling. Norway, I believe, has always drilled offshore, and they export quite a bit of oil, as well as keeping their own energy costs down compared to other areas of the world. I understand that we are not drilling much offshore; however, I have heard that Cuba and other Caribbean countries have been, which means if we do not pump the oil ourselves, someone else will.

Second, hydroelectric is the safest, cheapest, and most superior form of electricity any country can harness and possess. Instead of demolishing dams, we need to build more if possible. Licenses need to be granted to all existing dams if there is any possible way for them to expand their generating capacity. Environmentalists cry we need more solar power. Solar panels are inefficient given that it takes a huge surface area to generate a small amount of energy. I suppose if they could be installed in places that are rarely used, and out of sight, so much the better, so Solar panels should be installed on the roofs of city buildings, would not take up valuable land that is so desperately needed for farming, and other uses.

As far as gasoline and alternative fuels, I would petition Congress to reopen the investigation into the Ocean Thermal Energy Conversion, which was experimented with during the 70s, but later abandoned after the oil crisis. It would use the naturally-heated water, pumped through heat exchangers, causing refrigerants to be evaporated in a closed system, driving turbines, creating electricity which could then be used to synthesize the ammonia fuel, which ammonia is not combustible in normal atmospheric pressure, but when introduced into a high pressure environment, such as a combustion chamber, it will combust. In the early part of this decade it was estimated that the fuel could be produced and distributed with probably no higher than a 50-cent per gallon cost. Just a small fleet of ships around the equator would be able to supply the entire world's energy. Combustion of the ammonia

would produce only water vapor. I studied this in high school thanks to being in the U.S. Academic Decathlon, and it grabbed my interest so I did what research I could on the matter.

Another main objective should be to get the oil fields in Iraq back in production ASAP. I have read production reports from before and after the Iraq invasion. I forget how much Iraq was producing prior to the invasion, but afterwards, there has been negligible amounts of oil being produced there.

I would also propose that tax incentives should be given to wealthy landowners in regions that have historically been productive for wildcatting. The incentives being to get the landowners who can afford to, to explore their properties for oil.

There is also another solution which I feel the auto industry purposely avoids telling people. It is a fact, that I have seen, and rode in, never could find one for sale, SUVs, small pick-ups and the like, with 4-cylinder diesel engines that provided plenty of power, with a fuel economy of anywhere from 45 to 60 miles per gallon. Rudolph Diesel, who invented the Diesel engine had stated that his life's work would be complete once it was used in automobiles. I firmly believe the Germans have been at the forefront of technology, efficiency, and precision, and that auto makers should produce more vehicles with these 4-cylinder diesels.

I know, the environmentalists have for the most part banned diesel in many places. However, what makes it cleaner and better for the environment to burn 2.5 to 3 gallons of gas than to burn 1 gallon of diesel?

I do believe it is wrong to say that America is addicted to oil. We aren't addicted to oil; there is no alternative, and nothing that we can put in our tanks has the same energy potential gallon for gallon as gasoline or diesel. However, I recall vaguely a quote I read that was said by Nikola Tesla, basically saying it was barbaric for a nation to use up its crude oil reserves. But I say it is equally barbaric to use food crops to produce alternative fuels, AKA ethanol. Why cannot we turn noxious weeds such as knapweed and bull thistles into ethanol? Why does it have to be corn? People are starving, and here we are gassing up with food that should be used to feed people. People cannot eat oil or gasoline. It is my understanding that the U.S. government pays subsidies to farmers so they do not plant hundreds of millions of acres of land to keep prices up on certain crops. If corn must be used, it should be from the land that the government is paying them not to plant, since the other corn crops are sufficient for food needs.

It is also my understanding that the world's largest deposit of oil shale exists in the United States. It amounts to almost double the proven recoverable crude oil reserves in the world. Why are not we mining and processing this oil shale? Further, I do not see how the oil companies are making record profits.

The one thing it has been politically incorrect to talk about is inflation. If you adjust the oil companies' incomes for inflation, everyone will find that in real wealth, their earnings are breaking no records. When gas was 25 cents a gallon, it was a silver quarter that was being paid. The amount of silver in a silver quarter is worth now approximately \$3 to \$4. So in terms of REAL wealth, constitutional money as per Article One, Section Ten, the price has gone from, what, 25 cents a gallon to 30 cents maybe? It is not that prices are going up; it is that the Fed is printing too much money driving the value

of the dollar down faster than wages can go up, and this usury needs to stop.

They used to claim that there was not enough silver to maintain a silver standard and supply enough money for everyone. Hmmm. . . Guess what that causes? Deflation! The money would increase in purchasing power, and the same amount of silver would continue to be sufficient for the needs of the economy.

Sometimes I feel like I am the only American who understands this problem.

I would like to point out: Heads should have rolled after we abandoned the gold and silver standards. I am sure you know what debasing currency is. This is what helped bring Rome to an end. They figured out that most people would accept a coin for face value regardless of content. So, instead of say, 90% gold, the Romans started to debase their coinage, so they could make more money with less gold. The coins dropped in purity. More and more copper was added until their gold coins contained almost no gold. This is what happened in this country in the 60s when we abandoned silver. Our Founding Fathers understood the problem, so I would like to point out the one capital crime that no one has been sentenced for.

According to the Coin Act of 1792, those who debased the currency, "or otherwise with a fraudulent intent" were to suffer the death penalty:

"Penalty of Death for de-basing the coins. Section 19. And be it further enacted, That if any of the gold or silver coins which shall be struck or coined at the said mint shall be debased or made worse as to the proportion of the fine gold or fine silver therein contained, or shall be of less weight or value than the same out to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offenses, shall be deemed guilty of felony, and shall suffer death."

America is not being held hostage by the gas pumps, or the oil companies. Probably the greatest mistake any civilization could make was breaking up Standard Oil. As soon as Standard Oil was broken up, fuel prices went up quite a bit history records. America is being held hostage by the monetizers of debt, printing instead of legal tender, promissory notes which take a perfectly valuable commodity like paper and ink, and make them truly worthless, as stated by Ludwig Von Mises when he was talking about fiat currency.

Economist John Maynard Keynes, who was chief architect of the fiat currency system, had stated "The best way to destroy the capitalist system is to debauch the currency. By a continuing process of inflation, governments can confiscate, secretly and unobserved, an important part of the wealth of their citizens." And indeed that is what is happening.

Patrick Henry had stated "This great nation was founded not by religionists, but by Christians; not on religions, but on the Gospel of Jesus Christ!". I agree with this statement. However, our government has gone from the wise ways of a Republic, with the Biblical honest weights and measures, to a

corrupted system that is now based almost entirely on the system of usury.

There is no shortage of oil, and people are willing to pay the prices they are paying for it now. They have no choice, and those prices being paid now, are the result of a paper currency that is constantly being inflated. A barrel of Oil is always worth a barrel of Oil, and an ounce of silver is always worth an ounce of silver. A dollar is not always worth a dollar.

So, while I still have the 1st Amendment rights, I am going to send this letter, and pray that it does not fall on deaf ears.

ADAM.

In response to your email requesting some stories about the rising oil costs, I would like to contribute the following. This will not be a simple paragraph or two and, for that, I apologize.

I grew up in Helena, Montana, and crawled around in mines and mills as a kid and young adult. I have seen firsthand, the long-term effects of mine waste and tailings piles where nothing would grow on the waste for 100 years, the small streams and creeks ran orange in Butte and the banks were brown for up to 10 feet on either side. Now, I also understand back then, this was not seen as damaging and there were plenty of open spaces and clear skies for the infant country of the USA and, without these mines and mills, the U.S. would not be what it is today.

I worked for almost 27 years in the oil exploration industry and almost 16 years of that was working and living in Brasil so I have firsthand exposure to the shortcomings and failures of alcohol fuels and the damage it has done to the economy of Brasil.

Further, I have seen what the U.S. has done to destroy the drilling industry in the states as well as driving out any U.S. Coast Guard licensed personnel, U.S. flag vessels and shipyard work done in the U.S.

Now let us consider alcohol fuels and blended gasoline:

As a developing country, Brasil needs oil, they do not have a large export economy and until recently, did not have a large internal oil supply. To offset the cost of importing oil, they mandated the use of alcohol as a fuel for their automobiles. Since labor is cheap and technology was not, Brasil had a huge labor intensive industry of raising sugar cane for the purpose of making fuel. In fact this was nothing more than rum!

Sugar cane derived fuel is still recognized as the "hottest" fuel as compared to corn.

Brasil mandated that alcohol fuel be the same price as gasoline and forced Petrobras to manufacture and distribute alcohol to do so.

Even at \$50/ month average worker wages, sugar cane growing almost unattended, IE no need for irrigation or fertilizers, the cost per liter of alcohol was 4 to 5 times that of the cost the same liter of gasoline! This resulted in an enormous tax base to Brazilian citizens, up to 60% and a horrid inflation spiral you cannot imagine, inflations of 100% per month!

In my opinion, alcohol is not only a stupid idea; it accelerates the consumption of oil and the earth's resources and causes MORE pollution. Here is why:

(1) Alcohol loves water and will absorb water while in storage and in use. This causes any iron or steel parts in the engine to wear out faster. This means more parts and or more engines are needed sooner. These parts can only be derived from metal which means more mining, smelting and more heavy metal pollution.

(2) Alcohol does not give as much power per unit of liquid as gasoline, no matter what! Anyone can do this and it does not need a scientific degree for real average Joe results. Drive in South Dakota where it is mandated to have 10% alcohol/ 90% gasoline blended fuel. The interstate is flat so you can set your cruise control. I did this in my Mazda pickup and have seen similar results by being forced to use alcohol fuels in Washington in other vehicles. By driving say 320 miles on the interstate with gasoline only, you can achieve say 20 miles per gallon which would use 16 gallons of gasoline.

Now, blended fuel decreases the fuel efficiency of any internal combustion and lowers its economy. This same vehicle with the blended fuel gets anywhere between 20 to 25% less MPG. In our same example, this vehicle would get 15 to 16 MPG, which means the same 320 miles would take 21 to 20 gallons of blend. Now, this blended fuel is 90% gasoline in 21 gallons of blend there is $21 \times 0.9 = 18.9$ gallons of gasoline and 20 gallons of blend is $20 \times 0.9 = 18$ gallons of gasoline.

So, our blended fuel consumes at least 20% more gasoline!!!! In this journey that means an average of 3 gallons more of gasoline for the trip.

These are real results I did myself!

Even autos designed for alcohol blends get less economy and consumes more fuel! You can check in Phoenix, Arizona, as they mandate blended fuels in the summer and the cars get poorer economy.

So, what does alcohol fuels do?

(1) Consumes more oil

(2) Consumes more of the earth's metals by wearing out engines quicker

(3) Consumes more of the earth's energy. You have to plant, harvest, ferment, distill and purify corn to generate alcohol. It costs about 6 times more per gallon to make than gasoline and wastes water, electricity and fuel to make. Since the government subsidizes this, we the tax payers loose big time and the environment suffers at an even accelerated rate.

(4) It takes food out of circulation and raises prices.

(5) Who wins? Big oil for more demand, the automobile industry, farmers and the government in the form of more taxes.

(6) Who loses? The American citizen.

Now, what have I seen? Well, much of the U.S. does not have public transport and we have to drive for food, work, shopping and anything else. I have seen my gasoline bills almost double in the past 6 months and I am driving much less.

Much of the U.S. does not have natural gas and we use propane. Propane has jumped 50% in price the past 6 months that means heating bills have jumped 50%. Even though we are mainly hydroelectric for electricity, my power bill has increased an average of 25% due to pressure from fossil fuel increases.

I am retired and on a fixed income and cannot afford to pay my bills any longer due to the significant increases!

And please do not get me started on the fallacy of fluorescent lighting and electric autos. Both are dangerous and will cause tremendous heavy metal pollution as well as a larger demand for mining and thus more toxic waste.

Not to be a cynic but I know this will fall on deaf ears as it is not politically expedient to take the correct position instead of the one Washington currently has taken.

FRANK, Spirit Lake.

We recently took a three-night trip to Yellowstone Park, driving from Boise. Our VW

Passatt station wagon, a roomy and very comfortable car, uses about half the fuel of a pickup truck (29 to 34 mpg highway). For this trip for four adults, the cost of lodging and food (meals eaten in restaurants) dwarfed the cost of gasoline.

The higher price of fuel will spur both innovation (www.aptera.com) and conservation. As Boise is close to being under EPA "supervision" for air quality non-attainment (ozone), the higher price of gas can only help as demand slackens.

Let us face it, most of us are not wise users of energy, and with a little extra effort we all could reduce our consumption by 10% to 25%. I see many more pedestrians and bicycles on the streets, most of us need more exercise. Our consumptive habits and the growth of said consumption is not sustainable—innovation and conservation will have to happen to solve our energy problems.

In reading your email regarding this problem, I have to ask you who is responsible for lack of public transportation in this country?

DAVID, Boise.

ADDITIONAL STATEMENTS

HONORING EIGHT KENTUCKY STATE POLICE

• Mr. BUNNING. Mr. President, today I invite my colleagues to join me in congratulating eight members of the Kentucky State Police. These brave individuals went above and beyond to help keep the Commonwealth safe. The Excellence in Highway Safety Awards are given to troopers who have the highest numbers in driving under the influence, occupant protection, speed, and commercial vehicle citations written in 2008.

Trooper Chris Steward from the Dry Ridge Post received the award for the highest number of speed citations. Trooper Steward was praised by the Dry Ridge Post Commander for his dedication to saving lives on Kentucky's roads.

Sergeant Steve Walker from the London Post received the award for the highest number of DUI arrests in 2008. DUI related fatalities numbered 175 in Kentucky in 2008 and Sergeant Walker's extra effort to remove impaired drivers from the road has made Kentucky roadways a safer place to travel.

Trooper Walt Meachum from the Harlan Post received the award by hosting 484 community education events relative to highway safety issues. Trooper Meachum's vigorous commitment to educating younger people about unsafe driving is something every Kentucky citizen is grateful for.

Sergeant Derris Hedger from the Campbellsville Post received the award for the highest number of seat belt citations in 2008. This area has seen a 50-percent reduction in highway fatalities compared to 2007, and Sergeant Hedger's efforts are playing a direct role in those reductions.

Officer Anthony Bersaglia from the Pikeville Commercial Vehicle Enforce-

ment division received the award for the highest number of Commercial Motor Vehicle citations in 2008. Officer Bersaglia's work ethic and dedication are unmatched.

Officer Travis Rogers from the London Commercial Vehicle Enforcement Region received the award for the highest number of Commercial Motor Vehicle safety inspections. Officer Rogers continually strives to make Kentucky's roads a safer place and he is a credit to the division.

Officer Glenn Perry of the Louisville Commercial Vehicle Enforcement Region has received this award for the highest percentage of Commercial Motor Vehicle "Out of Service" inspections. The work Officer Perry performs on a daily basis and his professionalism on the roads is unmatched.

Inspector Marty Young from the Georgetown Commercial Vehicle Region received the award for the number of "Out of Service" inspections by a civilian employee. Investigator Young's success is evident in the Georgetown Region and his eye for detail has made a significant impact on highway safety.

I am humbled and grateful of the men and women who serve this agency every day by patrolling our roadways and keeping the Commonwealth safe. I am also confident that the coworkers of these eight individuals are proud to work along side of them.

Mr. President, I would like to thank these individuals for their contributions to the State of Kentucky and I wish them well as they continue to protect the citizens of the Commonwealth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 131. An act to establish the Ronald Reagan Centennial Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-922. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the report of two violations of the Antideficiency Act that occurred within the Appalachian Regional Commission; to the Committee on Appropriations.

EC-923. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, the Office's Annual Report for the year ending March 1, 2009; to the Committee on Armed Services.

EC-924. A communication from the Vice Chair and First Vice President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC-925. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Test Flight Activities from Vandenberg Air Force Base (VAFB), California" (RIN0648-AX08) received in the Office of the President of the Senate on March 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-926. A communication from the Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report entitled "Implementation Report: Energy Conservation Standards Activities"; to the Committee on Energy and Natural Resources.

EC-927. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material from Honduras" (RIN1505-AC11) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Finance.

EC-928. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC-929. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program Acquisition Regulation: Miscellaneous Clarifications and Corrections" (RIN3206-AL66) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-930. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Nonforeign Area Cost-of-Living Allowance Rates; 2007 Interim Adjustments: Puerto Rico" (RIN3206-AL65) received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-931. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-19, "Disclosure to the United States District Court Temporary Amendment Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-932. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-20, "Metropolitan Police Department Subpoena Limitation Temporary Amendment Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-933. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-21, "Library Kiosk Services Temporary Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-934. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-22, "Vending Regulation Temporary Act of 2009" received in the Office of the President of the Senate on March 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-935. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-936. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of change in previously submitted reported information in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-937. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of discontinuation of service in acting role in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-938. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of change in previously submitted reported information in the position of Principal Deputy Director of National Intelligence, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-939. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of discontinuation of service in acting role in the position of Principal Deputy Director of National Intelligence, received in the Office of the President of the Senate on March 5, 2009; to the Select Committee on Intelligence.

EC-940. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, an annual re-

port relative to crime victims' rights; to the Committee on the Judiciary.

EC-941. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to data-mining activities; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of Colorado (for himself and Mr. BENNETT):

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER:

S. 556. A bill to amend chapter 44 of title 18, United States Code, to modernize the process by which interstate firearms transactions are conducted by Federal firearms licensees; to the Committee on the Judiciary.

By Mr. MARTINEZ (for himself and Mr. KOHL):

S. 557. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Ms. MURKOWSKI, Mr. BURR, Ms. LANDRIEU, Mr. NELSON of Florida, and Mr. VOINOVICH):

S. 558. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. GRASSLEY, Mr. HARKIN, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. NELSON of Nebraska, and Mr. ROBERTS):

S. 559. A bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. NELSON of Florida, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. SHAHEEN, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, and Mrs. GILLIBRAND)):

S. 560. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr. WYDEN,

Mr. UDALL of New Mexico, Ms. CANTWELL, Mr. TESTER, Mr. JOHNSON, Mrs. MURRAY, Mr. UDALL of Colorado, and Mr. HATCH):

S. 561. A bill to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, and Ms. KLOBUCHAR):

S. 562. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 563. A bill to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CARDIN, and Mr. WYDEN):

S. 564. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. COCHRAN, Mr. LEVIN, and Mr. DORGAN):

S. 565. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. SCHUMER, and Mr. KENNEDY):

S. 566. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. KERRY, Mr. DODD, and Mr. LUGAR):

S. Res. 72. A resolution expressing the sense of the Senate regarding drug trafficking in Mexico; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 73. A resolution authorizing expenditures by committees of the Senate for the periods March 1, 2009, through September 30, 2009, and October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011; considered and agreed to.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 261

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 261, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 277

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

S. 317

At the request of Mr. FEINGOLD, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 317, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 428

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 428, a bill to allow travel between the United States and Cuba.

S. 475

At the request of Mr. BURR, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 542

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 542, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

At the request of Mr. REID, the names of the Senator from Ohio (Mr. BROWN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. BENNET), the Senator from Montana (Mr. TESTER), the Senator from New York (Mrs. GILLIBRAND), the Senator from North Carolina (Mrs. HAGAN), the Senator from Michigan (Ms. STABENOW), the Senator from Alaska (Mr. BEGICH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Mr. LEVIN), the Senator from Colorado (Mr. UDALL), the Senator from Delaware (Mr. CARPER), the Senator from Missouri (Mrs. MCCASKILL), the Senator from New Mexico (Mr. UDALL), the Senator from Illinois (Mr. BURRIS), the Senator from Rhode Island (Mr. REED), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 542, *supra*.

S. 546

At the request of Mr. REID, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Massachusetts (Mr. KERRY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. WYDEN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. RES. 60

At the request of Mrs. SHAHEEN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. Res. 60, a resolution commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

S. RES. 64

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. Res. 64, a resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the

need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship.

S. RES. 70

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 70, a resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Sugar Loaf Fire Station Land Exchange Act of 2009.

This bill is the same as the version I introduced in the House of Representatives in the last Congress, H.R. 3181. It will facilitate a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder, CO., between the Forest Service and the Sugar Loaf Fire District. The Fire District is seeking this exchange so that they can maintain and upgrade their fire stations serving the Sugar Loaf community and other nearby communities and properties—areas that are in the wildland/urban interface and thus at risk of wildfires. In fact, these fire stations serve the area that was burned in the Black Tiger Fire in 1989. That fire was the motivation for the Sugar Loaf community to invest more strongly in fire protection. The Fire District has grown a lot over the years, and will be celebrating its 40th anniversary this August.

The bill relates to two fire stations. The Fire District acquired station 1 through an original mining claim under the 1872 mining laws. In 1967, a public meeting was held on this property to establish a fire district and modify the old school building on the site into a firehouse to hold a fire truck and other firefighting equipment. On May 14, 1969, the U.S. Forest Service approved a special use permit, which allowed the fire department to use both the firehouse and approximately 5 acres of the property under it. The special use permit was reissued on August 11, 1994, with a life of 10 years.

In 1970, the fire department applied for a special use permit to operate and maintain a second firehouse—station 2—on Sugar Loaf Road. The original permit was approved of in 1970, and had an expiration date of December 31, 1991. The permit boundary included 2 acres.

The special use permit issued in 1994 combined the two permits for stations 1 and 2 into one. The new permit for station 2 reduced the permit area to one acre, because the area of impact and existing improvements did not exceed one acre.

The Fire District entered into discussions with the Forest Service about a land swap. In August 1997, the Fire District filed an application to acquire the property under stations 1 and 2 pursuant to the Small Tracts Act, STA. The STA allows for transfers of small mineral fractions by the sale of property for market value, or by the exchange of properties of nearly equal value. The application proposed trading a mining claim surrounded by National Forest, for approximately 3 acres under station 1 and 1.5 acres under station 2.

The Fire District worked in good faith to comply with the STA. In November 2002, officials from the Fire District met with officials from the Forest Service. Upon review of the STA application, the Forest Service concluded that the parcel under station 2 did not qualify for a land exchange and that the Fire District would have to pursue a new special use permit for the property under station 2. As a result, the Fire District is interested in securing ownership of the land under these stations through this exchange legislation.

The Fire District has occupied and operated these fire stations on these properties for over 30 years. If they can secure ownership, the lands will continue to be used as sites for fire stations. The Fire District has made a strong, persistent, good faith effort to acquire the land under the stations through administrative means and has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

The Fire District is willing to trade the property it owns for the property under the stations. However, the Fire District is firm in its position that it wants land under both stations, and that the amount of land must be adequate to satisfy both its current and anticipated needs.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres in an unincorporated part of Boulder County within National Forest boundaries between the communities of Boulder and Nederland. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal government will become part of the

Arapaho-Roosevelt National Forest and managed accordingly.

The bill provides that the Forest Service shall determine the values of all lands involved through appraisals in accordance with Federal standards. If the lands conveyed by the Fire District are not equal in value to the lands where the fire stations are located, the Fire District will make a cash payment to make up the difference. If the lands being conveyed to the Federal government are worth more than the lands where the fire stations are located, the Forest Service can equalize values by reducing the lands it receives or by paying to make up the difference or by a combination of both methods. The bill requires the Fire District to pay for the appraisals and any necessary land surveys.

The bill permits the Fire District to modify the fire stations without waiting for completion of the exchange if the Fire District holds the Federal government harmless for any liability arising from the construction work and indemnifies the Federal Government against any costs related to the construction or other activities on the lands before they are conveyed to the Fire District.

This is a relatively minor bill but one that is important to the Fire District and the people it serves. I think it deserves enactment without unnecessary delay.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. BYRD, Mr. INOUE, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. NELSON of Florida, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. SHAHEEN, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, and Mrs. GILLIBRAND)):

S. 560. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, we are facing a profound economic crisis, the likes of which we have not seen since the Great Depression. Countless working families who were already living on the edge of financial disaster have been hit hard, and they have nothing to fall

back on. Their faith in the American dream has been replaced by fear for their families and their future.

We have already taken some much-needed actions to put our country back on track, but more needs to be done. In these perilous times, working families need security. They need new skills and new opportunities. And they need a voice in the decisions that will affect their families and their futures.

Now more than ever, workers need someone on their side, fighting for them. Now more than ever, they need unions. Unions were fundamental in building America's middle class, and they have a vital role to play today in restoring the American dream for working families.

First and foremost, unions enable workers to obtain their fair share of the benefits that their hard work creates. Union wages are 30 percent higher than nonunion wages. Eighty percent of union workers have health insurance, compared to only 49 percent of their nonunion counterparts. Union members are four times more likely to have a guaranteed pension.

Equally important in this crisis, unions provide greater security and greater promise of fair treatment. At a time when workers who lose their jobs can remain unemployed for a year or more, those who are represented by a union have better job security and the assurance of knowing they will have a voice at the table when difficult decisions are made.

It is little wonder that so many Americans want a union on their side. In a recent survey, more than half of all nonunion workers—nearly 60 million men and women—say they would join a union if they could.

The problem is that most workers who want a union can't get one. Those who attempt to exercise this fundamental right often find that the current system is rigged against them.

Unscrupulous employers routinely break the law to keep unions out. They fire union supporters. They intimidate workers, harass them, and discriminate against them. They close down whole departments—or even entire plants—to avoid a union. A recent study by the Center for Economic and Policy Research found that union supporters are fired in more than one quarter of all union organizing campaigns.

Even when workers prevail in a union election, employers can steal the victory by refusing to bargain fairly for the first union contract. They drag their feet, delay bargaining, and use a variety of other tactics to prevent an agreement. One study found that in more than a third of hard-won union elections, workers are denied a contract because of employers' delaying tactics.

Many of these abuses by employers are illegal, but employers have no incentive to change their behavior. The

penalties for violating workers' rights are so weak that they simply become a minor cost of doing business.

Obviously, not all employers see unions as the enemy. Many successful companies have allowed their workers to organize without threats or dirty tricks. They have formed strong partnerships with their employees, and they have prospered. But these individual good examples are not enough to solve the problem. We need to deal with the bad actors. We need to stop the lawbreaking that has become alarmingly common and provide stronger protections for workers' rights.

That is why we need the Employee Free Choice Act. This important legislation will give American workers the real freedom to choose a union without fear of threats or intimidation.

First, the bill gives workers two possible ways to choose whether they want a union. They can rely on an election, or—if they fear intimidation from their employer during the election process—they can use a process called majority sign-up, which enables workers to choose whether they want a union by deciding whether to sign their name on a card calling for a union.

Majority sign-up has always been a valid way to form a union. Since 2003, more than half a million private sector workers have formed a union through this efficient and democratic process.

The problem is that under current law, workers may use the majority sign-up process only if their employer agrees. That is not fair. Workers—not their bosses—should get to choose how they make the important decision about whether they want union representation. The Employee Free Choice Act puts this choice in workers' hands.

Second, the bill ensures that workers who choose a union will have a fair process for getting a first contract. It provides that if the union and the employer don't reach a contract within 90 days, either side can seek mediation from the Federal Mediation and Conciliation Service. The agency has provided collective bargaining mediation services—including mediation of first contract negotiations—for more than 50 years, and it has an 86 percent success rate.

In the rare instance when the mediation process fails, the bill provides for binding arbitration, which will be handled by a panel of highly qualified arbitrators who have long experience in developing contract provisions that are fair to both sides. This type of arbitration is a tried-and-true method of resolving contract disputes that is already used in the rail and airline industries, and for public sector workers in at least 25 States.

Finally, the Employee Free Choice Act improves remedies for workers who face discrimination or retaliation when they seek to organize or obtain a first

contract. Under the bill, employers will no longer be able to violate the law with impunity and write off the insignificant penalties as a minor cost of doing business. The act takes away these perverse incentives for employers to break the law by increasing the remedies for workers, and by imposing new penalties on employers who act illegally during organizing campaigns or first-contract bargaining. These important changes will put real teeth in the law, and give employers a financial reason to respect workers' rights.

With these basic reforms, the Employee Free Choice Act will fix the current broken system and level the economic playing field for millions of American workers. It will help them obtain real, tangible benefits that will make a difference in their lives and in the lives of their families.

By restoring fairness to the American workplace, and strengthening the voice of American workers, we can rebuild the land of opportunity—a land with good jobs, fair wages, and fair benefits that can support a family. We can revitalize the American middle class and restore the American dream. I urge all of my colleagues to support this important legislation and help put working families back on the path to prosperity.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, and Ms. KLOBUCHAR):

S. 562. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, prepaid telephone calling cards are used by many Americans to stay in touch with loved ones around the country and throughout the world. Unfortunately, some providers and distributors of these cards are scamming consumers—by imposing undisclosed junk fees, charging exorbitant rates, and selling cards that expire shortly after consumers start using them.

Over the past couple of years, a number of State Attorneys General and the Federal Trade Commission have opened investigations and found that a number of providers and distributors are engaging in unfair and deceptive business practices. These practices include charging customers for calls where they receive busy signals, imposing weekly “maintenance fees” that may take away up to 20 percent of the card's overall value, and billing for calls in 3-minute increments.

As a result of these investigations, some companies have been fined or have entered into consent decrees forbidding them from engaging in some deceptive practices. In addition, some states—including Florida—have imposed certain regulatory requirements

on prepaid calling card providers and distributors. To date, however, neither the Federal Communications Commission nor the Federal Trade Commission has taken any action to impose up-front nationwide consumer protection requirements on this industry. This lack of federal standards allows many of these unscrupulous operators to move from state to state, and create new “shell companies” to escape consumer protection regulations. This is wrong, and I think we need to fix this situation.

That's why I rise today to introduce the Prepaid Calling Card Consumer Protection Act of 2009.

The Prepaid Calling Card Consumer Protection Act of 2009 requires the Federal Trade Commission to draft comprehensive rules requiring all prepaid telephone calling card providers and distributors to disclose the rates and fees associated with their calling cards up-front, at the point of sale. It also requires providers who market their cards in languages other than English to disclose rates and fees in that language as well. Furthermore, the legislation requires providers to honor the cards for at least a year after the time the card is first used.

To enforce these disclosure requirements, the bill gives the Federal Trade Commission, State Attorneys General, and state consumer protection advocates the ability to sue the fraudsters who violate these requirements in federal court. In addition, the law preserves additional state consumer protection requirements—such as state utility commission certification or bonding requirements.

I invite my colleagues to join with Senators SNOWE, KLOBUCHAR and myself in supporting the Prepaid Calling Card Consumer Protection Act of 2009. We should waste no time in ensuring that military servicemembers, seniors, immigrants and other Americans using these prepaid telephone calling cards are protected from bad actors in the marketplace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Prepaid Calling Card Consumer Protection Act of 2009”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(2) FEES.—

(A) IN GENERAL.—The term “fees” means all charges, fees, taxes, or surcharges, including connection, hang-up, service, payphone, and maintenance charges, which may be—

(i) required by State or Federal statute or by regulation or order of the Commission or a State; or

(ii) permitted to be assessed by a State or Federal statute or by regulation or order of the Commission or a State.

(B) **EXCLUSION.**—The term “fees” does not include the applicable per unit or per-minute rate for the particular destination called by a consumer.

(3) **INTERNATIONAL PREFERRED DESTINATION.**—The term “international preferred destination” means a specific international destination named on a prepaid telephone calling card or on the packaging material accompanying a prepaid telephone calling card.

(4) **PREPAID TELEPHONE CALLING CARD.**—

(A) **IN GENERAL.**—The terms “prepaid telephone calling card” and “card” mean—

(i) a card or similar device that allows users to pay in advance for a specified amount of calling, without regard to additional features, functions, or capabilities available in conjunction with a prepaid telephone calling service; or

(ii) any right of use purchased in advance for a sum certain linked to an access number and authorization code that—

(I) enables a consumer to use a prepaid telephone calling service; and

(II) is embodied on a card or other physical object, or purchased by an electronic or telephonic means through which the purchaser obtains access numbers and authorization codes that are not physically located on a card, its packaging, an Internet website, or other promotional materials.

(B) **EXCLUSION.**—The terms “prepaid telephone calling card” and “card” do not include cards or other rights of use that provide access to—

(i) service provided for free, or at no additional charge as a promotional item accompanying a product or service purchased by a consumer; or

(ii) a wireless telecommunications service account with a wireless service provider that the purchaser has a preexisting relationship with or establishes a carrier customer relationship with via the purchase of a prepaid wireless telecommunications service handset package.

(5) **PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.**—

(A) **IN GENERAL.**—The term “prepaid telephone calling card distributor” means any person that—

(i) purchases prepaid telephone calling cards or services from a prepaid telephone calling service provider; and

(ii) sells, resells, issues, or distributes prepaid telephone calling cards to 1 or more retail sellers of such cards.

(B) **EXCLUSION.**—The term “prepaid telephone calling card distributor” does not include any retail merchant or seller of prepaid telephone calling cards exclusively engaged in point-of-sale transactions with end-user customers.

(6) **PREPAID TELEPHONE CALLING SERVICE.**—

(A) **IN GENERAL.**—The terms “prepaid telephone calling service” and “service” mean any real time voice communications service, regardless of the technology or network utilized, paid for in advance by a consumer, that allows a consumer to originate voice telephone calls through a local, long distance, or toll-free access number and authorization code, whether manually or electronically dialed.

(B) **EXCLUSION.**—The terms “prepaid telephone calling service” and “service” do not

include any service that provides access to a wireless telecommunications service account if the purchaser has a preexisting relationship with the wireless service provider or establishes a carrier-customer relationship via the purchase of a prepaid wireless telecommunications service handset package.

(7) **PREPAID TELEPHONE CALLING SERVICE PROVIDER.**—The term “prepaid telephone calling service provider” means any person providing prepaid telephone calling service to the public using its own, or a resold, network offering real time voice communications service regardless of the technology utilized.

(8) **WIRELESS TELECOMMUNICATIONS SERVICE.**—The term “wireless telecommunications service” has the meaning given the term “commercial mobile service” in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

SEC. 3. REQUIRED DISCLOSURES OF PREPAID TELEPHONE CALLING CARDS OR SERVICES.

(a) **REQUIRED DISCLOSURE; RULEMAKING.**—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe regulations that require every prepaid telephone calling service provider or prepaid telephone calling card distributor to disclose the following information relating to the material terms and conditions of the prepaid telephone calling card or service:

(1) **INFORMATION RELATING TO DOMESTIC INTERSTATE CALLS.**—

(A) The number of calling units or minutes of domestic interstate calls provided by such card or service at the time of purchase; or

(B) the dollar value of such card or service and the domestic interstate rate per-minute provided by such card or service at the time of purchase.

(2) **INFORMATION RELATING TO INTERNATIONAL PREFERRED DESTINATIONS.**—The applicable calling unit or per-minute rates for each international preferred destinations served by such card or service.

(3) **INFORMATION RELATING TO INDIVIDUAL INTERNATIONAL DESTINATIONS.**—

(A) The applicable calling unit or per-minute rates for each individual international destinations served by such card or service.

(B) That the applicable calling unit or per-minute rates for each individual international destination may be obtained through the prepaid telephone calling card provider’s toll-free customer service number and Internet website.

(C) Whether those rates fluctuate.

(4) **OTHER MATERIAL TERMS AND CONDITIONS.**—Other material terms and conditions pertaining to the use of such card or service, including—

(A) the amount and frequency of all fees;

(B) a description of applicable policies relating to refund, recharge, decrement, or expiration; and

(C) limitations, if any, on the use or period of time for which the displayed, promoted, or advertised minutes or rates will be available to the customer.

(5) **SERVICE PROVIDER INFORMATION.**—Information relating to the service provider, including—

(A) the name of the service provider;

(B) the address of such service provider, which shall be made available on the provider’s website (if any), together with the uniform resource locator address thereof; and

(C) a toll-free telephone number that may be used to contact the customer service department of such service provider, together

with the hours of service of the customer service department.

(b) **CLEAR AND CONSPICUOUS DISCLOSURE OF REQUIRED INFORMATION AND LANGUAGE REQUIREMENTS.**—In prescribing regulations under subsection (a), the Commission shall require, at a minimum, that—

(1) the required disclosures (other than the disclosure required by subsection (a)(3)(A)) for prepaid telephone calling cards are printed in plain English in a clear and conspicuous location on the card, or on the packaging of the card, so as to be plainly visible to a consumer at the point of sale;

(2) the required disclosures (other than the disclosure required by subsection (a)(3)(B)) for prepaid telephone calling service that consumers access and purchase via the Internet are displayed in plain English in a clear and conspicuous location on the Internet site from which the consumer purchases such service, and include conspicuous instructions and directions to any link to such disclosures;

(3) the required disclosures (other than the disclosure required by subsection (a)(3)(A)) for advertising and other promotional materials are printed on any advertising for the prepaid telephone calling card or service used at the point of sale, including on any signs for display by retail merchants, displayed on any Internet site used to promote material, and on any other promotional material used at the point of sale that is prepared by, or at the direction of, any person that is subject to the requirements of this Act; and

(4) if a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, Internet advertising, or promotional material of a prepaid telephone calling card or prepaid telephone calling service, then the required disclosures are provided in that language on such card, packaging, advertisement, or promotional material in the same manner as if they were provided in English.

(5) if a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, or promotional materials of a prepaid telephone calling card or prepaid telephone calling service, then the customer service department reached via a toll-free number must provide basic customer support (per-minute rate or equivalent calling units for each destination, fees, and terms of service) in that language.

(c) **IMPLEMENTING REGULATIONS.**—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such other disclosure regulations as the Commission determines are necessary to implement this section.

SEC. 4. UNLAWFUL CONDUCT RELATED TO PREPAID TELEPHONE CALLING CARDS.

(a) **PREPAID TELEPHONE CALLING SERVICE PROVIDER.**—It shall be unlawful for any prepaid telephone calling service provider to do any of the following:

(1) **UNDISCLOSED FEES AND CHARGES.**—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per-minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed in accordance with the regulations prescribed under section 3.

(2) MINUTES AND RATES AS PROMOTED AND ADVERTISED.—With respect to a prepaid telephone calling card for a service of the prepaid telephone calling service provider, to provide fewer minutes than the number of minutes promoted or advertised, or to charge a higher per-minute rate to a specific domestic destination or international preferred destination than the per-minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point-of-sale material relating to the card that is prepared by or at the direction of the prepaid telephone calling card service provider; or

(C) other advertising related to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, AND ADVERTISED THROUGH VOICE PROMPTS.—To provide fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given by the prepaid telephone calling service provider to a consumer at the time the consumer places a call to a dialed domestic destination or international preferred destination with a prepaid telephone calling card or service.

(4) EXPIRATION.—To provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card.

(5) CHARGES FOR UNCONNECTED CALLS.—To assess any fee or charge for any unconnected telephone call. For purposes of this paragraph, a telephone call shall not be considered connected if the person placing the call receives a busy signal or if the call is unanswered.

(6) MAXIMUM BILLING INCREMENTS.—To assess or deduct a per-minute rate (or equivalent calling unit) in an increment greater than 1 minute of calling time for calls that are less than 1 full minute. It shall not be a violation of this section for a prepaid telephone calling service provider to deduct different destination-specific rates (or equivalent calling units) for each full minute of calling time in accordance with properly disclosed rates or other terms and conditions.

(b) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—It shall be unlawful for any prepaid telephone calling card distributor to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per-minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AS PROMOTED AND ADVERTISED.—To sell, resell, issue, or distribute any prepaid telephone calling card that the distributor knows provides fewer minutes than the number of minutes promoted or advertised, or a higher per-minute rate to a specific destination than the per-minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card that is prepared by or at the direction of the pre-

paid telephone calling card service distributor;

(B) any point of sale material relating to the card that is prepared by or at the direction of the prepaid telephone calling card service distributor; or

(C) other advertising relating to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—To sell, resell, issue, or distribute a prepaid telephone calling card that such distributor knows provides fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given to a consumer at the time the consumer places a call to a dialed destination with the prepaid telephone calling card or service.

(4) EXPIRATION.—To provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card is first used; or

(B) in the case of a prepaid telephone calling card that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(c) LIABILITY.—A prepaid telephone calling service provider or a prepaid telephone calling card distributor may not avoid liability under this section by stating that the displayed, announced, promoted, or advertised minutes, or the per-minute rate to a specific destination, are subject to fees or charges. A prepaid calling service provider or prepaid calling distributor shall not be liable for the disclosure of lawful fees, charges, or limitations made pursuant to regulations prescribed by the Commission under section 3, including lawful conditions of use.

(d) IMPLEMENTING REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such regulations as the Commission determines are necessary to implement this section.

SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—Notwithstanding any other provision of law, a violation of a regulation prescribed under section 3 or the commission of an unlawful act proscribed under section 4 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)), communications common carriers shall be subject to the jurisdiction of the Commission exclusively for the purposes of this Act, and section 5(a)(2) shall not be otherwise affected.

(c) FEDERAL COMMUNICATIONS COMMISSION AUTHORITY.—

(1) To the extent that the Federal Trade Commission has authority under this Act with respect to prepaid calling cards, prepaid calling card providers and prepaid calling card distributors, the Federal Communications Commission shall not exercise any authority that it may otherwise have with respect to such cards, providers and distributors;

(2) Except as provided in paragraph (1), nothing in this Act affects the authority of the Federal Communications Commission with respect to such prepaid calling card providers and distributors.

SEC. 6. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other authorized State consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State, as *parens patriae*, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with this Act;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to the filing of an action under paragraph (1) if the attorney general of a State, a State utility commission, or an authorized State consumer protection agency filing such action determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide notice and a copy of the complaint to the Commission at the time the action is filed.

(b) INTERVENTION BY FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Upon receiving notice under subsection (a)(2), the Commission may intervene in the action that is the subject of such notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), the Commission may—

(A) be heard with respect to any matter that arises in that action; and

(B) file a petition for appeal.

(c) CONSTRUCTION.—Nothing in this Act may be construed to prevent an attorney general of a State, a State utility commission, or an authorized State consumer protection agency from exercising the powers conferred on the attorney general, a State utility commission, or an authorized State consumer protection agency by the laws of that State—

(1) to conduct investigations;

(2) to administer oaths or affirmations;

(3) to compel the attendance of witnesses or the production of documentary and other evidence;

(4) to enforce any State consumer protection laws of general applicability; or

(5) to establish or utilize existing administrative procedures to enforce the provisions of the law of such State.

(d) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) shall be brought in the district

court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) **SERVICE OF PROCESS.**—In an action brought under subsection (a), process may be served in any district in which the defendant—

- (A) is an inhabitant; or
- (B) may be found.

SEC. 7. APPLICATION.

The regulations prescribed under section 3 and the provisions of sections 3 and 4 shall apply to any prepaid telephone calling card issued or placed into the stream of commerce, and to any advertisement, promotion, point-of-sale material or voice prompt regarding a prepaid telephone calling service that is created or disseminated more than 120 days after the date on which the regulations prescribed under section 3 are published in the Federal Register.

SEC. 8. EFFECT ON STATE LAW.

(A) PREEMPTION.—

(1) **IN GENERAL.**—Except as otherwise provided in this section, this Act preempts the laws of any State or political subdivision thereof to the extent that such laws are inconsistent with this Act, or the rules, regulations, or orders issued by the Commission under this Act.

(2) **EXCEPTIONS.**—This Act shall not preempt any provision of State law or enforcement action that provides additional enforcement protection to consumers of prepaid telephone calling cards if such provision of law or enforcement action—

(A) imposes higher fines or more punitive civil or criminal remedies, including injunctive relief, for any violation of this Act, or the rules, regulations, or orders issued by the Commission under this Act; or

(B)(i) relates to terms, conditions, or issues that are not addressed by this Act, or by the rules, regulations, or orders issued by the Commission under this Act; and

(ii) is not determined by the Commission to be inconsistent with the public interest.

(b) PETITIONS CONCERNING PREEMPTION.—

(1) PETITIONS BY PROVIDERS.—

(A) **AUTHORITY TO PETITION.**—A prepaid telephone calling card provider or a prepaid telephone calling card distributor may submit a petition to the Commission to challenge a State law or regulation—

(i) as inconsistent with this Act or the rules, regulations, or orders issued by the Commission under this Act; or

(ii) as inconsistent with the public interest, if the measure relates to terms, conditions, or issues that are not addressed by this Act, or the rules, regulations, or orders issued by the Commission under this Act.

(B) **DEADLINE FOR COMMISSION ACTION.**—Within 90 days after receiving a petition under subparagraph (A), the Commission shall issue a final determination on the issues presented in the petition. The Commission may issue an order staying the effectiveness of any State law or regulation that is the subject of the petition during, but for no longer than, such 90-day period.

(2) **PROCEEDINGS ON UNADDRESSED ISSUES.**—If, on the basis of any petition under paragraph (1), the Commission determines that a term, condition, or issue is not addressed by sections 3 or 4 of this Act, or the rules issued by the Commission under this section 3 of this Act, the Commission shall, within 180 days after the date of such determination, conduct an inquiry or other proceeding to determine whether the Commission should, in the public interest, promulgate a rule, pursuant to section 3(c), to address such term, condition, or issue.

SEC. 9. GAO STUDY.

Beginning 1 year after the date on which final regulations are promulgated pursuant to section 3(a), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation no later than 2 years after the date of enactment of this Act.

By Mr. FEINGOLD (for himself,
Mr. GRASSLEY, Mr. LIEBERMAN,
Mr. KENNEDY, Mr. CARDIN, and
Mr. WYDEN):

S. 564. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two factfinding commissions: one commission to review the treatment by our Government during World War II of American citizens or residents of German or Italian descent and persons of European descent living in Latin American countries, and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my colleagues Senators GRASSLEY, KENNEDY, LIEBERMAN, INOUE, CARDIN and WYDEN have joined me as cosponsors of this important bill. I thank them for their support. And I thank Congressman WEXLER, who has been the unflagging champion of this legislation and will be introducing an identical bill in the House of Representatives.

The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, at the same time that so many brave Americans fought for freedom in Europe and the Pacific, the U.S. Government was curtailing the freedom of people here at home. While it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the basic freedoms guaranteed by the Constitution.

Many Americans are aware that during World War II, under the authority of Executive Order 9066, our Govern-

ment forced more than 100,000 ethnic Japanese from their homes and ultimately into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved.

While I commend our Government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the Government also acknowledge the mistreatment experienced by American citizens or residents of German or Italian descent and persons of European descent living in Latin American countries, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that the U.S. Government designated more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families as "enemy aliens." The U.S. Government unfairly subjected many to arrest, detention, and relocation. Indeed, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. Even less well known is the U.S. policy coordinated with many Latin American countries that resulted in thousands of European Americans, including German and Austrian Jews, being arrested, shipped to the United States by U.S. military transport, and interned. Many European Americans and European Latin Americans were later repatriated or deported to European Axis nations during World War II, and some were exchanged for Americans and Latin Americans held in those nations. We must learn from this history and explore why we failed to protect the basic freedoms of our fellow Americans and those brought here from Latin America.

A second commission created by this bill will review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts

here as well and determine how restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. It is a horrible truth that the United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete the accounting of this period in our Nation's history. It is now time to create independent, fact finding commissions to conduct a full and thorough review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded "enemy aliens" and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were taken from their homes, shipped to the United States, and interned here.

There has been no justice for the European Americans and European Latin Americans who were repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St. Louis*, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

The injustices to European Americans, European Latin Americans, and Jewish refugees occurred more than 60 years ago. Americans must learn from these tragedies now, while the people who survived these injustices are still with us, and are still here to teach us. We cannot put this off any longer. Their numbers are rapidly dwindling. I spoke on the Senate floor in the last Congress about one such former internee, Max Ebel, who died still waiting for his country to acknowledge his internment and those of many other European Americans. If we wait any longer, even more people who were affected will no longer be here to know that Congress has at last recognized their sacrifice and resolved to learn from the mistakes of the past.

We should never allow this part of our Nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I was very pleased that the Senate approved this bill by an overwhelming bipartisan majority as an amendment to the immigration bill in 2007. I urge my colleagues to join me in supporting the Wartime Treatment Study Act again this Congress, and to allow this bill to become law as soon as possible. I have been seeking to enact this legislation for eight years. It is long past time for a full accounting of this tragic chapter in our Nation's history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Treatment Study Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families, requiring them to carry Certificates of Identification and limiting their travel and personal property rights. At that time, these groups were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, thousands of European Latin Americans, including German and Austrian Jews, were arrested, relocated to the United States, and interned. Many were later repatriated or deported to European Axis nations during World War II and exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the German American and Italian American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commis-

sion on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and resident aliens of German ancestry.

(C) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and resident aliens of Italian ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including German or Italian ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term "Latin American nation" refers to any nation in Central America, South America, or the Caribbean.

TITLE I—COMMISSION ON WARTIME

TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and two members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to United States laws and directives, including the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to these and other pertinent laws, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall also include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as "World War II detention facilities");

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(2) An assessment of the underlying rationale of the decision of the United States Government to develop the programs and policies described in paragraph (1), the information the United States Government received or acquired suggesting these programs and policies were necessary, the perceived ben-

efit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(3) A brief review of the participation by European Americans in the United States Armed Forces, including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including public education programs and the creation of a comprehensive online database by the National Archives and Records Administration of documents related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND CO-OPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96-317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106-451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to clas-

sification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$600,000 to carry out this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include two members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND CO-OPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law. For purposes

of section 552a(b)(9) of title 5, United States Code (commonly known as the "Privacy Act of 1974"), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$600,000 to carry out this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

TITLE III—FUNDING SOURCE**SEC. 301. FUNDING SOURCE.**

Of the funds made available for the Department of Justice by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110-329), \$1,200,000 is hereby rescinded.

By Mr. DURBIN (for himself, Mr. COCHRAN, Mr. LEVIN, and Mr. DORGAN):

S. 565. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, March 12 is recognized as World Kidney Day, a day to raise awareness of the major health and societal costs of kidney dis-

ease. Today, 26 million American adults have chronic kidney disease, and 500,000 have irreversible kidney failure, or end-stage renal disease ESRD. These patients require dialysis or a kidney transplant to survive.

Fortunately, medical advancements have transformed organ transplantation from an experimental procedure into the accepted and often best treatment for organ failure. Transplantation has prolonged and improved the lives of thousands of Americans. Over 16,000 Americans received a kidney transplant in 2007, and 150,000 today are living with functioning kidney transplants.

Many of these kidney transplants were paid for by the Medicare system, which provides health care to aged and disabled Americans, as well as those living with ESRD. For these ESRD patients, Medicare also covers dialysis for patients who have not received a donor kidney and immunosuppressive drugs for kidney transplant recipients. Organ transplant recipients must take immunosuppressive drugs every day for the life of their transplant to reduce the risk of organ rejection.

In 2000, Congress wisely eliminated the 36-month time limitation for aged and disabled beneficiaries who had Medicare status at the time of transplant. So today, for an older or disabled person on Medicare, immunosuppressive drugs are covered by Medicare for the life of the transplant.

However, we still have an unfair and unrealistic gap in coverage for people with ESRD who are neither disabled nor elderly. For those transplant recipients, coverage for immunosuppressive drugs ends 36 months after transplantation. This is economically inefficient and morally wrong. Without regular access to immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney.

Since Medicare covers the cost of the transplant for end stage renal disease, it makes sense for Medicare to preserve this investment by covering antirejection drugs. It would be far less expensive for Medicare to cover immunosuppressive drugs at a cost of \$10,000 to \$20,000 a year than to pay for dialysis—\$71,000 a year—or another transplant, \$106,000, if a patient's kidney fails and he is once again eligible for Medicare coverage.

I am pleased to introduce today, along with my colleague from Mississippi, Senator THAD COCHRAN, the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act. This legislation would allow kidney transplant recipients to continue Medicare coverage for the purpose of immunosuppressive drugs only. All other Medicare coverage would end 36 months after the transplant.

It is time to take this step to provide continuous coverage for immunosuppressive drugs through Medicare. This is a logical and moral move that will reduce the need for dialysis and kidney retransplants and provide reliable, sustained access to critically important, lifesaving medications for thousands of Americans. In the long run, we will save both money and lives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009".

SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426-1(b)(2)) is amended by inserting "(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))" after "shall end".

(2) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking "Every individual who" and inserting "(a) IN GENERAL.—Every individual who"; and

(B) by adding at the end the following new subsection:

"(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

"(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

"(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

"(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

"(C) The provision of such drugs shall be subject to the application of—

"(i) the deductible under section 1833(b); and

"(ii) the coinsurance amount applicable for such drugs (as determined under this part).

"(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

"(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

"(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

"(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part."

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426-1), as added by section

201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, this subparagraph shall be applied without regard to any time limitation."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2708. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section."

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2708)" after "requirements of such subparts".

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 715. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section."

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking "section 711" and inserting "sections 711 and 715".

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following new item:

"Sec. 715. Coverage of immunosuppressive drugs."

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9813 the following new item:

"Sec. 9814. Coverage of immunosuppressive drugs for kidney transplant recipients."

and

(2) by inserting after section 9813 the following:

"SEC. 9814. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

"A group health plan shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2010.

By Mr. DURBIN (for himself, Mr. SCHUMER, and Mr. KENNEDY):

S. 566. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, when consumers purchase tangible consumer products such as toasters or televisions, they can be reasonably confident that the products are safe for their families to use. In America we don't say "buyer beware" when it comes to lead paint in toys or risky drugs. But when Americans purchase financial products such as mortgages or credit cards, they often have little idea whether those products—and the mountain of fine print that come with them—are good for their families. Why?

The answer is that consumer products are subject to oversight, while financial products are not. Professor Elizabeth Warren, Chairperson of the Congressional Oversight Panel for the \$700 billion Troubled Assets Relief Program, was right when she said "we need more oversight." That was more than a year ago.

Today there are no fewer than 10 Federal regulators with responsibility for consumer protections from predatory or deceptive financial products, but none have oversight as its primary objective.

The legislation that I am introducing today with Senators SCHUMER and KENNEDY would create a Financial Product Safety Commission that would focus exclusively on the interests of consumers. I am pleased that Congressmen

BILL DELAHUNT and BRAD MILLER will be introducing the House companion.

The objectives of the Financial Product Safety Commission would be to reduce consumer risk in using financial products, coordinate enforcement with other Federal and State regulators, and report to the public regarding the state of consumer financial product safety.

The Financial Product Safety Commission would fulfill that mission by preventing predatory and deceptive financial practices, educating consumers on the responsible use of financial products and services, establishing a regulatory floor beneath which consumer financial product safety could not fall, and recommending the steps that should be taken to improve the value of financial products for consumers.

The bill is supported by over 55 national and State organizations, including Consumer Federation of America, Center for Responsible Lending Leadership Conference on Civil Rights, NAACP, La Raza, AFL-CIO, SEIU, National Consumer Law Center, Consumers Union, Public Citizen, and U.S. PIRG. I include a statement of support for the RECORD.

As Congress embarks on financial regulatory reform, our improved regulatory system must focus not just on the safety and soundness of the providers of financial products but also on the safety of the consumers of financial products. The Financial Product Safety Commission will do just that.

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

S. 566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Financial Product Safety Commission Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Establishment of Commission.
- Sec. 5. Objectives and responsibilities.
- Sec. 6. Coordination of enforcement.
- Sec. 7. Authorities.
- Sec. 8. Collaboration with Federal and State entities.
- Sec. 9. Prohibited acts.
- Sec. 10. Enforcement.
- Sec. 11. Reports.
- Sec. 12. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation’s multiagency financial services regulatory structure has created a dispersion of regulatory responsibility, which in turn has led to an inadequate focus on protecting consumers from inappropriate consumer financial products and practices;

(2) the absence of appropriate oversight has allowed excessively costly or predatory consumer financial products and practices to flourish; and

(3) the creation of a regulator whose sole focus is the safety of consumer financial products would help address this lack of consumer protection.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms “Commission”, “Chairperson”, and “Commissioner” mean the Financial Product Safety Commission established under this Act and the Chairperson and any Commissioner thereof, respectively;

(2) the term “consumer financial product” includes—

(A) any extension of credit, deposit account, payment mechanism, or other product or service within the scope of—

(i) the Truth in Savings Act (12 U.S.C. 4301 et seq.);

(ii) the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.); or

(iii) article 3 (relating to negotiable instruments) or article 4 (relating to bank deposits) of the Uniform Commercial Code, as in effect in any State;

(B) any other extension of credit, deposit account, or payment mechanism; and

(C) any ancillary product, practice, or transaction;

(3) the term “appropriate committees of Congress” means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees, as may be constituted;

(4) the term “consumer” means any natural person and any small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term “credit” has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) **ESTABLISHMENT; CHAIRPERSON.**—

(1) **ESTABLISHMENT.**—There is established the “Financial Product Safety Commission” which shall be an independent establishment, as defined in section 104(1) of title 5, United States Code.

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—The Commission shall be comprised of 5 commissioners, appointed by the President, by and with the advice and consent of the Senate.

(B) **CONSIDERATIONS.**—In making appointments to the Commission, the President shall consider individuals who, by reason of their background and expertise in areas related to consumer financial product safety, are qualified to serve as members of the Commission.

(3) **CHAIRPERSON.**—The Chairperson of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission.

(4) **REMOVAL.**—Any Commissioner may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

(b) **TERM; VACANCIES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2)—

(A) the Commissioners first appointed under this section shall be appointed for

terms ending 3, 4, 5, 6, and 7 years, respectively, after the date of enactment of this Act, the term of each to be designated by the President at the time of nomination; and

(B) each of their successors shall be appointed for a term of 5 years from the date of the expiration of the term for which the predecessor was appointed.

(2) **LIMITATIONS.**—Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor thereof was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of such term until a successor has taken office, except that such Commissioner may not continue to serve more than 1 year after the date on which the term of that Commissioner would otherwise expire under this subsection.

(c) **RESTRICTIONS ON OUTSIDE ACTIVITIES.**—

(1) **POLITICAL AFFILIATION.**—Not more than 3 Commissioners may be affiliated with the same political party.

(2) **CONFLICTS OF INTEREST.**—No individual may serve as a Commissioner if that individual—

(A) is in the employ of, holding any official relation to, or married to any person engaged in selling or devising consumer financial products;

(B) owns stock or bonds of substantial value in a person so engaged;

(C) is in any other manner pecuniarily interested in a person so engaged; or

(D) engages in any other business, vocation, or employment.

(d) **VACANCIES; QUORUM; SEAL; VICE CHAIRPERSON.**—

(1) **VACANCIES.**—No vacancy on the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

(2) **QUORUM.**—Three members of the Commission shall constitute a quorum for the transaction of business, except that—

(A) if there are only 3 members serving on the Commission because of vacancies on the Commission, 2 members of the Commission shall constitute a quorum for the transaction of business; and

(B) if there are only 2 members serving on the Commission because of vacancies on the Commission, 2 members shall constitute a quorum for the 6-month period (or the 1-year period, if the 2 members are not affiliated with the same political party) beginning on the date of the vacancy which caused the number of Commissioners to decline to 2.

(3) **SEAL.**—The Commission shall have an official seal, of which judicial notice shall be taken.

(4) **VICE CHAIRPERSON.**—The Commission shall annually elect a Vice Chairperson to act in the absence or disability of the Chairperson or in case of a vacancy in the office of the Chairperson.

(e) **OFFICES.**—The Commission shall maintain a principal office and such field offices as it determines necessary, and may meet and exercise any of its powers at any other place.

(f) **FUNCTIONS OF CHAIRPERSON; REQUEST FOR APPROPRIATIONS.**—

(1) **DUTIES.**—The Chairperson shall be the principal executive officer of the Commission, and shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to—

(A) the appointment and supervision of personnel employed by the Commission (and the Commission shall fix their compensation at a level comparable to that for employees of the Securities and Exchange Commission);

(B) the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Commission; and

(C) the use and expenditure of funds.

(2) **GOVERNANCE.**—In carrying out any of the functions of the Chairperson under this subsection, the Chairperson shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may, by law, be authorized to make.

(3) **REQUESTS FOR APPROPRIATIONS.**—Requests or estimates for regular, supplemental, or deficiency appropriations on behalf of the Commission may not be submitted by the Chairperson without the prior approval of a majority vote of the Commission.

(g) **AGENDA AND PRIORITIES; ESTABLISHMENT AND COMMENTS.**—Not later than 30 days before the beginning of each fiscal year, the Commission shall establish an agenda for Commission action under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities, the Commission shall conduct a public hearing on the agenda and priorities, and shall provide reasonable opportunity for the submission of comments.

SEC. 5. OBJECTIVES AND RESPONSIBILITIES.

(a) **OBJECTIVES.**—The objectives of the Commission are—

(1) to minimize unreasonable consumer risk associated with buying and using consumer financial products;

(2) to prevent and eliminate practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to repay existing debt, including practices or product features that are abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection;

(3) to promote practices that assist and encourage consumers to use credit and consumer financial products responsibly, avoid excessive debt, and avoid unnecessary or excessive charges derived from or associated with consumer financial products;

(4) to ensure that providers of consumer financial products provide credit based on the ability of the consumer to repay the debt incurred;

(5) to ensure that consumer credit history is maintained, reported, and used fairly and accurately;

(6) to maintain strong privacy protections for consumer transactions, credit history, and other personal information associated with the use of consumer financial products;

(7) to collect, investigate, resolve, and inform the public about consumer complaints regarding consumer financial products;

(8) to ensure a fair resolution of consumer disputes regarding consumer financial products; and

(9) to take such other steps as are reasonable to protect users of consumer financial products.

(b) **RESPONSIBILITIES.**—The Commission shall—

(1) promulgate consumer financial product safety rules that—

(A) ban abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise anticonsumer practices, products, or product features;

(B) place reasonable restrictions on consumer financial products, practices, or product features to reduce the likelihood that they may be provided in a manner that is inconsistent with the objectives specified in subsection (a); and

(C) establish requirements for such clear and adequate warnings or other information, and the form and manner of delivery of such warnings or other information, as may be appropriate to advance the objectives specified in subsection (a);

(2) establish and maintain a best practices guide for all providers of consumer financial products;

(3) conduct such continuing studies and investigations of consumer financial products industry practices as it determines necessary;

(4) award grants or enter into contracts for the conduct of such studies and investigations with any person (including a governmental entity), as necessary to advance the objectives specified in subsection (a);

(5) following publication of a rule, assist public and private organizations or groups of consumer financial product providers, administratively and technically, in the development of safety standards or guidelines that would assist such providers in complying with such rule;

(6) comment on selected rulemakings of agencies designated in section 6(d) affecting consumer financial products; and

(7) establish and operate a consumer financial product customer hotline which consumers can call to register complaints and receive information on how to combat anticonsumer products or practices.

SEC. 6. COORDINATION OF ENFORCEMENT.

(a) **IN GENERAL.**—Notwithstanding any concurrent or similar authority of any other agency, the Commission shall enforce the requirements of this Act.

(b) **RULE OF CONSTRUCTION.**—The authority granted to the Commission to make and enforce rules under this Act shall not be construed to impair the authority of any other Federal department or agency to make and enforce rules under any other provision of law, provided that any portion of any rule promulgated by any other such department or agency that conflicts with a rule promulgated by the Commission and that is less protective of consumers than the rule promulgated by the Commission shall be superseded by the rule promulgated by the Commission, to the extent of the conflict. Any portion of any rule promulgated by any other such department or agency that is not superseded by a rule promulgated by the Commission shall remain in force without regard to this Act.

(c) **AGENCY AUTHORITY.**—Any department or agency designated in subsection (d) may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any authority conferred on such department or agency by any other Act.

(d) **DESIGNATED DEPARTMENTS AND AGENCIES.**—The departments and agencies designated in this subsection are—

(1) the Board of Governors of the Federal Reserve System;

(2) the Federal Deposit Insurance Corporation;

(3) the Office of the Comptroller of the Currency;

(4) the Office of Thrift Supervision;

(5) the National Credit Union Administration;

(6) the Federal Housing Finance Authority;

(7) the Federal Housing Administration;

(8) the Department of Housing and Urban Development;

(9) the Federal Home Loan Bank Board;

(10) the Federal Trade Commission; and

(11) any successor to the agencies, referred to in paragraphs (1) through (10), as may be constituted.

(e) **COORDINATION OF RULEMAKING.**—Any department or agency designated in subsection (d) that engages in a rulemaking affecting consumer financial products shall consult with the Commission in the promulgation of such rules.

SEC. 7. AUTHORITIES.

(a) **AUTHORITY TO CONDUCT HEARINGS OR OTHER INQUIRIES.**—

(1) **IN GENERAL.**—The Commission may, by one or more of its members, or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States.

(2) **MEMBER PARTICIPATION.**—A Commissioner who participates in a hearing, or other inquiry described in paragraph (1), shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter.

(3) **NOTICE REQUIRED.**—The Commission shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) **COMMISSION POWERS; ORDERS.**—The Commission shall have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe to carry out a specific regulatory or enforcement function of the Commission, and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine, and such order shall contain a complete statement of the reasons that the Commission requires the report or answers specified in the order to carry out a specific regulatory or enforcement function of the Commission;

(2) to administer oaths;

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage costs as are paid in like circumstances in the courts of the United States;

(6) to accept voluntary and uncompensated services relevant to the performance of the duties of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, and to accept voluntary and uncompensated services (but not gifts) relevant to the performance of the duties of the Commission provided that any such services shall not be from parties that have or are likely to have business before the Commission;

(7) to—

(A) issue an order requiring compliance with applicable legal requirements;

(B) issue a civil penalty order in accordance with section 10(b);

(C) initiate, prosecute, defend, intervene in, or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any civil action, if the Commission makes a written request to the Attorney General of the United States for representation in such civil action and the Attorney General does not, within the 45-day

period beginning on the date on which such request was made, notify the Commission in writing that the Attorney General will represent the Commission in such civil action; and

(D) whenever the Commission obtains evidence that any person has engaged in conduct that may constitute a violation of Federal criminal law, including a violation of section 9, transmit such evidence to the Attorney General of the United States; and

(8) to delegate any of its functions or powers, other than the power to issue subpoenas under paragraph (3), to any officer or employee of the Commission.

(c) **NONCOMPLIANCE WITH SUBPOENA OR COMMISSION ORDER.**—If a person refuses to obey a subpoena or order of the Commission issued under subsection (b), the Commission (subject to subsection (b)(7)) or the Attorney General of the United States may bring an action in the United States district court for the district and division in which the inquiry is carried out or any other appropriate United States district court seeking an order requiring compliance with the subpoena or order.

(d) **DISCLOSURE OF INFORMATION.**—No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information to the Commission.

(e) **CUSTOMER AND REVENUE DATA.**—The Commission may, by rule, require any provider of consumer financial products to provide to the Commission such customer and revenue data as may be required to carry out this Act.

(f) **PURCHASE OF CONSUMER FINANCIAL PRODUCTS BY COMMISSION.**—For purposes of carrying out this Act, the Commission may purchase any consumer financial product and it may require any provider of consumer financial products to sell the product to the Commission at cost.

(g) **CONTRACT AUTHORITY.**—The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(h) **BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS; TESTIMONY; COMMENTS ON LEGISLATION.**—

(1) **BUDGET COPIES TO CONGRESS.**—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the appropriate committees of Congress.

(2) **LEGISLATIVE RECOMMENDATION.**—Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the appropriate committees of Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the appropriate committees of Congress.

SEC. 8. COLLABORATION WITH FEDERAL AND STATE ENTITIES.

(a) **PREEMPTION.**—Nothing in this Act or any rule promulgated under this Act may be construed to annul, alter, affect, or exempt any person from complying with the laws of any State, except to the extent that those laws are inconsistent with a consumer finan-

cial product safety rule promulgated by the Commission, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this Act or a consumer financial product safety rule, or the purposes of the Act or rule, if the protection afforded by such State law to any consumer is greater than the protection provided by the consumer financial product safety rule or this Act. Nothing in this Act or any rule promulgated under this Act precludes any remedy under State law to or on behalf of a consumer.

(b) PROGRAMS TO PROMOTE FEDERAL-STATE COOPERATION.

(1) **IN GENERAL.**—The Commission shall establish a program to promote cooperation between the Federal Government and State governments for purposes of carrying out this Act.

(2) **AUTHORITIES.**—In implementing the program under paragraph (1), the Commission may—

(A) accept from any State or local authority engaged in activities relating to consumer protection assistance in such functions as data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this Act which such States or local governments may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance; and

(B) commission any qualified officer or employee of any State or local government agency as an officer of the Commission for the purpose of conducting investigations.

(c) **COOPERATION OF FEDERAL DEPARTMENTS AND AGENCIES.**—The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may determine necessary to carry out its functions under this Act. Each such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such materials to the Commission. The Commission and the heads of other departments and agencies engaged in administering programs relating to consumer financial product safety shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

SEC. 9. PROHIBITED ACTS.

It shall be unlawful for any person—

(1) to advertise, offer, or attempt to enforce any agreement, term, change in term, fee, or charge in connection with any consumer financial product, or engage in any practice, that is not in conformity with this Act or an applicable consumer financial product safety rule under this Act; or

(2) to fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information to the Commission, as required under this Act or any rule under this Act.

SEC. 10. ENFORCEMENT.

(a) CRIMINAL PENALTIES.

(1) **KNOWING AND WILLFUL VIOLATIONS.**—Any person who knowingly and willfully violates section 9 shall be fined not more than \$500,000, imprisoned not more than 1 year, or both for each such violation.

(2) **EXECUTIVES AND AGENTS.**—Any individual director, officer, or agent of a business entity who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 9 shall be subject to penalties under this section, without regard to any penalties to which that person may be otherwise subject.

(b) CIVIL PENALTIES.

(1) **IN GENERAL.**—Any person who violates section 9 shall be subject to a civil penalty in an amount established under paragraph (2). A violation of section 9 shall constitute a separate civil offense with respect to each consumer financial product transaction involved.

(2) **PUBLICATION OF SCHEDULE OF PENALTIES.**—Not later than December 1, 2009, and December 1 of each fifth year thereafter, the Commission shall prescribe and publish in the Federal Register a schedule of the maximum authorized civil penalty that shall apply for any violation of section 9 that occurs on or after January 1 of the year immediately following the date of such publication.

(3) **RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY.**—In determining the amount of any civil penalty in an action for a violation of section 9, the Commission—

(A) shall consider—

(i) the nature of the consumer financial product;

(ii) the severity of the unreasonable risk to the consumer;

(iii) the number of products or services sold or distributed;

(iv) the occurrence or absence of consumer injury; and

(v) the appropriateness of such penalty in relation to the size of the business of the person charged; and

(B) shall ensure that penalties in each case are sufficient to induce compliance by all regulated entities.

(4) **COMPROMISE OF PENALTY; DEDUCTIONS FROM PENALTY.**—

(A) **IN GENERAL.**—Any civil penalty under this section may be compromised by the Commission.

(B) **CONSIDERATIONS.**—In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the Commission—

(i) shall consider—

(I) the nature of the consumer financial product;

(II) the severity of the unreasonable risk to the consumer;

(III) the number of offending products or services sold;

(IV) the occurrence or absence of consumer injury; and

(V) the appropriateness of such penalty to the size of the business of the person charged; and

(ii) shall ensure that compromise penalties remain sufficient to induce compliance by all regulated entities.

(C) **AMOUNT.**—The amount of a penalty compromised under this paragraph, when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(c) COLLECTION AND USE OF PENALTIES.

(1) **ESTABLISHMENT OF FUND.**—There is established within the Treasury of the United States a fund, into which shall be deposited all criminal and civil penalties collected under this section.

(2) **USE OF FUND.**—The fund established under this subsection shall be used to defray the costs of the operations of the Commission or, where appropriate, provide restitution to harmed consumers.

(d) PRIVATE ENFORCEMENT.

(1) **IN GENERAL.**—A person may bring a civil action for a violation of section 9 for equitable relief and other charges and costs in an amount equal to the sum of—

(A) any actual damages sustained by such person as a result of such violation, if actual damages resulted;

(B) twice the amount of any finance charge in connection with the transaction, except that such liability shall not be less than \$1,000, such minimum to be adjusted on an annual basis by the Commission based upon the consumer price index; and

(C) reasonable attorney fees and costs.

(e) JURISDICTION.—

(1) IN GENERAL.—Any action under this Act may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, not later than 2 years after the date of the discovery of the violation.

(2) RULES OF CONSTRUCTION.—This section does not bar a person from asserting a violation of this Act in an action to collect a debt, or if foreclosure has been initiated, as a matter of defense by recoupment or set-off. An action under this Act shall not be the basis for removal of an action to a United States district court. Neither this section nor any other section of this Act preempts or otherwise displaces claims and remedies available under State law, except as otherwise specifically provided in this Act.

(f) STATE ACTIONS FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 9, the State—

(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

(B) may bring an action on behalf of the residents of the State to recover—

(i) damages for which the person is liable to such residents under subsection (d) as a result of the violation; and

(ii) civil penalties, as established under subsection (b); and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(2) RIGHTS OF FEDERAL REGULATORS.—

(A) NOTICE OF STATE ACTION.—A State shall serve prior written notice of any action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) COMMISSION AUTHORIZATION.—Upon notice of an action under subparagraph (A), the Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein;

(iii) to remove the action to the appropriate United States district court; and

(iv) to file petitions for appeal.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection or in any other provision of Federal law shall prevent the chief law enforcement officer of a State, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Commission has instituted a civil action or an administrative action for a violation of section 9, a State may not, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 9 that is alleged in that complaint.

SEC. 11. REPORTS.

(a) REPORTS TO THE PUBLIC.—The Commission shall determine what reports should be produced and distributed to the public on a recurring and ad hoc basis, and shall prepare and publish such reports on a website that provides free access to the general public.

(b) REPORT TO THE PRESIDENT AND CONGRESS.—

(1) IN GENERAL.—The Commission shall prepare and submit to the President and the appropriate committees of Congress, at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the preceding fiscal year.

(2) REPORT CONTENT.—The reports required by this subsection shall include—

(A) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence and effects of practices associated with the provision of consumer financial products that are inconsistent with the objectives specified in section 5(a), with a breakdown, insofar as practicable, among the various sources of injury, as the Commission finds appropriate;

(B) a list of consumer financial product safety rules prescribed or in effect during such year;

(C) an evaluation of the degree of observance of consumer financial product safety rules, including a list of enforcement actions, court decisions, and compromises of civil penalties, by location and company name;

(D) a summary of outstanding problems confronting the administration of this Act in order of priority;

(E) an analysis and evaluation of public and private consumer financial product safety research activities;

(F) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(G) the extent to which technical information was disseminated to the research and consumer communities and consumer information was made available to the public;

(H) the extent of cooperation between Commission officials, representatives of the consumer financial products industry, and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(I) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(J) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act; and

(K) the extent of cooperation with, and the joint efforts undertaken by, the Commission in conjunction with other regulators with whom the Commission shares responsibilities for consumer financial product safety.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission for purposes of carrying out this Act such sums as may be necessary.

56 DIVERSE NATIONAL, STATE ORGANIZATIONS SUPPORT FINANCIAL PRODUCT SAFETY COMMISSION

Hon. RICHARD J. DURBIN
Majority Whip, U.S. Senate
Washington, DC.

Hon. WILLIAM DELAHUNT
House of Representatives
Washington, DC.

Hon. CHARLES SCHUMER
U.S. Senate
Washington, DC.

Hon. BRAD MILLER
House of Representatives
Washington, DC.

DEAR SENATORS DURBIN AND SCHUMER AND REPRESENTATIVES DELAHUNT AND MILLER: The undersigned organizations strongly support your legislation to create a federal Financial Product Safety Commission (FPSC) that would ensure the fairness, safety and sustainability of credit and payment products. It is now widely accepted that the current international economic crisis was triggered by the failure of federal regulators to stop abusive lending, particularly in the housing sector. By creating a separate agency focused exclusively on credit safety, your legislation will not only better protect consumers, but the entire economy.

Under this legislation, the FPSC would be empowered to ensure that credit and payment products do not have predatory or deceptive features that can harm consumers or lock them into unaffordable loans, such as pre-payment penalties, unjustified fees, or hair-trigger interest rate increases. The agency would also conduct ongoing research and investigation into credit industry products and services. In addition, it would provide consumers with high-quality information about how to avoid abusive lending or credit problems. This approach offers two crucial improvements over the current splintered, ineffectual regulatory system:

A FPSC would put consumer protection first. Federal regulatory agencies have often treated consumer protection as less important than or even in conflict with their mission to ensure the safety and soundness of financial institutions. In addition, the independence of regulators like the Office of the Comptroller of the Currency and Office of Thrift Supervision has been threatened because they are directly and almost entirely funded by the institutions they oversee. As a result, federal agencies dithered for years in implementing regulations to stop unfair and deceptive mortgage and credit card lending practices, finally producing only after the current foreclosure and consumer debt crisis took hold. Regulators have left other types of dangerous products completely untouched, such as high-cost "overdraft" loans that are triggered without consumer permission. The FPSC would be required to make consumer protection its top priority, which will also better ensure the soundness of financial institutions.

A FPSC would stop regulatory agencies from competing among themselves to lower standards. Right now, financial institutions freely switch charters between federal and state regulation, and between various federal charters, in order to reduce the level of oversight and the costs associated with it. Under a FPSC, regulated institutions could not choose the agency that regulates them. The FPSC would be empowered to establish federal minimum standards for all credit products and the institutions that offer them, so that competition between state and federal regulators would only exist to improve the quality of consumer protection.

Unless the structure of financial services regulation is realigned to change not just the focus of regulation but its underlying philosophy, it is unlikely that consumers will be adequately protected from unfair or dangerous credit products in the future. The ultimate result of this crucial legislation would be an agency designed to protect consumers from the corrosive effects of unsafe credit, which has a regulatory perspective that is truly independent of the institutions it regulates. Just as importantly, this agency would not be under constant pressure to keep protection standards low. You have created a template for regulatory modernization that will protect consumers, financial institutions and the economy for years to come.

We applaud your leadership on this issue and look forward to working with you to enact this proposal.

Sincerely,

Gregory L. Jefferson, Sr., Legislative Representative, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO).

Jim Campen, Executive Director, Americans for Fairness in Lending.

Linda Sherry, Director, National Priorities, Consumer Action.

Mike Calhoun, President, Center for Responsible Lending.

Travis Plunkett, Legislative Director, Consumer Federation of America.

Rosemary Shahan, President, Consumers for Auto Reliability and Safety.

Pamela Banks, Policy Counsel, Consumers Union.

Tamara Draut, Vice President of Policy & Programs, Demos.

Alan Reuther, Legislative Director, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).

Wade Henderson, President & CEO, Leadership Conference on Civil Rights.

Hilary O. Shelton, Vice President for Advocacy/Director, NAACP Washington Bureau.

Ricardo C. Byrd, Executive Director, National Association of Neighborhoods.

John Taylor, President and CEO, National Community Reinvestment Coalition.

Lauren Saunders, Managing Attorney, National Consumer Law Center.

Sally Greenberg, Executive Director, National Consumers League.

Janis Bowdler, Associate Director, Wealth-Building Policy Project, National Council of La Raza.

Shanna L. Smith, President and CEO, National Fair Housing Alliance.

David Arkush, Director, Public Citizen's Congress Watch.

Alison Reardon, Director of Legislation, Service Employees International Union.

Ed Mierzwinski, Consumer Programs Director, U.S. PIRG.

STATE ORGANIZATIONS

Kimble Forrister, Statewide Coordinator, Alabama Arise

Leslie Kyman Cooper, Executive Director, Phyllis Rowe, President Emeritus, Arizona Consumers Council

Diane E. Brown, Executive Director, Arizona PIRG

Albert Sterman, Secretary/Treasurer, Democratic Processes Center, Arizona

H. C. "Hank" Klein, Founder, Arkansans Against Abusive Payday Lending

Alan Fisher, Executive Director, California Reinvestment Coalition

Jim Bliesner, Director, San Diego City/County Reinvestment Task Force, California

Lynn Drysdale, Managing Attorney, Consumer Law Unit, Jacksonville Area Legal Aid, Inc., Florida

Bill Newton, Executive Director, Florida Consumer Action Network

Brad Ashwell, Consumer & Public Health Advocate, Florida Public Interest Research Group

Dan McCurry, Coordinator, Chicago Consumer Coalition, Illinois

Lynda DeLaforge and William McNary, Co-Executive Directors, Citizen Action/Illinois

Brian C. White, Executive Director, Lakeside Community Development Corporation, Illinois

Rose Mary Meyer, Director, Project IRENE, Illinois

Larry M. McGuire, Field Missionary Coordinator, Community of Christ and Inter-Religious Council of Linn County, Iowa

Jason Selmon, Executive Director, Sunflower Community Action, Kansas

Richard Seckel, Director, Kentucky Equal Justice Center

Charles Shafer, President, Maryland Consumer Rights Coalition

Debra Gardner, Legal Director, Public Justice Center, Maryland

Paul Schlaver, Chair, Massachusetts Consumers' Coalition

Paheadra B. Robinson, Staff Attorney, Mississippi Center for Justice

Mike Cherry, President/CEO, Consumer Credit Counseling of Springfield, Missouri, Inc.

Dan L. Wulz, Deputy Executive Director, Legal Aid Center of Southern Nevada, Inc.

Peter Skillern, Executive Director, Community Reinvestment Association of North Carolina

Al Ripley, Counsel for Consumer and Housing Affairs, NC Justice Center

Jim McCarthy, President/CEO, Miami Valley Fair Housing Center, Inc., Ohio

Sue Berkowitz, Director, South Carolina Applesed Legal Justice Center

Corky Neale, Director of Research, Memphis Responsible Lending Collaborative, Tennessee

Don E. Baylor, Jr., Senior Policy Analyst—Economic Opportunity, Center for Public Policy Priorities, Texas

Alex R. Gulotta, Executive Director, Legal Aid Justice Center, Virginia

Michael H. Lane and Ward R. Scull, Co-Founders, Virginians Against Payday Loans

Irene E. Leech, President, Virginia Citizens Consumer Council

Janice "Jay" Johnson, Chairperson, Virginia Organizing Project

James W. (Jay) Speer, Executive Director, Virginia Poverty Law Center

Bruce D. Neas, Legislative Coordinator, Columbia Legal Services on behalf of clients, Washington

Catherine M. Doyle, Chief Staff Attorney, Legal Aid Society of Milwaukee, Inc., Milwaukee, Wisconsin

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 72—EXPRESSING THE SENSE OF THE SENATE REGARDING DRUG TRAFFICKING IN MEXICO

Mr. MENENDEZ (for himself, Mr. KERRY, Mr. DODD, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 72

Whereas Mexico is 3 times the size of the State of Texas and has a population of approximately 110,000,000 people;

Whereas Mexico has the 12th largest economy in the world, with an annual gross domestic product of just under \$1,000,000,000,000;

Whereas Mexico is the 8th largest exporter of crude oil in the world and provides approximately ⅓ of the oil imported by the United States;

Whereas Mexico is the 2nd largest buyer of exports from the United States;

Whereas Mexico has the largest Spanish-speaking population of any country in the world;

Whereas there is a tragically consistent demand for heroin, marijuana, methamphetamines, and cocaine from drug users in the United States;

Whereas the Government of Mexico is locked in an extremely violent struggle against drug trafficking organizations that produce and transport narcotics;

Whereas the drug trafficking organizations in Mexico are well organized, heavily armed, and wealthy criminal enterprises, with estimated criminal earnings of more than \$25,000,000,000 every year;

Whereas it is estimated that Mexican drug trafficking organizations produce 8 metric tons of heroin and 10,000 metric tons of marijuana each year;

Whereas, in confrontations with the Government of Mexico and with each other, the drug trafficking organizations have adopted tactics intended to intimidate the public at large, corrupt law enforcement officials, and create a perception of increased violence among the people of Mexico;

Whereas, in 2008, approximately 6,200 people in Mexico died as the result of violence related to drug trafficking, more than twice as many as in 2007;

Whereas drug-related killings continued in Mexico during 2009, and on February 9, 2009, a total of 35 people were killed in drug-related violence in Mexico;

Whereas drug trafficking organizations in Mexico have brazenly targeted and executed many high-ranking public officials in Mexico;

Whereas more than 800 police officers and soldiers in Mexico have been killed in the line of duty since late 2006;

Whereas efforts by the Government of Mexico and the United States Government to combat drug trafficking organizations and power struggles between the drug trafficking organizations themselves have resulted in growing violence along the 2000-mile border between the United States and Mexico;

Whereas drug-related violence affects cities and towns on both sides of the border, as drug trafficking organizations from Mexico form partnerships with criminal organizations based in the United States;

Whereas law enforcement authorities in the United States have reported an increase in the number of killings, kidnappings, and home invasions linked to Mexican drug trafficking organizations in a number of cities in the United States, some of which are thousands of miles from the Mexican border;

Whereas a 2008 report by the Department of Justice indicated that Mexican drug trafficking organizations now operate in 195 cities in the United States;

Whereas the 2008 National Drug Threat Assessment by the Department of Justice identified drug organizations from Mexico as the greatest criminal threat to the United States;

Whereas the Government of Mexico is strengthening the institutions of a democratic state that adheres to the rule of law, supports a free press, and is committed to human rights;

Whereas the inauguration of President Felipe Calderón in December 2006 represented another step forward in the process of strengthening institutions in Mexico;

Whereas President Calderón has made defeating drug trafficking organizations a top priority of his administration, increasing the security budget of Mexico from \$2,000,000,000 in 2006 to \$4,000,000,000 in 2008 and deploying nearly 36,000 federal troops to carry out anti-drug operations;

Whereas the Government of Mexico has undertaken reforms that, together with significant changes to the code of criminal procedure and the penal code, could transform the justice system in Mexico to be more open and transparent, protect human rights, and devote resources to investigating and prosecuting crimes;

Whereas President Calderón has taken significant steps to crack down on corruption within the police forces and other government institutions of Mexico;

Whereas officers of the Government of Mexico have succeeded in seizing record quantities of narcotics from drug trafficking organizations;

Whereas law enforcement officials in Mexico are cooperating with law enforcement agencies in the United States at unprecedented levels, with Mexico extraditing 83 major drug traffickers to stand trial in the United States in 2007, and another 93 major drug traffickers in 2008;

Whereas the police and army units of Mexico are often outgunned by members of the drug trafficking organizations, who employ heavy machine guns, high-powered assault weapons such as the AK-47, 0.50 caliber sniper rifles, military hand grenades, rocket-propelled grenade launchers, and sophisticated technology like night vision goggles and communication interception devices;

Whereas a large majority of the weapons and ammunition used by the drug trafficking organizations come from sources in the United States, particularly gun dealers and gun shows in Texas, Arizona, and California;

Whereas approximately 90 percent of all firearms recovered at crime scenes in Mexico are illicitly trafficked across the border from the United States to Mexico;

Whereas the people of Mexico and the military and civilian officials of the Government of Mexico have demonstrated tremendous courage in confronting the drug trafficking organizations;

Whereas the United States Government, along with law enforcement agencies in the United States and Mexico, has escalated its efforts to disrupt the trafficking of narcotics, money, people, and arms across the border and to combat drug trafficking organizations;

Whereas the United States Government can and should do more to reduce the demand for illegal drugs in the United States and stop the illegal exportation of money and weapons;

Whereas the efforts by the United States Government to combat trafficking are outlined in the National Drug Control Strategy (2008), the Southwest Border Counter-narcotics Strategy (2007), and the U.S. Strategy for Combating Criminal Gangs from Central America and Mexico (2007);

Whereas, on October 22, 2007, the United States Government and the Government of Mexico announced a multiyear security agreement called the "Merida Initiative", which is intended to combat drug trafficking and other criminal activity along the border of the United States and Mexico and in Central America; and

Whereas Congress has appropriated \$465,000,000 for the Merida Initiative, allocating to the Government of Mexico a total of \$400,000,000 in equipment, technical assistance, and training in fiscal year 2008, which is now in the process of being delivered: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Mexico is a key strategic partner of the United States;

(2) a secure, prosperous, and democratic Mexico is indispensable to the goal of the United States to have prosperity and peace throughout the Americas and the world;

(3) the people and the Government of Mexico have launched a sustained attack on drug trafficking organizations based in Mexico;

(4) the increasing violence and criminality of drug trafficking organizations threaten the well-being of the people of the United States and Mexico and pose security challenges to cities and towns in the United States;

(5) drug-related violence is a "cross-border" problem that requires close cooperation between the Government of Mexico and the United States Government;

(6) the United States Government and the Government of Mexico have a shared interest and responsibility in defeating drug trafficking organizations, and a comprehensive strategy, jointly conceived and executed, is required for significant progress to be made;

(7) the Senate applauds and fully supports efforts by President Felipe Calderón, the people of Mexico, and the Government of Mexico to confront the drug trafficking organizations, apprehend their members, and bring them to justice;

(8) the Department of State should—

(A) ensure prompt delivery of the equipment, technical assistance, and training for which Congress appropriated funds in fiscal year 2008 as part of the Merida Initiative;

(B) continue to support the Government of Mexico in its efforts to strengthen institutions and the rule of law, root out corruption, and protect human rights; and

(C) ensure full accountability for all assistance and equipment provided by the United States Government to the Government of Mexico; and

(9) the United States Government should employ its broad diplomatic and law enforcement resources, in partnership with the Government of Mexico and governments throughout the Americas, to defeat drug-related criminal enterprises.

SENATE RESOLUTION 73—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIODS MARCH 1, 2009, THROUGH SEPTEMBER 30, 2009, AND OCTOBER 1, 2009, THROUGH SEPTEMBER 30, 2010, AND OCTOBER 1, 2010, THROUGH FEBRUARY 28, 2011

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 73

Resolved,

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate there is authorized for the period

March 1, 2009, through September 30, 2009, in the aggregate of \$69,152,989, for the period October 1, 2009, through September 30, 2010, in the aggregate of \$121,593,254, and for the period October 1, 2010, through February 28, 2011, in the aggregate of \$51,787,223, in accordance with the provisions of this resolution, for standing committees of the Senate, the Special Committee on Aging, the Select Committee on Intelligence, and the Committee on Indian Affairs.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees for the period March 1, 2009, through September 30, 2009, for the period October 1, 2009, through September 30, 2010, and for the period October 1, 2010, through February 28, 2011, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$2,735,622, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$4,809,496, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,048,172, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$40,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,639,258, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$8,158,696, of which amount—

(1) not to exceed \$80,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,475,330, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$30,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,204,901, of which amount—

(1) not to exceed \$11,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$700, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,393,024, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,148,531, of which amount—

(1) not to exceed \$8,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$500, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,384,507, of which amount—

(1) not to exceed \$35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$70,000, may be expended for the training of the professional staff of

such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,711,049, of which amount—

(1) not to exceed \$60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$120,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,284,779, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,529,245, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,963,737, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,391,751, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$50,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,833,400.

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,740,569.

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,870,923.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$3,529,786, of which amount—

(1) not to exceed \$4,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$6,204,665, of which amount—

(1) not to exceed \$8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$2,641,940, of which amount—

(1) not to exceed \$3,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,210,765, of which amount—

(1) not to exceed \$17,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$5,833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$9,161,539, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,901,707, of which amount—

(1) not to exceed \$12,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,291,761, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2010 PERIOD.—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,546,310, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,214,017, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 11. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance

with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$5,973,747, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 722a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$10,503,951, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 722a(i))); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,473,755, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$25,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 12. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules and S. Res. 445, agreed to October 9, 2004 (108th Congress), including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimburs-

able, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,742,824, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 722a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,856,527, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 722a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$5,049,927, of which amount—

(1) not to exceed \$75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(e) **INVESTIGATIONS.**—

(1) **IN GENERAL.**—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities

of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) **EXTENT OF INQUIRIES.**—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) **SPECIAL COMMITTEE AUTHORITY.**—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2009, through February 28, 2011, is authorized, in its, his, hers, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) **AUTHORITY OF OTHER COMMITTEES.**—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) **SUBPOENA AUTHORITY.**—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 89, agreed to March 1, 2007 (110th Congress) are authorized to continue.

SEC. 13. COMMITTEE ON THE JUDICIARY.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$6,528,294, of which amount—

(1) not to exceed \$116,667, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$11,667, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the

period October 1, 2009, through September 30, 2010, under this section shall not exceed \$11,481,341, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$4,890,862, of which amount—

(1) not to exceed \$83,333, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,333, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,797,669, of which amount—

(1) not to exceed \$30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$6,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,161,766, of which amount—

(1) not to exceed \$50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,346,931, of which amount—

(1) not to exceed \$21,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$4,200, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 15. COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,693,240, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,976,370, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,267,330, of which amount—

(1) not to exceed \$25,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate,

the Committee on Veterans' Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,565,089, of which amount—

(1) not to exceed \$59,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,752,088, of which amount—

(1) not to exceed \$100,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,172,184, of which amount—

(1) not to exceed \$42,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$8,334, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,892,515, of which amount—

(1) not to exceed \$117,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$3,327,243, of which amount—

(1) not to exceed \$200,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$15,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,416,944, of which amount—

(1) not to exceed \$85,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), as amended by S. Res. 445, agreed to October 9, 2004 (108th Congress), in accordance with its jurisdiction under sections 3(a) and 17 of such S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$4,151,023, of which amount—

(1) not to exceed \$37,917, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$1,167, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$7,298,438, of which amount—

(1) not to exceed \$65,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed \$2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$3,108,302, of which amount—

(1) not to exceed \$27,083, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$833, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) **GENERAL AUTHORITY.**—In carrying out its powers, duties, and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 2009, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) **EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2009.**—The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this section shall not exceed \$1,449,343, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) **EXPENSES FOR FISCAL YEAR 2010 PERIOD.**—The expenses of the committee for the period October 1, 2009, through September 30, 2010, under this section shall not exceed \$2,546,445, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) **EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2011.**—For the period October 1, 2010, through February 28, 2011, expenses of the committee under this section shall not exceed \$1,083,838, of which amount—

(1) not to exceed \$20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed \$20,000, may be expended for training consultants of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 20. SPECIAL RESERVE.

(a) **ESTABLISHMENT.**—Within the funds in the account "Expenses of Inquiries and Investigations" appropriated by the legislative branch appropriation Acts for fiscal years 2009, 2010, and 2011, there is authorized to be established a special reserve to be available to any committee funded by this resolution as provided in subsection (b) of which—

(1) an amount not to exceed \$4,375,000, shall be available for the period March 1, 2009, through September 30, 2009; and

(2) an amount not to exceed \$7,500,000, shall be available for the period October 1, 2009, through September 30, 2010; and

(3) an amount not to exceed \$3,125,000, shall be available for the period October 1, 2010, through February 28, 2011.

(b) AVAILABILITY.—The special reserve authorized in subsection (a) shall be available to any committee—

(1) on the basis of special need to meet unpaid obligations incurred by that committee during the periods referred to in paragraphs (1), (2), and (3) of subsection (a); and

(2) at the request of a Chairman and Ranking Member of that committee subject to the approval of the Chairman and Ranking Member of the Committee on Rules and Administration.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 18, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on nuclear energy development.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, March 17, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The Committee will conduct an oversight hearing on energy development on public lands and the outer Continental Shelf.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Patty Beneke at (202) 224-5451 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to discuss tribal priorities in the fiscal year 2010 budget.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 10, 2009 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 2009 at 10:30 a.m. to conduct a hearing entitled "Enhancing Investor Protection and the Regulation of Securities Markets."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 10, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 10, 2009, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Rebuilding Economic Security: Empowering Workers to Restore the Middle Class" on Tuesday, March 10, 2009. The hearing will commence at 10 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Next Generation of National Service" on Tuesday, March 10, 2009. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Patent Reform in the 111th Congress: Legislation and Recent Court Decisions" on Tuesday, March 10, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Executive Nominations" on Tuesday, March 10, 2009, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 2009 at 9:30 a.m. The Committee will meet in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 10, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, as in executive session, I ask unanimous consent that the cloture motion with respect to the nomination of David Ogden be withdrawn, and that on Wednesday, March 11, at 11:30 a.m., the Senate proceed to executive session to consider Calendar No. 21, the nomination of David Ogden; that the time until 4:30 p.m. be equally divided and controlled between the leaders or their designees; that when the Senate resumes consideration of the nomination

on Thursday, March 12, there be 2 hours remaining for debate, equally divided and controlled between the leaders or their designees; that upon the use of time on Thursday, the Senate then proceed to vote on confirmation of the nomination; that upon confirmation of the nomination, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 15 and 16; that the nominations be confirmed, en bloc, and the motions to reconsider be laid upon the table, en bloc; that no further motions be in order; that upon confirmation, the President be immediately notified of the Senate's action; that the Senate resume legislative session; and that any statements relating to the nominations be printed in the RECORD; further, that the cloture motions with respect to these nominations be withdrawn, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Austan Dean Goolsbee, of Illinois, to be a Member of the Council of Economic Advisers.

Cecilia Elena Rouse, of California, to be Member of the Council of Economic Advisers.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Republican Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, adopted October 21, 1998, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27, 2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 21, 2004, the appointment of the following Senator as a member of the Senate National Security Working Group for the 111th Con-

gress: the Senator from South Carolina, Mr. GRAHAM.

ORDERS FOR WEDNESDAY, MARCH 11, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Wednesday, March 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 11:30 a.m. with Senators permitted to speak for up to 10 minutes each with the time controlled by the Republicans; further, that following morning business the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, under the previous order, the Senate will debate the Ogden nomination until 4:30 p.m. tomorrow and vote on confirmation of the nomination on Thursday.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:31 p.m., adjourned until Wednesday, March 11, 2009, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

DAVID S. COHEN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE PATRICK M. O'BRIEN, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

SHERBURNE B. ABBOTT, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE DUNCAN T. MOORE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

DANA G. GRESHAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE SIMON CHARLES GROS.

DEPARTMENT OF THE TREASURY

ALAN B. KRUEGER, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE PHILLIP L. SWAGEL, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

JOHN MORTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE JULIE L. MYERS, RESIGNED.

DEPARTMENT OF DEFENSE

JAMES N. MILLER, JR., OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE CHRISTOPHER RYAN HENRY.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

GEORGE B. GOSTING

To be major

JOSEPH S. PARK

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

THOMAS M. CARDEN, JR.
TIMOTHY J. CLAYS
RODERICK R. LEONGUERRERO
ERIC W. OLSEN
CURTIS J. ROYER
WILLIAM H. STEVENSON
ANTHONY WOODS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL F. ADAMES
DEAN B. BORSOS
JAMES R. CLAPSADDLE
ROBERT H. COTHRON III
PATRICK L. DAWSON
DONALD L. FAUST
EDWIN A. HURSTON
PHILIP E. JONES
BRIAN E. KING
DARRELL W. LANDREAUX
REX A. LANGSTON
STEVEN B. REESE
REBECCA C. SEESE
PAUL M. SKALA
THOMAS A. STEINBRUNNER
TRACY A. TENNEY
WILLIAM R. TYRA
KATHRYN D. VANDERLINDEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RICHARD D. BAKER
CATHERINE S. BARD
RICHARD J. BEAN
JAMES E. BOYD
MARKHAM J. BROWN
LESLIE R. BRYANT III
LOUISE M. BRYCE
JEFFREY S. CALDER
CHERYL L. CARTER
GEORGE W. CHRISTOPHER
THOMAS F. CLARKE
DAVID D. COPP
MARCEL V. DIONNE
ROLAND E. ENGEL
MICHAEL J. EPPINGER
EDWARD L. FIEG
JOHN M. GOOCH
PATRICIA L. GOODMOTE
LEE H. HARVIS
CLAUDE A. HAWKINS
ANN L. HOYNIKBECKER
TIMOTHY W. HUISKEN
MYLENE T. HUYNH
JEFFERY L. JOHNSON
JAMES G. KAHRIS
PETER B. KOVATS
MARK KRAUTHHEIM
ERIC A. NELSON
ERIK J. NELSON
MICHAEL J. PASTON
JOSEPH P. PELLETIER
THOMAS R. PIAZZA
HEATHER R. PICKETT
TRACY L. POPEY
JERRY W. PRATT
ANTHONY M. PROPST
JAMES R. RICK
STEPHEN P. ROBERTS
CHRISTOPHER G. SCHARENBRUCK
JANET C. SHAW
SARADY TAN
DONALD E. TRUMMEL
SHAWN M. VARNEY
DALE A. VOLQUARTSEN
APRIL C. WALTON
DANIEL C. WEAVER
JAMES W. WHELAN
DANA J. WINDHORST
MICHAEL S. XYDAKIS
EVELINE F. YAO
GREGORY B. YORK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JEFFREY L. ANDRUS
KENNETH J. BOONE

DAVID J. BOWERS
GARY J. GERACCI
THOMAS F. KELLY
LARA I. LARSON
STEVEN C. MALLER
ROY C. MARLOW
MARK T. MEANS
COLIN A. MIHALIK
ENDER S. OZGUL
MARIA SANTOS
JESUS L. SOJO
LUKE UNDERHILL
ROSE M. WOJCIK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

FEDERICO C. AQUINO, JR.
KEITH L. CLARK
THOMAS P. EDMONSON
AMAR KOSARAJU
WILLIAM K. LIN
DOUGLAS M. LITTLEFIELD
PAUL A. LONGO
VICTOR B. MAGGIO
FERNANDO A. MARAVI
ALAN J. NAPOLES
DARON C. PRAETZEL
ENRIQUE E. ROSADO
JENNIE L. STODDART
STEPHANIE A. STOUDER
KIM L. WILKINSON
JUNKO YAMAMOTO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSELITA M. ABELEDA
DEMETRIO J. AGUILA III
TODD J. ALAN
TALIB Y. ALI
PATRICK F. ALLAN
JAY R. ALLEN
MICHAEL D. ALMALEH
KURT W. ANDREASON
JASON G. ARNOLD
MATTHEW J. AUNGST
KERI A. BAAKE
JOSE E. BARRERA
STEVEN M. BAUGHMAN
VIKHYAT S. BEBARTA
JOHN A. BENSON
JAMES E. BERMUDEZ
JOHN N. BERRY
ANTHONY I. BEUTLER
CHRISTOPHER T. BIRD
JUSTIN B. BOGE
KEVIN J. BOHNSACK
MICHAEL I. BOND
ERIC C. BURDGE
JEREMY W. CANNON
KYLE L. CARTER
MICHAEL T. CHARLTON
STEPHEN R. CHEN
JERRY M. CLINE
SAMUEL G. CLOUD
JAMES C. CONNAUGHTON
ROBERT W. CRAIGGRAY
MIKI M. CRANE
PAUL F. CRAWFORD, JR.
PETER G. CRAWLEY
ERIC P. CRITCHLEY
SCOTT M. CUMMIS
JEAN F. CYRIAQUE
MICHAEL R. DAVIS
ANTONIO J. DELGADO
BRIAN L. DELMONACO
ALAN J. DELOSSANTOS
JAMES A. DOMBROWSKI
KELLY L. DORENKOTT
CHRISTOPHER M. DRESS
MATTHEW D. DUNCAN
RORY C. DUNHAM
KENNETH S. EGERSTROM
MATTHEW D. FAUBION
DOUGLAS J. FEELEY
BRADLEY J. GOEKE
ROBERT GONZALEZ
JAMES A. GRAHAM
CHRISTOPHER M. GRUSSENDORF
ROBERT S. GUERZON
CHAD A. HAMILTON
CHRISTIAN T. HANLEY, JR.
RICHARD R. HARVEY
JASON T. HAYES
CHRYSTAL D. HENDERSON
BRUCE W. HESS
RACHEL A. HIGHT
ERIKA K. HILL
CHAD M. HIVNOR
MICHAEL G. HODGES
ERIC F. HOLT
BRANDON R. HORNE
DELLA L. HOWELL
CHRISTOPHER M. HUDSON
SEAN L. JERSEY
ROBERT A. JESINGER
KIMBERLY S. JOHNSON

KEVIN J. KAPS
TONY S. KIM
JEFFREY D. KUETER
MARK S. LASHELL
PAULETTE D. LASSITER
CHARLES A. LEATH III
MAXIMILIAN S. LEE
WILLIAM C. LEWIS
TREVOR D. LIM
JOHN C. LIN
JONATHAN D. LOPEZ
MANUEL A. LOPEZ
MICHAEL A. MADRID
DAVID S. MALLETT
MELVIN J. MARQUE III
ROBERT A. MAXEY
DEAN L. MAYNARD
ROBERT C. MCDONOUGH III
STEPHEN E. MESSIER
KYLE J. MICHAELIS
ANTHONY L. MITCHELL
KRISTINA D. MONEY
JOHN V. MONTORELLO
THOMAS O. MOORE
REINALDO MORALES, JR.
MICHAEL S. MORRIS
ANGELA J. MORTLAND
EVAN B. MOSER
TERESA D. NESSELROAD
BRENDAN M. NOONE
SAMIA A. OCHIA
ADEDAYO ODUNSI
SAMUEL T. OLATUNBOSUN
SYLVIA L. PARRA
MICHAEL A. PECK
CLIFFORD M. PEREZ
MICHAEL C. PETRO
THEODORE W. POPE
JENNIFER L. RAVENSCROFT
STEPHEN S. REICH
JOSEPH R. RICHARDS
TIMOTHY A. RICHTER
GREGORY A. RIDDLE
MATTHEW K. RIEDESEL
KISMET T. ROBERTS
JAMES B. SAMPSON
ANDRE G. SARMIENTO
CECELIA E. SCHMALBACH
GREGORY A. SCHNERINGER
NEIL L. SCHWIMLEY
ZAIGA K. SEARS
ROBERT M. SHIDELER
RICHARD A. SORENSSEN
RENEE V. SPITZER
DAVID L. STEINHISER II
MATTHEW R. TALARCZYK
PERLITA K. TAM
LINDA P. THOMAS
JEFFERSON R. THURLBY
THOMAS J. TOFFOLI
RAJESH TULI
GALE T. TUPER, JR.
KREANGKAI TYREE
MELISSA M. TYREE
CEASAR A. VALLE
CHRISTOPHER S. WALKER
GRAHAM W. WALLACE
STEVEN R. WARD
JOHN C. WESKE
MARIE J. WESTPHAL
STEVEN E. WHITMARSH
JAMES F. WIEDENHOEFER
CAROLYN A. WILD
JON P. WINKLER
JOHN R. WITHEROW
RAMON YAMBOARLAS
GABRIEL ZIMMERER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

THOMAS J. BAUER
GREGORY BELL
RHETT B. CASPER
JAMES K. CULLEN
JULIE C. DAMBLY
MICHAEL W. DUERS
RORY B. FREDERICK
SCOTT F. GRUWELL
MICHAEL L. HETSKO
PAULA K. HOANG
MATTHEW M. HUFFAKER
BETH L. JABLONOWSKI
THEODORE M. JACKSON
JOANNA B. JAMINSKA
NEAL B. JONES
JINYOUNG KIM
MISUKE KIM
MARCUS P. KROPP
BRENDAN M. LANE
WENDY D. LOBRE
AMBER M. MACIAS
BLAKE E. MOORE
VARUN K. NARULA
ALAN K. NEAL
PATRICK B. PARSONS
JAMES M. PIPER II
CHRISTOPHER L. PODLIN
ALLEN M. PRATT
THASANAI ROONGRUANGPHOL
STEVEN J. SCHMOLDT

ERIN M. SPEIER
BRADSHAW M. STOUT
MARK A. VANZANT
BRENT J. WALDMAN
STERLING J. WHIPPLE
AARON J. WHITE
ANDREW P. WIGHTMAN
JAESUK YOO
JAMES M. YOUNG
STACEY E. ZAIKOSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES AIR
FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

AMANDA J. ADAMS
JOSE C. AGUIRRE
ANGELA M. ALBRECHT
ERIC M. ALCARAZ
DOUGLAS R. ALFAR
JENNIFER A. ALFAR
JACOB A. ALLGOOD
DARIN K. ALLRED
WILLIAM T. ALLRED
JOSHUA P. ALPERS
BRENDAN C. ANZALONE
DAVID A. APPEL
KAREN L. ARNOLD
BLAINE T. BAFUS
BRUCE R. BALL
ADAM G. BALLS
HEATHER M. BARBIER
AMY A. BARNES
BRENT B. BARNSTUBLE
TRAVIS C. BATT'S
SARA J. BECKER
RHODORA J. BECKINGER
SHELLY F. BEHLEN
CLAYNE BENSON
ALEXANDER L. BINGCANG
SCOTT L. BLEAZARD
CHRISTA B. BLECHER
JEFFERY J. BLONSKY
KORY R. BODILY
MATTHEW R. BORGMAYER
HIMABINDU BORRA
RICHARD K. BOWES
JASON D. BOYD
TRACY K. BOZUNG
RUTH BRENNER
CASSANDRA M. BRESNAHAN
TIMOTHY M. BRESNAHAN
HEATHER M. BRIGHTHOFFMEYER
AARON S. BROCKBANK
TYSON C. BROWN
WILLIAM E. BROWN
CHRISTOPHER W. BUNT
JEFFREY S. BURBIDGE
STEVEN K. BURKHEAD
NEAL C. BUSK
LORI A. CALOIA
CHAD C. CARTER
DANIELLE J. CERMAK
ANDREW C. CHA
JONATHAN C. CHANG
WENDY CHAO
SPENCER C. CHECKETTS
MARCELLA L. CHERRY
JENNY CHOU
DONALD S. CHRISTMAN
JARED G. CLAY
GREGORY C. CLIMACO
BRIAN T. COCKE
CHARLES B. COFFMAN
JASON M. COGDILL
ADAM J. COLE
ANGELIQUE N. COLLAMER
MARIA A. CONLEY
CHAD E. CONNOR
WENDY I. CONWAY
CHANTAL COUSINEAUKRIEGER
CARLTON J. COVEY
CRISTALLE A. COX
KEVIN M. CRAWFORD
TERESA A. CRUTCHLEY
JULIA CUERVO
EDITH M. CULLEN
JOHN R. CUNNINGHAM
BRANDON J. CUTLER
DERRICK R. DARNSTEADT
BETHANY J. DERHODES
JOSEPHINE DEGUZMAN
DILLARD L. DEHART III
CHRISTIAN A. DEVAUX
STEFANI L. DIEDRICH
DOUGLAS M. DOWNEY
JAMES T. DUNLAP
JENNIFER E. DUNLAVY
MEGAN E. DURHAM
ANDREW B. EBERT
LANCE D. EDMONDS
BRIAN C. EPPRIGHT
MATTHEW R. ESKRIDGE
NATHAN R. EVANS
KRISTIN E. EVEARITT
SARAH A. FACKLER
ELEANOR C. FAHERTY
ROBERT J. FELIX
BRIAN M. FITZGERALD
JASON A. FOLTZ
JONATHAN R. FUNK

BRUCE J. GARDNER II
TOBY J. GENRICH
CHRISTOPHER B. GERLACH
GEORGE R. GIBSON III
KELLY GIDUSKO
THOMAS O. GIFFORD
SEAN C. GLASGOW
KRISTEN R. GLASS
BRIAN B. GLODT
CRAIG A. GOOLSBY
DANIEL W. GOWDER
IAN D. GREGORY
JOHN T. HARDY
BRANDE M. HARRIS
JAMES C. HARTLEY
JOSHUA A. HARTMAN
MATTHEW S. HAYES
BRIAN B. HEARN
KERMIT G. HELO III
SARAH J. HENNEMANN
ANTONIO J. HERNANDEZ
BERNARD A. HILDEBRAND, JR.
JESSICA D. HILDEBRAND
RYAN C. HILL
KIRK S. HINKLEY IV
MATTHEW C. HOLLANDER
ROBIN A. HOLZER
GREGORY H. HOUGH
BORISLAV HRISTOV
MARK W. HUBBELL
DAVID J. HUME
JOSEPH A. HUSEMAN II
STEVEN M. INDRA
BRENT IZU
MATTHEW A. JANIGA
BRADLEY W. JOHNSON
SCOTT R. JOHNSON
JOSHUA R. JOHNSTON
CHRISTOPHER E. JONAS
CATHIE T. JONES
EVAN M. JONES
GREGORY P. JONES
JOY K. JONES
NEIL D. JONES
KEVIN P. JUOZAPAVICIUS
PAUL D. KARTCHNER
MARTIN P. KASZUBOWSKI
KATHLEEN M. KATARIYA
CHRISTOPHER KEIRNS
PATRICK L. KELLER
BERNARD J. KELLEY
JASON A. KELLY
KARIN E. KEMP
STACEE M. KESSINGER
SAMUEL J. KJOME
ADAM C. KOERTNER
CHRISTOPHER M. KOLLY
JASON A. KOSKINEN
MICHAEL J. KRIER
KRAIG A. KRISTOF
KIMBERLYANN M. KROSS
JUAN C. LACAYO
MARY K. LAFFERTY
CHRISTOPHER K. LAWLER
EDGAR L. LECLAIRE
CHRISTOPHER J. LINBERG
BRETT E. LINCK
CHRISTOPHER J. LINCOSKI
NATHAN J. LINSTROM
JASON K. LOWRY
BRENDAN P. LUCEY
LAURIE L. MARBAS
MICHELLE MARINO

DOUGLAS M. MARTIN
SEAN P. MARTIN
LESLIE D. MATESICK
DEREK M. MATHESON
TARA C. MAURO
JOHN J. MAXEY
TIMOTHY J. McDONALD
BRADLEY A. MCGREGOR
RYAN C. MCHUGH
NECIA M. MCREE
SAMUEL M. MEDARIS
JOHN N. MELANDER
DAVID C. MILLER
CHRISTINE A. MIRABAL
JAMES D. MITCHELL
OKENY D. MODI
BENJAMIN MONSON
KEITH A. MONTGOMERY
GLENNVILLE G. MORTON
ANDREW E. MUCK
LEIGH A. MUELLER
MICHAEL W. MUNAGIAN
RANDY M. NAIDOO
STEFANIE M. NANCE
KELLY E. NATION
MOLLY J. NELSEN
SUZIE C. NELSON
CRAIG L. NERBY
ADAKU N. NJOKU
CATHERINE E. NOBLE
CADE M. NYLUND
DANIEL T. OCONNOR
DAVID M. OLDHAM
MICHELLE M. OLDS
DARON E. OLMSTED
MICHAEL P. OREJUDOS
LEE F. OZAETA
CASEY L. PARINI
STEPHEN M. PAULSON
EMILY N. PAVLIK
HEATHER R. PECK
PETER P. PELLEGRINO
JASON M. PFLUKE
REBECCA A. PIOTROWSKI
MARK I. POGEMILLER
BHARATH POLA
DAMIEN C. POWELL
JOHN W. POWELL
VIDHYA PRAKASH
KELLY A. PRICE
SHAY L. PRICE
CHAD A. PRIOR
FRANCISCO J. RAMIREZ
BENJAMIN L. RAWSON
JOEL A. REYES
ELIZABETH M. REYNOSO
ERIK J. RICHARDSON
MICHAEL J. RIGGALL
RICHARD J. ROBINS
DAVID M. ROSS II
VANCE M. ROTHMEYER
NAPOLEON P. ROUX III
AARON M. RUBIN
MICHAEL A. SACCOCCI
BRIAN S. SAKAMOTO
MEREDITH A. SARDA
MICHAEL R. SAVONA
MATTHEW R. SCHMITZ
FAYE B. SERKIN
JENNIFER A. SEXTON
RYAN C. SHEFFIELD
JEREMY M. SIKORA
KAREN SKY

CHRISTINE A. SMETANA
JESSICA K. SMYTH
DUSTIN M. SNELLING
CHARLES J. SNOW
MARCUS S. SNYDER
MALCOLM J. SOLLEY
ELIZABETH L. SOMSEL
SAMUEL A. SPEAR
JAMES T. STEEN
DANIEL A. STEIGELMAN
ALLEN I. STERING
GREGORY M. STROUP
TERESA L. STUMP
BRYAN D. SZALWINSKI
KENJI L. TAKANO
TRAVIS C. TAYLOR
SHANNA C. TENCLAY
KAROLYN M. TRUFFEL
WILLIAM TOTH
DONALD J. TRAVER
PHUONG C. TRUONG
VIRGINIA A. UNDERWOOD
JENNIFER S. VANNESS
KENNETH W. VAWTER
MARK VISHNEPOLSKY
TIM N. VU
ALICIA T. WAITS
BRIAN M. WATERS
JASON M. WEBB
LISA M. WEEKS
JACOB M. WESSLER
ROBB J. WIEGAND
SAMANTHA L. WIEGAND
NED L. WILLIAMS
PETER M. WILLIAMS
SCOTT A. WILTZ
VANESSA W. WONG
CURTIS J. WOZNAK
STEPHANIE M. WRIGHT
FI A. YI
SANDY K. YIP
ALBERT S. YU
PHILIP Y. ZHUO
DON L. ZUST, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
IN THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant commander

GREGORY G. GALYO
OLIVER C. MINIMO

CONFIRMATIONS

Executive nominations confirmed by
the Senate, Tuesday, March 10, 2009:

EXECUTIVE OFFICE OF THE PRESIDENT

AUSTAN DEAN GOOLSBEE, OF ILLINOIS, TO BE A MEM-
BER OF THE COUNCIL OF ECONOMIC ADVISERS.
CECILIA ELENA ROUSE, OF CALIFORNIA, TO BE MEM-
BER OF THE COUNCIL OF ECONOMIC ADVISERS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT
TO THE NOMINEES' COMMITMENT TO RESPOND TO RE-
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

FEDERAL LAND ASSISTANCE, MANAGEMENT, AND ENHANCE- MENT (FLAME) ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. RAHALL. Madam Speaker, today I am introducing the Federal Land Assistance, Management and Enhancement Act, or the FLAME Act.

Last year, our country experienced the devastating effects of catastrophic, emergency wildland fires in California. For the past several years, we have witnessed tragic fire seasons that have put American lives and our treasured public lands in harm's way. Fire seasons are getting longer and more intense due to climate change, drought, and other factors.

As a result, federal fire suppression spending has increased substantially over the past 10 years and projections appear to indicate that this trend will continue into the foreseeable future.

The dramatic rise in these costs is eroding other non-fire programs and impacting the core mission of the Federal land management agencies. In the case of the Forest Service, for example, wildland fire suppression activities now account for approximately 48 percent of its budget. This creates a sad trend: our Forest Service is turning into the Fire Service.

Furthermore, both the Forest Service and the Department of the Interior have had to "Rob Peter to Pay Paul" by borrowing funds from other agency accounts to cover the escalating costs of wildland fire suppression. In 2007, for example, the Forest Service spent \$741 million more than was budgeted for wildland fire suppression, and the Department of the Interior spent \$249 million more than was budgeted for wildland fire suppression. And in the case of the Forest Service, the costs of catastrophic, emergency wildland fire suppression activities account for the vast majority of suppression expenditures, as two percent of fires account for 80 percent of costs.

Madam Speaker, it is clear that something needs to be done to resolve this problem. That is why today I am reintroducing the FLAME Act.

The FLAME Act establishes a federal FLAME fund for catastrophic, emergency wildland fire suppression activities. The Secretary of Agriculture and the Secretary of the Interior may declare catastrophic, emergency wildland fire suppression activities eligible for the FLAME fund by issuing a Suppression Emergency Declaration. The declaration will evaluate the size, severity, and threat of the individual wildland fire incident.

The FLAME Act continues our stewardship of all lands by making funds available for catastrophic, emergency wildland fire suppression

activities on State and private land consistent with existing agreements. Funds will also be available for catastrophic, emergency wildland fire suppression on Indian lands.

The FLAME Act also requires that the Secretary of Agriculture and the Secretary of the Interior submit a long-overdue report to Congress containing a cohesive wildland fire management strategy. This report will improve efforts to prevent fires on our public lands, by addressing critical fire prevention issues such as indentifying a system for assessing the level of fire risk to communities, and indentifying a system to ensure that the highest priority fuels reduction projects are being funded first.

Last Congress, we worked to ensure House-passage of the FLAME Act. The bill drew support from the five former living Chiefs of the Forest Service, over 40 different organizations, 56 Members of Congress, and the Speaker of the House. However, the Senate did not act upon the measure. This Congress, I am pleased that Senate Energy and Natural Resources Committee Chairman JEFF BINGAMAN and Ranking Member LISA MURKOWSKI will be introducing the Senate companion measure to the FLAME Act. I look forward to working with our colleagues in the other body to ensure enactment of this important legislation in the 111th Congress.

Madam Speaker, I am pleased that President Obama has indicated that he is supportive of working together on this issue. I thank him for his leadership on this issue by addressing it in his Fiscal Year 2010 budget.

I also will be working with the esteemed Chairman of the Committee on the Budget, Chairman JOHN SPRATT, to include language in the Budget Resolution to support the FLAME Act.

Madam Speaker, catastrophic, emergency wildland fires can cause tragic loss of life and property. I am proud to be joined in introducing the FLAME Act today by my colleagues Rep. NORM DICKS, Rep. RAÚL GRIJALVA, Rep. MIKE SIMPSON, Rep. GREG WALDEN, and Senators JEFF BINGAMAN and LISA MURKOWSKI. In the other body, I look forward to working together towards enactment this Congress to ensure that our country has the necessary tools to combat catastrophic, emergency wildland fires.

EARMARK DECLARATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. MACK. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that my district received as part of the Omnibus Appropriations Act of 2009 (H.R. 1105).

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service, SRG

Legal Name of Requesting Entity: University of Florida Institute of Food and Agricultural Sciences

Address of Requesting Entity: 700 Experiment Station Red, Lake Alford, Florida 33850

Description of Project: This project will continue vital citrus canker and greening research.

Amount: \$1,217,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Lee County, FL

Address of Requesting Entity: P.O. Box 398, Fort Myers, FL 33902

Legal Name of Entity Receiving Funds: United States Army Corps of Engineers

Address of Entity Receiving Funds: 441 G Street, NW., Washington, DC 20314

Description of Request: The requested funding will be utilized for reimbursement for beach renourishment for the Gasparilla Segment in Lee County, Florida.

Amount: \$191,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers, O&M

Legal Name of Requesting Entity: West Coast Inland Navigation District

Address of Requesting Entity: 200 East Miami Avenue, Venice, FL 34285

Legal Name of Entity Receiving Funds: United States Army Corps of Engineers

Address of Entity Receiving Funds: 441 G Street, NW., Washington, DC 20314

Description of Request: This funding will be utilized for maintenance dredging along the Gulf Intracoastal Waterway in Lee County, Sarasota County, and Manatee County, Florida.

Amount: \$2,076,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers, O&M

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 East Tamiami Trail, Naples, FL 34112

Legal Name of Entity Receiving Funds: United States Army Corps of Engineers

Address of Entity Receiving Funds: 441 G Street, NW., Washington, DC 20314

Description of Request: This funding will be utilized for dredging the Gordon River Pass in Collier County, Florida. The dredging is necessary because shoaling has diminished the water depth in the channel.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Amount: \$597,000

Requesting Member: Congressman CONNIE

MACK

Bill Number: H.R. 1105

Account: Department of Justice, OJP-Byrne Discretionary Grants

Legal Name of Requesting Entity: Florida Gulf Coast University

Address of Requesting Entity: 10501 FGCU Blvd., S., Fort Myers, Florida 33965

Description of Request: This funding will be utilized for the development of tools for training and processing crime scenes for use by law enforcement and public safety officials. This work will be done at the Florida Gulf Coast University in its Law Enforcement and Public Safety department.

Amount: \$150,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Collier County, Florida

Address of Requesting Entity: 3301 East Tamiami Trail, Naples, Florida 34112

Description of Request: The funding will be utilized for the acquisition of public safety technology equipment for the Collier County Emergency Services Center. The funding is important because it will help to better equip Collier County's emergency service providers to respond to events that could endanger the safety of the citizens of Collier County, Florida.

Amount: \$350,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Lee County, Florida

Address of Requesting Entity: P.O. Box 398, Ft. Myers, Florida 33902

Description of Request: The requested funding will be utilized for water and sewer system improvements in Lee County, Florida. The project will help to ensure that Lee County's water and sewer system is environmentally sound and provides the highest level of safety and service to the people of Lee County.

Amount: \$275,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Department of Education, Higher Education

Legal Name of Requesting Entity: Florida Gulf Coast University

Address of Requesting Entity: 10501 FGCU Blvd., S., Fort Myers, Florida 33965

Description of Request: The requested funding will be utilized by the Florida Gulf Coast University in order to conduct a study of how coastal watersheds respond to changing freshwater flow.

Amount: \$333,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Department of Transportation, Buses and Bus Facilities

Legal Name of Requesting Entity: Lee County Transit (LeeTran)

Address of Requesting Entity: 6035 Landing View Road, Fort Myers, Florida 33907

Description of Request: The requested funding will be utilized to purchase new buses and replace existing buses in LeeTran's fleet. Buses stand as an important mode of transportation for a large number of citizens in Lee County. As a result, this funding will help LeeTran to better accommodate the crucial need for reliable and environmentally clean mass transit in Lee County, Florida.

Amount: \$475,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Department of Transportation, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 East Tamiami Trail, Naples, FL 34112

Legal Name of Entity Receiving Funds: Florida Department of Transportation

Address of Entity Receiving Funds: 605 Suwannee Street, Tallahassee, Florida 32399

Description of Request: The requested funding will be utilized to improve Interstate 75/ Collier Boulevard/SR 84 in Collier County, Florida. The improvements are necessary to help this important stretch of road meet the requirements necessary to fulfill the regions commercial and transport needs.

Amount: \$570,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Department of Transportation, Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Charlotte County, FL

Address of Requesting Entity: 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948

Legal Name of Entity Receiving Funds: Florida Department of Transportation

Address of Entity Receiving Funds: 605 Suwannee Street, Tallahassee, Florida 32399

Description of Request: The requested funding will be utilized for design and expansion of the Burnt Store Road to a four-lane divided arterial with shoulders to enhance the overall safety of the road. Burnt Store Road is a very important transportation artery that doubles as an evacuation route.

Amount: \$380,000

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: The Trust for Thomas Edison & Henry Ford Winter Estates, Inc.

Address of Requesting Entity: 2350 McGregor Boulevard, Fort Myers, Florida 33901

Description of Request: The requested funding will be utilized for the restoration of the Edison and Ford Estates research laboratory.

Amount: \$142,500

IN RECOGNITION OF SOCCER TEAM AT URSULINE ACADEMY OF DALLAS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SESSIONS. Madam Speaker, I rise today to proudly recognize the soccer team at Ursuline Academy of Dallas on winning the prestigious TAPPS 5A State Championship title for the 19th consecutive year.

At the Mata Stadium in San Antonio, Ursuline and Nolan Catholic High School of Fort Worth battled for the State Championship title for the eighth consecutive year. In this final game, Ursuline successfully defended its title with a score of 2 to 1. Both goals were scored in the first half by Sophie Campise. Led by Head Coach Jamie Cantrell, these young ladies committed themselves to a tradition of winning and dedicated countless hours practicing to hone their ability to perform as a team. This prestigious title of State Champion speaks loudly of their discipline and hard work.

Madam Speaker, I ask my colleagues to join me in expressing our heartiest congratulations to the members of the soccer team for their well deserved victory. I wish them all the best in their future endeavors.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit how I would have voted on March 9, 2009, when I was tending to a family commitment, for which the timing was not flexible.

Had I voted, I would have voted "yes" on rollcall No. 110; "yes" on rollcall No. 111; "yes" on rollcall No. 111.

IN CELEBRATION OF EBBY HALLIDAY'S 98TH BIRTHDAY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor a true Dallas icon and a legendary woman that has changed the real estate industry, Ebby Halliday Acers. She celebrates her ninety-eighth birthday on March 9th.

Ebby first arrived in Dallas in 1938 and soon after owned and ran her own boutique called Ebby's Hats. After being approached by a developer in 1945, Ebby went from selling hats to selling houses. Together with her beloved husband, Maurice Acers, Ebby Halliday Realtors was founded. The company's inventory began with fifty-two houses on the old Walnut Hill Golf Course in North Dallas, but has

steadily grown year after year into one of the most successful and widely recognized real estate firms in the country. Aside from her entrepreneurial spirit, her success can be attributed to the great care and attention she gives to her employees and agents as well as her buyers. This personal touch includes nurturing talent as well as meeting with new employees, making them feel welcomed. Over the course of her career she has received numerous awards such as the Horatio Alger Award in 2005 and the Visionary Award from Foundation Fighting Blindness and the Linz Award in 2008.

Aside from her professional achievements, Ebby is also known for her philanthropic spirit. She has generously given of her time and effort in addition to monetary contributions. Many nonprofit organizations and causes such as St. Paul Medical Center, United Way of Metropolitan Dallas and the Communities Foundation of Texas have benefitted greatly from her love for and dedication to her community. There is no doubt that the great City of Dallas is a better place because of her.

Madam Speaker, I ask my colleagues to join me in expressing our heartiest congratulations to Ebby as she celebrates her ninety-eighth birthday. I wish Ebby many more years of health, happiness, and prosperity. May we all strive to have the same generosity and dedication that she exemplifies.

RECOGNIZING THE STATE NEWS FOR 100 YEARS OF EXCELLENCE IN JOURNALISM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. ROGERS of Michigan. Madam Speaker, today I rise to pay tribute to the State News at Michigan State University as they celebrate their 100th anniversary.

The State News was founded in 1909 as the Holcad in order to defend the Michigan Agricultural College against a series of articles and critical remarks published in the Lansing Journal. In 1925, as the Michigan Agricultural College changed its name to Michigan State College, the Holcad became the Michigan State News. In 1971, the State News became a 501(c)3 organization, run independently of the university.

Each year, the State News employs hundreds of students, training them in the areas of reporting, photography, design, and advertising that are critical to a career in journalism. Throughout its 100 years, the State News has served as a way for students to connect to each other on campus, voice opinions, and act as a watchdog for the East Lansing community.

Madam Speaker, a commitment to journalism is the foundation for creating a more informed citizen body. I wish to extend my gratitude to the State News for its achievements, and I ask my colleagues to join me in recognizing its 100 years in serving the East Lansing community as a successful student-run newspaper.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately on Friday March 6, 2009, I was unable to cast my votes on Approving the Journal, the Motion to Recommit on H.J. Res. 38, and H.J. Res. 38 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 107, on Approving the Journal, I would have voted "aye".

Had I been present for rollcall No. 108, on the Motion to Recommit on H.J. Res. 38, the Continuing Resolution, extending it through the end of Fiscal Year 2009, I would have voted "aye".

Had I been present for rollcall No. 109, on passing H.J. Res. 38, the Continuing Resolution through March 11, 2009, I would have voted "nay". It is high time we buckled down and got our work done in a timely fashion and in an open and transparent process. This Omnibus Appropriations bill is long overdue, but at the same time we should not be throwing a bill on the House floor that has been cobbled together by a select few Democrats behind closed doors. The result is what we witnessed in the Senate where it could not pass by the time the current CR expired and the need arose to pass another short term CR through March 11, 2009. This process needs reform and it is my hope that the FY2010 Appropriations process will move under regular order and by the start of the new fiscal year on October 1, 2009.

IN RECOGNITION OF J.L. LONG MIDDLE SCHOOL CELEBRATING ITS 75TH ANNIVERSARY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SESSIONS. Madam Speaker, I rise today to honor J.L. Long Middle School in Dallas, Texas which will be celebrating its 75th anniversary on April 2, 2009.

Initially established as the second junior high school in Dallas, J.L. Long first opened its doors to 550 students in 1933. Over the course of its history, this school has educated thousands of bright young minds, providing them with a firm foundation for success. In 2006, its student body expanded to include sixth graders. The J.L. Long science team was named state champion in the 2005–2006 and 2006–2007 school years while the math team consistently placed in the top six in the state for the past several years. Aside from its many academic accomplishments, J.L. Long Middle School boasts an impressive history and record of parental involvement. The Works Progress Administration (WPA) Depression Mural by Olin Travis is proudly displayed in their library and in 2004 the school was designated as a Dallas Historical Landmark. The PTA Board has been recognized for gener-

ously contributing over 8,500 volunteer service hours. J.L. Long Middle School's commitment to education and character building will help these individuals grow up to become mature, responsible citizens and our next generation of great leaders.

Madam Speaker, I ask my colleagues to join me in congratulating J.L. Long Middle on seventy five years of academic achievement. I wish them many more years of success.

HONORING THE ADRIAN COLLEGE ON THEIR SESQUICENTENNIAL CELEBRATION

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor today Adrian College on the occasion of their Sesquicentennial Celebration. Adrian College evolved from a theological institute founded by the Wesleyan Methodist denomination in 1845.

On March 28, 1859, Adrian College was chartered by the Michigan legislature as a degree-granting institution with Dr. Asa Mahan as its first President. For almost 100 years, the campus consisted of several brick buildings stretching along Madison Street. In the mid-1950s, the College, encouraged by the generosity of Ray W. Herrick, embarked in a building program that established the basis for the current campus. Today, when students walk in the area bounded on the east by Madison Street and edged by Downs Hall, North Hall, Cornelius House and Herrick Tower, they tread on the same ground that students hurried across in 1859.

In an era of many constant challenges that face our daily lives, the tireless efforts of educational institutions like this one, help to make our community, state and country an outstanding place to learn, live and work. It is with deep appreciation of the significance of this milestone that I commend Adrian College on the occasion of their Sesquicentennial Celebration.

HONORING THE DIVINE PER- FORMING ARTS GROUP FOR THEIR EFFORTS TO BRING A MESSAGE OF HOPE AND COUR- AGE TO AUGUSTA, GEORGIA

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BROWN of Georgia. Madam Speaker, As a medical doctor, I can tell you without any doubt that music and the arts have routinely proven to have a positive psychological affect on those with low spirits. All through history we have seen the use of music and dance lift hearts and minds. During the American Revolution and Civil War, music was a way of forgetting the horrors of war. During enslavement, African Americans sang spirituals to give each other hope. And during the Great

Depression, there were always music and dance shows to lift the spirits of the "Forgotten Man."

Now, in the great city of Augusta, Georgia, the Divine Performing Arts will be displaying their "amazing", "magnificent", and "spectacular" abilities on stage. This group of world-class performers will be presenting the beauty of traditional Chinese art as their way of fighting "against the negative impacts of the current economic situation and its consequences in the Augusta area."

As many cities across the world have already witnessed, these performers bring a message of kindness, compassion, and courage, while rousing viewers to help the downtrodden in their community. Certainly, these themes are inspirational and benefit all of the communities that they have visited.

Madam Speaker, I encourage my colleagues to join me in both welcoming and applauding the Divine Performing Arts group to "The Garden City". They have shown past success in breaking down cultural barriers, and I hope my constituents in Augusta take the time to appreciate this special performance.

HONORING THE ADRIAN DOMINICAN SISTERS ON THEIR 125TH ANNIVERSARY

HON. MARK H. SCHAUER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SCHAUER. Madam Speaker, I am proud to honor today the Adrian Dominican Sisters on the occasion of their 125th Anniversary. The Adrian Dominican Sisters are a Roman Catholic Congregation of more than 850 vowed religious women who trace their heritage to St. Dominic in the 13th century. Also serving with them are around 195 associates, non-vowed men and women who are committed to sharing in their mission and vision.

They minister in 31 states, the District of Columbia, the Commonwealth of Puerto Rico, and in the nations of Canada, the Dominican Republic, Italy and Swaziland.

The Adrian Dominican Sisters serve in a variety of ministries depending on the needs of the people to whom they are sent. They also sponsor numerous schools, hospitals, retreat centers and a variety of many other businesses and institutions.

The weekend of May 15th through the 17th of 2009 will mark the 125th Anniversary of the Adrian Dominican Sisters' establishment of their permanent presence in the city of Adrian, Michigan. It is with deep appreciation of the significance of this milestone that I commend the Adrian Dominican Sisters on the occasion of their 125th Anniversary.

NORTHWEST INDIANA BUSINESS AND INDUSTRY HALL OF FAME CLASS OF 2009

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. VISCLOSKY. Madam Speaker, it is with deep respect and admiration that I rise to commend five exceptional business leaders from Northwest Indiana who will be honored as the Northwest Indiana Business and Industry Hall of Fame's class of 2009. Created by The Times and Business magazine, induction into the Indiana Business and Industry Hall of Fame is determined by a panel of local civic and business leaders. While there were many deserving nominees, the individuals selected as the 2009 Indiana Business and Industry Hall of Fame inductees are: Calvin Bellamy, Don Burrell, Bruce Leetz, Cynthia Powers, and Burton Ruby. For their many contributions to the enhancement of Northwest Indiana, these honorees will be recognized at a ceremony taking place at the Radisson Hotel at Star Plaza in Merrillville, Indiana, on Thursday, March 12, 2009.

Cal Bellamy is the former president and chief executive officer of the former Bank Calumet, where he worked for an astonishing thirty-one years. Having served as Bank Calumet's CEO for twenty-four of those years, Cal made a lasting impression on the Northwest Indiana community through his immense dedication to many worthwhile causes. Now an attorney with Krieg DeVault LLC, where he specializes in financial planning, Cal has continued to champion the needs of his community. From working to improve schools to working to develop small businesses and affordable housing, Cal has led the charge toward bettering the quality of life in Northwest Indiana.

Don Burrell is the founder and President of Burrell Color Imaging in Crown Point, Indiana. Don, having gotten his start in the business world with a few hundred dollars he obtained from the sale of his car, truly understands what hard work and perseverance can attain. This is why a key aspect of his business strategy is to respect his employees and allow them to advance to their full potential. While his business has been very successful, it is Don's commitment to those most in need that is most commendable. Throughout the years, Don's staunch support for the Burrell Cancer Institute at Saint Anthony's Medical Center and the Saint Jude House women's and children's shelter has been truly remarkable.

Bruce Leetz joined North Coast Distributing in 1963 as a driver. By 1970, he was named president of the family owned business that has grown to become a multi-million-case distributor based out of Valparaiso, Indiana. Bruce's explanation for the success is the company culture, which is based on values that he has always lived by: passion, respect, integrity, commitment, and excelling, which he refers to as the PRICE of success. While other companies throughout Northwest Indiana have surely replicated this structure, it is the exemplary commitment to their community that set Bruce Leetz and North Coast Distributing

apart. In 2008 alone, North Coast raised nearly \$80,000 for Saint Jude Children's Research Hospital to help find a cure for childhood cancer.

Cynthia Powers is the owner of Century 21 Powers Realty, Inc. Well-respected and well-known for her success as a businesswoman in Northwest Indiana, she may be even more recognizable for her immeasurable contributions to her church and her community. As a cancer survivor, Cynthia truly understands the importance of faith, and her commitment to her church, First African Methodist Episcopal Church in Gary, can be seen in the more than twenty years she has led the youth choir. In the Northwest Indiana community, a more giving person could not be found. To name a few of her contributions, Cynthia has served as chairman and on the board of directors for the Lake Area United Way, and she has served on the board of directors for The Discovery Alliance, Tradewinds, and the Friends of Hospice of the Calumet Area.

Burton "Bud" Ruby, chairman of Jamar Ruby, has spent over seventy years with the company founded by his father over ninety-three years ago. After learning the trade from the shop floor, Bud advanced in the ranks, eventually becoming president and chief executive officer in 1957. Today, at age 89, Bud remains chairman of the company, which now conducts business under the name Trans-Apparel Group. In addition to his success as a businessman, Bud knows a thing or two about serving his community; he is a World War II veteran. Locally, Bud has served the community through his service with several councils and foundations, including: the Duneland Health Council, where he serves as its chairman, and the Purdue University North Central Chancellor's Advisory Board and the Unity Foundation of LaPorte County, where he serves on each of their boards of directors. Additionally, he has been a member of Rotary International since 1939.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding leaders on their induction into the Indiana Business and Industry Hall of Fame. These individuals are most deserving of being named the class of 2009, and for their leadership and commitment to the Northwest Indiana community, each of the recipients is worthy of our respect and admiration.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SMITH of New Jersey. Madam Speaker, I would like to submit the following earmark request:

1.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Army Corps of Engineers—Operations and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: The New Jersey Intracoastal Waterway navigation project provides a safe, reliable, and efficient navigation

channel for the East Coast's largest and the 5th most valuable commercial fishing fleet in the U.S. and nine U.S. Coast Guard Stations, including the only U.S. Coast Guard enlistee training base in the U.S. Funding in the amount of \$888,000 will be used to repair a critically damaged bulkhead in Point Pleasant, NJ by performing channel exams, maintenance dredging of the ferry area, Cape May Canal bank stabilization & maintenance, rehabilitation of the steel bulkhead, repairing Point Pleasant Canal Old Bridge Abutments, and maintenance dredging segment 2.

2.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Army Corps of Engineers—Operations and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: This Manasquan River, NJ project provides safe, reliable, and efficient navigation channel for the busiest inlet in NJ. Funding in the amount of \$337,000 will be used to monitor the jetty, perform maintenance dredging of the entrance channel and repair retaining wall curb.

3.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Army Corps of Engineers—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: Funding in the amount of \$957,000 will be used for the Sandy Hook to Barnegat Inlet, NJ project to continue the construction of the sand nourishment phase of Section II of this critical shore protection project, an area that extends from Belmar to Manasquan, NJ and incorporates the beaches of several coastal towns in Monmouth County, NJ. The New Jersey Department of Environmental Protection is the non-Federal sponsor of this project and will pay a third of the costs.

4.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Army Corps of Engineers—Investigations—Feasibility Study

Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: Funding for the NJ Shoreline Alternative Long-Term Nourishment in the amount of \$96,000 will be used to continue the Feasibility phase of this study. Work will continue to evaluate all of New Jersey's coastal projects, including the different reaches of beach replenishment projects, as a system to ensure maximum benefits are achieved from the Federal investment and reduce long-term periodic nourishment costs. This includes developing a regional sediment budget and an improved understanding of regional coastal processes, implementation of an efficient regional monitoring program, and development of a comprehensive beach, inlet, and borrow area management strategy. New Jersey Department of Environmental Protection is the non-Federal sponsor and will provide a 50/50 cost share.

5.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Army Corps of Engineers—Investigations—Feasibility Study

Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: Funding in the amount of \$277,000 will be used to continue the plan formulation effort for the Feasibility study to evaluate the alternative solutions to the region's problems regarding flooding along the Delaware River and tributaries will begin. The New Jersey Department of Environmental Protection is the non-Federal sponsor and will provide a 50/50 cost share.

6.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105 Account: Army Corps of Engineers—Construction—Continuing Authorities Program Section 1135
Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: Funding for the Assumpink Creek Basin, NJ will be used to implement the Project Partnership Agreement and initiate and complete the design. Funding can also be used to award the construction contract.

7.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Army Corps of Engineers—Continuing Authorities Program—Section 205

Legal Name of Requesting Entity: Army Corps of Engineers

Description of Request: The Assumpink Creek study area is located between the flood control dam at Mercer County Park in West Windsor and the City of Trenton. Benefits from flood damage reduction projects include saving structures and contents from flood damage, the savings from alleviation of cleanup costs, and reduction of the costs of flood fighting and evacuation. The ACE will use the funding for flood plain reconnection, stream restoration, wetland creation, impervious cover removal, flood proofing and flood plain management to be the most likely alternative given the highly urbanized setting of the area.

8.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Department of Energy EERE—Solar Energy

Legal Name of Requesting Entity: Isles, Inc.
Address of Requesting Agency: 10 Wood Street, Trenton, New Jersey 08618

Description of Request: The "Solar and Green Retrofit" project will house an environmental center and be a showcase for green buildings, with renovations incorporating cutting-edge, high performance environmental technology, including solar photovoltaic panels on the roof, expansive interior day lighting, and energy efficient heating and cooling systems.

Financial Plan:
Green Roof Installation \$100,000
Solar Array Installation \$100,000
Associated Design Fees \$37,875
TOTAL \$237,875

9.) Requesting Member: Rep. CHRIS SMITH
Bill Number: H.R. 1105

Account: Department of Energy EERE—Other

Legal Name of Requesting Entity: City of Trenton

Address of Requesting Agency: 319 East State Street, Trenton, New Jersey 08608

Description of Request: The city of Trenton's Green Renewable Energy Feasibility Study will use the funding in the amount of \$475,000 to examine the utility of windpower and solar panel demonstration projects in

Trenton, which have the potential to save the City significant fiscal resources while simultaneously realizing a positive outcome for the environment.

Financial Plan:
City Personnel \$100,000
Energy Consultant \$328,250
Indirect Costs \$47,500
TOTAL \$475,750

HONORING RICHARD M. SCHECK,
MAYOR OF NORTH RIVERSIDE,
ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mayor Richard M. Scheck of North Riverside, Illinois. Richard Scheck will be retiring in April after having given 20 years of dedicated public service as the mayor of North Riverside.

Richard Scheck was first elected to his post as mayor in 1989. He has garnered statewide recognition for his excellent record of financial management and achievement, effective communication with residents and businesses, and earnest work for the health and well-being of the North Riverside community. I have been honored to work with Mayor Scheck on numerous issues to help our constituents. Richard Scheck has been a true public servant, selflessly giving his time and energy to his community while also running a successful engineering company. Through his 20 years as mayor, he has made North Riverside an even better place to live.

Richard Scheck has also been very successful in his philanthropic work to raise money to fight breast cancer. Through the "Betty Scheck Walk for Cancer," the "Betty Scheck Shuffle," and other fundraisers, he has helped raise over \$1.2 million for the American Cancer Society. And in 2007, Seguin Services—which helps children and adults with disabilities—awarded Richard Scheck the President's Award for "his support as a community leader, a donor, an employer, a connector and as an inspiration to others."

I ask my colleagues to join me today in recognizing the many achievements of Mayor Richard M. Scheck. It is my honor to acknowledge him for his outstanding leadership and commitment to public service in the Village of North Riverside and the Third Congressional District of Illinois.

HELP BORDER HEALTHCARE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. FILNER. Madam Speaker, I rise today to introduce H.R. 1386, the Pay for All Your Undocumented Procedures (PAY UPI) Act of 2009. This bill will provide payments for emergency services provided to undocumented aliens.

The costs of uncompensated emergency care for undocumented immigrants are sky high and border area hospitals, physicians, and ambulance providers are choking on the costs that they have to eat. My bill, the Pay for All Your Undocumented Procedures (PAY UP!) Act of 2009, is the first step to solving this problem which is well known in border communities.

Undocumented aliens receive emergency services in a hospital and yet that hospital is not reimbursed for these services. My bill will ensure that the healthcare providers are reimbursed for the emergency services they provide.

My bill makes permanent a provision of the Medicare Modernization Act that provided payments to eligible providers for procedures for undocumented aliens. The bill authorizes \$250 million a year to reimburse eligible providers for this care. Two-thirds of the funds are divided among the 50 states and the District of Columbia based on their relative percentages of undocumented aliens, the last third is divided among the 6 states with the largest number of undocumented aliens.

A PROCLAMATION HONORING THE 10TH ANNIVERSARY OF THE APPALACHIAN LEADERSHIP ACADEMY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Appalachian Leadership Academy was formed in 1998 out of a partnership between the Institute for Local Government Administration and Rural Development at Ohio University's Voinovich Center for Leadership and Public Affairs and the Corporation for Ohio Appalachian Development; and

Whereas, the Academy is designed to help prepare middle management employees for leadership roles within their agencies and communities; and

Whereas, the Academy has graduated 170 leaders into Ohio Appalachian communities; and

Whereas, the goal of the Academy is to enhance the knowledge of the participants not only in leadership but about the Appalachian Region as a whole in order to better prepare them to use their skills in the Appalachian communities of Ohio; therefore, be it

Resolved that along with the friends, alumni of the Academy, and the residents of the 18th Congressional District, I commend the Appalachian Leadership Academy for their steadfast efforts to offer educational leadership opportunities, and congratulate them on their 10th anniversary.

PERSONAL EXPLANATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Ms. BERKLEY. Mr. Speaker, I was unable to vote on rollcall numbers 110 through 112.

Had I been present, I would have voted "aye" on each.

IN HONOR OF TONY AND FERMIN CAMPOS; 2009 NISEI FARMERS LEAGUE AGRICULTURALISTS OF THE YEAR AWARD

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to two brothers whose lives and pursuits have exemplified the spirit of raw determination, fortitude, entrepreneurship and virtues of citizenship demonstrated by so many of those immigrating to this great country of ours. On Thursday, March 12th 2009, Campos Brothers Farms will receive the Nisei Farmers League's 2009 Agriculturalist of the Year Award, an award given to an outstanding member of the Nisei Farmers League who has shown exceptional leadership skills, devotion, and who truly makes a valuable contribution to agriculture. Many things contribute to California's bountiful crops and the economic well-being of the state, but one significant underlying factor in California's agricultural success has been the presence of men such as Fermin and Tony Campos.

Fermin and Antonio Campos were born in Olondriz, Spain in the Province of Navarra, where they were two of nine children. Tony came to the United States in 1952 at the age of 17 as a sheepherder with Fermin arriving three years later. After five years of hard work they were proud to become U.S. Citizens beginning their American Dream. In 1957, the brothers formed their partnership known as Campos Brothers Farms. Over the years they have been active in many capacities and industries. Early they worked with sheep, later raising crops such as alfalfa, cotton, black-eye beans, raisins and grapes before beginning their endeavors with almonds. The brothers were also proud to be associated with the start of the Caruthers Raisin Packing Company where Tony served as President for five years. Both brothers were actively involved in the raisin industry serving on the Raisin Administrative Committee as well as the Raisin Bargaining Association.

In 1980, the Campos Brothers built their first almond huller. Along with their wives and children they watched the company blossom under their mutual hard labor becoming one of the most respected producers, processors, and sellers of quality almonds in the world today. Tony and Fermin have been active on the California Almond Board and its various committees. Both Tony and Fermin have been active supporters of their local FFA organization, Fresno State Agricultural Program and the California Agricultural Leadership Program. They are proud members of the Nisei Farmers League continually advocating for California Agricultural interests.

We recently lost Fermin. His passing has left a large hole in not only the family and the family business, but in agriculture in general. Agriculture indeed misses Fermin's contributions and passion. Tony continues to carry on

the family tradition of pride, passion, excellence and advocacy. So I believe it very fitting today to rise before you my colleagues, to honor Fermin and Tony Campos, Nisei Farmers League's 2009 "Agriculturalists of the Year."

HONORING RICHARD M. SCHECK, MAYOR OF NORTH RIVERSIDE, ILLINOIS

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Mayor Richard M. Scheck of North Riverside, Illinois. Richard Scheck will be retiring in April after having given 20 years of dedicated public service as the mayor of North Riverside.

Richard Scheck was first elected to his post as mayor in 1989. He has garnered statewide recognition for his excellent record of financial management and achievement, effective communication with residents and businesses, and earnest work for the health and wellbeing of the North Riverside community. I have been honored to work with Mayor Scheck on numerous issues to help our constituents. Richard Scheck has been a true public servant, selflessly giving his time and energy to his community while also running a successful engineering company. Through his 20 years as mayor, he has made North Riverside an even better place to live.

Richard Scheck has also been very successful in his philanthropic work to raise money to fight breast cancer. Through the "Betty Scheck Walk for Cancer," the "Betty Scheck Shuffle," and other fundraisers, he has helped raise over \$1.2 million for the American Cancer Society. And in 2007, Seguin Services—which helps children and adults with disabilities—awarded Richard Scheck the President's Award for "his support as a community leader, a donor, an employer, a connector and as an inspiration to others."

I ask my colleagues to join me today in recognizing the many achievements of Mayor Richard M. Scheck. It is my honor to acknowledge him for his outstanding leadership and commitment to public service in the Village of North Riverside and the Third Congressional District of Illinois.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmark in H.R. 1105.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 1105

Account: Interior and Environment; Environmental Protection Agency, Environmental Programs and Management

Legal Name of Requesting Entity: National Rural Water Association

Address of Requesting Entity: 2915 South 13th St., Duncan, OK 73533

Description of Request: A joint request to provide an earmark of \$11.5 million to support rural water grassroots environmental and compliance initiatives, specifically rural water technical assistance, source water protection and ground water protection in New Jersey and across the nation.

A PROCLAMATION CONGRATULATING THE CHILlicothe HIGH SCHOOL CHEERLEADING SQUAD ON THEIR EIGHTH STATE TITLE

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Chillicothe High School Cheerleading Squad has won the Ohio State Title in the Division II Mount Category; and

Whereas, having won in 2007 they have now reclaimed their state title; and

Whereas, the CHS Cheerleading squad has worked long, tireless hours to perfect their routines; therefore, be it

Resolved that with the parents, friends, students of CHS and alumni of the CHS Cheerleading Squad, along with the residents of the 18th Congressional District, I congratulate the squad on their eighth Ohio State Title, and commend them on their hard work, and winning spirit.

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

Project Name: Chesapeake Bay Oyster Recovery

Account/Amount: Army Corps of Engineers (ACOE): Construction, \$2,000,000

Requested By: ACOE Norfolk District Capability/Virginia Institute of Marine Science

Project Description: Project will contribute to multi-agency and private efforts to restore oyster populations in the Chesapeake Bay. The project elements include; development of decision documents, construction and rehabilitation of oyster reefs to create sanctuaries and spat on shell production areas, development of capability to produce disease tolerant broodstock and spat oysters for seeding, planting of the disease tolerant spat and brood-stock oysters in locations which best foster oyster reproduction and health, and oversight of project monitoring by the Virginia Institute of Marine Science (VIMS). Construction of the first phase of reefs in the

Lynnhaven river was completed in 2007. Reefs have added approximately 200 million oysters to the Great Wicomico system.

Financial Plan: FY09 funds would be used to initiate and complete construction and monitoring of approximately 30 cares of oyster reefs in the Lynnhaven and Great Wicomico rivers, and partnering with the Baltimore District, ACOE, for development of the bay-wide Oyster Restoration Master Plan Decision Document. The ACOE estimated on 2/5/09 that the estimated federal cost is \$50,000,000 and the estimated non-federal cost is \$66,700,000. The project received \$19,213,000 through FY07 and \$1,968,000 in FY08.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105 FY 2009 Omnibus Appropriations Act:

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 1105

Account: Environmental Programs and Management

Legal Name of Requesting Entity: National Rural Water Association

Address of Requesting Entity: 2915 South 13th Street, Duncan OK 73533.

Description: Provide an earmark of \$11,500,000 to help ensure that small communities operate safe, clean water supplies and comply with federal environmental mandates. I certify that I have no financial interest in this project

EARMARK DECLARATION

HON. MIKE ROGERS

MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$346,000 for fire blight research at Michigan State University. Approximately, \$148,000 is for the salaries of laboratory and field research

personnel; and \$36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$52,500 in FY09.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$104,000 for research of Armillaria Root Rot. Approximately, \$84,000 is for the salaries of laboratory researchers; \$9,000 is for operating costs; \$1000 is for travel to field sites; and \$10,000 is for equipment necessary.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$246,000 for research of Bovine Tuberculosis. Approximately, \$174,252 is for Salaries and support for 2 graduate students; \$72,978 is for Laboratory supplies; and \$8,770 for research related travel. Michigan State University will provide \$127,500 in-kind funding.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$147,000 to improve fruit practices for sugar beets and dry beans. Approximately, \$101,440 is for salaries and expenses and \$40,560 is for lab maintenance and equipment. In addition to the federal funds provided by this grant, this research is supported by personnel, equipment, and facilities funded by the Michigan Agricultural Experiment Station and Michigan State University Extension.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$266,000 to enhance the environmental sustainability of food and agricultural systems

under research at Michigan State University. Approximately, \$325,000 is for salaries of 11 researchers; \$5,000 is for travel expenses; \$10,000 is for farmer stipends; \$15,000 is for materials and supplies; and \$45,000 is for communication and outreach. Michigan State University expects to leverage at least \$150,000 in state, local, and private funds to expand the impacts of the special grant.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824

Description of Request: Provide funding of \$4,545,000 for wood utilization. The requested funds will be used for salaries of key personnel and graduate students. Grant funds will also be used to purchase equipment, materials and supplies needed. Michigan State University provides in excess of \$500,000 in support of this project annually through use of lab space, equipment, and personnel assigned to the project.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Natural Resources Conservation

Address of Requesting Entity: 2805 S. Industrial Hwy, Suite 100, Ann Arbor, MI 48104

Description of Request: Provide funding of \$404,000 for reducing soil erosion and controlling sediment. Grant funds will be used for salaries, materials and supplies and for equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide \$346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI, 48824-9190

Description of Request: Provide \$384,000 for detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Funds will cover salaries; materials and supplies; and equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Lansing

Address of Requesting Entity: 124 W. Michigan Avenue, 9th Floor, Lansing, MI 48933

Description of Request: Provide \$500,000 to enable the procurement of crime-fighting technology critical to the safety of the community. Approximately 35% for a Fiber Optic Communications Network; 25% for an In-Car Video Camera System; 20% for a Public Video Surveillance System; 10% for a Patrol Vehicle Laptop Workstation Replacement; and 10% for a Detention Camera Replacement. This request is consistent with the intended and authorized purpose of the COPS Law Enforcement Technology account. At least \$500,000 in local City of Lansing funds will be provided as matching funds. Lansing public safety capabilities lag current standards in law enforcement, and require upgrading in order to best secure the jurisdiction. Through support requested of the federal government, the City of Lansing would be able to realize significant integrated upgrades.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Energy's Solar and Renewable Energy Account

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology Research

Address of Requesting Entity: P.O. Box 20634, St. Simons Island, GA 31522

Description of Request: Provide \$475,750 for detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Funds will cover salaries; materials and supplies; and equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Department of Energy

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: P.O. Box 20634, St. Simons Island, GA 31522

Description of Request: Provide \$3,806,000 for research and commercialization for clean energy, national energy security, and a cleaner environment. Approximately, 7.4% for peer reviewed competitions and 92.6% is for research projects. The Consortium for Plant Bio-

technology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: United States Army Corps of Engineers

Legal Name of Requesting Entity: The City of Lansing

Address of Requesting Entity: 124 W. Michigan Ave, Lansing, MI 48933

Description of Request: Provide \$48,000 for Grand River Waterfront Restoration—next phase planning activities based on 2004 Corps Pre-Planning Reconnaissance Study for Grand River shoreline and habitat restoration, including potential modifications to Moores and North Lansing Dams.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: \$475,750 for the design and implementation of a Geothermal Energy System at the Livingston Campus Community Center, part of a broader renovation of the Livingston Campus Community Center. Approximately 15% of funding will be used on Design and Engineering of the Geo-thermal field, 40% will be used for Well Drilling and Piping and 45% will be used for circulation pumps, equipment and installation.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: Financial Services

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: To provide \$100,000 for the development of a Micro Business Incubator at Cleary University in Howell, Michigan. Approximately \$80,000 of the funding will go toward the acquisition of a suitable adjacent building, \$11,000 of the funding will go toward renovations and \$9,000 will go toward office equipment.

MAUREEN McCARRICK 2009 PRUDENTIAL SPIRIT OF COMMUNITY AWARD MARYLAND RECIPIENT

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BARTLETT. Madam Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Maureen McCarrick of Myersville has been named one of the top honorees in Maryland by the 2009 Prudential

Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. McCarrick is being recognized for co-founding a children's theatre troupe that stages performances every summer to benefit disabled and disadvantaged people in her community. What started as a show for neighbors and friends in the backyard, the production of the Kids Theatre grew over time with performances now taking place at a town pavilion and on a high school stage. In addition to canned food, the troupe has raised thousands of dollars through ticket sales to buy benefits for struggling families and individuals.

I believe it is vital that we encourage and support the kind of selfless contribution that Maureen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods.

I heartily applaud Ms. McCarrick for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

Young volunteers like Maureen are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, FY2009 Omnibus Appropriations Act:

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of Mason, Michigan

Address of Requesting Entity: 201 West Ash St. Mason, MI 48854

Description of Request: City of Mason Water Treatment Plant \$500,000.00 The purpose of this project is to construct a water treatment plant for use by the City of Mason. The Water Treatment facility is necessary to comply with federal water safety regulations.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: Science and Technology

Legal Name of Requesting Entity: The Consortium for Plant Biotechnology

Address of Requesting Entity: PO Box 20634 St. Simons Island, GA 31522

Description of Request: \$750,000 for research and commercialization of clean energy technologies. Approximately, 7.4% for peer re-

viewed competitions and 92.6% is for research projects. The Consortium for Plant Biotechnology Research has stated that they are able to match Federal funds, on average, 130% with non-federal funds. Industry also provides at least 50% cash matching, additional in-kind matching, and substantial investments in technology development.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: Fund to Improve Post-Secondary Education

Legal Name of Requesting Entity: Lansing Community College

Address of Requesting Entity: 210 W Shiawassee St, Lansing, MI 48933

Description of Request: To provide \$190,000 to create a Military Medic Transition Program to allow military medics to transition first to civilian paramedic certification and then through a fast-track nursing program. Approximately \$85,000 for curriculum development; \$85,000 for personnel; and \$20,000 for recruiting and marketing. This request is consistent with the intended and authorized purpose of the Fund to Improve Post-Secondary Education account. In a short period of time, this innovative program has the ability to provide fast-track training to job seekers and assistance to hospitals and first responders in filling their vacancies. The potential impact of this program has been recognized by the State of Michigan Department of Labor and Economic Growth, Primia Civitas Foundation, Sparrow Health Care Systems, Capitol Health Care Employment Council, and Delhi Township Fire Department; all whom have indicated their support for this initiative.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: Employment and Training Administration

Legal Name of Requesting Entity: Oakland Community College

Address of Requesting Entity: 2480 Opdyke Road, Bloomfield Hills, MI 48304-2266

Description of Request: To provide \$285,000 for an educational consortium to support the economic transformation in Michigan from manufacturing to knowledge-based. Approximately \$134,000 is for Salaries, Wages and Benefits; \$34,000 for consulting services; \$67,000 for Consortium Sub-contracts; \$23,000 for supplies and materials; \$20,000 for technology and equipment; and \$7,000 for communication and printing. The focus of the project in 2009 will be expanding the consortium from supporting Oakland County's "Emerging Sectors" initiative to supporting workforce and economic development initiatives throughout southeast Michigan. This request is consistent with the intended and authorized purpose of the Employment and Training Administration account. The project is a continuation and expansion of an FY2008 appropriation. The project is supported by the Education and Workforce Committee of the Oakland County Business Roundtable, Oakland County government, local and state economic development entities and the Workforce Development system. The Oakland County Michigan Works! Agency is underwriting the cost of a skills assessment inventory—a crit-

ical foundational piece for the Educational Consortium—at cost of \$280,000.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: Fund for the Improvement of Post-secondary Education

Legal Name of Requesting Entity: Cleary University

Address of Requesting Entity: 3750 Cleary Drive, Howell, Michigan 48843

Description of Request: To provide an earmark of \$238,000 for an Early College Dual Enrollment Program. Approximately 36% for computers, printers and servers; 18% for lab equipment; 18% for interior enhancements; 13% for classroom furniture and supplies; and 13% for virtual classroom enhancements. This request is consistent with the intended and authorized purpose of the Fund for the Improvement of Postsecondary Education account. Cleary University maintains and is working to expand an Early College partnership with local public schools to provide collegiate level instruction for high school students. These funds would directly benefit Kensington Wood High School, Livingston Education Service Agency, Brighton Area Schools, Hartland Area Schools, Howell Public Schools, and Pinckney Community Schools.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: IM

Legal Name of Requesting Entity: The Road Commission of Oakland County

Address of Requesting Entity: 31001 Lahser Road, Beverly Hills, Michigan 48025

Description of Request: Provide funding of \$237,500 for the purchase of right of ways necessary to complete the widening of Baldwin Road from two lanes to a four lane boulevard between Brown Road and Waldon Road, a distance of 2.0 miles as access to the I-75 interchange. This project P.E. is funded with previous congressional budget appropriations and High Priority Program funds from SAFETEA-LU.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: IM

Legal Name of Requesting Entity: The Michigan Department of Transportation

Address of Requesting Entity: Michigan Department of Transportation, 425 W. Ottawa St. Lansing, MI 48909

Description of Request: Provide funding of \$570,000 for the purchase of right of ways necessary to complete the construction of an interchange and overpass at the interchange of Interstate 96 and Latson Road.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: 5309 Legal

Name of Requesting Entity: The Capital Area Transportation Authority

Address of Requesting Entity: 4615 Tranter Street, Lansing, MI 48910

Description of Request: Provide funding of \$1,900,000 for the purchase of approximately 3 40 foot hybrid buses, 2 60 foot hybrid buses, 2 small buses, 2 rural service buses and 7 Mini-Hybrid fan systems.

Requesting Member: Congressman MIKE ROGERS (MI)

Bill Number: H.R. 1105

Account: 5309

Legal Name of Requesting Entity: The Capital Area Transportation Authority

Address of Requesting Entity: 4615 Tranter Street, Lansing, MI 48910

Description of Request: Provide funding of \$712,500 for the renovation and expansion of the existing bus storage facility. The funding will be distributed such that 50% will pay for renovations and 50% for expansion construction that will extend the useful life of the facility.

A TRIBUTE IN REMEMBRANCE OF ALBERT BRANDEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. TOWNS. Madam Speaker, I rise today to in recognition of Albert Brandel. Albert F. Brandel of Melville, New York, was elected president of The International Association of Lions Clubs at the association's 91st International Convention, held in Bangkok, Thailand, June 23–27, 2008.

Mr. Brandel is a retired police detective. For many years he investigated child abuse and neglect, juvenile delinquency, domestic violence involving children and missing children.

Mr. Brandel was a member of the West Hempstead Lions Club since 1975 and an associate member of the Melville Lions Club. International President Brandel has held many offices in the association, including club president, district governor and international director. He has also served as a presenter and panelist at USA/Canada Lions Leadership Forums. He worked with the Long Island Lions Eye Bank as a transporter and has been the Lions Representative to UNICEF in New York for 10 years. Mr. Brandel also helped coordinate Lions relief efforts at the World Trade Center following September 11, 2001.

In recognition of Albert Brandel's contributions, he has received numerous awards, including the 100% Club President Award, the 100% District Governor Award, 15 International President's Awards and the Ambassador of Good Will Award, the highest award the association grants to its members. He is also a Progression Melvin Jones Fellow.

In addition to his Lions activities, Mr. Brandel has served as a Little League volunteer and a Eucharistic minister. He is a former member of the board of directors of the United Nations Association of the USA.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I

would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Volunteerism Award winner is Tina Rear of Hillsborough. She is the founder of Care to Share Support Network.

Tina founded the organization after her son was diagnosed with autism. It now serves special-needs children and their families.

She also established a grant program to offset the financial hardships related to the therapy and medical care needed by children with disabilities.

Tina has worked with police to create an Emergency Data Sheet to help such children in case of an emergency.

I am pleased to congratulate Tina Rear for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

INTRODUCING THE LEGAL SERVICES BENEFIT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. STARK. Madam Speaker, I am pleased to join my friend Mr. RYAN in reintroducing the Legal Services Benefit Act.

This bill reinstates the tax preference for companies to provide access to affordable preventive legal services for employees and retirees. This preference existed for many years, until it was allowed to sunset in 1991.

Group legal service plans provide employees with low cost, basic legal services, including assistance with the purchase of a home, the preparation of a will, probate services and the resolution of domestic conflicts, such as child support collection. With rising evictions and mortgage foreclosures, families need more help in these areas than ever. When hard times hit and families face difficult challenges, legal plans can help keep employees in their homes and focused on their jobs.

The Legal Services Benefit Act will restore the historic pre-tax treatment of group legal services. This change to the tax code will again make legal service plans affordable for both employers and employees, and will provide access to legal services for millions of middle-income Americans who might otherwise let legal troubles get out of hand.

Last year, this bill became part of the Taxpayer Assistance and Simplification Act of 2008, and passed the House 238–179.

I ask my colleagues to again join me again in supporting this important bill that will help workers and businesses.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Volunteerism Award winner is Nicolette Ash of Bridgewater. She is a 17-year-old founder of MADE or Making A Difference Everywhere.

The organization provides volunteer opportunities to teens in the Bridgewater area and allows them to gain community-service hours required for school, scholarships and religious groups.

Projects have included cleaning trash along the Raritan River, raking leaves for senior citizens, preparing food bundles for needy families and many more.

I am pleased to congratulate Nicolette Ash for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

ADAM WALSH CHILD PROTECTION AND SAFETY REAUTHORIZATION ACT OF 2009

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SMITH of Texas. Madam Speaker, today I introduce the Adam Walsh Child Protection and Safety Reauthorization Act of 2009. This bill reauthorizes a number of programs set to expire at the end of 2009 that help to track and apprehend sex offenders.

In 2006, Congress passed the Adam Walsh Act to protect the public, particularly children, from sexual predators. Under the Act, sex offenders must register with state or local jurisdictions after incarceration or while on probation. The Act expanded the National Sex Offender Registry by integrating the information in state sex offender registry systems and ensuring that law enforcement agencies across the United States have access to this information. The Act further requires states to make registry information available to the public via government Internet websites. A number of new grant programs were also authorized to assist states in improving sex offender registration and related requirements of the Act. It is several of these grant programs and some related provisions that are expiring at the end of this year, though the registration requirements and related authorities are not.

Unfortunately, many of the programs authorized by the Adam Walsh Act, including the expiring programs reauthorized by this bill, have received insufficient or no direct funding from Congress.

There are currently more than 100,000 missing sex offenders who have failed to register as required under current law. These predators are working, attending school, and living in close proximity to our children unbeknownst to parents and law enforcement officials.

By reauthorizing these important Adam Walsh Act programs, Congress will demonstrate its commitment to empower federal, state and local law enforcement agencies to protect children and identify, locate and apprehend sex offenders.

These programs were specifically drafted to provide the Department of Justice and state and local law enforcement agencies the tools necessary to track and apprehend absconders from the Sex Offender Registry. These expiring programs reauthorized by this bill include:

1. The Sex Offender Management Assistance Program (SOMA)—this provision awards grants to states to assist with the implementation of the sex offender registry under the AWA.

2. Pilot Program for Monitoring Sexual Offenders—this provision empowers the Attorney General to make grants to state, local and tribal governments in order to outfit sex offenders with electronic monitoring devices. It authorizes appropriations of \$5 million for fiscal years 2010–2014 and thereafter requests the Attorney General to report on the effectiveness of the program.

3. Grants to Combat Sexual Abuse of Children—this provision establishes a grant program for law enforcement agencies to combat sexual abuse of children with authorized appropriations of the necessary sums for fiscal years 2010–2014.

4. Jessica Lunsford Address Verification Grant Program—this provision creates the Jessica Lunsford Address Verification Grant Program to enable state, local and tribal grantees to verify the addresses of registered sex offenders with authorization of the necessary appropriations for fiscal years 2010–2014 and the requirement of an Attorney General's report on the effectiveness of the program.

5. Fugitive Safe Surrender—this provision instructs the Marshals Service to establish and coordinate a Fugitive Safe Surrender program in designated cities for the capture of fugitives from federal, state and local justice. It authorizes appropriations of \$8 million for that purpose in fiscal years 2010–2014.

6. Sex Offender Apprehension Grants; Juvenile Sex Offender Treatment Grants—this provision creates a grant program available to both public and private entities that assist in treatment of juvenile sex offenders or that assist the states in their enforcement of sex offender registration requirements. Appropriations are authorized for fiscal years 2010–2014 in such amounts as are necessary in the case of the enforcement grants and in the amount of \$10 million per year in the case of the juvenile sex offender grants.

Madam Speaker, Congress should move quickly to reauthorize these programs. Congress should also appropriate necessary funds

for the full implementation of these programs. I urge my colleagues to support the Adam Walsh Child Protection and Safety Reauthorization Act of 2009.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. GRAVES. Madam Speaker, I would like to state for the record my position on the following votes I missed due to personal reasons.

On Monday March 9, 2009 I missed rollcall votes 110, 111, and 112. Had I been present, I would have voted "aye" on those rollcall votes.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Shirley Noble Volunteerism Award will be given to Doris Zampella, owner and executive vice president of E.A. Boniakowski Agency Inc. in Green Brook.

Doris also is a founding partner of two insurance agencies, Jaz Maz Enterprises LLC, and owns and operates three Rita's franchises in Central Jersey. She is a volunteer Emergency Medical Technician with the Martinsville Rescue Squad.

I am pleased to congratulate Doris Zampella for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Mote Marine Laboratory

Address of Requesting Entity: 1600 Ken Thompson Parkway, Sarasota, FL 34236

Description of Request: I secured \$500,000 for Science Consortium for Ocean Replenishment (SCORE) at Mote Marine Laboratory.

SCORE is a multi-state initiative for the recovery of the nation's ocean fisheries. Its approach is to replenish diminishing marine fisheries stocks based on scientific protocols developed through a highly coordinated national effort focused on demonstration of successful stock enhancement. This fast-track strategy has the potential to be more cost-effective and timely than policy measures traditionally used to conserve and sustain ocean resources. The consortium includes institutions from Florida, New Hampshire, Washington and University of Southern Mississippi.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service—SRG Legal Name of Requesting Entity: Mote Marine Laboratory

Address of Requesting Entity: 1600 Ken Thompson Parkway, Sarasota, FL 34236

Description of Request: I secured \$416,000 sustainable aquaculture food technology innovations.

Mote Marine Laboratory and the University of Texas Marine Science Institute are seeking funds for a five-year research program to develop innovative and sustainable technologies to farm marine fishes on land and to expand the supply of safe seafood for U.S. consumers. A critical need exists for inland recirculating aquaculture technologies to reduce the large and growing global demand for seafood, to reduce fishing pressure on declining wild fish populations, and to improve our nation's food security and health. The growing demand for marine fishery resources is currently being met through imported seafood produced in coastal ponds or sea cages in other countries around the world.

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 1105, the Omnibus Appropriations Act for Fiscal Year 2009.

Member requesting: Congressman Gus M. BILIRAKIS

Bill number: H.R. 1105

Account: OJP—Byrne Discretionary Grants

Name of requesting entity: Phoenix House

Address of requesting entity: 6604 Harney Road, Tampa, Florida 33610

Description: The \$200,000 will be used to help develop an enhanced residential substance abuse treatment program for women in

Hillsborough County, Florida. This funding is justified because Byrne discretionary grants are used to help states and local communities prevent drug abuse and crime, which is the purpose of this program.

COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Hometown Hero Award winner is Edith Lit of Manville.

For the past seven years, Edith has organized a "Wish List" campaign to make the holidays brighter for clients of Alternatives Inc. by encouraging her fellow Somerset County Library System employees to adopt a person or family.

For the past three years, she has included the Somerset Regional Animal Shelter in the libraries' "Wish List" drive.

Edith also participates in the "point in time" survey conducted by the county Department of Human Services to identify homeless individuals and families, and actively organizes co-workers and friends to help too.

I am pleased to congratulate Edith Lit for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, March 9, 2009, I was unable to cast my votes on H. Res. 210, H. Res. 222, and H.R. 131.

Had I been present for Roll Call #110, on suspending the Rules and passing H. Res. 210, Expressing the sense of the House of Representatives that providing breakfast in schools through the National School Breakfast Program has a positive impact on classroom performance, I would have voted "Aye."

Had I been present for Roll Call #111, on suspending the Rules and passing H. Res. 222, Congratulating the National Assessment Governing Board on its 20th Anniversary in measuring student academic achievement, I would have voted "Aye."

Had I been present for Roll Call #112, on suspending the Rules and passing H.R. 131, the Ronald Reagan Centennial Commission Act, I would have voted "Aye."

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 1105, the Consolidated Appropriations for Fiscal Year 2009.

Requesting Member: Rep. JO ANN EMERSON
Bill Number: H.R. 1105

Account: COPS-Meth

Requesting Entity: Southeast Missouri Drug Task Force

Address of Requesting Entity: P.O. Box 1763, Sikeston, Missouri 63801

Description of Request: Provide an earmark of \$165,000 to supplement and support operations of the Southeast Missouri Drug Task Force (SEMO DTF). SEMO DTF is a multi-jurisdictional drug task force unit that serves a 10 county area of Southeast Missouri. The unit conducts both cover and overt investigations into the possession, manufacture, and distribution of controlled substances. The funds will be spent as follows: \$28,000 for personnel, \$68,000 for overtime compensation, \$60,000 for equipment, \$2,500 for telecommunication services, \$5,000 for supplies, and \$1,500 for personnel expenses.

COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Education Award winner is Karyn Malinowski of Manville. Karyn is the director of the Rutgers Equine Science Center at the New Jersey Agricultural Experiment Station in New Brunswick.

Karyn has been a faculty member at Rutgers University since 1978. She is believed to be the first female equine-extension specialist in the nation.

I am pleased to congratulate Karyn Malinowski for her outstanding efforts and share her good work with my colleagues in the

United States Congress and the American people.

INTRODUCTION OF THE INCLUSIVE
HOME DESIGN ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Ms. SCHAKOWSKY. Madam Speaker, I rise today to announce the introduction of the Inclusive Home Design Act. This critical legislation will make more new homes accessible, or inclusive, for people with disabilities. I want to thank my colleagues SAM FARR, MADELINE BORDALLO, and JIM MCGOVERN for joining me today as original cosponsors of this legislation. I would also like to thank Eleanor Smith of Concrete Change and Beto Barrera and the staff of Access Living for their tireless efforts to move this legislation forward. This legislation is supported by the Paralyzed Veterans of America and many other national and local disabilities rights organizations.

Currently, only five percent of new single-family homes and townhouses built with federal assistance require any design features that make it possible for people with mobility impairments to live in or even visit the homes. The remaining 95 percent are built with unnecessary architectural barriers.

The Inclusive Home Design Act is based on the concept of integrating basic accessibility features into newly-built homes and builds on the movement of establishing "visitability" standards. Visitability is an affordable, sustainable, and inclusive design approach that will improve the availability of accessible housing for individuals with mobility impairments, including disabled veterans and seniors.

Specifically, the legislation would require all newly-built single-family homes and townhouses receiving federal funds to meet four accessibility standards:

First, there must be at least one accessible, or "zero step," entrance into the home.

Second, the doorways on the main level of the home must be wide enough to accommodate a wheelchair.

Three, at least one bathroom on the main floor must be wheelchair accessible.

And finally, light switches and thermostats must be at a reachable height from a wheelchair.

Adopting these standards for a single family home is not prohibitively expensive. The average added cost for homes built with accessibility features is between \$100 and \$600. Retrofitting a home, on the other hand, can cost several thousand dollars.

Architects and builders would also have latitude in how they comply with the act. For example, the zero step entrance can be placed at the front, side, or back of the home. The accessible route can even go through an attached garage. In addition, the zero step entrance requirements can be waived if the terrain makes compliance impractical.

When homes are accessible, it benefits not only today's disability community but also all of us who have friends and family members with disabilities. Accessible homes also benefit

many people who are not currently disabled but may experience a temporary injury or permanent disability during their lifetimes. In fact, 3 out of 10 people will face a disability before age 67.

In addition, by making more new homes accessible, we also make it possible for more seniors to age at home—an issue that is increasingly important as the population grows older. In 2000, there were 30.5 million people between 65–84 years old; that number will grow to 47 million by 2020. 58 percent of people over the age of 80 suffer from some kind of physical impairment. Often, the prohibitive cost of making existing homes accessible deprives seniors of their independence and pushes them into nursing homes. Allowing more people to age at home will both save taxpayers money and help improve the quality of life for our seniors.

Many towns and states have already incorporated visitability standards. This list includes Chicago, Naperville, Bolingbrook, and Urbana, Illinois; Atlanta, Georgia; Iowa City, Iowa; St. Petersburg, Florida; Pima County, Arizona; Vermont; Texas; Kansas; Minnesota; and others. The United Kingdom also passed a law in March 1998 mandating that every new home become accessible. A federal law in the United States will build on the momentum that has already been created.

Passage of the Inclusive Home Design Act would mean that all homes built with federal dollars would be accessible, and the number of homes available for people with disabilities would be greatly increased. I am looking forward to working with my colleagues to pass this legislation, the Inclusive Home Design Act, into law.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Education Award winner is Helen "Chickie" Haines of Hillsborough. Chickie has helped educate thousands of students in her 38 years with the Bound Brook School District.

She started as an elementary school teacher, and in 2004 became principal of the Lafayette and LaMonte elementary schools, earning the "Who's Who Among America's Teachers" award in 2002. Chickie has served on Hillsborough's Township Committee, Zoning Board, environmental commission and open space committee.

I am pleased to congratulate Helen Haines on her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

STOCK MARKET RECOVERY ACT, H.R. 1406

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. KIRK. Madam Speaker, the stock market's loss over the last six weeks suggests that the policies of this Congress are magnifying the depths of this recession, not aiding its recovery. Let's look at recent events:

1. Stocks are now traded in a bear market that declined 20 percent since the President's inauguration. This decline is faster than any other President since the First World War. The decline is steeper than Presidents Hoover or Roosevelt experienced. In fact, by this point in the Roosevelt administration, the market showed gains.

2. The market decline accelerated as the Congress and President promulgated their policies:

- a. From the year's-end to the inauguration, the market fell 5 percent.

- b. From inauguration to Secretary Geithner's speech, the market rose 2.5 percent in anticipation of good economic policies.

- c. From Secretary Geithner's speech to the budget release, the market fell 12 percent.

- d. From the budget release to March 6, the market fell another 11.2 percent.

As details of congressional legislation and the Administration's plans were published, the market accelerated its fall. A number of "recession-proof" industries lost value after the President released his budget. Oil prices rose nearly 4 percent, but the value of American energy companies fell by the following amounts up to 20 percent.

In other words, Americans are paying higher gas prices while the American companies that hire our people for this sector expect to see lower returns on capital. This is not a good trend and sends a strong market signal to serve the U.S. market (where prices are higher) from offshore facilities (where costs are lower).

Congress should consider more than just spending and borrowing from abroad. Key policies that would make stocks more attractive include:

Suspending the Mark-to-Market rule that makes banks look less valuable than they actually are.

Reinstating the Uptick rule so that short sellers do not have an advantage in driving down the value of stocks.

Today, I am introducing the "Stock Market Recovery Act of 2009," mandating the SEC to implement these reforms. I am confident this will be a first step continuing the 4 percent rise we have seen today.

THRIFT SAVINGS FUND IMPROVEMENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Thrift Savings Fund Improvement Act. This legislation expands the investment options available to congressional and other federal employees by creating a precious metals investment fund in the Thrift Savings Plan (TSP). Adding a precious metals fund to the TSP will enhance the plan's ability to offer congressional employees a wide range of investment options that can provide financial security even during difficult economic conditions.

The Thrift Savings Plan is one of the most important benefits offered to congressional employees. A strong TSP can obviously play a key role in attracting and retaining talented individuals to serve in the legislative branch. Adding a precious metals option will strengthen the TSP. In the last year, the price of gold rose by 5.5 percent while the Dow Jones experienced one of its worst years ever, falling by 33.8 percent, while the NASDAQ declined by 40.5 percent!

Recent gains aside, precious metals have a number of features that make them a sound part of a prudent investment strategy. In particular, inflation does not erode the value of precious metals is not eroded over time. Thus, precious metals can serve as a valuable "inflation hedge." Precious metals also maintain, or even increase, their value during times of stock market instability, such as what the country is currently experiencing. Thus, investments in precious metals can help ensure that an investment portfolio maintains its value during times of economic instability.

Federal employees could greatly benefit from the protection against inflation and economic downturns provided by prudent investments in precious metals. I, therefore, once again urge my colleagues to cosponsor the Thrift Savings Fund Improvement Act.

INTERNATIONAL WOMEN'S DAY

HON. CAROL SHEA-PORTER

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Ms. SHEA-PORTER. Madam Speaker, I rise today in recognition of International Women's Day. Globally, women have made great advances in recent years. Currently, there is the largest number of women serving in Congress in the history of the United States, including 9 new female members of the House of Representatives and 3 new female Senators. Between 1945 and 1995, the number of woman parliamentarians internationally quadrupled. Women like Benazir Bhutto, the first woman prime minister of a Muslim country, are demonstrative of the truly universal role women are playing in leadership and the progress we have made.

While these numbers are encouraging, there is still a long journey to true global equality for

women. Seventy percent of the 1.2 billion individuals living in poverty are women. Similarly, eighty percent of world's refugees are women. While women control \$14 trillion in assets, they only own 1 percent of the world's land. Women are responsible for two-thirds of the world's work, but are paid only 10 percent of the world's income. In third-world countries, women continue to be oppressed, mutilated, and trafficked and they do not have the representation to stand up to these injustices.

As a woman, I wanted to take the opportunity to speak to the progress we have made and the progress we have yet to achieve. I look forward to working with my colleagues in Congress to ensure the continued progress for women internationally and at home.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105;

Requesting Member: Congressman SAM GRAVES

Bill Number: H.R. 1105

Project expected to be included in the FY09 Omnibus Appropriations Act:

Description of Request: I am requesting funding for the Missouri Western State University, St. Joseph, MO project in fiscal year 2009. The entity to receive funding for this project is Missouri Western State University located at 4525 Downs Drive, St. Joseph, MO, 64507. The funding would be used for the acquisition of technology and equipment for Institute for Industrial and Applied Life Sciences. This funding is located in the Higher Education FIPSE account.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Education Award winner is Carole Payne of Boonton. Carole serves as the school nurse at Crim School. Carole helps develop health policies and procedures in the

Bridgewater-Raritan School District. The New Jersey Department of Health asked her to come up with a manual on emergency care in the school setting for school nurses.

Carole is a certified EMT and active on the Boonton First Aid Squad. She also teaches at Beth Israel Medical Center in Newark and won the distinguished Johnson & Johnson School Nurse Fellowship.

I am pleased to congratulate Carole Payne for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

RECOGNIZING OUTSTANDING MILITARY FAMILIES OF OUR NATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, I join with my colleagues today the opportunity to recognize the outstanding military families of our nation. In Eastern Washington, I could not be more proud of the military families as well as our community that stands behind them. There is probably no other group more schooled in the art of patience than our military families. They have to learn to be flexible and to endure because they are apart of a system that for all its structure is still quite unpredictable.

Last August, the 81st Brigade from Washington State deployed to Iraq. Although it is challenging for the men and women who serve, it is sometimes harder for those at home. More often than not, as soon as the service member deploys, the spouse is faced with an unforeseen obstacle like their brand new car needing to go back to the shop or the refrigerator deciding not to work. Children often times go back to school and find it hard to understand why mom or dad has to miss their baseball game or piano recital. The families of the 81st Brigade have much catching up to do when they return home this summer. They will have a Thanksgiving to celebrate, Christmas presents to open, birthday candles to blow out, Easter eggs to hunt and many, many kisses and hugs to share.

A military spouse once wrote that "the cycle of deployments, missed holidays, lonely anniversaries, and long separations, isn't governed by any war or what's being debated on CNN. It is as much a part of our daily living as weekend business trips and conference calls are to the average business person. It is part of the job description." To all the military families in our nation, your character and bravery make you role models to us all and your service does not go unnoticed. Know that our nation is tremendously grateful for your commitment in standing beside your Soldier, Sailor, Airmen, or Marine so that he or she can fight to continue to protect our freedoms. Please accept my utmost and sincerest "thank you" for your honorable service.

SECRETARY CLINTON VISIT

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. WEXLER. Madam Speaker, as Co-Chair of the Congressional Caucus on U.S.-Turkish Relations and Turkish Americans, I was greatly encouraged by the recent visit of U.S. Secretary of State Hillary Clinton to our ally, Turkey. This historic visit sends a clear signal that the United States greatly values its strategic partnership with Turkey—which has benefited both of nations for over half a century.

During the visit, Secretary Clinton announced an upcoming trip to Turkey by President Barack Obama, and together with Turkish Minister of Foreign Affairs Ali Babacan released a Joint Statement.

Over the coming months, I am convinced that U.S.-Turkish relations will continue to deepen and flourish under the stewardship of President Obama, Secretary Clinton and the new Administration. It is clear that a strong and mutually respectful friendship is in the national interests of the United States and Turkey, and also serves to promote regional peace, security and prosperity. To that end, I encourage all of my colleagues to review the text of Secretary Clinton and Foreign Minister Babacan's joint statement, which I am including in the CONGRESSIONAL RECORD.

JOINT STATEMENT BY TURKEY AND THE UNITED STATES OF AMERICA ON THE OCCASION OF THE VISIT OF U.S. SECRETARY OF STATE HILLARY RODHAM CLINTON UPON THE INVITATION OF MINISTER OF FOREIGN AFFAIRS OF TURKEY ALI BABACAN, MARCH 7, 2009

Secretary of State Hillary Clinton and Foreign Minister Ali Babacan today reaffirmed the strong bonds of alliance, solidarity and strategic partnership between the Republic of Turkey and the United States, as well as the commitment of both countries to the principles of peace, democracy, freedom, and prosperity enshrined in the Shared Vision and Structured Dialogue document agreed to in July 2006.

Turkey and the United States reiterated their determination to continue close cooperation and consultation on all issues of common concern. They pledge to contribute to peace and stability in the Middle East and in this context, to support a permanent settlement of the Arab-Israeli conflict, including alleviating the humanitarian crisis in Gaza and resolving the Israeli-Palestinian conflict on the basis of a two-state solution; to enhance energy security and to expand the Southern corridor of natural gas and oil infrastructure to enable Caspian basin and Iraqi energy producers to reach European and world markets; to promote peace, stability, and prosperity in the south Caucasus, including through U.S. support for the efforts of Turkey and Armenia to normalize relations and joint support for the efforts of the Minsk Group to resolve the Nagorno Karabakh conflict; to continue to cooperate in the Balkans; to support strongly a comprehensive and mutually-acceptable settlement of the Cyprus question under the auspices of the UN and in this context ending the isolation of the Turkish Cypriots; and to enhance their cooperation in the fight against terrorism, particularly against their common enemies, the PKK and al-Qaeda. The United States will continue its intelligence support for Turkish operations

against the PKK and is reviewing ways to be more supportive. As members of the G-20, Turkey and the United States pledge continued cooperation to deal with the global economic crisis and efforts to increase and diversify bilateral economic relations with particular emphasis on trade, investment, scientific and technological cooperation.

Secretary Clinton and Foreign Minister Babacan discussed Turkey's accession to the European Union as a member, a goal the United States continues to strongly support, as well as the Government of Turkey's continued emphasis on reform process. With their commitment to Transatlantic relations and as Allies in a strong NATO, they pledge continued cooperation in Afghanistan, including through continued Turkish contributions to Afghanistan. They reiterated their commitment to the sovereignty, unity and territorial integrity of Iraq as well as reiterated their support for a democratic, pluralistic, unified and federal Iraq. They also welcome Turkey's deepening relations with the Government of Iraq as evidenced by high level visits as well as trilateral meetings to discuss cooperation against the PKK. Turkey and the United States will strongly back the United Nations Security Council in its work to maintain global peace and security for the prevention and removal of threats to the international community and in this context will cooperate in dealing with issues including terrorism, drug trafficking, organized crime and the threat of the proliferation of weapons of mass destruction and their means of delivery in the region and beyond.

Finally, they reaffirmed their determination to diversify the broad based bilateral relations particularly between the Turkish and American people. In that context, the Secretary and Minister announced the establishment of "Young Turkey/Young America: A New Relationship for a New Age." This initiative will enable emerging young leaders in Turkey and the United States to develop initiatives that will positively impact people's lives and invest in future ties between the leadership of our two countries.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Friday, March 6, 2009.

Had I been present, I would have voted "Nay" on Rollcall vote #107 (on approval of the journal), "Aye" on Rollcall vote #108 (Motion to Recommit with instructions to H.J. Res. 38), "Nay" on Rollcall vote #109 (on passage of H.J. Res. 38).

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of out-

standing women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Education Award winner is Elizabeth Stitley of Somerville. She currently serves as a supervisor of Allied Health Programs at Somerset County Technology Institute since 2003.

In this capacity, Elizabeth has spearheaded the growth of the program, which now offers two full-time, day practical nursing programs and an evening program. She was instrumental in adding a new skills laboratory with a task-training center that will soon be equipped with cameras.

Elizabeth has served as president of the Practical Nurse Educators Council and of the New Jersey League for Nursing, and received the league's 2004 President's Award. She also is a member of Sigma Theta Tau, the international nursing honor society.

I am pleased to congratulate Elizabeth Stitley for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the FY 2009 Omnibus Appropriations Bill.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: CJS: COPS Law Enforcement technology

Legal Name of Requesting Entity: Charles Town Police Department

Address of Requesting Entity: 114 West Liberty Street, Charles Town, West Virginia 25414

Description of Request: Provide an earmark of \$124,000: The Charles Town Police Department is seeking funds to upgrade their technological capabilities to meet the needs of a growing community. This funding will be used to provide computers that can be used in the office and in police vehicles that will allow them to integrate into various databases that are available via the intranet and internet; provide a server with enough space to allow them to utilize various databases for information storage and retrieval; provide a case management system that will allow the police department to generate forms, conduct searches as well as integrate case and document manage-

ment; and provide the police department the opportunity to store documents electronically versus a paper format.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: CJS: COPS Law Enforcement technology

Legal Name of Requesting Entity: Weston Police Department

Address of Requesting Entity: 102 West Second St., Weston, WV 26452

Description of Request: Provide an earmark of \$100,000: Weston, a small rural community in West Virginia, is seeking funds to upgrade their communications capabilities to help them meet the needs of their community and the surrounding county. These funds will help establish a computer network in all police vehicles that is networked with the 911 center and the Weston Police Department and surrounding counties.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: CJS: COPS Law Enforcement technology

Legal Name of Requesting Entity: Morgan County Commission

Address of Requesting Entity: P.O. Box 28, Berkeley Springs, WV 25411

Description of Request: Provide an earmark of \$576,000: The Morgan County Commission is requesting funding for two emergency and communication towers to be built in the western part of the county. Not only will this tower provide better Cellular and Internet service for our citizens in this rural area, but more importantly, it will increase emergency operations in these areas. The second tower will be located in Paw Paw, West Virginia and will provide great service for not only the residents of Morgan County, but also those that travel through the area.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: CJS: COPS Law Enforcement technology

Legal Name of Requesting Entity: Hampshire County Multi-Agency RMS Communications

Address of Requesting Entity: 66 North High Street, Room 2, Romney, WV 26757

Description of Request: Provide an earmark of \$93,000: Hampshire County's Sheriff's office is seeking funds to implement a new, modern, Windows based, multi-jurisdictional Record Management System (RMS), which will link the sheriff's department, two city police departments, 911 Center, and the prosecuting attorney's office. This shared line of communication is critical to the county's ability to respond to emergencies and threats to the Greater Washington metropolitan area as the county is on the front line for eastern evacuation routes for the city.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Energy & Water: Corps of Engineers: Construction

Legal Name of Requesting Entity: Rep. SHELLEY MOORE CAPITO

Address of Requesting Entity: 2443 Rayburn HOB, Washington, D.C. 20515

Description of Request: Provide an earmark of \$1,435,000: This money is to fund certified water and wastewater projects and is of great value to small communities with aging or inadequate water systems.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Energy & Water: Corps of Engineers: Construction

Legal Name of Requesting Entity: Wirt Co. Commission

Address of Requesting Entity: Court & Washington Street, Elizabeth, WV 26143

Description of Request: Provide an earmark of \$287,000: The Wirt County Commission is hoping to effect permanent, long lasting repairs to the Wells Lock/Dam. The Department of Natural Resources has attempted temporary repairs by filling old lock chamber with large stones, but this is considered a temporary repair. If the water pool established by the dam is lost, it will cause considerable erosion of river banks alongside the Town of Elizabeth, including Sportsman Park, schools, and various roadways. Funds will be used for a more long term repair to this vital piece of infrastructure.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Interior: STAG

Legal Name of Requesting Entity: Central Hampshire PSD

Address of Requesting Entity: Rural Route 1, Box 84, Augusta, WV 26704

Description of Request: Provide an earmark of \$500,000: The Central Hampshire PSD's existing wastewater treatment plant is at capacity and the PSD has imposed a moratorium on new sewer connections. While Hampshire County has land suitable for residential, commercial and industrial development adjacent to the City of Romney the moratorium on new connections precludes this development. The City of Romney is developing a new wastewater treatment plant that will meet federal and state standards. The City is developing the facility with sufficient capacity to serve immediately adjacent areas of the Central Hampshire PDS that currently rely on the existing overburdened Central Hampshire Treatment Plant. The PSD must construct an inter-connector line to access this treatment capacity. Accessing the Romney wastewater treatment plant will allow the PSD to lift the moratorium and serve new development.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Interior: STAG

Legal Name of Requesting Entity: Kanawha County Commission

Address of Requesting Entity: 407 Virginia Street East, Charleston, WV 25301

Description of Request: Provide an earmark of \$184,000: The requested funding will allow the Kanawha County Commission to fully fund

this project and continue providing water to residents of Kanawha County. Currently, Kanawha County is approximately 98% served by a viable water system. The construction of this water project will bring water to an additional 45 families that are in dire need of water. These residents have relied on wells that are no longer functioning, shallow wells, cisterns, springs and are hauling water to their residents. Many of these systems producing water does not meet the drinking water quality requirements of the WV Department of Health and Human Resources, due to mineral and biological contamination. One of the goals of Kanawha County's comprehensive plan is to provide potable water to its residents which will enhance their quality of life. If this project is not constructed the problem will continue to perpetuate the nearly intolerable conditions that currently exist.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Labor HHS: HRSA

Legal Name of Requesting Entity: Family Care Health Center

Address of Requesting Entity: 301-6 Great Teays Boulevard, Scott Depot, WV 25560

Description of Request: Provide an earmark of \$347,000: Northern Putnam County is underserved for primary and preventive care, with only one doctor located in the area and a population close to 10,000 people. Family Care, a Section 330 Community Health Center (FQHC) has its main office in the Teays District of Putnam County and is interested in working with a community coalition from Northern Putnam County to establish a full-time health center in this growing community so that families can access healthcare closer to their homes and schools. Funding will be used to purchase an existing building in the town of Eleanor, renovate it to accommodate a 5,000 sq. ft. health clinic, and support the first two years of operation until the new site is financially stable.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Labor HHS: HRSA

Legal Name of Requesting Entity: St. Francis Hospital

Address of Requesting Entity: 333 Laidley St. P.O. Box 471, Charleston, WV 25322

Description of Request: Provide an earmark of \$190,000: The Prime of Life health screening program at St. Francis offers monthly screenings at free or reduced rates. St. Francis currently offers a free blood sugar and blood pressure screening as well as a cholesterol check, prostate exam, thyroid stimulating hormone test, hemoglobin A1C test for patients with diabetes and a complete blood count for \$10 per test. Federal funding would allow St. Francis to expand the screening capacity and to educate patients and the regional population on health prevention, encourage them to take personal responsibility for their health, and act as a preventative health resource.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Labor HHS: HRSA

Legal Name of Requesting Entity: E.A. Hawse Health Center Address of Requesting Entity: PO Box 97 17978 State Rt. 55 Baker, WV 26801

Description of Request: Provide an earmark of \$190,000: E.A. Hawse Health Center (HHC) is seeking federal funding to provide oral health care for the underserved in the three county region of Berkeley, Morgan and Jefferson counties in West Virginia. The funding will allow HHC to lease, renovate, and equip a 3,000+ sq. ft. building located in Martinsburg for the practice site. Initial staffing will be 2 FTE Dentists, 1 FTE Dental Hygienist, 2.5 FTE Dental Assistants, 2 FTE clerical staff and 1 FTE Office Manager. It is estimated that the practice will provide 5,700 encounters for 2,500 users by the second year of the service expansion project period.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105 FY 2009 Omnibus Appropriations Act

Account: Labor HHS: HRSA

Legal Name of Requesting Entity: Marshall University Mid-Ohio Valley Center Address of Requesting Entity: One John Marshall Way Point Pleasant, WV 25550

Description of Request: Provide an earmark of \$190,000: This funding will go towards building a medical simulation lab, a state of the art training facility that will provide the most current clinical situations. This lab will provide challenging medical situations that require critical thinking skills for all levels of medical professionals, in addition to the hands on interventions of medical care. This funding will allow the center to continually train all medical professionals for the rural setting. It is imperative to provide this training for these unique medical cases. Not only will the training assist in saving lives, but the care given at the first contact will aid in a faster diagnosis and treatment which could assist in the recovery process

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Labor HHS: HRSA

Legal Name of Requesting Entity: Thomas Memorial Hospital

Address of Requesting Entity: 4605 MacCorkle Avenue SW., South Charleston, WV 25309

Description of Request: Provide an earmark of \$95,000: Thomas Memorial Hospital is seeking funding to assist in the completion of a clinical pavilion that will provide critically needed patient beds and surgical suites. The hospital serves an 8 county radius and needs the additional patient beds and surgical suites to address the demands of an aging patient population and an increased number of births at the facility.

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: Labor HHS: HRSA

Legal Name of Requesting Entity: St. Joseph Hospital

Address of Requesting Entity: 1 Amalia Drive, Buckhannon, WV 26201

Description of Request: Provide an earmark of \$95,000: St. Joseph's is seeking funds to establish twenty skilled nursing beds on hospital campus. The twenty skilled nursing beds are an integral component of the proposed senior retirement community in Upshur County that will provide independent living, assisted living, and skilled nursing living facilities.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: FHWA: IM

Legal Name of Requesting Entity: City of South Charleston

Address of Requesting Entity: P.O. Box 8597, So. Charleston, WV 25303

Description of Request: Provide an earmark of \$237,500: The city is asking for funding to help with the cost involved in the repairs that need to be done. The entire decking on this bridge is failing and must be replaced as well as the sidewalks on the bridge. The federal funding if granted will be used entirely on the planning and replacement costs. A bridge report is available should it be required. This bridge is one of the main arteries in to the city. It also is the only available way for the students who attend South Charleston Middle School to cross over in order to get to the school. As it is now it is not as safe as it needs to be for all the traffic that passes over whether it is by foot or automobile. The funding for this project will help us accomplish our goal to replace the decking and sidewalks on the Central Avenue Overpass. We hope to meet a goal of new decking, sidewalks and to replace all the fencing and rails for all traffic. The benefit of this project is to ensure that we have a safe entry into our city in order to keep our economic growth at a steady rate. It also will allow a safe and direct way for our School students to get to and from school if their only way to school is to walk.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: HUD: EDI

Legal Name of Requesting Entity: Kanawha Co. Public Library

Address of Requesting Entity: 123 Capitol Street Charleston, WV 25301

Description of Request: Provide an earmark of \$237,500: The funds appropriated for the project will go towards building new parking facilities a small business center, career center, and meeting room space.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: HUD: TCSP

Legal Name of Requesting Entity: Berkeley County Development Authority

Address of Requesting Entity: 110 West Burke Street, Martinsburg, WV, 25401

Description of Request: Provide an earmark of \$332,500: Funding is needed to continue the construction of necessary infrastructure at Tabler Station Businesses Park. These funds would be directed toward projects including: Transportation and Roads, Water and Sewer Lines, Storm Water Management, Electrical Power, and Telecommunications. This project received an EDA grant of \$1.2 million in 2007.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: HUD: EDI

Legal Name of Requesting Entity: Morgan County Commission

Address of Requesting Entity: P.O. Box 28, Berkeley Springs, WV 25411

Description of Request: Provide an earmark of \$190,000: It is proposed to build a senior housing project on a vacant CSX site in downtown Berkeley Springs. The monies would be used for site acquisition and some site improvements. Despite growth in the area, there remains a long-term population of the area who need affordable housing and who are gradually being priced out of the market. This includes many persons aged 55 or over who have been residents of the Morgan County area for their entire lives, but now find a shifting of their housing needs as they age. Currently there are no senior housing facilities in Berkeley Springs. The construction of this project will be the first in the area and will meet a demonstrated need.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: T-HUD: HUD: EDI

Legal Name of Requesting Entity: Randolph County Development Authority/City of Elkins

Address of Requesting Entity: 10 11th Street, Elkins, WV 26241

Description of Request: Provide an earmark of \$142,500: This project will help ensure both downtown revitalization and preservation of the City of Elkins' historic commercial core. Funding is needed because the City of Elkins and the RCDA have exhausted both of their resources investing in the skeleton of the Revitalization effort. The City has upgraded water, sewer, and storm sewer lines, while the RCDA has installed road beds, underground utilities, restored the historic depot, and attracted private developers into the downtown.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: HUD: EDI

Legal Name of Requesting Entity: Central Appalachia Empowerment Zone of WV

Address of Requesting Entity: 135 Main Street P.O. Box 176, Clay, WV 25043

Description of Request: Provide an earmark of \$190,000: This funding will be used for mining reclamation. With the planning and design of the site the coal company will work with the engineer firm, WV Housing Development Fund and the Clay County Board of Education to make sure the reclaimed sites are left in the proper condition for construction, water and sewer, housing. By using reclaimed mine sites, Clay County will be able to have developable land for much needed housing and industrial sites. The benefits to the district will be affordable housing for the residents of the district and land to develop industry.

Requesting Member: SHELLEY MOORE CAP-ITO

Bill Number: H.R. 1105, FY 2009 Omnibus Appropriations Act

Account: HUD: TCSP

Legal Name of Requesting Entity: HOPE Community Development Corporation, Charleston, WV

Address of Requesting Entity: 407 Virginia Street East, 600 Kanawha Boulevard, West, Charleston, WV 25302

Description of Request: Provide an earmark of \$712,500: The funding will allow HOPE CDC to establish a Home Ownership Zone on the West Side of Charleston to provide homeownership opportunities to low to moderate income families on The West Side to increase the number of homeowners on the West Side of Charleston. The establishment of an Entrepreneurial Economic and Workforce Development Center will Result in the creation of jobs and economic business opportunities for residents on the West Side of Charleston.

COMMENDING THE OUTSTANDING WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Distinguished Honoree is Raritan Borough Mayor Jo-Ann Liptak, who is being honored for her decades as a teacher, volunteer work at Somerset Medical Center in Somerville, and her service on the Somerset County Planning Board. She also created the borough's annual John Basilone Memorial parade. Jo-Ann is the third generation in her family to hold office in Raritan Borough, became the municipality's first female mayor in 2007. I am pleased to congratulate Raritan Borough Mayor Jo-Ann Liptak for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 1105, the "Omnibus Appropriations Act, 2009."

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Section 206

Project Amount: \$0—It is a named project.

Legal Name of Requesting Entity: Army Corps of Engineers—Nashville District, PO Box 1070, Nashville, TN 37202.

Description of Request: Maryville, TN is interested in the restoration of the area's hydrology, streambank stabilization, and construction of a sediment basin. Recommended features include sediment removal, bioengineering restorations, and wetland restoration and development.

INTRODUCTION OF "HEALTHCARE ENHANCEMENT FOR LOCAL PUBLIC SERVANTS ACT OF 2009"

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. CROWLEY. Madam Speaker, along with my New York colleague, JOHN MCHUGH, I am pleased to introduce the "Healthcare Enhancement for Local Public Servants Act of 2009" or HELPS II legislation to provide a pretax deduction of up to \$3,000 to retired public servants for health or Long Term Care (LTC) insurance premiums.

This legislation builds off the successful language added to the Pension Protection Act (P.L. 109-280), which included a provision permitting retired public safety officers to take up to \$3,000 in pre-tax income and use it for health care costs or long term care expenses.

Today, we expand this successful measure to all retired public employee.

This concept was born several years ago during the 108th Congress in the Portman-Cardin pension bill (H.R. 1776) which included language to provide the ability of all retirees to use pre-tax dollars to pay for health plan premiums. Unfortunately, this provision and H.R. 1776 did not become law, and so today we introduce this as a free standing bill.

This language will benefit our nation's hard working public sector retirees.

The average monthly pension benefit of a retired public servant is \$1,725 and many do not have Social Security benefits. A significant portion of a retired public servants' monthly pension check is going towards health or Long Term Care insurance premiums. In many cases, the retired public servant is using the entire pension benefit to pay for health insurance premiums.

Additionally, HELPS II would streamline the administrative requirements of the program so that it will run more smoothly for those who already enjoy this tax benefit our nation's retired public safety officers.

Therefore, we are pleased to introduce this legislation and will work for its enactment to ensure that all of our nation's retired public safety officers and all of our nation's retired public servants have a streamlined ability to pay for health and long term care costs in their golden years.

INTRODUCTION OF THE HEALTHCARE ENHANCEMENT FOR LOCAL PUBLIC SERVANTS ACT OF 2009

HON. JOHN M. MCHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. MCHUGH. Madam Speaker, I rise today as a proud cosponsor of the Healthcare Enhancement for Local Public Servants Act of 2009, or HELPS II, Act. I appreciate the work my friend, Mr. CROWLEY, has done to develop this important legislation, which would make health care and Long Term Care (LTC) premiums more affordable for retired public servants.

Currently, active American workers who participate in a cafeteria plan option known as "premium conversion" may elect to reduce their taxable wages by having their share of health insurance premiums paid on a pretax basis. Such an arrangement reduces both income and employment taxes. Since October 2000, this option has been available to federal employees who participate in the Federal Employees Health Benefits Program (FEHBP). This option is also available to private sector and state or local government employees with their employers' permission.

Generally, premium conversion is not available to retirees. This is so because of an Internal Revenue Service (IRS) determination that distributions from qualified retirement plans are always subject to taxes, aside from several minor exceptions. Consequently, retirees are precluded from recasting pension payments as pretax income and thus denied this tax benefit.

The Pension Protection Act of 2006 (P.L. 109-280) allows certain retired public safety officers to pay up to \$3,000 of qualified health insurance and/or Long Term Care (LTC) insurance premiums from their pensions on a pretax basis. This tax advantage, which makes health care more affordable, has become increasingly important as health insurance premiums have increased in recent years.

While I support making premium conversion available to all Americans, a good first step would be to make it available to retired state and local public employees through the enactment of the Healthcare Enhancement for Local Public Servants Act of 2009. Accordingly, I look forward to working with the Gentleman from New York to enact this measure.

ALLISON HARMON, DISTINGUISHED FINALIST, 2009 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BARTLETT. Madam Speaker, I would like to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Allison Harmon of Hampstead

has been named a distinguished finalist by the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Ms. Harmon has been an active community volunteer, going back to the sixth grade. She has coordinated drives to collect school supplies, clothing, food and toys for the needy; tutored and mentored young students; volunteered at hospitals; and participated in many other service activities.

I believe it is vital that we encourage and support the kind of selfless contribution that Allison has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods.

I heartily applaud Ms. Harmon for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

Young volunteers like Allison are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

WOMEN'S HISTORY MONTH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. KENNEDY. Madam Speaker, every March, we celebrate women's history and we remember their struggle for justice and equality. It's an occasion on which we honor the brave women who fought to improve and redefine America.

My home state of Rhode Island has known its share of extraordinary women. From Anne Hutchinson, a religious and social activist who challenged male hegemony, to Isabelle Ahearn O'Neill, who became Rhode Island's first woman legislator, women have fought with courage and perseverance for the freedom and equality that are rightfully theirs.

In the last two years alone, we have witnessed the first female Speaker of the House of Representatives and the first major female candidate for the Presidency of the United States. In January, the first action taken by Congress and the President, was to make the Lily Ledbetter Fair Pay Act law. This legislation brings us one step closer to making sure that our female students someday enter our workforce at a wage equal to their male counterparts. At a time when we celebrate women's achievements, we must not, however, lose sight of the work that still lies ahead. In the effort to empower women, we must continue their fight for pay equity, eliminating health disparities, and strengthening domestic violence laws.

As we look towards the challenges we face, we must not forget those that got us to where we are today, and continue to encourage and seek progress.

HONORING HOSCHTON, GEORGIA
FOR SETTING THE RECORD FOR
"THE MOST SCARECROWS IN ONE
LOCATION"

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BROWN of Georgia. Madam Speaker, I rise today to share with my colleagues a great accomplishment that occurred in my district in the town of Hoschton, Georgia.

Hoschton, Georgia is a classic American town in Jackson County that cherishes a model American history. In 1865, the Hosch brothers founded this town on entrepreneurship and the American dream when they built the town's first store. This small town grew on these American ideals and, among other things, built two banks, a cotton gin, a cotton oil mill, and a train depot. In May 2008, the town decided to strive for yet another milestone—to set the world record for "the Most Scarecrows in One Location."

Mayor Bill Copenhaver and life-long resident Robbie Bettis co-chaired the Hoschton Fall Festival Committee that conceived of this challenge. The goal was clear. They needed four thousand scarecrows within the city limits by September 1, 2008. But these great community leaders pulled Hoschton's citizens together and surpassed their goal by 1,441 scarecrows. In less than four months, more than five thousand scarecrows were placed within the city limits. That's more than forty per day.

The Hoschton Fall Festival was then held last year on September 26 and 27 and drew more than 25,000 people who traveled far and wide to view a new World Record. It must also be noted that the other outstanding members of the Hoschton Fall Festival Committee were: Chuck Cope, Chris Hoffman, Theresa Kenerly, Leah Nelson, Nancy Rhodes, John Schulte, Richard Shepherd, Kristen Smith, Lisa Stovall, Ray Vaughn, Tom Walden, and Mark Williams. Furthermore, this great feat received state, national, and international media attention.

I ask my colleagues to join me in honoring this great American town. Its accomplishments show all of America what can be done when a dedicated community works together to meet, and in this case surpass, a stated goal.

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY2009 Omnibus.

Division I: Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009

Account: Department of Transportation, Technical Corrections

Legal Name of Entity: County of Morris
Address of Requesting Entity: 30 Schuyler Place, Morristown, New Jersey 07940

Description of Request: \$800,000 was authorized under section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109–59), to divert traffic from the steep grade at Schooley's Mountain Road and add roadway, construct a bridge over the Raritan River, and replace existing culverts. The technical correction will modify the current language of "Construct Long Valley Bypass," with "Planning, design, engineering, environmental analysis, acquisition of rights-of-way, and construction for the Long Valley Bypass." This is a technical correction to an existing authorization and has no budgetary impact.

INTRODUCTION OF H.R. 1400

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. McHUGH. Madam Speaker, on March 9, 2009, I introduced H.R. 1400, a bill designed to further combat and reduce underage smoking. Specifically, this measure would make cigarettes and certain other tobacco products nonmailable through the United States Postal Service.

This bill is necessary because the United States Postal Service is being used to facilitate the delivery of cigarettes that were purchased illegally on the Internet by underage minors. Unfortunately, those existing safeguards designed to prevent minors from purchasing cigarettes online have proven ineffective. For example, although 80 percent of cigarette vendor websites allege that transactions with minors will not be completed, there is little in place to enforce this policy. In fact, one study found that only seven percent of online vendors require driver's license information, while more than 50 percent simply require customers to verify their age by selecting an "I am over 18 years old" option. These and other safeguards clearly did not deter the 50,000 minors estimated, based on U.S. Centers for Disease Control and Prevention data, to have purchased cigarettes online in 2003. As Internet commerce expands, the number of persons (including minors) purchasing cigarettes online is expected to increase dramatically.

The problem H.R. 1400 is designed to address is illustrated by the disturbing results from Internet "sting" operations conducted by over 15 states in recent years. In New York State, 24 out of 26 websites sold cigarettes to minors as young as nine years old. Moreover, in 2005, a group of Upstate New York teenagers in my Congressional District conducted a similar experiment in collaboration with law enforcement. Half of their orders were successfully delivered, and, unfortunately, 90 percent were delivered via the United States Postal Service.

In addition to helping curb the usage of tobacco products among minors, H.R. 1400 would end tax evasions that hurt our States and local governments. These revenues are

not insignificant. Rather, annual tax revenues estimated at \$1.4 billion are being lost; in 2005, New York State alone lost \$400 million.

Madam Speaker, Congress has the opportunity to combat underage tobacco use and tax evasion by enacting H.R. 1400. Accordingly, I ask my colleagues to work with me to enact this important measure.

COMMENDING THE OUTSTANDING
WOMEN OF SOMERSET COUNTY

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. LANCE. Madam Speaker, I rise in honor of National Women's History Month, and I would like to congratulate a number of outstanding women who will be recognized at the Somerset County's Commission on the Status of Women awards in New Jersey's Seventh Congressional District.

The Commission presents awards annually in celebration of National Women's History Month in March. This year there are 17 women being honored, including entrepreneurs, educators and hometown heroes whose community service is considered extraordinary.

This year's Entrepreneur Award winner is Lisa Kent of Hillsborough. She is the founder and president of the Luminations Group, a strategy and innovation firm.

The company began as a nonprofit enterprise that helped Hillsborough retailers and businesses develop marketing plans and materials. Today, the company includes eight female principals with more than 100 years of combined marketing and general-management experience, and serves large brands and entrepreneurial endeavors. Lisa's company takes on pro-bono projects through Luminations' "Charity of Choice" program.

She co-chairs the Hebrew Education Committee at Congregation Kehilat Shalom in Hillsborough and volunteers with the Central Jersey MS Society.

I am pleased to congratulate Lisa Kent for her outstanding efforts and share her good work with my colleagues in the United States Congress and the American people.

IN RECOGNITION OF GENE MARIE
O'CONNELL

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Ms. SPEIER. Madam Speaker, for more than a decade, Gene Marie O'Connell has faithfully served the city we share as CEO of San Francisco General Hospital, the city's primary safety-net hospital. Under her skilled and passionate leadership, San Francisco General achieved designation as a level one trauma center, the only one of its kind serving San Francisco and northern San Mateo County. Additionally, the hospital received the notable distinction of "certified stroke center" and has

been deemed "baby friendly" by the World Health Organization—the only health care facility in the Bay Area with that designation.

Gene Marie's own accomplishments are nearly as impressive as those of the hospital she serves so well. In 2007 she was named chair of the National Association of Public Hospitals and Health Systems, an organization that represents more than 100 health systems nationwide. Ever cognizant of the needs of public hospitals and those they serve, Gene Marie made it a priority for the organization to improve the quality of patient care and to secure adequate Medicare and Medicaid funding.

Gene Marie has further devoted her time and talents to the medical field as a board member of the National Public Health & Hospital Institute, the branch that handles the national association's research initiatives. Her achievements attest to her steadfast devotion to providing exceptional medical care and treatment while seeking solutions to the field's most pressing issues.

As we both know, Madam Speaker, healthcare is an ever-changing arena. Despite this, Gene Marie's tireless dedication to the field and her genuine desire to positively impact the lives of those in need has remained constant. Such attributes attest to the magnitude of her influence on patients, co-workers, and members of the medical community who have benefited from her devoted care and faithful service.

Bolstering a personal philosophy that emphasizes the importance of compassion and support, Gene Marie has proved indispensable in all the positions she has held. Prior to her post as CEO of San Francisco General, she served as the hospital's chief operating officer, the senior associate administrator for clinical services, the director of emergency services, and the director of staff development, research, quality assurance, and discharge planning. The incredible breadth of her experience in the medical field also includes time spent as the director of patient care services at the Department of Public Health's Community Health Network.

Madam Speaker, the astounding accomplishments of Gene Marie O'Connell make us all proud. Through her leadership, San Francisco General has risen to the top of public hospitals and her initiatives guarantee that it will continue to be an innovative and compassionate member of our community. She has left an indelible mark on the hospital and all those it serves and her efforts ensure its persistent growth and prominence. Our community owes her a debt of gratitude and special thanks go to her supportive husband, Joel Hurwitz, and children, Tanya and Thorin, for sharing this very special woman with all of us.

**SUPPORTING THE EMPLOYEE
FREE CHOICE ACT OF 2009**

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. STARK. Madam Speaker, I rise today in support of the Employee Free Choice Act of

2009, which my good friend GEORGE MILLER has reintroduced today.

Passage of the Employee Free Choice Act is long overdue. Middle-class Americans are the backbone of the economy, and yet they took a back seat to corporate giants over the past eight years. The previous Administration decided to protect big business at the expense of their employees, and corporate profits ballooned while real worker wages stagnated or even declined.

Right now, employers can use coercive tactics in the run-up to an employer-forced election even when a majority of workers want to form a union, they can stall indefinitely during contract negotiations, and they can engage in illegal labor practices and receive only a slap on the wrist. American workers deserve better.

The Employee Free Choice Act levels the playing field between employees and employers by allowing workers to decide whether to hold a NLRB election or instead show that a majority of workers support unionization. The Act prevents employers from stonewalling and makes it easier for employees to reach a collective bargaining agreement. Finally, the Employee Free Choice Act stiffens penalties against employers who violate the law.

The current economic recession makes passage of the Employee Free Choice Act even more important. Workers with higher wages will stimulate the economy, spur investment, and get America back on the road to prosperity. That's why I'm proud to be a co-sponsor of the Employee Free Choice Act of 2009, and why I urge all of my colleagues to support this vital piece of legislation. It's time to recognize and support American workers instead of leaving them behind.

**IN SUPPORT OF SMALL,
MINORITY-OWNED BANKS**

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. CLEAVER. Madam Speaker, on behalf of Congressman AL GREEN and myself, I wish to submit copies of letters sent by the Greenlining Institute of Berkeley, California, and by the National Bankers Association, which highlight the need for small banks, including minority owned banks that work with the inner city communities, to receive some of the federal Troubled Asset Relief Program (TARP) monies that are being distributed largely to the national financial institutions. While AIG, Citibank, JPMorganChase and others are receiving billions of dollars in aid, the opportunity to save a minority bank, OneUnited, with twelve million dollars is not only right and justified, it is essential. It is these small banks, typified by OneUnited that are vital to the communities we represent.

We commend the actions taken by Representative FRANK in urging the Department of the Treasury to notice and come to the aid of OneUnited. It is not a coincidence that so much attention has been devoted to what is a relatively small amount of money in the context of the hundreds of billions of dollars that have been distributed. OneUnited has been a

profitable bank for every quarter for the last ten years, but had its capital wiped out when Fannie and Freddie preferred shares were deemed valueless due to the takeover of Fannie and Freddie by the Federal government. The preferred stock of Fannie and Freddie were always highly recommended investments and, in the case of OneUnited, a Community Development Finance Institution, these investments fit the mission of the bank. Before any TARP money was invested, OneUnited first received an investment of \$17 million dollars of additional private capital. This bank, like others, is trying to cope in this new financial world. We see every reason that minority banks are worthy of federal assistance and should be treated with the same care that the larger, and I might add, more irresponsible and careless banks have been treated by the Federal Government.

Again, Madam Speaker, Congressman GREEN and I applaud the actions taken by our colleague, Chairman FRANK in support of OneUnited a small minority owned bank. We encourage the Treasury Department and the federal financial regulators to treat all stressed financial institutions fairly regarding usage of the TARP funds during this very difficult financial situation.

THE GREENLINING INSTITUTE,
Berkeley, CA, January 26, 2009.

One united and creating equal opportunities for minority-owned banks under TARP.

Congressman BARNEY FRANK,
Rayburn H.O.B.,
Washington, DC.

DEAR BARNEY, Greenlining Institute met with the Federal Reserve, OCC and FDIC on November 17th and 18th to, in part, formally complain that none of the fifty-two Latino or African American-owned banks, as of early November, had received any bailout funds. We contended that many were better equipped than Citigroup, for example, to assist Main St. borrowers but lack the clout to advance their interests.

We are pleased and very supportive of your efforts to urge that TARP funds also be considered for our nation's fifty-two small African American and Latino-owned banks such as One United. (Wall St. Journal, 1/22/09.)

In contrast to banks like One United, Merrill Lynch and BofA spent \$8 million dollars in lobbying regulators and Congress in 2008. (Wall St. Journal, 1/24/09). Small banks (\$1 billion dollars or less) can't afford to do this and need all the indirect advocacy that you and a few others have advanced for small minority-owned banks.

Since African American and U.S. Latino-owned banks have less than \$8 billion dollars in aggregate assets, the maximum they are eligible for under TARP would be just \$240 million dollars. This is approximately a mere one-tenth of one percent (0.1%) of the amount the major banks have already received in TARP bailouts. And this represents only a half of one percent of the \$45 billion dollars Citigroup has so far received from TARP.

Thanks for continuing to advocate for Main St.

Warm Regards,

ORSON AGUILAR,
Executive Director.
BOB GNAIZDA,
Consultant.

NATIONAL BANKERS ASSOCIATION,
Washington, DC, February 23, 2009.

Hon. BARNEY FRANK,
House of Representatives, Rayburn House Office
Bldg., Washington, DC.

DEAR CHAIRMAN FRANK, I write to you on behalf of the National Bankers Association (the NBA), which, as you know, represents the interests of minority- and women-owned financial institutions from across America. The NBA would like to thank you for your continued and unwavering advocacy on behalf of minority banks.

You have always maintained open lines of communication with us by, among other things, meeting with us during our annual Legislative Summit, and you are always in tune with what minority banks and the communities they serve need and deserve. Moreover, you have taken actions that have led to Government Accountability Office studies on, and, as Chairman of the House Financial Services Committee, you have held hearings on, the regulation of minority banks. Your actions have led to increased support, financial and otherwise, for programs that allow us to continue to serve the communities that our members target and that are often ignored by majority financial institutions. With your unceasing assistance, the minority banking sector has remained financially sound, and our members have continued to operate in accordance with their commitment to extending credit to ordinary Americans.

We remain confident that you recognize the importance of minority banks in this country, particularly to our inner cities, where they not only provide critical financial services, but, as importantly, serve as a beacon of hope to underserved minority residents. You have consistently acknowledged that minority banks have maximum impact in the communities that need their services and that inner cities depend on minority banks for their financial and psychological survival. Thus, these institutions are an essential element of our banking community. As you stated recently, "To help a minority bank stay in business—that is what democracy means."

We recognize that, despite your championing of such worthy causes, you have been the target of a significant amount of negative press in recent months with regard to a provision designed to aid minority banks that you put in the Troubled Assets Relief Program bill. You nevertheless have refused to back down from your critics or abandon the plight of minority banks. Rather, you have continued to publicly recognize that many minority institutions are facing a dire economic outlook through no fault of their own, and that these institutions, which are often the lifeblood of their communities, deserve the same opportunities as the largest banks in the country to benefit from our government's attempt to strengthen the U.S. economy.

We are truly grateful for your continued backing and assistance of minority banks—even in the face of undue criticism—which allow us to continue to support you in your broader efforts to revitalize urban America. This letter is only a small token of our appreciation. We cannot thank you enough for the support that you unfailingly have shown for us and our members.

Sincerely,

MICHAEL A. GRANT, J.D.,
President.

REGARDING H.R. 1381

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. YOUNG of Alaska. Madam Speaker, recently, I introduced H.R. 1381, which would make permanent the provisions of Section 646 of the Internal Revenue Code. Currently, these provisions are slated to expire on December 31, 2010.

In 1971 Congress passed, and President Nixon approved, landmark legislation known as the Alaska Native Claims Settlement Act (ANCSA). This legislation settled the aboriginal land claims of Native Alaskans in exchange for land selection rights and cash. The law was, and is, a bold and organic national experiment in Native land claims settlement. However, it has needed revision and refinement many times since 1971. I am proud to have worked with my Colleagues over the past several years to accomplish these improvements.

In 1988, Congress enacted legislation to authorize Alaska Native corporations to establish "settlement trusts." Their purpose was to provide benefits to Alaska Natives and permit a legal structure that would protect and preserve, for current and future Alaska Native generations, much of the value of the land claims settlement. The original ANCSA required Native groups to form Alaska state law corporations to receive, administer, and distribute the ANCSA settlement, and the 1988 legislation was recognition that the corporate form had not always been well-suited to this task. In part, this was due to the federal tax problems that attend the corporate form, although ironically in the years after 1988, it became apparent that the federal tax rules relative to trusts present their own complexities and problems that discouraged the use of settlement trusts.

Congress enacted Section 646 of the Tax Code to address these problems. Section 646 provides for an elective regime for Alaska Native settlement trusts that (i) provides for a trust level tax at various rates ranging up to 10% in lieu of beneficiary level taxes; (ii) allows contributions to be made to these trusts on a tax favored basis; and (iii) streamlines administrative reporting for these trusts. When adopted, this elective treatment initially provided significant incentives to the use of settlement trusts to further the ANCSA settlement, and Alaska Native corporations utilized this provision to provide benefits through Alaska Native settlement trusts.

As I mentioned earlier, Section 646 is scheduled to sunset on December 31, 2010, despite the positive effects it has had for the Alaska Native community. The principal aim of settlement trusts is to provide funds to the Alaska Native beneficiaries. These beneficiaries are among the most economically disadvantaged persons in our country. Section 646 has worked well to provide an incentive for the use of settlement trusts, and must be continued.

However, the looming expiration of Section 646 has had a chilling effect in recent years upon the establishment of new Alaska Native

settlement trusts. Alaska Native corporations have no desire to exchange the corporate tax problems they already face for the tax problems accompanying the trust form that they will face if Section 646 is allowed to sunset. In October 2008, the Alaska Federation of Natives formally endorsed the permanent extension of Section 646, and in December 2008 the Joint Committee on Taxation scored the permanent extension of Section 646 as costing approximately \$33 million.

I introduced H.R. 1381, because a permanent extension of Section 646 will immediately remove the disincentive for Alaska Native corporations to use settlement trusts to provide benefits to their Alaska Native shareholders otherwise presented by the sunset of Section 646.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the FY 2009 Omnibus.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus

Account: HHS, Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: West Jefferson Medical Center

Address of Requesting Entity: 1101 Medical Center Boulevard, Marrero, Louisiana 70072

Description of Request: I have secured \$190,000 for West Jefferson Medical Center in Marrero, Louisiana. This funding will be used to relocate and upgrade emergency electrical system switchgear to above the 1st floor of the hospital to prevent loss of power due to possible flooding. It would also add on-site electrical generation capacity to power the entire facility with on-site diesel fuel for up to seven days. The upgrade would add an additional 1,500 KW generator and a 24,000 gallon diesel fuel tank capacity. It relocates and rewires the existing 13 mission critical electrical switchgear locations to an upper level to ensure continued operation in the event of flooding and municipal power interruption. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus

Account: Department of Labor, Employment and Training Administration (ETA)—Training and Employment Services (TES)

Legal Name of Requesting Entity: Southeastern Louisiana University

Address of Requesting Entity: SLU Box 10784, Hammond, Louisiana 70402

Description of Request: I have secured \$190,000 for the Southeastern Louisiana University Economic and Workforce Development Initiative. The funding would be used to expand its pilot initiative to provide one stop economic/workforce development and community

planning/smart growth assistance to meet the needs of Post-Katrina southeast Louisiana. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus
Account: DOT, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Regional Planning Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, Louisiana 70112

Description of Request: I have secured \$285,000 for the Regional Planning Commission. The funding would be used for geometric and signalization improvements to Almedia Road (LA 50) at its intersections with US 61 to the north and LA 48 to the south. Almedia Road is a key north-south connector route on the eastbank of St. Charles Parish linking petrochemical facilities, refineries, and grain elevators along the Mississippi River with the national highway system, specifically, US 61, 1-310 and 1-10. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus
Account: DOT, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Regional Planning Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, Louisiana 70112

Description of Request: I have secured \$356,250 for the Regional Planning Commission. The funding would be used to upgrade transportation and drainage on Clearview Parkway (LA Hwy. 3152) at the interchange area with Earhart Expressway (LA 3139) in the Elmwood area of Jefferson Parish. The Department of Transportation and Development (LaDOTD) will be the grant recipient on behalf of Jefferson Parish and the State of Louisiana. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus
Account: DOT, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Regional Planning Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, Louisiana 70112

Description of Request: I have secured \$175,000 for the Regional Planning Commission. The funding would be used for construction of a Service Road of I-10 between LA 433 and US 190B in Slidell. This area of the Northshore has seen significant growth and development in the last decade. This trend is anticipated to continue and to expand further

as the New Orleans region resettles as a result of Hurricane Katrina. The Department of Transportation and Development (LaDOTD) will be the grant recipient on behalf of St. Tammany Parish and the State of Louisiana. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus
Account: DOT, Transportation, Community and System Preservation

Legal Name of Requesting Entity: St. Tammany Parish government

Address of Requesting Entity: PO Box 628, Covington, Louisiana 70434

Description of Request: I have secured \$237,500 for St. Tammany Parish government. This funding would be used for an interchange at 1-12 and LA Highway 1088 in order to take traffic congestion off LA Highway 59 and US Highway 190. Traffic congestion is very heavy due to the continued population migration into St. Tammany Parish, the need for more schools and the expansion of retail and commercial businesses and residential subdivisions. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman STEVE SCALISE

Bill Number: FY 2009 Omnibus
Account: DOT, Transportation, Community and System Preservation

Legal Name of Requesting Entity: Regional Planning Commission

Address of Requesting Entity: 1340 Poydras Street, Ste. 2100, New Orleans, Louisiana 70112

Description of Request: I have secured \$237,500 for the Regional Planning Commission. This funding would be used for the widening of US 190 to a four lane section between US 11 and LA 433 in Slidell. The project is needed to alleviate severe congestion along the roadway that services the City of Slidell and eastern St. Tammany Parish. The project would help alleviate increasing congestion along the I-10/1-12 corridor by providing an alternative to the interstate. The Department of Transportation and Development (LaDOTD) will be the grant recipient on behalf of St. Tammany Parish and the State of Louisiana. I certify that neither I nor my spouse has any financial interest in this project.

TRAVIS ROBINSON DISTINGUISHED
FINALIST 2009 PRUDENTIAL
SPIRIT OF COMMUNITY AWARDS

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. BARTLETT. Madam Speaker, I would like to congratulate and honor a young student

from my district who has achieved national recognition for exemplary volunteer service in his community. Travis Robinson of Taneytown has been named a distinguished finalist by the 2009 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Mr. Robinson is being recognized for raising nearly \$10,000 in cash and food donations to support the Carroll County Food Sunday program. Upon learning that donations at the food pantry had been ruined by the high summer heat, Travis conducted a series of food drives in his community.

I believe it is vital that we encourage and support the kind of selfless contribution that Travis has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods.

I heartily applaud Mr. Robinson for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. Travis' actions show that young Americans can and do play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

Young volunteers like Travis are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

THE FREEDOM TO BANK ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce legislation repealing two unconstitutional and paternalistic federal financial regulations. First, this legislation repeals a federal regulation that limits the number of withdrawals someone can make from a savings account in a month's time without being assessed financial penalties. As hard as it is to believe, the federal government actually forces banks to punish people for accessing their own savings too many times in a month. This bill also repeals a regulation that requires bank customers to receive a written monthly financial statement from their banks, regardless of whether the customer wants such a communication.

These regulations exceed Congress's constitutional powers and violate individual property and contract rights. Furthermore, these regulations insult Americans by treating them as children who are unable to manage their own affairs without federal control. I urge my colleagues to show their respect for the Constitution and the American people by cosponsoring the Freedom to Bank Act.